

CLERK'S OFFICE
APPROVED

Date: 8-25-09

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: July 21, 2009

Anchorage, Alaska
AO 2009-90

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2
3
4 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE
5 ZONING MAP AND PROVIDING FOR THE REZONING OF
6 APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY
7 RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT)
8 WITH SPECIAL LIMITATIONS FOR MOUNTAIN VIEW SUBDIVISION,
9 BLOCK 2, LOT 2 N1/2; LOT 3 E1/3 N1/2; LOT 3 M1/3 N1/2; AND LOT 3 W1/3
10 N1/2; GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF
11 TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST
12 OF PRICE STREET.

13
14 (Mountain View Community Council) (Planning and Zoning Commission Case 2009-060)

15 **THE ANCHORAGE ASSEMBLY ORDAINS:**

16
17 **Section 1.** The zoning map shall be amended by designating the following
18 described property as B-3 SL (Multiple-Family Residential District with a Special
19 Limitation:

20
21 Mountain View Subdivision, Block 2, Lot 2 N1/2, Lot 3 E1/3 N1/2, Lot 3
22 M1/3 N1/2, and Lot 3 W1/3 N1/2, generally located on Mountain View
23 Drive, east of Taylor Street, south of Richmond Avenue and west of
24 Price Street, consisting of approximately 40,500 square feet as shown on
25 Exhibit "A" attached.

26
27 **Section 2. Special Limitation:**

28
29 The property is subject to the following Special Limitation:

30
31 Public Hearing Site Plan Review for any future development other
32 than arts and cultural uses.

33
34 **Section 3. Prohibited Uses:**

35
36 The property is subject to the following prohibited uses:

- 37
38 a. Laundry/Dry Cleaning Establishments
39 b. Funeral Services and Crematoriums
40 c. Taxi Cab Stands/Dispatch offices

- 1 d. Pawn Shops
- 2 e. Gasoline Service Stations, Auto Repair
- 3 f. Motor Vehicle Dealers
- 4 g. Auto Display Lots
- 5 h. Mobile Home Display Lots
- 6 i. Aircraft/Boat Display Lots
- 7 j. Auto, Truck, Trailer Rental Agencies
- 8 k. Lumber Yards/Builder Supply Stores
- 9 l. Fuel Dealers
- 10 m. Car Wash
- 11 n. Drive-In Banks; Drive-In Restaurants
- 12 o. Bus Terminals
- 13 p. Amusement Arcade, Billiard Parlor, Bowling Alley
- 14 q. Veterinary Clinics/Boarding Kennel
- 15 r. Mini storage, Self-Storage, Vehicle Storage
- 16 s. Camper Parks, Mobile Home Parks
- 17 t. Mobile Home Parks
- 18 u. Heliports
- 19 v. Churches
- 20 w. Cell Towers
- 21 x. Hospitals
- 22 y. Unlicensed Nightclubs
- 23 z. High voltage Transmission Towers
- 24
- 25 aa. Utility Substations
- 26 bb. Snow Disposal
- 27 cc. Correctional Community Residential Centers
- 28 dd. Natural Resource Extraction
- 29 ee. Package Store
- 30 ff. Nightclubs, Bars and Lounges

31

32 **Section 4. Effective Clause:**

33

34 The property is subject to the following effective clause:

35 B-3 SL zoning shall not become effective until final plat recordation of
36 preliminary plat S-11732-1, which combines seven lots into a single
37 parcel with the State District Recorder's Office.

38

39 **Section 5.** This ordinance shall become effective 10 days after the Director of
40 the Planning Department has received the written consent of the owners of the
41 property within the area described in Section 1 above to the special limitations
42 contained herein. The rezone approval contained herein shall automatically
43 expire, and be null and void, if the written consent is not received within 120
44 days after the date on which this ordinance is passed and approved. In the

1 event no special limitations are contained herein, this ordinance is effective
2 immediately upon passage and approval. The Director of the Planning
3 Department shall change the zoning map accordingly.
4

5 PASSED AND APPROVED by the Anchorage Assembly this
6 25th day of August 2009.
7

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9
10
11 ATTEST: Debbie Ossander
Chair

Barbara S. Junt
Municipal Clerk

12 (Case 2009-060; Tax I.D. No. 004-031-02 (north-half); -14; -15; -16)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-90

Title: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT) WITH SPECIAL LIMITATIONS FOR MOUNTAIN VIEW SUBDIVISION, BLOCK 2, LOT 2 N1/2; LOT 3 E1/3 N1/2; LOT 3 M1/3 N1/2; AND LOT 3 W1/3 N1/2; GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST OF PRICE STREET.

Sponsor:
 Preparing Agency: Planning Department
 Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)			
	<u>FY09</u>	<u>FY10</u>	<u>FY11</u>	<u>FY12</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. No additional public improvements are required.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impacts on the private sector.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 411-2009

Meeting Date: July 21, 2009

FROM: MAYOR

SUBJECT: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT) WITH SPECIAL LIMITATIONS FOR MOUNTAIN VIEW SUBDIVISION, BLOCK 2, LOT 2 N1/2; LOT 3 E1/3 N1/2; LOT 3 M1/3 N1/2; AND LOT 3 W1/3 N1/2; GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST OF PRICE STREET.

1 On May 4, 2009, the Planning and Zoning Commission recommended approval to
2 rezone the subject property, owned by the Anchorage Community Land Trust, from R-4
3 to B-3SL. Seven parcels are under common ownership by the applicant: three lots are
4 zoned R-4 and three lots are zoned B-3; one lot is split-zoned R-4/B-3. The subject
5 property involves the three parcels zoned R-4 and the north half of the split zoned R-
6 4/B-3 parcel consisting of 40,500 square feet.
7
8 The Anchorage Community Land Trust assembled these seven lots with the intention to
9 replat them into a single 1.85 acre parcel for the purpose of constructing a future multi-
10 disciplinary Mountain View Community Arts Center. A short plat was approved on April
11 20, 2009, and a final plat is required to be filed with the State District Recorder's Office.
12
13 The concept of an arts center has been a central focus for the Municipality, Mountain
14 View residents and recent developments. Numerous community plans and studies on
15 Mountain View revitalization efforts have been completed over the past 10 years. While
16 none have been adopted as elements to the Anchorage Comprehensive Plan, most
17 have involved active planning of Municipal departments, community organizations and
18 residents of Mountain View. These plans included development of an arts and cultural
19 center. The proposed location is central to the neighborhood, recent commercial
20 revitalization efforts and the new Clark Middle School. The Mountain View Community
21 Council voted unanimously to approve this rezoning. The Mountain View Community
22 Council is a cohesive and active organization with a long history of supporting a cultural
23 arts center.
24

1 The Commission found that it made sense to rezone the subject property to B-3
2 because it is under common ownership, eliminates split-lot zoning, and allows for
3 improved site and building design when the land is replatted into a single parcel.

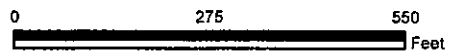
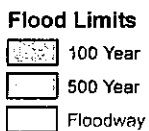
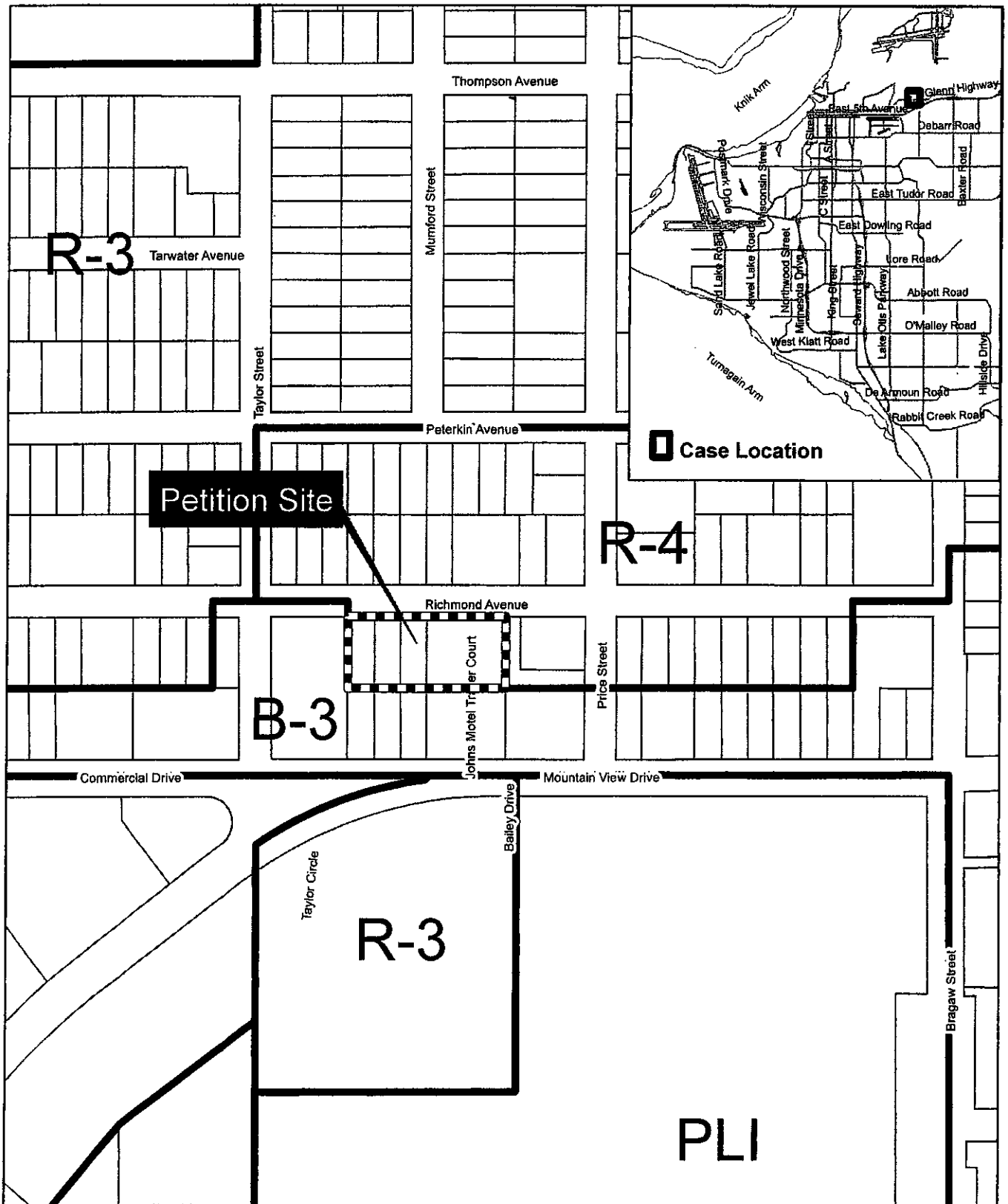
4
5 An arts and cultural center is a permitted use in the B-3 District and no further review is
6 required except for the usual building permit review process. In the event an arts and
7 cultural center did not develop as planned, the Commission recommends a special
8 limitation will be necessary to prohibit uses that are not compatible with the revitalization
9 vision for the Mountain View community, and to require a public hearing site plan
10 review. The zoning shall not become effective until a final plat has been recorded with
11 the State District Recorder's Office.

12
13 B-3 zoning meets the goals, policies and objectives of the *Anchorage 2020*
14 *Comprehensive Plan* for in-fill and redevelopment, conforms to the vision statement
15 encouraging arts and cultural activities as a catalyst for education, communication,
16 economic development and social progress; and generally meets AMC 21.20.090
17 Rezoning Standards. Because the *1982 Land Use Policy Map* is the most recently
18 adopted map, AMC 21.05.080C.4.c allows the approving authority to approve a different
19 land use classification and zoning when parcels are within 500 feet of two differing
20 classifications. The petition area is classified residential and the lots to the south, also
21 owned by the petitioner and included in the approved short plat, are classified
22 commercial.

23
24 The Planning and Zoning Commission recommends APPROVAL of the rezone to B-3
25 SL for the subject property by a vote of seven yeas and zero nays.

26
**THE ADMINISTRATION RECOMMENDS ADOPTION OF AN ORDINANCE OF THE ANCHORAGE
ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF
APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT)
TO B-3 SL (GENERAL BUSINESS DISTRICT) WITH SPECIAL LIMITATIONS FOR MOUNTAIN VIEW
SUBDIVISION, BLOCK 2, LOT 2 N1/2; LOT 3 E1/3 N1/2; LOT 3 M1/3 N1/2; AND LOT 3 W1/3 N1/2;
GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF
TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST OF PRICE STREET.**

27
28 Prepared by: Jerry T. Weaver Jr., Zoning Administrator,
29 Planning Department
30 Approved by: Tom Nelson, Director, Planning Department
31 Concur: Mary Jane Michael, Executive Director
32 Office of Economic and Community Development
33 Concur: Rhonda Fehlen Westover, Acting Municipal Attorney
34 Concur: Larry Crawford, Acting Municipal Manager
35 Respectfully submitted, Daniel A. Sullivan, Mayor



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2009-024

A RESOLUTION RECOMMENDING APPROVAL OF A REZONE OF APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS) WITH SPECIAL LIMITATIONS FOR MOUNTAIN VIEW SUBDIVISION, BLOCK 2, LOT 2 N1/2, LOT 3 E1/3 N1/2, LOT 3 M1/3 N1/2, AND LOT 3 W1/3 N1/2, GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST OF PRICE STREET.

(Case 2009-060; Tax I.D. No. 004-031-02 (north-half); 004-031-14;-15;-16)

WHEREAS, a request has been received from Anchorage Community Land Trust to rezone approximately 40,500 square feet from R-4 (Multiple-Family Residential District) to B-3 (General Business District) with Special Limitations for Mountain View Subdivision, Block 2, Lot 2 N1/2, Lot 3 E1/3 N1/2, Lot 3 M1/3 N1/2, and Lot 3 W1/3 N1/2, generally located on Mountain View Drive, east of Taylor Street, south of Richmond Avenue and west of Price Street; and

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on May 4, 2009.

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

- A. The Commission makes the following findings of fact:
1. Seven parcels are under common ownership: three and one-half parcels are zoned B-3 and three and one-half parcels are zoned R-4. The subject property involves three parcels currently zoned R-4 and the north half of a split zoned parcel R-4/B-3. B-3 zoning is being requested to match the B-3 zoning of the three adjacent parcels to the south and the remaining half of the split zoned parcel, all owned by the Anchorage Community Land Trust. The purpose of B-3 zoning is to allow the seven parcels to be replatted into a single lot consisting of 1.85 acres for future construction of a multi-disciplinary community arts center.
 2. The Mountain View Community Council passed a resolution in support of B-3 zoning, on February 9, 2009. The president of the council, Don Crandall, testified that the council feels that consolidating these lots, although it involves some loss of

center is an appropriate use in this area.

3. The 1982 Land Use Policy Map designates this property as Residential and the adjoining property to the south as Commercial. Until a new land use plan map is adopted, the 1982 Land Use Policy Map remains an element of the *Anchorage 2020 Plan*. Under the terms of AMC 21.05.080 C.4.c. the approving authority may consider a different classification and zoning. Parcels within 500 feet of the land use plan map boundaries shall be treated as the different adjoining classification, in accordance with the goals, policies and objectives of the *Anchorage 2020 Comprehensive Plan*.
4. Although there is no Assembly adopted district or neighborhood plan for Mountain View, there have been numerous community plans and studies on Mountain View revitalization over the past 10 years, supporting the need for an arts and cultural district and center. An arts center has been identified and portrayed as the centerpiece of the renaissance of Mountain View.
5. A short plat S11732-1 to combine the seven lots into a single parcel, 1.85 acres, was approved April 20, 2009. The Commission endorsed an effective clause that B-3 zoning would not become effective until recordation of S11732-1 with the State District Recorder's Office.
6. The Commission finds that it makes sense to rezone this area to B-3 because B-4 makes more sense than a split R-4/B-3 zoning. Consolidation of these lots should lead to higher quality development.
7. The Commission finds that the Mountain View Community Council is cohesive and active, and it is clear they support the rezoning and the proposed arts center. B-3 is a matter of community self-determination. Although Mountain View does not have a traditional district plan, it has done an exceptional job working through different agencies to plan for its revitalization.
8. An arts and cultural center is a permitted use in the B-3 District, and no further review is required except for the usual building permit review process. It was noted that conceptual site and landscape plans for this project were distributed to the community

council, and they had no negative comments. Development design for other allowed B-3 uses were discussed, and the Commission concluded that a special limitation is necessary to require a public hearing site plan review for any future development other than shown on the concept site and landscape plans submitted with the original zoning application for this case.

9. The Commission endorsed a special limitation listing 32 prohibited B-3 uses that were proposed by staff.
 10. The Commission finds B-3 SL zoning meets the standard AMC 21.05.080.C.4.c, the goals, policies and objectives of the *Anchorage 2020 Comprehensive Plan* for Infill and Redevelopment, conforms to the vision statement encouraging arts and cultural activities as a catalyst for education, communication, economic development and social progress and generally meets AMC 21.20.090 rezoning standards.
 11. The Commission recommended approval of the request by a unanimous vote: 7-yes, 0-nea.
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to B-3 SL, subject to the following effective clauses and special limitations:

Effective clause:

B-3 SL zoning shall not become effective until final plat recordation of preliminary plat S11732-1 that combines the seven lots into a single parcel with the State District Recorder's Office.

Special Limitations:

1. Public Hearing Site Plan Review for any future development other than an arts and cultural use and building.
2. Prohibited Uses:
 - a. Laundry/Dry Cleaning Establishments
 - b. Funeral Services and Crematoriums
 - c. Taxi Cab Stands/Dispatch Offices
 - d. Pawn Shops

- d. Pawn Shops
- e. Gasoline Service Stations, Auto Repair
- f. Motor Vehicle Dealers
- g. Auto Display Lots
- h. Mobile Home Display Lots
- i. Aircraft/Boat Display Lots
- j. Auto, Truck, Trailer Rental Agencies
- k. Lumber Yards/Builder Supply Stores
- l. Fuel Dealers
- m. Car Wash
- n. Drive In Banks; Drive In Restaurants
- o. Bus Terminals
- p. Amusement Arcade, Billiard Parlor, Bowling Alley
- q. Veterinary Clinics/Boarding Kennel
- r. Mini Storage, Self storage, Vehicle Storage
- s. Camper Parks
- t. Mobile Home Parks
- u. Heliports
- v. Churches
- w. Cell Towers
- x. Hospitals
- y. Unlicensed Nightclubs
- z. Tower, High Voltage Transmission
- aa. Utility Substations
- bb. Snow Disposal
- cc. Correctional Community Residential Centers
- dd. Natural Resource Extraction
- ee. Package Store
- ff. Nightclubs, Bars, Lounges

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 4th day of May, 2009.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 13th day of July, 2009.

Tom Nelson
Secretary

Toni M. Jones
Chair

(Case 2007-060; Tax I.D. No. 004-031-02 (north-half); 004-031-14; -15; -16)

ma

Content ID: 007915

Type: Ordinance - AO

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT) WITH SPECIAL

Title: LIMITATIONS FOR MOUNTAIN VIEW SUBDIVISION, BLOCK 2, LOT 2 N1/2; LOT 3 E1/3 N1/2; LOT 3 M1/3 N1/2; AND LOT 3 W1/3 N1/2; GENERALLY LOCATED ON MOUNTAIN VIEW DRIVE, EAST OF TAYLOR STREET, SOUTH OF RICHMOND AVENUE AND WEST OF PRICE STREET (Mountain View Community Council) (Planning and Zoning Commission Case 2009-060)

Author: maglaquijp

Initiating Dept: Planning

Description: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 40,500 SQUARE FEET FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT) WITH SPECIAL LIMITATIONS

Date Prepared: 6/25/09 3:57 PM

Director Name: Tom Nelson

Assembly Meeting Date: 7/21/09

Public Hearing Date: 8/25/09

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	7/10/09 8:35 AM	Exit	Joy Maglaqui	Public	007915
MuniMgrCoord_SubWorkflow	7/10/09 8:35 AM	Approve	Joy Maglaqui	Public	007915
MuniManager_SubWorkflow	7/10/09 8:35 AM	Approve	Joy Maglaqui	Public	007915
MuniManager_SubWorkflow	7/10/09 8:25 AM	Checkin	Joy Maglaqui	Public	007915
Legal_SubWorkflow	7/7/09 9:46 PM	Approve	Rhonda Westover	Public	007915
Finance_SubWorkflow	6/29/09 12:34 PM	Approve	katkusja	Public	007915
OMB_SubWorkflow	6/29/09 10:14 AM	Approve	Bruce Holmes	Public	007915
ECD_SubWorkflow	6/29/09 9:28 AM	Approve	Tawny Klebesadel	Public	007915
Planning_SubWorkflow	6/25/09 5:14 PM	Approve	Tom Nelson	Public	007915
AllOrdinanceWorkflow	6/25/09 4:01 PM	Checkin	Jerry Weaver Jr.	Public	007915

standard conditions of a conditional use have been met. This is an appropriate use within the two zoning districts on this property. Because this request meets the conditional use standards, it is generally consistent with the Comprehensive Plan, and the stipulations are appropriate, he recommended its approval.

COMMISSIONER PEASE noted that the revisions to the conditions have attempted to increase the protection of the well water supply for residences nearby, which helps to make the use compatible with existing land uses. The Commission has also attempted to direct the restoration with changes to the slopes. A bond is being required so that, if there is impairment to the wells, there will be resources to remedy it. Some specific complaints brought by Village residents have been heard and considered, including access to and across the site, but the Commission has been told that is a safety issue and that vehicular access across the site is not part of the salmon rehabilitation project. There has also been reassurance that buffering will be preserved.

AYE: Phelps, Weddleton, Isham, Yoshimura, Fredrick

NAY: None

ABSTAIN: Wang, Jones

PASSED

2. 2009-060

Anchorage Community Land Trust. A request to rezone approximately .94 acres from R-4 (Multiple Family Residential) to B-3 (General Business), Mountain View Subdivision, Block 2, Lot 3 W3 N2, Block 2, Lot 3, M3 N2, Block 2, Lot 3, E3 N2 and Block 2, Lot 2 all located within the SE 1/4, Section 9, T13N, R3W, S.M. Alaska. Generally located north of Mountain View Drive, east of Taylor Street, south of Richmond Avenue and west of Price Street.

Staff member MARY AUTOR stated that 64 public hearing notices were mailed and none were returned. The Mountain View Community Council supports the rezone. This rezone is for 3.5 parcels of property currently zoned R-4 and one of which is split zoned with R-4/B-3. The property to the north is zoned R-4, to the west and south is B-3, and to the east is R-4 and B-3. The property came into possession by the Anchorage Community Land Trust (ACLT) in 2006. They have submitted a short plat to combine the 7 lots under their ownership into

a single large parcel of 1.85 acres. The rezone area is 40,500 SF. They did not offer special limitations. The purpose of the rezone is to allow construction of a multi-disciplinary community arts center. The short plat has been approved. The Department finds the only adopted plan that is applicable is the Land Use Policy Map from 1982, which designates the property as residential. The property to the south is classified as commercial. *Anchorage 2020* identifies a neighborhood commercial center at Muldoon/Bragaw, two blocks to the west. AMC 21.05.080 gives direction how to utilize *Anchorage 2020* and the applicability of the 1982 Plan. Where not governed by the concept plan or the elements listed in 21.05, the approving authority has authority to grant an entitlement only if the application is consistent with the 1982 *Generalized Land Use Plan and Generalized Residential Intensity Plan*. Parcels adjacent to other categories can be interpreted according to the goals, policies, and objectives of *Anchorage 2020*, provided that the interpretation is not the basis for a cumulative encroachment. The Commission can consider going from residential to commercial because it is within 500 feet of that boundary on the Intensity Map. There is a vision statement in *Anchorage 2020* that calls for arts and culture. This proposal also is partially consistent with the infill development policies that talk about promoting infill or redevelopment of unused or partially developed properties to reshape older areas to better meet future needs for housing and other uses. The land use policies that implement that are Policies 10, 14, 17 and 20. The Department finds this meets Policies 10 and 17, but not 14 and 20. Although there is not an adopted district plan, there have been ongoing planning efforts in Mountain View. The 2003 Mountain View in Motion arts and cultural revitalization plan talks about a development with live/work units, mixed use commercial, with galleries, retail services, and a strong pedestrian focus. The Mountain View Neighborhood Revitalization Strategy of 2005 promotes arts and cultural district to revitalize the commercial district. The reviewing authority has the ability to look at a land use classification other than residential on property that is within 500 feet of an adjacent boundary, which applies in this case. MS. AUTHOR reiterated that the Mountain View Community Council has given its support to this rezoning. The Department has concern that, although the ACLT is the owner and has every intention of proceeding with the replat and development of an arts center, it is possible that future ownership or use of the property could change. For this reason, the Department is offering a special limitation requiring a non-public hearing site plan review to allow the neighborhood to comment on future uses or development. The Department also proposes an effective clause that the property does not change until the

plat has been recorded. A second special limitation contains a list of prohibited uses.

COMMISSIONER YOSHIMURA remarked that there was a reference to a parking variance in the comments from the Community Council, but she saw nothing in the packet regarding that. MS. AUTOR replied that at this point Staff did not review this as a site plan review, but only as a rezoning.

COMMISSIONER PHELPS thought one of the possible problems with the special limitation is that, if the property is rezoned to commercial and the development does not occur, residential land supply is lost. He asked if staff considered a sunset clause. MS. AUTOR responded that under 21.20.020C there are five considerations that a special limitation can address and the last one is "impose time limits for taking subsequent development actions." In the past, this body has looked at an effective clause, such as "prior to the rezoning becoming effective, a building permit must be secured," or requiring acquisition of the building permit within a certain time period. In either case it is an effective clause and not a special limitation.

COMMISSIONER WEDDLETON asked if the ACLT is a municipal entity. MS. AUTOR replied in the negative. She indicated that a history of the organization is contained in the packet.

COMMISSIONER WEDDLETON noted there was a comment that they also own land in the area that could mitigate for the loss of residential land. MS. AUTOR stated that goes beyond the scope of this review because they have not included that list of owned property or indicated their plans for that land. She did not know that the Commission could go beyond the land before it in this consideration.

COMMISSIONER YOSHIMURA asked if an effective clause requiring a building permit would be specific to this development or any permit in general. COMMISSIONER PHELPS replied that it would be specific to this project.

COMMISSIONER ISHAM asked if there could be public hearing site plan reviews, rather than non-public hearing. MS. AUTOR replied that the Commission could amend the recommendations as it desires.

The public hearing was opened.

TIM POTTER, representing the petitioner, stated the arts center has been an idea of the Mountain View community for some time. It has been identified and portrayed as the centerpiece of the renaissance of Mountain View. The Community Council has been very outspoken in its support of this project. This is not the first site considered for this project. When this property was acquired by the ACLT, it was a rundown RV park. This is an exciting use. The rezone is necessary to make this project feasible. This project has failed on other sites due to soil conditions and other oddities. He noted that the Spenard in Motion Plan identified that to capture the redevelopment of that road there would need to be sufficient depth of properties adjacent to the road. In this plan there is also an important depth factor required to do quality development. The petitioner endorses the effective clause and the two special limitations. He noted that commercial zoning accommodates residential use and the R-4 zoning does not guarantee residential use. He noted that the eight-plexes developed in this area on similar sized lots leave no open space for recreational use. The site plan for this project is a focal point with a strong connection to the community and a desire to show off Mountain View in its diversity and interest in arts and culture.

COMMISSIONER PHELPS asked what is the reasonable expectation of this development. JEWEL JONES with ACLT stated that ACLT is hopeful that this development will come to fruition. This has long been a desire of the community with great support from arts and user groups. It is expected that after the rezoning the project will move forward quickly to seek funds. COMMISSIONER PHELPS understood there are no funds at this time. MS. JONES replied there are opportunities for matching funds and good prospects for federal funding. Organizations related to the arts have a great deal of interest. She thought that the project could move forward significantly after this rezoning is secured. COMMISSIONER PHELPS asked if this rezoning is critical to funding requests. MS. JONES replied that it is critical. This project must appeal and will appeal not only to Anchorage, but also to the entire state. The zoning is needed in order to make this project viable.

COMMISSIONER YOSHIMURA asked if there would be objection to rezoning with a special limitation that this rezone is only for a community arts center. MS. JONES replied that is the intent, but the desire is for the zoning to be as flexible as possible. COMMISSIONER YOSHIMURA favored this project, but was not in favor of speculative rezones that take away the opportunity for residential development. Although the eight-plexes of which Mr. Potter spoke are unattractive, they are also old and she believed that residential developers could do a better job on these narrow lots.

MR. POTTER stated he would recommend to his client that accepting a single use zoning for a piece of property is not an intelligent thing to do. He hoped the Commission can accept that this group has stuck together, has gone through two other sites, put together a significant development team, and has commitments from the Rasmuson Foundation, etc. He could not in good conscience tell his client to develop a specialized building on a piece of property that can never be used for anything else.

COMMISSIONER WEDDLETON stated a furniture warehouse was converted to offices and it appears to have significant vacancy; Glenn Square was supposed to have residential, but that did not occur; Nobel's Diner did not succeed; and Color Creek Arts did not go forward. There is the recreation center nearby that serves many of the same purposes that it appears this project would serve. MS. JONES stated the Boys & Girls Club does not serve the specifics intended in this project, which is primarily working with artists in a multi disciplinary fashion. The redeveloped Sadler warehouse is currently the home of Campfire, the Foraker Group, and Alaska Works, and additional tenants will likely move there soon. Nobel's Diner is now operated by Cook Inlet Tribal. The Color Creek property will shortly be the home of Credit Union 1, the first financial institution in Mountain View in over 20 years.

COMMISSIONER PHELPS did not doubt the sincerity about the development of this project, but he was concerned with something happening. He asked the organization's position on a special limitation requiring that a building permit be acquired within four years of the authorization of this action. MR. POTTER had no personal objection, but wished to inquire of the Rasmuson Foundation representative.

MS. AUTOR noted that 21.20.020C is very specific about the limitations on special limitations. It says that residential density can be limited or structures or uses of land or structures otherwise permitted in a use district can be prohibited. That is to say, this cannot be limited to one single use because that would be a spot zoning. However, it is possible to say what is not allowed. This is what the Department has done by including the list of things that are not compatible in the event this land is zoned commercial. An effective clause requiring the building permit is also allowed.

CHAIR JONES noted that the language of effective clause 1 sounds like the site plan is being approved, but the only thing before the Commission is the rezoning request. MS. AUTOR explained that the Department is trying to say that the proposed use could be built if the zoning is approved, but anything other than that would require site plan review. The Community

Council has looked at the rezone, the use, and the site plan. CHAIR JONES asked if the planned development could be built as a by right use under the zoning without requiring a site plan. MS. AUTOR replied in the affirmative. CHAIR JONES understood that the only thing that would require a site plan is some change to the plans submitted, but the Commission is not taking action on what is proposed. MS. AUTOR indicated this is correct. Furthermore, the parking variance is not before the Commission. MR. POTTER stated the site plan is not before the Commission for approval, but it has been to the community. Condition 1 could require a public hearing if the development is not this site plan and a non-public hearing if it is this site plan.

CAT PIERCE, member of the Mountain View Community Council, stated she is located next to the business area and the community has wanted an arts & cultural center for a long time. Denying this rezoning would not help the housing situation in Anchorage in any noticeable way, but the arts and cultural center would help many people.

DON CRANDALL, President of Mountain View Community Council, stated that the Council has supported the rezoning of this property. The community feels that consolidating these lots, although it involves some loss of residential, will fulfill a long-term goal of the community. He stated it is difficult to deceive the Mountain View Community Council. The Council has opposed many things and participants are vocal about their opinions. The Council was aware of what it was doing in writing the letter of support. This is a dream come true. If for some reason the project did not go through, a consolidated lot would perhaps more easily draw developers who could build quality mixed-use housing. This site is kitty corner to the new school and library and is well located to engage members of the community. This is hoped to stimulate private investment in the neighborhood.

HELEN HOWARTH with the Rasmuson Foundation noted that her organization has invested over \$12 million in Mountain View to date because this is a neighborhood where, with a concerted investment, change could happen. Change has been championed in a cohesive manner. This project is the community's dream and plan and Rasmuson is responding to it with investment. The Rasmuson Foundation has made a \$3.25 million investment in this facility. Ed Rasmuson has made it his personal commitment that the arts center will be built in Mountain View. The rezoning is needed because the commitment is to build it in Mountain View and there are few large lots for such a project. Rasmuson has also invested significantly in housing in this area. This project has been conceived and planned with that very much in

mind. There is a \$9 million gap to make this project work, but Rasmuson is committed to it.

COMMISSIONER YOSHIMURA asked whether there is objection to limiting this rezone with a sunset clause or tying it to a building permit within the next four years. MS. HOWARTH stated that the entire redevelopment is an ecosystem. The particular parcel was thought about long and hard and the community said this site is already chopped up and this parcel within a larger parcel will not change the actual use; it has been used as B-3 for over 20 years. A change in zoning on this site was the most sensible approach. If the site is not used for an arts center, Rasmuson wished to keep the decision on use with the community. She understood that B-3 allows for housing and noted that there has been interest in mixed use.

DAVID HASSEY, a real estate broker, stated that spot zoning is not desirable. He felt this proposal is a very good use for this property. He heard the Commission express concern what will happen if that development does not occur. He felt this property would never be a good residential property; it is a commercial site. If the property ended up developed with some other commercial use, it would be better than residential.

GABE LEHMAN, representing Cook Inlet Housing Authority (CIHA), stated CIHA has been active in the revitalization of Mountain View for over half a decade. Over that time, CIHA has redeveloped or rehabilitated properties on 10% of the residential parcels in Mountain View and has provided dozens of homeownership loans. Development partners have, with CIHA, invested tens of millions of dollars in Mountain View. Based on its experience in Mountain View, CIHA believes this rezone will benefit the community. High density residential is not needed in Mountain View at this time. Presently more than three-quarters of the housing stock in Mountain View is multi-family, which is greater than in the remainder of Anchorage. Furthermore, one in ten of the residential units in Mountain View is vacant, approximately twice the citywide average. Thus, the rezoning of this property will not impede the ability of the community to address its housing needs. This property is in a prime commercial location, two blocks west of the Bragaw/Mountain View Drive intersection. CIHA supports intelligent rezoning on the neighborhood's commercial corridor that will encourage the expansion of programs that will serve community residents and hopefully bring new jobs into the community. He also noted that a single unoccupied residential unit is located on this property, so this rezone would not contribute to the displacement of any residence or result in the demolition of a presently occupied residential unit.

ROSS EMERSON, president of the Trailer Arts Center, which would occupy this building and operate the program, stated this project began with the Mountain View community. Artists met with the community and worked to plan and develop this project. This project is a great opportunity to bring art to another level in Anchorage.

In rebuttal, MR. POTTER stated the community is undergoing a renaissance and the housing is much improved than in it was five years ago. CIHA has invested over \$30 million. They have reduced density in some of the multi-family structures they have rehabilitated to make them more livable. He stated there is a Shell gas station on one side of this property and a strip mall with a sports bar on the other. He reiterated that depth and consistency of zoning is needed to revitalize Mountain View. He asked that an administrative or non-public hearing site plan review be required and, if another use comes forward, a public hearing site plan review can be required.

COMMISSIONER PHELPS understood there would be no site plan review of this facility in the future. MR. POTTER confirmed this is the case, but a site plan has been developed and it has been given to the Commission. COMMISSIONER PHELPS understood there is no administrative site plan review requirement in this process. MR. POTTER replied that the petitioner could seek a permit and go forward. He did not believe it was necessary or appropriate for this project to go through a public hearing site plan review process.

COMMISSIONER WEDDLETON noted that two applicants are shown in the materials submitted to the Commission: J.L. Properties and the ACLT. MR. POTTER explained that ACLT gave JL Properties authorization and they gave DOWL HKM the authority to represent the project.

COMMISSIONER ISHAM understood that no further review is required. MR. POTTER replied that no further review is required, except building permit. COMMISSIONER ISHAM noted that condition 1 requires a non-public hearing site plan review if something other than what is shown in the site plan is built. MR. POTTER agreed to that requirement and even to a public hearing site plan review for a different project. COMMISSIONER ISHAM noted that the special limitations limit the use. MR. POTTER stated the use would be limited to retail, office, and/or residential or a combination thereof.

The public hearing was closed.

COMMISSIONER PHELPS moved to approve a rezoning from R-4 to B-3 subject to the conditions in the packet. COMMISSIONER ISHAM seconded.

COMMISSIONER PHELPS stated there has been extensive testimony that this is an appropriate use in this area. The issue for him was not this particular project, but whether or not this area should be commercial. His conclusion is that it makes sense to rezone this area to B-3 because it makes more sense than a split R-4/B-3 zoning.

COMMISSIONER ISHAM suggested amending Special Limitation 1 to require a public hearing site plan review for any future development other than shown on the site and landscape plans submitted with the original zoning application for this case 2009-060. *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON supported the motion, but had concern that this is similar to a rezoning off of Muldoon Road that the Commission recently rejected. In support of this rezone, this rezone would remedy the split zoning on Lot 2. The plans cited on pages 10 and 11 of the packet show there is ongoing support for this project. There is good Community Council support over a long term. Consolidation of these lots should lead to higher quality development, even if this particular project does not proceed.

COMMISSIONER YOSHIMURA believed this was a good plan for Mountain View, but she felt there should be a public review for this development because, over time, this project may morph into something different. COMMISSIONER PHELPS agreed to this condition. COMMISSIONER ISHAM noted that condition 1 requires a public site plan review for some other development. COMMISSIONER YOSHIMURA explained that she feared this proposed development might change. CHAIR JONES stated that if this development changes then a public review is required. COMMISSIONER YOSHIMURA asked how "change" is defined. CHAIR JONES suggested that "change" could be defined in the findings. COMMISSIONER ISHAM felt that, if anything, there should be a non-public review. He did not accept Commissioner Yoshimura's suggestion as a friendly amendment.

COMMISSIONER YOSHIMURA moved to amend Special Limitation 1 to require a public hearing site plan review for this project. COMMISSIONER WEDDLETON seconded.

Amendment

AYE: Yoshimura, Weddleton

NAY: Phelps, Wang, Isham, Jones, Fredrick

FAILED

COMMISSIONER PHELPS noted that there is the authority in code to interpret how to apply the Comprehensive Plan within 500 feet of a boundary in the *Generalized Land Use Plan and Generalized Residential Intensity Plan*. In this particular instance, the Commission has used that section of the code to make that interpretation.

CHAIR JONES stated that Mountain View is going through a renaissance. She has driven through the neighborhood recently and there are many changes. She concurred with the Community Council representatives that the community is cohesive and active. It was clear to her that the community is supportive of this project. This is a matter of community self-determination. It is also an appropriate location for B-3 property. Although Mountain View does not have a traditional district plan, it has done an exceptional job working through different agencies to plan for its revitalization.

Main Motion

AYE: Phelps, Wang, Weddleton, Isham, Jones, Yoshimura, Fredrick

NAY: None

PASSED

3. 2009-050 Municipality of Anchorage. An Ordinance of the Anchorage Municipal Assembly to Amend Anchorage Municipal Code and the Zoning Map of the Municipality of Anchorage by Enacting a New Chapter 21.66, Establishing The Downtown Eagle River Overlay District.

POSTPONED TO JUNE 1, 2009

COMMISSIONER ISHAM moved to extend public hearings to midnight.
WEDDLETON seconded.

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING**

DATE: May 4, 2009

CASE NO.: 2009-060

APPLICANT: Anchorage Community Land Trust

REPRESENTATIVE: DOWL Engineers

REQUEST: Rezoning from R-4 (Multiple-Family Residential)
District to B-3 (General Business) District

LOCATION: Lot 3 W3 N2, Block 2, Mountain View Subdivision
Lot 3 M3 N2, Block 2, Mountain View Subdivision
Lot 3 E3 N2, Block 2, Mountain View Subdivision
Lot 2 N2, Block 2, Mountain View Subdivision

Generally located north of Mountain View Drive,
east of Taylor Street, south of Richmond Avenue
and west of Price Street.

SITE ADDRESS: 3543 Mountain View Drive

COMMUNITY COUNCIL: Mountain View

TAX NUMBER: 004-031-02; 004-031-14; -15; -16.

ATTACHMENTS:

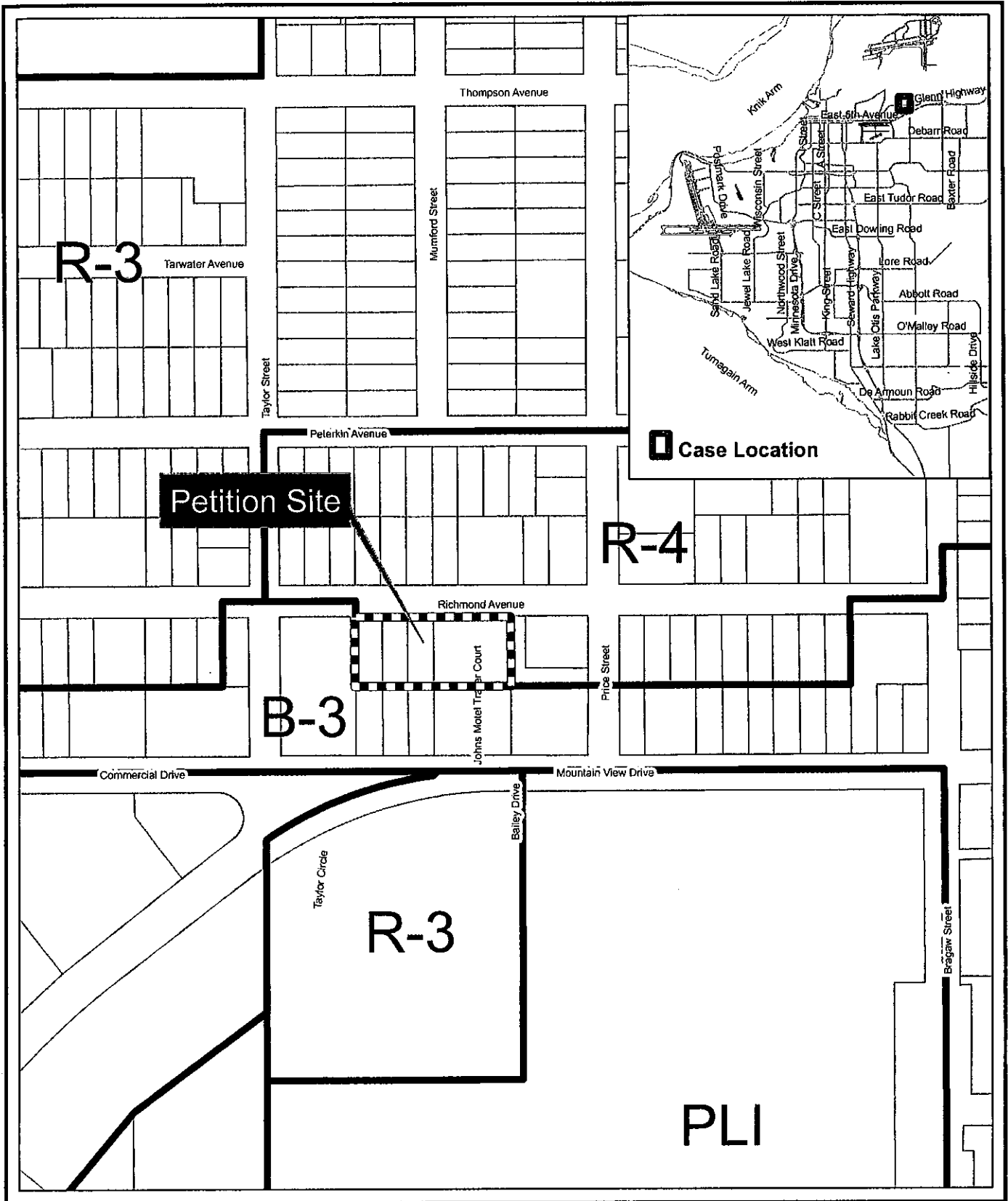
1. Zoning & Location Maps
2. Departmental Comments
3. Public Comments
4. Application
5. Posting Affidavit

RECOMMENDATION SUMMARY: Approval

SITE:

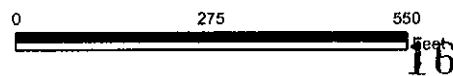
Acres: 40,500 square feet
Vegetation: None
Zoning: R-4
Topography: Level
Existing Use: Mostly Vacant,
Soils: Public Water & Sewer Available

2009-060



Municipality of Anchorage
 Planning Department
 Date: March 18, 2009

Flood Limits
 [White Box] 100 Year
 [Horizontal Lines Box] 500 Year
 [Vertical Lines Box] Floodway



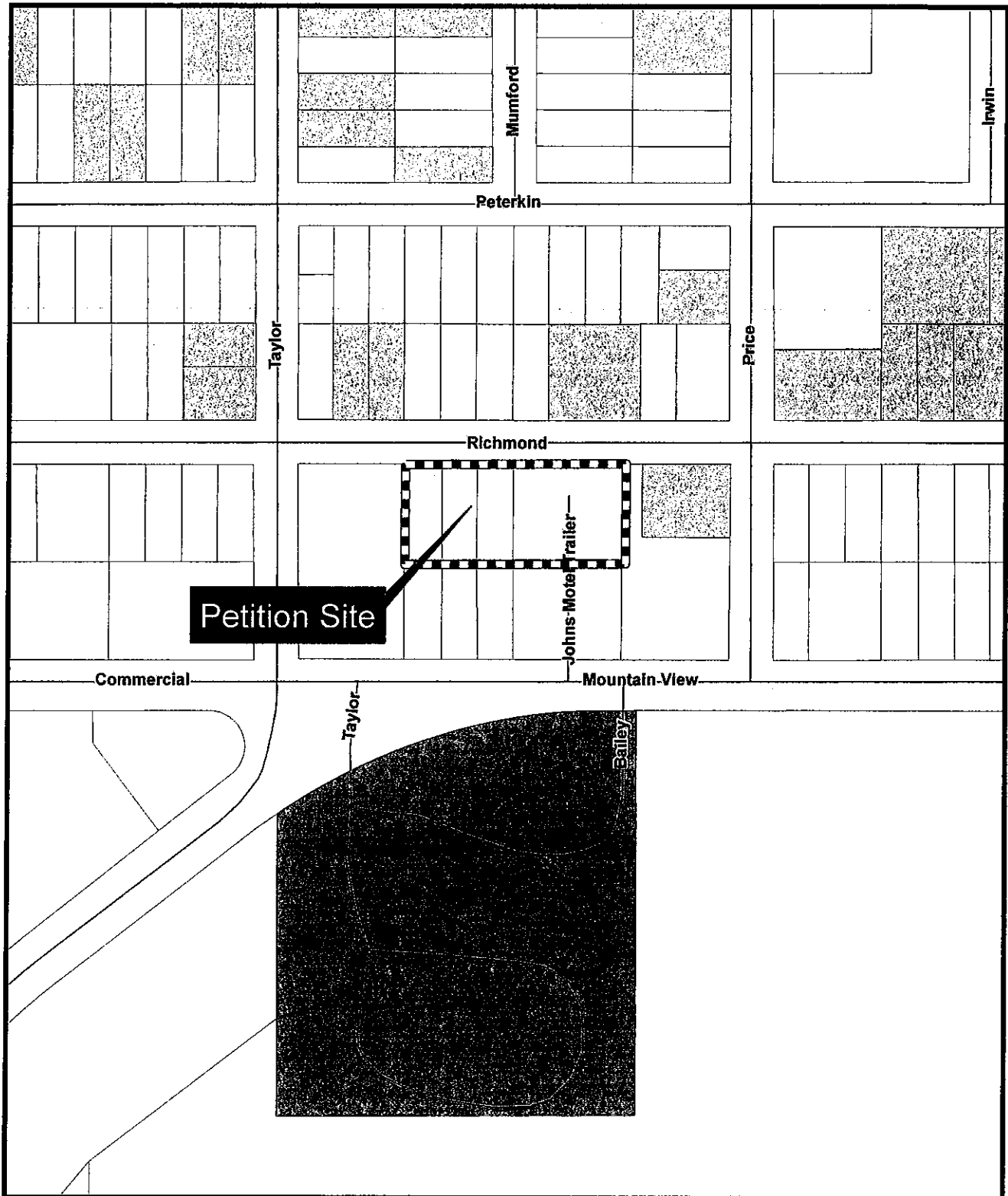
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LOCATION MAPS




2009-060

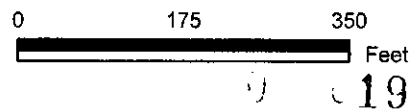


2009-060



Municipality of Anchorage
Planning Department
Date: March 18, 2009

-  Mobile Home Park
-  Multi-Family
-  Single Family



COMPREHENSIVE PLAN:

1982 Plan Classification: Residential
 Density: 21-35
 Anchorage 2020: Not specified on Land Use Policy Map

HISTORY:

03-08-54	Annexation Area #4	Petition area included in general area annexed into City of Anchorage
06-13-56	Plat P-5A	Retracement Survey SE4 Section 9, T13N, R3W, Mountain View Area, City of Anchorage, Territory of Alaska
04-20-65	R-4	Areawide zoning Inside City Limits
07-18-06		Anchorage Community Land Trust acquired ownership of the subject property from the MOA Real Estate Services
04-20-09	S11732-1	Short Plat combining 7 lots into a single parcel, Mountain View Subdivision, Lot 2A, consisting of 1.859 acres.

APPLICABLE LAND USE REGULATIONS:

Existing:

R-4: Permits multiple-family dwelling uses with medium to high residential densities 15-35 DUA. Maximum lot coverage is 50%, 10-5-10 foot front/side/rear yards. Maximum height is unrestricted.

Proposed:

B-3: Permits general commercial uses, business, business services and professional services and personal services, and limits residential uses to a minimum of 12 dwelling units per acre. Maximum lot coverage unrestricted unless predominately a residential development, and side and rear yards abated unless adjacent to residential, with a 10 foot front yard setback. Maximum height is unrestricted.

SURROUNDING AREA:

	NORTH	EAST	SOUTH	WEST
Zoning:	R-4	R-4	B-3	B-3
Land Use:	Multiple-Family Residential	Service Station	Vacant (former hotel/trailer park)	Commercial Retail Mall

REQUEST

This is a request by the petitioner, Anchorage Community Land Trust (ACLT), to rezone three individual parcels and the north half of a split-zoned parcel from R-4

to B-3, consisting of 40,500 SF, to match the B-3 zoning of the three adjacent parcels to the south, and the remaining half of the split-zoned parcel, all owned by the Anchorage Community Land Trust. There are no proposed special limitations.

According to their web site, Anchorage Community Land Trust (ACLT) was launched in 2003 with a seed grant from the Rasmuson Foundation. The organization was formed to help develop healthy and prosperous communities by acquiring land development projects necessary to bring about sustainable neighborhood revitalization and economic development. ACLT works both as a land trust and a community development organization using both public and private resources to facilitate redevelopment in the Mountain View, and to address issues of importance to Mountain View residents.

The purpose of this rezoning is to allow construction of a multidisciplinary community arts center, which is an allowed use in the B-3 District. If rezoned to B-3, and replatted into a single parcel (S11732-1), the area will total 1.85 acres (81,000 SF).

Legal	Tax ID. Number	Lot Size	Zoning
Lot 3 W3 N2, Block 2, Mountain View Subdivision	004-031-14	6,750 SF	R-4
Lot 3 M3 N2, Block 2, Mountain View Subdivision	004-031-15	6,750 SF	R-4
Lot 3 E3 N2, Block 2, Mountain View Subdivision	004-031-16	6,750 SF	R-4
Lot 3 W3 S2, Block 2, Mountain View Subdivision	004-031-07	6,750 SF	B-3
Lot 3 M3 S2, Block 2, Mountain View Subdivision	004-031-06	6,750 SF	B-3
Lot 3 E3 S2, Block 2, Mountain View Subdivision	004-031-05	6,750 SF	B-3
Lot 2, Block 2, Mountain View Subdivision	004-031-02	20,250 SF 20,250 SF	R-4 B-3

COMMUNITY COMMENTS:

At the time this report was written, there was no returned public hearing notices (PHN) received out of sixty-four (64) public hearing notices mailed April 10, 2009. The Mountain View Community Council passed a resolution in support of B-3 zoning, passed February 9, 2009.

FINDINGS:

Map Amendments, and 21.05.080 Implementation – Anchorage Bowl Comprehensive Development Plan Maps

A. Conformance to the Comprehensive Plan.

Policy #1. The Land Use Policy Map shall guide land use decisions until such time as other strategies are adopted that provide more specific guidance.

The current and only adopted Land Use Policy Map is from 1982, and designates this property as Residential and the adjoining property to the south as Commercial. The *Anchorage 2020 Land Use Policy Map* identifies a Neighborhood Commercial Center at intersection of Mountain View and Bragaw (p.50). The subject property is two blocks west of this intersection.

Chapter 21.05.080 prescribes how *Anchorage 2020* is to be implemented and the applicability of the 1982 Anchorage Bowl Comprehensive Development Plan. Where not governed by the Land Use Concept Plan (p.50) or the elements listed in 21.05.030, the approving authority may approve an entitlement only if the application is consistent with the 1982 Generalized Land Use Plan and Residential Intensity Plan.

“Parcels near boundaries. Because the comprehensive plan is necessarily generalized, entitlements at or within 500 feet of boundaries in the *Generalized Land Use Plan and Generalized Residential Intensity Plan* shall be treated as follows: Areas clearly within a particular classification shall follow the standards of that classification. The classification of areas at or near boundaries on the *Generalized Land Use Plan and Generalized Residential Intensity Plan* shall be interpreted in accordance with the goals, policies and objectives of the Anchorage 2020 Comprehensive Plan, provided that interpretation shall not be a basis for cumulative encroachment (AMC 21.05.080C.4.c).”

Neighborhood Commercial Center concept: this land use concept comprises neighborhood-level commercial/retail facilities that serve smaller clusters of residential neighborhoods than town centers.

However, the actual locations and size of Neighborhood Commercial Centers are to be determined through a neighborhood or district planning process, and are implemented by Commercial Land Use Policy #25. Characteristics include:

- Small scale, attractive, non-obtrusive and convenient shopping and services for residential areas.

- Scale and appearance should be compatible with adjacent residential development and highly responsive to and integrated with nearby residential areas and traffic patterns.
- Site and architectural design, minimizing neighborhood traffic impacts, should be compatible with surrounding neighborhoods.

Since this is a rezone and not a site plan review, these characteristics are not addressed with this review.

In a letter dated February 23, 2009, prepared by the Planning Department, Land Use Division Manager, it is determined that the proposed arts center uses are permitted in the B-3 district (as outlined Chapter 21.40 dated April 1, 1984). As described, those uses include a printmaking studio, welding studio, jewelry and light metal studio, water based art studios, studios for individual artists, wood shop, painting bay, big project bay, outdoor work area, outdoor exhibition and performance area, a writing center, computer classroom, gallery, café, large and small multi-use spaces.

The *Anchorage 2020* goals are grouped into four topics according to their main focus. One of the four topics is *Public Improvements & Services*, which includes a vision statement for *Arts and Culture*: a community that encourages arts and cultural activities as a catalyst for education, communication, economic development, and social progress (pg. 39).

Infill/Redevelopment:

Anchorage 2020, promotes infill or redevelopment of unused and partially developed parcels and obsolete buildings to help reshape and modernize older areas so they can better meet future needs for housing and other uses and activities (pg.48). Land Use Policies 10, 14, 17 and 20 implement this goal.

- *Policy #10 encourages mixed-use development within Neighborhood Centers. Strategies include housing needs, compatible non-residential uses, public and open spaces, and multi-modal access.*

As described, the use of this property as an arts and cultural center is a compatible non-residential use that would offer a small public – open space.

- *Policy #14 provides that “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.”*

The property is zoned R-4, allowing densities between 21 DUA and 35 DUA representing a loss of 19 units to 32 units. Using the 2006

Concept Land Use Plan Map, which is not an adopted map, the density is >15 DUA – 35 DUA. Using 15 DUA as a minimum density, would result in a loss of 13 units.

- *Policy #17 provides incentives for lot consolidation and in infill/redevelopment areas in order to improve the design and compatibility of multi-family housing.*

Seven lots, totaling 1.85 acres, are under single ownership, three and one-half, of which, are the subject of this rezoning proposal. A short plat is currently being processed which would combine them into a single parcel. Eliminating the lot lines will permit new development.

- *Policy #20 encourages medium- and high-density residential development, as well as commercial mixed use, in aging and underutilized areas within and adjacent to Major Employment Centers as shown on the Land Use Policy Map of Anchorage 2020 (p. 50).*

Rezoning to B-3 would allow both residential and commercial uses to be developed on this property. However, as proposed, the intended use as an arts and cultural center does not include any residential.

On-Going Mountain View Planning Activities

Numerous community plans and studies on Mountain View revitalization efforts have been completed over the past 10 years. While none have been adopted as elements to the Anchorage Comprehensive Plan, most have involved active planning of Municipal departments, community organizations and residents of Mountain View. They are worth considering:

Mountain View Drive: A Vision for the Future (1998): The vision advocated for incentives for new development along Mountain View Drive that would have strong pedestrian orientation, mixed use with residential on second and third stories, and a Mountain View Drive with on-street parking, boulevard landscaping, and wider sidewalks.

Mountain View In Motion: Arts & Cultural District in Mountain View, A Neighborhood Revitalization Project (2003): Mountain View in Motion was an effort launched by Anchorage Neighborhood Housing Services to focus community development through arts and culture. The plan focused in large part on a major art facility on the “Wilhour Trust” property with the Anchorage Opera as the principal tenant. The proposed development included live/work units, mixed-use commercial with galleries, retail, and services, and a strong pedestrian focus around a plaza. The current art center proposal has a strong connection to this plan, albeit in a different location and uses that reflect current opportunities.

Greetings from Anchorage, Alaska: Revitalizing Mountain View Into a Community of Choice (2004): This study primarily focused on housing efforts, and stressed that in order to see true change in Mountain View the neighborhood needed to attract residents with increased buying power. The plan recommended clustering commercial development into a closer core and suggested rezoning commercial property into residential where appropriate.

Mountain View Neighborhood Revitalization Strategy (2005): This was a HUD-related strategy created by the Municipality of Anchorage Department of Neighborhoods. The strategy provides a good overview of planning efforts in Mountain View. The strategies focused on housing development, as well as to (1) Promote an Arts and Cultural District to revitalize the commercial district and (7) Improve the urban environment in Mountain View through design standards or guidelines, street upgrades, code enforcement, clean-up efforts, commercial revitalization and reduction of nuisances.

The concept of an arts center has been a central focus for residents and community developers. The art center concept was originally envisioned at the Wilhour Trust side, then at the Mobile Trailer Supply. Our understanding is that retrofitting the Mobile Trailer Supply building into a safe, viable, art center is not feasible.

The Anchorage Community Land Trust acquired the John's RV (site of this rezone) in order to eventually demolish blighted property on Mountain View Drive and redevelop consistent with Mountain View Planning efforts. The RV and motel site show the history of the site as commercial property. Moving the art center closer to the residents of Mountain View, a rebuilt Clark Middle School, transit lines, and other recent community investments (Alaska Museum of Natural History, Success by Six, Garden Art Park, Alaska USA, Cook Inlet Mixed Use, and Sadler Building) is consistent with many of the above plans.

Revitalization efforts in Mountain View have had a strong housing focus, and thus the rezone from R-4 represents a missed opportunity. The Anchorage Bowl Land Use Plan Map (2006) envisioned the area of Mountain View drive as a neighborhood center. Discussions have recognized the current B-3 zoning as more appropriate as Neighborhood Mixed Use (NMU) or Commercial Mixed Use (CMU) in order to encourage a mixing of residential and commercial uses, strong pedestrian amenities, and de-emphasis on surface parking lots and strip commercial. Unfortunately, at the time of this re-zone, Title 21 Rewrite has not yet been approved and thus CMU and NMU are not available zoning districts.

In sum, having an arts center has long been a goal of the community and community development efforts. The proposed location is central to the neighborhood, recent commercial revitalization efforts, and Clark Middle School.

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.

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

Seismic: The parcel is primarily located in a low ground failure susceptible zone.

Slopes/Vegetation: The property is flat and has no vegetation.

Wetlands: There are no wetlands associated with the subject property.

Land Use Patterns

This property borders land classified as Residential, zoned R-4 to the north and east, developed with a mixed residential (some lots are vacant). To the south and west, land is classified as Commercial and zoned B-3, developed with a strip mall on the west and vacant lots to the south. This rezone is compatible with the surrounding uses as it provides for a zoning district in which this vacant area can be redeveloped with uses which would promote revitalization of this end of the Mountain View community.

Transportation/Drainage

Transportation Planning, Traffic Engineering and the State Department of Transportation and Public Facilities (ADOT&PF) had no objection or did not provide any comment. Project Management & Engineering had no objection, noting that a drainage analysis will be a requirement of the land use permit process.

Public Services and Facilities

Roads: Mountain View Drive is designated a Major Arterial II. At present the subject parcels front onto a residential street, Richmond Avenue. If the seven parcels are combined into a single parcel, access will also be from Mountain View Drive.

Utilities: public sewer, water, gas, and electrical utilities are available to the surrounding property.

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.**

There is strip B-3 zoning along Commercial Boulevard and continuing along Mountain View Drive further to the northeast. These lots are small, and primarily developed. They are narrow and shallow lots under mostly individual ownership. Even if they could be assembled into a larger parcel, they would not be deep enough for larger commercial developments.

Rezoning this property to B-3 will cause the loss of residentially zoned properties that represents a loss of 13 – 32 dwelling units, resulting in the majority of Block 2 to B-3, leaving Lot 1B and an L-shaped portion of Lot 1A as R-4 (20,500 square feet).

On the other hand, it is difficult to assemble enough land whatever the zoning, for good design and development. The petition site may be more appropriate for a rezoning to B-3, as it is in an area where mixed-use development may be more appropriate due to access, location and size, and would provide for a better use of land that has long been vacant.

Lack of available land, infill mainly of non-adjacent parcels of sufficient size, and strip commercial have created an atmosphere of underutilized land that does little to create an environment for sustainable mixed-use development. Needs for the proposed development include not only vehicular access and sufficient size to accommodate characteristics of use, but good multi-modal access for transit, pedestrians, etc. that can accommodate the needs for the various uses on the site. Current zoning patterns do not allow for the

consolidations of land and appropriate zoning to encourage a higher and more intense use of the land.

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.

Construction is proposed to begin 2009/2010.

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.

B-3 zoning and possible development of an arts and cultural center would aid in implementing the vision of revitalization of this community. It would comprise a strong element to a yet to be developed Neighborhood or District Plan. Anchorage Community Land Trust owns other properties on Mountain View Drive. They should be asked to consider adding a housing component to an upcoming property to offset the loss of residential land.

DISCUSSION:

B-3 zoning is not consistent with the most recently adopted 1982 Land Use Policy Map, which classifies the land as medium to high density residential. There are no adopted district or neighborhood plans affecting this property.

However, the approving authority may consider a different classification and zoning under the terms of AMC 21.05.080 C.4.c. "Parcels near boundaries. Because the comprehensive plan is necessarily generalized, entitlements at or within 500 feet of boundaries in the *Generalized Land Use Plan and Generalized Residential Intensity Plan* shall be treated as follows: Areas clearly within a particular classification shall follow the standards of that classification. The classification of areas at or near boundaries on the *Generalized Land Use Plan and Generalized Residential Intensity Plan* shall be interpreted in accordance with the goals, policies and objectives of the Anchorage 2020 Comprehensive Plan, provided that interpretation shall not be a basis for cumulative encroachment (AMC 21.05.080 C.4.c)."

The Commission may consider the numerous community plans and studies on Mountain View revitalization over the past 10 years, as supporting the need for an arts and cultural district and center. The Mountain View Community Council has given its support for this rezoning for the purpose of locating the arts center there.

The property is owned by the Anchorage Community Land Trust, and there is evidence of a public-private development partnership. However, changing the zoning should consider that for whatever reason, the ownership and use of the property could change. For that reason, the Department offers a special limitation requiring a non-public hearing site plan review to allow the public and the neighborhood to comment on future specific change of use and/or development. Additionally staff is proposing certain prohibited uses to help fit the development into the neighborhood.

RECOMMENDATION:

The Department finds that the requested rezoning from R-4 to B-3 meets the standard AMC 21.05.080 C.4.c, the goals, policies and objectives of the Anchorage 2020 Comprehensive Plan for Infill and Redevelopment, conforms to the vision statement encouraging arts and cultural activities as a catalyst for education, communication, economic development and social progress, and generally meets AMC 21.20.090 rezoning standards. The Department supports APPROVAL of the rezoning, subject to the following:

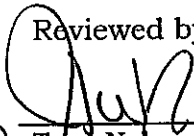
1. The rezoning shall not become effective until recordation of preliminary plat S11732-1, that combines the 7 lots into a single parcel, with the State District Recorders Office.

The property shall be subject to the following special limitations:

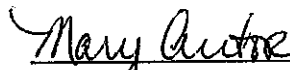
1. Non-Public Hearing Site Plan Review for any future development other than shown on the site and landscape plans submitted within the original zoning application for this Case 2009-060.
2. Prohibited Uses:
 - a. Laundry/Dry Cleaning Establishments
 - b. Funeral Services and Crematoriums
 - c. Taxi Cab Stands/Dispatch offices
 - d. Pawn Shops
 - e. Gasoline Service Stations, Auto Repair
 - f. Motor Vehicle Dealers
 - g. Auto Display Lots
 - h. Mobile Home Display Lots
 - i. Aircraft/boat display lots
 - j. Auto, truck, trailer rental agencies
 - k. Lumber yards/Builder Supply Stores
 - l. Fuel Dealers
 - m. Car Wash
 - n. Drive In banks; drive in restaurants
 - o. Bus terminals

- p. Amusement arcade, billiard parlor, bowling alley
- q. Veterinary clinics/boarding kennel
- r. Mini Storage, Self storage, vehicle storage
- s. Camper Parks, Mobile Home Parks
- t. Mobile Home Parks
- u. Heliports
- v. Churches
- w. Cell Towers
- x. Hospitals
- y. Unlicensed nightclubs
- z. Tower, High voltage transmission
- aa. Utility Substations
- bb. Snow Disposal
- cc. Correctional Community Residential Centers
- dd. Natural Resource Extraction
- ee. Package Store
- ff. Nightclubs, bars, lounges

Reviewed by:


Tom Nelson
Director

Prepared by:


Mary Autor
Senior Planner

(Case 2009-060)

(Tax ID No. 004-031-02; 004-031-14; -15; -16)

2

COMMENTS

Reviewing Agency Comment Summary Case No.: 2009-060

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PP		✓	
Anchorage Police Department			
AWWU	✓		
DHHS Environmental			
DHHS Social Services			
Community Council			
Fire Prevention			
Flood Hazard			
ML&P			
On-Site Water & Wastewater			
Parks and Recreation			
Project Mgt & Engineering		✓	
Right of Way		✓	
School District			
Transit		✓	
Treasury			
Traffic & Transportation Planning	✓	✓	
Watershed Management Services			

AWWU

09-059 E 88th UPGRADE FROM LAKE OTIS PARKWAY TO LITTLE BROOK STREET, Site plan review for a public roadway, Grid SW2334

1. AWWU water main currently runs east from Lake Otis parkway to Little Brook Street.
2. AWWU sanitary sewer main currently runs from Lake Otis Parkway east to Little Brook Street.
3. AWWU requests that locates be performed prior to any construction so that clearances may be maintained
4. AWWU Planning Department requests to be involved in the upcoming design review and any construction projects that pertain to this project.
5. AWWU has no objection to this Site plan review.

09-060

MOUNTAIN VIEW BLK 2 LT 2 & 3 N2, Rezoning to B-3 General business district, Grid SW1135

1. AWWU water main located in Richmond Avenue is currently available to these parcels.
2. AWWU sanitary sewer main located in Richmond Avenue is currently available to these parcels.
3. AWWU has no objection to this rezoning.

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

Case No. 2009-058– Site Plan Review for a Public Roadway – 72nd Avenue, Brayton to Lake Otis

The Private Development Division of Project Management and Engineering does not currently have any agreements for private development projects immediately adjacent to the project area. However, there is an existing agreement for improvements to the west half of Meadow Street approximately one block north of 74th. This project also includes improvement of approximately 200 feet of 74th Avenue west of Meadow Street, and installation of approximately 600 feet of 18-inch storm drain from Meadow towards Brayton. This project is in progress and is expected to be completed in Summer 2009. As far as applicable, the 72nd Avenue improvements should coordinate with the private development work.

PM&E/PD also notes that technical review of this project is being conducted by PM&E's Roads and Drainage Division. PM&E/PD defers any additional technical comment to Roads and Drainage.

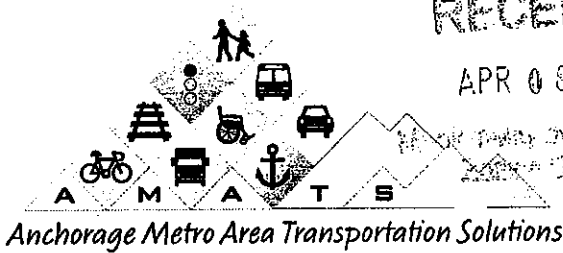
Case No. 2009-059– Site Plan Review for a Public Roadway, 88th Avenue, Lake Otis to Little Brook

The Private Development Division of Project Management and Engineering does not currently have any agreements for private development projects near the project area.

PM&E/PD also notes that technical review of this project is being conducted by PM&E's Roads and Drainage Division. PM&E/PD defers technical comment to Roads and Drainage.

Case No. 2009-060 – Request for Rezone – Mountain View Community Arts Center

PM&E has no objection to this request for rezoning. However, the petitioner is alerted to the requirement to coordinate submission of a drainage analysis and calculations to PM&E under the land use permit process.



RECEIVED

APR 08 2009

MUNICIPALITY OF ANCHORAGE

Traffic Department

Transportation Planning Division

Planning & Development Center, 4700 Elmore Road

P.O. Box 196650, Anchorage, AK 99519-6650

voice (907) 343-7994, facsimile (907) 343-7998

e-mail: BrewerTM@muni.org

DATE: 3 April 2009
TO: Department of Planning, Zoning and Platting Division
THRU: Christine Bernardini, AICP, Transportation Planner
FROM: Teresa Brewer, Associate Planner
RE: Request for Comments on Rezone Request from R-4 to B-3,
Case: 2009-060.

- A. **No objection to the rezone.** Transportation Planning Staff encourages the petitioner to coordinate with the MOA Project Management and Engineering Department and the MOA Traffic Department regarding traffic circulation, pedestrian facilities, access, and parking.
- B. **Capital Improvement Program (CIP).** The CIP identifies the Mountain View Drive Upgrade Phase IV project (PME0317d) from Commercial Drive to Bragaw Street. This project will complete the upgrade of Mountain View Drive. Improvements are expected to include new pavement, pedestrian facilities on both sides including ADA improvements, upgraded street lighting, upgraded storm drain system, and landscaping. Design funding is proposed in 2010 with construction funding to follow in 2012.
- C. **Official Street and Highways Plan (OS&HP).** Mountain View Drive from E. 5th Avenue to Bragaw Street is classified as a Class II Minor Arterial which requires a minimum right-of-way of 80 feet. Richmond Avenue is not identified in the OS&HP, and is considered a local street.
- D. **Road Jurisdiction.** Mountain View Drive and Richmond Avenue are owned and maintained by the MOA.

Graves, Jill A.

From: Staff, Alton R.
Sent: Wednesday, April 15, 2009 5:18 PM
To: McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.
Subject: Plat and Zoning Comments

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APR 16 2009

Municipality of Anchorage
Zoning Division

The Public Transportation Department has no comment on the following zoning cases:

- 2009- 038
- 055
- 058
- 059
- 060
- 062
- 067
- 068

The Public Transportation Department has no comment on the following short plats:

- S11731-1
- S11732-1
- S11733-1
- S11736-1
- S11739-1
- S11740-1
- S11741-1
- S11742-1
- S11743-1
- S11744-1

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3600 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507
907-343-8230

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SARAH PALIN, GOVERNOR

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

April 2, 2009

RE: MOA Zoning Review

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APR 07 2009

Municipality of Anchorage
Zoning Division

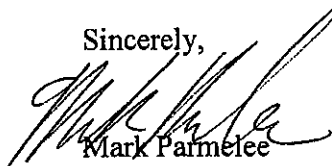
Mr. Jerry Weaver, Platting Officer
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following applications and has no comment:

2009-060; Mountain View Community Arts Center Zoning Map Amendment
2009-062; Sign Variance for Comfort Suites
2009-058; Site Plan Review for a Public Roadway 72 Ave
2009-059; Site Plan Review for a Public Roadway 88 Ave

Sincerely,



Mark Parmelee
Area Planner

/aj

4/6/09
R-O-W

09-060

Mountain View, Block 2, Lot 3 W3 N2, M3 N2, E3 N2, & Lot 2, grid 1135
(Rezoning Request, R-4 and R-4/B-3 to B-3)

Right of Way Division has no comments at this time.

Review time 15 minutes.

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APR 06 2009

Municipality of Anchorage
CONCERN DIVISION

09-059 **Eighty Eighth Avenue between Lake Otis Parkway and Little Brook Street; Site Plan Review for a public roadway**

Traffic Engineering will comment on roadway design in the Project Management and Engineering review process.

09-060 **Mountain View, Lots 3 & 2 Block 2; Rezone from R-4 Multi family to B-3 general business district; Grid 1135**

Traffic Engineering and Transportation Planning have no comment.

RECEIVED

MAR 30 2009

**Municipality of Anchorage
Zoning Division**

**Mt View Community Council
Mountain View Multidisciplinary Art and Culture Center Resolution
February 9, 2009**

A resolution of the Mt View Community Council supporting the rezone of the lots located north of Mountain View Drive between Taylor Street and Price Street, approval of a parking variance, replat, rezone and construction of the Mountain View Multidisciplinary Art and Culture Center.

Whereas, the role of community art centers in economic and community development is well-documented;

Whereas, the Mountain View Community Council's vision and community plan includes development of an art and culture facility in the neighborhood; and,

Whereas, a community art and culture center in Mountain View is essential to the continued revitalization of the neighborhood; and,

Whereas, the proposed community art and culture center will include classrooms, art and craft studios, a café, computer rooms and a multi-use space for use by, and to benefit Mountain View and the broader Anchorage community; and,

Whereas, the Anchorage Community Land Trust and Trailer Art Center are committed to being good neighbors to the residents, businesses and property owners in Mountain View; and,

Whereas, the project necessitates rezoning three properties from R-4 to B-3, the re-plat of seven lots into one and the approval of a parking variance; now,

Therefore, be it resolved that

The Mountain View Community Council supports the development of a multi-disciplinary art and culture center in Mt. View to be located north of Mountain View Drive between Taylor Street and Price Street; and,

The Mt View Community Council strongly supports the rezoning, replat, and approval of a parking variance and,

The Mt View Community Council urges the Municipality of Anchorage to support the rezone, replat, and parking variance.

Passed this 9th day of February 2009.



Don Crandall, President

3

APPLICATION

41



DOWL HKM

March 11, 2009
W.O. D59841

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

Subject: Application for Zoning Map Amendment - 3543 Mountain View Drive
Block 2, Lot 3 W3 N2 Mountain View Subdivision,
Block 2, Lot 3 M3 N2 Mountain View Subdivision,
Block 2, Lot 3 E3 N2 Mountain View Subdivision, and
Block 2, Lot 2 Mountain View Subdivision

Dear Commission Members:

DOWL HKM is pleased to submit this zoning map amendment application for three entire parcels and one portion of a split-zoned parcel at 3543 Mountain View Drive, located north of Mountain View Drive between Taylor Street and Price Street. The properties are legally described as Block 2, Lot 3 W3 N2 Mountain View Subdivision; Block 2, Lot 3 M3 N2 Mountain View Subdivision; Block 2, Lot 3 E3 N2 Mountain View Subdivision; and Block 2, Lot 2 Mountain View Subdivision in Anchorage. The property tax identification numbers for these parcels are 004-031-14-000, 004-031-15-000, 004-031-16-000 and 004-031-02-000. The first three parcels are each 6,750 square feet in size and the portion of the fourth parcel proposed for rezoning is 20,250 square feet.

Currently, three of the parcels are zoned R-4 and the fourth is a split-zoned parcel zoned both B-3 and R-4. The purpose of this zoning map amendment is to rezone property that will be used to construct a community arts center in Mountain View. This zoning map amendment will rezone three whole parcels and one portion of a split-zoned parcel from R-4 (multiple-family residential district) to B-3 (general business district), to match the zoning of the three adjacent parcels to the south, and the remaining portion of the split-zoned parcel. The proposed rezoning will also allow for a replat of those seven parcels into one parcel in preparation for construction of an arts center that will benefit the community.

The development of a community arts center is an important part of the ongoing revitalization plan for Mountain View. The proposed community arts center will replace the old John's RV Park which is currently a vacant and blighted property. As part of the revitalization effort, the Mountain View neighborhood has a desire to establish an arts district and would like to begin this by creating a community center where arts and culture can be integrated into the community. This project would create a venue for community events and cultural programs, studios for budding local artists to use, provide computer facilities, a dance studio, café, gallery, and host art classes and lessons, providing a much needed community facility for the Mountain View area, benefiting the community as a whole. This project is supported by the Mountain View Community Council and builds on recent private and public investment in the area.

907-562-2000 ■ 907-563-3953 (fax) ■ 4041 B Street ■ Anchorage, Alaska 99503 ■ www.dowlhkm.com

Alaska - Anchorage, Juneau, Palmer ■ Arizona - Tucson, Tempe ■ Montana - Billings, Bozeman, Butte, Great Falls, Helena, Miles City
Washington - Redmond ■ Wyoming - Lander, Laramie, Sheridan

Planning and Zoning Commission
Municipality of Anchorage
March 11, 2009
Page 2

The rezone request is consistent with land use patterns in the surrounding neighborhood and general area. In addition, the rezone request is consistent with the approved Anchorage Bowl Comprehensive (ABC 2020) Plan and the 2006, approved in concept, Land Use Plan Map, as the immediate area is designated as a commercial or mixed-use neighborhood center. The redevelopment of the property also fulfills specific goals and policies identified in the ABC 2020 Plan.

Thank you for your consideration of this proposal. Please feel free to contact me if you or your staff have any questions.

Sincerely,
DOWL HKM

A handwritten signature in black ink, appearing to read "Timothy C. Potter", written in a cursive style.

Timothy C. Potter
Director of Planning

Attachment: Zoning Map Amendment Application Package

D59841.P&ZC.MLS.TCP.031109.tla



February 6, 2009

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:

Anchorage Community Land Trust, Inc. (ACLT) is the current owner of:

- 1) BLK 2, LT 3, W3 N2 Mt. View Sub., parcel number 004-031-14-000,
- 2) BLK 2, LT 3, M3 N2 Mt. View Sub., parcel number 004-031-15-000,
- 3) BLK 2, LT 3, E3 N2 Mt. View Sub., parcel number, 004-031-16-000,
- 4) BLK 2, LT 3, W3 S2 Mt. View Sub., parcel number 004-031-07-000,
- 5) BLK 2, LT 3, M3 S2 Mt. View Sub., parcel number 004-031-06-000,
- 6) BLK 2, LT 3, E3 S2 Mt. View Sub., parcel number 004-031-05-000 , and
- 7) BLK 2, LT 2, Mt. View Sub., parcel number 004-031-02-000.

All of these parcels are located at 3543 Mountain View Drive, in Anchorage, Alaska. The first six parcels have an area of 6,750 square feet. The last parcel has an area of 40,500 square feet.

We authorize DOWL HKM to represent us and submit applications for land use planning and platting actions in accordance with Anchorage Municipal Code 21.20.050.A.7.

Sincerely,

A handwritten signature in black ink, appearing to read "Jewel Jones", written in a cursive style.

Jewel Jones
Executive Director
Anchorage Community Land Trust

Application for Zoning Map Amendment

Municipality of Anchorage
 Planning Department
 PO Box 196850
 Anchorage, AK 99519-6650

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Anchorage Community Land Trust	Name (last name first) DOWL HKM
Mailing Address 3142 Mountain View Drive	Mailing Address 4041 B Street
Anchorage, AK 99501	Anchorage, Ak 99503
Contact Phone: Day: 907.274.5848 Night:	Contact Phone: Day: 907.562.2000 Night:
FAX: 907.274.0103	FAX: 907.563.3953
E-mail:	E-mail: tshickok@dowlhkm.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): 004-031-14-000, 004-031-15-000, 004-031-16-000, 004-031-02-000	
Site Street Address: 3543 Mountain View Drive.	
Current legal description: (use additional sheet if necessary)	
See attached sheet.	
R-4 to B-3	
Zoning: See attached.	Grid # SW1135
Acreage: See attached.	

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 3/11/09	Signature <i>[Handwritten Signature]</i> (Agents must provide written proof of authorization)
-----------------	--

Accepted by:	Poster & Affidavit	Fee	Case Number 45
--------------	--------------------	-----	-------------------

COMPREHENSIVE PLAN INFORMATION			
Anchorage 2020 Urban/Rural Services: <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural			
Anchorage 2020 West Anchorage Planning Area: <input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside			
Anchorage 2020 Major Urban Elements: Site is within or abuts:			
<input type="checkbox"/> Major Employment Center	<input type="checkbox"/> Redevelopment/Mixed Use Area	<input type="checkbox"/> Town Center	
<input checked="" type="checkbox"/> Neighborhood Commercial Center	<input type="checkbox"/> Industrial Center		
<input type="checkbox"/> Transit - Supportive Development Corridor			
Eagle River-Chugiak-Peters Creek Land Use Classification: N/A			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			
Girdwood- Turnagain Arm N/A			
<input type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Parks/opens space	<input type="checkbox"/> Public Land Institutions
<input type="checkbox"/> Marginal land	<input type="checkbox"/> Alpine/Slope Affected	<input type="checkbox"/> Special Study	
<input type="checkbox"/> Residential at _____ dwelling units per acre			

ENVIRONMENTAL INFORMATION (All or portion of site affected)					
Wetland Classification:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> "C"	<input type="checkbox"/> "B"	<input type="checkbox"/> "A"	
Avalanche Zone:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Blue Zone	<input type="checkbox"/> Red Zone		
Floodplain:	<input checked="" type="checkbox"/> None	<input type="checkbox"/> 100 year	<input type="checkbox"/> 500 year		
Seismic Zone (Harding/Lawson):	<input checked="" type="checkbox"/> "1"	<input type="checkbox"/> "2"	<input type="checkbox"/> "3"	<input type="checkbox"/> "4"	<input type="checkbox"/> "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)	
<input type="checkbox"/> Rezoning - Case Number:	
<input checked="" type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat - Case Number(s): S-11732-1
<input type="checkbox"/> Conditional Use - Case Number(s):	
<input type="checkbox"/> Zoning variance - Case Number(s):	
<input type="checkbox"/> Land Use Enforcement Action for	
<input type="checkbox"/> Building or Land Use Permit for	
<input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Municipality of Anchorage	

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

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.

PROPERTY INFORMATION

Property Tax #(000-000-00-000): 004-031-14-000
Site Street Address: 3543 Mountain View Drive, Anchorage, AK 99501
Current legal description: BLK 2, LT 3, W3 N2, Mountain View Subdivision
Zoning: R-4
Acreage: 6,750 Square Feet (0.16 acre)
Grid #: SW1135

Property Tax #(000-000-00-000): 004-031-15-000
Site Street Address: 3543 Mountain View Drive, Anchorage, AK 99501
Current legal description: BLK 2, LT 3, M3 N2, Mountain View Subdivision
Zoning: R-4
Acreage: 6,750 Square Feet (0.16 acre)
Grid #: SW1135

Property Tax #(000-000-00-000): 004-031-16-000
Site Street Address: 3543 Mountain View Drive, Anchorage, AK 99501
Current legal description: BLK 2, LT 3, E3 N2, Mountain View Subdivision
Zoning: R-4
Acreage: 6,750 Square Feet (0.16 acre)
Grid #: SW1135

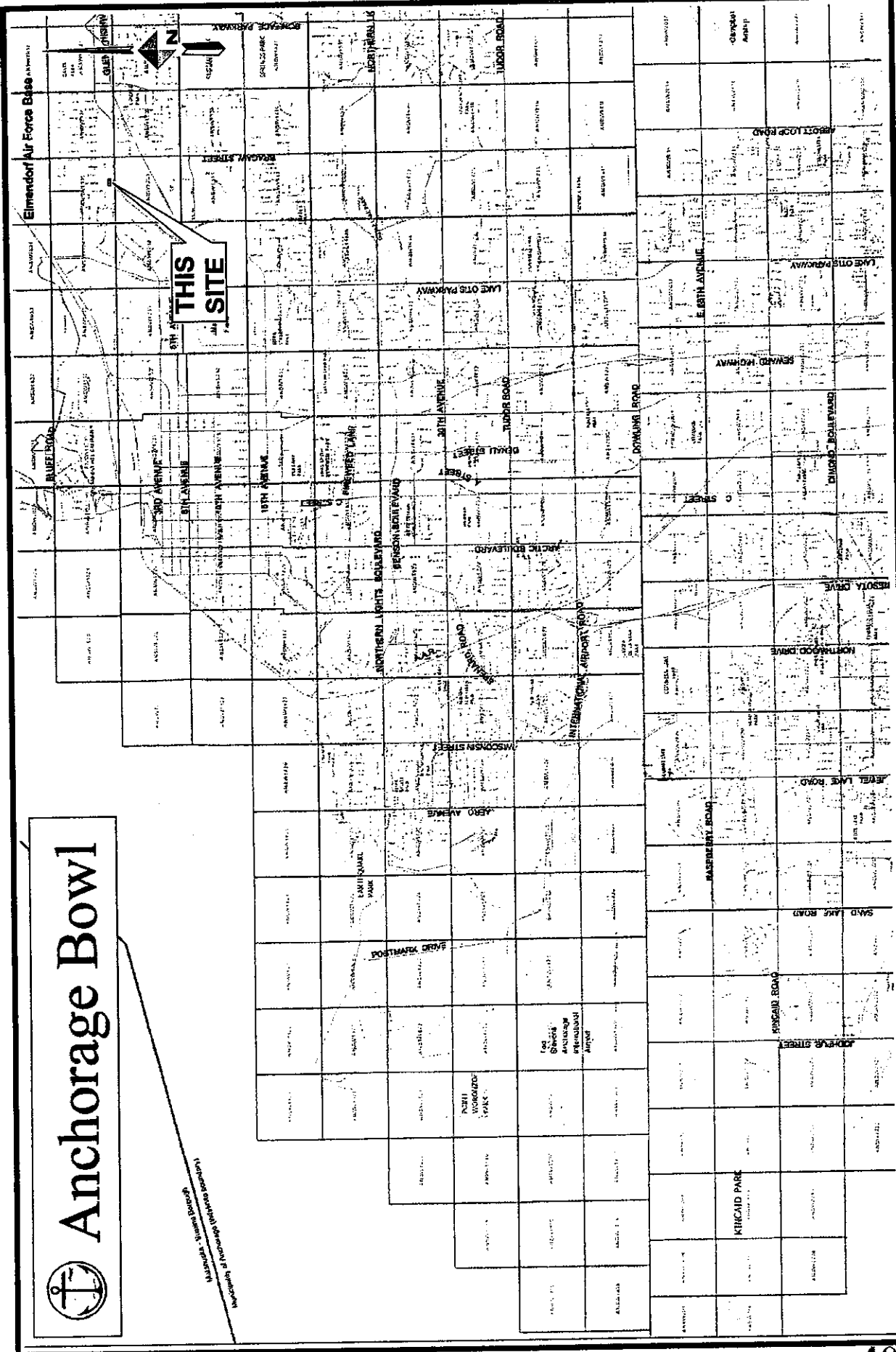
Property Tax #(000-000-00-000): 004-031-02-000
Site Street Address: 3543 Mountain View Drive, Anchorage, AK 99501
Current legal description: BLK 2, LT 2, Mountain View Subdivision
Zoning: B-3/R-4
Acreage: 40,500 Square Feet (0.93 acre)
Portion proposed for rezone: 20,250 Square Feet (0.46 acre)
Grid #: SW1135

**FIGURE 1 -
VICINITY MAP**

Anchorage Bowl



Map created by: Victoria Bouslog
 Date: 11/10/2009
 Location: Anchorage, Alaska



SCALE: 1"=1mi.

MOA GRID: SW 1135

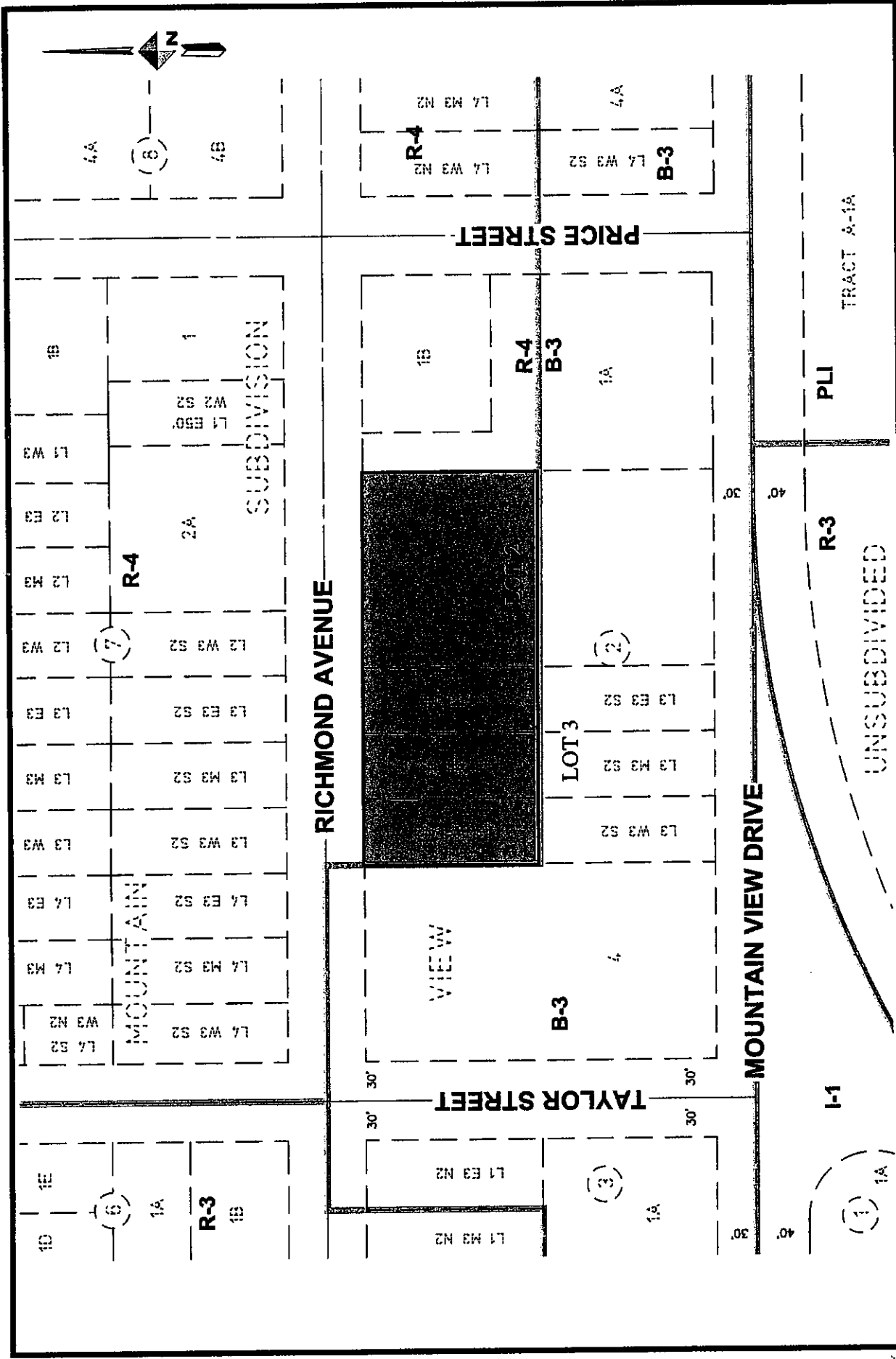
P:\Project\119209\119209-AVARTS.dwg 2009-3-10

FIGURE 1

VICINITY MAP MOUNTAIN VIEW ARTS AND CULTURAL CENTER ANCHORAGE, ALASKA



**FIGURE 2 –
LOCATION & ZONING MAP**



MOA GRID: SW 1135
 SCALE: 1"=100'

FIGURE 2
 LOCATION MAP
 MOUNTAIN VIEW ARTS AND CULTURAL CENTER
 ANCHORAGE, ALASKA



**MOUNTAIN VIEW COMMUNITY ARTS CENTER
ZONING MAP AMENDMENT APPLICATION**

OVERVIEW

DOWL HKM is submitting this zoning map amendment application on behalf of JL Properties in conjunction with the Rasmuson Foundation, Trailer Arts Center, and the Anchorage Community Land Trust. The purpose of this zoning map amendment is to rezone property that will be used to construct a community arts center in Mountain View. This zoning map amendment will rezone three whole parcels and a portion of a split-zoned parcel from R-4 (multiple-family residential district) to B-3 (general business district), to match the zoning of the three adjacent parcels to the south, and the remaining portion of the split-zoned parcel. The proposed rezone will allow for a replat of those seven parcels into one 1.85-acre parcel in preparation for construction of a community arts center for the Mountain View community.

The development of a community arts center is an important part of the revitalization plan for Mountain View. Revitalization is already underway in other areas of Mountain View and this project builds on those efforts. The project is supported by the Mountain View Community Council (Attachment A). As part of the revitalization effort, the Mountain View neighborhood has a desire to establish an arts district and would like to begin this by creating a center where arts and culture can be integrated into the community. It would create a venue for community events and cultural programs, studios for budding local artists to use, provide computer facilities, a dance studio, café, gallery, and host art classes and lessons. This project will redevelop underutilized lands owned by the Anchorage Community Land Trust, including a former RV park that is now abandoned.

The combined acreage of the area to be rezoned consists of 0.92 acres of developed land located in Mountain View. Currently, three of the parcels are zoned solely R-4 and the fourth is a split-zoned parcel zoned both B-3 and R-4. The parcels are legally known as Block 2, Lot 3 W3 N2 Mountain View Subdivision, Block 2, Lot 3 M3 N2 Mountain View Subdivision, Block 2, Lot 3 E3 N2 Mountain View Subdivision, and Block 2, Lot 2 Mountain View Subdivision (Figures 1 and 2). The sites are located in an area covered by the Anchorage Bowl

Comprehensive Plan (ABC 2020) and are identified as medium intensity residential. The 2006 draft approved in concept Land Use Plan Map designates the immediate area as a neighborhood center and medium intensity residential. The ABC 2020 Land Use Policy Map shows the immediate area as a Neighborhood Commercial Center. This project would be consistent and compatible with these land uses.

This zoning map amendment for the parcels is required as the current R-4 zoning designation does not allow for the specific uses intended for the arts center project; however, we have determined that the principle uses are compatible with the B-3 zoning district. This was confirmed via written communication with the Municipality of Anchorage Planning Department (Attachment B) that stated that:

"Pursuant to AMC 21.40.180.B permitted principle uses and structures are as follows:

- 1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsequent section D of this section and uses prohibited under subsection E of this section.*

- 4. Computer aided learning center.*

The following uses are permitted under AMC 21.40.180.B.1. The uses are specifically outlined under Chapter 21.40 zoning district B-3 (AMC 21.40.180.B.2) dated April 1, 1984. These uses were incorporated into the subsequent drafts of the B-3 district as business, business services, professional services and personal services.

- (n) Restaurants, tea rooms, cafes and other places serving food and beverages.*

- (w) Art studios, art supplies and picture framing shops.*

- dd) Auditoriums, libraries, museums, historical and cultural exhibitions and the like.*

- (jj) Business service establishments including commercial and job printing.*

The above uses are permitted provided all of the B-3 requirements are met."

21.20.090 Standards for Approval

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.

The rezone request is consistent with land use patterns in the surrounding neighborhood and general area. The municipal zoning map shows the surrounding parcels to this site as both multi-family residential and business commercial. The adjacent lands to the west are designated B-3 and are occupied by a multi-occupancy retail plaza. The lands to the south are also zoned B-3 and are occupied by two vacant buildings that were a hotel/trailer park, but are planned to become part of the replat for the arts center project. The lands to the north and northeast are zoned as R-4 and designated as multi-family residential, while lands to the southeast are zoned as B-3, are designated for business and are currently occupied by a convenience food market.

The zoning amendment will remove the existing split-zoned parcel and also avoid the creation of a new split-zoned parcel (which is undesirable) when the parcels are replatted into one larger parcel, creating a site upon which the community arts center can be built.

In addition, the 2006, approved in concept, Land Use Plan Map designates the immediate area as a neighborhood center and medium intensity residential, and the ABC 2020 Land Use Policy Map shows the immediate area as a Neighborhood Commercial Center. The ABC 2020 Plan states that this type of development is expected to be adjacent or near to commercial/mixed use areas and that have amenities close by for residents; therefore, the rezone of the parcels from R-4 to B-3 would be compatible and consistent with the ABC 2020 Plan for the area.

Mountain View is a relatively high-density residential area. The supply of high-density residential lands is sufficient. Community facilities are needed to serve the high-density residences and this site is near to R-4 zoned properties and neighborhoods that can use the community arts and cultural center to enrich their lives.

The proposed community art center will not create excessive noise or vibration, dust, smoke or other noxious matter, or be used to store junk or salvage. The proposed rezone and proposed development are compatible with current land use patterns. It is not expected that the proposed development will have substantive adverse effects on the environment, transportation, public services and facilities or land use patterns, but will provide a focus and impetus for revitalization of the area.

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

Two B-3 zoned vacant parcels have been identified in the general area. The vacant parcel to the southeast (Tract 4, Fairview Subdivision) is just over 1 acre in size and therefore not large enough for the planned arts center which requires almost 1.85 acres. The only suitably sized vacant B-3 zoned land to the southwest is zoned B-3 with special limitations that require 12 residential units per acre to be built on the site. In addition, during soils investigation at the site, deep fill material was found and determined to be unsuitable for construction and therefore, for both of these reasons, the site would not be suitable for the planned project. Additionally, the ABC 2020 Plan identifies the need for infill and redevelopment projects due to a shrinking availability of vacant land, meaning that the proposed use for the site is a suitable use of the land. Thus, the proposed amendment to the zoning map will allow more efficient use of the site, consistent with the economic demand for the land.

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 subsection 2 of this subsection.

Construction is proposed to begin by late 2009 or 2010. There are existing water and sewer services connections to multiple lots that would have to be disconnected/abandoned. New water and sewer services would be connected from the water and sewer mainlines that run through Mountain View Drive and/or Richmond Avenue during construction of the arts center. A storm drain main as well as gas, cable, electric, and telephone service lines are available within Mountain View Drive.

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.

This amendment is not expected to have any substantive effect on the distribution of land uses and residential intensities specified in the comprehensive plan. The proposed zoning amendment request is from the existing R-4, to B-3. The 2006, approved in concept, Land Use Plan Map designates the immediate area as a neighborhood center and medium intensity residential, ABC 2020 Land Use Policy Map shows the immediate area as a Neighborhood Commercial Center. This project would be consistent and compatible with these land uses.

According to the ABC 2020 Plan most of the suitable land in the Anchorage Bowl is already developed and many areas need to be redeveloped to allow for efficient use of our limited land base. The plan envisions Anchorage as a safe and healthy place to live where daily life is enriched by a wealth of year round recreational and educational opportunities and an active learning community with abundant cultural amenities. Goals include the development of communities that encourage arts and cultural activities as a catalyst for education, communication economic development, and social progress.

A key planning issue identified in the ABC 2020 Plan is that infill or redevelopment of unused and partially developed parcels and obsolete buildings becomes more economically feasible as Anchorage's vacant land base shrinks. It states that infill, rehabilitation and redevelopment will reshape and modernize older areas so they can better meet future needs for housing and other uses and activities. This site was a former mobile home/RV park and presently contains two vacant blighted buildings. This proposed project will redevelop this site into an integral part of the community.

The proposed development addresses issues and fulfills specific goals and policies identified in the ABC 2020 Plan. Policy 87 states that public facilities should be developed to support the life-long learning needs of community residents through a variety of formal and informal educational opportunities.

Policy 88 states that opportunities should be provided for integrating arts and culture in developments throughout the community. The anticipated development of a community arts center on the proposed site would provide a much needed community facility for the Mountain View area benefiting the community as a whole.

The development of a community arts center is consistent with the Anchorage Community Land Trust vision for Mountain View. This project will continue the revitalization of Mountain View that has been supported through, public, non-profit, and private investment in the area.

D59841.Zoning Amend App Overview.MLS.031009.tla

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.**

The rezone request is consistent with existing land use patterns in the surrounding neighborhood and general area. The municipal zoning map shows the surrounding parcels to this site as both multi-family residential and business commercial. The area is a developed, diverse mix of uses. The adjacent lands to the west are designated B-3 and are occupied by a multi-occupancy retail plaza. The lands to the south are also zoned B-3 and were occupied by a hotel/trailer park, but are planned to become part of the replat for the arts center project. The lands to the north and northeast are zoned as R-4 and designated as multi-family residential, while lands to the southeast are zoned as B-3, are designated for business, and are currently occupied by a convenience food market. The development plans for this parcel will be compatible and will enhance redevelopment in the area.

The 2006, approved in concept, Land Use Plan Map designates the immediate area as a neighborhood center and medium intensity residential, and the ABC 2020 Land Use Policy Map shows the immediate area as a Neighborhood Commercial Center. The proposed rezone is compatible with these designations. See the attached narrative for further discussion of compatibility with the Anchorage Bowl Comprehensive 2020 Plan's (ABC 2020) goals and policies.

Therefore, we believe that the proposed rezone does conform to the land use classification in the ABC 2020 Plan.

2. If the proposed zoning map amendment does not conform to the generalized residential 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,**

Not applicable.

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.

While the zoning map amendment will create lesser residential intensity on a small portion of land, the amendment will result in the construction of a community facility that enhances quality of life in the Mountain View area and support public and private investments. The development of a community arts center is consistent with the revitalization plan for Mountain View, which is already underway in other areas. As part

of the revitalization effort, the Mountain View neighborhood has a desire to establish an arts district and would like to begin this by creating a base where arts and culture can be integrated into the community. By redeveloping this property, the project will improve underutilized and blighted land and create a venue for community events and cultural programs, studios for budding local artists to use, provide computer facilities, a dance studio, café, gallery, and host art classes and lessons, providing a much needed community facility for the Mountain View area.

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.

Mountain View is a relatively high-density residential area. The supply of high-density residential lands is sufficient. Community facilities are needed to serve the high-density residences. According to the ABC 2020 Plan most of the suitable land in the Anchorage Bowl is already developed. The plan envisions Anchorage as a safe and healthy place to live where daily life is enriched by a wealth of year round recreational and educational opportunities and an active learning community with abundant cultural amenities. Goals include the development of communities that encourage arts and cultural activities as a catalyst for education, communication economic development, and social progress.

A key planning issue identified in the ABC 2020 Plan is that infill or redevelopment of unused and partially developed parcels and obsolete buildings becomes more economically feasible as Anchorage's vacant land base shrinks. It states that infill, rehabilitation and redevelopment will reshape and modernize older areas so they can better meet future needs for housing and other uses and activities. This site was a former mobile home/RV park and presently contains two vacant blighted buildings. This proposed project will redevelop this site into an integral part of the community.

The proposed development addresses issues and fulfills specific goals and policies identified in the ABC 2020 Plan. Policy 87 states that public facilities should be developed to support the life-long learning needs of community residents through a variety of formal and informal educational opportunities.

Policy 88 states that opportunities should be provided for integrating arts and culture in developments throughout the community. The anticipated development of a community arts center on the proposed site would provide a much needed community facility for the Mountain View area benefiting the community as a whole.

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

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.):

a. Environment

The project is not expected to have any substantive discharge of air, water, or noise Pollution. No adverse environmental effects are anticipated.

b. Transportation

The project is not expected to generate a large volume of traffic. No adverse transportation effects are anticipated.

c. Public Services and Facilities

The project is proposed in an area that currently has public services and facilities. No adverse public services and facilities effects are anticipated.

d. Land Use Patterns

This amendment is not expected to have any substantive effect on the distribution of land uses and residential intensities specified in the comprehensive plan. The proposed zoning amendment request is from the existing R-4, to B-3. The 2006, approved in concept, Land Use Plan Map designates the immediate area as a neighborhood center and medium intensity residential, and the ABC 2020 Land Use Policy Map shows the immediate area

as a Neighborhood Commercial Center. This project would be consistent and compatible with these land uses.

- 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 available land is not sufficient or is not adequate to meet the need for land in this zoning category?**

Two B-3 zoned vacant parcels have been identified in the general area. The vacant parcel to the southeast (Tract 4, Fairview Subdivision) is just over an acre in size and therefore not large enough for the planned arts center. The only suitably sized vacant B-3 zoned land to the southwest is zoned B-3 with special limitations that require 12 residential units per acre to be built on the site. In addition, during soils investigation at the site, deep fill material was found and determined to be unsuitable for construction and therefore, for both of these reasons, the site would not be suitable for the planned project.

- 3. When would development occur under the proposed 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?**

Construction is proposed to begin in 2009/2010. Public services are available to the petition site.

- 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?**

The rezone request is consistent with land use patterns in the surrounding neighborhood and general area (see the discussion in land use pattern above and the narrative for further discussion). The redevelopment will reshape and modernize the blighted property for other uses and activities. The anticipated development of a community arts center on the proposed site fulfills that policy in the ABC 2020 plan, and provides a much needed community

facility for the Mountain View area benefiting the community as a whole. In addition, Mountain View is a relatively high-density residential area. The supply of high-density residential lands is sufficient. Community facilities are needed to serve the high-density residences and this site is near to R-4 zoned properties and neighborhoods that can use the community arts and cultural center to enrich their lives.

D59841.Zoning Map Amendments.MLS.031009.tla

**ATTACHMENT A –
MOUNTAIN VIEW COMMUNITY COUNCIL RESOLUTION**

**ATTACHMENT B –
ZONING INTERPRETATION LETTER FROM THE
MUNICIPALITY OF ANCHORAGE PLANNING DEPARTMENT**



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Elmwood Road • Anchorage, Alaska 99507 • <http://www.muni.org/planning>

Acting Mayor Matt Claman

Planning Department

February 23, 2009

DOWL HKM
Attn: Tanya S. Hickok
4041 B Street
Anchorage, AK 99503

Reference: Use Determination, Mountain View, Block 2, Lot 3 W2 N2, M3 N2, E3 N2, W3 S2, M3 S2, E3 S2, and Block 2 Lot 2 located at 3543 Mountain View Drive; Grid: SW1135

Dear Ms. Hickok:

The proposed uses as described in your request dated February 10, 2009 are as follows:

Proposing to build a community arts center for community use with a printmaking studio, welding studio, jewelry and light metal studio, water based art studios, studios for individual artists, wood shop, painting bay, big project bay, outdoor work area, outdoor exhibition and performance area, a writing center, computer classroom, gallery, café, large and small multi-use spaces; the larger containing retractable seating and the smaller containing a sprung floor.

The property tax records indicate three parcels are zoned R-4, multiple-family residential district and four parcels are zoned B-3, general business district.

The proposed uses as outlined on your letter are permitted uses in the B-3, general business district. Also as indicated on your letter the R-4 districts are proposed to be re-zoned to the B-3 district.

Pursuant to AMC 21.40.180.B Permitted principal uses and structures are as follows:

(1) Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.

4. Computer aided learning center.

The following uses are permitted under AMC 21.40.180.B.1. The uses are specifically outlined under Chapter 21.40 zoning district B-3 (AMC 21.40.180.B.2) dated April 1, 1984. These uses were incorporated into the subsequent drafts of the B-3 district as business, business services, professional services and personal services.

- (n) Restaurants, tea rooms, cafes and other places serving food and beverages.
- (w) art studios, art supplies and picture framing shops.
- (dd) auditoriums, libraries, museums, historical and cultural exhibitions and the like.
- (jj) business service establishments including commercial and job printing.

The above uses are permitted provided that all of the B-3 requirements are met. Please feel free to contact our office if you have any additional questions or concerns.

Sincerely,



Brian Dean
Land Use Division Manager
Planning Department
343-8305

DRAFT ASSEMBLY ORDINANCE

Submitted by: Chairman of the Assembly at the Request

Prepared by:
For reading:

Anchorage, Alaska
AO 2009-

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AN ORDINANCE AMENDING THE ANCHORAGE ZONING MAP AND PROVIDING FOR THE REZONING OF FOUR PARCELS OF APPROXIMATELY 0.92 ACRES, FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) FOR THE PARCELS LEGALLY KNOWN AS BLOCK 2, LOT 3 W3 N2 MOUNTAIN VIEW SUBDIVISION, BOCK 2, LOT 3 M3 N2 MOUNTAIN VIEW SUBDIVISION, BLOCK 2, LOT 3 E3 N2 MOUNTAIN VIEW SUBDIVISION, AND BLOCK 2, LOT 2 MOUNTAIN VIEW SUBDIVISION, GENERALLY LOCATED AT 3543 MOUNTAIN VIEW DRIVE, IN ANCHORAGE, ALASKA.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as B-3 (General Business) zone:

Block 2, Lot 3 W3 N2 Mountain View Subdivision, containing approximately 0.16 acres
Block 2, Lot 3 M3 N2 Mountain View Subdivision, containing approximately 0.16 acres
Block 2, Lot 3 E3 N2 Mountain View Subdivision, containing approximately 0.16 acres AND
Block 2, Lot 2 Mountain View Subdivision, which is a split-zoned parcel, half of which is currently zoned R-4 containing approximately 0.46 acres as shown on Figure 2.

Section 2. The Director of the Planning Department shall change the zoning map accordingly.

Section 3. This ordinance shall be come effective immediately upon approval and passage of this ordinance.

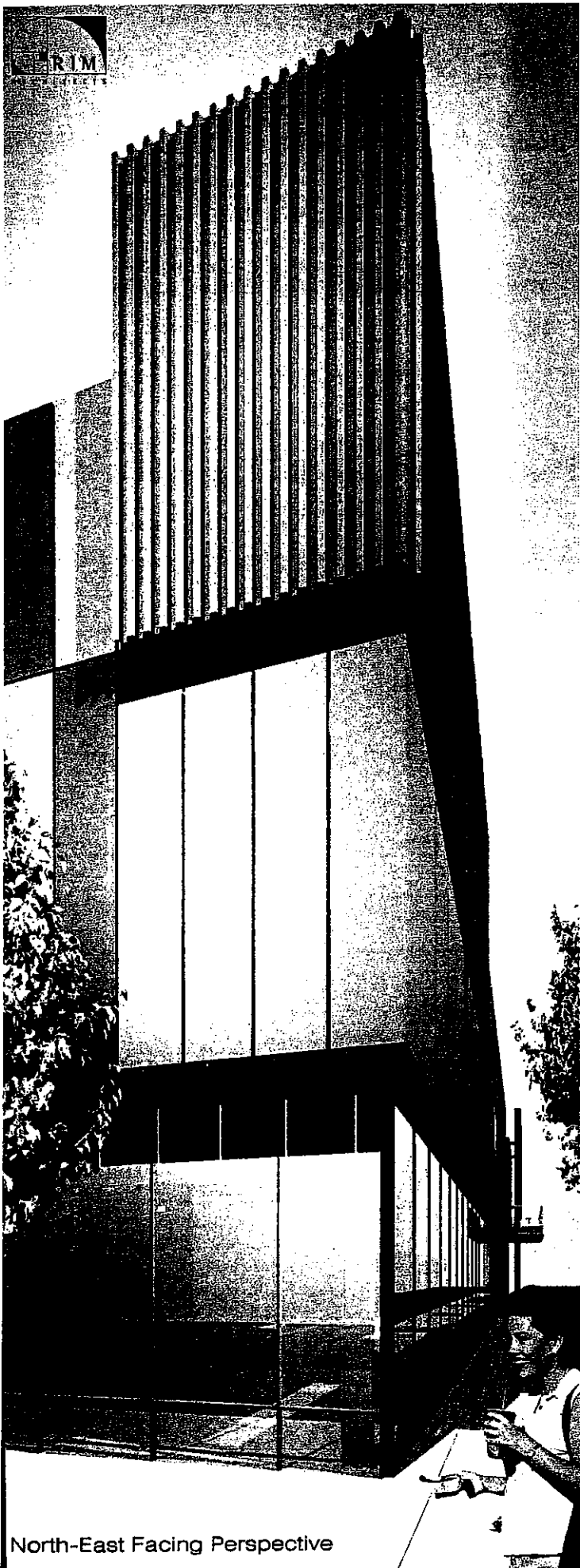
PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

ATTEST:

Chairman

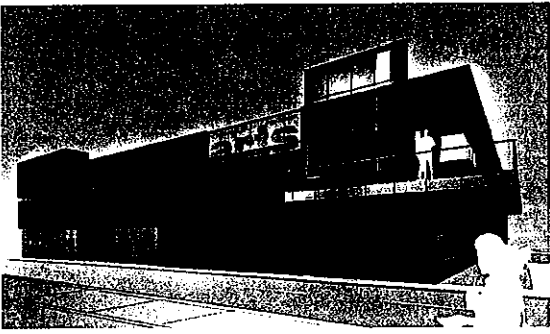
Municipal Clerk

BUILDING NARRATIVE, FLOOR PLANS AND ELEVATIONS



Mountain

North-East Facing Perspective



Mountain View Multidisciplinary **Art + Culture** Center

Anchorage, Alaska

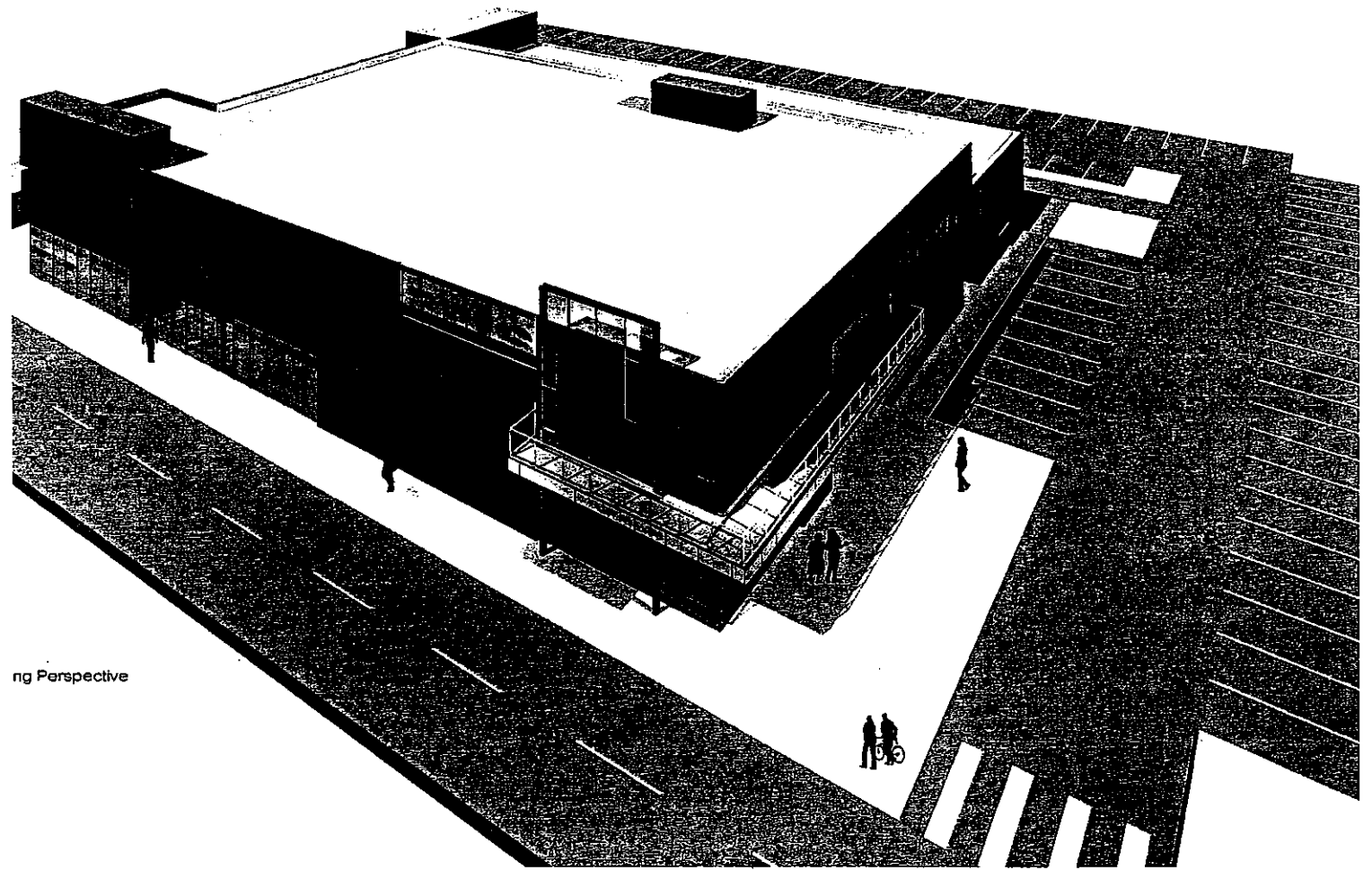
Located in the heart of Mountain View, the proposed new 30,000 SF, 2-story facility, the Mountain View Art and Culture Center will consist of an art gallery, cafe, multi-use space, educational classrooms, shops, and artist studios. The building is situated on the site to take advantage of its frontage to Mountain View drive and its unobstructed southern exposure. Vehicle parking will be provided on all sides of the building, with the main entrance at the east and a secondary entrance to the west. Multiple, well lit site access points, and bike storage will be provided in response to the large number of people in the community who either ride bikes, walk, or take public transportation.

Building Exterior

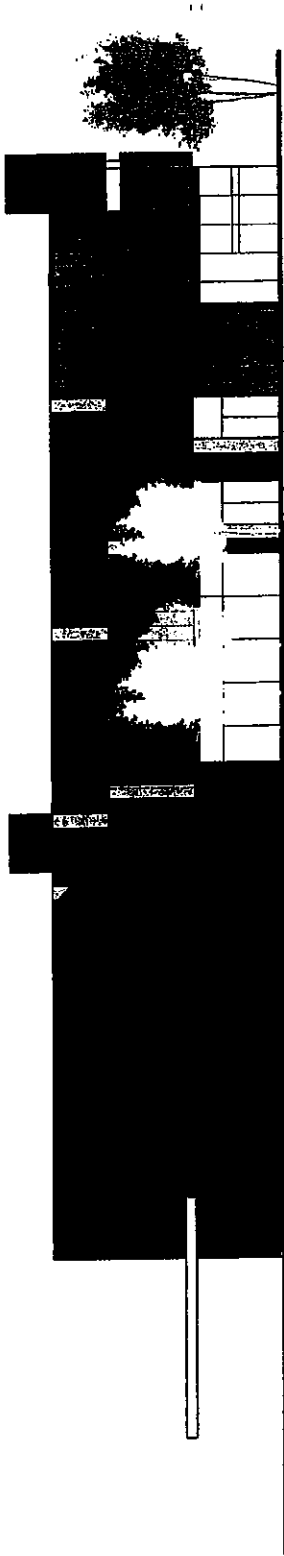
The building exterior will be a combination of metal panels and glass. Brightly colored smooth metal panels will be on the south, east and west elevations, with a more industrial corrugated metal on the north "shop" side of the building. Floor to ceiling glass at ground level will create a pedestrian connection to the building along Mt. View Drive. A deck on the second level will provide break out space on the south and east sides of the building. Skylights will provide indirect light into the artist studios, while classrooms and administration space will benefit from more direct natural light. There will be several locations on the building where opportunity for signage and art display will be located. The building will have lighting on all sides to highlight the prominent points of the building and for safety. An outdoor exhibition space will be located on the west side of the building, providing space for displaying art and for outdoor performance. Adjacent to the shops on the north side of the building will be drive through loading and a covered work space for artists who take advantage of working outside.

Building Interior

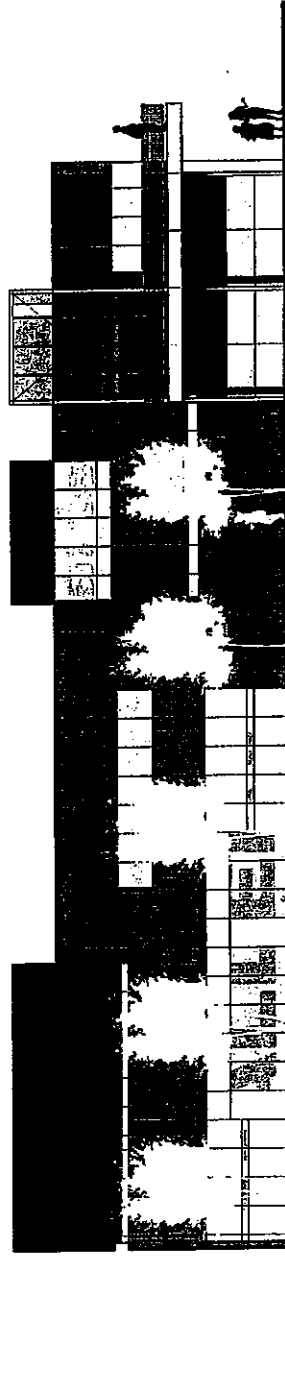
The building interior will feel very industrial, with concrete floors, and exposed painted ceilings. The creative nature of the space will inform the look and feel of the interior.



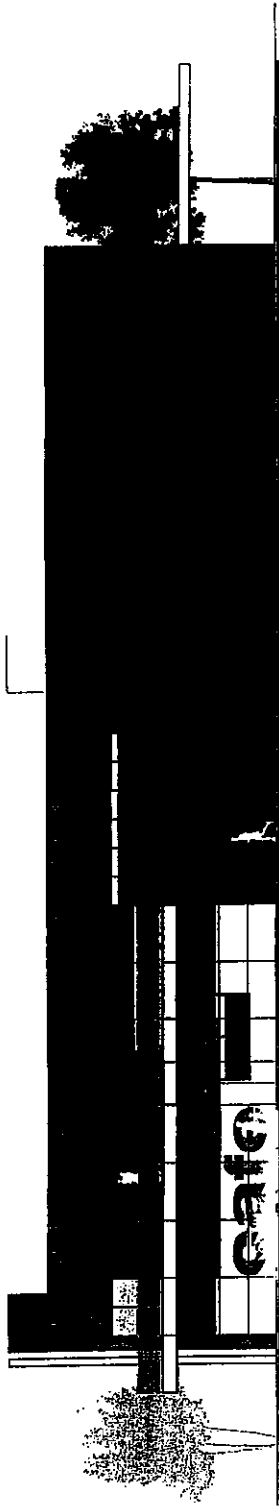
ing Perspective



West Elevation
0 3 6 9 12 15



South Elevation
0 3 6 9 12 15 18 21 24

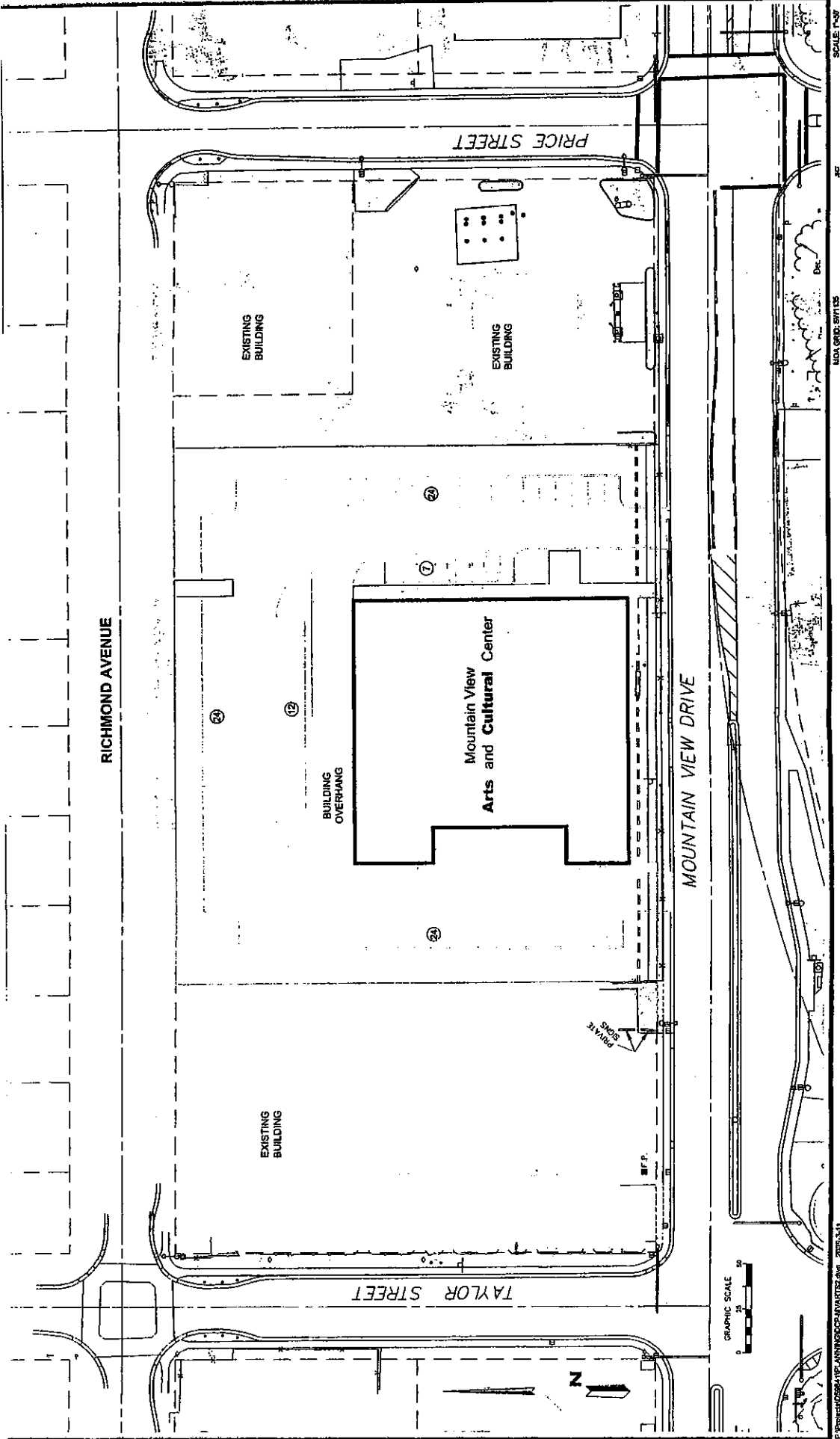


East Elevation
0 3 6 12 24



North Elevation
0 3 6 12 24

CONCEPTUAL SITE PLAN



SCALE 1/8" = 1'-0"
 MAX. GRID: 501135
 CONCEPT SITE PLAN
 MOUNTAIN VIEW ARTS AND CULTURAL CENTER
 ANCHORAGE, ALASKA
 DOWL HKM



- 4041 B Street ■ Anchorage, Alaska 99503
907-562-2000 ■ 907-563-3953 (fax)
- 5368 Commercial Boulevard ■ Juneau, Alaska 99801
907-780-3533 ■ 907-780-3535 (fax)
- 809 S. Chugach Street, Unit 4 ■ Palmer, Alaska 99645
907-746-7600 ■ 907-746-6705 (fax)

- 166 W. Alameda ■ Tucson, Arizona 85701
520-882-8696 ■ 520-624-0384 (fax)
- 430 W Warner Road, Suite B101 ■ Tempe, Arizona 85284
480-753-0800 ■ 480-753-0803 (fax)
- 8420 154th Avenue NE ■ Redmond, Washington 98052
425-869-2670 ■ 425-869-2679 (fax)

- 222 N. 32nd Street, Suite 700 ■ Billings, Montana 59101
406-656-6399 ■ 406-656-6398 (fax)
- 130 North Main Street, Suite 100 ■ Butte, Montana 59701-2839
406-723-8213 ■ 406-723-8328 (fax)
- 920 Technology Boulevard, Suite A ■ Bozeman, Montana 59718
406-586-8834 ■ 406-586-1730 (fax)
- 2701 16th Street NE ■ Black Eagle, Montana 59414
406-453-4085 ■ 406-453-4288 (fax)
- 7 West 6th Avenue, Suite 3W ■ Helena, Montana 59601
406-442-0370 ■ 406-442-0377 (fax)
- 713 Pleasant ■ Miles City, Montana 59301
406-234-6666 ■ 406-234-7065 (fax)

- 906 Main Street ■ Lander, Wyoming 82520
307-332-3285 ■ 307-332-5795 (fax)
- 1465 N. 4th Street ■ Laramie, Wyoming 82072
307-742-3816 ■ 307-742-3816 (fax)
- 16 W. 8th Street ■ Sheridan, Wyoming 82801
307-672-9006 ■ 307-672-5214 (fax)

MEMORANDUM

To:	Mary Autor
From:	Michela Spitz
Date:	April 21, 2009
Project No.:	59174
Subject:	Mountain View Arts Center Zoning Map Amendment

Arts Center Ownership

DOWL HKM is submitting a zoning map amendment application on behalf of JL Properties in conjunction with the Rasmuson Foundation, Trailer Arts Center, and the Anchorage Community Land Trust. The purpose of this zoning map amendment is to rezone property that will be used to construct a community arts center in Mountain View. Once the arts center is constructed it is intended that the Center will be "owned" by the Anchorage Community Land Trust, and then operated via a lease/operating agreement by the Trailer Arts Group, which is an independent 501(c)(3).

Loss of Residential Density

The Anchorage Bowl 2020 Plan identified a concern for the loss of residentially zoned property to commercial rezones, and recommended this be examined on a case-by-case basis.

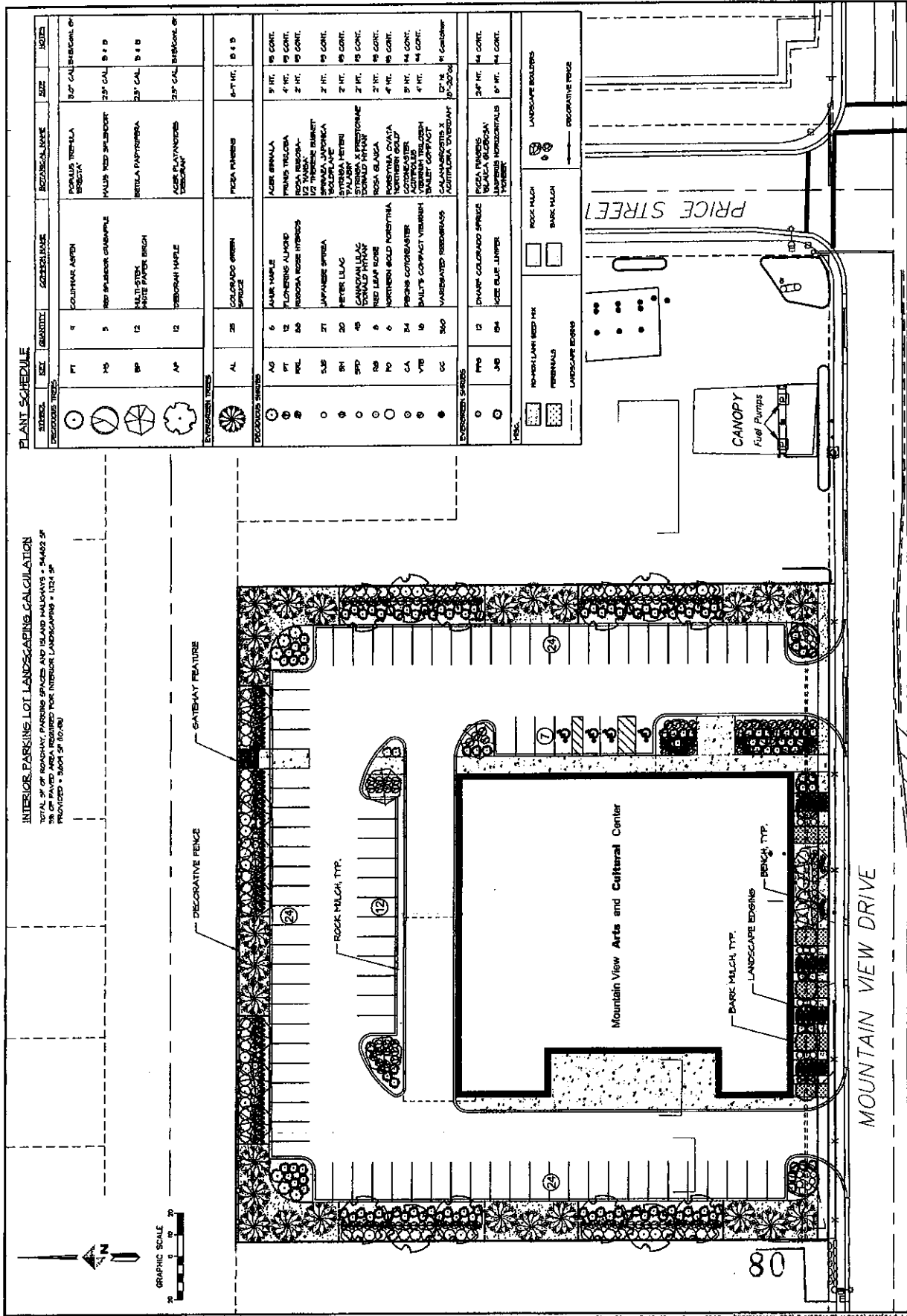
The property proposed for rezone, in association with this project, is currently zoned R-4. While the R-4 zoning district is typically considered a "residential" district, a review of the permitted, accessory and conditional uses in the R-4 district certainly do not guarantee residential development.

The Mountain View Community Council has gone on the record, for years, that the multi-family development that comes with the small, narrow, typical lots in Mountain View do not result in the type of development the community desires. Further, one of the singular, most important projects the community has identified as critical to its reconnaissance, is the Arts and Cultural building. Several other sites have been considered and pursued, without success. The vitality and prominent exposure this project will bring to Mountain View will drive the future development of more, appropriately designed and located residences. One has to remember that residential development at this location, would be squeezed between a Shell gas station (the pumps are open open 24 hours a day and the shop is open from 6 a.m. - 1 a.m.) and a strip mall housing a sports bar with all of the parking abutting these properties. Location of a highly desirable facility, which is well designed and friendly to the neighboring properties to the north, will promote better residential development on the group of vacant parcels to the north.

Again, R-4 zoning does not guarantee residential development and the Mountain View Community Council has passed a resolution of support for the rezone, replat, and this specific project.

Landscaping Plan

A conceptual landscape plan for the site is attached.

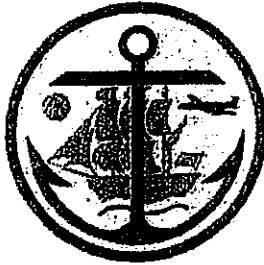


INTERIOR PARKING LOT LANDSCAPING CALCULATION
 TOTAL SF OF ROUGHWAY, PARKING SPACES AND ISLAND MALDRAYS = 54482 SF
 5% OF PAVED AREA REQUIRED FOR INTERIOR LANDSCAPING = 1724 SF
 PROVIDED = 3004 SF (100%)

PLANT SCHEDULE

SYMBOL	KEY	QUANTITY	COMMON NAME	BOTANICAL NAME	SIZE	NOTES
1	PT	4	SOUTHWEST MAPLE	QUERCUS TREMULA	10" CAL. MINORIAL OF	
2	H5	5	RED SPANISH GRAPENILE	MAUIS RED SPANISH	25" CAL. B x D	
3	BP	12	MULTI-STEM WHITE PAPER BIRCH	BETULA PAPPYRERA	25" CAL. B x D	
4	AP	12	DESORIAN MAPLE	ACEE PLATANUS DESORIAN	25" CAL. MINORIAL OF	
EXTERIOR TREES						
5	AL	28	COLORADO SPRUCE	PICEA PINES	6'-11" B x D	
EXTERIOR SHRUBS						
6	AG	6	JAPANESE MAPLE	ACEE SPINALE	9" HT.	95 CONT.
7	PT	12	FLORIDIAN ALMOND	PRUNUS TRILORNA	4" HT.	95 CONT.
8	PT	20	ROSEAU ROSE HYDRANGEA	ROSA ROSEA-1/2	2" HT.	95 CONT.
9	SUB	21	JAPANESE SPINNA	SPINNA SPINNA	2" HT.	95 CONT.
10	SH	20	SPYER LILAC	SYRINA NETERI	2" HT.	95 CONT.
11	SP	48	CANADIAN LILAC	SYRINA FRESTONIAE	2" HT.	95 CONT.
12	PO	6	RED LEAF DOGWOOD	DOGWOOD	2" HT.	95 CONT.
13	PO	6	NORTHERN BOLD DOGWOOD	ROSA GLANCA	2" HT.	95 CONT.
14	CA	24	PERNA COTONWOOD	PERNYNA OVATA	4" HT.	95 CONT.
15	VB	18	SAILOR'S COMPACT VIBURNUM	NORTHERN OLEA	5" HT.	95 CONT.
16	CC	360	VALENTINATED VERBENA	VERBENA	4" HT.	95 CONT.
EXTERIOR GRASSES						
17	PO	12	DRUMF COLORADO SPRUCE	PICEA PINES	24" HT.	14 CONT.
18	PO	24	ICE BLUE LINER	LIPIERUS HORIZONTALIS	5" HT.	14 CONT.
FINISHES						
19	ROCK	ROCK MULCH	ROCK MULCH	ROCK MULCH	LANDSCAPE BOLLERS	
20	PERNALS	PERNALS	PERNALS	PERNALS	PERNALS	
21	LANDSCAPE	LANDSCAPE EDGINS	LANDSCAPE EDGINS	LANDSCAPE EDGINS	LANDSCAPE EDGINS	

POSTING AFFIDAVIT



Case 2009-060

AFFIDAVIT OF POSTING

RECEIVED

APR 22 2009

Municipality of Anchorage
Zoning Division

Case Number: 2009-060

I, Michela Spitz, 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 Zoning Map Amendment/Rezone. The notice was posted on April 8, 2009 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 8th day of April, 2009

M. Spitz
Signature

LEGAL DESCRIPTION

Tract or Lot _____
Block _____
Subdivision _____

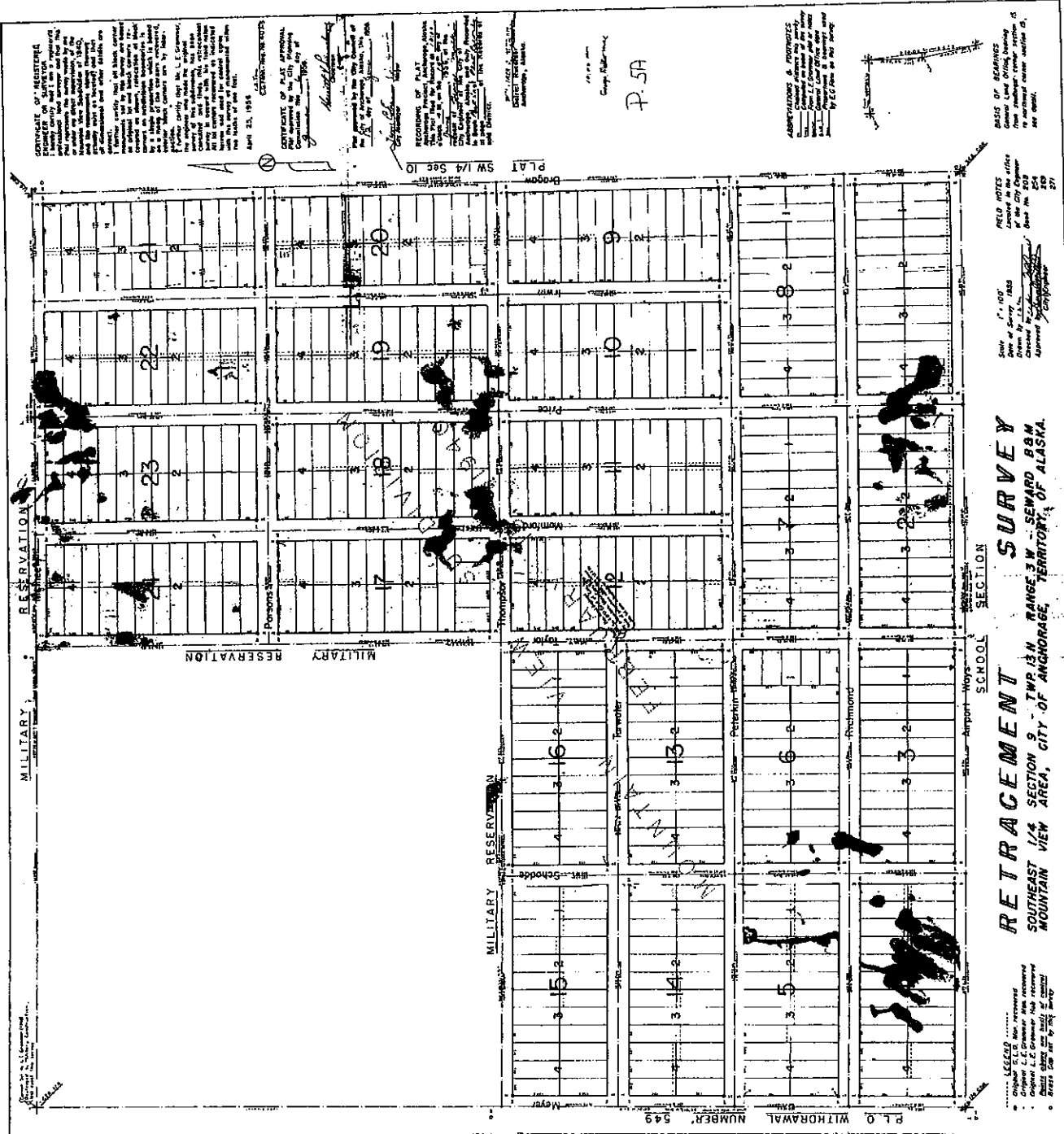
- BLK 2, LT 3, M3 N2, Mountain View Subdivision
- BLK 2, LT 3, W3 N2, Mountain View Subdivision
- BLK 2, LT 3, E3 N2, Mountain View Subdivision
- BLK 2, LT 2, Mountain View Subdivision

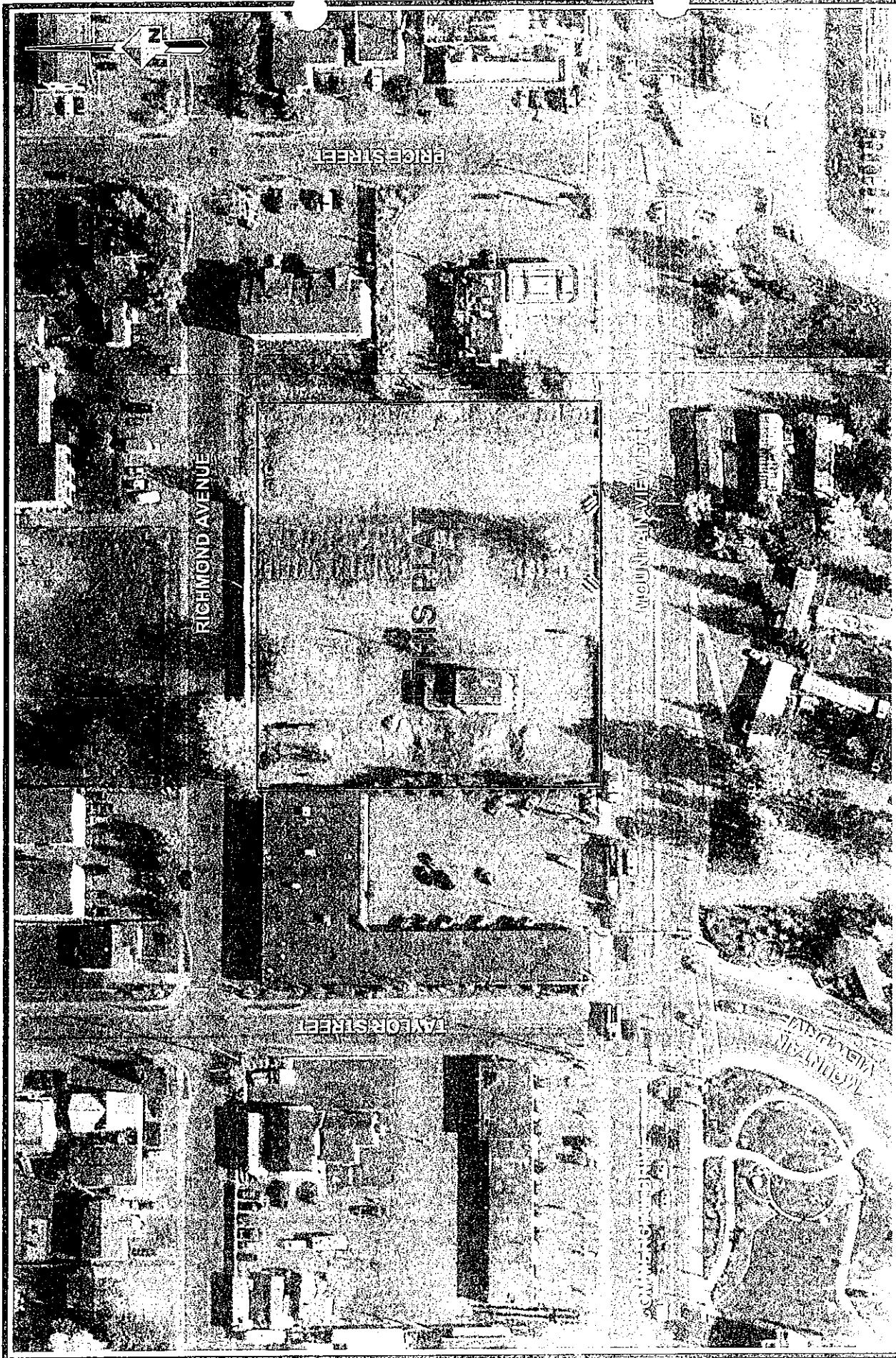
5

**HISTORICAL
INFORMATION**

Recorded
6/13/56

3-P-5A-FOR





SCALE: 1"=100'

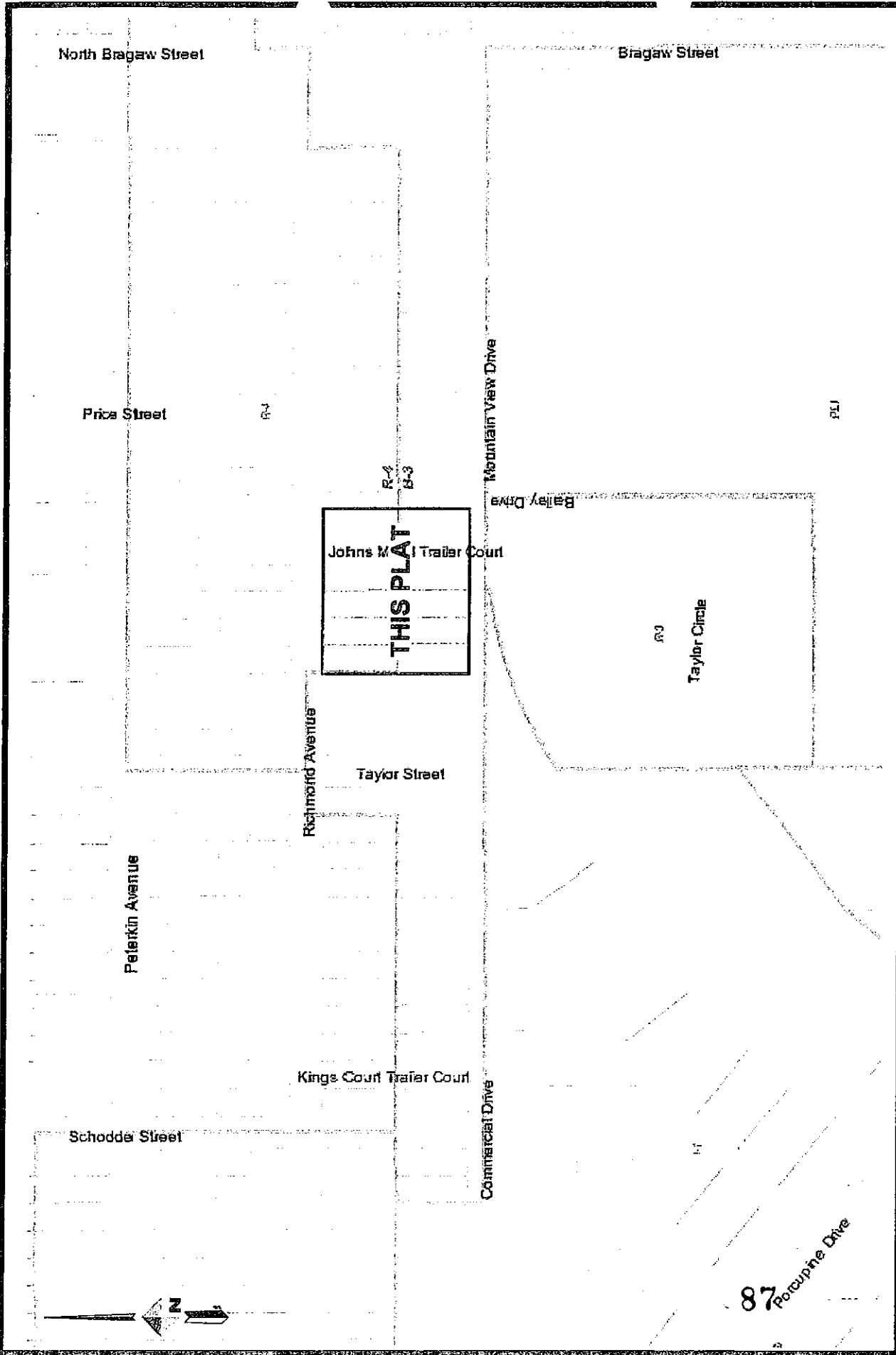
MCA GRID: SW 1135

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FIGURE 1

AERIAL PHOTOGRAPH
LOT 2A, BLOCK 2, MOUNTAIN VIEW SUBDIVISION
ANCHORAGE, ALASKA

8 S 11732 - 1
DOWL HKM



SCALE: NTS

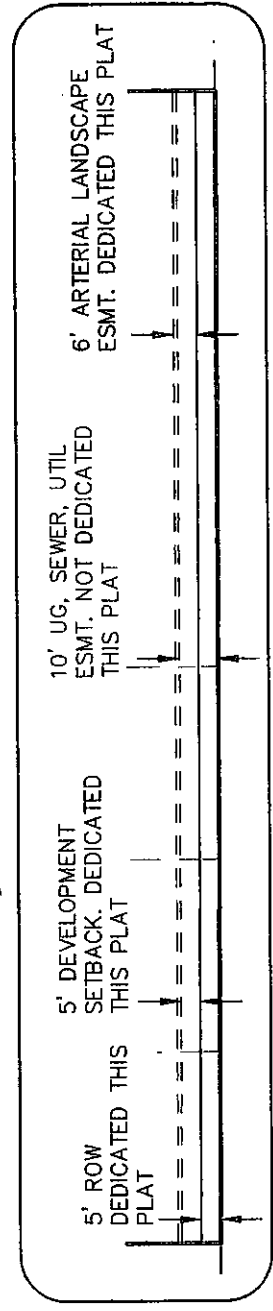
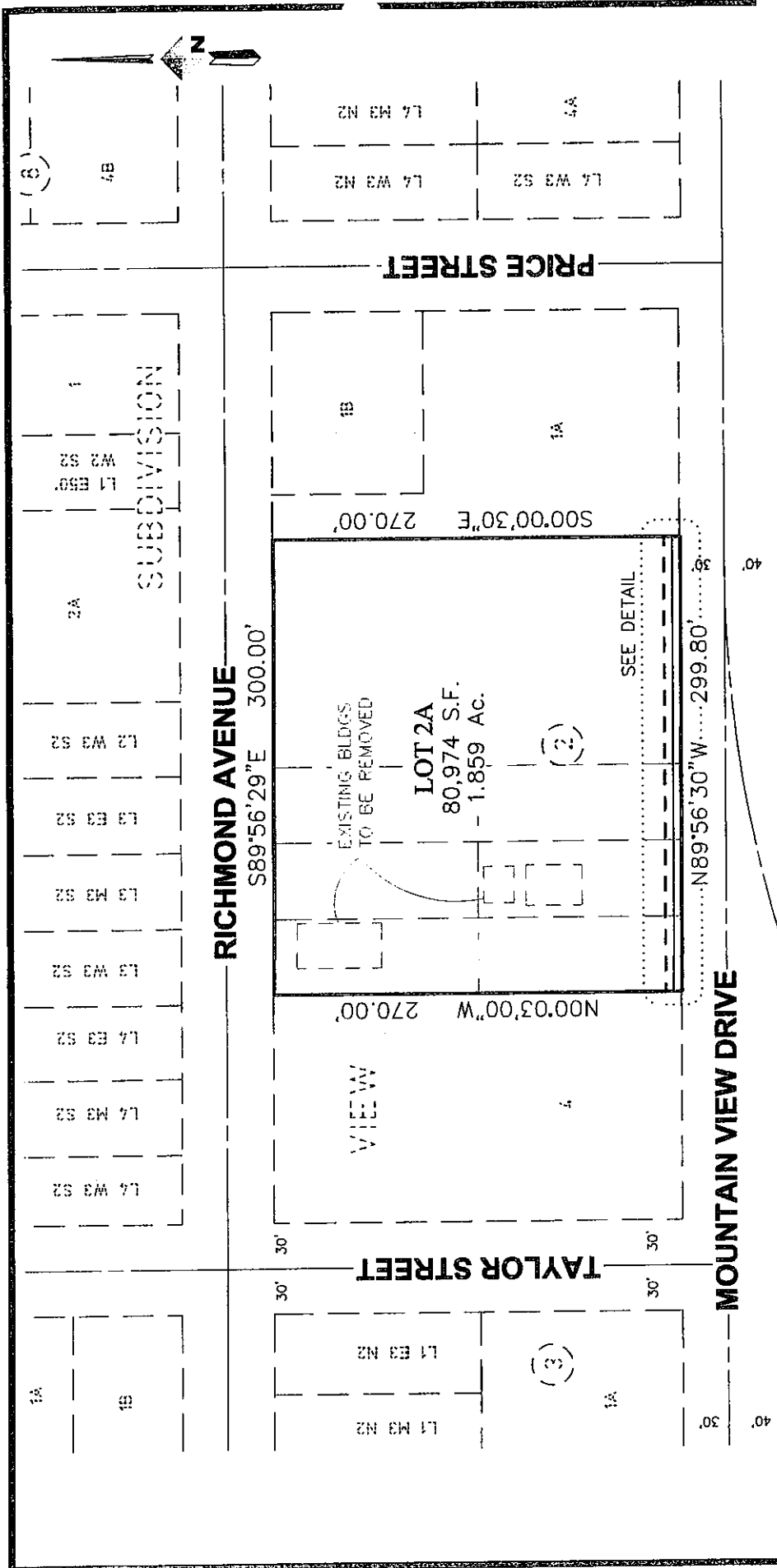
MOA GRID: SW 1135

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FIGURE 2

ZONING MAP
 LOT 2A, BLOCK 2, MOUNTAIN VIEW SUBDIVISION
 ANCHORAGE, ALASKA

511732-1 APR 20 2009
DOWL HKM



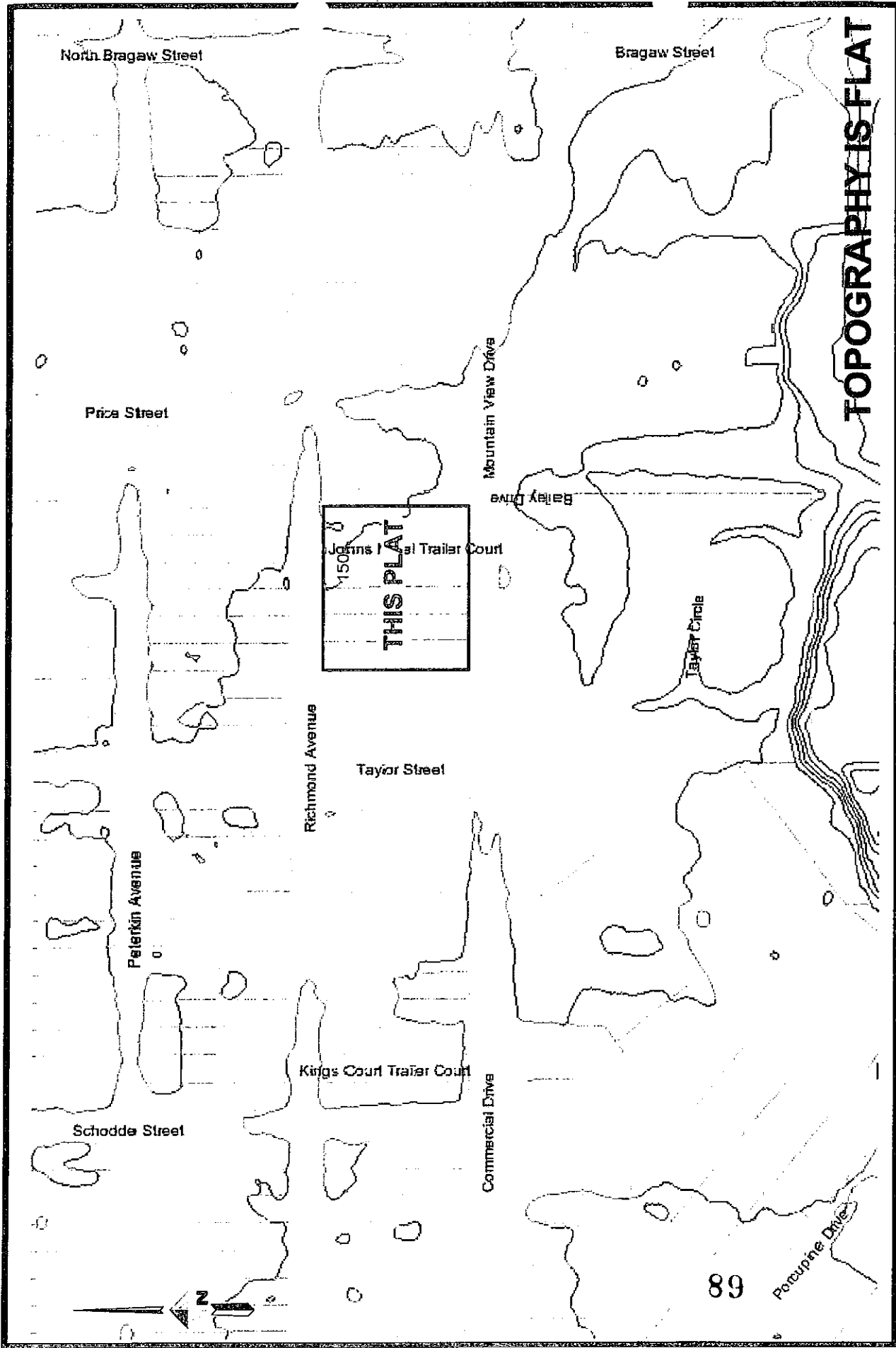
DETAIL NTS

P:\Projects\159841\PLATTING\PRELIMINARY\PLAT-MVARTS.dwg 2009-9-5 MOA GRID: SW 1135 SCALE: NTS



S 1 1 7 3 2 ~ 1 APR 20 2009 LOT 2A, BLOCK 2, MOUNTAIN VIEW SUBDIVISION ANCHORAGE, ALASKA

FIGURE 3



SCALE: NTS

MOA GRID: SW 1135

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FIGURE 4

TOPOGRAPHY
 APR 20 2009 LOT 2A, BLOCK 2, MOUNTAIN VIEW SUBDIVISION
 ANCHORAGE, ALASKA

S 11732-1
DOWL HKM

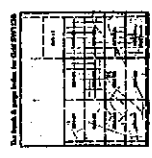
TOPOGRAPHY IS FLAT

THIS PLAT
 150'

89

SW1135 Grid Map

- Parcel Line
- Dashed Parcel Line
- Subdivision Boundary
- Subdivision Addition
- Easement Line
- Road Centerline
- Section Line
- Railroad
- Water Way
- Road Right of Way
- Monument
- B/LM Monument
- Witness Corner
- Beating Break
- Lot Number
- Block Number
- Subdivision Name
- B/LM Lot Number
- Section Number
- ADDPN



Map Scale: 1 inch = 400 feet
 Date: 10/15/2010
 Project: SW1135



Missouri State Board of Professional Engineers
 License No. 10000
 State of Missouri
 Professional Engineer Seal



MOA 1/4 Section Grid Map
 SE 1/4 Sec 8 T13N R3W
 20-APR-2006
 GRID SW1135

