

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2014-058**

A RESOLUTION APPROVING A REQUEST FOR A CONDITIONAL USE TO ALLOW FOR A 10-FOOT EXTENSION TO AN EXISTING +/- 68' TALL UTILITY POLE FOR CELLULAR COMMUNICATIONS EQUIPMENT IN THE R-2M (MULTIPLE-FAMILY) DISTRICT, AND DENYING A REQUEST TO REDUCE OR ELIMINATE THE MINIMUM SEPARATION DISTANCE REQUIRED BY AMC 21.45.265A.16. FOR A TOWER IN A RESIDENTIAL DISTRICT; GENERALLY LOCATED WITHIN THE ALLEY RIGHT-OF-WAY AT THE NORTHWEST CORNER OF 13<sup>TH</sup> AVENUE AND E STREET, IN ANCHORAGE.

(Case 2014-0119; Parcel ID No. 002-144-51)

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WHEREAS, a request was received from Alaska Wireless Network (AWN), for a conditional use to allow a 10-foot extension to an existing +/- 68' tall utility pole for cellular communications equipment in the R-2M district, generally located within the alley right-of-way at the Northwest corner of 13<sup>th</sup> Avenue and E Street, in Anchorage, and

WHEREAS, AMC 21.45.265A.16.c. states that the administrative official may reduce or eliminate the minimum separation distance required from principal residential structures on residentially zoned lands after giving due consideration to the comments of the applicant, the property owner, and the local community council; and

WHEREAS, the Planning and Zoning Commission was acting as the administrative official through their role in reviewing and deciding on the conditional use; and

WHEREAS, public hearing notices were published, posted, and mailed, and a public hearing was held before the Planning and Zoning Commission on October 13, 2014.

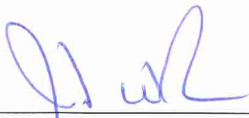
NOW, THEREFORE, BE IT RESOLVED by the Anchorage Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
1. The structural concerns have been identified and thoroughly explained through the staff packet and petitioner and are satisfied.
  2. Some commissioners found that the applicant recognized the neighborhood concerns by collocating on the existing utility pole instead of building a new monopole that would have given them optimal performance. AWN looked at sacrificing performance for neighborhood concerns over view sheds and quality of life. AWN identified collocating in this community as an efficient way of development to provide the surrounding property with advanced wireless communication capability and adding to the utility pole is not going to substantially detract more from the view shed than the existing pole.

3. Some commissioners expressed the following concerns of a waiver for separation from protected land uses found in AMC 21.45.265A.16.:
  - a. The proposed tower is in the backyard of residential structures in the alley.
  - b. There is almost no separation distance from the tower to a protected land use. The separation distance is not anywhere near the two-hundred percent of tower height; almost no separation distance would exist. Essentially the Commission would be waiving the ordinance.
  - c. The petitioner did not gain support of the community council.
- B. The Commission passed the motion to approve the conditional use by a vote of 6 ayes and 2 nays. The Commission failed to pass the motion to approve the waiver for separation from protected land uses to allow a monopole or wireless communication tower. The vote was 4 ayes and 4 nays. The favorable vote of four ayes was not a majority of the full membership required by AMCR 21.10.203B., and thus the waiver of separation from protected land uses is denied.

DENIED by the Anchorage Planning and Zoning Commission on the 13<sup>th</sup> day of October 2014.

ADOPTED by the Anchorage Planning and Zoning Commission this 10<sup>th</sup> day of November, 2014. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to Anchorage Municipal Code 21.30.030.



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Jerry T. Weaver, Jr.  
Secretary



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J.A. Fergusson  
Chair

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