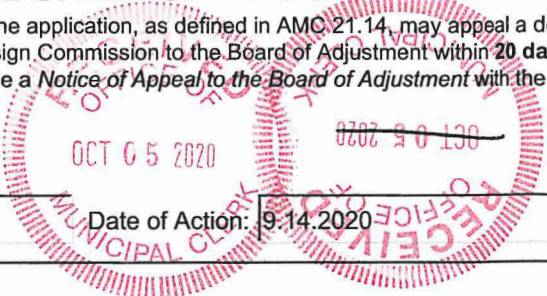


NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT

Under AMC 21.03.050A, any municipal agency or any party of interest for the application, as defined in AMC 21.14, may appeal a decision of the Planning and Zoning Commission, the Platting Board, or the Urban Design Commission to the Board of Adjustment within 20 days after the date of service of the decision. To perfect the appeal, the appellant must file a *Notice of Appeal to the Board of Adjustment* with the Municipal Clerk's Office and pay the appeal fee and cost bond.



General Identity of Action Being Appealed:

Planning Department File Number: 2020-0097

Date of Action: 9.14.2020

Name of Project or Subdivision: Powder Run Subdivision

Appellant's Information:

Last Name: Wedeking

First Name: Katra

Address: 103 Jewel Mine Road

City: Girdwood

State: AK

Zip: 99587

Phone Number: [REDACTED]

E-mail: [REDACTED]

Relationship to Action: Applicant Agent of Applicant Municipal Agency Party of Interest

Applicant's Information: Same as Appellant

Last Name: [REDACTED]

First Name: [REDACTED]

Address: [REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Phone Number: [REDACTED]

E-mail: [REDACTED]

NOTE: If you are not the applicant or his/her agent, you must include a certificate of service on the applicant with your notice of appeal, appeal fee, and cost bond.

Specifics of Appeal Certification

An appeal may be considered for the following three causes, singly or in combination:

- 1. Procedural Error** - If you allege procedural error, specify those patterns which constitute the error and the manner in which the alleged error resulted in prejudice to your interest.
- 2. Error in Application of Law** - If you allege legal error, specify the manner in which principles of law were incorrectly applied. Include reference to any ordinance, statute, or other codified law upon which the allegation of legal error is based.
- 3. Findings or Conclusions that were Not Supported by Evidence** - If you allege that findings or conclusions are not supported by the evidence that was presented, specify and explain those findings or conclusions which lacked evidentiary support at the time of the action.

An appeal, for any cause, must be explained; and a reason must be given for why the appeal should be granted. Explain what corrective decision is desired by this appeal. A written statement of cause and reason for granting the appeal must accompany this notice to be considered.

I (we) hereby certify that I am (we are) qualified to make this appeal and that my (our) statement of cause and reason is true and correct to the best of my (our) knowledge.

Signature [REDACTED]

Date

10.5.2020

Statement Attached: Appeal Fee (\$1080): Cost Bond (\$50): Preparation (\$1.70 per page): _____

Date: 10-5-20 Cash: _____ Check: Credit Card: _____ Receipt: #1000194008 Total Paid: \$1130
1000194009

Notice of Appeal to the Board of Adjustment

Residents of the Mine roads area in Girdwood would like to appeal the approval of the conditional use permit for density above standard zoning for the multifamily development planned at Survey 3042 Lot 3 Girdwood in case 2020-0097. We are extremely disappointed that this project was approved as submitted completely ignoring significant public comment and concern expressed through the Girdwood Land Use Committee public comment forum, a formal letter of objection by the Girdwood Board of Supervisors, and the original stated intent of the GR-1 zone which lists as its first point intention to “maintain the current pattern of development.”

There is no precedent for density of this level or development of this style in the area surrounding the proposed site. When reviewing the zoning map for the property area, one can see that the GR-1 zone which does allow some greater leniency than the surrounding area follows only the Alyeska Highway corridor and is intended to allow for a small increase in development pattern along this highway frontage. Zoning area GR-2 encompasses the remainder of the adjacent area and the Mine Roads residential community. If you refer to zoning regulations for the GR-2 area, it describes this as “single family detached and two-family development” and states an intent to maintain this pattern. As such, multifamily development in GR-2 is not allowable in any way including conditionally. The intention of GR-1 is for high density uses to be accessed from and oriented toward the Alyeska Highway corridor. This proposed project is attempting to bring a large multifamily development which is a significant anomaly in the area, not through the appropriate highway corridor, but instead oriented towards and accessed through the GR-2 area which is not compatible with or developed to be used in this manner. We are concerned about the density of this plan, but even more so by the orientation and proposed access which is completely inappropriate.

We are not opposed to development on this site; however, we are very opposed to approval beyond use by right ignoring the zoning intent, public comment, and GBOS objection. Any approval for additional density on this parcel should, at a minimum, be required to orient and access towards the Alyeska Highway corridor. If this is not possible, we believe it is NOT a reasonable alternative to ignore zoning regulations and public comment in order to allow the site maximum profitability.

Further, as basis for this appeal, we believe that the request as submitted by the Powder Run multifamily housing developer 3MJ Development, LLC and DOWL Engineers DOES NOT meet all nine of the approval criteria for Conditional Use Permits (General Conditional Use Standards {AMC 21.03.080D}), as was asserted in the approval document recently handed down by the Planning and Zoning commission in Resolution No. 2020-025. In addition, several of the “Findings of Fact” the commission made are in dispute.

Disputed “Findings of Fact” made by the Planning and Zoning Commission

- 1) We dispute that the request for the CUP meets the nine approval criteria**

- a. **The application does not meet Criteria #5**, which requires that the proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district.
 - b. **The application does not meet Criteria #6**, which requires that the proposed use is compatible with the uses allowed on adjacent properties (which are largely in GR-2 Zoning), in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, dust and other external impacts).
- 2) **We dispute that the Powder Run development will aid in reducing housing shortages in Girdwood.** We can reasonably assume that the majority of the proposed Powder Run units will be purchased as second homes. At the projected sales price of \$600,000 to \$650,000 per unit (and probably much more by the summer of 2022), it is disingenuous to suggest these dwellings will ease the housing shortage for those who live and work in Girdwood. Addressing housing needs in Girdwood is a complex issue. What we do know is that affordable housing, in both ownership and long-term rental markets, must be provided. Nine \$650,000 units will not aid in reducing the shortage that Girdwood residents currently face. And what we can also reasonably assume is that a majority of these units will ultimately be put into the short-term market as a way to recoup owner investment. **Since the developer consistently resisted the community's suggestions for covenants on owner occupancy and reasonable minimum stay requirements, we are forced to plan for this outcome.** It is clear that this sort of overbuilt, amenity scarce development is low-hanging fruit for the short-term rental market.
- 3) **We dispute that the petitioner has worked directly with the community and adjacent neighbors to develop a site plan that best satisfies the needs and wants of the community.**
 - a. Many residents of the Mine Roads neighborhood and the community at large attended meetings of the LUC and the GBOS when Powder Run was on the agenda during the winter of 2019 and spring of 2020. When the developer, or their representatives from DOWL, finally were present to hear neighborhood and community concerns, only lip service was paid. No meaningful dialogue with the community or neighborhood ever took place, but the neighborhood and community certainly provided input in the form of questions and concerns. These are recorded in the GBOS approved minutes from multiple meetings throughout the spring and summer.
 - b. The Staff Report made to the Planning and Zoning Commission (dated August 3, 2020) contains errors and mis-information.
 - i. The Letter of Objection to the project, written on behalf of the Girdwood Board of Supervisors by Mike Edgington, dated July 21, 2020 was not included in the staff report to the Commission. The issues raised in this letter were never addressed by the developer or his representatives. The Commission should have been made aware of the GBOS objections before issuing a finding.
 - ii. The staff report states "No public comment received" on the pending CUP application for the Powder Run development. This is wholly inaccurate. Several letters and multiple faxed comments, made in the provided blanks on the notices of public meeting sent out to those in the neighborhood and

community, were not included in the staff report and made available to the Commission.

At the beginning of this project, the developer and team started with a request for variance to the upgrade to collector street standards without providing details regarding the proposed development at the lot. We see this as a strategic move as neighborhood fatigue regarding this project was likely high by the time the proposed site development plan (which required the CUP) was revealed and provided to the community. This appears to be an intentional way to draw out the process and instill confusion within the neighborhood. In closing, we invite the members of the appeal board to visit the proposed site to view how inconsistent this proposal is with the surrounding areas.

In order to reduce the number of pages submitted with this appeal, please refer to all documents included in the 2020-0097 case file as supporting documentation.

Respectfully,

The residents of the Mine Roads Area

Melissa LaRose,
Eric Teixmen,
Katra and Matt Wedeking,
Tim and Bari Cabana,
Siri Moss,
Michael Kesler,
Michelle Weston,
Bob and Trish McDonald,
Scott Hilliard,
Peggy O'Reilly,
Jason Porter,
Brian Veatch,
Spencer Willard,
Melissa List,
Josh and Shauna Hegna,
Garrett Swygman,
Lee and Leah Ellis,
Brian and Isha Kari,
Nathan and Elizabeth Ellis

Municipality of Anchorage



CLERK'S OFFICE

63726	C075	995	1000194008	10/5/20
	OTHER			\$1,080.00
	CLK-Notice of Appeal to the board of Adjustment			
Receipt Recipient: Katra Wedeking				
		Total Due:		\$1,080.00
		Amount Tendered:		\$1,080.00
		Change:		\$0.00
		Payment Method:	Check	4281

Keep receipt for your records

Municipality of Anchorage



CLERK'S OFFICE

63726

C075

996

1000194009

10/5/20

OTHER

\$50.00

CLK-Notice of Appeal to the board of Adjustment

Receipt Recipient: Katra Wedeking

Total Due: \$50.00

Amount Tendered: \$50.00

Change: \$0.00

Payment Method: Check 4282

Keep receipt for your records