

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2014-028

A RESOLUTION DENYING A REQUEST FOR A CONDITIONAL USE TO ALLOW A 140' MONOPOLE CELLULAR OR WIRELESS COMMUNICATION TOWER IN AN R-11 (TURNAGAIN ARM) DISTRICT, GENERALLY LOCATED NEAR THE INTERSECTION OF THE SEWARD HIGHWAY AND PORTAGE GLACIER ROAD.

(Case 2014-042; Parcel ID No. 090-151-03)

WHEREAS, a request was received from Atlas Tower Holdings, LLC, for a conditional use to allow a 140' monopole cellular or wireless communication tower in an R-11 district on U.S. Survey 3188, Lot 3, Section 5, T8N, R3E, S.M., Alaska; and

WHEREAS, public hearing notices were published, posted, and mailed, and a public hearing was held before the Planning and Zoning Commission on May 12, 2014.

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

- A. The Commission makes the following findings of fact:
1. Type 1, 2, and 3 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use are reviewed as a conditional use. Tower structure height under the supplementary district regulations for residential districts is 65 feet.
 2. The applicant stated that the area has a growing need for advanced quality voice and data services for commuters, business and individual consumers, as well as enhancing the value of the surrounding property with advanced wireless communication capability by bringing this to an area lacking reliable coverage.
 3. The Commission may approve the application if it finds that the proposal meets the conditional use standards of AMC 21.50.020.
 4. The site is subject to furthering the goals and policies of the *Turnagain Arm Comprehensive Plan*. The *Turnagain Arm Comprehensive Plan* refers to core values and goals of the plan, one of which is to preserve the scenic quality, the natural environment, and open spaces. Three commissioners noted that a 140' tower would be located in a tidewater site and would be visible for miles travelling on the highway in either direction according to the photographs submitted with the application. The 140' monopole tower would violate the scenic goals of the *Turnagain Arm Comprehensive Plan* and have a detrimental effect on the scenic quality. The area is within a spectacular scenic


vista and to risk spoiling that scenic vista is not a good balance between the ambiguous need for the tower in the proposed location and the concrete goal contained in the plan.

5. The code allows for a 65' tower with administrative site plan review. The requested height of 140' represents a 215% increase over what is allowed. Through a conditional use, the height can be exceeded with conditions and three commissioners agreed that those conditions have not been met. Three commissioners were not convinced of the need for the increased height and felt that alternate tower sites do exist pursuant to the petitioner's testimony. There are alternative sites that would mitigate the impact on the scenic byway views.
6. Four commissioners supported the need for the tower and did not believe the petitioner had to prove an absolute need for the tower. The reluctance of competitors to provide coverage information showing the need is understandable. The collocation provided by the tower is much better than four individual towers.


- B. The Commission failed to pass the motion to approve the conditional use. The vote was 4 ayes and 3 nays in favor of the motion. However, the favorable vote of four ayes was not a majority of the full membership required by AMCR 21.10.203B., and thus the application is denied.

DENIED by the Anchorage Planning and Zoning Commission on the 12th day of May 2014.

ADOPTED by the Anchorage Planning and Zoning Commission this 14th day of July, 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.



Jerry T. Weaver, Jr.
Secretary



J.A. Fergusson
Chair