

**NOTE**

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Municipality of Anchorage
Current Planning Section
Planning Division
PO Box 196650
Anchorage, AK 99519-6650

THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR ANCHORAGE RECORDING DISTRICT DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

NOTICE OF ZONING ACTION

This notice announces that a sign variance has been duly approved by the Urban Design Commission of the Municipal Planning Division providing for the development of the herein described property in accordance with the provisions of the Anchorage Municipal Code of Ordinances and the terms and conditions of the sign variance approval as set forth in the Municipal zoning file 2015-0077. Under the provisions of the specified ordinance the subsequent development of the subject property shall be in accordance with the terms of the approved sign variance or any subsequent amendments hereto.

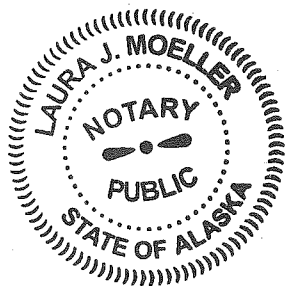
LEGAL: Tract 1B, St. Mary's Church Subd. (Plat 92-31), S.M., Anchorage Recording District, Anchorage, Alaska. Generally located at the southwest corner of East Tudor Road and Lake Otis Parkway at 2222 East Tudor Road.
PETITIONER: St Mary's Episcopal Church
REQUEST: Sign Variance from AMC 21.47.040 to allow a freestanding sign of approximately 70 square feet at the entrance to St. Mary's Episcopal Church campus.
ATTACHMENT: Copy of the Municipality of Anchorage, Urban Design Commission Resolution No. 2015-015.

Erika McConnell
for Director
Municipality of Anchorage
Community Development Department

STATE OF ALASKA)
))
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 19th day of October, 2015 before me, the undersigned, a Notary Public in and for Alaska, personally appeared Erika McConnell, to me known to be the duly appointed representative of the Director of the Community Development Department and acknowledged to me that she had in her official capacity aforesaid executed the forgoing instrument as an act and deed of the Municipality of Anchorage for the uses and purposes therein stated.

WITNESS my hand and notarial seal on the 19th day of October, 2015 in this certificate first above written.



Laura J. Moeller
Notary Public in and for Alaska
My Commission expires: 2/22/17



MUNICIPALITY OF ANCHORAGE
URBAN DESIGN COMMISSION RESOLUTION NO. 2015-015

A RESOLUTION APPROVING VARIANCES FROM SCHEDULE 21.47.040 TO EXCEED THE ALLOWABLE SIGN AREA, SIGN HEIGHT, NUMBER OF SIGNS PER STREET FRONTAGE, MINIMUM PARCEL AREA FOR A CHANGEABLE COPY SIGN, AND MINIMUM STREET FRONTAGE FOR A CHANGEABLE COPY SIGN FOR ST. MARY'S EPISCOPAL CHURCH, WITHIN ST. MARY'S CHURCH SUBDIVISION, TRACT 1B, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF TUDOR ROAD AND LAKE OTIS PARKWAY.

(Case 2015-0077; Parcel ID No. 009-182-30)

WHEREAS, a request was received from St. Mary's Episcopal Church to allow the church to exceed the allowable sign area, sign height, number of signs per street frontage, minimum parcel area for changeable copy sign, and minimum street frontage for a changeable copy sign, within St. Mary's Church Subdivision, Tract 1B, generally located at the southwest corner of Tudor Road and Lake Otis Parkway; and

WHEREAS, public hearing notices were mailed, published, and posted, and a public hearing was held on September 9, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Anchorage Urban Design Commission that:

A. The Commission makes the following findings of fact:

1. The church is seeking variances to allow a freestanding sign with changeable copy. Five variances are needed to allow the sign.
2. The Commission finds that the five standards for granting the variances are met as described below.

a. Variance Request to Exceed Sign Height and Area

- i. *Standard 1: Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district, deprive such property of the ability to display signs.*

The request is partially met. The site is slope affected. It is a large campus with many different uses, located on a major arterial with high speed traffic. High speed traffic requires larger signs to make it visible with sufficient notice to safely make a turn into a driveway.

- ii. *Standard 2: Strict interpretation of the provisions of the sign ordinance would deprive the applicant of rights commonly*



enjoyed by other properties in the same district under the terms of the sign ordinance.

This standard is met. It is effectively, a larger site than what is before the Commission because there are two parcels of land under the control of one organization. The two parcels act as one. A 40 square foot sign along Tudor Road is not adequate at this location. The sign is in harmony with this commercial district, and not out of character with the neighborhood.

- iii. *Standard 3: Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

This standard is met. There are physical conditions to the property such as topography and fronting on a major arterial that are special circumstances that were not caused by the applicant.

- iv. *Standard 4: Granting the variance would be in harmony with the objectives of the sign ordinance and not impair the integrity, character, utility, and value of neighboring properties or otherwise detrimental to the public welfare, and will not permit a use that is not otherwise permitted in the district in which the property lies.*

This standard is met. The surrounding properties located along the roadways are largely commercial and the requested sign would not impair the character of the area. The sign does not permit any use that is not otherwise permitted in the R-3 district.

- v. *Standard 5: Granting the variance will not materially add to visual clutter or visual blight.*

This standard is met. The maximum height allowed is 8 feet. The requested sign is 9 feet in height. The additional one foot in height will not materially add to visual clutter or blight.

- b. Variance Request to Exceed the Number of Signs Allowed Per Street Frontage



- i. *Standard 1: Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district, deprive such property of the ability to display signs.*

This standard is met. The two tracts of land have 800 feet of frontage that are under one ownership, these two signs will serve the entire campus and the entire frontage. This is a special circumstance that is not ordinary to other properties.

- ii. *Standard 2: Strict interpretation of the provisions of the sign ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance.*

This standard is met due to the common driveway on a major arterial for two parcels of land under one control. This is a special circumstance that warrants two larger signs at that location to adequately identify the site. The second sign on the site at the corner is on a diagonal and is not just visible from Tudor Road but also visible from Lake Otis Parkway and provides what has been considered the traditional signing for St. Mary's Church and has been there for a long time. The second sign (existing sign at the top of the retaining wall) is located around the corner and does not exactly face Tudor Road.

- iii. *Standard 3: Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

This standard is met. There is a conforming alternative which is to replat the property. However, replatting is expensive and there is not a material benefit to the public by erasing that common lot line. The tremendous expense of a replat goes above and beyond what should be required of this condition.

- iv. *Standard 4: Granting the variance would be in harmony with the objectives of the sign ordinance and not impair the integrity, character, utility, and value of neighboring properties or otherwise detrimental to the public welfare, and will not permit a use that is not otherwise permitted in the district in which the property lies.*



This standard is met. The important point is that the second sign is around the corner, and not exactly facing Tudor Road.

- v. *Standard 5: Granting the variance will not materially add to visual clutter or visual blight.*

This standard is met. Changeable copy is a struggle in regards to visual blight. However, the second sign (existing) is a small sign on top of a tall wall and does not add to visual blight.

- c. Variance Request for a Changeable Copy Sign that Does Not Meet Minimum Lot Size and Minimum Street Frontage

- i. *Standard 1: Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district, deprive such property of the ability to display signs.*

This standard is met. The effective size of the parcel with the two tracts is over the minimum required lot frontage and this is a special circumstance.

- ii. *Standard 2: Strict interpretation of the provisions of the sign ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance.*

This standard is met. The Commission noted that the two variances meet this standard and that the large campus, the two tracts, and the cumulative street frontage are reasons to find this standard is met.

- iii. *Standard 3: Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

This standard is met. The cost of replatting is very high, and not warranted in this situation to bring it under strict conformance.

- iv. *Standard 4: Granting the variance would be in harmony with the objectives of the sign ordinance and not impair the*



integrity, character, utility, and value of neighboring properties or otherwise detrimental to the public welfare, and will not permit a use that is not otherwise permitted in the district in which the property lies.

This standard is met. The church is located in a residential zone, but in a commercial district on a high speed arterial. The character of this area is different from a traditional R-3 property that may be located on a collector road.

- v. *Standard 5: Granting the variance will not materially add to visual clutter or visual blight.*

This standard is met. Changeable copy signs are allowed in the code, but the code does find that if there is sufficient area and frontage, it is allowed. The church has met this standard. The Commission acknowledged a public comment that referred to the IDA Outdoor Lighting Code Handbook that noted that when it is dark, the sign should not be any brighter than 100 Nits and strongly suggested that the petitioner adhere to this lighting level.

- B. The Commission APPROVES the five variances to allow the church to exceed or not meet the allowable sign area, sign height, number of signs per street frontage, minimum parcel area for changeable copy sign, and minimum street frontage for a changeable copy sign, subject to the following conditions:

1. All construction and improvements related to this approval shall be substantially in compliance with the application and the following plans on file with the Planning Division, except as modified by conditions of this approval:

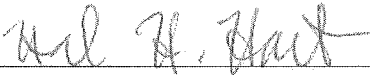
St. Mary's Episcopal Church, as-built dated 6/2/15 prepared by Gastaldi Land Surveying and S/F Illuminated Monument Sign image prepared by Glacier Signs dated 6-22-15.

2. The existing sign located at the driveway on Tudor Road will be replaced by the sign that is the subject of this variance request.



PASSED AND APPROVED by the Anchorage Urban Design Commission on the 9th day of September, 2015.

ADOPTED by the Anchorage Urban Design Commission this 14th day of October, 2015. This written decision/resolution of the Urban Design Commission is final and any party may appeal it within twenty days to the Board of Adjustment pursuant to Anchorage Municipal Code 21.30.030.



Hal H. Hart, AICP
Secretary



Monica Sullivan
Chair

(Case 2015-0077 Parcel ID No. 009-182-30)

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