

PLANNING DEPARTMENT STAFF ANALYSIS REZONING

DATE: June 11, 2018

CASE NO.: 2018-0052

APPLICANT: Todd Brownson, Big Country Enterprises, LLC

REQUEST: A request to rezone from R-8 (low density residential, 4 acres) to R-10 (low density residential, alpine/slope)

LOCATION: N ½ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska excepting the NW ¼ of the NW ¼ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska, and Lots 1 and 2 of Vergason-Jones Subdivision per Plat 98-178

COMMUNITY COUNCIL: Hillside

ATTACHMENTS:

1. Departmental and Public Comments
2. Affidavit of Posting and Historical Information
3. Application

RECOMMENDATION SUMMARY: Approval

SITE

Acres: ±77 acres

Vegetation: Birch, spruce, and undergrowth

Current Zoning: R-8, low-density residential (4 acres) district

Topography: Approximate average slope of 12% from NE to SW

Utilities: Private well and on-site septic system

COMPREHENSIVE PLAN

Classification:

- “Limited Intensity, 0 – 1 dua” in the *Hillside District Plan*
- “Large Lot Residential” in the *Anchorage 2040 Land Use Plan*

SURROUNDING AREA

	NORTH	EAST	SOUTH	WEST
Zoning:	R-6, R-8, R-9	R-8 and R-10	R-8	R-6, R-9
Land Use:	Single-family residential	Single-family residential	Undeveloped	Single-family residential

REQUEST

Big Country Enterprises, LLC is requesting to rezone three parcels of land totaling 77 acres from R-8 (low-density residential, 4 acre district) to R-10 (low-density, Alpine/Slope district).

PROPERTY HISTORY

On June 1, 2015, the Commission recommended denial of Case 2014-0219, which was a request to rezone to the R-6 district. The case was processed under the Old Code (Title 21) and did not include Lot 1, Vergason-Jones Subdivision, nor did the original application include any proposed special limitations. Subsequent to the Commission's recommendation of denial, the Assembly indefinitely postponed the case with AO 2016-28.

On June 12, 2017, the Commission recommended denial of Case 2017-0072, which was a request to rezone to the R-6 district with special limitations. The Commission also denied the petitioner's request to rehear the case based on new evidence and changed circumstances.

On January 3, 2018, the Platting Board approved a Case S12388, which was a conservation subdivision of 16 lots and one greenbelt tract. The case was appealed by a group of neighbors and the Board of Adjustment has not set a date to hear the appeal.

DEPARTMENTAL COMMENTS

The comments from State and Municipal reviewing agencies are attached. None of the reviewing agencies object to the rezone.

COMMUNITY COMMENTS

One-hundred and forty-four public hearing notices were mailed on May 8, 2018. As of this writing, two public comments were received, of which both opposed the rezone. The Hillside Community Council did not comment.

FINDINGS

21.03.160 Rezoning (Zoning Map Amendments)

Pre-Application Conference

A pre-application conference was held on February 12, 2018, in accordance with 21.03.020B.

Community Meeting

A community meeting was held with the Hillside East Community Council on February 28, 2018, in accordance with 21.03.020C. A summary of the meeting is included.

21.03.160E. Approval Criteria

The planning and zoning commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

- 1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.**

The standard is met.

This rezone to R-10 district promotes the health, safety, and general welfare and benefits the community as a whole. The R-10 district is intended for lands affected by topography and sensitive environmental features. The R-10 district's allowed density is less than one dwelling unit per acre. This zoning district is specifically intended for large hillside parcels with streams, drainageways, and wetlands like this one. A subdivision review by the Platting Board and compliance with regulations for subdivisions, roads, drainage, and well and septic systems will determine the number of lots.

2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s).

The standard is met.

This rezone request to the R-10 district complies the *Hillside District Plan*, the *Anchorage 2040 Land Use Plan*, and *Anchorage 2020*. The R-10 district is an implementing district for both of these *Plans*. The *Hillside District Plan Land Use Plan Map* identifies the petition site as "limited density, 0 – 1 dwelling unit per acre." The *Anchorage 2040 Land Use Plan* shows the site as "Large Lot Residential."

There are several policies in *Anchorage 2020* that are relevant to this rezoning:

- *General Land Use Policy 5: Rezones and variances shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.*

The R-10 zone is compatible with the adjoining lots on all sides. The minimum lot size allowed in the R-10 district is based on the average slope of each lot, and the smallest permitted lot area is 1.25 acres, which is similar in size to the residential lots to the east. The lots to the north and west are smaller with about one acre and 0.38 acres respectively. The tract to the south is unsubdivided.

- *General Land Use Policy 7: Avoid incompatible uses adjoining one another.*

The R-10 district is compatible with adjoining zoning districts and uses. The districts surrounding the petition site are large lot zoning districts and the neighboring subdivisions are developed with single-family detached homes. Unlike the R-8 district, the R-10 district does not allow duplexes. The R-10 district does not allow any lots to be smaller than 1.25 acres, which is more than three times larger than the subdivision to the west. Depending on topography the lots at the petition site will be similar in size to the subdivisions to the north and east, if not larger. Note that all of the subdivisions in this area are separated from the petition site by roads,

except for two lots on the east side. Therefore, incompatibility is not an issue.

The following is a list of applicable policies in the *Hillside District Plan*:

- *Hillside as a Whole Policy 1-A: Encourage a greater proportion of future Hillside growth to occur in the lower Hillside, in areas located closer to existing services and infrastructure; to a limited degree reduce the amount of future development in the southeast Hillside.*

The R-10 district is a suburban or rural zoning district that maintains the *Hillside District Plan*'s residential density of less than one dwelling unit per acre. The R-10 is a low-density large lot zoning district, like the R-8 district. The differences between the R-8 district and the R-10 district are that the R-10 does not allow duplexes and the required minimum lot size is determined by the average slope of each lot.

- *Southeast Hillside Residential Policy 1-B: Maintain policies for the amount of development as adopted under current land use designations. Shift the current boundary of the Maximum Perimeter of Public Sewerage in the Upper Potter Valley area west of Greece Drive, south of England Avenue.*

This rezone to R-10 complies with the *Hillside District Plan*'s land use designation. The *Hillside District Plan*'s identifies this site as "Limited Intensity Residential, 0 – 1 dwelling unit per acre." The *Plan* identifies the R-6, R-8, R-9, and R-10 to implement this land use designation on page 2-17. The petition site is not served by public water and sewer and rezoning to R-10 will not change that.

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.

The standard is met.

This rezone is consistent with the purpose of the R-10 zoning district. These parcels are affected by slopes of up to 30 percent, a stream, drainageways, Class C wetlands, and no access to public water and sewer. AMC 21.04.020 states:

The R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential to ensure that the development of these lands will:

- a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;

- b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;
- c. Avoid natural hazards including snow avalanche and mass wasting areas;
- d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;
- e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;
- f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;
- g. Assure an adequate supply of potable water for the site development; and h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01—30.00	5.00	300	5	10
20.01—25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20
Average slope is calculated by the following formula: $S = I * L/A * 0.0023$ Where: S = Average slope of lot or tract in percent I = Contour interval (20 feet or less) L = Sum of length of all contours on lot or tract in feet A = Area of the lot or tract in acres				

- 4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.**

The standard is met.

The R-10 district is compatible with surrounding zoning and development intensities. The subject property is surrounded by R-6, R-8, R-9, and R-10 districts, which are suburban or rural residential districts that require at least an acre in size. The smallest lot size allowed in the R-10 district is greater than

an acre and minimum lot sizes are determined by the average slope of each lot. The neighboring properties are developed with single-family detached homes with lot sizes ranging from 0.38 acres to 2 acres. There is one 5 acre tract, near the subject property, which can be further subdivided.

The R-10 district is very restrictive in terms of what uses allowed are allowed. The only household living use type permitted in the district is a single-family detached home, whereas the R-8 district allows duplexes.

5. **Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development.**

The standard is met.

Both the Private Development Division and the Traffic Department have no objection to rezoning to the R-10 district. Both of these Municipal agencies will review the future subdivision and the Traffic Engineer can require a traffic impact analysis, in accordance with AMC 21.07.060C.1., *Traffic Impact Analysis Required*.

The site is bounded by Upper DeArmoun Road, Canyon Road, and Messinia Street on three sides and an undeveloped tract to the south. Upper DeArmoun Road and Canyon Road are both Neighborhood Collectors. Messinia Street is a Local Road. Upper DeArmoun Road is a paved street and Canyon Road is in the process of being paved. Messinia Street is a gravel road.

Natural gas and electricity are available to this property. Properties in this area use on-site septic systems and private wells.

The site is located within the Building Safety, Police, and Parks and Recreation Service Areas. The property is within the Fire and EMS Service Areas and is served by Fire Stations 8 and 10.

6. **The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.**

The standard is met.

The R-10 district will not result in adverse impacts on the natural environment. This district is intended for suburban and rural areas on the Hillside. Any future subdivision of the property will require approval from the Platting Board and meet the design standards in AMC 21.08, *Subdivision*.

- 7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.**

The standard is met.

The R-10 district will not result in adverse impacts on neighboring properties, including residential subdivisions and Rabbit Creek. Development of the property requires building permit approval of plans for drainage, roads, and on-site well and septic systems. The size of each lot in the R-10 district is determined by the average slope and the smallest lot permitted in the district is greater than one acre.

- 8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.**

The standard is met.

Consistent with the *Hillside District Plan* and the *Anchorage 2040 Land Use Plan*, the R-10 district requires less than one dwelling unit per acre. The *Hillside District Plan* Land Use Plan Map identifies this site as "Limited intensity, 0 – 1 du/a." The *Anchorage 2040 Land Use Plan* shows the site as "Large Lot Residential."

- 9. The rezoning shall not result in a split-zoned lot.**


The standard is met.

The rezoning will not create a split-zoned lot.

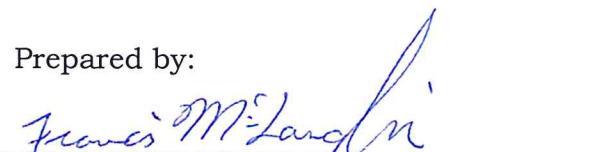
DEPARTMENT RECOMMENDATION

The Department finds that all nine approval criteria for a rezone are met. The Department recommends APPROVAL of the rezoning from R-8 to R-10. Attached is a draft Assembly Ordinance.

Reviewed by:


Michelle McNulty, AICP
Director

Prepared by:


Francis McLaughlin
Senior Planner

Submitted by: Chair Dunbar at the Request
of the Mayor
Prepared by: Planning Department
For Reading:

ANCHORAGE, ALASKA

AO No. 2018-__

1 AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
2 REZONING OF APPROXIMATELY 77 ACRES FROM R-8 (LOW DENSITY
3 RESIDENTIAL 4 ACRE DISTRICT) TO R-10 (LOW DENSITY RESIDENTIAL,
4 ALPINE/SLOPE 1 ACRE DISTRICT) FOR N½ OF THE SE¼ OF SECTION 25,
5 T12N, R3W, S.M., ALASKA EXCEPTING THE NW¼ OF THE NW¼ OF THE SE¼
6 OF SECTION 25, T12N, R3W, S.M., ALASKA, AND LOTS 1 AND 2 OF
7 VERGASON-JONES SUBDIVISION PER PLAT 98-178; GENERALLY LOCATED
8 SOUTH OF UPPER DEARMOUN ROAD, WEST OF CANYON ROAD, AND WEST
9 OF MESSINIA STREET, IN ANCHORAGE.

10
11 (Hillside Community Council) (Planning and Zoning Commission Case 2018-0052)

12
13 **THE ANCHORAGE ASSEMBLY ORDAINS:**

14
15 **Section 1.** The zoning map shall be amended by designating the N½ of the SE¼
16 of Section 25, T12N, R3W, S.M., Alaska excepting the NW¼ of the NW¼ of the
17 SE¼ of Section 25, T12N, R3W, S.M., Alaska, and Lots 1 and 2 of Vergason-Jones
18 Subdivision per Plat 98-178, as R-10, low density residential, alpine/slope district.

19
20 The property described above is shown on Exhibit "A," attached.

21
22 **Section 2.** This ordinance shall become effective 10 days after the Director of the
23 Planning Department has received the written consent of at least 51 percent of the
24 owners of the property within the area described in Section 1 above to any special
25 limitations contained herein. The rezone approval contained herein shall
26 automatically expire, and be null and void, if the written consent is not received
27 within 120 days after the date on which this ordinance is passed and approved. In
28 the event no special limitations are contained herein, this ordinance is effective
29 immediately upon passage and approval. The Director of the Planning Department
30 shall change the zoning map accordingly.

31
32 PASSED AND APPROVED by the Anchorage Assembly this _____ day
33 of _____ 2018.

34
35
36 _____
37 Chair of the Assembly

ATTEST:

Municipal Clerk

(Case 2018-0052)

2018-0052

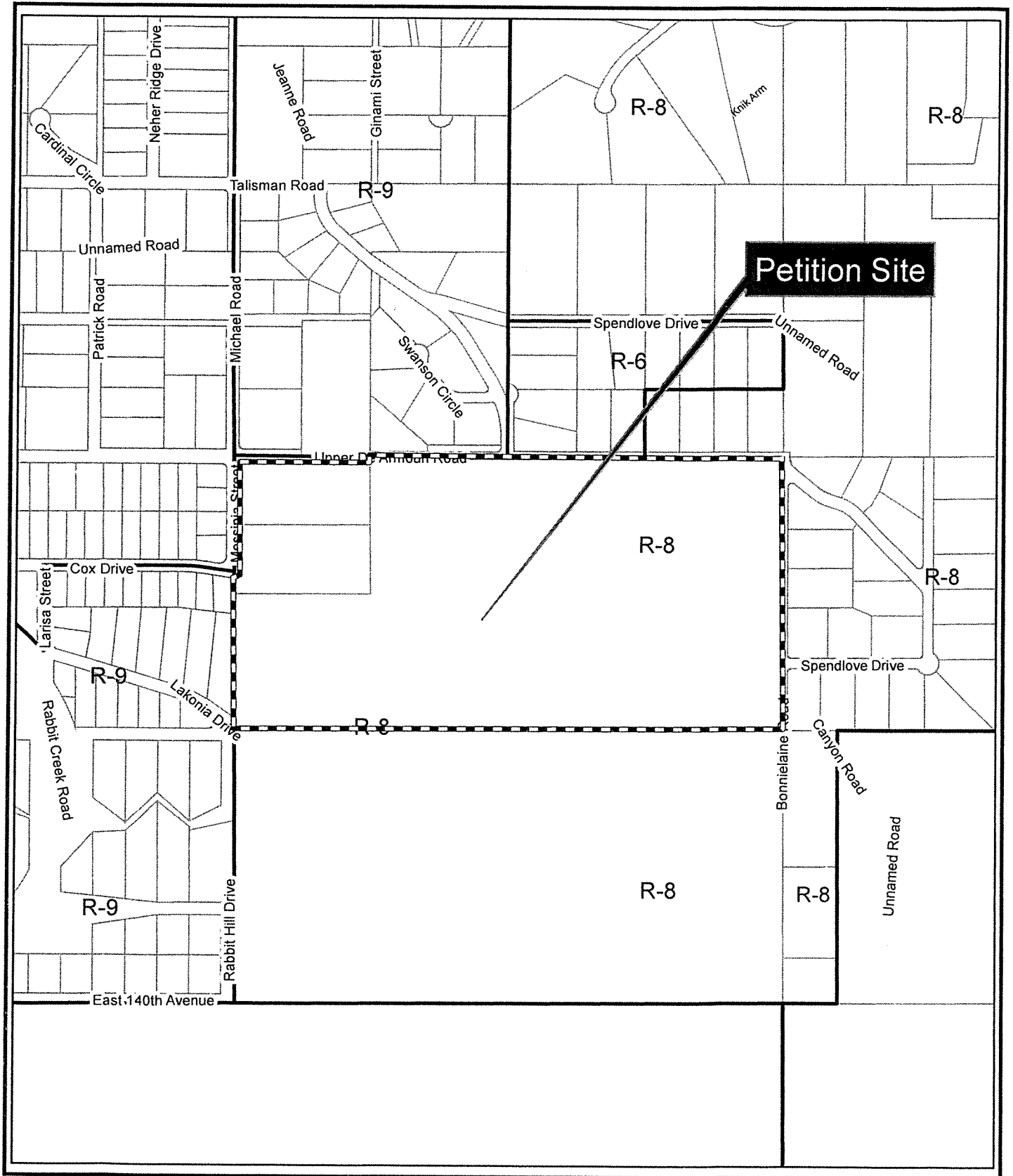


EXHIBIT A

2018-0052



Departmental and Public Comments

MUNICIPALITY OF ANCHORAGE



Development Services Department

Private Development Section

Mayor Ethan Berkowitz

RECEIVED

MAY 15 2018

MEMORANDUM

Comments to Planning and Zoning Commission Applications/Petitions PLANNING DEPARTMENT

DATE: May 15, 2018

TO: Dave Whitfield, Planning Section Supervisor

FROM: Brandon Telford, Plan Review Engineer

SUBJECT: Comments for Planning and Zoning Commission
Public Hearing date: June 11, 2018

Case 2018-0052 Request to Rezone three parcels from R-8 Low-Density Residential (4 acres) District to R-10 Low-Density Residential, Alpine/Slope District.

Department Recommendations:

The Private Development Section has no comment on the Request to Rezone.

Case 2018-0053 – Conditional Use in accordance with AMC 21.05.060B.1. for commercial food production in the B-3 (General Business) District.

Department Recommendations:

The Private Development Section has no comment on the Conditional Use.

Case 2018-0054 – Conditional Use for off-street parking to benefit an adjoining lot.

Department Recommendations:

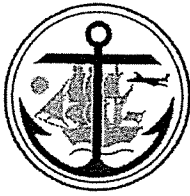
The Private Development Section has no comment on the Conditional Use.

Case 2018-0055 – Conditional Use request to permit a four-dwelling unit multiple-family residential development in the gR-4 (Multiple-Family Residential) District.

An existing constructed drainage channel and unnamed stream cross Lot 12. **Resolve with Private Development and Watershed Management the need for a drainage easement across Lot 12.**

Department Recommendations:

The Private Development Section has no objection to the Conditional Use subject to the condition listed above.



MEMORANDUM

RECEIVED

DATE: May 14, 2018

MAY 14 2018

TO: Current Planning Division Supervisor.
Planning Department

PLANNING DEPARTMENT

THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Department

FROM: Randy Ribble, Assistant Traffic Engineer

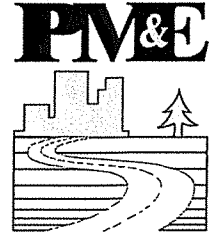
SUBJECT: 2017-0052 Re-zone three parcels from R-8 low density to R-10

Traffic Department recommends approval of this zoning amendment with the following comments.

1. Traffic has no comments on proposed re-zoning action



Municipality of Anchorage
Project Management and Engineering
MEMORANDUM



DATE: May 10, 2018

RECEIVED

To: Dave Whitfield

MAY 10 2018

FROM: Steven Ellis

PLANNING DEPARTMENT

SUBJECT: Comments from Watershed Management Services

Watershed Management Services (WMS) has the following comments for June 11, 2018, Planning and Zoning Commission Meeting.

2018-0052, Request to rezone three parcels from R-8 to R-10; WMS has no comment.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and
Public Facilities

DIVISION of PROGRAM DEVELOPMENT
Anchorage Field Office

4111 Aviation Avenue
P.O. Box 196900
Anchorage, Alaska 99519-6900
Main Phone: (907)269-0520
Fax: (907)269-0521
Web site: dot.state.ak.us

May 7, 2018

David Whitfield, Senior Planner
MOA, Community Development Department
Planning Division
P.O. Box 196650
Anchorage, Alaska 99519-6650

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MAY 07 2018

PLANNING DEPARTMENT

RE: MOA Zoning Review

Dear Mr. Whitfield:

The Alaska Department of Transportation and Public Facilities (DOT&PF), Central Region Platting Review Board has no comments on the following zoning cases:

- 2018-0051: Lot 1, Block 4, Laurel Acres
- 2018-0052: 18301 Messina Street
- 2018-0053: 3404 Arctic Boulevard
- 2018-0054: Lot 8, Block 3, Roberts Subdivision
- 2018-0055: Block 5, Lot 12, North Addition to Alyeska Subdivision

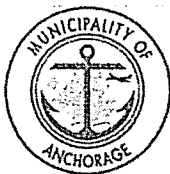
Sincerely,

A handwritten signature in black ink, appearing to read "James Starzec".

James Starzec
Anchorage Area Planner

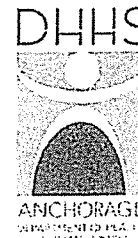
Cc: Tucker Hurn, Right of Way Agent, Right of Way, DOT&PF
Morris Beckwith, Right of Way Agent II, Right of Way, DOT&PF
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities, DOT&PF
Jim Amundsen, P.E., Highway Design Group Chief, DOT&PF

"Keep Alaska Moving through service and infrastructure."



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



RECEIVED

Date: May 4, 2018

MAY 07 2018

To: Planning Department, Current Planning Division

Thru: *DMV* DeeAnn Fetko, Deputy Director

PLANNING DEPARTMENT

From: *SG* Shelley Griffith, Environmental Health Services Program Manager

Subject: Comments Regarding CUP 2018-0052, Big Country Enterprises, Request to Rezone three parcels from R-8 Low-Density Residential (4 acres) District to R-10 Low-Density Residential, Alpine/Slope District

No Comment.

MEMORANDUM

DATE: May 1, 2018
TO: Dave Whitfield, Planning Manager, Planning Section, Planning Division
FROM: Joe Sanks, Planning Engineer, Planning Section, AWWU
RE: Zoning Case Comments
Plats to be heard June 11, 2018
Comments due May 14, 2018

RECEIVED

MAY 01 2018

PLANNING DEPARTMENT

AWWU has reviewed the materials and has the following comments.

2018-0052 VERGASON-JONES LT 2, Request to Rezone three parcels from R-8 Low-Density Residential (4 Acres) District to R-10 Low-Density Residential, Alpine/Slope District, Grid SW1140

1. AWWU water and sanitary sewer are not available to this parcel.
2. AWWU has no objection to this rezone.

~~**2018-0053 ROBERTS BLK 3 LT 13, Conditional Use in accordance with AMC 21.05.060B.1 for commercial food production in the B-3 (General Business) District, Grid SW1629**~~

- ~~1. AWWU water and sanitary sewer are available to this parcel.
 2. AWWU has no objection to this conditional use.~~

~~**2018-0054 ROBERTS BLK 3 LT 8, Conditional Use for off-street parking to benefit an adjoining lot, Grid SW1629**~~

- ~~1. AWWU water is not available, sanitary sewer is available to this parcel.
 2. AWWU has no objection to this conditional use.~~

~~**2018-0055 ALYESKA NORTH #3 BLK 5 LT 12, Conditional Use request to permit a four-dwelling unit multiple-family residential development in the gR-4 (Multiple-Family Residential) District, Grid SE4816**~~

- ~~1. AWWU water and sanitary sewer are available to this parcel.
 2. AWWU has no objection to this conditional use.~~

If you have any questions pertaining to public water or sewer, please call 564-2721 or send an e-mail to paul.hatcher@awwu.biz.





MUNICIPALITY OF ANCHORAGE

Development Services Department

Right of Way Section

Phone: (907) 343-8240 Fax: (907) 343-8250

DATE: April 27, 2018
TO: Planning Division, Current Planning Section
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Frank Kelly, Acting Plan Reviewer
SUBJ: Comments on Administrative Hearings for June 11, 2018.

RECEIVED

APR 27 2018

PLANNING DEPARTMENT

Right of Way Section has reviewed the following case(s) due May 14, 2018.

- 2018-0052** Vacant land & 13301 Messinia Street aka T12N R3W Section 25
S2W2NW4SE4 & E2NW4SE4 & NE4SE4, Lots 1&2 Vergason-Jones
Subdivision, Plat 98-178, grid SW2941.
(Rezone 3 parcels from R-8 to R-10)
Right of Way Section has no comments at this time.
Review time 15 minutes.
- ~~**2018-0053** 3404 Arctic Boulevard aka Lot 13 Block 3, Roberts Subdivision, Plat P-247,
grid SW1629.
(Conditional Use for commercial food production in B-3 District)
Right of Way Section has no comments at this time.
Review time 15 minutes.~~
- ~~**2018-0054** Vacant land aka Lot 8 Block 3, Roberts Subdivision, Plat P-247, grid SW1629.
(Conditional Use for off-street parking in R-3 District)
Right of Way Section has no comments at this time.
Review time 15 minutes.~~
- ~~**2018-0055** Vacant land aka Lot 12 Block 5, North Addition to Alyeska Subdivision, Plat
72-180, grid SE4816.
(Conditional Use to permit residential development in the GR-4 District)
Right of Way Section has no comments at this time.
Review time 15 minutes.~~

May 14, 2018

Municipality of Anchorage, Planning Department
Attention: Francis McLaughlin,
4700 Elmore Road
Anchorage, AK 99507

Re: Lewis and Clark Proposed R-10 Subdivision
Case No. 2018-0052

Dear Mr. McLaughlin:

I am a homeowner at 8801 Upper Dearmoun, land directly across from the proposed Lewis and Clark Subdivision.

This is Petitioners' third rezone application. Like the others, it seeks rezoning to avoid the 4 acre minimum lot requirements of the existing R-8 zoning and create 1.25 and 2.5 acre lots. Because Petitioners' last rezone application was denied in July, 2017, Ordinance 21.3.160.D.10 bars rezoning for 2 years as a matter of law. Because Petitioners have failed to establish that R10 rezoning is necessary to make development feasible and failed to provide the information necessary to meet the criteria required by Ordinance 21.03.160, the application must be denied.

Three Previous Rezoning Rejections

Beginning shortly after their purchase of the land at a price reflecting the minimum 4 acre lot requirements of the existing R-8 zoning, Petitioners over the last 4 years have been repackaging their same development plan. Each application seeks permission for smaller lots substantially less than 4 acres, an increased number of lots, and envisions stacking the smallest lots along Upper Dearmoun Road. Proposed lots have been as small as an acre in size.

In 2014, Petitioner applied for R-6 rezoning with 32 lots. Planning Department Staff recommended that the application be denied and the application did not gain a single supporting vote from the Planning and Zoning Commission. Specific factual findings included the fact that increased housing density on this site was unnecessary, (Finding of Fact 1), most of the property has marginal to impermeable soils (Finding of Fact 2), and the rezoning request was inconsistent with the Hillside District Plan requirement that current zoning to be maintained (Finding of Fact 5). Because there was no support at the Assembly level for the rezone application, Petitioners' appeal to the Assembly appeal was denied by being tabled indefinitely.

In 2017, Petitioners filed a second rezoning application under New Title 21 from R-8 to R-6SL, this time with 30 lots. Without explanation, the Planning Department assigned a new staff member who, since that time, has championed every proposal submitted by Petitioners and never acknowledged, or attempted to reconcile prior staff's negative recommendation. When this second application was denied by the Planning and Zoning Commission, new staff filed a request for rehearing to permit 24 lots. In July, 2017, the application was denied by the Planning and Zoning Commission for the third time.

Most recently, the Petitioners, with the support of the same Planning Department staff member, obtained Platting Board approval of an Ordinance 21.08.070 Conservation Subdivision plat for 16 lots, with the median average size of 2.16 acres and the smallest lot 1.16 acres. Another adjoining landowner has appealed this approval and, through the grapevine, the word is that this rezone application is in response to this exercise of Municipal Code due process rights.

R-10 Rezoning Application

Permitting rezoning this fourth time requires finding that the Planning and Zoning Commission was wrong by a lot-- not just once, but 3 separate times. Just like the past applications, this R-10 rezoning application is for the purpose of allowing smaller lots of 1.25 and 2.5 acres below the 4 acre minimum size required by existing R8 zoning depending on slope. If a Construction Subdivision is again proposed, lot sizes could potentially be even much smaller.

Unlike the 3 previously occasions when rezoning was denied, this rezoning application, itself, provides no indication as to the number of lots. In a 12 minute community meeting, the Petitioners represented this number to be between 5 and 45 lots with no response to subsequent emails. Without this information, the Commission cannot make the necessary findings for rezoning.

Finally, this 4th request for rezoning makes no reference to the Platting Board's approval of a 16 lot subdivision, whether Petitioners intend to continue proceeding with this approved plat, or the reasons for proceeding with 2 simultaneous development projects. Without this important information, the Commission cannot make the necessary findings for rezoning.

One would normally expect this information to be provided through the Community Council process, in this case the Hillside Community Council. In this case, however, Petitioners Bruce Vergason and Todd Brownson serve on the Hillside Community Council Board and their presentation was scheduled for the end of the March meeting. The presentation ended at Mr. Vergason's direction after 12 minutes. Followup emails to Petitioners' representative, Tom Dreyer at the S4 group were not returned. The

following meeting of the Hillside Community Council was cancelled. Petitioners never advised as to how their conflict of interest between being Petitioners and being Board members would be addressed.

Requests for further information from Planning Department Staff also did not provide further information. While Staff was unable to provide an example of another rezoning application in which a preliminary plat setting forth the number of lots was not provided, it is Staff's position that this is not required. According to Staff, there have been no prior R10 rezone applications, at least within the last 2 years. Staff also could not provide an example of another instance in which the Planning Department recommended denial of an R8 rezone application. With the history of 3 previous denials of rezoning, the Commission cannot make necessary findings to support rezoning with this history.

The R10 rezone application continues the previously rejected argument that rezoning is justified because some adjoining landowners occupy 1 acre lots. In doing so, Petitioners continue to ignore the fact that these lots were subdivided in the 1970's before there was meaningful zoning, that R8 zoning was adopted in recognition that these smaller lot sizes were a mistake, and that they were aware of these facts when they purchased the land.

Petitioners also argue that rezoning is somehow suggested by the Anchorage 2040 Land Use Plan. The 2040 Land Use Plan makes clear on page 32 that the Hillside District Plan controls. Page 36 further states that the requirements of the 2040 Land Use Plan are "subject to the Hillside District Plan."

Similarly, the R10 rezone application continues Petitioners' practice of relying on maps within the Hillside District Plan to argue that, notwithstanding R8 zoning, densities shown are 0-1 Dwelling Units per Acre (DUA). Once again, this is not the case and the maps do not even reference R8 zoning. Instead, HDP Policy 1-A states that it is intended to:

Encourage a greater proportion of future Hillside growth to occur in the lower Hillside, in areas located closer to existing services and infrastructure; to a limited degree reduce the amount of future development in the southeast Hillside.

HDP Policy 1-B also specifically establishes that the Policy is to:

Maintain policies for the amount of development as allowed under current land use designations.

In short, per the Hillside District Plan, existing R8 zoning is to be maintained.

Reasons for Denial

Objections to the past rezoning applications consistently focused on the smallest lots being stacked along the Upper Dearmoun Road boundary, the substandard condition of Upper Dearmoun Road with an absence of adequate shoulders for a collector road, the dangers resulting from increased traffic, the unsuitability of large areas of the tract for development, and the specific statements within the 2010 Hillside District Plan that existing zoning was to be maintained with larger lot zoning in the areas closest to Chugach Park. With these conditions remaining, the R10 rezoning applications does not address these objections.

1. Ordinance 21.3.160.D.10 requires denial.

After a rezone application is denied, Ordinance 21.03.160.D.10 imposes a 2 year waiting period on new applications for substantially the same rezoning. Attempts to suggest that R-10 rezoning is different from rejected past R-6 rezoning application fail because the purpose of each application has been to achieve the identical goal of lot sizes below 4 acres with lot sizes of 2.5 acres, 1.25 acres and even smaller if a Construction Subdivision is attempted.

With Petitioners' most recent denial occurring in July, 2017, no further rezone application can be considered until July 2019 as a matter of law. To the extent that Petitioner disagrees, this pure question of law can only be resolved by court decision.

2. Per Ordinance 21.04.020.P, R10 zoning is inappropriate.

Ordinance 21.04.020.P states that R10 zoning is intended only for "those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development.

The rezone application makes no attempt to argue why R10 zoning is required. When the Platting Board has approved a plat under existing zoning, R10 zoning is not necessary for development a conclusion not changed by another landowner exercising appellate rights under the Municipal Code.

3. Petitioner has not established each Approval Criteria required by Ordinance 21.3.160.E.

In order to grant the application for R-10 rezoning, the Commission is required to find that the Application satisfies all approval criteria set forth in Ordinance 21.3.160.E. Because the application does not address the number of lots or provide other necessary information, this cannot be done.

Ordinance 21.03.160.E.1 requires a finding that rezoning be in the best interests of Anchorage and promote the public health safety, and general welfare. The representation that Petitioners have suggested there could be as many as 45 lots provides further proof that this criterion has not been met. Together with the history of 3 rezoning denials based on the number of lots, this cannot be done.

Ordinance 21.03.160.E.2 requires a finding of compliance with the comprehensive plan. In that regard, the 2040 Land Use Plan specifically identifies this neighborhood on Map 1-2 as an area of little housing growth. The Land Use Plan has a specific Goal 7 of making any rezoning compatible with existing zoning, i.e., R-8, and expressly states on page 75 that it is not a recommendation for rezoning. If Petitioners believed that R10 rezoning complied with the 2040 Land Use Plan and could truly justify R-10 rezoning, Petitioners would be addressing how 1.25 acre lots are compatible with the existing R8 zoning requirements of 4 acre lots, how storm water evaluation is being conducted (as required by Goal 5-6 at page 88), and how the necessary Upper Dearmoun Road infrastructure will be provided, as required on page 72 of the 2040 Land Use Plan. Because the application makes no attempt to address these issues, it is not possible to find that these criteria have been met, and the application must be denied. If seriously considered, the proposed rezoning would require amendment of the Hillside District Plan, itself.

Ordinance 21.03.160.E.3 requires that rezoning be consistent with the purpose of existing R8 zoning. With the purpose of the rezone being to change minimum 4 acre minimum lot sizes down to 2.5 acres, 1.25 acres, and possibly even smaller lots, this criterion has not been met.

Ordinance 21.03.160.E.5 requires that roads be capable of supporting the new uses while maintaining adequate levels of service to existing development. With all parties recognizing the substandard condition of Upper Dearmoun Road and Petitioners seeking as many as 45 individual lots, this criterion has not been met.

Ordinance 21.03.160.E.7 requires that rezoning not result in adverse impacts upon adjacent land uses. With Petitioners not identifying the number of lots they seek, but representing that it may be as many as 45, this criterion has not been met. 45 new homes relying upon an existing substandard road is absolutely an adverse impact.

Ordinance 21.03.160.E.8 requires that the rezone not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan. With the purpose of R8 zoning in the first place being recognition of that 1 acre lots were unreasonable, this cannot be done. If anything, rezoning this parcel will lead to rezoning of other uphill parcels in the neighborhood, creating a domino effect. With Petitioners making no effort

to distinguish the effect of their rezone application on future rezone applications of these parcels, this criterion has not been met.

Conclusion

The Landowner simultaneously pursuing Platting Approval and Rezoning is inappropriate. This R10 Rezone application should be denied as barred by 21.3.160.D, unnecessary for feasibility of development as required by Ordinance 21.04.020.P, and for failing to establish compliance with each of the necessary criteria required by Ordinance 21.3.160.E. Ultimately, the application simply rehashes previously rejected arguments, with no attempt to address the status of the currently pending Conservation Subdivision Plat.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Marc W. June', written over the typed name.

Marc W. June

A large, stylized handwritten signature in black ink, possibly reading 'J. June', written to the right of the typed name.

MWJ/wws
cc: David Whitfield

Municipality of Anchorage
P. O. Box 196650
Anchorage, Alaska 99519-6650
(907) 343-7943



01707378000
MOBLEY PAMELA & THOMAS
8011 LAKONIA DR
ANCHORAGE, AK, 99516-3838

RECEIVED

MAY 14 2018

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING: Monday, June 11, 2018

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2018-0052 3551633838 0017

PETITIONER: Big Country Enterprises, LLC
REQUEST: Request to Rezone three parcels from R-8 Low-Density Residential (4 acres) District to R-10 Low-Density Residential, Alpine/Slope District.
TOTAL AREA: 7.2 acres
SITE ADDRESS: 13301 MESSINIA ST, ANCHORAGE, AK 99516
LOCATION: Generally located east of Messina Street, south of Upper DeArmoun Road and west of Canyon Road.
CURRENT ZONE: R-8 Low-Density Residential (4 acres) District
COM COUNCIL(S): Hillside, Rabbit Creek, Bear Valley, Glen Alps
LEGAL DESCR: T12N R3W SEC 25 S2W2NW4SE4 & E2NW4SE4 & NE4SE4; Lots 1 & 2, Vergason-Jones Subdivision (Plat 98-178)

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30PM, Monday, June 11, 2018 in the Loussac Library Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

The zoning ordinance requires that you be sent notice because your property, residence, or business is within the vicinity of the petition area. This will be the only public hearing before the commission regarding this case and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition, this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Planning Department, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed online at <http://www.muni.org/CityViewPortal>.

Name: Tom Mobley
Address: 8011 LAKONIA DRIVE ANCHORAGE AK 99516

Comments: WILL VOTE NO. BIG CONCERN ABOUT WATER TABLE, SEPTIC SEWAGE, TRAFFIC, AND MOST OF ALL THE DAMAGE THAT CAN BE INFLECTED ON THE CLASS C WET LANDS, NOT TO MENTION RABBIT CREEK PROPER.

Affidavit of Posting and Historical Information

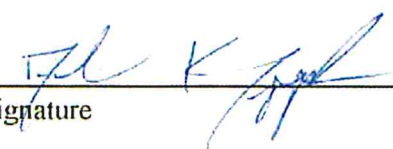


AFFIDAVIT OF POSTING

CASE NUMBER: 2018-0052

I, ANNE KAPPEL hereby certify that I have posted a **Notice** as prescribed by Anchorage Municipal Code 21.03.020H.5. on the property that I have petitioned for rezone. The notice was posted on MAY 16TH 2018 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 16TH day of MAY, 20 18.


Signature

LEGAL DESCRIPTION

Tract or Lot: _____

Block: _____

Subdivision: LEWIS & CLARK







Submitted by: ASSEMBLY MEMBER JOHNSTON
Prepared by: Dept. of Law
For reading: February 23, 2016
POSTPONED INDEFINITELY 4-26-2016
NOTICE OF RECONSIDERATION WAS
GIVEN BY MR. STARR 4-27-2016
RECONSIDERATION FAILED
5-10-2016

ANCHORAGE, ALASKA
AO No. 2016-28

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND APPROVING THE REZONING OF 72.66 ACRES OF LAND FROM R-8 (RURAL RESIDENTIAL - LARGE LOT) DISTRICT TO R-6 (SUBURBAN RESIDENTIAL - LARGE LOT) DISTRICT FOR PROPERTY DESCRIBED AS THE N ½ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA EXCEPTING THE NW ¼ OF THE NW ¼ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA, AND LOT 2, VERGASON-JONES SUBDIVISION (PLAT 98-178); GENERALLY LOCATED SOUTH OF UPPER DEARMOUN ROAD, WEST OF CANYON ROAD AND EAST OF MESSINIA STREET, IN ANCHORAGE.

(Hillside East Community Council) (Planning and Zoning Commission Case 2014-0219)

WHEREAS, the Planning and Zoning Commission passed Resolution 2015-026 denying an application to amend the zoning map to rezone 72.66 acres located on the upper hillside from R-8 zoning district to R-6;

WHEREAS, pursuant to Anchorage Municipal Code (old code) section 21.20.100D, the applicant requested an ordinance approving the rezone be submitted to the Assembly for approval;

WHEREAS, Anchorage Municipal Code (old code) section 21.20.120A.3 authorizes the Assembly to approve the proposed ordinance with or without the addition of special limitations or other modifications;

Now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Assembly finds the recommended zoning map amendment described herein satisfies the criteria of Anchorage Municipal Code (old code) section 21.20.090 and is hereby approved. The zoning map shall be amended by designating the following described property as R-6 (suburban residential - large lot) district:

The N ½ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska excepting the NW ¼ of the NW ¼ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska, and Lot 2, Vergason-Jones Subdivision (Plat 98-178)

Section 2. This zoning map amendment is subject to the following special limitations, which must be addressed by the Platting Board:

- a) The issue of marginal to impermeable soils. (See AIM 137-2015, page 2, lines 1 through 9).

- i) The Applicant shall submit to the Platting Board in its application that no lots will be platted for residential development that do not meet current codes in regards to well installations; and
- b) The issue of on-site septic systems. (See AIM, page 2, line 7).
 - i) The Applicant shall submit to the Platting Board in its application that no lots will be platted for residential development that do not meet current codes in regards to on-site septic systems; and
 - ii) As a warranty against septic system failure, the Applicant shall establish a Trust Account funded at Ten Thousand Dollars (\$10,000.00) per lot. In the event of a failure of any septic system within five (5) years of the septic systems construction, the Applicant will pay to the home owner from the Trust Account Fund up to Ten Thousand Dollars (\$10,000.00) for the installation of an advanced waste management system; and
- c) The issue of the number of permitted lots. (See AIM, page 2, lines 11 through 25).
 - i) The Applicant shall apply for a maximum of thirty (30) lots in this subdivision all of which shall meet current platting requirements.
- d) The issue of surface water run-off. (See AIM, page 3, lines 17 & 18).
 - i) The Platting Board will require a drainage plan that will address down grade drainage appropriately.
 - ii) The Applicant will construct no residences closer than One Hundred feet (100') to any surface run-off area.
- e) The issue related to the Hillside District Plan (See AIM, page 2, lines 27 through 32 and page 3, lines 10 through 15). The Hillside District Plan provides that "For the most part, retain the status quo in land use designations" (See page 2-1 of the Plan). Staff notes this same policy on page 3 of the AIM. The term "designation" is not used in Municipal Code. Instead the term "classification" is used to describe land uses. The classifications in code are residential commercial, industrial, commercial-industrial, environmentally sensitive land, mixed use and commercial recreation (See AMC 21.05.050-Land use classifications).
 - i) This project shall not provide for any change in the existing land use "classification" which is residential.
- f) The issue of traffic and vehicle trips on adjacent roads as the result of approval of this application. (See AIM, page 3, Lines 18 & 19). Upper DeArmoun is classified as a neighborhood collector (See the Official Streets and Highways Plan, Appendix "A"). A neighborhood collector

1 “collects traffic from local streets and then conducts it to arterials or to
2 local traffic generators...” (See OSHP page 6). A neighborhood
3 collector is designed to handle 2,000 to 10,000 vehicles per day (See
4 OSHP, page 10). The traffic volume on Upper DeArmoun is far less
5 than the maximum for a neighborhood collector.
6

- 7 i) The Platting Board may require a traffic impact analysis if the
8 Board determines that such an analysis is necessary and
9 appropriate.
10

11 **Section 3.** This ordinance shall become effective 10 days after the Director of the
12 Planning Department has received the written consent of at least 51 percent of the
13 owners of the property within the area described in Section 1 above to any special
14 limitations contained herein. The rezone approval contained herein shall automatically
15 expire, and be null and void, if the written consent is not received within 120 days
16 after the date on which this ordinance is passed and approved. In the event no
17 special limitations are contained herein, this ordinance is effective immediately upon
18 passage and approval. The Director of the Planning Department shall change the
19 zoning map accordingly.
20

21 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
22 _____, 2016.
23
24
25

26 _____
27 Chair of the Assembly
28
29

30 ATTEST:
31
32

33 _____
34 Municipal Clerk
35
36
37
38

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2015-026

A RESOLUTION RECOMMENDING DENIAL OF THE REZONE OF APPROXIMATELY 72.66 ACRES FROM R-8 (RURAL RESIDENTIAL – LARGE LOT) DISTRICT TO R-6 (SUBURBAN RESIDENTIAL – LARGE LOT) DISTRICT FOR PROPERTY DESCRIBED AS THE N ½ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA EXCEPTING THE NW ¼ OF THE NW ¼ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA, AND LOT 2, VERGASON-JONES SUBDIVISION (PLAT 98-178); GENERALLY LOCATED SOUTH OF UPPER DE ARMOUN ROAD, WEST OF CANYON ROAD AND EAST OF MESSINIA STREET, IN ANCHORAGE.

(Case 2014-0219; Parcel ID Nos. 017-073-06 and 017-074-06)

WHEREAS, a request was received from Big Country Enterprises, LLC, to rezone approximately 72.66 acres from R-8 (rural residential – large lot) district to R-6 (suburban residential – large lot) district for property described as the N ½ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska excepting the NW ¼ of the NW ¼ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska, and Lot 2, Vergason-Jones Subdivision (Plat 98-178), generally located south of Upper De Armoun Road, west of Canyon Road and east of Messinia Street, in Anchorage; and

WHEREAS, public hearing notices were published, posted, and mailed, and a public hearing was opened on April 6, 2015; and

WHEREAS, all present wishing to testify had the opportunity to address the Commission on April 6, 2015; and

WHEREAS, the Chair, having called for anyone else wishing to testify and hearing no response, closed the public hearing on April 6, 2015; and

WHEREAS, the case was continued to the June 1, 2015 meeting at which time the Commissioners deliberated and decided the matter before the Commission.

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

A. The Commission makes the following findings of fact:

1. The request before the Commission is to rezone a 72.66-acre parcel and Lot 2, Vergason-Jones Subdivision from R-8 (rural residential – large lot) district that requires a minimum five acre lot size, to R-6 (suburban residential – large lot) district that requires a minimum 1.25 acre minimum lot size.
2. The Commission addressed the need for more housing in Anchorage, but found that an increase in density does not need to happen on this particular site with the proposed R-6 zoning. The 2012 Housing Study found that there is a need for more housing in Anchorage; however the

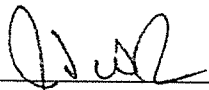
results of the study determined that there was an oversupply of large lot zoned land for single-family residential development. What the Anchorage community does not have enough of is small lot development served by public utilities and services.

3. The Commission could not support the rezone request based on the soils tests that were submitted and the comments from On-Site Services that some of the lots will not be able to support on-site septic systems. Soils tests have been performed, and the soils report indicates that most of the property has marginal to impermeable soils.
4. The Commission referenced comments from On-Site Water and Wastewater Services that stated further research on the dry drainageways is needed to determine if there is surface water, as septic tanks and drainfields are required to be at least 100 feet from surface water. There are elevated nitrates in neighboring wells and a nitrate study will be required prior to development of a subdivision.
5. The *Hillside District Plan*, which is the guiding comprehensive plan for this property, doesn't indicate that the rezone is inconsistent with the Land Use Plan Map in terms of density. However, one of the policies in the *Hillside District Plan* indicates that the same land use designations should be maintained in this area as were established prior to the beginning of this plan. In that respect, the rezone is not consistent with the *Hillside District Plan*.
6. From a general point of view, this proposal is not necessarily a good urban plan. It is not necessarily good to expand the low-density sprawl in the community throughout the Hillside. What is needed is more compact development concentrated near employment centers as the comprehensive plan recommends.
7. Adding more housing to the Hillside is clearly a risk with respect to the groundwater and the flow into Rabbit Creek. It would add more vehicle trips onto a substandard street which is strip paved without shoulders or sidewalks. This is not the right proposal at this particular site.
8. The issue is that this property is in an area where there are lots that are the same size as what is proposed to be developed with this rezone petition. However, those lots were platted and developed prior to the implementation of the current zoning. If the adjoining property were to be zoned today, the zoning would be reconsidered as public testimony has proved that there are some problems with some of those smaller lots.

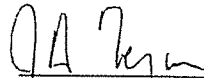
9. With the R-8 zoning it is less likely that problems will be created with larger lot development in a fragile environment, and the R-8 zoning is the most appropriate zoning for this particular area.
- B. The Commission recommends DENIAL to the Anchorage Assembly that approximately 77.62-acres be rezoned from R-8 (rural residential - large lot) district to R-6 (suburban residential - large lot) district by a vote of 8 nays and 1 abstention.

DENIED by the Anchorage Planning and Zoning Commission on June 1, 2015.

ADOPTED by the Anchorage Planning and Zoning Commission this 6th day of July, 2015.



Jerry T. Weaver, Jr.
Secretary

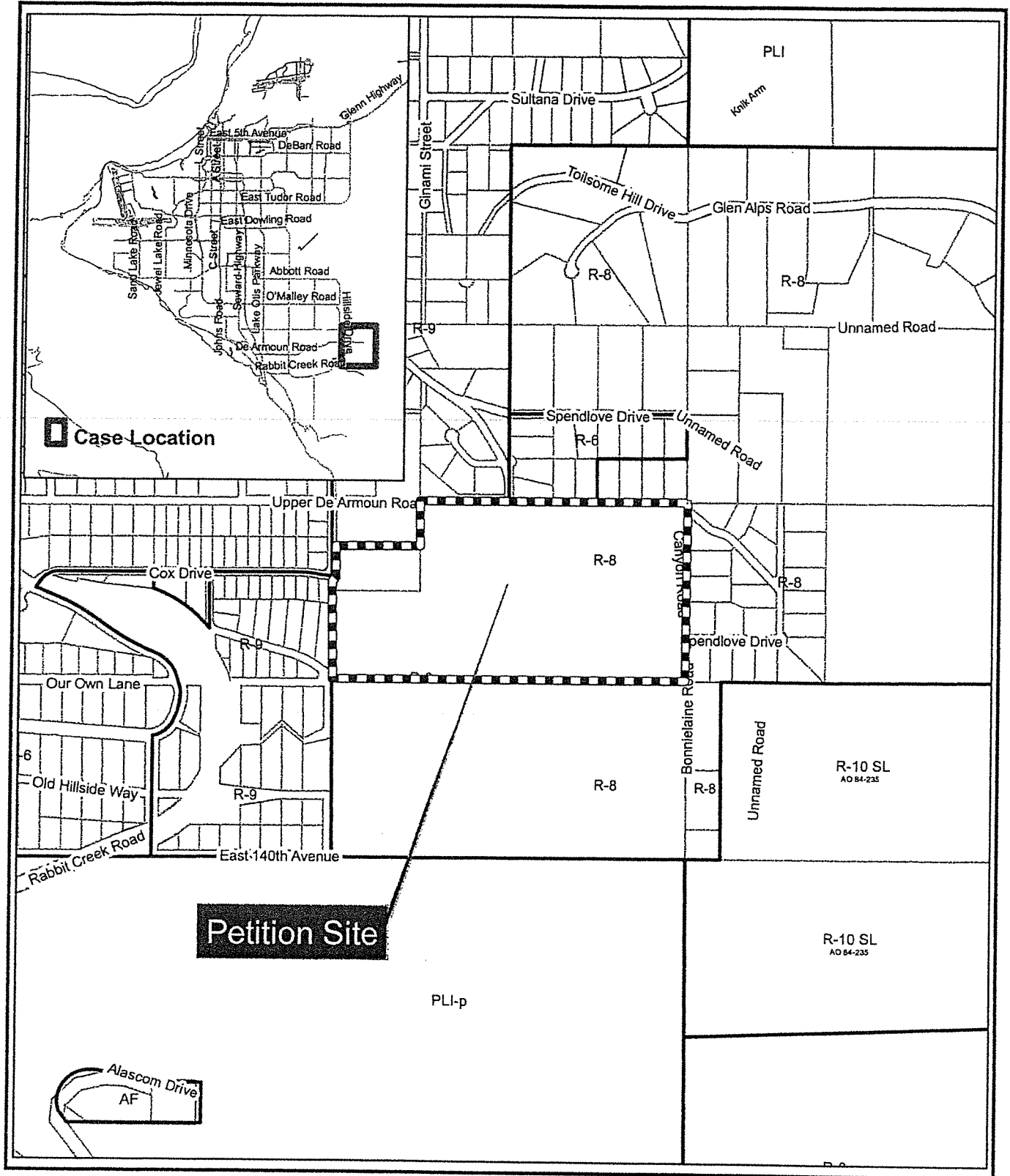


J.A. Fergusson
Chair

(Case 2014-0219)
(Parcel ID Nos. 017-073-06 and 017-074-06)

mro

2014-0219



Municipality of Anchorage
Planning Department

Date: January 06, 2015



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2017-021

A RESOLUTION RECOMMENDING DENIAL OF THE REZONING OF APPROXIMATELY 77 ACRES FROM R-8 (LOW-DENSITY RESIDENTIAL, 4 ACRE) DISTRICT TO R-6 SL (LOW-DENSITY RESIDENTIAL, 1 ACRE) DISTRICT WITH SPECIAL LIMITATIONS FOR THE N ½ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA EXCEPTING THE NW ¼ OF THE NW ¼ OF THE SE ¼ OF SECTION 25, T12N, R3W, S.M., ALASKA AND LOTS 1 AND 2 OF VERGASON-JONES SUBDIVISION PER PLAT 98-178; GENERALLY LOCATED SOUTH OF UPPER DEARMOUN ROAD, WEST OF CANYON ROAD, AND EAST OF MESSINIA STREET, IN ANCHORAGE.

(Case 2017-0072)

WHEREAS, a request has been received from Todd Brownson, Big Country Enterprises, LLC to rezone approximately 77 acres from R-8 (low-density residential, 4 acre) district to R-6 SL (low-density residential, 1 acre) district with special limitations for the N ½ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska excepting the NW ¼ of the NW ¼ of the SE ¼ of Section 25, T12N, R3W, S.M., Alaska and Lot 1 and 2 of Vergason-Jones Subdivision per Plat 98-178; generally located south of Upper DeArmoun Road, west of Canyon Drive, and east of Messinia Street, in Anchorage; and

WHEREAS, notices were published, posted, and mailed, and a public hearing was held on June 12, 2017.

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

A. The Commission makes the following findings of fact:

1. The applicant presented a great case. In 2015, a very similar rezone was requested, if boiled down to just the bare bones. The zoning currently allows 14 lots and the developer would like 30 lots to be allowed. New soils information has been presented and it appears that the groundwater is not as bad and drains water better. The groundwater will vary from year to year based on snowfall. All other factors that were problems approximately two years ago with compatibility, environmental impacts to drainage, glaciation, and downstream watercourses, all seem to still be there.
2. There are concerning things about this case. Anchorage does not need more large-lot housing, so upzoning does not seem necessary.
3. There is strong community council and neighborhood objection to this rezone.

4. The rezone is not compatible with the *Comprehensive Plan* and while an increase of 0.25 DUA to 0.39 DUA does not sound like much, it results in a large increase (50%) in the number of dwelling units.
5. The Commission is unsure that the rezone is compatible with the surrounding zoning and while the R-6 district abuts the site, the zoning is predominately the R-8 district.
6. The Commission is unsure that DeArmoun Road can support this rezone because there is a lot of traffic from recreational users.
7. The applicant has done a very good job to ensure that this rezone will limit adverse impacts upon the natural environment, however, it is still a concern.
8. A dissenting commissioner stated that underutilization of property is bad development. Bigger lots are less likely to have good coordinated development than smaller lots because the cost of infrastructure is harder to distribute. Even though R-6 lots are being referred to as smaller lots, they are actually quite large. The Commission is not here to determine whether or not the site can sustain these on-site septic systems because the Municipality will ensure that the design is good. The Commission has to decide if the information provided is adequate enough to determine that this is a quality rezone and the answer is "yes." The *Design Criteria Manual*, which did not exist previously, will impose strict design standards to protect wetlands and create sustainable design in this area. In regards to the *Hillside District Plan*, Mr. McClintock's expansive letter convincingly stated that it is important for one to look at the entire *Plan*, not just a tiny piece of it, and manipulate that piece to make your point.
9. Another dissenting commissioner stated that 12 of 13 lots from a recent R-6 subdivision sold quickly, so there is huge demand for these lots. This rezone is supportable with a new special limitation requiring conservation of open space tracts. This may provide some balance for what was heard from the community.
10. The proposed plan shows roughly 30 lots and the R-8 would allow 14 lots. The answer is somewhere in between because the topography would probably support a number between 14 and 30. The 30 lots is a higher density that is askew, but the Commission does not have a choice. By default, absent a development plan that bridges the gap, the R-8 district should remain.

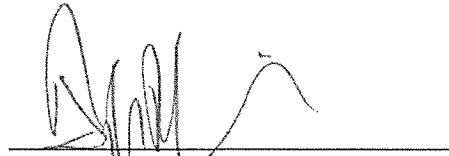
- B. The Commission recommends DENIAL to the Anchorage Assembly that approximately 77 acres be rezoned from R-8 district to R-6 SL district.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 12th day of June, 2017.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 10th day of July, 2017.



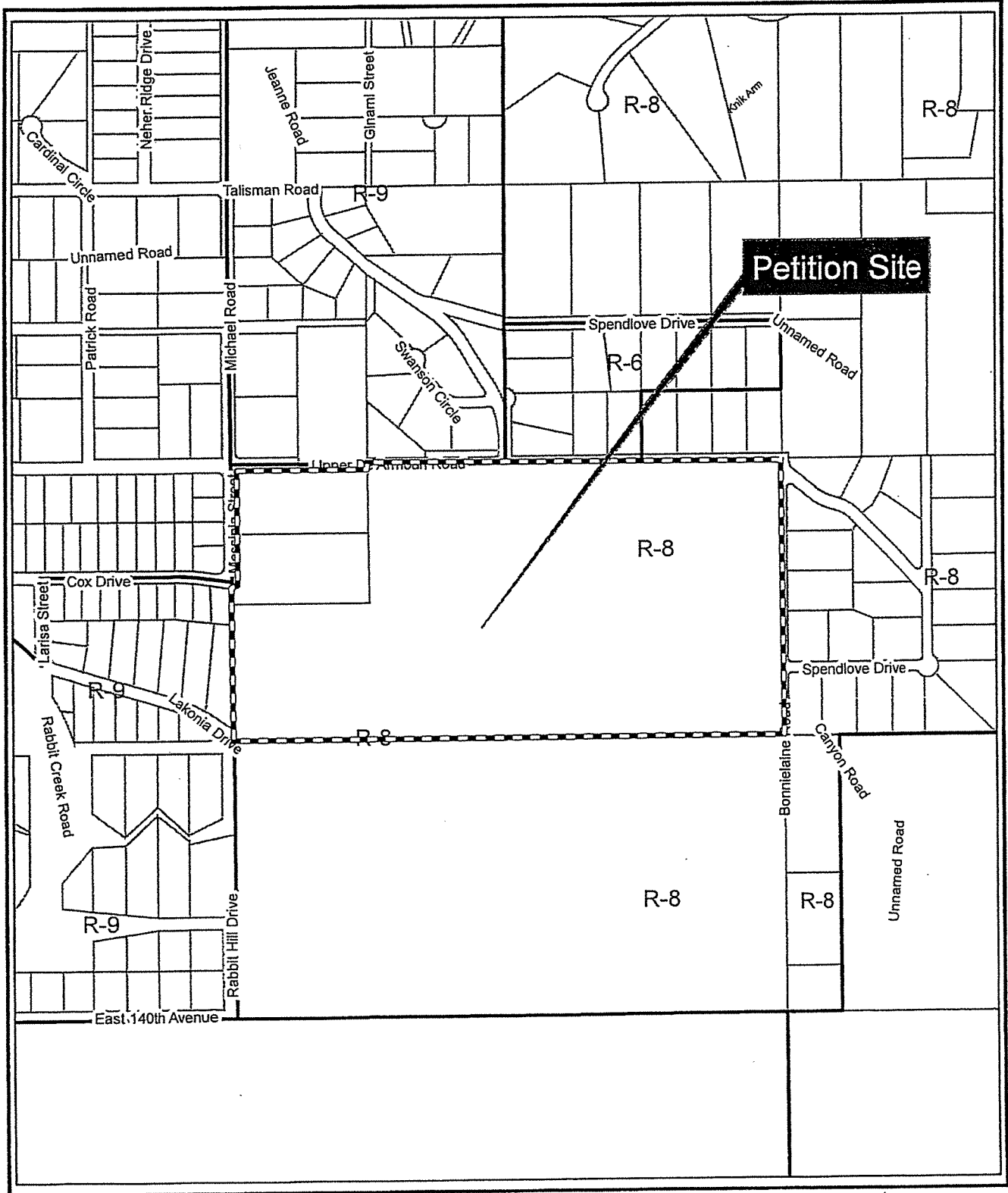
Hal H. Hart, AICP
Secretary



Tyler Robinson
Chair

(Case 2017-0072)

fm



Municipality of Anchorage
Planning Department

Date: April 24, 2017



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2017-028

A RESOLUTION DENING A REQUEST TO REHEAR CASE 2017-0072 BASED ON NEW EVIDENCE OR CHANGED CIRCUMSTANCES, IN ACCORDANCE WITH AMCR 21.10.503.

(Case 2017-0072)

WHEREAS, Todd Brownson, Big Country Enterprises, LLC submitted a request to rehear Case 2017-0072 based on new evidence or changed circumstances, in accordance with AMC 21.10.503; and

WHEREAS, the Planning and Zoning Commission recommended denial of Case 2017-0090 on June 12, 2017, which was a request to rezone approximately 77 acres from R-8 to R-6 SL.

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

A. The Commission makes the following findings of fact:

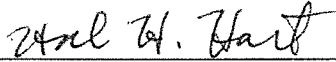
1. The alleged new evidence or changed or changed circumstances would not substantially change the initial decision of the Commission, in accordance with AMCR 21.10.503B.1.
2. The realtor's research showing that large-lot residential is in short supply does not correspond to the recently published Land Use Plan Map study, which did extensive analysis of all residential land in order to assess the balance between supply and demand for housing.
3. The *Hillside District Plan* and *Anchorage 2020* do not recommend increasing residential land density in this part of the Hillside. Increasing density at this site is contrary to the public interest. Any increase in density would also increase traffic and impact the sensitive environmental features of the land. These issues were thoroughly discussed at the original hearing and the new information provided would not change the Commission's decision. A rehearing or reopening of the case is not warranted.
4. The basis for the petitioner's request to reopen the case does not prove to be new information. The petitioner's new information was already known during the initial hearing. The argument for reopening the case is not convincing.
5. Dissenting Commissioners stated that Canyon Road Trailhead probably causes a lot more traffic than this rezone would. Also, there is market

demand for large-lot single-family homes and rezoning to the R-6 district would make development costs more affordable.

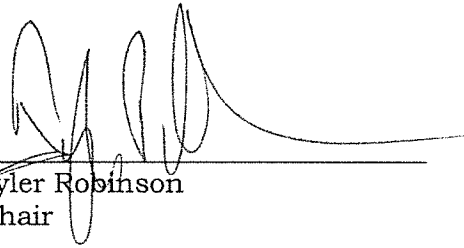
- B. The Commission DENIED the request for rehearing of Case 2017-0072 based on new evidence or changed circumstances, in accordance with AMC 21.10.503.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 14th day of August, 2017.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 2nd day of October, 2017.



Hal H. Hart, AICP
Secretary



Tyler Robinson
Chair

(Case 2017-0072)

fm

MUNICIPALITY OF ANCHORAGE PLATTING BOARD

FINDINGS OF FACT AND DECISION

S12388 LEWIS AND CLARK SUBDIVISION, LOT 1 – 16 AND TRACT A

WHEREAS, Big Country Enterprises, LLC (owner) sought approval of a conservation subdivision (AMC 21.08.070B.) of one tract into 16 lots and one tract with a 60-month phasing plan and with variances from AMC 21.07.060D.3.b.ii., *Internal Street Connectivity*, and AMC 21.08.030F.6.a., *Cul-de-Sacs*, generally located east of Messina Street, south of Upper DeArmoun Road, and west of Canyon Road, in Anchorage, and

WHEREAS, the Platting Board held a public hearing on January 3, 2018, considered the information and testimony presented both written and oral, closed the public hearing, and approved the preliminary plat of a conservation subdivision, the phasing plan, and the variances, and

WHEREAS, the Platting Board is required to ensure that the subdivision application meets the requirements of AMC 21.03.200, *Subdivisions*, and AMC 21.03.240, *Variances*, and

NOW, THEREFORE, BE IT RESOLVED that the Platting Board adopts the following findings and conclusions.

FINDINGS:

1. The application for a variance from AMC 21.08.030F.6.a., *Cul-de-Sacs*, met the approval criteria of AMC 21.03.240, *Variances*, to allow Lewis and Clark Circle to exceed the maximum length for a cul-de-sac street by 86 feet. Requiring a 900 foot cul-de-sac would cause unreasonable financial difficulties and is opposed by public safety agencies. Fire, police, and ambulance access to individual properties is the biggest consideration for the length of cul-de-sac streets and no negative input was received from public safety agencies about access.
2. The request for a variance from AMC 21.07.060D.3.b.ii., *Internal Street Connectivity*, met the approval criteria of AMC 21.03.240, *Variances*, to allow no pedestrian connection from Brownson Circle to Upper DeArmoun Road. Testimony and the Planning Department recommendation both stated how the approval criteria is met. The requirement for a 10-foot wide trail easement is unreasonable. There is no need for a trail because the distance by road is approximately the same. The trail is an unnecessary redundancy.
3. The application for a variance from AMC 21.07.060D.3.b.ii., *Internal Street Connectivity*, met the approval criteria of AMC 21.03.240, *Variances*, to allow no pedestrian connection from Lewis and Clark Circle to Canyon Road. Planning staff said that the approval criteria for this

variance was not met and supported the dedication of a trail. There was a lot of public testimony asking for a trail as well, but creating a trail causes public safety concerns. The petitioner said that the trail could create a vehicle-pedestrian conflict because trail users will not be easily seen by motorists on Canyon Road, particularly during reconstruction of Canyon Road. The steepness of Canyon Road contributes to the trail being a safety issue. There is an alternative means that will achieve the same result as a trail. The pedestrian route by road is only 200 feet longer, and it would achieve the same objective as a trail. The road is a reasonable alternative to building a trail. Also, the wetlands tract is a potential pedestrian access to Canyon Drive.

4. In regards to the conservation subdivision and the 60-month phasing plan:
 - a. The Board took into consideration public testimony and studied the case packet, particularly public safety; land use and how it affects the livability of the neighborhood; and off-site impacts from drainage, private well, on-site septic systems.
 - b. The Board heard concerns from the public, but the Board relied on reports from engineers and experts that countered those concerns. Over 50 percolation tests were conducted by Garness Engineering and NorthRim Engineering to show that on-site septic systems will function adequately on the land.
 - c. The Board understood the concerns expressed by the public over the sizes of lots; however, all of the applicable regulations for conservation subdivisions in Title 21 (New Code) are met.
 - d. The conditions of approval will require the subdivider to prove to the MOA On-Site Water and Wastewater Services Division that AMC Title 15 regulations are met for each lot. The required information includes soils testing, percolation testing, and groundwater monitoring. There are approximately eight different items that the subdivider must resolve. Furthermore, there are three pages of conditions of approval, so the subdivider has a lot of work to do before recording a final plat. The Board found that, considering all of the facts, this is a reasonable subdivision.
 - e. This was not the first conservation subdivision to be approved by the Board. The previous conservation subdivision also had smaller lots throughout the subdivision. The *Hillside District Plan* provides an example of a conservation subdivision which shows smaller lot sizes with a larger open space tract. The Board heard testimony from a neighbor, who proposed a methodology for size

reductions that amounted to lots of about 2.6 acre in sizes, which is essentially what is shown in this subdivision.

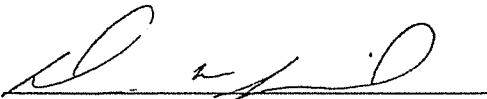
CONCLUSIONS:

The Platting Board took into consideration the written analyses of staff, testimony of the petitioner, and public comment, both written and oral that was presented at the January 3, 2018 public hearing. The Platting Board reviewed the conservation subdivision, the phasing plan, and the variances in conformance with Title 21 and the goals and objectives of the applicable elements of the *Hillside District Plan*.

Based on the foregoing Findings and Conclusions, be it resolved by the Anchorage Municipal Platting Authority that the conservation subdivision, the phasing plan, and the variances are found to comply with the approval criteria contained in AMC 21.03.200 and AMC 21.03.240 and are approved pursuant to the Anchorage Municipal Code.

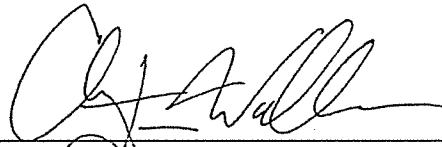
NOW, THEREFORE, be it resolved by the Platting Authority that the Platting Board adopts the above stated Findings and Conclusions.

ADOPTED by the Platting Board this 7th day of February 2018.



David R. Whitfield
for Secretary

fm



Clayton Walker, Jr.
Chair





Application

Application for Zoning Map Amendment

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first): Big Country Enterprises (Brownson, Todd)		Name (last name first): S4 Group, LLC (Dreyer, Tom)	
Mailing Address: 3640 E 65th Avenue		Mailing Address: 124 E 7th Avenue	
Anchorage, AK 99507		Anchorage, AK 99501	
Contact Phone – Day: 907-406-0792	Evening:	Contact Phone – Day: 907-306-8104	Evening:
Fax:		Fax:	
E-mail: todd@bigcountryak.com		E-mail: tom@s4ak.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): 017-073-06-000, 017-074-06-000, 017-074-05-000		
Site Street Address: 8600 Upper Dearmoun Rd, Anchorage, AK 99516		
Current legal description: (use additional sheet if necessary) Parcel 1: The north one-half of the southeast one-quarter (N1/2 SE1/4) of section 25, township 12 north, range 3 west, Seward Meridian, located in the Anchorage district, third judicial district, State of Alaska. Excepting therefrom the northwest one-quarter of the northwest one-quarter of the southeast one-quarter (NW1/4 NW1/4 SE1/4) of section 25, township 12 north, range 3 west, Seward Meridian, located in the Anchorage recording district, third judicial district, State of Alaska. AND Parcel 2: Lot 1 Vergason-Jones subdivision (plat 98-178) AND Parcel 3: Lot 2 Vergason-Jones subdivision (plat 98-178)		
Existing Zoning: R-8	Acreage: 80.06 Acres	Grid #: SW2941
Proposed Zoning: R-10		
Existing use: Residential and Undeveloped		Proposed use (if any): Residential

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.


Signature ☐ Owner ☒ Representative

(Representatives must provide written proof of authorization)

04/02/2018

Date

Thomas H. Dreyer

Print Name

Accepted by: FM	Poster & Affidavit: 3	Fee: \$39,370	Case Number: 2018-0052	Requested Meeting Date: 06/11/18
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ZMA (Rev. 11/13) Front – "NEW" CODE

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☐ Urban ☒ Rural

Anchorage 2020 Major Elements - site is within or abuts:

- ☐ Major employment center ☐ Redevelopment/mixed use area ☐ Town center
☐ Neighborhood commercial center ☐ Industrial reserve
☐ Transit-supportive development corridor ☐ District/area plan area: _____

Chugiak-Eagle River Land Use Classification:

- ☐ Commercial ☐ Industrial ☐ Parks/open space ☐ Public lands/institutions ☐ Town center
☐ Transportation/community facility ☐ Alpine/slope affected ☐ Special study area ☐ Development reserve
☐ Residential at _____ dwelling units per acre ☐ Environmentally sensitive area

Girdwood- Turnagain Arm Land Use Classification

- ☐ Commercial ☐ Industrial ☐ Parks/open space ☐ Public lands/institutions ☐ Resort
☐ Transportation/community facility ☐ Alpine/slope affected ☐ Special study area ☐ Reserve
☐ Residential at _____ dwelling units per acre ☐ Mixed use ☐ Rural homestead

ENVIRONMENTAL INFORMATION (All or portion of site affected)

- Wetland Classification: ☐ None ☒ "C" ☐ "B" ☐ "A"
 Avalanche Zone: ☒ None ☐ Blue Zone ☐ Red Zone
 Floodplain: ☒ None ☐ 100 year ☐ 500 year
 Seismic Zone (Harding/Lawson): ☐ "1" ☒ "2" ☐ "3" ☐ "4" ☐ "5"

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)

- ☒ Rezoning - Case Number: 2014-0219 ReZone to R6
☒ Preliminary Plat ☐ Final Plat - Case Number(s): S12388
☐ Conditional Use - Case Number(s):
☐ Zoning variance - Case Number(s):
☐ Land Use Enforcement Action for
☐ Building or Land Use Permit for
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

SUBMITTAL REQUIREMENTS

- 1 copy required: ☐ Signed application (original)
☐ Ownership and beneficial interest form
- 35 copies required: ☐ Signed application (copies)
☐ Signatures of other petitioners (if any)
☐ Map of area to be rezoned
☐ Map of area surrounding proposed rezoning, including zoning and existing uses
☐ Narrative statement explaining:
 - ☐ need and justification for the rezoning
 - ☐ the proposed land use and development
 - ☐ the probable timeframe for development
 - ☐ an analysis of how the proposal meets the rezoning criteria on page 3 of this application☐ Summary of community meeting(s)
☐ Proposed special limitations, if any

(Additional information may be required.)

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 zoning district. (For exceptions, see AMC 21.03.160B.)
2. In the case of multiple owners, the petitioning property owners must provide documentation showing ownership of at least 51% of the property to be rezoned.

Supplemental Form: *OWNERSHIP AND BENEFICIAL INTEREST DISCLOSURE*

PETITIONER: CORPORATE OFFICERS OR PARTNERS

Applicants for an entitlement that will be in possession and the responsibility of more than one individual, such as a co-owner, joint venture, partnerships, corporations, company, or other similar form of ownership, are required to disclose a full and complete list of the name and address of each principal. (use additional paper if necessary)

Name	Title or Office(if any)	Address
Todd Brownson	Manager, Member	3640 E 65th Avenue, Anchorage, AK 99507
Elisha Brownson	Member	3640 E 65th Avenue, Anchorage, AK 99507
Paul Gionet	Member	3640 E 65th Avenue, Anchorage, AK 99507
Susanne Gionet	Member	3640 E 65th Avenue, Anchorage, AK 99507

PROPERTY OWNER: CORPORATE OFFICERS OR PARTNERS

The petitioner of a property owned by more than one individual that will benefit from an entitlement is required to disclose a full and complete list of the name and address of each partner, officer, or co-owner. The other owner interest to be reported is co-owner, joint venture, partnership, corporation, company, or other similar form of ownership. (use additional paper if necessary)

Name	Title or Office(if any)	Address

Attach this sheet to your application form



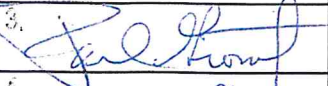
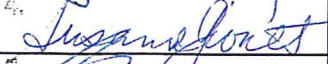
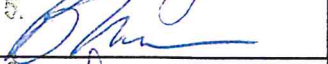
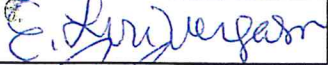

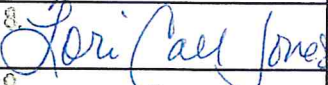
Accepted by:	Date	Application for	Case Number
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Supplemental Form: *ADDITIONAL PETITIONERS*

ADDITIONAL PETITIONERS:

Applicants for an entitlement involving more than one property description and owned by more than one individual are required to provide the name, legal description of property owned, and signature of each petitioner. Persons signatory to this application supplement are deemed to be petitioners (use additional paper if necessary)

We, the undersigned, hereby apply for: Re-Zone to R-10

Signature	Name (printed or typed)	Legal description of property owned within petition area
	Todd Brownson	Parcel 1, (see application)
	Elisha Brownson	Parcel 1, (see application)
	Paul Gionet	Parcel 1, (see application)
	Susanne Gionet	Parcel 1, (see application)
	Bruce Vergason	Lot-2 Vergason-Jones Subdivision
	E. Lori Vergason	Lot-2 Vergason-Jones Subdivision
	Jeff Jones	Lot-1 Vergason-Jones Subdivision
	Lori Jones	Lot-1 Vergason-Jones Subdivision

Attach this sheet to your application form

Accepted by:	Date	Application for	Case Number
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Land Surveying
Land Development Consultants
Subdivision Specialists
Construction Surveying

124 E 7th Avenue, Anchorage, Alaska 99501

www.S4AK.com

907-306-8104

March 31st, 2018

MOA Planning Department
4700 Elmore Road
Anchorage, Ak 99519

Letter of Authorization
for
Lewis & Clark Rezone to R-10

The owners of the below listed parcels, do, hereby authorize the S4 Group to represent them before the MOA for the rezoning of the parcel listed below:

The current legal description of the property is;

Parcel 1. The N $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 25, T12N, R3W, S.M., Alaska, excepting the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, T12N, R3W, S.M., Alaska, approx. 68 acres.

Parcel 2. Lot 1 Vergason-Jones Subdivision, approx. 4.8 acres.

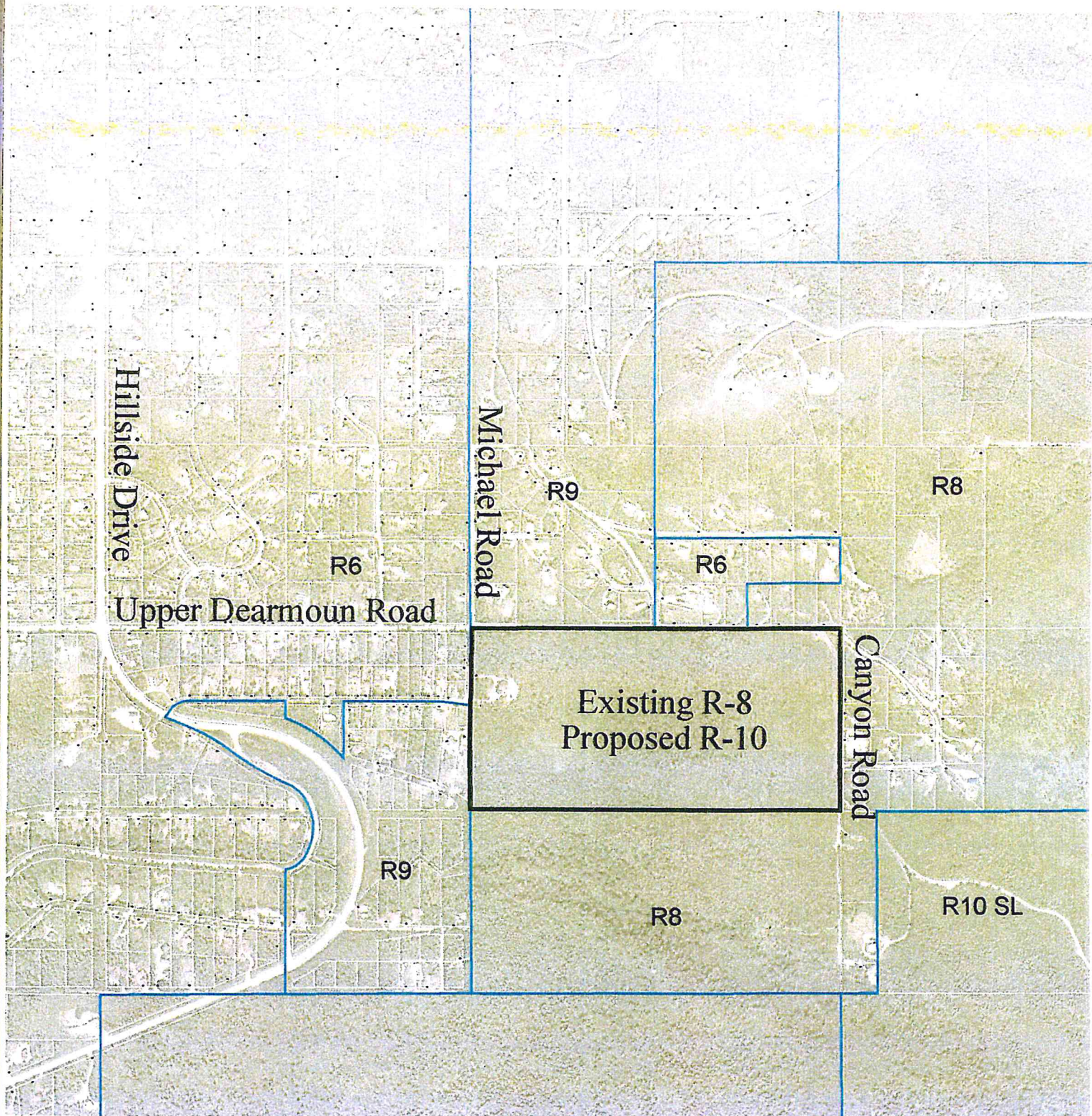
Parcel 3. Lot 2 Vergason-Jones Subdivision, approx. 4.4 acres.

Owner Parcel 1. Authorized signature for: Elisha & Todd Brownson

Owner Parcel 1. Authorized signature for: Paul & Susanne Gionet

Owner Parcel 2. Authorized signature for: Jeff & Lori Jones

Owner Parcel 3: Authorized signature for: Bruce & E. Lori Vergason



S4
Group

Land Surveying
Land Development Consultants
Subdivision Specialists
Construction Surveying

Proposed Lewis & Clark ReZone

Scale 1" = 1000'





Land Surveying
Land Development Consultants
Subdivision Specialists
Construction Surveying

124 E 7th Avenue, Anchorage, Alaska 99501 www.S4AK.com 907-306-8104

April 2, 2018

R-10 Re-zoning Application Narrative for
Lewis & Clark

Need & Justification for the rezoning: This proposal is for a rezone of the property to R-10. This would allow for the future subdivision of the property through the platting process into individual lots for single family home construction. The current zoning of R-8 requires lots with a minimum lot size of four acres. This proposal for R-10 would allow lots ranging in size from 1 1/4 acre to 7.5 acres in size, according to Title 21 subdivision regulations. The density on the site by R-10 standards would range from 0.2 to 0.8 dwelling units per acre. These lot sizes will match the surrounding average lot sizes. The developed areas surrounding this parcel have an average lot size of 1 & 1/4 acre. The lots in R-10 zoning have a minimum lot size of 1 1/4 acre. These lots will be highly desirable by home buyers, and most of the lots will have incredible views along with new paved interior road access.

Proposed land use and development: The proposed land use is for a development of single-family homes.

Probable timeframe for development: The probable timeframe for development of the subdivision is from 2019 to 2024.

Special Limitations: We are not proposing any special limitations to the zoning.

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare.

This rezoning to R-10 will promote the public health & safety and general welfare of the home buying public by providing well designed lots with safe, paved access roads that are designed to all of the current code restrictions that provide safety features such as adequate turn-around for fire trucks, a safe and flat road grade in the interior streets, improved drainage systems, modern septic systems, and large 1 1/4 acre minimum lot sizes. This lot size matches the surrounding area and is conducive to Anchorage Hillside style of living. New subdivisions that are built to the current regulations on the hillside are becoming increasingly rarer as most of the land is fully developed. Lewis & Clark will provide home

owners the chance to be in an all-new subdivision with all-new houses, and all-new paved streets. The existing zoning of R-8 with its requirement for lot sizes of 4 acres do not allow the development of lots that would be within reach financially of most home buyers. The R-10 lot minimum size of 1 & ¼ acre feet reduces the cost of the roadway improvements substantially, which in turn reduces the purchase price of the lots into a range that is more in line with what people can afford.

2. *The rezone complies with and conforms to the comprehensive plan, including the comprehensive plan maps(s). (If the proposed rezone does not conform to the comprehensive plan, it may be considered along with a comprehensive plan amendment.)*

Anchorage 2040 Land Use Plan

Lewis & Clark conforms to the Anchorage 2040 Land Use Plan (2040 LUP) that was recently approved and adopted on September 26th, 2017 by Assembly Ordinance 2017-116. The introduction of this plan on the inside cover states:

“The Anchorage Bowl has urbanized and evolved since we adopted Anchorage 2020—Anchorage Bowl Comprehensive Plan in 2001. New challenges demand that Anchorage become more resilient and better prepared for mid-21st century realities, including lower oil production revenues and state spending, as well as fostering new opportunities for economic development and resilience.

The 2040 LUP recognizes these community changes and sets the stage for future growth, development, and sustainability. Additionally, many Anchorage neighborhoods have adopted plans or are working on plans. These include East and West Anchorage, Downtown, Government Hill, Fairview, Hillside, the UMED District, Mountain View, South Addition, and Spenard.

The 2040 LUP incorporates analysis of Anchorage demographics and projected growth, current and future economic changes, current land uses, and future land capacity. These required elements of our Comprehensive Plan inform the policies and strategies contained within the plan.

To ensure efficient and equitable growth within our limited geographic area, Anchorage must maximize land use efficiencies while protecting and enhancing valued neighborhood characteristics and natural resources.”

The R-10 zoning for this parcel fulfills the goals of the 2040 LUP by utilizing efficiencies for the land use, and creating lots that will blend in with the average neighborhood characteristics while also protecting the natural resources according to the latest MOA standards and regulations that define the R-10 zoning district.

To continue, on page 10 of the 2040 LUP there is a discussion on housing space needs:

"Housing Space Needs

As Figure 1-7 illustrates, the Anchorage Bowl has an identified need for 21,000 new residential units to meet the base case forecast population growth through 2040. For a comparison, this is roughly the amount of housing existing today in all of Northeast Anchorage including Russian Jack Park, Northeast, and Scenic Foothills Community Councils. The 21,000 new households translate into a need for an average net gain of 840 housing units per year in the Anchorage Bowl, nearly triple the net gain of recent years.

The Bowl no longer has a vacant land tract the size of Northeast available for new housing. Its existing residential zoned vacant buildable land capacity is estimated to be 9,700 more housing units, assuming historically attained housing construction densities were to continue.

Commercially zoned lands provide some additional housing capacity but do not close the deficit. Based on historical yields per acre, Anchorage's non-residential vacant lands would provide capacity for an additional 700 housing units, bringing the total vacant land capacity estimate to 10,400 additional units. The expected average housing yield is so low because under current conditions most commercial properties do not develop with housing.

Redevelopment of existing residential lots will also play a role. Recent historical redevelopment rates and the characteristics of lots which redeveloped from 2000 to 2015 indicate a redevelopment capacity of 2,500 additional dwellings, based on current zoning and development trends. Figure 1-7 illustrates that, including re-developable lands and buildable vacant lands, the Anchorage Bowl as currently zoned has a total capacity shortfall (deficit) of 7,900 housing units by 2040 under the moderate, baseline growth forecast."

The rezoning of Lewis & Clark will help, albeit in a small manner, this very important goal of the 2040 LUP. The LUP map on page 31 of the plan designates this area as large-lot residential, which corresponds on page 32 of the plan as having a density of 0 to 1 DUA. R-10 zoning fits nicely within these density limits.

The 2040 LUP goes on to state on page 32:

"Additionally, the housing density ranges in several of the 2040 LUP residential neighborhood designations differ from those in the area-specific plans. The 2040 LUP density ranges govern in these cases. The area-specific plans carried forward

assumptions from prior decades without the benefit of the updated 2040 LUP housing analysis¹. “

Lewis & Clark conforms to the comprehensive plan. **Policy 5** states that rezones shall be compatible in scale with adjacent uses, which this proposal strictly complies with. Adjacent to the north of this property lies R-6 zoning with developed 1 & 1/4 acre lot sizes. Adjacent to the west of this property lies R-9 zoned property and has been developed with half-acre and 1-acre sized lots. Adjacent to the east lies R-8 zoning developed with 1 & 1/4 acre lots. Adjacent to the south lies undeveloped R-8 property that encompasses Rabbit Creek. This rezoning clearly complies with all intents and purposes of the comp plan. **Policy 13** of the comp plan states that new rural subdivisions shall be designed to maintain the rural character of the area. Our proposal is for R-10 lots, which are considered rural lots. **Policy 13** states that we should link to adjacent roadway systems, which we do. **Policy 13** states that we should protect wetlands and other environmental areas. We will be protecting the wetlands by creating large tracted parcels during the subdivision platting process that include the wetland. **Policy 5** states that we should incorporate wildland fire safety design standards, which new homes are built to. **Policy 14** of the comp plan states very clearly; *“Conservation of residential lands for housing is a high community priority. New residential developments at densities less than identified in the Neighborhood or District plans is discouraged.”* This policy gives clear direction that in order for the Anchorage community to grow and prosper, properties should be developed at what they can reasonably and responsibly be constructed.

Hillside District Plan Map 2.1 “Hillside Land Use Plan’. Lewis & Clark conforms with the density levels as shown on this map. Lewis & Clark is in an area labeled as “Residential, with an allowed limited density of 0 to 1 DUA. The density level in R-10 zoning allowed by Title 21 is from 0.2 to 0.8 DUA. The HDP goes on to define this designation on page 2-16:

“Limited Intensity Residential 0 – 1 dwelling units/acre Intent: The Limited Intensity Residential designation provides for large-lot, single-family residences in a rural environment, much of which is served by private wells and septic systems.

Description: The predominant land use consists of detached houses on lots one acre or larger in size. The intended overall density for new development is less than one housing unit per gross acre. This type of development results from a combination of preferred lifestyles, a lack of public infrastructure, remoteness, and environmental constraints. Lot size, setbacks, the variety of custom housing designs and the presence of natural vegetation help retain the rural and natural environment. This designation is implemented by the R-6, R-8, R-9, and R-10 zones.

Location Criteria: As with all other land use designations, these apply in combination rather than individually. However, it is not necessary that all be achievable in every location: Areas with an established large-lot, rural development pattern; areas outside of the water wastewater service boundaries; areas furthest from employment and services, where higher roads and generate higher vehicle mileage citywide; areas constrained by limited road access; and areas where environmental constraints preclude more intense site development."

The R-10 zoning fits within these definitions by the HDP.

Policy 1-B of the Hillside district plan states: *"This plan maintains existing residential land use designations and zoning in the southeast Hillside."* The intent here is clear: Maintain residential where it is currently residential zoning, commercial where there is currently commercial zoning, and so on. The intent was not to limit zoning changes that would result in lots still equal or larger than that of the surrounding lots, nor to prevent re-zonings that made good common sense. There have been quite a few other re-zones that have occurred on the Hillside since the enactment of the HDP.

This R-10 zoning fits well within the land use designation as specified on page 2-17 of the Hillside District Plan titled "Limited Intensity Residential", which is defined as large lot, single family residences in a rural environment. Lewis & Clark fits every description and location criteria listed in the HDP.

3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title.

This rezoning will comply with all of the R-10 zoning district purposes and specifications as in Title 21. We are not proposing any special limitations.

4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities.

Lewis & Clark will be compatible with the surrounding zoning and development. R-10 zoning will be less dense than the areas to the east, the north, and to the west of us. The area to the south is undeveloped. In addition to being compatible as to density levels, Lewis & Clark is also compatible as to land use. The only land use allowed will be one single family house per lot.

5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be complete by the time development is complete, while maintaining adequate levels of service to existing development.

All facilities, utilities and services are capable of supporting the planned residential uses in Lewis & Clark. Road Access is by Upper DeArmoun Road, water services will be by individual water wells on each lot, sewer systems will be on-site systems. Fire protection issues will be addressed by complying with the latest fire code and by providing fire department approved turn-arounds at the end of any cul-de-sac within Lewis & Clark, and by providing roads that are safe by width and design.

6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated.

The approval of this rezone will help reduce environmental impacts, in relation to:

Steep slopes: R-10 zoning code regulations define size of the allowable lots by the steepness of the existing terrain. For example, a lot with less than a 20% slope would be required to have an area of at least a 1 & ¼ acre, lots that have a slope between 20% & 25% must have a minimum lot size of 2 & ½ acres, lots with a slope between 25% & 30% must have at least 5 acres of area.

Wetlands/Streams/Drainage-ways: Wetland areas will be protected and will be tracted out through the future subdivision process. The platting process will further define and refine the details according to the professional reports, Title 21 subdivision standards, and other reporting agencies comments.

Hydric soils: Through the subdivision platting process, all lots will meet current Title 21 regulations concerning septic site standards and availability of water. Final lot line locations will take into consideration the boundaries of the areas suitable for septic sites and well-site locations.

Traffic: DeArmoun Road, is classified as a type 1C collector according to the Anchorage Official Streets & Highways Plan. A class 1C road is required to have two lanes, a sixty-foot ROW width, and a rating of 2,000 to 10,000 ADT's. DeArmoun Road is built to class 1C standards and is designed to accommodate 10,000 ADT's. This rezoning would allow appx. 15 more lots than the existing zoning currently allows. A single family house is rated at 9.52 ADT's, which equates to an additional 143 ADT's, which equals 1.4% of the allowed ADT's

onto DeArmoun Road as per the MOA design standards. DeArmoun Road is a two lane paved roadway. Data Sources from the MOA and HDR shows that for Upper DeArmoun Road, a long term build out volume to capacity ratio is 0.25. This means that after long term final build out, **DeArmoun Road will be at only 25% of the designed capacity.**

7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations.

There will be no adverse impacts to neighboring properties. Mr. David Grenier and Mr. Brandon Marcott of Triad Engineering compiled a report of the Preliminary Drainage Impact Analysis. Their summary states: "Conclusion: ...one of the primary concerns for this development will be the contributing offsite runoff from properties to the north and east of the project. Area upstream of the project generates approximately half of the total runoff that flows through the site. This runoff will be collected and routed through vegetated drainage ways and directed to Rabbit Creek, closely matching the existing drainage path on site. No grading will be done outside of the property boundary, and MOA-identified drainage ways will remain in place downstream of the project. The overall existing drainage pattern of the surrounding area will not change or be negatively affected with the development of this parcel.

Increasing the density from R-8 to R-10 zoning creates a minimal change in peak runoff, with an increase in the range of 3-7%. This minor increase can be safely managed by sizing drainage ways and culverts accordingly. The increase in impervious area is also minimal, increasing from 3.3% impervious under R-8 zoning to 6.1% impervious with a R-10 development. As proposed, the project site will remain at a low density with a minimum lot size of 1 & ¼ acres, as per Title 21 subdivision regulations with over 80% of the parcel predicted to remain as heavily vegetated brush and trees. Glaciation concerns will be addressed by keeping shallow ground water along the roadways below the ground surface. No adverse impacts to neighboring properties are anticipated under the proposed R-10 zoning.

8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan.

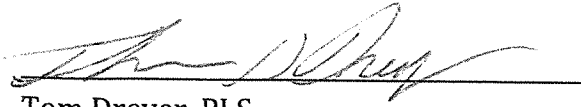
This rezone's R-10 is consistent with the land use patterns in the area and is consistent with the comprehensive plan as stated above.

9. The rezoning does not result in a split-zoned lot.

Lewis & Clark will not create any split-zoned lots.

If you have any questions or need further clarifications, please email me at tom@s4ak.com.

Thank you,

A handwritten signature in black ink, appearing to read 'Tom Dreyer', is written over a horizontal line.

Tom Dreyer, PLS

S4 Group



Land Surveying
Land Development Consultants
Subdivision Specialists
Construction Surveying

124 E 7th Avenue, Anchorage, Alaska 99501 www.S4AK.com 907-306-8104

Summary of Community Meeting

Date: 2/28/2018 at the HCC meeting.

Location: O'Malley Elementary School

Subject: Proposed Lewis & Clark R-10 Subdivision

251 mailers were mailed out on 1/31/2018 by first class mail. Presentation provided by S4 Group to provide information and take questions and comments from meeting attendees. There were approximately 30 attendees. Presentation began at approximately 8:43 PM and questioning was completed at approximately 8:55 PM. An invitation was extended for any additional questions to be sent to the S4 Group, LLC. The following is a brief summary of the questioning and discussion:

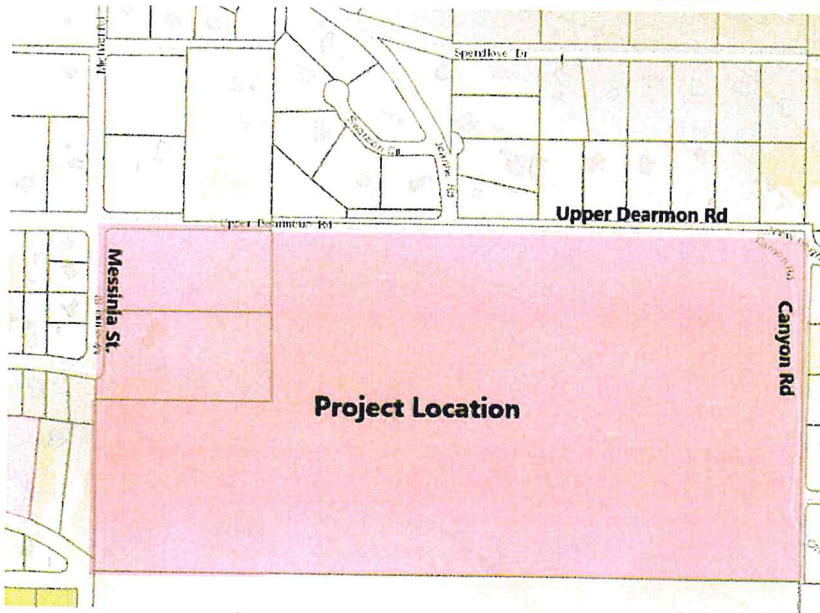
- 1) Steve MacDonald – 13130 Jeanne Road (1.03 Acre Lot – R-9 Zoning)
 - a. Question: What is the slope of the property?
 - b. Response: Slopes of the property vary from approximately 8% to 30%, with the majority of the property being between 9 – 10% to 15%.
- 2) Unknown Neighbor –
 - a. Question: Was this issue brought before this Community Council before?
 - b. Response: No. This particular piece of property has been brought before this Community Council, but this is a completely different application for a completely different request.
- 3) Marc June – 8801 Upper DeArmoun Road (1.14 Acre Lot – R-8 Zoning)
 - a. Question: Was the R-6 rezone denied?
 - b. Response: It was not approved
- 4) Tom Dreyer provides contact information for additional questions / comments that might arise.
- 5) Joan Priestley – 13101 Jeanne Road (1.13 Acre Lot – R-6 Zoning)
 - a. Question: You have an R-8 Plat. Has that been abandoned?
 - b. Response: The Plat and the Rezone Application are separate paths.
 - c. Question: You had 20 + acres of open space set aside in R-8 Plat. Will you have that in the R-10?
 - d. Response: This application is for a rezone to R-10. Those types of questions would be addressed at the platting level.
- 6) Bruce Vergason (HCCC Chair) indicates 2-minute warning because of time limit strictly enforced by O'Malley Elementary School.
- 7) Joan Priestley – 13101 Jeanne Road (1.13 Acre Lot – R-6 Zoning)
 - a. Question: How many lots are you contemplating?
 - b. Response: The number of lots would be judged by the slope of the lot. It could be between 5 and 45 depending on several factors.
- 8) Mark Morrison – 8600 Spendlove Drive (1.03 Acre Lot – R-6 Zoning)
 - a. Question: Can you change the grade with a bulldozer to make it flatter?
 - b. Response: No. There are several requirements for slope basis determination as well as requirements for clearing.
- 9) Bruce Vergason indicates that meeting has to be closed. He says that HCCC can invite S4 Group back to a future meeting and reminds that additional questions that may arise can be directed to the S4 Group. Meeting adjourned at 8:55 PM.

Thank you,

Tom Dreyer, PLS, S4 Group

COMMUNITY MEETING

Community Meeting Agenda Notification | | Hillside Community Council | | Lewis & Clark Rezone



Big Country Enterprises, LLC represented by S4 Group LLC, will be at the Hillside Community Council on Wednesday, February 28th, 2018 to present on a proposed re-zone case. The project site is located where Upper De Armoun Road turns into Canyon Road (Vergason-Jones Lots 1 & 2, T12N R3W Sec 25 S 1/2W 1/2 NW 1/4 SE 1/4 & E 1/2 NW 1/4 SE 1/4 & NE 1/4 SE 1/4) aka Lewis & Clark.

The zoning map amendment is requesting to re-zone the 80 acre parcel from R8 to R10. Representatives will provide an overview of the re-zone request, project schedule and will be available to answer questions.

S4
Group

Land Surveying
Land Development Consultants
Subdivision Specialists
Construction Surveying

124 E 7th Ave Anchorage, AK 99501 www.s4ak.com

WEDNESDAY, FEBRUARY 28TH, 2018

O'Malley Elementary School Library

1100 Rockridge Dr.

Anchorage, AK 99516

7:00 PM

We welcome your feedback! Interest parties may appear at the meeting and speak on the matter. You can also submit your comments or request additional information by emailing:

Tom Dreyer, PLS

S4 Group, LLC

Tom@s4ak.com