

**BEFORE THE MUNICIPALITY OF ANCHORAGE  
BOARD OF ADJUSTMENT**

In Re:	)	
	)	
Planning & Zoning Commission Resolution No. 2015-041, a resolution approving the Draft Design Study Report, reviewed through the Context Sensitive Solutions Process, for the Northern Access To the University and Medical District, connecting Bragaw Street to Elmore Road, in Anchorage.	)	P&Z Commission Resolution No. 2015-041
	)	Case No. 2015-0057
CITIZENS FOR RESPONSIBLE DEVELOPMENT,	)	
	)	
Appellant,	)	
	)	
v.	)	
	)	
STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES,	)	
	)	
Appellee.	)	
	)	

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**DISMISSAL OF APPEAL**

WHEREAS, the State of Alaska Department of Transportation and Public Facilities (DOT&PF) filed a site plan review application dated May 27, 2015 for transportation project site plan review approval for a new roadway through the U-Med District; and

WHEREAS, the project is identified on the application as Northern Access to U-Med District #51838, to be reviewed under "New" Title 21; and

WHEREAS, on October 25, 2015, the Municipality of Anchorage Planning and Zoning Commission held a public hearing; and by Planning and Zoning Commission Resolution No. 2015-041, the draft design study report was approved with amendments on November 2, 2015; and

WHEREAS, AMC 21.03.190B.4.c provides that decisions may be appealed to the Board of Adjustment; and

WHEREAS, Notice of Appeal dated November 22, 2015 was filed and accepted as timely by the Municipal Clerk on November 23, 2015; and

WHEREAS, by letter dated April 26, 2016, DOT&PF notified the Board of Adjustment it was honoring a request by Anchorage Mayor Berkowitz to cease all activities related to this

site plan review, and that in light of the project's cancellation DOT&PF found no reason to participate further in the appeal before the Board of Adjustment; and

WHEREAS, by letter dated May 16, 2016, DOT&PF confirmed its withdrawal from participation in the project; and

WHEREAS, after public notice and notice to the parties, the Board of Adjustment met on May 18, 2016 to consider the status of this appeal;

NOW, THEREFORE, IT IS

RESOLVED that the Board of Adjustment FINDS that by virtue of the State of Alaska, Department of Transportation and Public Facility (DOT&PF) letters dated April 26, 2016 and May 16, 2016, the application dated May 27, 2015 filed by DOT&PF for transportation project site plan review for a new roadway through the U-Med District is deemed withdrawn; and it is

RESOLVED that the Board of Adjustment CONCLUDES there is no case or controversy upon which the Board of Adjustment can render a decision on the merits because the actions of DOT&PF have rendered the appeal of Planning and Zoning Commission Case No. 2015-0057 moot; and it is

RESOLVED that the dismissal of the appeal is to be without prejudice, and that in the event DOT&PF's site plan review application of May 27, 2015 is revived without the requirement of the filing of a new application, Appellant shall be notified and shall have full opportunity to reinstate its appeal; and it is

RESOLVED, that an Order of Dismissal shall be entered accordingly.

### **ORDER**

This appeal is DISMISSED WITHOUT PREJUDICE. In the event DOT&PF's application of May 27, 2015, for transportation project site plan review for a new roadway through the U-Med District is revived without the requirement of a new application, Appellant shall be notified and shall have full opportunity to reinstate its appeal.

This ORDER is a final decision of the Board of Adjustment. The parties have 30 days from the date of mailing or other distribution of this ORDER to file an appeal to the Superior Court.

Dated this 20<sup>th</sup> day of May, 2016 at Anchorage, Alaska.

By:



Bernd Guetschow, Chair  
Board of Adjustment  
Municipality of Anchorage

Certificate of Service:

I hereby certify that on the 22 day of May, 2016  
A true and correct copy of the foregoing document was served  
by electronic mail upon each of the following:

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Lisa Schleusner, Deputy Municipal Clerk  
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