

CLERK'S OFFICE

APPROVED

Date: 8-28-01

Submitted by: Chair of the Assembly at the

Prepared by: Request of the Mayor
Planning Department

For reading: JULY 10, 2001

Anchorage, Alaska

AO 2001-47(S)

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTION 21.45.235.C. REGARDING THE MAXIMUM HEIGHT OF CHURCHES.

(Case 2001-042)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: AMC Subsection 21.45.235.C. of the Anchorage Municipal Code is amended to read as follows:

21.45.235 Churches

- C. *Maximum height.* A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is **30 (25)** feet, the maximum height for a church or a portion of a church may increase to a maximum height of **40 (35)** feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

Section 2. That this ordinance shall become effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of August, 2001.

ATTEST:

Chair

Lejane Ferguson
Municipal Clerk



MUNICIPALITY OF ANCHORAGE
OFFICE OF THE MUNICIPAL ATTORNEY

MEMORANDUM

DATE: July 2, 2001

TO: Dick Traini, Assembly Chair
Melinda Taylor, Assembly Member

THRU: William A. Greene, Municipal Attorney *WAG*

FROM: Dennis A. Wheeler, Deputy Municipal Attorney *DW*

SUBJECT: AO; height of churches

Assemblymember Taylor introduced AO 2001-47 to modify the limit on the height of churches and referred the ordinance to the Planning and Zoning Commission. Enclosed are the Planning and Zoning Commission materials, including the Commission's resolution, and an "S" version prepared by Planning staff (copy attached). This material is being transmitted to the Assembly through an Assembly Memorandum.

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2001-032**

**A RESOLUTION APPROVING AN AMENDMENT TO AMC 21.45.235.C
REGARDING THE MAXIMUM HEIGHT OF CHURCHES.**

(Case: 2001-042)

WHEREAS, a petition has been received from the Assemblymember Taylor that seeks an amendment to the church supplemental district regulations AMC 21.45.235.C to increase the maximum height of a church from 25-feet to 30-feet, and

WHEREAS, notices were published, and a public hearing was held on April 2, 2001.

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

A. The Commission makes the following findings of fact:

- 1 In 1999 the Assembly approved ordinance AO 99-049 that increased the maximum height of residential structures. In the R-1, R-2A, R-2D, R-2M and R-10 districts, the maximum height was changed from 25-feet to 30-feet to accommodate two story residential homes and new construction roofing techniques. AO 99-49 overlooked amending the language in AMC 21.45.235.C "A church may not exceed the height permitted in the zoning district in which it is located, except that in districts where the maximum height is 25 feet . . ." Since there are no longer any residential districts with a 25-foot maximum height limitation, it too should have been changed to 30-feet to eliminate the conflict in regulations.
- 2 At the time the church supplemental district regulations were established, the height of churches were intended to maintain the same maximum height limitation as residential structures in order to maintain a building scale similar to the surrounding neighborhoods.
- 3 To be consistent with the original philosophy and language structure of both the original church ordinance and the more recent change of height for residential structures, paragraph C should change the second height reference in AMC 21.45.235 from 35-feet to 40-feet . . . the maximum height for a church or a portion of a church may increase to a maximum height of 40 (35)

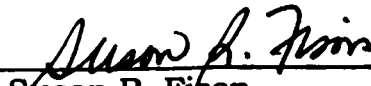
feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

4. This is a housekeeping amendment. The Commission voted unanimously to approve the subject amendment.


B The Commission recommends to the Assembly to Amend AMC 21.45.235 Churches, to state:

Maximum height. A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is 30 (25) feet, the maximum height for a church or a portion of a church may increase to a maximum height of 40 (35) feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 2nd day of April 2001.



Susan R. Fison
Secretary



Daphne Brown
Chair

(Case 2001-042)

DRAFT

12. 2001-042

Municipality of Anchorage. An ordinance of the AMC amending subsection 21.45.235.C regarding the maximum height of churches.

Staff member MARY AUTOR stated this amendment was suggested by Assemblymember Taylor and to change the height references in AMC 21.45.235 dealing with churches. An amendment was adopted in 1999 that changed the maximum height for residential structures in the R-1, R-2A, R-2D, R-2M and R-10 zoning districts from 25 to 30 feet. As a result of this amendment, there was no longer any residential district that requires a height less than 30 feet. In concert with the intent that churches be compatible in terms of scale with residential neighborhoods, this amendment would allow a 5-foot increase from 25 feet to 30 feet for the structure and for the maximum height of a portion of the church to increase to 40 feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points. MS. AUTOR noted that she was not aware of any new church requests since the 1999 amendment.

The public hearing was opened and closed without public comment

COMMISSIONER COX moved for approval.

COMMISSIONER KLINKNER seconded.

COMMISSIONER COX supported her motion, noting that this was a housekeeping matter that should have been addressed when the ordinance change was made in 1999. She noted there were not longer any height restrictions below 30 feet for residential uses.

AYE: Karabelnikoff, Jones, Brown, Klinkner, Cox, Adams, Penney

NAY: None

PASSED


13. S-10617

Municipality of Anchorage. An ordinance amending AMC Title 21 to expand the definition for Subdivision to include condominium, apartment, and similar developments and to establish standards for site plan review, construction, and warranty

MUNICIPALITY OF ANCHORAGE
DEPARTMENT OF PLANNING
MEMORANDUM

DATE: April 2, 2001

TO: Planning and Zoning Commission

THRU:  Susan R. Fison, Director,
Department of Planning

FROM: Mary Autor, Senior Planner 

CASE: 2001-042: An Ordinance Amending AMC 21.45.235.C - Maximum Height Of Churches

The proposed ordinance seeks to amend the church supplemental district regulations AMC 21.45.235.C to allow the maximum height of a church to increase from 25-feet to 30-feet.

AMC 21.45.235 Churches, states the following:

- C. *Maximum height. A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is **25 feet**, the maximum height for a church or a portion of a church may increase to a maximum height of **35 feet** so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.*

The proposed amendment was introduced by Assemblymember Taylor at the February 13, 2001 Assembly meeting and assigned an ordinance number AO 2001-43. The public hearing date has not been scheduled.

Reviewing Agencies Comments: all reviewing agencies have no objection and did not provide any comments.

Community Comments. The Abbott Loop Community Council has no objection and voted to approve the height increase at its February 22, 2001 meeting.

Discussion: This is a housekeeping amendment.

In 1999 the Assembly approved an ordinance that increased the maximum height of residential structures.¹ In the R-1, R-2A, R-2D, R-2M and R-10 districts, the maximum height was changed from 25-feet to 30-feet to accommodate two story residential homes and new construction roofing techniques. AO 99-49 should have also amended the language in AMC 21.45.235.C "A church may not exceed the height permitted in the zoning district in which it is located, except that in districts where the maximum height is **25 feet . . .**" **Since there are no longer any residential districts with a 25-foot maximum height limitation, it should have been changed to 30-feet to eliminate the conflict in regulations.**

At the time the church supplemental district regulations were established, the height of churches were intended to maintain the same maximum height limitation as residential structures in order to maintain a building scale similar to the surrounding neighborhoods.

To be consistent with the original philosophy and language structure of both the original church ordinance and the more recent change of height for residential structures, paragraph C should change the second height reference in AMC 21.45.235 from 35-feet to 40-feet . . . *the maximum height for a church or a portion of a church may increase to a maximum height of **40 (35) feet** so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.*

Recommendation:

Amend AMC 21.45.235 Churches, to state:

- D. Maximum height. A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is **30 (25) feet**, the maximum height for a church or a portion of a church may increase to a maximum height of **40 (35) feet** so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.*

mpa G:\CPD\zon_plat\MARY\Ordinances\2001-042 church height.doc

¹ AO 99-049, Case 98-070

DEPARTMENTAL COMMENTS

Reviewing Agency Comment Summary Case No.: 2001-042

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control		X	
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PF		X	
AWWU		X	
DHHS Environmental			
DHHS Social Services			
Federation of Community Councils			
Fire Prevention			
Historic Properties			
ML&P			
Parks and Recreation		X	
Physical Planning		X	
Public Works		X	
School District		X	
Transit			
Transportation Planning			

Abbott Loop Community Council
X

**Abbott Loop Community Council
Meeting Minutes of February 22, 2001**

MAR 01 2001
MUNICIPAL
PLANNING

The meeting was called to Order by Chairman Al Tamagni Sr.

Motion to approve the minutes of January 25 meeting and the Special Board Meeting and action of December 18 was made by Harry Strobe and Seconded by Ruth Anderson. Motion Passed

The Teleconference with the Legislators did not materialize due to a connection issue.

Assembly Reports: Pat Abney described a new ordinance she was proposing for limiting loud Automobile Music. Doug Van Etten responded that he was in favor of the proposed Charter Amendment to boost the Assembly powers in overriding budget vetoes by the Mayor.

Planning and Zoning Cases:

Case 2001-028: Site change for Service High: Voted to approve the site plan with the Caveat that the Ice Rink be retained within the proposed plan. It appeared the rink was going to be eliminated.

Case: S-10723: Vacation of a portion of sewer easement: Voted to approve the vacation as per committee recommendation.

Case: S-2001-029: Committee recommendation to not approve the proposed ordinance due to the cost involved. Voted to not approve and to oppose the Ordinance Change.

✓ Case: 2001-042: To increase the Height of Churches: Committee recommendation to approve. Voted to approve the increase and Ordinance.

Other Cases in which Committee recommended no action: 2001-053, 2001-030, 2001-023, 2001-024. Voted no action.

Presentation: Ron Thiel of the Municipality Traffic Department gave a presentation on reducing the speed limit on city streets in neighborhoods from 25 to 20 miles per hour. Voted to approve.

Old Business: Motion was made to request the Municipality to conduct a survey of the projected and Multi-user Park Facilities within the council territory.

Meeting was adjourned at 8:45 P.M.

Joe Sprague
Acting Secretary

MUNICIPALITY OF ANCHORAGE

MAR 07 2001

DEPARTMENT OF CULTURAL & RECREATIONAL SERVICES

PARKS & BEAUTIFICATION DIVISION

MEMORANDUM

DATE: March 5, 2001

TO: Jerry T. Weaver, Supervisor, Zoning and Platting Division, Planning Department

THRU: Dave Gardner, Supervisor, Design and Development Section

FROM: Tom Korosei, Park Planner, Design and Development Section

SUBJECT: Planning and Zoning Case Reviews—Anchorage Parks and Recreation Service Area

Parks and Beautification has the following comments:

<u>CASE NO.</u>	<u>CASE</u>
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2001-027	Request for rezoning approximately 9.54 acres from B-3SL to B-3SL to allow automobile repair to include body shops but not to include tire repair, wheel alignment, and brake service (along the east side of Muldoon Road from approximately 400 feet south of East 16th Ave. to the extension of DeBarr Road).
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The *Areawide Trails Plan* shows a multi-use paved trail along Muldoon Road. The *Areawide Trails Plan* also shows a planned multi-use paved trail at the northerly end of the subject property along the extension of DeBarr Road and along a portion of Chester Creek South Fork.

2001-029	Ordinance amending Title 21 AMCR 21.20 Regulations Governing Land Use Fees, to provide for a new fee for a certificate of legal nonconforming status review. No comment.
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✓2001-042	Ordinance amending Title 21 AMC 21.45.235.C regarding the maximum height of churches. No comment.
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Cc: John Rodda, Acting Manager, Parks and Beautification

The applicant incorrectly states in his submittal that the subject parcel is identified as commercial in the Chugiak-Eagle River Comprehensive Plan, when in fact that Plan designates the area for residential development at a recommended residential density of >10 DUA. The proposed new commercial parcel would be essentially surrounded on three sides by residentially zoned land.

The applicant proposes to rezone three tracts of approximately 5 acres from R-3 to B-3. Although the applicant states that the site will be included in an "assembled coordinated commercial development", no specifics are detailed and no proposed use beyond a generic "commercial development" are offered. That fact makes this request hard to respond to in this format. Without the full "assembled" commercial development proposal, it is difficult to treat this rezone by itself, which is all that we are able to do given the materials. The applicant states that the area is subject to a proposed new plat but no details are provided. Without knowing details of the new development, or of the replat, this proposal appears to be a speculative spot rezone.

Apparently the applicant is proposing to vacate the adjacent portions of the Regency Drive ROW, which by itself and without knowing more details, appears to be inappropriate. It seems contrary to maintaining local commercial and residential traffic connectivity, i.e. this might result in routing all traffic to one access point to and from the Old Glenn Highway.

Physical Planning does not support this rezoning. If this rezone is considered appropriate, Physical Planning requests that a full site plan review of the new commercial development be a condition of rezoning. This site plan review should include a traffic impact analysis that includes a before and after development comparison and how the new development, and the Regency Drive ROW vacation affects local traffic conditions. Without those and other relevant details, as proposed, Physical Planning recommends denial of this rezoning.

✓ Case No. 2001-042 An Ordinance Amending AMC 21.45.235. C. Regarding the Maximum Height of Churches

Physical Planning has no comments.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

February 28, 2001

RE: MOA Zone Requests

RECEIVED

MAR 01 2001

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

Mr. Jerry Weaver, Acting Deputy Director
Department of Economic Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Department of Transportation and Public Facilities (ADOT&PF) has reviewed the following zoning cases and has no comment.

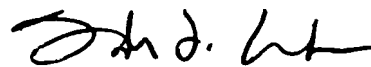
- 01-029 Ordinance amending Title 21: regulations governing land use fees
- 01-037 Muirwood Park Subdivision, Block 1, Lot 13; 5741 Katahdin Drive; ROW Encroachment Revised
- ✓ 01-042 Amend Ordinance regarding the maximum height of churches
- 01-044 Nunaka Valley Subdivision, Block X, Lot 14; 5801 Sterling Way
- 01-045 Rovenna Park #1 Subdivision, Block 7, Lot 6; 1201 West 82nd Ave.

Comments:

01-041 Bruin Park First Addition Subdivision, Block 8, Lot 4; 2233 E. Klatt Road: The Department requests the following condition of approval: "Access to Klatt Road is limited to existing access."

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook
Anchorage Area Planner

hh



George P. Wuerch,
Mayor

Municipality of Anchorage

Department of Health and Human Services

Division of Environmental Services

Air Quality Program

P.O. Box 196650 Anchorage, Alaska 99519-6650

<http://www.ci.anchorage.ak.us>



MAR 01 2001

M:
P:

DATE: 2/28/01
TO: Jerry Weaver, Platting & Zoning, fax 4220
THROUGH: SM Steve Morris, P.E., Program Manager
FROM: ^{LT} Larry Taylor, QEP, Environmental Engineer
SUBJECT: Comments

CASE NO. 2001-042: No Objection



Municipality of Anchorage
Development Services Department
Building Safety Division



MEMORANDUM

DATE: 02/23/01

Jerry T. Weaver, Jr., Platting Officer, CPD

FEB 23 2001

ML
PL & Z

FROM: James Cross, PE, Program Manager, On-Site Water & Wastewater

SUBJECT: Comments on Cases due March 5, 2001

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

– 027 A request to rezone to B-3SL General Business District with special limitations
29.22 Acres.

No Objections.

2001 – 029 A request amending Title 21 AMCR 21.20 Regulations Governing Land Use.

No Objections.

2001 – 036 A request to rezone to B-3 General Business District 5.09 acres.

No Objections.

✓ 2001 – 042 A request for an Ordinance of the Anchorage Municipal Assembly amending
Anchorage Municipal Code Subsection 21.45.235.C regarding the maximum
height of churches.

No Objections.

**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

FEB 20 2001
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING

DATE: February 16, 2001
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician *H. Stewart*
SUBJECT: Planning & Zoning Commission Public hearing of April 2, 2001
AGENCY COMMENTS DUE March 5, 2001

AWWU has reviewed the referenced materials and has the following comments.

01-042 An Ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Subsection 21.45.235.C regarding the maximum height of churches

1 AWWU has no comments on the proposed amendment.

If you have any questions, please call the AWWU Planning Section at 564-2739.

APPLICATION

Submitted by: Assemblymember TAYLOR
Prepared by: Assembly Office
For reading: FEBRUARY 13, 2001

ANCHORAGE, ALASKA
AO NO. 2001-47

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
ANCHORAGE MUNICIPAL CODE SUBSECTION 21.45.235.C. REGARDING THE
MAXIMUM HEIGHT OF CHURCHES

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: That AMC Subsection 21.45.235.C. of the Anchorage Municipal Code
is amended to read as follows:

21.45.235 Churches.

C. *Maximum height.* A church may not exceed the height permitted in the
zoning district in which it is located, except that, in districts where the
maximum height is 30 [25] feet, the maximum height for a church or a
portion of a church may increase to a maximum height of 35 feet so long as
the vertical distance between any point on the church and the level of the
ground at any reference point on any property line for the church site shall
not exceed one-half of the horizontal distance between the two points.

Section 2: That this ordinance shall become effective upon passage and
approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of
_____, 2001.

Chair

ATTEST:

Municipal Clerk

AM 149-2001



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

NO. AM 149-2001

Meeting Date: **FEBRUARY 13.**

From: Assemblymember Taylor

**Subject: Amending AMC Subsection 21.45.235.C - Maximum Height of
Churches**

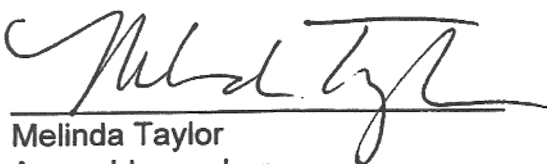
This proposed ordinance is a "housekeeping" measure to correct an oversight in the Municipal Code. In 1986, the Assembly approved AO 86-90, which enacted a new Title 21 section covering churches, to include the maximum height of churches as follows:

"A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is 25 feet, the maximum height for a church or a portion of a church may increase to a maximum height of 35 feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

In 1999, the Assembly approved AO 99-49, which changed the maximum height of structures from 25 feet to 30 feet in residential zoning districts R-1, R-1A, R-2A, R-2D, R-2M, and R-10. **However, there was no corresponding change made to the language above regarding the maximum height of churches (presently AMC Subsection 21.45.235.C.) Without this change, a church could not increase to a 35-foot height unless it was in a residential district with a 25-foot height restriction. But, given the 1999 change, there are currently no residential districts with a 25-foot height restriction. Therefore, churches and their accessory use buildings are restricted to 30-foot limits.**

Approval of this ordinance is recommended.

Respectfully submitted by:


Melinda Taylor
Assemblymember

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2001-47

**Title: Amending AMC 21.45.235.C - Height
of Churches**

Sponsor: Assemblymember Taylor

Preparing Agency: Assembly Office Others Affected: Planning, Public Works

CHANGES IN EXPENDITURE AND REVENUES (Thousands of Dollars)

<i>Operating Expenditures</i>	<i>FY 94</i>	<i>FY 95</i>	<i>FY 96</i>	<i>FY 97</i>	<i>FY 98</i>
<i>1000 Personal Services</i>					
<i>2000 Supplies</i>					
<i>3000 Other Services</i>					
<i>4000 Debt Service</i>					
<i>5000 Capital Outlay</i>					
TOTAL DIRECT COSTS:					

ADD: 6000 Charge from Others					
LESS: 7000 Charge to Others					
FUNCTION COSTS:					

REVENUES:					
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CAPITAL:					

POSITIONS: FT/PT and Temp.					

Public Sector Economic Effects:

No public sector economic effects anticipated.

Page 2

Private Sector Economic Effects:

No private sector economic effects anticipated.

Prepared by: Greg Moyer
Date: 2-6-01

Telephone: 343-4755

**Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
AGENDA DOCUMENT CONTROL SHEET**

A12001-49(S)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED <i>7-10-01</i>
	<i>AO - Church Heights</i>	INDICATE DOCUMENTS ATTACHED
		<i>AO Attachments</i>
2	DEPARTMENT NAME Assembly	DIRECTOR'S NAME Fay Von Gemmingen
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER 4751
4	COORDINATED WITH AND REVIEWED BY	INITIALS DATE
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manger	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other	
5	SPECIAL INSTRUCTIONS/COMMENTS	
	<i>7B. For Intro</i>	
	<i>Addendum</i>	
6	ASSEMBLY MEETING DATE <i>7-10-01</i>	7 PUBLIC HEARING DATE REQUESTED <i>8-14-01</i>

