

*Petitioner withdrew rezoning  
request on 4/17/01*

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Planning Department

For reading: MARCH 13, 2001

Anchorage, Alaska  
AO 2001- 63

2  
3 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
4 REZONING FROM R-2A (TWO FAMILY RESIDENTIAL DISTRICT) TO R-3  
5 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) FOR A PORTION OF THE E ½,  
6 SW ¼, SECTION 25, T13N, R3W, S.M., AK; GENERALLY LOCATED ON THE  
7 CURVE OF MULDOON AND TUDOR ROADS, SOUTH OF 36<sup>TH</sup> AVENUE.

8 (Scenic Foothills Community Council; Case 2000-172)

9 THE ANCHORAGE ASSEMBLY ORDAINS

10 Section 1: The zoning map shall be amended by designating the following  
11 described property as R-3 (Multiple-Family Residential District) Zone:

12 A portion of the E ½, SW 1/3, Section 25, T13N, R3W, S.M., AK;  
13 consisting of approximately 22.93 acres as shown on Exhibit A  
14 (Planning and Zoning Commission Case 2000-172).  
15

16 Section 2. The Director of the Planning Department shall change the  
17 zoning map accordingly.  
18

19 Section 3. This ordinance shall become effective within 10 days after the  
20 Director of the Planning Department has received the written consent of the  
21 owners of the property within the area described in Section 1 above to the  
22 special limitations contained herein. The rezone approval contained herein  
23 shall automatically expire and be null and void if the written consent is not  
24 received within 120 days after the date on which this ordinance is passed and  
25 approved. In the event no special limitations are contained herein, this  
26 ordinance is effective immediately upon passage and approval.  
27  
28  
29

1 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_  
2 day of \_\_\_\_\_, 2001.  
3  
4  
5  
6

ATTEST:

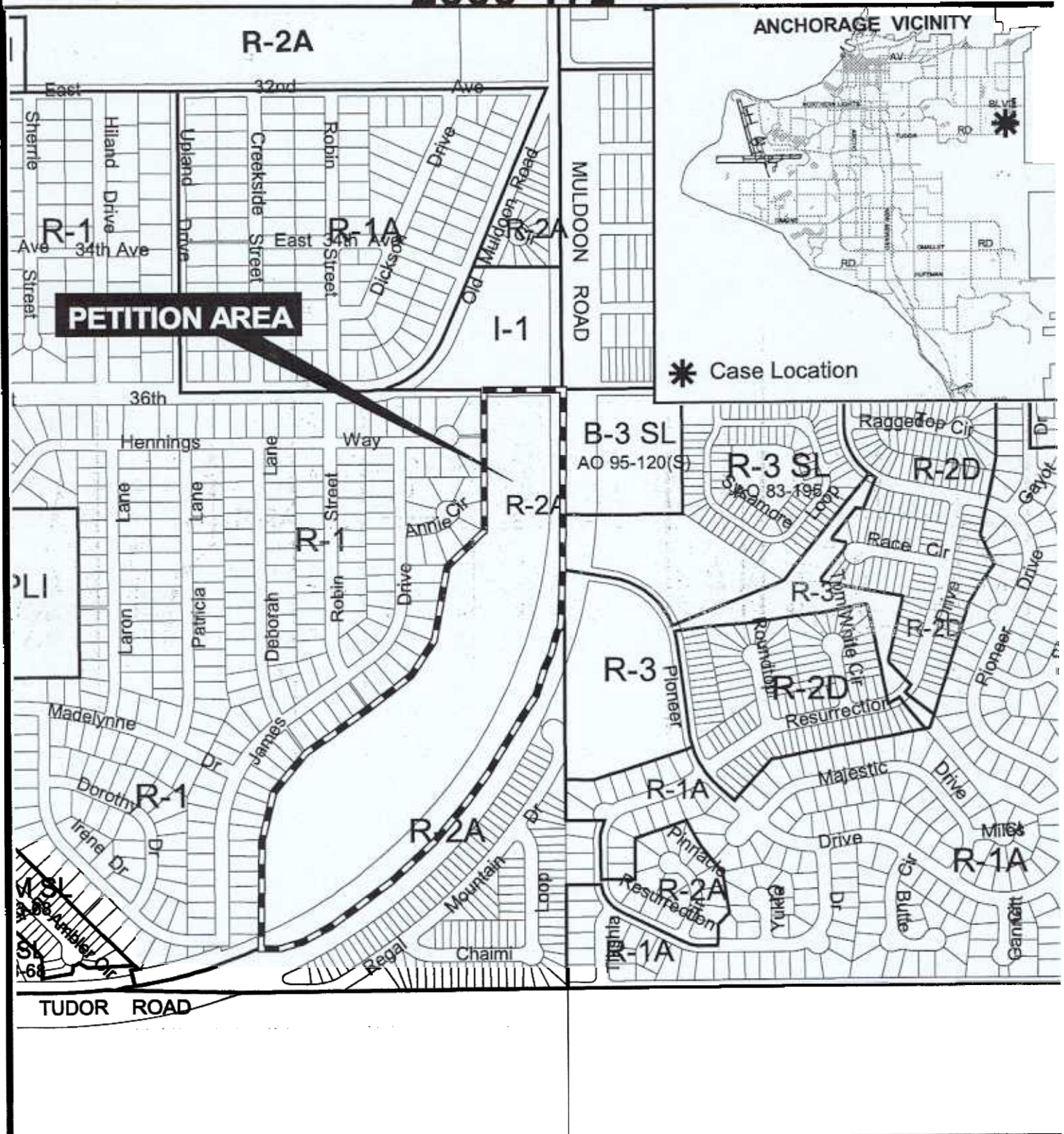
\_\_\_\_\_  
Chair

\_\_\_\_\_  
Municipal Clerk

(2000-172)  
(Tax ID. No. 007-126-15)

# REZONING - EXHIBIT A

## 2000-172



Municipality of Anchorage  
Planning Department



Date: FEBRUARY 26, 2001

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects - General Government**

AO Number: 2001-63 Title: Rezone approximately 22.93 acres for a portion of the E ½, SW ¼, Section 25, T13N, R3W, S.M., AK from R-2A to R-3  
Sponsor: Jack and Dawn E. Barrett  
Preparing Agency: The Planning Department  
Others Affected

**CHANGES IN EXPENDITURES AND REVENUES** (Thousands of Dollars)

|                                   | FY00 | FY01 | FY02 | FY03 | FY04 |
|-----------------------------------|------|------|------|------|------|
| Operating Expenditures            |      |      |      |      |      |
| 1000 Personal Services            |      |      |      |      |      |
| 2000 Supplies                     |      |      |      |      |      |
| 3000 Other Services               |      |      |      |      |      |
| 4000 Debt Services                |      |      |      |      |      |
| 5000 Capital Outlay               |      |      |      |      |      |
| <b>TOTAL DIRECT COSTS</b>         |      |      |      |      |      |
| 6000 IGCs                         |      |      |      |      |      |
| <b>FUNCTION COST:</b>             |      |      |      |      |      |
| <b>REVENUES:</b>                  |      |      |      |      |      |
| <b>CAPITAL:</b>                   |      |      |      |      |      |
| <b>POSITIONS: FT/PT and Temp.</b> |      |      |      |      |      |

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning would impact the school enrollments in the area and further strain the existing capacity of the school infrastructure. The development of multi-family development at a density of 15 to 18 dwelling units per acre would have a significant economic impact on this area. Such development would increase the availability of multi-family housing. However, due to the topographical and environmental constraints of the land, it is unlikely that the density could be achieved. Traffic impacts could be severe for the existing street infrastructure.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

If the property is approved for rezoning to R-3, it would permit the development of a greater number of units on less land due to environmental and topographical constraints. The R-3 district is less restrictive in the requirements for minimum lot size and width as well. The developer would be able to increase the number of units per acre at a higher standard than permitted in the R-2A.

Prepared by: Jerry T. Weaver Jr., Planning Supervisor,  
Planning Department

Validated by OMB: *Caryl F. [Signature]*

Approved By: *John R. [Signature]*  
Director, Preparing Agency

Telephone: 343-4215

Date: 5 Mar 01

Date: 2-28-01



Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Planning Department

For reading: MARCH 13, 2001

Anchorage, Alaska

AO 2001- 64

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-4 (MULTIPLE-FAMILY RESIDENTIAL DISTRICT) TO PLI  
(PUBLIC LANDS AND INSTITUTIONS DISTRICT) FOR A PORTION OF NW ¼ NE  
¼ SECTION 14, T13N, R3W, S.M., AK (PROPOSED TRACT B, HONEYWOOD  
SUBDIVISION, PRELIMINARY PLAT S-10662); GENERALLY LOCATED AT THE  
SOUTHWEST CORNER OF TURPIN STREET AND GLENN HIGHWAY.

(Northeast Community Council; Case 2000-218)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: The zoning map shall be amended by designating the following  
described property as PLI (Public Lands and Institutions District):

A portion of NW ¼ NE ¼ Section 14, T13N, R3W, S.M., AK (proposed  
Tract B, Honeywood Subdivision, preliminary plat S-10662); consisting of  
approximately 2.3 acres as shown on Exhibit A (Planning and Zoning  
Commission Case 2000-218).

Section 2. The zoning map amendment described in Section 1 above  
shall be subject to the following effective clauses:

- a. Recording of the proposed plat for Tracts A & B, Honeywood  
Subdivision, S-10662, within 18 months of plat approval, and upon  
meeting the conditions of approval as recommended by the Urban  
Design Commission on 10-12-2000.

Section 3. The Director of the Planning Department shall change the  
zoning map accordingly.

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Planning Department

For reading: MARCH 13, 2001

Anchorage, Alaska  
AO 2001- 65

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-2D (TWO-FAMILY RESIDENTIAL DISTRICT) TO B-1A SL  
(LOCAL AND NEIGHBORHOOD BUSINESS DISTRICT) WITH SPECIAL  
LIMITATIONS FOR GREEN ACRES SUBDIVISION, BLOCK 1, LOT 12A;  
GENERALLY LOCATED ON THE SOUTHWEST CORNER OF 36<sup>TH</sup> AVENUE AND  
LAKE OTIS PARKWAY.

(Rogers Park Community Council; Case 2000-242)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: The zoning map shall be amended by designating the following  
described property as B-1A SL (Local and Neighborhood Business District) with  
Special Limitations Zone:

Lot 12A, Block 1, Green Acres Subdivision; consisting of approximately  
0.15 acres as shown on Exhibit A (Planning and Zoning Commission  
Case 2000-242).

Section 2. The zoning map amendment described in Section 1 above  
shall be subject to the following special limitations:

A. Any redevelopment of this site shall trigger a non-public hearing  
site plan review by the Planning and Zoning Commission under the  
provisions of AMC 21.15.030 and 21.50.020.

Section 3. The Director of the Planning Department shall change the  
zoning map accordingly.

COMMISSIONER ADAMS understood Ms. Wicks's concerns that site plan review is a tedious process, however, he felt there are significant concerns that should be addressed. He noted that her proposed ordinance did not deal well with landscaping, buffers, visual impacts, or site restoration, and relegated drainage to administrative review. He felt it is appropriate for this Commission to have purview over issues such as these, which could potentially have significant impacts. He commented that the argument has been made that the adjacent property has not been held to this same process, but he did not think, relative to changing times and community values, any precedent should necessarily be used as a basis for measuring what ought to be current standards. He stated there has been a tremendous response by the Community Council with many people are opposed to this request, which merits the Commission examining this use. He felt it is necessary to address the need for additional gravel sources and deal with that within this community when it is available, but only with careful consideration of the effects such a use produces.

COMMISSIONER KLINKNER concurred in the motion as presented. He felt that the testimony and the materials presented were equivocal with respect to the real market demand for this material. He remarked on the need to have closer scrutiny of the project as it develops because the phasing and responsiveness of the scope of the project to market demand will be very important. He stated that to allow this without further substantial review by the Commission is not beneficial to the community in terms of the effect on the immediate area. He felt that being able to monitor demand and phasing of the project so that it is developed only as there is a demand for the material will be beneficial.

AYE: Karabelnikoff, Jones, Hodel, Brown, Cox, Adams, Isham, Klinkner  
NAY: None

PASSED

#### G. PUBLIC HEARINGS

1. 2000-172

Jack & Dawn Barrett. A request to rezone approximately 22.93 acres from R-2A to R-3. Located on the curve of Muldoon and Tudor Roads, south of 36th Avenue.

Staff member BEVERLY JONES described the request before the Commission. She indicated the Commissioners have been supplied with a copy of comments received by the Department this afternoon



regarding this case, and the packet should include a color copy of scenic views in the area, the site, and the area along Muldoon Road. She stated this rezoning proposal would allow for an increase in density of more than double what is permitted under the current zoning on this land which is constrained by natural features and limited access. The petition site is adjacent to a single family residential district. MS. JONES stated that many comments were received in response to this request opposing the rezoning. Under the proposed R-3 zoning, the permitted height of structures would be 35 feet. The houses to the west are restricted to a 25-foot height limitation and any development on the petition site could severely impact the views from that area to the west. The Department found that the proposal is not consistent with the Comprehensive Plan. Further, the Department found that more dense development on this site could negatively impact environmental issues in the area, such as wetlands. Staff believed that more study is needed in this regard. MS. JONES noted that the petitioner also indicates that, before any development can be done, more analysis of wetlands and access is needed. The Department finds this proposal to be premature and speculative; there is no plan for the development of the site and it appears that the impact of development would be negative.

The public hearing was opened.

TIM POTTER, representing the petitioners, stated this property is currently undeveloped and is zoned R-2A. He noted the Commission reviewed a rezone request to I-1 on the northern 8.18 acres of this site for a mini-storage complex. The findings of the Commission in that rezoning request were clear that such a use is incompatible and the property should be developed with multi-family residential. The Comprehensive Plan designates this property to be developed at a density of 7-10 dwelling units per acre (DUA). He noted this was a general indication of a gross number of units that was to be derived on this property. That would mean taking the full 22.93 acres and calculating 7-10 DUA. MR. POTTER referred to a drawing of the site, which was highlighted in three colors to designate: wetlands identified by the Corps of Engineers (COE) in green; upland areas that are fully encapsulated within the wetlands area and are not developable in light green; and upland area that is developable in yellow. He stated there are over 11 acres of wetlands on this 22.93 acre site, leaving approximately 11.5 acres of upland area, of which 9.6 acres are in large enough pods to be developed. At a density of 10 DUA, the full 22.93 acres could yield 160 to 230 units. There are, however, 9.86 acres available, which would yield 69-99 units at a density of 10 DUA. The proposed rezone conforms with the statement on page 63 of the Comprehensive Plan, which indicates that areas that have restricted

development due to wetlands or slope can look at the total acreage and then create a different type of development to come more into conformance with the projected density. A typical density in the R-3 zoning district of 15-18 DUA would be 148-177 units, which is at the bottom end of what the Comprehensive Plan projected for the total number of dwelling units on this property. MR. POTTER stated that the reason for this rezoning request is that the R-3 allows a much more significant level of flexibility in responding to this site with an appropriate design that concentrates development in the upland areas. He noted this property accommodates drainage from Muldoon Road and the adjacent properties and that will need to be maintained, which could be done under an R-3 zoning. This request conforms with the 1982 Comprehensive Plan, as well as projected densities in the current *Anchorage 2020* plan.

COMMISSIONER HODEL noted that the flexibility allowed by an R-3 zoning gives a developer the latitude to construct things on which the Commission has no ability to comment. This is of concern with this piece of property that is challenged both in terms of its physical characteristics and access. He noted it is difficult to see how this site can be properly accessed. There are also issues with respect to the Commission's charge to protect the surrounding neighborhood. MR. POTTER felt it was premature for the Alaska Department of Transportation (ADOT) to comment that they would like to have access totally restricted from Muldoon Road. They have said in the past that, based on a traffic impact analysis, they may be willing to entertain a right-in/right-out only access at the southern end of the property. That would allow people to access to Muldoon going south and then westbound on Tudor. It would also allow people to enter from a deceleration lane from Muldoon into the southern end of the site. Primary access would be to 36th Avenue, which is a signalized intersection and has a pedestrian overpass across Muldoon to allow children to walk back and forth to school and to park areas on the west and east sides of Muldoon Road. He felt it was important to note that the road access to 36th Avenue would be 300 feet back from the intersection with Muldoon. He noted there are many similar situations in the Municipality and those streets are adequately handling more traffic than is anticipated from this project. He stated the petitioner would be willing to accept a special limitation requiring site plan review before the Commission to address issues such as building height.

COMMISSIONER KARABELNIKOFF asked if Mr. Potter is suggesting that site plan review will address issues of building height. MR. POTTER stated that he understands the concern to be views of the Chugach Foothills and he believed that, even at a 35-foot building height, those views would not be interrupted. View impact would be further mitigated by clustering of building type and orientation.

COMMISSIONER COX asked what can be achieved with R-3 that cannot be achieved with R-2A. MR. POTTER explained that R-2A requires one building per lot, so in order to do two units, the property would need to be subdivided. He explained that, in order to reach the 7-10 DUA density, significant fill would need to be used, which would require permission by the COE. He noted the quandary posed by the fact the Comprehensive Plan designates the area for higher density, but the zoning classification does not accommodate that density, given the environmental issues on this site. He noted that, in addition to wetlands, there are peat depths up to 17.5 feet. He stated this will require a site design that addresses the issues of wetlands, drainage, peat depths, traffic access and circulation, and the neighboring viewshed. He noted that, if the petitioners asked to fill a portion of this site, the COE will go through a three step review: 1) avoid filling wetlands, 2) minimizing impact of the fill on the wetland, and 3) mitigation. He feared the COE could ask that the property be rezoned to R-3 in order to address the first two steps.

COMMISSIONER KARABELNIKOFF noted that, in the past, planned unit developments were used to develop sites that have constraints. He understood that a conventional R-2 subdivision does not provide enough latitude for development on this site. He asked what alternatives are available to allow clustering of houses on the ground that is usable and leave the wetlands as open space. MR. POTTER stated that, if the zoning was R-2M, it may be possible to use tools within Title 21 by using a planned unit development, which allows more than one principal structure per lot, but it does restrict development to 8-plexes. The R-3 zoning does not limit development to 8-plexes and it allows various types of housing to be developed.

CHAIR BROWN asked the difference between R-2M and R-3. MR. POTTER replied the difference is a 30-foot height limitation in R-2M versus 35 feet in R-3 and the ability to have structures that have more than eight units.

WENDY MIKOWSKI, representing the Scenic Foothills Community Council, stated in September the community voted to deny this requested rezone. She stated the community has appeared before the Commission four times regarding this parcel and they would like to not have to come back again. She stated the community is not anti-development, but it is opposed to the development of 12-plexes, apartment houses, mobile home parks, and small storage facilities. She stated the community feels that many problems could arise with an R-3 zoning, such as traffic. She noted that ADOT has denied access onto the Muldoon curve, at which point that roadway is 55 miles per hour. She stated the only alternative would be access onto 36th Avenue. According to the petitioner, there could be up to 99 homes and traffic could

back up into that entire development turning onto 36th Avenue and then east onto Muldoon. She noted the only alternative would be to turn west on 36th Avenue toward Patterson, which leads to a school zone. She stated that children use the overpass to get to parks and other schools. She noted there are a number of deaf and blind children living in this area currently and increasing traffic causes concern in that regard. With a high number of homes on the petition site, there could be a higher number of accidents involving children. The Council has also commented on the natural vegetation on the site and the wetlands issue. There are currently a cow moose and two calves on this site and several types of birds in the area. MS. MIKOWSKI stated people know this is not a park, but they believe there are other ways to develop this property than with high density. She stated that over 8,000 homes are predicted for the east side of Anchorage in *Anchorage 2020*. This would mean more children in the schools and more traffic. She noted that the community also would not like to see a cluster plat on this property, which would create problems with traffic, schools, and children. She reiterated that the Council is not anti-development and wants to work with the petitioner to develop the site. She asked that everyone opposed to the petitioner's request stand. She noted that the Council has not been shown any plans for this site.

COMMISSIONER ISHAM noted that the Council has indicated it might support a rezoning to R-2M. MS. MIKOWSKI replied that, if that is the only option, the Council would be agreeable to it, but only subject to certain conditions, which are enumerated on page 040 of the packet in the documented dated 24 August 2000.

WILLIAM THEUER stated the petition site has come before the Scenic Foothills Community Council many times. He stated this issue is literally and figuratively in the heart of the Council and, as such, it has received thoughtful, lengthy, considered attention by the Council. He noted that a special committee works on the issue of development of this site and this property has been on the agenda of the Council on numerous occasions. He stated that, as presentations are made by others, the Council has done what it can in terms of process and open dialogue. He explained that the issues that cause him to object to the petition before the Commission this evening revolve around the environment, impacts on the community, and the public facilities and services that would be required in order to accomplish the petitioner's proposal. He asked that the Commission be confident that there has been considerable consideration by the Council on this issue.

RITA HENDRICKSON stated she has lived in the Scenic Park area for over 30 years and she has testified on this property more than four times previously. She objected to rezoning this property to R-3. She stated she has

October 2, 2000

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read the Staff analysis and listened to DOWL's presentation at the Council meeting and at this hearing and it appears to her that this rezoning is strictly for the benefit of the property owner. She noted that, if a rezoning is approved, then the residents of the area are left to fight about the site plan. She noted she sat on the Parks and Recreation Board for 8 years and was always disturbed by the idea of concept approval because all that is left for a final approval is how the subject of the approval is accomplished. She agreed with the Staff's analysis, which says this rezone does not meet the goals and policies of the Comprehensive Plan that is currently being considered. She stated that the density of 7-10 DUA was designated in 1982 and it is not a mandated density. She stated that she has seen many things bungled in terms of zoning and the use of land during her time in Anchorage. She stated the volume of traffic that travels around this curve of Muldoon is tremendous. She indicated she lives on Irene Drive, which dead-ends at the south end of the petition site and area residents are trying to get ADOT to build a buffer because the decibel level of the traffic on Muldoon is so high. She stated she could not imagine what would be the noise impact for anyone living on the petition site. She commented that the only way out of the petition site is via 36th Avenue and children use the overpass on that street to go back and forth to school. She noted there would also be impacts to the school. She stated an engineer was at the last Community Council meeting and he said that it is absolute insanity to pull out into the traffic on Muldoon/Tudor. She found this rezoning request to be premature.

BILL MIERNYCK, resident on Laron Lane, stated he has lived in this area for 30 years and this is the fourth time he has testified regarding this property. He stated that the development of this property is of great concern to the residents of this area. He stated the Planning Staff adequately expressed his feelings and those of most of the residents. He indicated that traffic and access are the issues of primary concern. He noted that, in the first seven years that Tudor/Muldoon had been built, seven people were killed. He indicated the situation is not as bad anymore, but it is still a fairly deadly road. Therefore, adding cars to that curve is of concern. He stated the engineer who spoke at the last Community Council meeting was hired by ADOT to analyze Muldoon Road between DeBarr and 36th Avenue; he is with the firm of Harding Lawson. When asked about this area, he said it would be "an accident waiting to happen" to have access on that curve. MR. MIERNYCK asked that the Commission unanimously deny this request.

MATTHEW EAGLETON, resident on James Drive adjacent to the petition site, agreed with the Staff's recommendation to deny this request. He also stated the homes in the Scenic Park area are nice and they are on big lots. He stated that he would like to see the same type of homes built on the property behind his (the petition site). He did not want for this property to be

developed with 12-plex or 8-plex units. He felt that his property value would decrease if that type of development was done near his home. He stated there are two accesses out of Scenic Park at this time and they are fairly narrow. As a result, if someone is parked on both sides of the street, there is room for one car only. He stated he could not imagine having more traffic behind his property trying to get out on a small street.

JANICE JOHNSTONE, resident on James Drive adjacent to the petition site, stated a rezone was sought in 1984 on this property. At that time, ADOT said, "Since Muldoon/Tudor Road is a high speed highway, Traffic Engineering is recommending against an access to this major highway." She stated that nothing has changed except traffic has probably doubled. She noted that page 08 of the Staff analysis discusses problems of flooding in the area. She stated she has first-hand knowledge of flooding because she observed that, when the property was developed and fill was brought in, the property flooded. She stated that, when there is a very wet summer, the property does strange things. She stated she has pictures of the flooding. She indicated she has brought soil onto her lot to protect her from a creek and one of her neighbors brought in 50 yards of fill in order to protect his back yard from the pressure of water coming from the development of the petition site. She recommended that the site remain R-2A, and that nothing happen on the site until such time as traffic, sewer and water, and wetlands issues are resolved.

DICK BEASLEY, resident on Hennings Way, stated that R-2M is a fall back issue dependent on all of the 10 stipulations outlined by the Community Council being adopted. Otherwise, the Community Council as a whole was unanimous in wanting the area to stay R-2A. He stated he and his family object to the rezoning for all the reasons stated thus far in testimony. He noted that the owners of the land have a long record of proposing development the community does not want. He felt it would be useful to invite recommendations on how to get out of this pattern and what else can be done with this land in order to obviate repeated rezoning efforts.

GREG MOSER, two-year resident on Irene Drive, stated he bought in this neighborhood because of the type of neighborhood it is. He stated he did not want to purchase next to apartments and it upsets him to no hear that could be occurring in the neighborhood in which he recently bought his home. He stated he was a police officer for three years and the security issues associated with another few hundred children walking by his house on the way to school concern him. He stated this is a close-knit community and people know who is walking by their home. He stated he is a school teacher and loves children, but he is concerned nonetheless. He is also concerned with the impact of traffic noise, which he experiences in his home. He stated he



could not imagine another two hundred or more cars going in and out of the area daily.

COMMISSIONER KARABELNIKOFF asked if there are currently issues of congestion on the two outlets from Scenic Park. MR. MOSER was not aware of these issues, but noted he does not leave the subdivision at the same hours as many of the residents. MR. KARABELNIKOFF explained he wished to understand any issues that currently exist in terms of vehicles accessing collectors. MR. MOSER stated it is difficult to access roads such as Tudor during rush hours.

CATHERINE LESS, resident on James Drive, stated she has lived in her home since 1984 and she abuts the petition site. She stated she strongly disagrees with the remark that she only looks at the mountains. She stated she also looks at the trees on the petition site. She indicated she currently does not see Muldoon Road at all, although she hears it. She stated she does not currently see traffic lights or street lights. She objected to a high-rise apartment building being developed on the petition site. She stated there are very few problems getting out onto Robin and Madeleine Streets until it snows and problems exist then because the plowing is not adequate.

JAN LITTLEBEAR, a homeowner on James Drive adjacent to the petition site, listed concerns with traffic and school overcrowding given that Scenic Park already has at least two or three portables. She also felt everyone should be cognizant of the tax cap and that reality vis-à-vis these issues. She did not believe that the proposals offered by the developer show they have done adequate research and preparation. She noted they have not submitted a site plan. She stated she purchased her home nine years ago and this is a tight-knit community. She believed this community would embrace an R-2A development on the petition site. She stated she was aware of the zoning of this property when she purchased her home. She felt it should be a crime to rezone this property unless there is a way to compensate the existing homeowners for the impact on them. She stated she has a ranch style home and she could not imagine having a 35-foot structure behind her lot. She stated there are currently over 1,000 people in the Scenic Park Subdivision. She indicated that Robin and Madeleine Streets have "lakes" when the streets are not plowed and those must be approached carefully or vehicles will stall.

JOE CANTIL, resident on Robin Street, opposed the rezoning. He stated he does not support the R-2M zoning either and would prefer to see the existing zoning remain. He stated he understands this property is an investment for the owner and that they will want to develop it, but he felt single family

residences are acceptable. He stated that the fact there are no development plans for the site bothers him.

CAROL JOHNSON, resident on Laron Lane, stated she has lived in this area two years as a homeowner and previously lived in Scenic Park from 1987 to 1992 on Robin Street. She stated she is active duty military and she has come back to Anchorage with the hope of retiring here and staying in the Scenic Park area. She indicated she came back to this neighborhood because it is beautiful. She stated that Scenic Park has single family homes, it is an older community, and it looks like "Smalltown USA." She stated that one problem in the area is the schools. She stated she has a 10-year old who attends Scenic Park and he is in a class in 5th grade with 30 children; last year he was in one of the relocatables. She did not think the school, even after renovations, will ever be able to accommodate the number of children that would be brought into the area by virtue of a high density development. She noted that land has been purchased near Totem Theater for a future elementary school, but there has not yet been discussion of even issuing bonds for building that school. She felt the possibility that this development would burden the community's school system should be considered.

MICHELLE LEHRER, resident of the area and a psychologist with the Anchorage School District, stated she works with high density populations in the District. She stated when she first moved to Anchorage four years ago she looked for an area that was essentially self-contained and did not have a lot of access. She stated she has a 12-year old and a 3-year old and she can feel comfortable when her 12-year-old daughter goes out of her house to play. She stated there is a Neighborhood Watch and, although there was some theft recently, it stopped because this is a tightly knit neighborhood. She stated she is currently in the process of buying her home, but she would consider stopping that process if this development opens her area to greater density. She stated that the high density and transient nature of the population in an R-3 development would be a detriment to this type of neighborhood, which are becoming less available in Anchorage.

In rebuttal, MR. POTTER stated the Commission, as it tries to envision the community over the next 20 years and project the need for residential development across town, are aware of the challenges that exist for the future. He noted this has been reinforced tonight as people who live in single family areas express a desire to not have something else adjacent to them. He did not believe there is proof that R-3 development creates more crime or brings children to the area who may commit crimes. He stated that the Comprehensive Plan projects the development of this property at 7-10 DUA, which would be 160-230 units. If an R-3 density development is done at a density of 15-20 DUA on the 9.6 acres that are developable, a total of 148-177

October 2, 2000

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units could be developed, which is at the bottom range of the 1982 Comprehensive Plan projection. He saw the problem being that the Comprehensive Plan was adopted in 1982, but it was not implemented by identifying the properties that could provide the needed density. *Anchorage 2020*, which is currently in the hands of the Assembly, projects an additional 6,500 multi-family units of housing to be in this area of town. He stated those will not be met if more dense development is not permitted. He stated the petitioner is asking to be allowed to use a housing style that can be best used to develop this property. He indicated the petitioner would be willing to cap the density at 10 DUA gross.

COMMISSIONER ISHAM asked what would be the estimated number of housing units under the petitioner's request. MR. POTTER replied that, using typical densities arrived at through housing styles done under R-3 zoning, which are 15-18 DUA, the overall density is just over 7 DUA. MR. ISHAM asked how many homes are anticipated on the site. MR. POTTER replied he projected 148 to 177 units.

COMMISSIONER KARABELNIKOFF noted that development plans are not typically reviewed with a zoning request, but the petitioner has offered a public hearing site plan review. MR. POTTER confirmed this is the case. MR. KARABELNIKOFF asked whether that can be accomplished under the R-2M if there is a cap of 10 DUA or a limit on the total number of dwelling units of 160, or does the advantage of the R-3 relate to lot sizes. MR. POTTER replied that R-3 provides flexibility, such as an additional 5 feet of building height.

MS. JONES noted that Mr. Karabelnikoff had asked the petitioner earlier what density would be allowed in a PUD. She clarified for the record that AMC 21.50.130 states that under R-2M in a PUD the maximum DUA would be 22; under R-2A it would be 12; and under R-3 it would be 55. Also, the petitioner said the Commission had found in case 97-122 that this property was best suited for housing, but the minutes, contained on page 070 of the packet, do not mention multi-family housing. In fact, Commissioner Karabelnikoff noted this site might well be developed with a church or a park.

The public hearing was closed.

COMMISSIONER KARABELNIKOFF moved to recommend to the Assembly to amend the zoning map to R-3 SL with the following special limitations: a maximum number of housing units of 160; a public hearing site plan review associated with the development of this land; and that the maximum building height be 30 feet.

COMMISSIONER COX seconded.

COMMISSIONER KARABELNIKOFF stated there have been many interesting points made this evening. He did not believe the Staff packet recognizes the point made by Mr. Potter in terms of the Comprehensive Plan and how to propose good development on difficult sites, given that the standard residential development design does not work well on sites like this. He felt this site lends itself well to some type of clustering of housing, such as townhouses with ample open space, which would allow for berms and other sound mitigating techniques. He noted that the petition site experiences noise from Muldoon Road. He believed it is possible to design a residential street located 300 feet back from Muldoon that can handle the traffic. He felt ADOT might permit a right-in/right-out turn at the south end of this property. He noted the map on page 02 of the packet shows Regal Mountain Drive on the outside of this curve on the opposite side of the street and they have a right-in/right-out turn. He felt that, even without that, 36th Avenue should be able to handle the traffic from this project. He commented that some members of this Commission have advocated that it is possible to design a good project along a major arterial such as this, but the developers wish to have the flexibility to develop under R-3. He felt that this rezoning will increase the probability that the designers can do a good job. He indicated he could support a rezoning to R-2M, but felt it would limit some of the creativity the designers might apply. He felt this zoning amendment is consistent with the language and the intent of *Anchorage 2020*. He noted that this is a large piece of vacant land in the northeast area of Anchorage.

COMMISSIONER COX felt that, before consideration is given to rezoning this property, a traffic impact analysis should be done. She noted this is a very busy section of roadway. She noted she has difficulty turning west from her daughter's house, which is located on Pioneer Drive. She believed it is unlikely that ADOT will allow a curb cut onto Tudor Road from this site. She stated there is information in the packet indicating that, if the cul-de-sac is longer than 600 feet, a variance will be needed. She further stated that R-2M would be more feasible in terms of consideration of height limitations and the need for walkways through the petition site. She noted there is a decided need for land to be developed in the Anchorage Bowl with densities greater than single family housing and she believed it can be done in a manner that is compatible with the neighborhoods.

COMMISSIONER HODEL felt the primary issue in this case is the impact of development of the petition site on the contiguous area. He stated that, if this property was bounded by other R-3 property, the situation would be different. He felt that a R-3 zoning would negatively affect the area.

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COMMISSIONER JONES stated she would like to be able to support this rezone, but she could not. She felt this is an instance where it is appropriate to retain the existing zoning and work to develop the property under that zoning. She recognized there will be demands for many additional residences and that all of Anchorage will see some change in housing styles in neighborhoods. She noted there is a great deal of multi-family being developed in her neighborhood and it has been acceptable. She understood there is not sewer and water to the site at this time, and there are traffic concerns as well.

CHAIR BROWN believed the property can be developed under R-3 zoning, but she noted this is an extraordinary piece of property and it demands extraordinary measures by the people who want to develop it. She felt the Commission would need to see how R-3 or R-2M development might be done on the site before a rezoning is approved.

AYE: Karabelnikoff

NAY: Jones, Hodel, Brown, Cox, Adams, Isham, Klinkner

**FAILED**

2.      2000-173                      Southcentral Foundation. A conditional use for a 24-hour child care facility. Located on the NW corner of Cleveland Avenue and Greenland Drive.

Staff member BEVERLY JONES stated this request is for a final conditional use for a 24-hour child care facility. She stated the petition site was before the Commission last year under a request from Access Alaska for a rehabilitation center for the physically impaired. Access Alaska was seeking to lease the property, but they are no longer, and Southcentral Foundation has now purchased the property outright. This program is an extension of the Pathway Homes program that the Commission approved earlier this year in association with Dena A. Coy off of Bragaw, north of Costco. The program is set up for 16 children between the ages of 13 and 17 who are diagnosed as substance abusers with some behavior disorders. This is not a lock-down facility and the children involved in the program will not be adjudicated. This is a volunteer program and all participants will be Native youth. MS. JONES noted that the suicide rate among Native youths is nine times higher than the national level. She stated this is a program that is needed within the community and it is one of only two that can be found within the state. The Department found that the proposed use is compatible with the existing community and that it does not create a