

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 6-8-04

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: April 20, 2004

Anchorage, Alaska  
AO 2004-83

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR  
THE REZONING OF APPROXIMATELY 2.06 ACRES FROM R-1A (SINGLE  
FAMILY RESIDENTIAL) TO R-6 (SUBURBAN RESIDENTIAL DISTRICT,  
LARGE LOT) FOR FISCHER SUBDIVISION, LOTS 1A AND 1B, BLOCK 3,  
GENERALLY LOCATED AT 5200 E. 100<sup>TH</sup> AVENUE AND 10161 KLINGLER  
STREET.

(Mid Hillside, Huffman-O'Malley Community Council) (Planning and Zoning Commission Case 2003-173)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described  
property as R-6 (Suburban Residential District, Large lot) zone:

Fischer Subdivision, Lots 1A and 1B, Block 3; consisting of  
approximately 2.06 acres, as shown on exhibit "A."

~~**Section 2.** The zoning shall not become effective until:~~

- a. ~~The applicants shall submit a new, current as-built survey and resolve  
code violation case CETS 2003-02301.~~

**Section 3 2.** This ordinance shall become effective within 10 days after the  
Director of the Planning Department has received the written consent of the owners  
of the property within the area described in Section 1 above to the special limitations  
contained herein. The rezone approval contained herein shall automatically expire  
and be null and void if the written consent is not received within 120 days after the  
date on which this ordinance is passed and approved. In the event no special  
limitations are contained herein, this ordinance is effective immediately upon  
passage and approval. The Director of the Planning Department shall change the  
zoning map accordingly.

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PASSED AND APPROVED by the Anchorage Assembly this  
8<sup>th</sup> day of June 2004.

ATTEST:

Dick  
Chair

Balke E. Brunst  
Municipal Clerk

(2003-173)  
(015-292-03; 015-292-04)

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

AO Number: 2004- 83

Title: Planning and Zoning Commission, Case 2003-173;  
recommendation for approval of a rezoning from R-1A (Single  
Family Residential) to R-6 (Suburban Residential District, Large  
Lot) for Fischer Subdivision, Lots 1A and 1B, Block 3, 5200 E.  
100th Avenue and 10161 Klingler Street.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>			
	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this rezoning will not have a substantial public sector impact.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning should have no significant economic impact on the private sector. Property Appraisal notes: Due to the lack of public sewer and water to these lots, the parcels are currently valued with R-6 comparable sales as they are best representative of the value.

Prepared by:	<u>Jerry T. Weaver Jr., Zoning Administrator</u>	Telephone: <u>343-7939</u>
Validated by OMB:	<u></u>	Date: <u></u>
Approved by:	<u></u> (Director, Preparing Agency)	Date: <u></u>
Concurred by:	<u></u> (Director, Impacted Agency)	Date: <u></u>
Approved by:	<u></u> (Municipal Manager)	Date: <u></u>



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 355 -2004

**Meeting Date:** April 20, 2004

**From:** Mayor

**Subject:** AO 2004- 83

Planning and Zoning Commission, Case 2003-173; recommendation for approval of a rezoning from R-1A (Single Family Residential) to R-6 (Suburban Residential District, Large Lot) for Fischer Subdivision, Lots 1A and 1B, Block 3, 5200 E. 100<sup>th</sup> Ave. and 10161 Klingler St.

1 W. Lee Renfrew and Robert and Nyla Jackson have submitted an application to  
2 rezone two lots consisting of approximately 2.06 acres from R-1A to R-6.  
3

4 There are structures for animals, barn and corral on lot 1A, which cannot conform to  
5 the R-1A zoning setback requirement of 100 feet. Title 21 requires that enclosures  
6 for animals, other than dogs, must be 100 feet from any lot line. The lot is legal size,  
7 but has a width of 150 feet, and it is physically impossible for the horse enclosures to  
8 be 100 feet from all lot lines. With a rezoning to R-6, the setback for animal  
9 enclosures is reduced to 25 feet and the subject structures will be conforming to the  
10 zoning district.  
11

12 There is a current zoning complaint regarding the animal enclosures within the 100-  
13 foot setback and for filling within a 25 foot stream protection setback. There are no  
14 structures for animals on Lot 1B. The rezone will make it easier for the owners to  
15 comply with the zoning yard setback requirements for animal enclosures. The  
16 request is consistent with *Anchorage 2020 Anchorage Bowl Comprehensive Plan*,  
17 and the R-6 zone more accurately reflects the development pattern and rural nature  
18 of the area.  
19

20 The ordinance has an effective clause which will require the applicants to submit a  
21 new, current as-built survey to resolve the outstanding code violation complaint.  
22

1 The Administration concurs with the Planning and Zoning Commission  
2 recommendation supporting the rezoning.  
3

4  
5 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

6 Concur: Donald S. Alspach, Acting Director, Planning Department

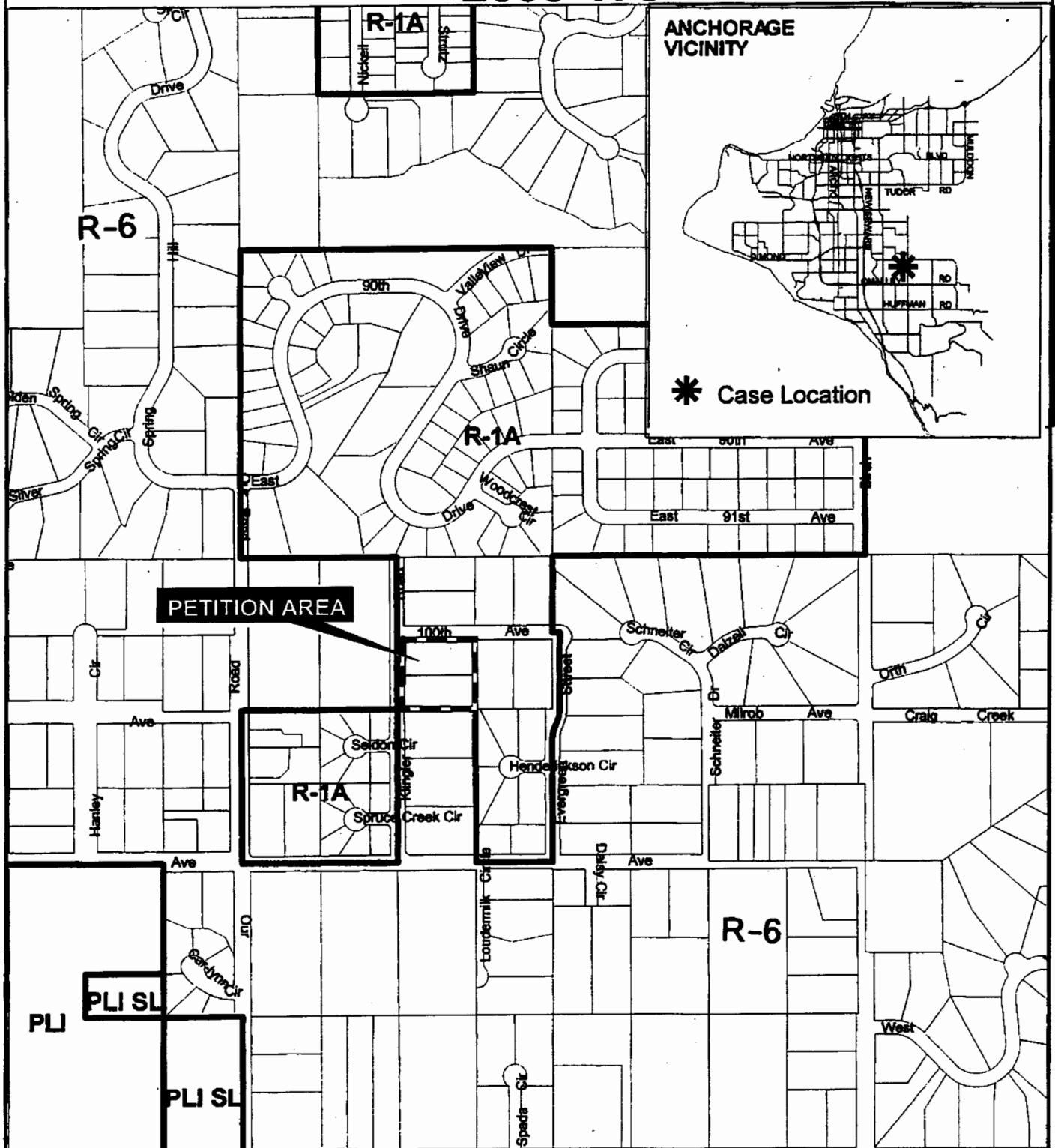
7 Concur: Mary Jane Michaels, Executive Director, Office of Economic and  
8 Community Development

9 Concur: Denis C. LeBlanc, Municipal Manager

10 Respectively Submitted: Mark Begich, Mayor

# EXHIBIT - A

## 2003-173



Municipality of Anchorage  
Planning Department



Date: MARCH 16, 2004

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-088**

A RESOLUTION APPROVING A REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO R-6 (SUBURBAN RESIDENTIAL, LARGE LOT) FOR FISCHER SUBDIVISION, BLOCK 3, LOTS 1 A AND 1B, GENERALLY LOCATED AT 5200 E. 100<sup>th</sup> AVENUE AND 10161 KLINGLER STREET.

(Case 2003-173, Tax I.D. No. 015-292-03 and -04)

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WHEREAS, a request has been received from W. Lee Renfrew and Robert and Nyla Jackson to rezone two lots totaling 2.06 acres from R-1A to R-6 for Block 3, Lots 1A and 1B, Fischer Subdivision, generally located at 5200 E. 100<sup>th</sup> Avenue and 10161 Klingler Street, and

WHEREAS, notices were published, posted and 38 public hearing notices were mailed and a public hearing was held on December 8, 2003.

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

A. The Commission makes the following findings of fact:

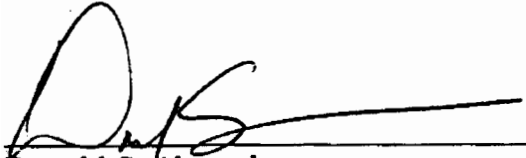
1. The Comprehensive Plan designates the property as low density residential.
2. There is adequate R-1A and R-6 property in the area and this change will not affect the development pattern. Further, the existing use will not change and is consistent and compatible with the nearby residential uses.
3. The R-6 zone district is more consistent with the large lot sizes and rural character of the area than R-1A.
4. The seasonal creek on the property will be protected because the 25 foot setback applies to both the R-1A and R-6 zones.
5. The Commission approved the request 6 - aye, 0 - nay.

B. The Commission recommends the rezoning be APPROVED by the Anchorage Assembly for lots 1A and 1B, Block 3, Fischer Subdivision, subject to the following effective clause:

Submit a current as-built survey to Code Compliance Division and resolve code violation case CETS 2003-02301 .

Planning and Zoning Commission  
December 8, 2003  
Page 2

PASSED AND APPROVED by the Municipal Planning and Zoning Commission  
on the 8th day of December, 2003.



Donald S. Alspach  
Acting Secretary



Don Poulton  
Acting Chair

(2003-173)  
(015-292-03, -04)



COMMISSIONER T. JONES moved to postpone cases 2002-207, 2002-208 and S-10950 to January 12, 2004.

COMMISSIONER KNEPPER seconded.

AYE: Knepper, T. Jones, Poulton, Gibbons

NAY: None

ABSTAIN: G. Jones, Pease

PASSED

2.     **2002-207**     John Berggren. A Site Plan Review for Villages View Estates Subdivision and a request to amend an approximate 50.4-acre portion of the Potter Creek Master Plan and to address AO 84-21. Villages View Estates, Tract A1-E, Generally located on the south side of Potter Valley Road and westerly of Scenic Parkway.

***POSTPONED TO JANUARY 12, 2004***

3.     **2002-208**     John Berggren. An Amendment to the Hillside Wastewater Management Plan to amend the boundaries to remove Villages View Estates, Tract A-1E.

***POSTPONED TO JANUARY 12, 2004***

4.     **S-10950**     A Preliminary Plat to be heard by the Planning and Zoning Commission for Villages View Estates. Villages View Estates, Tract A-1E, located within the SE 1/4 and SW 1/4 of Section 14, T11N, R3W, S.M., Alaska. East of New Seward Highway and south of Potter Valley Road.

***POSTPONED TO JANUARY 12, 2004***

5.     **2003-173**     Lee W. Renfrew. A request to rezone approximately 2.06 acres from R-1A (One Family Residential) to R-6 (Suburban Residential). Fischer Subdivision, Block 3, Lots 1A & 1B. Located at 5200 E 100th Avenue.

Staff member AL BARRETT stated 38 public hearing notices were mailed, 2 were returned in support, 1 was returned in opposition, and no written comments were received from the community council, but a representative is in attendance to speak. Staff recommends approval of the rezoning. If the rezoning is approved one of the lots in

the parcel will be made nonconforming to R-6 standards as it will not meet the required size, even when half the right-of-way is included. Approval of the rezoning is not illegal due to this situation, however. This area is shown residential development in the 1982 Comprehensive Plan at less than 1 dwelling unit per acre. The rezoning request is generally consistent with the zoning maps. There is an outstanding zoning violation that will be dealt with through an Effective Clause, which deals with grading and filling in a stream setback.

COMMISSIONER G. JONES believed the only nonconformity is regarding lot size and not with regard to setback or other R-6 requirements. MR. BARRETT stated that some of the elements are not dimensioned on the as-built, but he believed the only nonconformity is the lot size. The houses are conforming, the horse barn is likely in conformity, and any other structures to support the animals should meet the setback requirements. The Effective Clause will require the applicant to submit a current as-built.

COMMISSIONER KNEPPER understood that one of the concerns is that the horse barn or corrals are too close to one of the lot lines and she wondered whether they were constructed prior to zoning requirements. MR. BARRETT recalled that the barn was built in 1990 and he did not recall whether or not there was a permit for that construction. The barn is not a consistent use in the R-1A district, which would require it be located 100 feet from all lot lines and this property is only 150 feet wide.

COMMISSIONER G. JONES noted there are several references to Craig Creek running through the property but he did not see a diagram depicting its location. MR. BARRETT stated the as-built on page 3 of the Staff packet, just under the engineer's stamp, the creek is shown flowing across the corner of the property in an upper left to lower right direction. COMMISSIONER G. JONES asked if the creek is located between the engineer's stamp and the location of the septic system. MR. BARRETT replied it is closer to the engineer's stamp.

COMMISSIONER PEASE indicated she was unclear regarding the creek location; she wished to ensure that the horse paddock not be located an improper distance from the creek. MR. BARRETT corrected his earlier statement and explained that the creek runs southeast to northwest. COMMISSIONER PEASE asked if there was any conflict with paddocks and enclosures and the creek setback. MR. BARRETT felt the petitioner could provide this information.

COMMISSIONER KNEPPER asked what constitutes spot zoning, per the code. MR. BARRETT replied that the Comprehensive Plan and Title 21 criteria for zonings do not discuss spot zoning, but Staff

mentions it because spot zonings are illegal. The size of a parcel is one criteria, how contiguous the property is with other properties in the same zoning district is another, and whether the rezoning is consistent with the Comprehensive Plan is another. He felt this request is consistent with the Comprehensive Plan, but when looking at requests that correct an existing code infraction there is concern regarding trying to right a wrong by changing the law.

The public hearing was opened.

BOB JACKSON, owner of Lot 1B, the nonconforming property, explained he bought his five acres in 1969 with the understanding he could subdivide his property into four 1.25-acre lots. The individual who did the platting zoned this property R-1A, but the lots across the street and to the south are zoned R-6. He divided his property into four equal sized lots. If his property was zoned R-6 at the same time as the other property, he would not need to be making this request. He stated there is no water flowing in the creek five years out of six for about a one-week period. He explained that an individual on Birch Road dammed Craig Creek and there is now flow for a week in the spring and a week in the fall; he has not seen water there for three or four years. Engineers have walked his property and been unable to find the creek. He explained that the creek runs across the utility easement at the rear of his property and goes under 100<sup>th</sup> Avenue. He noted that 100<sup>th</sup> Avenue is also called Jackson Avenue.

LEE RENFREW, co-petitioner and owner of Lot 1A, stated she was not aware of a pending code violation for stream setback, but the pending code violation is for outdoor harboring of horses within 100 feet of the property line in R-1A. She stated she has removed dead trees that the Municipality had marked for removal due to fire hazard and she crossed a tributary of Craig Creek when doing that. She understood that was resolved without a violation being filed. She stated it is difficult to indicate the location of Craig Creek on map as there are no maps or other documentation showing its location. She stated she has asked that the creek be reclassified as a drainage ditch. She indicated she has a pending soil conservation plan to make certain that horses are not a problem in conjunction with the creek. She stated she is further than 25 feet from the creek. She noted that under R-1A and R-6 the setback requirements from the creek are the same. She stated that her barn was built in 1978 and horses were on the property before people resided on the property. There have never been any complaints from neighbors regarding the horses, the paddocks, or the use of the property. She explained that people were not aware that the property was zoned R-1A.

RYAN STENCEL, representing the Huffman/O'Malley Community Council and a HALO board member, asked that this rezoning be approved. She stated this rezoning corrects a zoning error from years ago. This is a very rural area and the use is compatible with the neighboring uses.

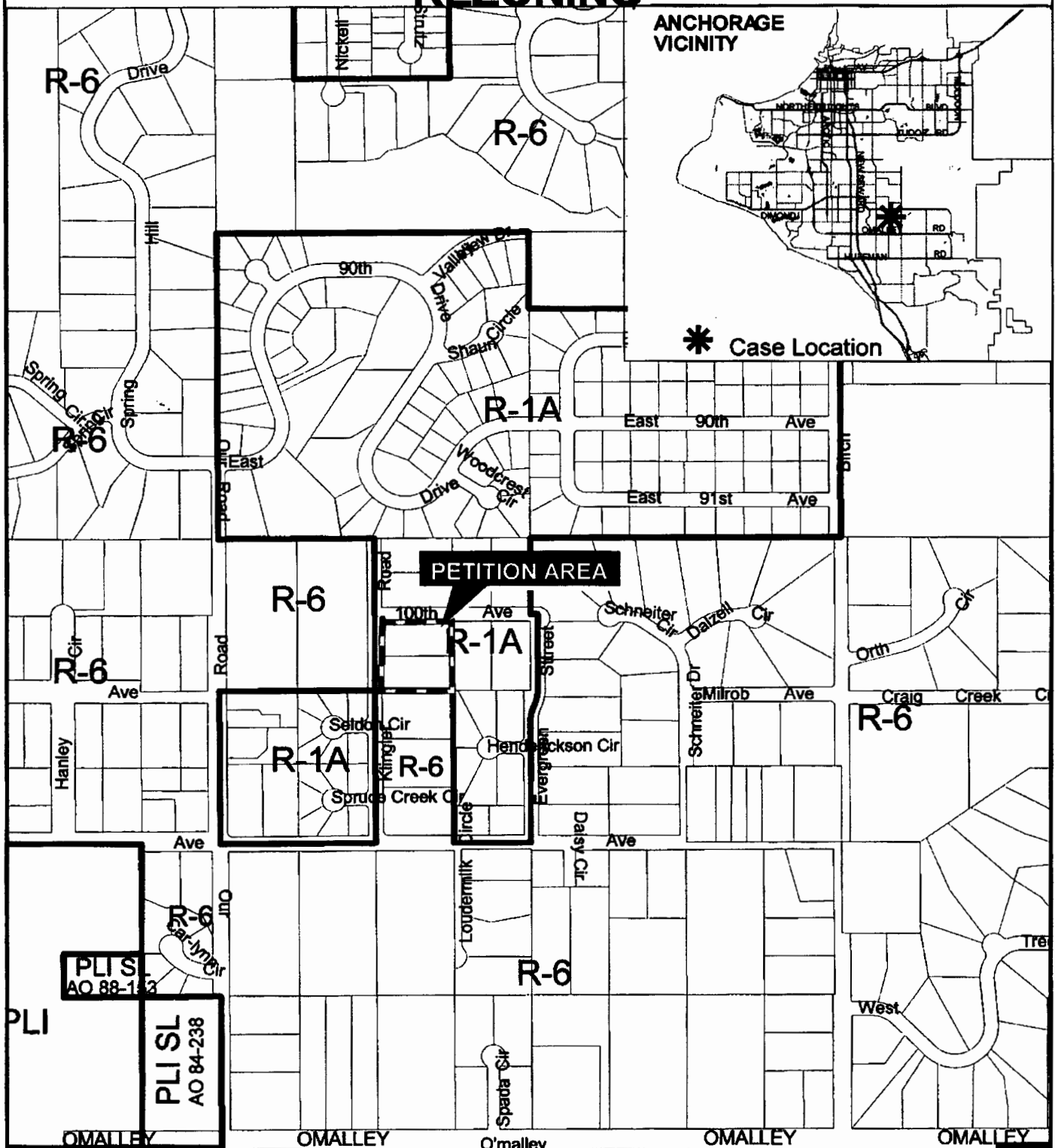
**AYE: Knepper, T. Jones, Poulton, G. Jones, Gibbons, Pease**  
**NAY: None**

**PASSED**

- 6.      2003-174      Alaska Industrial Hardware, Inc. A request to rezone approximately 8.23 acres from B-3 (General Business) to I-1 (Light Industrial). Briarcliff Subdivision, Tract A REM. Located on the southwest corner of Merlin Loop and Old Seward Highway.**

**Staff member AL BARRETT stated 204 public hearing notices were mailed, 4 comments were received in opposition, 1 conditional approval letter was received, and the community council submitted a letter in opposition. The petitioner also owns the I-1 property to the south of the petition area. Staff is recommending denial of the**

# 2003-173 REZONING



Municipality of Anchorage  
Planning Department



Date: OCTOBER 17, 2003

## Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



# Zoning and Platting Cases

## View Case Comments

**\*\* These comments were submitted by citizens and are part of the public record**

**Questions?** If you have questions regarding a case, please contact Zoning at **907-343-7** or Platting & Variances at **907-343-7942**.

**1. Select a Case:**

 **View Comments**

**2. View Comments:**

**Case Num:** 2003-173

Rezoning to R-6 Suburban residential district

**Site Address:** 5200 E 100TH AVE

**Location:** A request to rezone approximately 2.06 acres from R-1A (One Family R (Suburban Residential). Fischer Subdivision, Block 3, Lots 1A & 1B. Located at 5200

[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**1/8/04**

Ryan Stencel

Huffman/O'Malley Community Council

The Huffman/O'Malley Community Council has no objection to the rezoning. In fact, it is a correction to a zoning mistake made years ago which was incompatible with their surrounding neighbors. This rezoning will correct that mistake, bringing these lots into conformity with the surrounding area and allowing the owners to use their property as intended. Thank you.

[Zoning & Platting Cases On-line website](#)

## Coryell & Associates

Attorneys at Law  
4141 B Street, Suite 208  
Anchorage, AK 99503-5939  
Telephone [907] 277-7679  
Fax [907] 276-0383

Marshall K. Coryell, Attorney  
Lee Renfrew, Assistant  
JoAnn Shurigar, Secretary

December 1, 2003

Jerry Weaver, Director  
Planning Department  
Municipality of Anchorage  
Via Fax 343-7927

RE: Zoning Map Amendment Application  
Renfrew/Jackson  
Fischer Subdivision  
No: 2003-173

Dear Mr. Weaver:

We applied for a zoning map amendment in October, 2003, regarding our properties in Fischer Subdivision.

During recent conversations with Al Barrett of the Municipality, we were informed that Mr. and Mrs. Jackson's property does not meet the 1.25 acre requirement for the requested R6 zoning.

Mr. Barrett also informed us that Lee Renfrew's property could proceed alone even though that property does not meet with minimum 1.75 acre requirement for a zoning map amendment because this property abuts other R6 property across the right-of-way of Klinger Street.

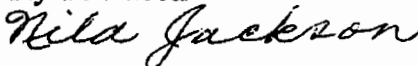
If our understanding from Mr. Barrett is correct and the Renfrew property meets the requirements to request a change of zoning to R6, Mr. and Mrs. Jackson would request that their portion of the rezoning application be withdrawn in order that the Municipality may proceed to act on the request concerning the Renfrew property.

Sincerely,

  
Lee Renfrew

  
Robert Jackson

Nyla Jackson



## Coryell & Associates

Attorneys at Law  
4141 B Street, Suite 208  
Anchorage, AK 99503-9939  
Telephone (907) 277-7679  
Fax (907) 276-0383

Marshall K. Coryell, Attorney  
Lee Renfrew, Assistant  
JoAnn Shurtliff, Secretary

March 16, 2004

Jerry Weaver/Al Barrett  
Planning Department  
Municipality of Anchorage  
Via Fax 343-7927

RE: Zoning Map Amendment Application  
Renfrew/Jackson  
Fischer Subdivision  
No: 2003-173

Gentlemen:

We applied for a zoning map amendment in October, 2003, regarding our properties in Fischer Subdivision.

In late November, 2003, we were informed that Mr. and Mrs. Jackson's property did not meet the 1.25 acre requirement for the requested R6 zoning. Fearing that this problem would hold up the zoning request on Lee Renfrew's property, we wrote a letter to you dated December 1, 2003, stating that Mr. and Mrs. Jackson would withdraw their property from the application. We were subsequently informed that the Jackson property could be rezoned as a nonconforming R6.

The Jacksons rescinded their request to withdraw from the application and Bob Jackson appeared at the hearing before the Zoning Board to testify in favor of this rezoning.

It is the desire of the parties to proceed with the requested rezoning. If you have any additional questions in this regard, please feel free to contact us.

Sincerely,

  
Lee Renfrew

  
Robert Jackson



**PLANNING DEPARTMENT**  
**PLANNING STAFF ANALYSIS**  
**REZONING**

**DATE:** December 8, 2003

**CASE NO.:** 2003-173

**APPLICANT:** W. Lee Renfrew and Robert and Nyla Jackson

**PETITIONER'S REPRESENTATIVE:** Representing themselves.

**REQUEST:** Rezoning from R-1A (Single Family Residential) to R-6 (Suburban Residential, large lot).

**LOCATION:** Between O'Malley and Abbott Rd east of Abbott Loop.

**SITE ADDRESS:** 5200 E. 100<sup>th</sup> Ave and 10161 Klingler St.  
(properties are adjacent).

**COMMUNITY COUNCIL:** Mid Hillside; Huffman O'Malley

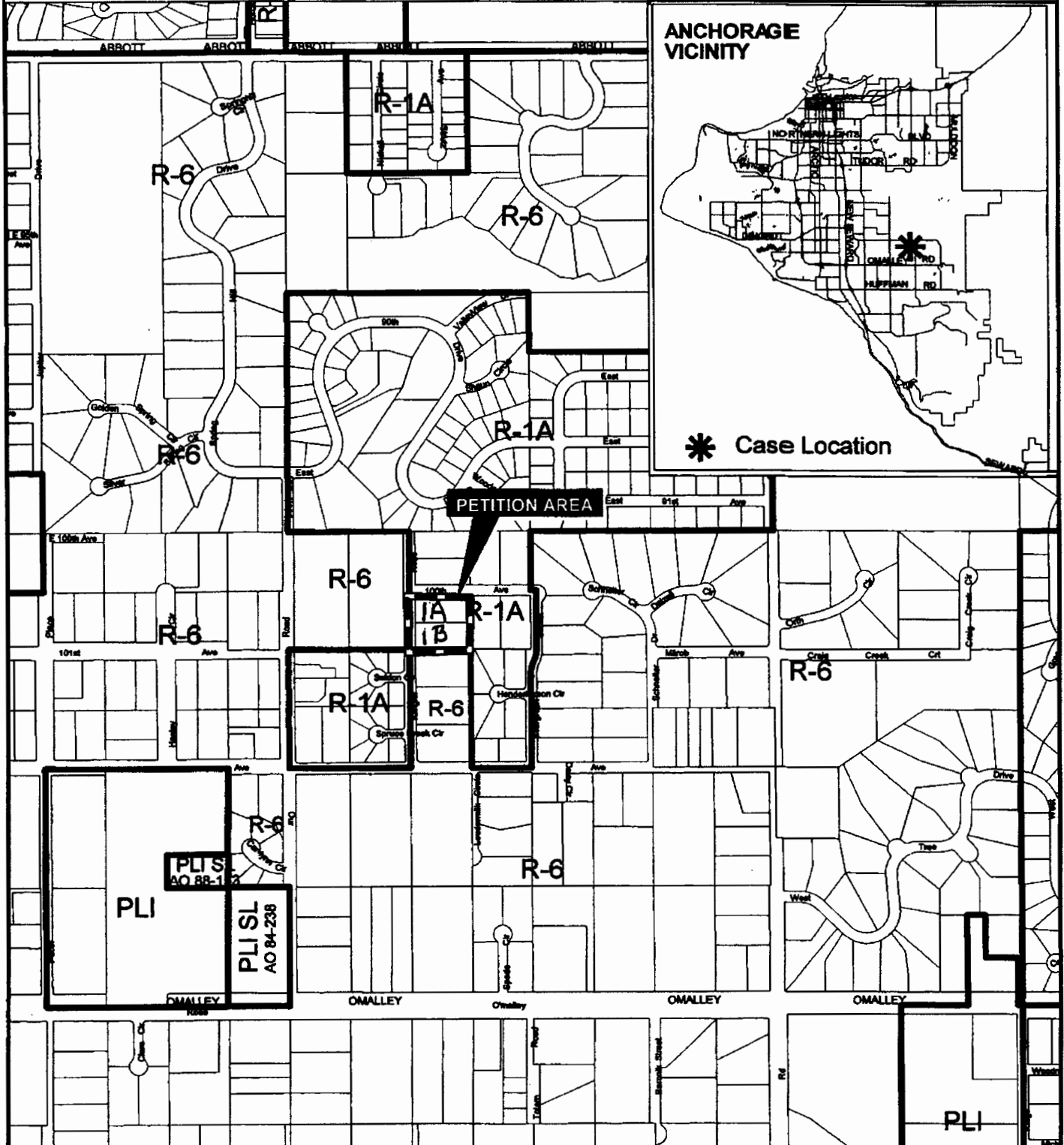
**TAX NUMBER:** 015-292-03 and -04

**ATTACHMENTS:**

1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

**RECOMMENDATION SUMMARY:** Approval. The proposed rezoning to R-6 is consistent with the comprehensive plan and compatible with existing zoning districts and uses.

# EXHIBIT - A 2003-173



Municipality of Anchorage  
Planning Department



Date: OCTOBER 22, 2003

## Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway

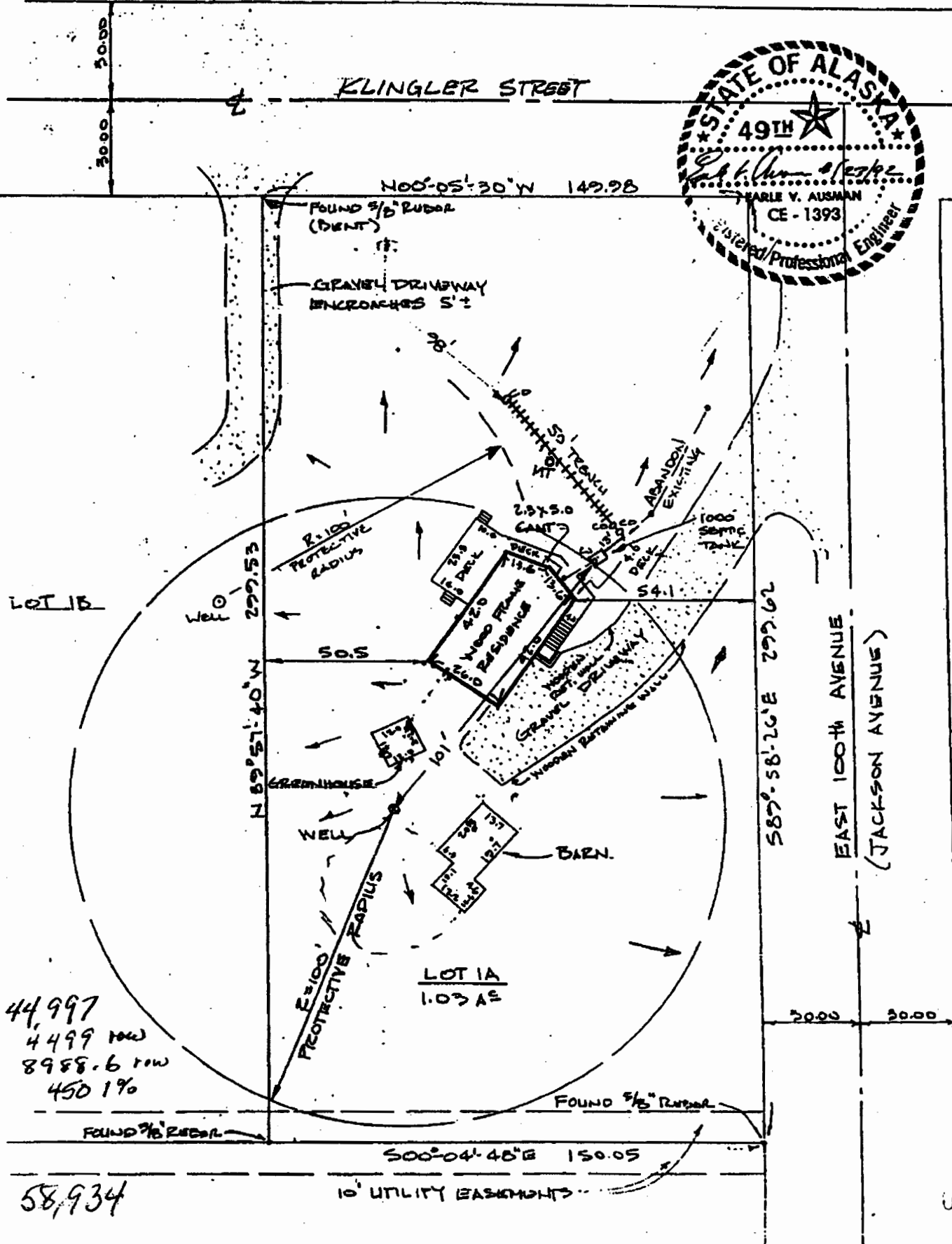
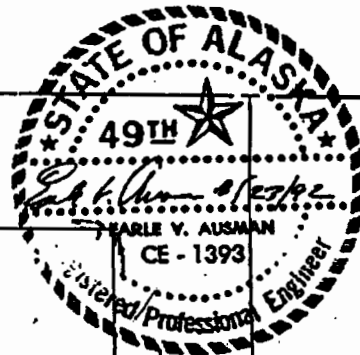


0 500 1000 Feet

011

AS-BUILT, DEPTIC  
8-22-92

104  
1A





**SITE:**

Acres: Lot 1A is 44,997 sq ft. When ½ right of way and 1% error are added the lot is 58,934 sq ft.  
Lot 1B is 44,952 sq ft. When ½ right of way and 1% error are added the lot is 49,900 sq ft.  
The legal minimum for an R-6 lot is 54,450 sq ft. therefore Lot 1B will be made non-conforming if the rezone is approved.

Vegetation: Residential landscaping

Zoning: R1-A

Topography: Generally level, there is a seasonal stream on lot 1A and the lot slopes toward the stream.

Existing Use: single family homes

Soils: Private well and septic system

**COMPREHENSIVE PLAN:**

Classification: Not designated in 2020. The 1982 plan indicates low density residential.

Density: < 1dua

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R1-A	R-1A	R-6	R-6
Land Use:	Single family	Single family	Single family	Vacant

**PROPERTY HISTORY**

5-17-73	Zoning	Areawide
5-2-69	Plat	Fischer subdivision

**Applicable Zoning Regulations:**

<b>TABLE 1</b> <b>SUMMARY COMPARISON OF R-1A and R-6</b>		
	<b>R-1A District</b> <b>AMC 21.40.030</b>	<b>R-6 District</b> <b>AMC 21.40.080</b>
Intent:	<p>Intended as urban and suburban single family residential areas with low population densities. Structures and uses required to serve governmental, educational, religious, noncommercial, recreational and other needs of such areas are permitted within the district or are permissible as conditional uses subject to restrictions intended to preserve and protect the single family residential character.</p>	<p>The district is intended for those land areas where large lots or acreage development is desirable as an adjunct to the more typical urban and suburban residential zoning districts. The R-6 district is designed to encourage low density residential development while at the same time protecting and enhancing those physical and environmental features which add to the desirability of suburban residential living.</p>
Permitted Uses and permitted accessory uses	<p>Single family dwellings only a single principal structure per lot or tract. Public, private, parochial academic elementary schools. High schools if on a class I street, parks/playgrounds, municipal buildings in keeping with the character and requirements of the district, public branch libraries, family residential care, churches, antennas without towers type 1, 2, 3 and type 4 tower structures and antennas.</p> <p>Home occupations, noncommercial greenhouses family care, bed and breakfast. Paddocks, stables or other enclosures which are utilized for the keeping of animals other than dogs shall be at least 100 feet from any lot line.</p>	<p>Single family, two family, multi-family dwellings. A mobile home may be used as a temporary dwelling unit for up to 18 months while the dwelling unit is being constructed. Only a single principal structure is allowed on any lot or tract. Public, private, parochial academic elementary and secondary schools, parks, playgrounds, ball fields and public buildings and uses in keeping with the character and requirements of the district. The raising of plants, produce, fruit crops and the like including a temporary stand for the sale of products grown on the premises. Family residential care, churches. With a permitted nonresidential use as a secondary and subordinate use and as specified in the supplemental district regulations, antennas without tower structures type 1 and 3, local interest towers and type 4 tower structures and antennas.</p>

<b>TABLE 1</b> <b>SUMMARY COMPARISON OF R-1A and R-6</b>		
	<b>R-1A District</b> <b>AMC 21.40.030</b>	<b>R-6 District</b> <b>AMC 21.40.080</b>
		Home occupations, non-commercial greenhouses. Paddocks, stables or other enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from any lot line. Family care, bed and breakfast with three or less guestrooms. Bed and breakfast with four guestrooms by administrative site plan review.
Conditional Uses:	Commercial greenhouses, airstrips, utility substations, nursing homes, art schools, music schools, natural resource extraction on 5 acre minimum, QI houses, day care, snow disposal.	Natural resource extraction on tracts of not less than five acres, commercial recreation centers, quasi institutional uses, airstrips and heliports, 24 hour child care and day care, snow disposal sites, bed and breakfast with 5 guestrooms, rooming houses, snow disposal sites, commercial greenhouses, community and local interest towers that do not meet the supplementary district regulations.
Prohibited Uses	Storage or use of mobile homes, any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, etc.	Storage in connection with trade, service or manufacturing, Quonset huts. Any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, etc.
Height limitation:	Principal structure 30 ft., detached garage 20 ft., accessory buildings 12 ft.	Unrestricted (except FAA)
Minimum lot size:	8,400 square feet	1.25 acres (54,450 sq ft.)
Yards:		

<b>TABLE 1 SUMMARY COMPARISON OF R-1A and R-6</b>		
	<b>R-1A District AMC 21:40.030</b>	<b>R-6 District AMC 21:40.080</b>
Front	20 feet	50 feet
Side	5 feet	25 feet
Rear	10 feet	50 feet
Lot Coverage:	30 %	30%
Landscaping	No requirement except for conditional uses.	No requirement except for conditional uses.

**SITE DESCRIPTION AND PROPOSAL:**

The lots are legal lots of record in the R-1A district, platted in 1969. Zoning was established in 1973. If the rezoning is successful, lot 1B will be non-conforming in the R-6 district as it will not meet the 1.25 acre requirement, even including one-half of the right of way and one percent variation. Both lots are generally level. There is a seasonal creek on the northeast corner of lot 1A and the land slopes down toward the creek.

The other properties in the area are R-1A and R-6 and the uses in the area are single family homes. The developed areas of the properties are generally level, but the northeast part of the northern lot is steeply sloped and there is a seasonal stream that flows across the lot (the stream appears to be a tributary of Craig Creek). The stream, though seasonal, is protected and has been encroached upon, there appears to be recent fill and grade activity within the 25 foot setback. There is an open code violation regarding placement of fill within the stream setback.

Both lot 1A and 1B have single family homes on them. The northern lot (1A) also has a horse stable and fence area. The stable and fence appear to range from approximately 10 to 60 feet from the property line. In the R-1A district the stable and fence are required to be 100 feet from any property line. If the rezoning to R-6 is approved, the setback for the stable and fence will be reduced to 25 feet. The applicant will need to submit a current as-built for this determination to be made.

The applicants have not submitted any development plans and have stated that the existing uses will not change. On the face of it, it appears the rezoning is for the purpose of making it easier for the horse related facilities to comply with the property line setback requirements.



**FINDINGS:**

**21.20.090 Standards for Approval – Zoning map Amendments.**

**A. Conformance to the Comprehensive Plan.**

The standard is met.

The area is not specifically addressed in Anchorage 2020. The 1982 comprehensive plan has the area designated as low density (less than one du) residential.

The area around the petition site is generally developed as single family residential. The properties are bounded on the west by Klingler Street and R-6 vacant land, on the north by 100<sup>th</sup> Avenue and R-1A single family, on the south by R-6, single family, and on the east by R-1A single family.

**B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:**

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

Environment and Land Use Patterns

The Standard is not currently met.

Public sewer and water are not available. The applicant makes the argument that R-6 is more in keeping with current development and the rural nature of the area while at the same time he is maximizing the development of the property – clearing, grading and filling up to adjacent to the creek. Before this standard is met, the creek encroachment needs to be resolved. Current development in the area is R-6 and R-1A.

The current homes and density are consistent with the existing land use pattern. Stables and horse confinement areas within a few feet of the

property line are not consistent with the existing land use pattern. No outdoor animal enclosures were visibly apparent on other properties.

All uses are subject to AMC Noise and Air Quality ordinances.

#### Transportation

This Standard is met.

The change in zoning will not change the traffic pattern. It should be noted that R-6 allows multi family development (2.5 ac are required for a duplex) and although there are many large (acre and a quarter to four acre) parcels, the area is developed as single family.

#### Public Services and Facilities

This Standard is met.

AWWU sanitary sewer is not available to the petition site. Ten foot wide utility easements are located along the south and east boundaries. Public water is not currently available.

There are no existing or planned trails adjacent to the property.

#### Special Limitations

No Special Limitations have been offered by the applicant.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

There is both vacant and developed R-1A and R-6 property in the area. There has not been a great deal of recent platting or rezoning activity to indicate a change in demand in either direction. The change from R-1A to R-6 is not significant.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

Structures and services currently exist. No new development has been proposed.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

Anchorage 2020 does not specifically designate the area. In the absence of a neighborhood or district plan, the 1982 plan is used. The 1982 comprehensive plan indicates low density for the area.

R-6 density is much lower than that allowed under R-1A, however the lack of public sewers is the controlling factor in density for the foreseeable future. Lack of sewers requires a minimum lot size of 40,000 square feet.

### **Discussion**

All properties in the area are served by on site well and septic systems. Expansion of municipal water/sewer lines which would allow lots smaller than 40,000 square feet is not likely for many years. Other R-6 lots in the area are well over the 1.25 acre requirement. Many of the R-1A lots in the area are also at R-6 size.

The rezoning is desired in order to make it possible to accommodate a horse barn and fence enclosure on the property. Under the current R-1A zone all enclosures for animals (except dogs) must be 100 feet from any lot line. The property is 150 feet wide so it is not possible to meet the setback. Under the proposed R-6 zone the animal setback is 25 feet from any lot line. The as-built (dated 1992) submitted with the application does not show any fence, paddock or corral which would keep horses within the appropriate setback. The as-built does show a barn built in 1990 in a non-conforming location for R-1A (it is not 100 feet from the lot line). A current as built must be submitted as a condition of approval for the rezone.

Currently there are two versions of equestrian ordinances being researched. The purpose of the ordinances is to establish additional criteria for when horses might be allowed in residential districts. It is not known at this time if either of the proposed ordinances would address the issues raised in this rezoning case.

**COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

On November 13, 2003 a total of 38 public hearing notices were mailed. As of November 26, 2003 there was one notice returned in favor of the rezone and one in opposition. The Community Council did not comment.

**DEPARTMENT RECOMMENDATION:**

The Department recommends that the proposed rezoning should be approved. If the Commission recommends for approval subject to one effective clause:

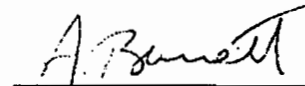
No permits shall be issued until a current as-built survey is submitted and code violation case 03-02301 is resolved.

Reviewed by:



Donald S. Alspach  
Acting Director

Prepared by:

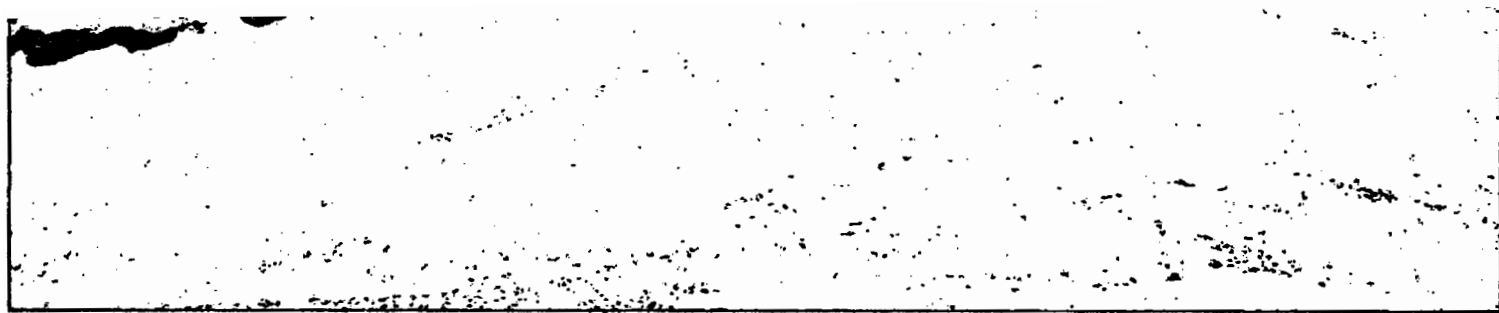


Alfred Barrett  
Senior Planner

(Case No. 2003-173) (Tax Parcel #015-292-03; -04)



Lot 1A



Lot 1B

023

**Content Information****Content ID :** 001697

**Title:** Planning and Zoning Commission recommendation for approval of a rezoning from R-1A (Single Family Residential) to R-6 (Suburban Residential District, Large Lot) for Fischer Subdivision, Lots 1A and 1B, Block 3.

**Author:** weaverjt**Initiating Dept:** Planning

**Description:** Planning and Zoning Commission recommendation for approval of a rezoning from R-1A (Single Family Residential) to R-6 (Suburban Residential District, Large Lot) for Fischer Subdivision, Lots 1A and 1B, Block 3.

**Date Prepared:** 3/30/04 10:58 AM**Director Name:** Donald S. Alspach**Assembly****Meeting Date** 04/20/04**MM/DD/YY:**

**Public Hearing**  
**Date MM/DD/YY:** 06/08/04

**Workflow History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	3/30/04 11:07 AM	Checkin	weaverjt	Public	001697
AllOrdinanceWorkflow	3/30/04 12:57 PM	Reject	alspach	Public	001697
AllOrdinanceWorkflow	3/30/04 1:02 PM	Checkin	weaverjt	Public	001697
Planning_SubWorkflow	3/30/04 1:05 PM	Approve	alspach	Public	001697
ECD_SubWorkflow	4/1/04 7:38 AM	Approve	barkleyva	Public	001697
OMB_SubWorkflow	4/7/04 3:55 PM	Approve	pearcydl	Public	001697
Legal_SubWorkflow	4/7/04 4:24 PM	Approve	fehlenrl	Public	001697
MuniManager_SubWorkflow	4/12/04 11:05 AM	Approve	leblancdc	Public	001697
MuniMgrCoord_SubWorkflow	4/12/04 12:43 PM	Approve	katkusja	Public	001697

CONSENT AGENDA - INTRODUCTION

2004 APR 12 PM 5:00

CLERK OF COURT

M. Q. A.