

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For Reading: January 25, 2005

CLERK'S OFFICE

APPROVED

Date: 3-1-05

Anchorage, Alaska

AO No. 2005- 8

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING OF GOVERNMENT LOT 2, SECTION 23, T12N, R4E, S.M., AK FROM PLI
3 (PUBLIC LANDS AND INSTITUTIONS) TO R-1A (SINGLE-FAMILY RESIDENTIAL),
4 GENERALLY LOCATED ONE LOT WEST OF SOUTHBLUFF CIRCLE AND ONE LOT
5 SOUTH OF BLUFF CREEK CIRCLE.

6
7 (Bayshore-Klatt Community Council) (Planning and Zoning Commission Case 2004-129)

8
9 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

10
11 **Section 1.** The zoning map shall be amended by designating the following described
12 property as R-1A (Single-Family Residential) zone:

13
14 Government Lot 2, Section 23, T12N, R4E, S.M., AK consisting of approximately 2.5
15 acres as shown on Exhibit A.

16
17 **Section 2.** This ordinance shall become effective within 10 days after the Director of the
18 Planning Department has received the written consent of the owners of the property within the
19 area described in Section 1 above to the special limitations contained herein. The rezone
20 approval contained herein shall automatically expire, and be null and void if the written
21 consent is not received within 120 days after the date on which this ordinance is passed and
22 approved. In the event no special limitations are contained herein, this ordinance is effective
23 immediately upon passage and approval. The Director of the Planning Department shall
24 change the zoning map accordingly.

25
26 PASSED AND APPROVED by the Anchorage Assembly this 1st day of
27 March 2005.

28
29 
30 Chair

31
32 ATTEST:

33
34 
35
36 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005- 8

Title: Planning and Zoning Commission, Case 2004-129
Recommendation for Approval of a Rezoning from PLI
to R-1A

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	FY05	FY06	FY07	FY08	
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impact on the public sector.

Property Appraisal notes: Property Appraisal anticipates no significant impacts due to this application.
The parcel is currently appraised as high value (waterfront) residential property with negative adjustments for insufficient access and the lack of needed utilities.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this rezoning should have no significant economic impact on the private sector other than a change in 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 35-2005

Meeting Date: January 25, 2005

From: Mayor

Subject: Planning and Zoning Commission Recommendation of Approval to rezone approximately 2.5 acres from PLI to R-1A for Government Lot 2, Section 23, T12N, R4E, S.M., AK; generally located one lot west of Southbluff Circle, and one lot south of Bluff Creek Circle.

1 Jose and Emelia Stanley petitioned to rezone approximately 2.5 acres from PLI (Public Lands
2 and Institutions District) to R-1A (Single Family Residential District). The Planning and Zoning
3 Commission found the R-1A zoning met the standards for a zoning map amendment as required
4 by AMC 21.20.090, and is consistent with the *Anchorage 2020 Anchorage Bowl Comprehensive*
5 *Plan*. This entire parcel is designated as an urban residential area in the *1982 Comprehensive*
6 *Plan*, and the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. The parcel was not
7 included in the Southport planned community due to it being in government ownership at the
8 time, and it was not proposed by Municipal or State entities to be open space or buffer lands.
9 Now that it is privately owned, the Commission found the request appropriate for a change in
10 zoning to allow for a residential single-family development as opposed to institutional or
11 government-related development as permitted under the existing zoning.

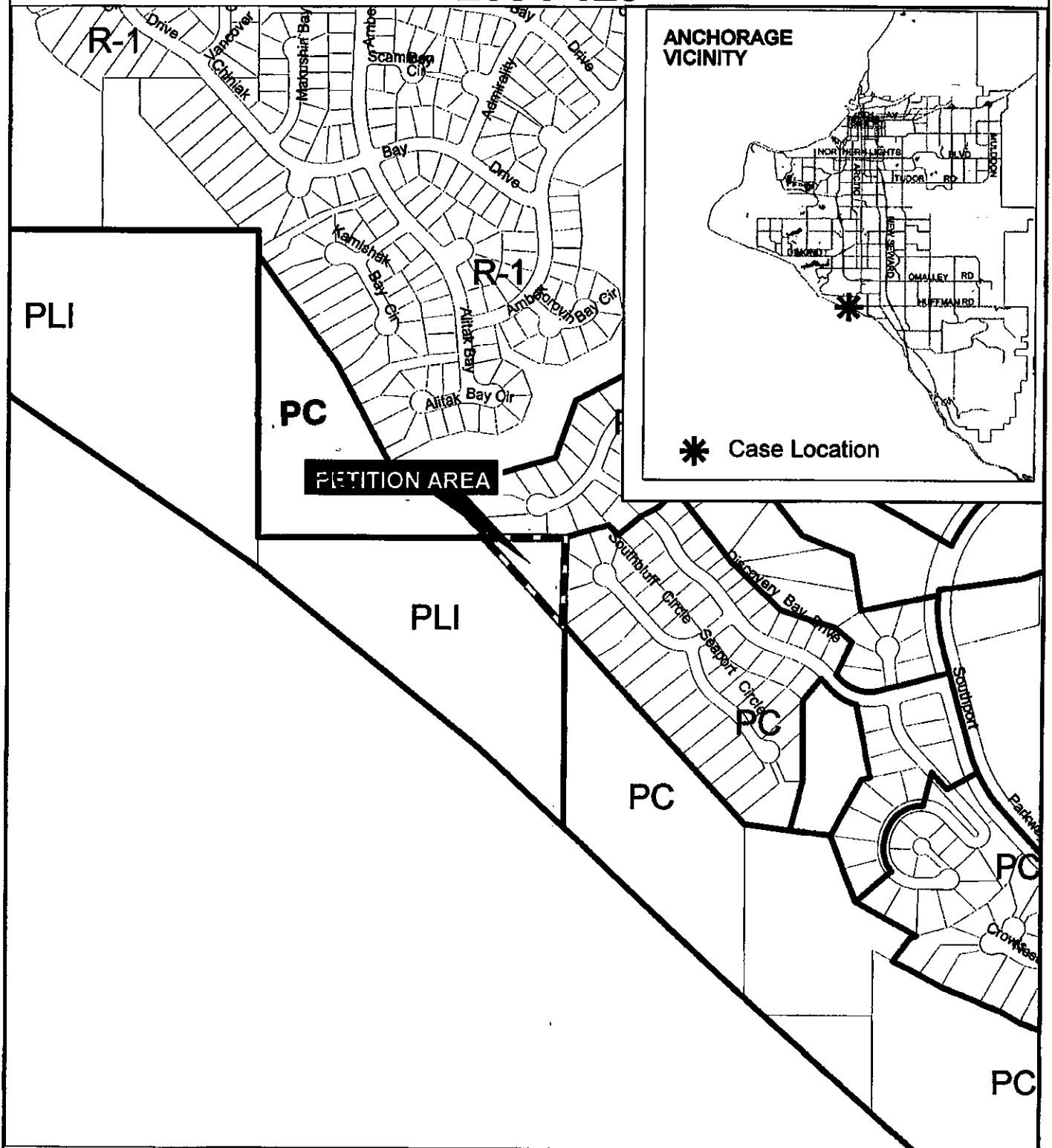
12
13 After the initial Planning and Zoning Commission decision, notice of reconsideration was spread
14 in order to discuss the need for a special limitation regarding a trail easement for the Coastal
15 Trail. The Commission found numerous reasons to not require blanket easements for a trail
16 easement, and noted the restriction of an easement would diminish the property owner's ability to
17 use the property. The Commission further found that the Coastal Trail, even if it ultimately is
18 located in this alignment, might not be in exactly this alignment so that it might be necessary to
19 vacate an easement and rededicate an easement to accommodate the final alignment in the future.
20 The Administration concurs with the Planning and Zoning Commission's decision and that it is
21 not appropriate to require a trails easement dedication with this rezone.

22
23 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE R-1A ZONING.
24
25

26 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
27 Concur: Tom Nelson, Director, Planning Department
28 Concur Mary Jane Michaels, Executive Director, Office of Economic and
29 Community Development
30 Concur: Denis C. LeBlanc, Municipal Manager
31 Respectively Submitted: Mark Begich, Mayor

EXHIBIT - A

2004-129



Municipality of Anchorage
Planning Department



Date: DECEMBER 16, 2004

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-063**

A RESOLUTION APPROVING A REZONING OF APPROXIMATELY 2.5 ACRES FROM PLI (PUBLIC LANDS AND INSTITUTIONS DISTRICT) TO R-1A (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR GOVERNMENT LOT 2, SECTION 23, T12N, R4W, S.M., AK; GENERALLY LOCATED ONE LOT EAST OF SOUTHBLUFF CIRCLE, AND ONE LOT SOUTH OF BLUFF CREEK CIRCLE.

(Case 2004-129, Tax I.D. No. 019-171-72)

WHEREAS, a request has been received from Jose & Amelia Stanley, owners, and DOWL Engineers, representative, to rezone approximately 2.5 acres from PLI (Public Lands and Institutions District) to R-1A (Single Family Residential District) for Government Lot 2, Section 23, T12N, R4W, S.M., AK, generally located one lot east of Southbluff Circle, and one lot south of Bluff Creek Circle, and

WHEREAS, notices were published, posted and 58 public hearing notices were mailed and a public hearing was held on September 13, 2004, and

WHEREAS, notice of reconsideration was spread on September 14, 2004, and the reconsideration was heard on September 20, 2004, and

WHEREAS, the decision of September 13, 2004, was upheld on September 20, 2004.

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

A. The Commission makes the following findings of fact:

1. This is a request by the property owner to rezone the subject property from PLI to R-1A. There are no proposed special limitations.
2. The parcel is a triangular unsubdivided parcel, and was zoned PLI with the Areawide Rezoning on March 24, 1972, as a part of Area F. It was owned by the Municipality at that time. It is Municipal policy to have Municipal lands zoned PLI in general. It later became owned by the Mental Health Land Trust Office. It was subsequently sold to the petitioner. Now that it is privately owned, the petitioner requests a change in zoning to reflect that of the area development, and to allow for a residential single family development as opposed to institutional or government-related development as permitted under the existing zoning.
3. This entire parcel has long been designated in the 1982 Comprehensive Plan and Anchorage 2020 as an urban residential area. This is not being changed. The parcel was not included in the Southport PC due to its previous government ownership, and was not proposed by Municipal or State entities to ever be open space or buffer lands. Now that it is privately owned, the Department finds the request appropriate for a change in zoning to reflect that of the area development, and to allow for a residential single family

development as opposed to institutional or government-related development as permitted under the existing zoning.

4. The Department does not believe a special limitation that would dictate a single type of housing style or the number of units is needed when Title 21 allows for a variety of design possibilities and methods for development and Anchorage 2020 encourages higher density. The property would very likely not be allowed to be further subdivided, i.e. allowing more than one unit on the parcel, due to the lack of abutting ROW and inability to create abutting ROW as the adjacent lots are already developed. Also, due to topography, it would be unlikely that another parcel could be created. Any bluff setback and related construction requirements will be handled through the permitting process, and is best handled through that process due to the technical nature of the bluff stability and engineering issues. The request is in compliance with Anchorage 2020 and is compatible with the surrounding area.
5. The Commission finds that this rezoning is appropriate for this property and it complies with the Comprehensive Plan, and further noted the Commission was impressed that the neighbors who have spoken are supportive of the rezone.
6. The Commission held a reconsideration of the request at the September 20, 2004 hearing, after notice of reconsideration was spread on September 14, 2004 within 24 hours of the original decision, as it was felt that the Commission did not have complete and accurate information on trail easements proposed in this vicinity.
7. During reconsideration, it was noted that there was concern that the Municipal Trails Coordinator had not reviewed the project. Furthermore, there may have been some misinterpretation of the Trails Plan because there was an indication that the Coastal Trail is not going to be in this vicinity, but in conversation with Staff the following day, they indicated otherwise. This missing information was noted over the weekend prior to the hearing. Staff was not able to be reached to provide this information prior to the hearing.
8. During reconsideration, the Commission moved to add an effective clause to state, "Prior to the rezoning becoming effective, the petitioners shall resolve the location, width, and method of dedication of a Coastal Trail easement with the Municipal Trails Coordinator. The easement is intended to be toward the western side of the property. In the case that the easement or portions thereof is not required for the development of the Coastal Trail identified by adoption of the trail alignment, the easement shall be automatically vacated."
9. During discussion of the amendment, the amendment was withdrawn. Prior to any additional motions, the question was called and the original decision for rezoning to R-1A without any special limitations was upheld.
10. Opposition finds that the Trails Plan is an adopted element of the Comprehensive Plan, which the Commission is charged with implementing. The Trails Plan shows a route along the bluff in the area of the petition site.


Although the final alignment of the route has not been decided, the Comprehensive Plan clearly shows this as a potential route. Policy #5 of the Comprehensive Plan says that rezones shall be consistent with the goals and policies of Anchorage 2020. In a rezone, the action is to be in the public interest and must also consider the cumulative effect of similar actions.

11. The Commission was concerned with the amendment and was not convinced that the Municipality would not be able to obtain an easement on the petition site at a later date, if that is needed, but had concern with using this methodology to place an easement on this property at this time.
12. The Commission expressed hope that in the near future there would be a selected alignment that would enable development of the trail to progress. However, in this instance, the Commission finds it could not support requiring an easement, particularly when the exact alignment is not known. The Commission foresaw problems with requiring a blanket easement for a trail easement and noted the restriction that an easement would place on the property owner's ability to use that property. Also, an effective clause puts the use of the property in a "holding pattern." The Commission further noted that the Trail, even if it ultimately is located in this alignment, might not be in *exactly* this alignment so that it might be necessary to vacate an easement and rededicate an easement to accommodate the final alignment. The Commission further finds that, although there might be a public cost to obtain an easement in the future, this is a public trail.
13. The Commission finds that there is not a process through which the petitioner can respond to this requirement; typically there is a written analysis to which the petitioner can respond. Considering that this is private property and that this is taking, while it may be more complex and costly, acquiring an easement through a system other than zoning is appropriate.
14. The Commission understood that the applicant's principal objection is that the feasibility of locating a trail on the petition site has not been discussed.
15. Opposition finds that it was not in the Commission's area of expertise to decide whether or not this is the appropriate location of the Coastal Trail, but the Commission should implement the adopted plan to the best of its ability. The Trails Plan Policy Statement #7 states that the Municipality of Anchorage shall actively pursue the dedication of rights-of-way and easements to facilitate access and continuity within the system of trails, parks, and greenbelts and open spaces. Staff has also indicated this is part of an ongoing process to acquire easements and this is not an unusual action for properties along the bluff. Discontinuous segments are often acquired and, in this case, opposition did not believe a discontinuous segment would create a use problem or incur premature use. Opposition noted that Staff has indicated this is a one-time opportunity to implement the Plan, since no platting is likely. If the Coastal Trail is ultimately located in this alignment, the Commission would have done the public a disservice should it not require the easement by requiring a much more complicated and costly acquisition process.

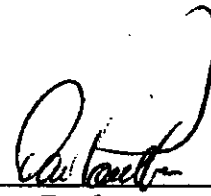
16. Opposition finds that the Municipality does have the authority to take trail easements and that is not an uncommon practice. Opposition hoped the Commission understands that by adopting the plan the community is saying there is a public interest in transportation through this area. There are many instances where a system of continuous easements is not in place and it is necessary to obtain other pieces to ultimately achieve a trail.
17. The rezoning request from PLI to R-1A was approved by a vote of 6-aye, 1-nay.

B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 13th day of September 2004.



Jerry T. Weaver, Jr.
Acting Secretary



Don Poulton
Chair

(2004-129)
(019-171-72)

ac

COMMISSIONER G. JONES did not believe density was an issue with this rezoning. Under the current zoning 7,200 square foot (SF) lots are required for a duplex and with some variances from the Platting Board, potentially up to 7 lots could be developed with a dedicated driveway. The proposal does not materially increase density. A standard platted right-of-way would be a 50-foot right-of-way along the northern edge of the frontage onto Lake Otis, creating a 150-foot long cul-de-sac. This can be done under either zone and basically the same number of lots results. The R-2M allows clustering of units, less publicly dedicated right-of-way, and presuming the new regulations work, provides for a project with the life and safety protections that the previous regulations did not. His concern was the additional access onto Lake Otis. There would be 10 units on this parcel and the adjacent R-2A lot could have three to four units with access onto Lake Otis; hopefully Lot 16 to the north could not have access onto Lake Otis. He would like to see the lot above the petition site share an access point with the petition site. He indicated he frequently rides his bicycle on Lake Otis in the mornings and it is dangerous. He supported the rezone, but cautioned the Staff in their review of projects that there are potential problems.

CHAIR POULTON supported the motion, believing that this rezoning aligns with Anchorage 2020 and serves the larger public good. The project would be built in compliance with Title 21, which allows for design possibilities that he hoped would include some of Mr. Jones's concerns regarding access. He remarked that access is nearly always a concern with requests that come before the Commission.

AYE: T. Jones, Gibbons, Poulton, G. Jones, Lottsfeldt
NAY: Pease, Wielechowski

PASSED

4. 2004-129

Jose & Emelia Stanley. A request to rezone approximately 2.5 acres from PLI (public lands and institutions) to R-1A (single family residential). T12N R4W Section 23, Lot 2 portion. Located south of Bluff Creek Road and west of South Bluff Circle.

Staff member MARY AUTOR stated 58 public hearing notices were mailed, 1 was returned against, and no comment was received from the community council. The Department supports this request to rezone. There is history with respect to how this land went from government to private ownership; now that the property is in private ownership, the owner would like to develop a single family home rather than develop it with an institutional or government-related use under PLI. The R-1A zoning is compatible with Anchorage 2020 and it meets the standards to rezone. The issue of interest by surrounding homeowners is that of a 50-foot bluff setback, which was

a requirement at the time that Discovery Homes and other homes in the Southport area along the bluff line, as well as other subdivisions, were required to provide. That was a requirement of a platting action that apparently has not occurred on more recent plats along the bluff. MS. AUTOR understood this was because Building Safety has re-evaluated seismic setback requirements and has instituted within their general building permit review manual that there are two ways of evaluating the setback: one is from the top of the cut and the other is from the toe of the slope. In either case, the review is standard and is handled routinely by Building Safety. If required, a setback issue is sent to the Geotechnical Advisory Committee for them to evaluate the proposed location. MS. AUTOR stated the access to this site will be via the cul-de-sac through property either owned by the petitioner or by another owner who has provided access to the petition site. The Department does not believe any special limitations required. The Department accepts the recommendation of Building Safety Plan Review that the issue of the bluff is protected for future development.

COMMISSIONER PEASE stated she was not able to find the locations of houses on the adjoining lots in the information in the packet. MS. AUTOR did not have that information. She explained that type of information would not be provided in a rezoning packet.

COMMISSIONER PEASE stated that, based on the information she had received, it was not clear if the house would be built under Option A or Option B as shown on pages 41 and 42 of the packet. She was uncertain whether the Commission is charged with trying to protect the viewsheds of existing homeowners and how to assess if that is being done when the Commission is not aware of the locations of houses within 100 feet of where the house on the petition site might be built. MS. AUTOR stated the Commission's responsibility is to determine whether or not it is appropriate to rezone this property for residential use. The Commission is not being asked to look at a site plan. She did not believe the petitioner submitted a map or other information regarding the location of other homes in the area. She was not sure that was relevant information. She stated the charge of the Commission is not necessarily to protect viewsheds, but rather to determine whether residential development is an appropriate use for this property.

COMMISSIONER G. JONES noted the packet contains a copy of the undated, unsigned access easement agreement and asked if that easement does, in fact, exist. MS. AUTOR deferred to the petitioner.

The public hearing was opened.

TIM POTTER, representing the petitioner, commended the Staff for its analysis of this case. He indicated this is a simple request to rezone a parcel from PLI to R-1A in order to allow development of a single family home on

this 2.5-acre lot. This request is in full conformance with the 1982 Comprehensive Plan, which indicates this at residential use with a density between 3 and 6 dwelling units per acre (DUA). It is also in conformance with the goals and objectives of Anchorage 2020. The proposed R-1A was selected after much thought because it conforms to the Comprehensive Plan and it is more restrictive than the residential zoning under the surrounding PC zone. The R-1A has a height limitation that is significantly less than what is permitted within the R-3 guidelines for this area of the Southport Master Plan. The house on the petition site would not take on the mass or height that it could under the PC zone, which could obstruct views from adjacent properties. The property was originally held by the Heritage Land Bank. The Southport PC Master Plan showed this area in the bubble diagram, but in reviewing the legal documents, it was not included in the legal description or legal guiding document associated with that zoning action. The parcel was transferred to the Trust Land Office in a statewide mental health land settlement a number of years ago, as were properties in the Potter Creek hillside. The Trust Land Office advertised this property for sale and Mr. Stanley, the petitioner, successfully acquired this property from TLO. The remaining undeveloped lots on Bluff Creek Circle were also acquired by Mr. Stanley in order to accommodate legal access to this parcel. Staff will address the bluff setback in detail. Page 41 of the packet shows that a 50-foot bluff setback creates a small triangular lot area in which a home could be developed, pushing the house toward the neighbors. Page 42 of the packet shows that not providing the 50-foot bluff setback allows the house to be up to 75 feet away from adjacent properties. MR. POTTER clarified that the drawing of three structures on Option A did not indicate three structures, it was to show the probable locations of a 3,000 square foot home with a 50-foot setback in place. He noted that the 50-foot setback does not reflect the actual location of the bluff. He reiterated that this is a simple rezone in terms of the context of the request, which is to rezone from PLI, a zone that allows a number of uses not compatible with the single family neighborhood, to R-1A to allow construction of one single family home.

COMMISSIONER G. JONES asked if there is a signed access easement document. MR. POTTER replied that there is a recorded access easement and he has seen it.

FRANCIS STEVEN MAHONEY stated his home is on South Bluff Circle and the entirety of his back yard abuts the petition site. He was told it was likely that a building would be built on the petition site. He felt this use of this property would only increase the value of his home and increase the Municipality's tax base. This is a site that tourists frequent all the time because it is vacant. He would prefer the land be used. Mr. Stanley said he would join Southport Homeowners Association, which is positive. He characterized Mr. and Mrs. Stanley as good neighbors; they maintain their home in perfect condition. They currently live on Lot 8 adjacent to him and he believes their home enhances the community. He believed there would be

no impact to roads or traffic. He stated he has six children who play on the cul-de-sac and he does not fear for their safety.

JIM ARNESON, representing the Bayshore Klatt Community Council, stated the Council's only concern is to require that the use of this property be one single-family residence because it may be difficult to extend water and sewer to the property; there are no easements for that. He proposed a special limitation that this property is for one single-family residence only.

STEVE WUERTH, a partner in Wuerth Investment Group, owner of four properties to the west of the petition site. He indicated he has known the petitioners for some time and they have increased the value of anything in which they have been involved. He supported their request, believing it would increase the value of the properties owned by the Group.

COMMISSIONER G. JONES asked which lots the Group owns. MR. WUERTH replied that the Group owns Lots 11, 12, 13, and 14 on Bluff Creek Circle and the Stanleys have an easement across Lot 11. COMMISSIONER G. JONES asked if his Group granted the access easement. MR. WUERTH replied in the affirmative. COMMISSIONER G. JONES asked whether any of the lots are developed. MR. WUERTH replied that the lots are all vacant.

AUGIE PIGNON, owner of Lot 10, supported the requested rezoning. He stated he recently purchased his lot and he was given paperwork that indicates Bluff Creek Circle would be covered by landscaping and that landscaping also abuts his land. The driveway or easement that was given to Mr. Stanley to access his lot was supposed to be a 4-foot high berm with trees atop it. He wanted to know if that landscaping is needed or, if not, why that was shown to him when he was sold the property. He indicated he would like to know if this rezoning would be approved with a landscape berm. CHAIR POULTON indicated that the Commission was not dealing with issues of that type in this rezoning request. MR. PIGNON stated he would favor the rezoning, but remained concerned with the issue of the landscape berm.

In rebuttal, MR. POTTER stated the Comprehensive Plan has shown since 1982 that this property would be developed as single family residential. This rezoning implements that comprehensive plan designation. He stated the petitioners would not object to a special limitation limiting the number of single family homes on this 2.5-acre parcel to one. In order to locate more than one home on this lot, a significant replatting would be required and it probably would not be effective. In any case, replatting would involve a full public process. Regarding landscaping, he stated there is a fairly long and interesting history related to the access associated with this lot. As a result of actions by Carr-Gottstein and the petitioner, an easement was granted and following that action was a requirement to contractually obligate that there would be a landscape berm planted to certain dimensions when the mainline extensions are put in the driveway.

The public hearing was closed.

COMMISSIONER PEASE noted that comments from Physical Planning indicated the Trails Coordinator should weigh in on the need for trail extension. She asked if there is need for comment from the Trails Coordinator, given that the location of the South Coastal Trail had not been decided and. MS. AUTOR was not able to respond to this question.

COMMISSIONER GIBBONS moved for approval of a rezoning from PLI to R-1A as recommended by Staff.

COMMISSIONER T. JONES seconded.

COMMISSIONER GIBBONS found that this rezoning is appropriate for this property and it complies with the Comprehensive Plan. He was impressed that the neighbors who have spoken are supportive of the rezone.

AYE: Pease, T. Jones, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski
NAY: None

PASSED

5. 2004-127 Turnagain View Joint Venture. A request to rezone approximately 1.23 acres from R-1SL (single family residential with special limitations) to R-1SL to change the special limitation: Turnagain View Estates Phase 7B, Block 3, Lots 32, 33, 34, 35, 36 and 37. Located on the north side of DeArmoun Road east of Cange Street.

POSTPONED TO OCTOBER 4, 2004

6. 2004-130 AWWU. A request to rezone approximately 2.77 acres from R-1SL (single family residential with special limitations) to PLI (public lands and institutions). Turnagain View Subdivision, Tract B2. Located at 13541 Ervin Road.

Staff member MARY AUTOR stated 68 public hearing notices were mailed, 1 was returned as undeliverable, 1 was returned in opposition, and 1 was returned and characterized as "other." This property is located adjacent to the South Anchorage High School. It contains a pump station that was installed, in part, in preparation for the school. The existing special limitations concern design standards for buffers against surrounding large lot, low-density residential

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C. SPECIAL ORDER OF BUSINESS

1. Disclosures

COMMISSIONER T. JONES requested that members make disclosures regarding items on this evening's agenda.

COMMISSIONER PEASE disclosed regarding case 2004-129 that she was actively involved in Coastal Trail issues for a number of years and was an appointed member of the Citizens Advisory Group on the Coastal Trail in 1997/1998 and was a member of trails group after that. She has not been actively involved in any groups for approximately 1.5 years.

COMMISSIONER T. JONES felt that Ms. Pease's involvement as an interested citizen did not constitute a conflict.

COMMISSIONER T. JONES asked to be excused from case 2004-153 because the firm for which she works represents the Trust Land Office and has represented them with regard to activities on the parcel in question.

COMMISSIONER SIMONIAN moved to direct Toni Jones to participate in case 2004-153.

COMMISSIONER LOTTSFELDT seconded.

COMMISSIONER SIMONIAN deferred to Ms. Jones's request to be excused.

AYE: None

NAY: Pease, Gibbons, G. Jones, Simonian, Lottsfeldt, Wielechowski, Isham

ABSTAIN: T. Jones

PASSED

VICE CHAIR G. JONES indicated he was in receipt of a written request from the Physical Planning Division that ordinance amendment 2004-091 be postponed. A new hearing is requested for October 4, 2004. A worksession is also requested at 5:30 PM that evening.

2. Notice of Reconsideration

- a. 2004-129 Jose & Emelia Stanley. A request to rezone approximately 2.5 acres from PLI (public lands and institutions) to R-1A (single family residential). T12N R4W Section 23, Lot 2 portion. Located south of Bluff Creek Road and west of South Bluff Circle.

COMMISSIONER PEASE moved to reconsider case 2004-129.

COMMISSIONER GIBBONS seconded.

COMMISSIONER PEASE explained she had spread notice to reconsider this case believing that the Commission did not have complete and accurate information on easements proposed in this vicinity. She believed the Staff had inadvertently not completed their review of their easements and the Municipal Trails Coordinator had not reviewed the project. Furthermore, there may have been some misinterpretation of the Trails Plan because there was an indication that the Coastal Trail is not going to be in this vicinity, but in her conversation with Staff the following day, they indicated otherwise. She stated she noticed this missing information over the weekend prior to the hearing, but had been unable to communicate with Staff prior to the meeting and the information was not available at the meeting.

AYE: Pease, T. Jones, G. Jones, Simonian, Wielechowski, Isham
NAY: Lottsfeldt, Gibbons

PASSED

COMMISSIONER PEASE asked Ms. Chambers to present additional information the Staff had analyzed regarding this issue. Staff member ANGELA CHAMBERS stated the information regarding potential extension of the Coastal Trail either was not provided or was missed in the Staff's initial review of this request. The Trails Coordinator has now requested a 50-foot Coastal Trail easement along the western bluff property line, consistent with existing easements that have been made along the coast over the years. The current planning project locates two of the studied alternatives traversing this property in that location. Although the final Coastal Trail alignment might not be sited on this property, the Municipality requests that the option be available. The map in the municipal Trails Plan is somewhat difficult to read, but it does show the potential for an alignment for the Coastal Trail in this location. The Trails Plan is an adopted element of the Comprehensive Plan.

MS. CHAMBERS indicated that there is concern that the topography is such that the toe of the bluff is not on the petition site. She did not have a topographical survey and was, therefore, unable to accurately locate the toe of the bluff. The Trails Coordinator has indicated that the alignment of a potential trail would preferably be at the bottom of the slope. She was unsure what would be done if the easement is in the middle or at the top of the slope. The Trails Coordinator has asked an effective clause to this rezoning that the location and width of the easement be resolved with the Trails Coordinator. Because the site of the actual alignment has not been finalized, any dedication via a document could be automatically rescinded if the alignment does not fall on this property.

COMMISSIONER PEASE asked whether the Municipality has reserved other easements in this general vicinity for the Coastal Trail. MS. CHAMBERS replied in the affirmative. She identified various 50-foot easements depicted on an aerial photograph, noting that the easements have been provided in a piecemeal fashion over the years. She was unsure if the easements were requirements due to entitlements, if they have been purchased, or if they have been given voluntarily. Some of those easements are not near any of the proposed alignments. COMMISSIONER PEASE asked if there are instances where the Municipality has obtained the joint easement, even if the full route cannot be obtained in this manner. MS. CHAMBERS replied that the trail is on the Trails Plan. Entitlements are generally taken through the platting process. In this case, it is relatively unlikely that the property would be subdivided and the Commission has the authority to recommend to the Assembly that it be required in this location so that an option is not lost. The Trails Coordinator seems inclined to believe the alignment will be along the shore on the west side. COMMISSIONER PEASE confirmed through Ms. Chambers that, although easements are typically obtained through platting, it would be appropriate to obtain an easement through this rezoning. COMMISSIONER PEASE asked whether Staff has communicated with the applicant since making this additional analysis. MS. CHAMBERS indicated that the applicant was notified of a reconsideration and the petitioner's representative has been provided with a map. It has been difficult to determine the exact location of trails and lot lines using lot line overlays and aerials.

VICE CHAIR G. JONES asked that the petitioner's representative make comment. TIM POTTER, representing the petitioner, indicated that the petitioner believes this is an inappropriate approach to exact an easement, particularly given that the ultimate alignment of the trail is unknown. He noted that the Trails Coordinator's comments indicate that the trail will be located somewhere along the western property line of the petition site, however, they do not know how it relate to the topography or if it is even feasible to build on this property. Because of these factors, the environmental documentation and formalizing the alignment has not been completed. He thought it was premature for the Municipality to require this easement when the petitioner simply brought forward a petition to bring the property into conformance and implement the Comprehensive Plan, and further given that the proposal is to construct one house on the R-1A property versus what could be developed under the PLI zone. He felt the Municipality should come back after a trail alignment is finalized and approach the owner of this property to acquire the property, as it will have to do elsewhere along the route. He stated that platting is the mechanism for exaction of easements and zoning is typically focused on whether the zoning designation is appropriate for the property in question.

DAVID _____ explained that the petitioners attempted to get legal access through Discovery Heights No. 4, Lot 11 through the Municipality and the Municipality initially required Carr-Gottstein to provide legal access

through Lot 11. During litigation with Carr-Gottstein the Municipality told the petitioners they could not force Carr-Gottstein to provide legal access to Government Lot 2 because it was an unconstitutional taking. The petitioners' case went to the Ninth Circuit Court before coming back in favor of the Municipality and the issues here are similar.

VICE CHAIR G. JONES stated that the motion to rezone from PLI to R-1A is before the Board.

COMMISSIONER WIELECHOWSKI asked if there is currently an easement on the property for a trail. MS. CHAMBERS replied in the negative. COMMISSIONER WIELECHOWSKI asked if the Municipality typically provides compensation when requiring an easement. MS. CHAMBERS explained that when an entitlement such as a rezoning or subdivision is requested, the Commission can recommend to the Assembly that an easement be required. The petitioner can choose to not accept this. She stated that AMC 21.20.090, Standards for Approval, states that the Commission recommends to the Assembly and the Assembly decides upon any conditions of approval, if necessary. Generally the Platting Board requires easement because they have authority over 21.80 where requirements for trails and other easements are contained, but it can be the Commission when it is likely that such an easement will not be received in another way.

COMMISSIONER LOTTSFELDT supported the motion as it was approved previously. He was persuaded by the petitioner's representative that this is not the appropriate point at which to require an easement.

VICE CHAIR G. JONES suggested that, in order to put this issue before the Commission, there should be a motion to amend the main motion to address the requirement for an easement.

COMMISSIONER PEASE stated she is aware of instances in the past where the Trails Plan was less than clear in terms of the location of a trail route. In that instance, she believed the Municipality interpreted the location of the route. She asked that Staff address her understanding of instances in which there was uncertainty but there was intent in the Trails Plan to acquire an easement and the Municipality followed on that intent. MS. CHAMBERS stated there have been such instances, but this instance is more difficult. There is an area in South Anchorage where it was very difficult to locate trails and it was necessary to use GPS mapping to determine likely areas for trails. Generally, the Trails Plan is relatively clear in terms of trail location. In this area, the trail runs along the bluff, although not always along the lots. The Trails Coordinator does not necessarily want to run the trail on the top of the bluff, but without seeing topography maps to determine the appropriate location, it is difficult to recommend a location. She recommended that any easement requirement be an effective clause rather than a special limitation and that it address

the width and location of the easement with a strong recommendation for it to be toward the westernmost property boundary.

COMMISSIONER SIMONIAN asked, if this property remained PLI, how would that zoning affect the Municipality's ability to obtain an easement. MS. CHAMBERS replied that there is not an entitlement request between the Municipality and a single family home development permit, so there is no mechanism for the Municipality to require an easement, in that circumstance. If an entitlement is requested, such as a rezoning, replat, or a conditional use, an easement can be requested.

COMMISSIONER ISHAM asked whether any easements were granted on Lots 11, 12, and 13 to the northwest of the petition site. MS. CHAMBERS responded that there are easements located sporadically along the coast.

COMMISSIONER PEASE moved to add an effective clause to state, "Prior to the rezoning becoming effective, the petitioners shall resolve the location, width, and method of dedication of a Coastal Trail easement with the Municipal Trails Coordinator. The easement is intended to be toward the western side of the property. In the case that the easement or portions thereof is not required for the development of the Coastal Trail identified by adoption of the trail alignment, the easement shall be automatically vacated."

COMMISSIONER SIMONIAN seconded.

COMMISSIONER PEASE supported her amendment, noting that the Trails Plan is an adopted element of the Comprehensive Plan, which the Commission is charged with implementing. The Trails Plan shows a route along the bluff in the area of the petition site. Although the final alignment of the route has not been decided, the Comprehensive Plan clearly shows this as a potential route. Policy #5 of the Comprehensive Plan says that rezones shall be consistent with the goals and policies of Anchorage 2020. In a rezone, the action is to be in the public interest and must also consider the cumulative effect of similar actions. She felt it was not in the Commission's area of expertise to decide whether or not this is the appropriate location of the Coastal Trail, but the Commission should implement the adopted plan to the best of its ability. The Trails Plan Policy Statement #7 states that the Municipality of Anchorage shall actively pursue the dedication of rights-of-way and easements to facilitate access and continuity within the system of trails, parks, and greenbelts and open spaces. Staff has also indicated this is part of an ongoing process to acquire easements and this is not an unusual action for properties along the bluff. Discontinuous segments are often acquired and, in this case, she did not believe a discontinuous segment would create a use problem or incur premature use. She noted that Staff has indicated this is a one-time opportunity to implement the Plan, since no platting is likely. If the Coastal Trail is ultimately located in this alignment, the Commission would have

done the public a disservice should it not require the easement by requiring a much more complicated and costly acquisition process.

COMMISSIONER GIBBONS was concerned with the amendment and was not convinced that the Municipality would not be able to obtain an easement on the petition site at a later date, if that is needed. He had concern with using this methodology to place an easement on this property at this time.

COMMISSIONER T. JONES expressed her affinity for the Coastal Trail and her hope that in the near future there would be a selected alignment that would enable development of the trail to progress. However, in this instance, she could not support requiring an easement, particularly when the exact alignment is not known. She foresaw problems with requiring a blanket easement for a trail easement and noted the restriction that an easement would place on the property owner's ability to use that property. Also, an effective clause puts the use of the property in a "holding pattern." She noted that the Trail, even if it ultimately is located in this alignment, might not be in *exactly* this alignment so that it might be necessary to vacate an easement and rededicate an easement to accommodate the final alignment. She noted that, although there might be a public cost to obtain an easement in the future, this is a public trail.

COMMISSIONER LOTTSFELDT also opposed the amendment, noting that there is not a process through which the petitioner can respond to this requirement; typically there is a written analysis to which the petitioner can respond. Considering that this is private property and this is taking, while it may be more complex and costly, acquiring an easement through a system other than zoning is appropriate.

COMMISSIONER PEASE remarked that the Municipality does have the authority to take trail easements and that is not an uncommon practice. She hoped the Commission understands that by adopting the plan the community is saying there is a public interest in transportation through this area. There are many instances where a system of continuous easements is not in place and it is necessary to obtain other pieces to ultimately achieve a trail.

COMMISSIONER WIELECHOWSKI had concerns with the proposed structuring of the easement. HE asked whether it would be possible in the future for the Municipality to obtain an easement on this property, if the Commission does not approve this effective clause. MS. CHAMBERS responded that she is aware that if an easement is not obtained through an entitlement or voluntarily, there is a financial aspect to acquiring an easement.

COMMISSIONER SIMONIAN understood that the easement would run along a steep portion of the property. MS. CHAMBERS stated she could not respond without a topographical survey. The Trails Coordinator told her

clearly that the property to the west is a coastal management protection area upon which an environmental study is nearly complete and she feels the easement must go along the petition site, as far west as possible to have the minimal impact on the developability of the parcel. COMMISSIONER SIMONIAN understood that the applicant's principal objection is that the feasibility of locating a trail on the petition site has not been discussed. MS. CHAMBERS could not confirm or dispute this assertion. She is aware there are topographical issues on this property. The Commission can either make a recommendation to the Assembly and leave the decision with the Assembly or can delay this matter in order to allow for additional time for analysis by the Trails Coordinator and the petitioner.

VICE CHAIR G. JONES asked who owns the property to the west. MS. CHAMBERS believed that property is owned by the State.

COMMISSIONER PEASE withdrew her amendment and moved to postpone action on this issue until a future date when topographical information can be provided. VICE CHAIR G. JONES indicated that, in order to withdraw the amendment, the concurrence of the second is needed. COMMISSIONER SIMONIAN concurred with the withdrawal. VICE CHAIR G. JONES indicated the main motion is now before the Commission for approval.

COMMISSIONER PEASE moved to postpone action on the vote before the Commission to enable further information to be brought forward.

COMMISSIONER SIMONIAN seconded.

AYE: Pease, Simonian, Wielechowski

NAY: Lottsfeldt, G. Jones, Gibbons, T. Jones, Isham

FAILED

COMMISSIONER LOTTSFELDT called the question on the main motion.

COMMISSIONER PEASE asked if she could not address the issue of the effective clause. VICE CHAIR G. JONES ruled that issue had been dealt with through withdrawal by the maker.

Main Motion

AYE: T. Jones, Gibbons, G. Jones, Lottsfeldt, Wielechowski, Isham

NAY: Simonian, Pease

PASSED

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING - REVISED**

DATE: September 13, 2004

CASE NO.: 2004-129

APPLICANT: Jose & Amelia Stanley

REPRESENTATIVE: DOWL Engineers

REQUEST: A request to rezone approximately 2.5 acres from
PLI (Public Lands and Institutions) to R-1A
(Single Family Residential)

LOCATION: Government Lot 2, Section 23, T12N, R4E, S.M.,
AK; generally located one lot east of Southbluff
Circle, and one lot south of Bluff Creek Circle.

SITE ADDRESS: N/A

COMMUNITY COUNCIL: Bayshore-Klatt / Grid 2626

TAX NUMBER: 019-171-72

ATTACHMENTS:

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

RECOMMENDATION SUMMARY: Approval.

SITE:

Acres: 2.5

Vegetation: Natural Vegetation

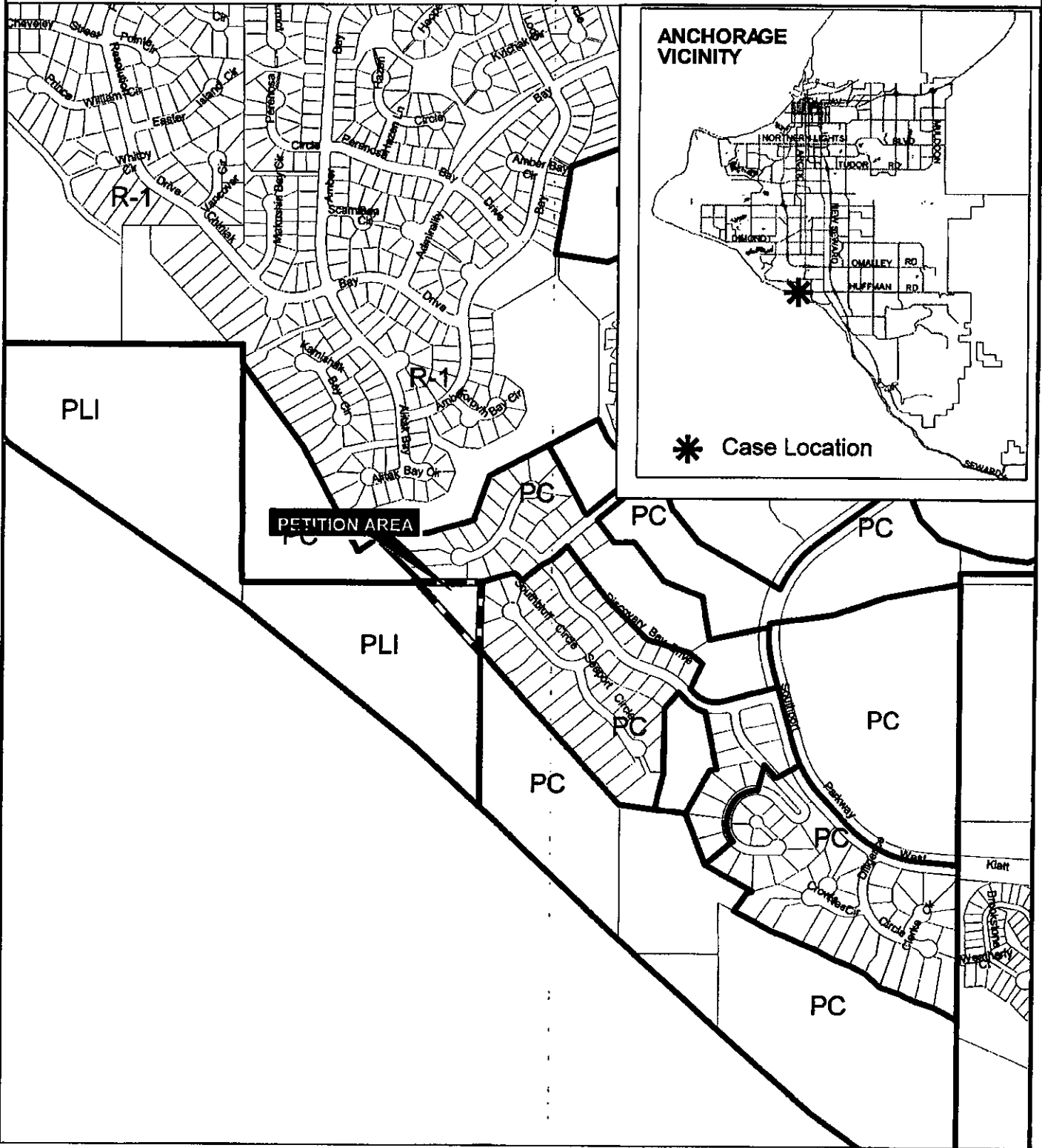
Zoning: PLI

Topography: Varied; bluff on west side, adjacent to inlet

Existing Use: Vacant

Soils: Public water and sewer available

REZONING 2004-129



Municipality of Anchorage
Planning Department



Date: JULY 21, 2004

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

COMPREHENSIVE PLAN:

Classification: 1982 Plan – Residential; Anchorage 2020 – West Anchorage
Planning Area
Density 3-6 DUA

APPLICABLE LAND USE REGULATIONS:

	<u>Proposed PLI Zoning</u>	<u>Existing PLI Zoning</u>
Height limitation:	30 feet	Unrestricted/FAA
Minimum lot size:	8,400 SF	15,000 SF/100 feet
Lot coverage:	40%	Unrestricted
Yards		
Front	20 feet	25 feet or that of the abutting district if residential, whichever is greater
Side & Rear	5 foot side and 10 foot rear	25 foot side and 30 foot rear, or that of the abutting district if residential, whichever is greater
Landscaping		
Visual Enhancement	N/A	Visual Enhancement shall be planted along each lot line adjoining a right of way designated for collector or greater

SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	PC	PC	PC	PLI
Land Use:	Residential	Residential	Residential	Inlet

SITE DESCRIPTION, HISTORY AND PROPOSAL:

This is a request by the property owner to rezone the subject property from PLI to R-1A. There are no proposed special limitations.

The parcel is a triangular unsubdivided parcel, and was zoned PLI with the Areawide Rezoning on March 24, 1972, as a part of Area F. It was owned by the Municipality at that time. It is Municipal policy to have Municipal lands

zoned PLI in general. It later became owned by the Mental Health Land Trust Office. It was subsequently sold to the petitioner. Now that it is privately owned, the petitioner requests a change in zoning to reflect that of the area development, and to allow for a residential single family development as opposed to institutional or government-related development as permitted under the existing zoning.

COMMUNITY COMMENTS:

At the time this report was written, there was one returned public hearing notice (PHN) received out of 58 public hearing notices mailed out 8/19/04. It opposed granting the request due to access concerns. No response was received from the Bayshore-Klatt Community Council.

FINDINGS:

Map Amendments, and 21.05.080 Implementation – Anchorage Bowl Comprehensive Development Plan Maps

A. Conformance to the Comprehensive Plan.

Anchorage 2020, Anchorage Bowl Comprehensive Plan shows this site to be on the edge of the West Anchorage Planning Area. To date, there are no resources dedicated to develop this plan.

Policy 14 and 17 are relative to this request. They identify the need to retain residential land for residential uses, encouraging infill and compatibility of housing. This request is on an infill parcel, surrounded by residential on three sides and the Turnagain Arm on the west side. It is compatible with the abutting PC district, which is an urban mid-density, but mostly single family, residential development (Southport). This lot is 2.5 acres in size, much larger than the abutting lots, which range from around 24,000 adjacent to the bluff to around 10-11,000 for non-bluff abutting lots. The R-1A district has a minimum lot size of 8,400 SF, but this lot will remain in its current configuration, as the lot has no abutting right-of-way (ROW), and has its access through an access easement. The Municipality is a signer to access agreements, and they remain in perpetuity so long as access is or would be required. This request for R-1A is compatible with the area, calling for lots of a similar size in the PC. This lot is much larger and complies with Policy 9. Policy 9 calls for compatibility in developments.

Another potential area of concern is the concept of bluff views and the impact this development may have on the surrounding developed lots. In the past some lots in the Southport area and other areas of town which have lots on a bluff area have required a 50-foot bluff setback. However, more recent plats have not required said setback, including in the Southport area. The reason for requiring them was for bluff stability protection. However, Building Safety has modified the setback requirements, and combined them with, frequently, a Geotechnical Advisory Commission review for additional comments when a building permit comes in for areas near bluffs. The building setback is generally the lesser of a third of the height of the slope or 40 feet for buildings built on the top of the slope. These distances can be modified based on the slope stability and drainage recommendations of a licensed civil engineer. Were a bluff setback to be required in the same location as with the abutting lots, the setback would be near the middle of the lot, and it would require any structure to be shoved up to the apex of the triangle of the lot, which is much closer to the other houses. This would cause much more of a potential to block views. With a review as noted above by Building Safety, the setback will likely be less than that required by some of the previous older plats in the area. Also, the PC zone allows for 10 feet more in building height than does the requested R-1A. Thus, with no bluff setback requirement, a house could be constructed further away from, and will be shorter than, the other houses to the north and east. The Department finds that this will significantly mitigate any view impacts.

It was noted by the Physical Planning Division regarding if there was a need for a variance from 21.45.040 which requires all buildings to be on a lot abutting on a public street with principal access to such street or with access to a private street. This section does not apply, as this government parcel predated zoning. There is sufficient access to Bluff Creek Circle with an access agreement already in place.

This parcel was not included in the original Southport PC rezone which occurred in 1992, as it was owned by a government agency. Thus, the land cannot be included readily into the PC, and the Municipality cannot require the parcel to join that homeowner's association. However, the request for R-1A is compatible with Anchorage 2020 and the surrounding development.

- 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

Noise: All uses are subject to AMC 15.70 Noise Ordinance. The abutting land uses are residential, park and airport, and are subject to the same noise limits regardless of zoning.

Air: All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

Seismic: The parcel is located in Seismic Zone 4, which is an area of High Ground Failure Susceptibility, according to the 1979 Harding-Lawson study. In the past, some of the plats in the Southport area and other areas of town which have lots on a bluff area have required a 50-foot bluff setback. However, more recent plats have not required said setback, including in the Southport area. The reason for requiring them was for bluff stability protection. Building Safety commented to staff that it now requires designs that may include particular types of engineered foundations and/or other protections as required on a site-by-site review by the Geotechnical Advisory Commission and Building Safety. Building Safety requires the Geotechnical Advisory Commission reviews on a case-by-case basis, and takes their recommendations into account. There are no need for special limitations with this rezone request, as the bluff setback issue is handled on a case by case basis by Building Safety. See Comprehensive Plan Discussion above.

Land Use Patterns

See earlier discussion. This property borders land classified as residential, and zoned PC to the north, south and east. To the west is PLI zoned property which is in the Turnagain Arm. This rezone is compatible with the surrounding uses, as it provides only for an additional single-family home, compatible with the

surrounding residential development on a much larger lot than in the existing surrounding Southport PC.

Transportation/Drainage

Transportation Planning, Traffic Engineering and the State Department of Transportation and Public Facilities had no comment on this rezone request. The property does not adjoin any classified street.

Public Services and Facilities

Roads: See above.

Trails: There are no trails located on this site, according to the 1997 Areawide Trails Plan. The Coastal Trail alignment is not impacted by this request, as it is further west.

Utilities: public sewer, water, gas and electrical utilities are available to the surrounding property.

Schools: There appears to be no change in the impact to the affected schools as a result of a change in zoning to R-1A as the property will only be able to be developed with one house.

Public Safety: The petition site is located within the Police, Fire, Building Safety, Parks and Anchorage Roads and Drainage service areas.

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 no other R-1A property in the immediate vicinity available for the purpose of residential development. The surrounding primarily residential PC district is built out, for the most part. This rezoning is necessary to allow for a compatible residential use for the parcel, and to eliminate the unnecessary PLI zoning on the parcel, which would allow for uses generally incompatible with the surrounding residential area. The petitioner studied the surrounding current development and identified only one undeveloped lot in the near by vicinity.

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.

Development could occur after an approval by the Assembly. Public services and facilities are available to the site.

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.

The proposed rezoning would have the effect of allowing a single family residential structure to be constructed on the site, which is conforming to the surrounding area. This site has for years been lost for development due to ownership and the surrounding residential development.

DISCUSSION:

This entire parcel has long been designated in the 1982 Comprehensive Plan and Anchorage 2020 as an urban residential area. This is not being changed. The parcel was not included in the Southport PC due to its previous government ownership, and was not proposed by Municipal or State entities to ever be open space or buffer lands. Now that it is privately owned, the Department finds the request appropriate for a change in zoning to reflect that of the area development, and to allow for a residential single family development as opposed to institutional or government-related development as permitted under the existing zoning.

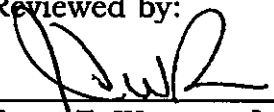
The Department does not believe a special limitation that would dictate a single type of housing style or the number of units is needed when Title 21 allows for a variety of design possibilities and methods for development and Anchorage 2020 encourages higher density. The property would very likely not be allowed to be further subdivided, i.e. allowing more than one unit on the parcel, due to the lack of abutting ROW and inability to create abutting ROW as the adjacent lots are already developed. Also, due to topography, it would be unlikely that another parcel could be created. Any bluff setback and related construction requirements will be handled through the permitting process, and is best handled through that process due to the technical nature of the bluff stability

and engineering issues. The request is in compliance with Anchorage 2020 and is compatible with the surrounding area.

RECOMMENDATION:

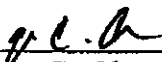
The Department finds that the requested rezoning from PLI to R-1A meets with the standards of the Comprehensive Plan and AMC 21.20.090 rezoning standards and therefore recommends APPROVAL of the rezoning.

Reviewed by:



Jerry T. Weaver, Jr.
Acting Director

Prepared by:



Angela C. Chambers, AICP
Senior Planner

(Case 2004-129, Tax ID 019-171-72)

2

HISTORICAL MAPS AND AS-BUILTS

9-1-04



VIEW FROM BLUFF ON PETITION SITE
LOOKING SE

1-1-04



VIEW FROM REAR OF PETITION SITE
LOOKING NE

9-1-04



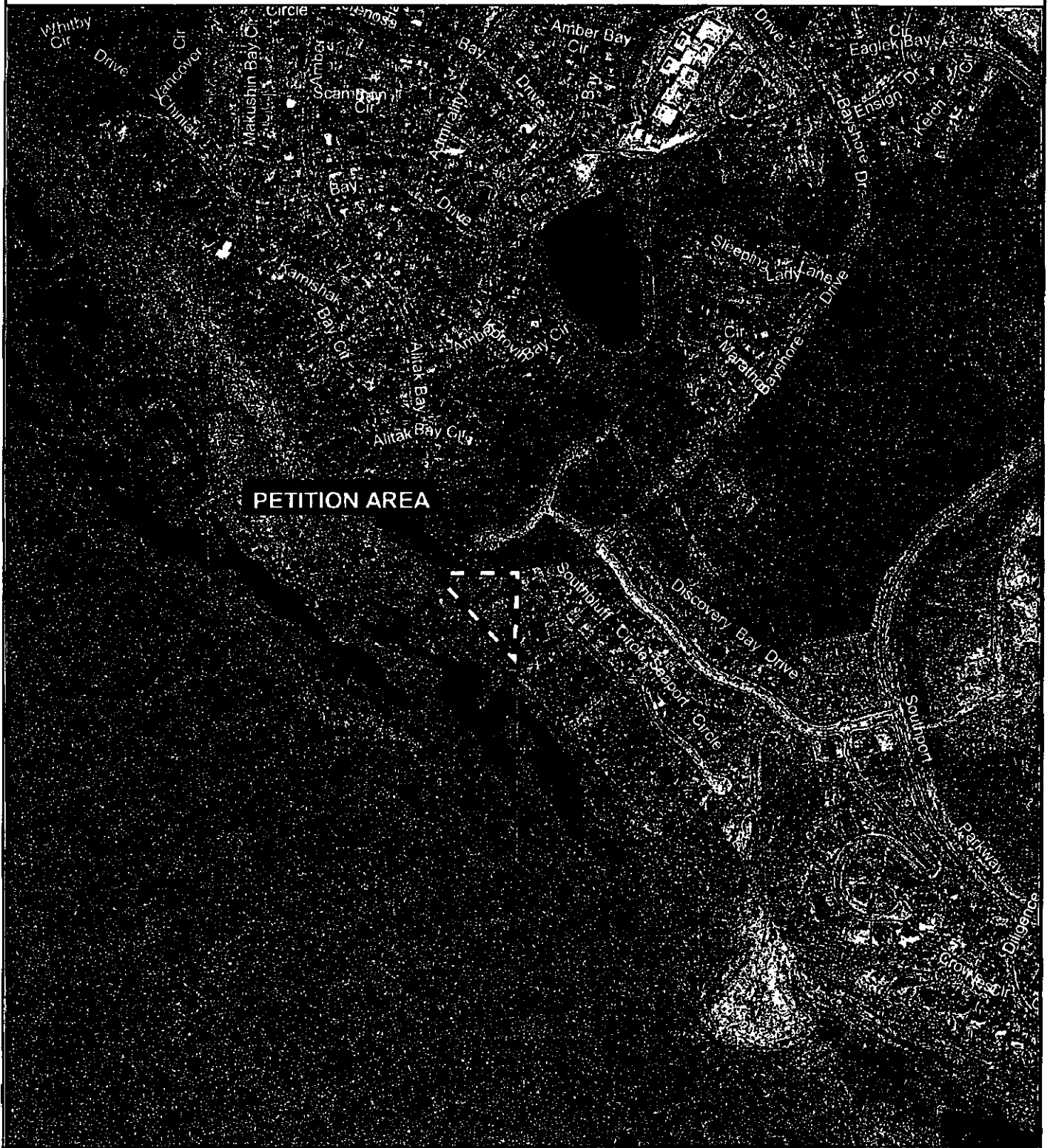
LOOKING FROM APEX OF PETITION SITE
TOWARD INLET

9-1-04



LOOKING FROM W. END OF BLUFF CREEK CIRCLE
TOWARD LOTS ABUTTING N. SIDE OF PETITION SITE

REZONING 2004-129



Municipality of Anchorage
Planning Department



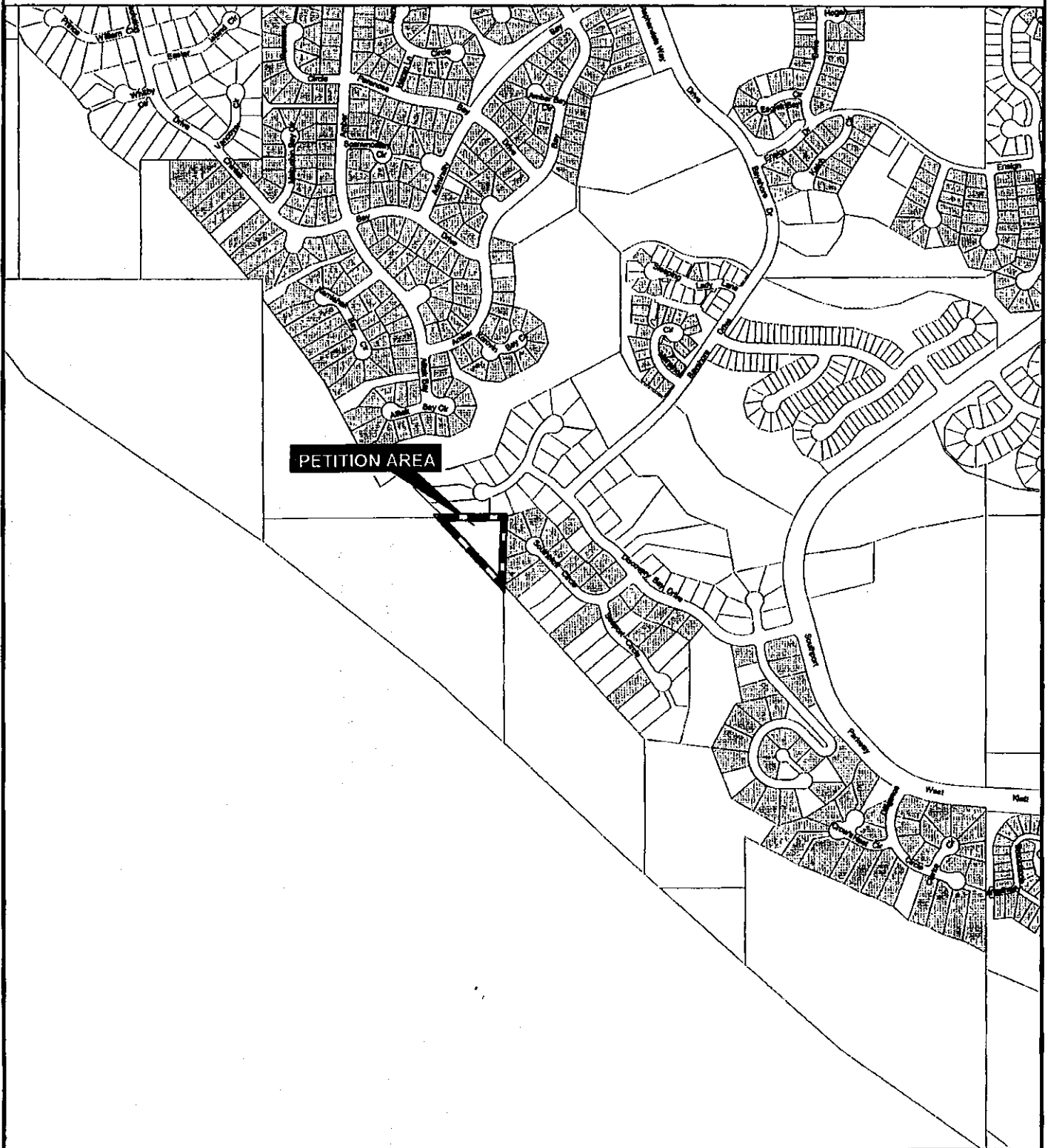
Date: JULY 21, 2004



0 500 1000 Feet

Date of Aerial Photography: 1996

REZONING 2004-129



Municipality of Anchorage
Planning Department



Date: JULY 21, 2004

- Single Family Detached
- Single Family Attached, Duplex
- Mobile home
- Multi - Family 3 & 4 Plex
- Multi - Family 5+



Source: Housing Stock based on 1998 Land Use Inventory
Planning Department, MOA

2004 129

Tue Jul 20, 11:42:54, 2004

Map: Parcels--Basic Layers



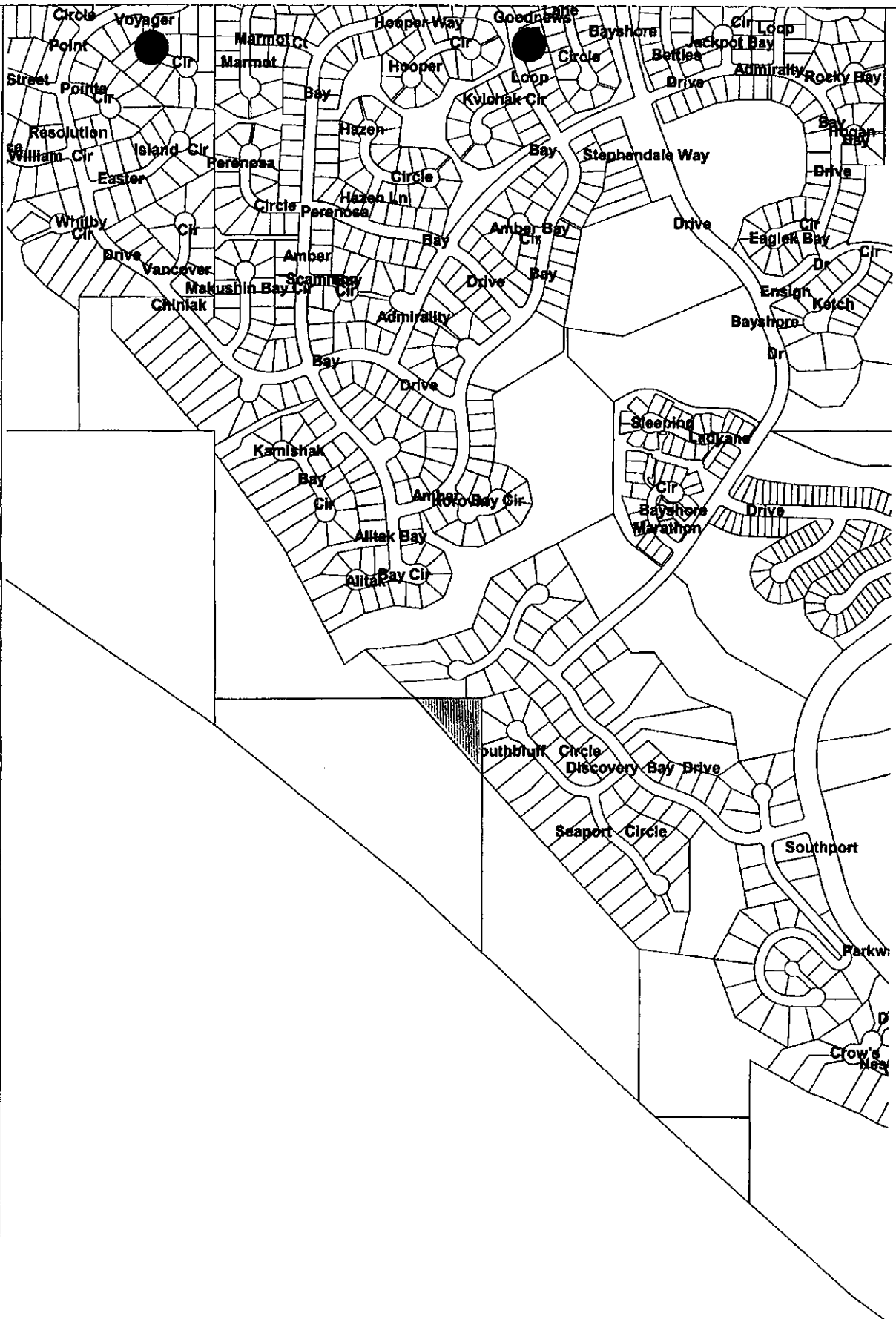
Scale 1:8000

Legend:

Txt STRNAMES



PARCELS



3

DEPARTMENTAL COMMENTS



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



RECEIVED

AUG 19 2004

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

MEMORANDUM

DATE: August 17, 2004
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *[Signature]*
FROM: Lynn McGee, Senior Plan Reviewer *[Signature]*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of September 13, 2004.

Right of Way has reviewed the following case(s) due August 16, 2004.

04-127 Turnagain View Estates, Lots 32-37, Phase 7B, grid 2935

(Rezoning Request)

Right of Way Division has no comments at this time.

Review time 15 minutes.

04-129 Section 23 T12N R4W, Lot 2, grid 2626

(Rezoning Request)

Provide evidence of legal and physical access and utility easements that can support the development of this parcel. Also show the bluff setback as on the adjoining parcels.

Review time 15 minutes.

04-130 Turnagain View East, Tract B2, grid 2435

(Rezoning Request)

Right of Way Division has no comments at this time.

Review time 15 minutes.

04-131 Section 33 T12N R3W, BLM, Lot 184 and the E1/2 & W1/2 of Lot 185, grid 3135

(Appeal of Administrative Decision)

Right of Way Division has no comments at this time.

Review time 15 minutes.

04-132 Stover, Lots 1 & 2, grid 2733

(Rezoning Request)

Right of Way Division has no comments at this time.

Review time 15 minutes.

MUNICIPALITY OF ANCHORAGE
MEMORANDUM

RECEIVED

AUG 18 2004

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

DATE: August 18, 2004

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU: *CH* Cathy Hammond, Acting Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for zoning cases to be heard on September 13, 2004

2004-127 Rezoning to R-1 SL One-family residential district with special limitations

The following were the Division's comments on the January 2004 rezone request: *Planning staff recommends retaining at least a 10' buffer of vegetation along the southerly and easterly boundaries of the property (rather than the 40' buffer), along with the 6' foot wood fence, to transition between differently-zoned properties, and between this property and DeArmoun Road, which is a minor arterial. This recommendation is consistent with a similar rezone to the east (A.O. 97-138). The vegetative buffer should be on the DeArmoun side of the fence.*

2004-129 Rezoning to R-1A One-family residential district

Physical Planning Division staff does not object to rezoning this lot from PLI to a residential zoning district, but is concerned about potential further subdivision of the site and placement of more dwelling units. Although the Residential Intensity Map of the 1982 Comprehensive Plan calls for a density of 3-6 units per acre in this area, it is not appropriate to put more than one single family home on this lot, due to the access constraints. This lot does not abut any public streets, and its only access is by an access agreement through a neighboring lot to reach a "country lane street". While this is potentially perfectly acceptable for access to one dwelling unit, it is not appropriate access for 10+ dwelling units that could be placed here if the lot was subdivided according to R-1A regulations.

Jerry T. Weaver, Jr., Zoning Division Administrator
September 13, 2004 Zoning Cases
Physical Planning Division Comments
Page 2

Does the applicant need a variance from 21.45.040 which requires that all buildings "shall be on a lot abutting on a public street with principal access to such street or with access to a private street..."?

Is this lot in the proposed path of the South Coastal Trail extension? The Muni Trails Coordinator should weigh in on the necessity for a trail easement.

The application states that the site is "within a proposed Neighborhood Commercial Center as stated in the Land Use Concept Plan for the 2020 ABC Plan." Actually, the Anchorage 2020 proposed neighborhood center for the Southport development is clearly shown on the Land Use Policy Map as east of Southport Drive. This site is west of Southport Drive.

2004-130 Rezoning to PLI Public lands & institutions district

Although the petitioner has not clearly explained why this rezone is necessary, staff has no objection.

2004-131 Appeal to an action of an admin church site plan review

No comment.

2004-132 Rezoning to R-1 One-family residential district

A channel of Furrow Creek passes through the northwest corner of the site. It includes C wetlands. Future development of the C wetlands requires a general permit from the Municipality. A minimum setback of 25 feet is required from the creek channel.

2004-133 Rezoning to R-1A One-family residential district

The density allowed by the proposed rezone is within the range of the 1982 Comprehensive Plan designated densities, and also comparable to the densities in the subdivisions to the east and south. Physical Planning has no objection to this rezone.

2004-134 Time Extension on a Conditional Use Permit

No comment.

2004-115 Rezone R-2A to R-2M (postponed from August)

Physical Planning Staff's previous comments:

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AUG 09 2004

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 8-09-04

Case: 2004-129

Flood Hazard Zone: A,C

Map Number: 0355

☒ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☒ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☒ A Flood Hazard permit is required for any construction in the floodplain.

☐ I have no comments on this case.

Reviewer: Jack Puff



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

AUG 06 2004

DATE: August 6, 2004

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

TO: Jerry T. Weaver, Platting Supervisor, Planning Department

THROUGH: Leland R. Coop, Associate Traffic Engineer

FROM: Mada Angell, Assistant Traffic Engineer

SUBJECT: Comments, Planning & Zoning Commission August 6, 2004

04-127 Turnagain View Estates Phase 7B; Rezone R-1SL to R-1SL; Grid 2935

Traffic has no comment.

04-129 Section 33; Rezone from PLI to R-1A; Grid 2626

Traffic has no comment.

04-130 Turnagain View East; Rezone from R-1SL to PLI; Grid 2935

Traffic has no comment.

04-131 Sec 33; Appeal an action of an admin church site plan review;
Rabbit Creek Community Church

Traffic comments from case 04-101 remain the same and are as follows:

- If Snowshoe Lane is not currently constructed to Municipal Standards, and if access to Snowshoe Lane is provided from the Northwest corner of the parking lot, then Snowshoe Lane must be constructed to Municipal Standards.
- Rabbit Creek Road is State of Alaska right of way and all points of access to Rabbit Creek Road must be approved by the State DOT. Copies of all approved State right of way permits must be included in the Building Permit Application before the building permit can be approved.
- All ADA accessible parking stalls require an adjoining ADA accessible aisle.




Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM



AUG 02 2004

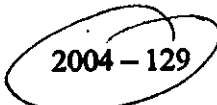
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: August 2, 2004
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM:  Daniel J. Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due August 16, 2004

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

2004 - 127 Rezoning to R-1SL One-family residential district with special limitations

No objection

 2004 - 129 Rezoning to R-1A One-family residential district

No objection providing public water & sewer is extended to all potential structures and homes to be built

2004 - 130 Rezoning to PLI Public lands & institutions district

No objection, this is a pump station and will have no water generating facilities for personal use within the pump station

2004 - 131 Appeal to an action of an admin church site plan review

No Objections provided the State of Alaska ADEC has issued an operating permit for the water and wastewater disposal systems serving this property.

2004 - 132 Rezoning to R-1 One-family residential district

No objection

2004 - 133 Rezoning to R-1A One-family residential district

No objection

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

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

July 26, 2004

RE: Zoning Case Review

RECEIVED

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

RECEIVED

JUL 27 2004

MUNICIPALITY OF ANCHORAGE
COMMUNITY PLANNING & DEVELOPMENT

JUL 27 2004

MUNICIPALITY OF ANCHORAGE
COMMUNITY PLANNING & DEVELOPMENT

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

2004-121 Ordinance amending Title 21 for AMCR 21.15 Platting procedures

2004-127 Turnagain View Estates Phase 7B Rezone to R-ISL

2004-129 Sec 23 T12N R4W Rezone to R-1A

2004-130 Turnagain View East Tract B2, 13541 Ervin Rd/Rezone: PLI

2004-133 Gregory Subd Rezone: R-6 to R-1A

Comments:

2004-131 Rabbit Creek Community Church appeal R-6 to church site: After further review, we concur with the need for a Traffic Impact Analysis. School trips depend on number of students and the gym could generate 200 to 400 trips per hours.

2004-132 Stover Subd 2237 Huffman Rd/Rezone: R-6 to R-1: It appears the applicant will need to build a road to access Huffman Road. Please notify the applicant that ADOT&PF approval is required to access Huffman. The applicant will be required to submit approach road plans and engineering drawings to ADOT&PF. Contact Lynda Hummel, Right of Way Agent at 269-0698 for an application and information on what is required for an Approach Road Review.

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

Sincerely,



Sandra L. Cook
Area Planner

/eh

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

M E M O R A N D U M

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JUL 21 2004

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: July 22, 2004
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician, AWWU *H Stewart*
SUBJECT: Planning & Zoning Commission Hearing September 13, 2004
AGENCY COMMENTS DUE August 16, 2004

AWWU has reviewed the case material and has the following comments.

04-127 Turnagain View Estates Phase 7B, Lots 32-37 (rezone) Grid 2935

1. AWWU water and sanitary sewer mains are located within the Mainsail Drive right-of-way. AWWU water and sanitary sewer main extension agreements are required to extend the existing mains and provide services to proposed parcels if water and sanitary sewer facilities are desired by owner or required by the Platting Authority under AMC 21.85.160 and AMC 21.85.170.
2. AWWU has no objection to the proposed rezone.

04-129 Government Lot 2, Sec 23, T12N, R4W, SM (rezone) Grid 2626

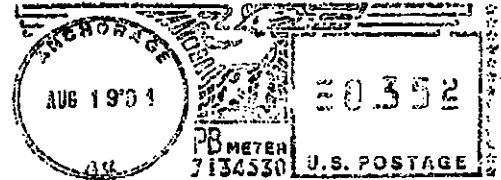
1. AWWU water and sanitary sewer mains are located within the Bluffcreek Circle and Southbluff Circle rights-of-way but are not available to this parcel. The referenced lot appears to be landlocked. Petitioner must resolve access to public water and sanitary sewer if water and sanitary sewer facilities are desired by owner or required by the Platting Authority under AMC 21.85.160 and AMC 21.85.170.
2. AWWU has no objection to the proposed rezone.

04-130 Turnagain View East, Tract B2 (rezone) Grid 2935

1. An AWWU water main is located within an easement located on a south portion of the referenced tract.
2. AWWU sanitary sewer is not available to the referenced tract.
3. AWWU has no objection to the proposed rezone.

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

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FIRST CLASS



FIRST CLASS MAIL

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AUG 23 2004

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

019-093-03-000
GIMARC JOHN A &
BRADLEY DIANA L
11155 BLUFF CREEK CIRCLE
ANCHORAGE, AK 99515

NOTICE OF PUBLIC HEARING

Monday, September 13, 2004

Planning Dept Case Number: 2004-129

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

CASE: 2004-129
PETITIONER: Jose & Emelia Stanley
REQUEST: Rezoning to R-1A One-family residential district
TOTAL AREA: 2.500 acres
SITE ADDRESS: N/A
CURRENT ZONE: PLI Public lands & institutions district
COM COUNCIL(S): 1---Bayshore-Klatt

LEGAL/DETAILS: A request to rezone approximately 2.5 acres from PLI (Public Lands and Institutions) to R-1A (Single Family Residential). T12N R4W Section 23, Lot 2 Portion. Located South of Bluff Creek Circle and West of Southbluff Circle.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, September 13, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are required to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case Information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: Alex Gimarc
Address: 11155 BLUFF CREEK CIRCLE, ANCHORAGE 99515
Legal Description: _____
Comments: OPPOSE REZONING - THERE IS NO ACCESS TO REZONED PLAT

REZONING/RESIDENTS-PLANNING COMMISSION
2004-129

4

APPLICATION

Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) JOSE & EMELIA STANLEY	Name (last name first) DOWL ENGINEERS
Mailing Address 802 GAMBELL STREET	Mailing Address 4040 B STREET
ANCHORAGE, ALASKA 99501-3757	ANCHORAGE, ALASKA 99503-5999
Contact Phone: Day: 274-1250 Night:	Contact Phone: Day: (907) 562-2000
FAX: 274-1127	FAX: (907) 563-3953
E-mail:	E-mail: tpotter@dowl.com

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

PROPERTY INFORMATION		
Property Tax # (000-000-00-000):		
Site Street Address:		
Current legal description: (use additional sheet if necessary) GOVERNMENT LOT 2 SECTION 23 LOCATED IN TOWNSHIP 12 N, RANGE 4W, SEWARD MERIDIAN, ALASKA		
Zoning: PL1 to PC	Acreage: 2.5	Grid # SW2626

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or the Assembly for administrative reasons.

Date May 27, 2004 Signature Suzanne Paine
(Agents must provide written proof of authorization)

Application for Zoning Map Amendment continued

COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☐ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- ☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center
☒ Neighborhood Commercial Center ☐ Industrial Center
☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification: N/A

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

Girdwood- Tumagain Arm N/A

- ☐ Commercial ☐ Industrial ☐ Parks/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

ENVIRONMENTAL INFORMATION (All or portion of site affected)

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

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

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

APPLICATION ATTACHMENTS

- Required: ☒ Area to be rezoned location map ☐ Signatures of other petitioners (if any)
☒ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.
☐ Draft Assembly ordinance to effect rezoning.
- Optional: ☐ Building floor plans to scale ☐ Site plans to scale ☐ Building elevations
☐ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis
☐ Photographs

APPLICATION CHECKLIST

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.

STANDARDS FOR ZONING MAP AMENDMENTS

A. Conformance to Comprehensive Plan.

- 1. If the proposed zoning map amendment does not conform to the land use classification map contained in applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:**

- a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;**

Government Lot 2 Section 23 Located in Township 12N, Range 4W, Seward Meridian, Alaska is adjacent to the existing Southport Planned Community. The proposed use for this site is compatible with the 2020 Anchorage Bowl Comprehensive Plan (2020 ABC Plan) as indicated by the Land Use Concept Plan in Chapter 4. This site is situated within one of nine proposed neighborhood commercial centers in the Anchorage Bowl. These centers “are less intense neighborhood-oriented commercial nodes that are designed to fill in the gaps between the larger town centers.” The R-1A district is intended for single families in areas with low population densities. This zoning is compatible with the surrounding neighborhood which is governed by the Southport Planned Community District (AO 92-105).

- b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or**

The proposed single-family lot will be developed in keeping with the surrounding single-family development. The proposed R-1A zoning for that lot actually has a lower permitted building height, which should reduce the overall mass of the structure.

STANDARDS FOR ZONING MAP AMENDMENTS

The adjacent subdivision has an existing 50 foot bluff setback. Attached are two options for consideration of potential placement of a single-family home on the subject parcel.

It is unclear what specific parameter was used to establish the existing bluff setback. Option A depicts simply connecting the lines across the subject parcel. This approach is problematic because it appears to be in conflict with the relatively flat topography of the parcel and adoption of this line would force the structure into the cover of the lot making it very close to existing homes.

Option B reflects the potential location of a single-family home which requires an engineered foundation but allows appropriate separation from adjacent structures.

- c. **The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.**

Not Applicable

- 2. **If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:**

- a. **In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:**

Not Applicable

STANDARDS FOR ZONING MAP AMENDMENTS

- i. The area is adjacent to a neighborhood shopping center, other major high-density mode, or principal transit corridor.**

The site is situated within a proposed Neighborhood Commercial Center as stated in the Land Use Concept Plan for the 2020 ABC Plan. These centers are less intense neighborhood-oriented commercial nodes that are designed to fill the gaps between the larger town centers. This land use concept comprises neighborhood-level commercial/retail facilities that serve smaller clusters of residential neighborhood than town centers.

- ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.**

As previously stated, the area in which this site is situated is within a proposed neighborhood commercial center.

- b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how rezoning would provide a clear and overriding benefit to the surrounding neighborhood.**

Not Applicable

- c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or general area.**

The rezoning of this property does not alter the plan for the surrounding neighborhood or general area. The 2020 ABC Plan for Growth Allocation in the Southwest subarea assumes the vacant residentially zoned parcels will be developed for housing. This parcel is adjacent to PC zoning districts on two sides. The current housing pattern for this area is 70 percent single-family and 30 percent multi-family.

STANDARDS FOR ZONING MAP AMENDMENTS

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

1. Describe the effect of development under the amendment and the cumulative effect of similar development on; (a) the surrounding neighborhood, (b) the general area, and (c) the community with respect to the following (the discussion should include the degree to which proposed special limitations will mitigate any adverse effects):

a. Environment. The site does not contain any wetlands nor is it situated in a floodplain. The Anchorage Coastal Wildlife Refuge boundary runs along the coast, but this site is outside this boundary. Minor disruption will likely occur with the onset of construction on the site. Upon completion of any construction, the site will have all grading and drainage issues resolved.

b. Transportation. Access and egress at the site will be from an access easement off Bluff Creek Circle, a country lane street. A legal access easement agreement allows access to the site through adjacent Lot 11, Discovery Heights Subdivision No. 4 (Attachment A).

c. Public Services and Facilities. All public services and facilities will be available to this site via the access and utility easement on the north side of the property. It is located within all relevant service areas including; all public utilities, fire, police, Anchorage Roads Drainage Service Area (ARDSA), and building safety.

d. Land Use Patterns.

North: PC – Residential Vacant Lot
South: PC – Residential Condo Common Area
West: PC – Anchorage Coastal Wildlife Range
East: PC – Residential Single Family

STANDARDS FOR ZONING MAP AMENDMENTS

- 2. Quantify the amount of undeveloped (vacant) land in the general area having the same zoning or similar zoning requested by this application. Explain why you feel the existing land is not sufficient or is not adequate to meet the need for land in this zoning category?**

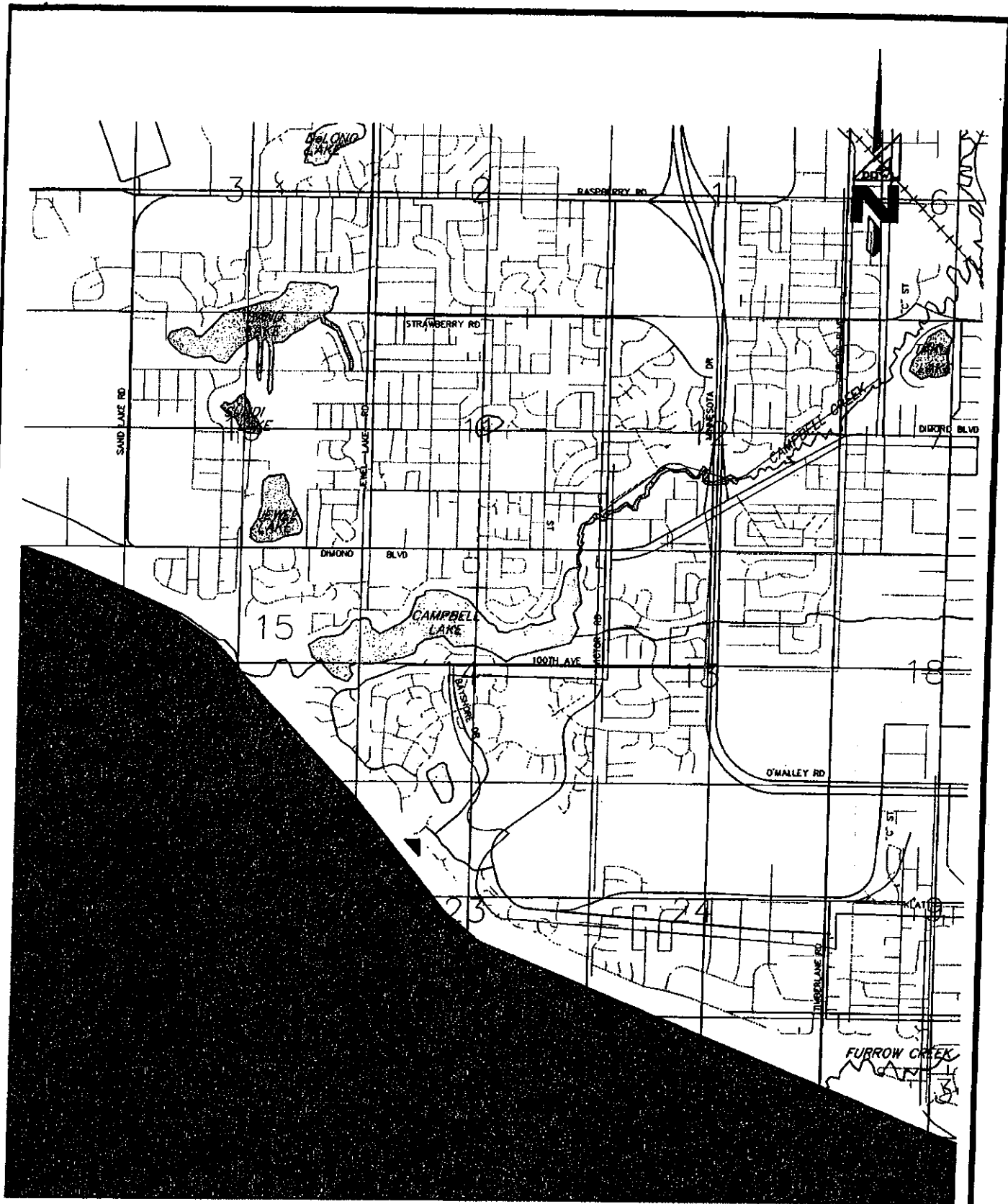
The only undeveloped lot in the general area having the same zoning as requested in this application is Lot 11, Block 5, Discovery Heights Subdivision No. 4, which is 27,041 square feet (0.6 acres). Development of this lot and the parcel requesting this rezone will complete the availability of any vacant land in the general area.

- 3. When would development occur under the processed zoning? Are public services (i.e., water, sewer, street, electric, gas, etc.) available to the petition site? If not, when do you expect that it will be made available and how would this affect your development plans under this rezoning?**

All necessary public services and development would take place immediately after the rezoning of this site. Water and sewer main extensions from Bluff Creek Circle will run along the access and utility easement to service the site. Telecom, electric and gas service will be extended to the site via the access easement as well.

- 4. If the proposed rezoning alters the use of the property from that which is indicated in the applicable Comprehensive Plan, explain how the loss of land from this use category (i.e., residential, commercial, industrial) might be regained elsewhere in the community?**

The rezoning on this property does not alter the 2020 ABC or the 1982 Anchorage Bowl Development Plans. The R-1A zoning district is in compliance with development in that general area, and compatible with the adjacent single-family home development.



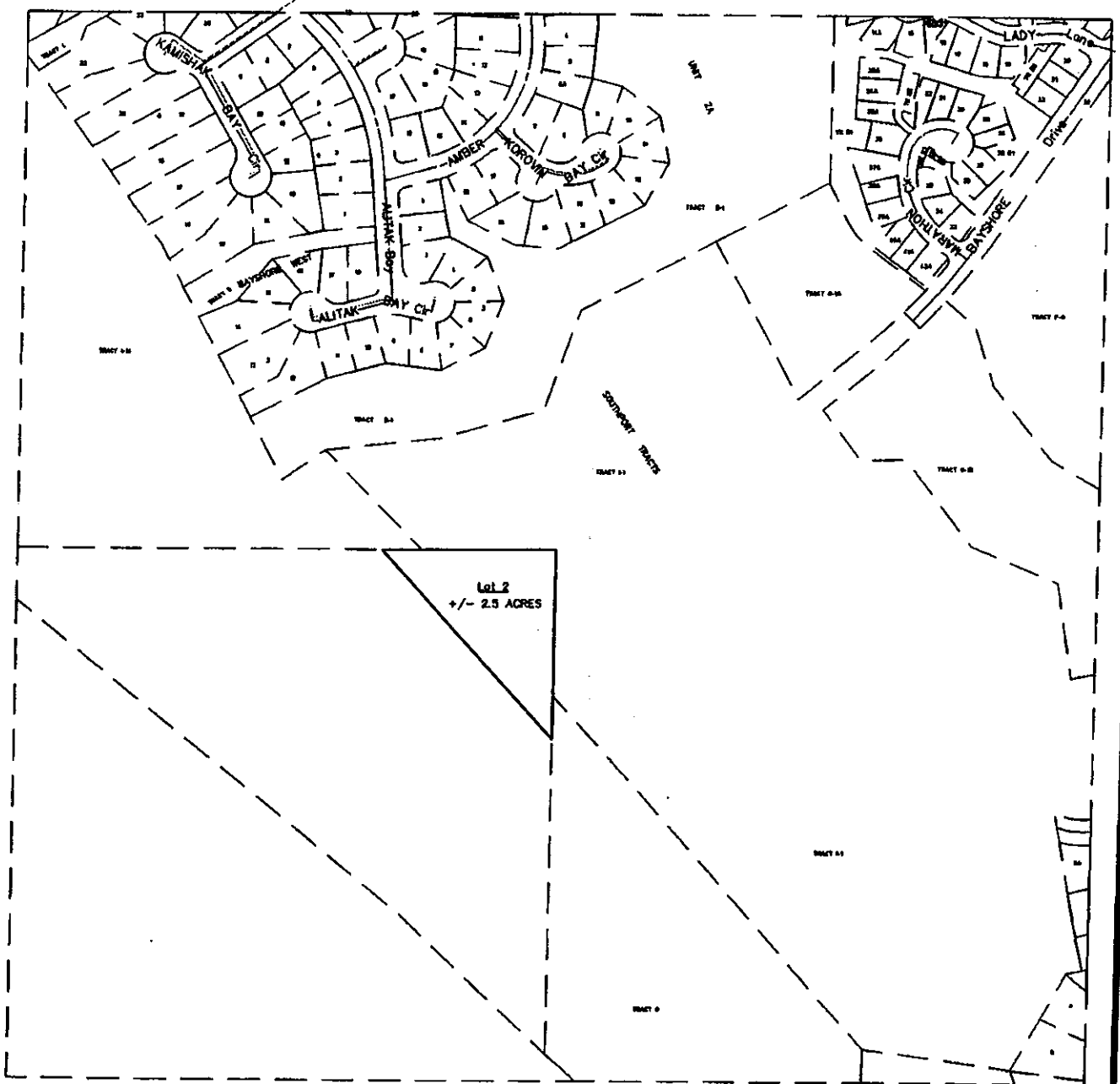
W.O. D58427

NTS



Government Lot 2, Section 23
STANLEY PROPERTY REZONE

Figure 1



W.O. D58427

NTS



Government Lot 2, Section 23
STANLEY PROPERTY REZONE

Figure 1

Emelia T Stanley
Jose A Stanley
3430 South Bluff Circle
Anchorage, AK 99515

May 25, 2004


Mr. Tom Nelson, Acting Planning Director
Planning Department
Municipality of Anchorage
P O Box 196650
Anchorage, AK 99519-6650

Subject: Letter of Authorization

Dear Mr. Nelson:

Jose and Emelia Stanley are the current owners of Government Lot 2, Section 23, located in Township 12N, Range 4W, SM, Alaska. We authorize DOWL Engineers, in accordance with AMC 21.20.050.A.7 to act on our behalf in processing the Zoning Amendment submittal for MOA review and approval.

Sincerely,



Emelia T. Stanley
Jose A. Stanley

Cc David D. Clark

Attachment A

ACCESS EASEMENT

For and in consideration of Ten Dollars (\$10.00) and other valuable consideration the receipt and sufficiency is hereby acknowledged by this access agreement entered into this ___ day of March, 2003, Jonathan B. Rubini, whose address is 1007 West 3rd Ave., Suite 101, Anchorage, AK 99501, as Grantor hereby quitclaims and grants, without warranty to the owners of the property, described as:

That portion of Government Lot 2 Section 23 located outside of the Anchorage Coastal Wildlife Refuge (above the 20 foot elevation contours), located in Township 12 North, Range 4 West, Seward Meridian Alaska, containing 2.5 acres more or less, Anchorage Recording District, Third Judicial District, State of Alaska (Government Lot 2)

as Grantee, a perpetual access easement giving the right of access, ingress and egress over and across the following described property:

Lot 11, Discovery Heights Subdivision No. 4, Plat No. 2001-153, Anchorage Recording District, Third Judicial District, State of Alaska, (Lot 11) and described in particular as follows:

Starting at the Northeast corner of Lot 11, West along the border of Lot 11 a distance of 40 feet thence south to the southern border of Lot 11 thence east 40 feet to the Southeast corner of Lot 11 thence North to the point of beginning.

in order that the invitees, guests owners, licensees, agents and employees of the Grantee shall have vehicular and pedestrian traffic access and circulation to Government Lot 2.

This easement is executed and delivered by Grantor, as owners of the above-described property.

The rights granted herein shall not be construed to interfere or restrict the Grantor, its successors or assigns and anyone claiming under the Grantor from the use of the premises with respect to the construction and maintenance of improvements adjacent to or over the property herein described so long as the same are so constructed as not to impair the strength or interfere with the intended use of the easement. Grantor is given the right herein to use the easement to gain access to his property.

The easement shall run with the land and apply to all interests now owned or hereafter acquired to the above-described property. I shall be filed in the Recorder's Office, Anchorage Recording District, State of Alaska.

IN WITNESS WHEREOF, I set my hand this _____ day of March, 2003.

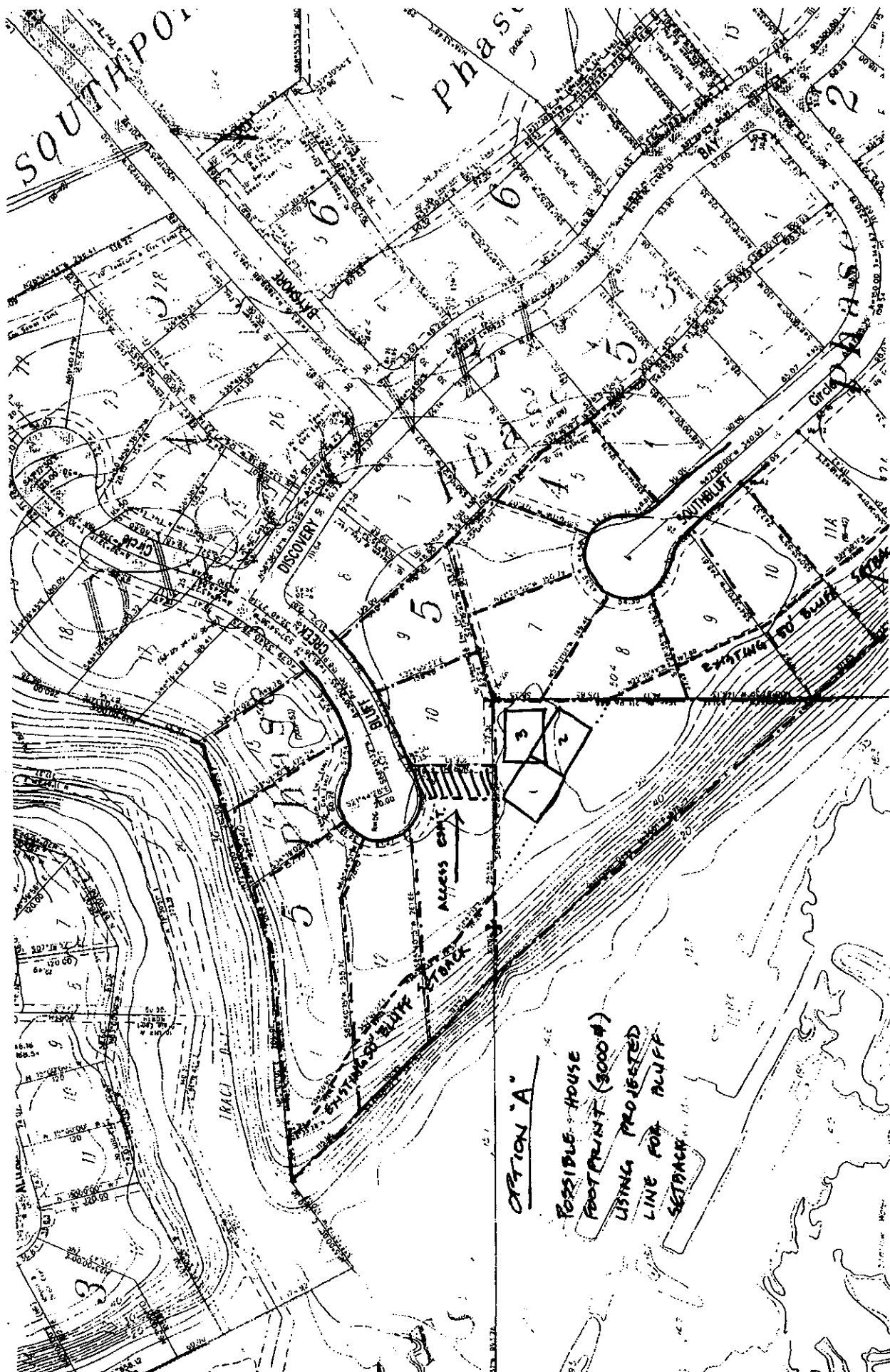
Jonathan B. Rubini

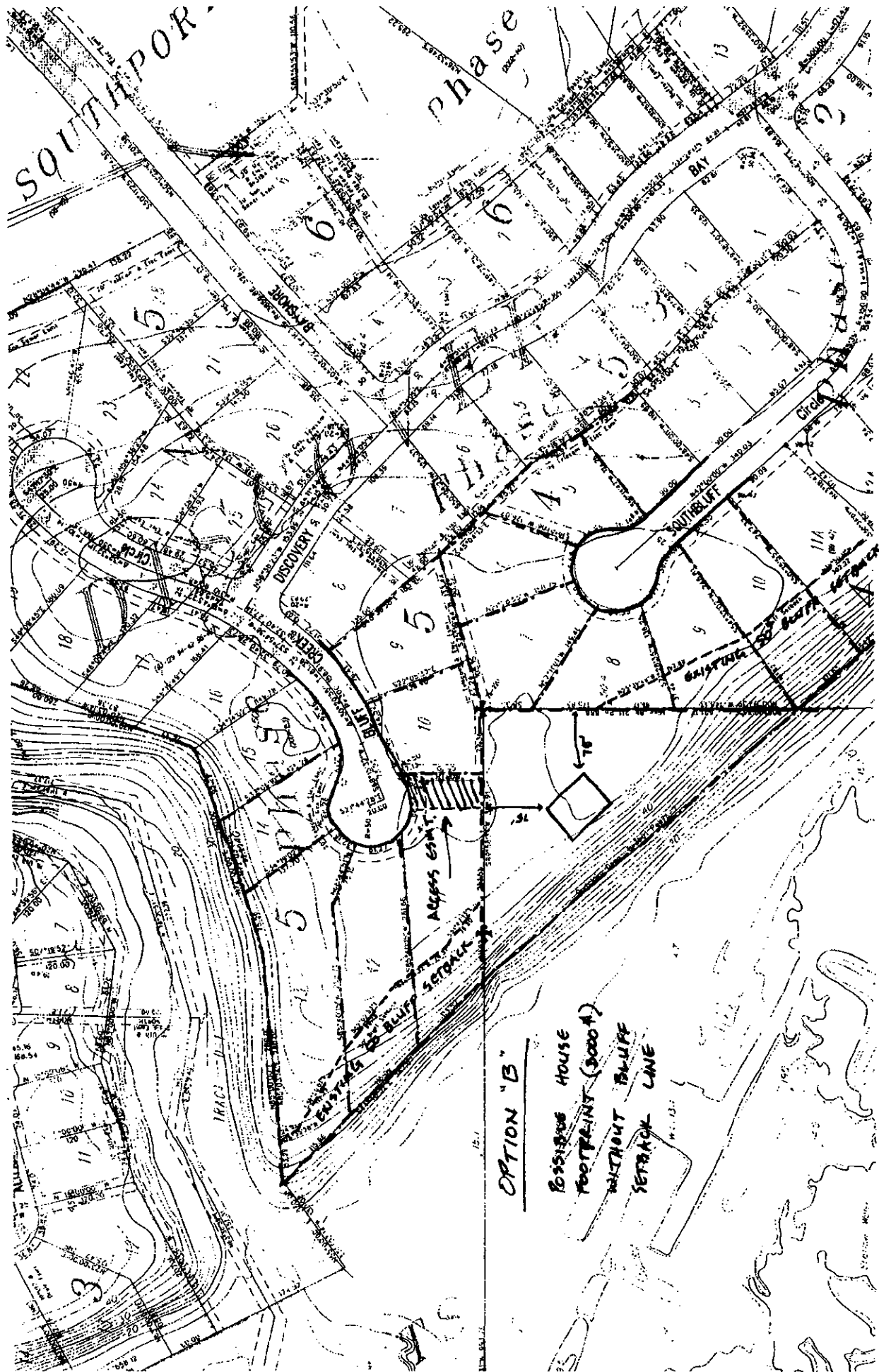
STATE OF ALASKA)
 : ss:
Third Judicial District)

THIS IS TO CERTIFY that on this _____ day of March, 2003, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Jonathan B. Rubini, known to me and to me known to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he signed and sealed the foregoing instrument freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year last hereinabove written.

NOTARY PUBLIC In and For Alaska
My Commission Expires: _____





5

**POSTING
AFFIDAVIT**




AFFIDAVIT OF POSTING

Case Number: 2004-129

I, Chris Harrington, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for _____ . The notice was posted on 23 Aug 2004 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 25th day of August, 2004


Signature

LEGAL DESCRIPTION

Tract or Lot Government Lot 2
Block _____
Subdivision _____

6

HISTORICAL INFORMATION

PARCEL INFORMATION

APPRAISAL INFORMATION

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000
Owner STANLEY EMELIA



Descr VACANT LAND
Site Addr

3430 SOUTH BLUFF CIRCLE
ANCHORAGE AK 99515 2733

RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels
01917109000	U	

Cross Reference (XRef) Type Legend
Econ. Link Replat Uncouple
E = Old to New R = Old to New U = Old to New
I = New to Old F = New to Old Q = New to Old
Renumbr Combins Lease
N = New to Old C = Old to New L = GIS to Lease
X = Old to New P = New to Old M = Lease to GIS

Get "Type" explanation
Bring up this form focused
on the related parcel

REZONE



Case Number 2004-129 # of Parcels 1 Hearing Date 09/13/2004

Case Type Rezoning to R-1A One-family residential district

Legal A request to rezone approximately 2.5 acres from PLI (Public Lands and Institutions) to R-1A (Single Family Residential). T12N R4W Section 23, Lot 2 Portion. Located South of Bluff Creek Circle and West of Southbluff Circle.

PLAT



Case Number
Action Type
Legal

Grid

Proposed Lots 0
Action Date

Existing Lots

PERMITS



Permit Number
Project
Work Desc
Use

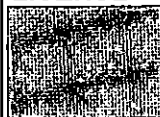
BZAP



Action No.
Action Date
Resolution

Status
Type

ALCOHOL LICENSE



Business
Address

License Type
Status

Applicants Name
Conditions



PARCEL INFORMATION

OWNER
 STANLEY EMELIA

3430 SOUTH BLUFF CIRCLE
 ANCHORAGE AK 99518 2733

Deed 3601 0000876
 CHANGES: Deed Date Feb 29, 2000
 Name Date Nov 01, 2000
 Address Date Apr 21, 2000

PARCEL
 Parcel ID 019-171-72-000
 Status
 Renumbr ID 019-171-09-0001
 Site Addr
 Comm Concl BAYSHORE/KLATT
 Comments REF 019-171-09

01

TAX INFO
 2004 Tax 3,058.02 Balance 0.00 District 018

LEGAL
 T12N R4W SEC 23
 LT 2 PTN

Unit SQFT 108,900
 Plat
 Zone R1 Grid SW2626

HISTORY

	Year	Building	Land	Total
Assmt Final	2002	0	227,200	227,200
Assmt Final	2003	0	189,000	189,000
Assmt Final	2004	0	189,000	189,000
Exemptions				0
State Credit				0
Tax Final				189,000

PROPERTY INFO

#	Type	Land Use
01	RESIDENTIAL	VACANT LAND

SALES DATA

Mon	Year	Price	Source	Type
04	2000	200,000	SELLER	LAND SALE

LAND & COMMON PARCEL INFORMATION**APPRAISAL INFORMATION**

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000

01 of 01

Owner STANLEY EMELIA

Site Addr

3430 SOUTH BLUFF CIRCLE
ANCHORAGE AK 99515

LAND INFORMATION

Land Use VACANT LAND

Class RESIDENTIAL

Living Units 000

Community Council 01C BAYSHORE/KLATT

Entry: Year/Quality 01 1980 0
01 1980 0

Access Quality

Access Type WATERFRONT

Leasehold (Y=Leasehold)

Drainage GOOD

Front Traffic NONE

Street NONE

Topography EVEN LEVEL

Utilities NONE

Wellsite

Wet Land

CONDOMINIUM INFORMATION

Common Area 0

Undivided Interest 0.00

RESIDENTIAL INVENTORY

APPRAISAL INFORMATION

Legal T12N R4W SEC 23

Site Addr

Property Info # Descr VACANT LAND

Parcel 019-171-72-000

01 of 01

#

01

Owner STANLEY EMELIA

RESIDENTIAL STRUCTURE INFORMATION

Style
Exterior Walls
Year Built
Remodeled
Effective Year Built
Heat Type
Heat System
Fuel Heat Type
Extra Value

Grade
Cost&Design Factor
Condition

Story Height
Total Rooms
Bed Rooms
Recreation Rooms
Full Baths
Half Baths
Additional Fixtures
Fireplace Stacks
Openings
Free Standing
E-Z Set Fireplace

AREA

1st Floor
2nd Floor
3rd Floor
Half Floor
Attic Area
Recroom Area
Basement
Finished Basement
Basement Garage
Total Living Area

CONDOMINIUM INFO

Condo Style
Condo Level

ADDITIONS

Basement

1st Floor

2nd Floor

3rd Floor

Area

OTHER BUILDINGS & YARD IMPROVEMENTS

Type

Qty

Yr Built

Size

Grade

Condition

COMMERCIAL INVENTORY

APPRAISAL INFORMATION		Parcel 019-171-72-000	# 01 of 01	# <div style="border: 1px solid black; width: 30px; height: 30px; display: inline-block; line-height: 30px;">01</div>
Legal T12N R4W SEC 23 LT 2 PTN		Owner STANLEY EMELIA		
Site Addr Prop Info # VACANT LAND		3430 SOUTH BLUFF CIRCLE ANCHORAGE AK 99515		

BUILDING INFORMATION		Property Information # 01
Structure Type		Building Number
Building SQFT		Identical Units
Year Built	Effective Year Built	Number of Units
Grade		

INTERIOR DATA							
Floor	Level	Partitions	Heat System	Air Conditioner	Plumbing	Physical Condition	Functional

EXTERIOR DATA								
Floor	Level	Size	Perim	Use Type	Hgt	Wall	Type	Const Type

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS			
Type	Qty	Size1	Size2

OTHER BUILDINGS AND YARD IMPROVEMENTS					
Type	Size/Amt	Units	Yr/Built	Condition	Funct/Utility

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000

01 of 01

#

Owner STANLEY EMELIA

Prop Info # VACANT LAND
Site Addr

3430 SOUTH BLUFF CIRCLE
ANCHORAGE AK 99515

BUILDING PERMITS

Permit #

Class Type

Class Use

Date

Address

Cond Occ/Occ

Certification

Contract Type

Name

E-mail

Phone () -

Fax () -

Address

City/State/Zip

Project

Sewer / Water

Work Type

Work

Description

CASES

2004-129

Case Number 2004-129

of Parcels 1

Hearing Date Monday, September 13, 2004

PERMIT COMMENT

OWNER HISTORY

APPRAISAL INFORMATION

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000

01 of 01

01

#

Property Info # Descr VACANT LAND

Site Address

Current 02/29/00
STANLEY EMELIA

3430 SOUTH BLUFF CIRCLE
ANCHORAGE AK 99515 2733

3rd

//

Prev

//

4th

//

2nd

//

5th

//

ON-SITE WATER \ WASTE WATER

APPRAISAL INFORMATION

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000

01 of 01

Owner STANLEY EMELIA

#

01

Site Addr

Land Use VACANT LAND

3430 SOUTH BLUFF CIRCLE
ANCHORAGE

AK 99515

ON-SITE PERMITS

Permit Id

Permit Number

Date Issued

Permit Bedrooms

Permit Type ID

Private Well Request

Privy Request

Receipt #

Septic Tank Request

Status ID

Total Bedrooms

AS BUILT

AS Built Permit

Date Completed

Date Inspected

Well Permit Type

Well Depth

Well H2O Level

Well Yield

Well Distance to Septic

Well Distance to Absorp

Well Distance to Hold

Tank Type

Bedroom Count

SPECIAL ASSESSMENTS

APPRAISAL INFORMATION

Legal T12N R4W SEC 23
LT 2 PTN

Parcel 019-171-72-000

01 of 01

Owner STANLEY EMELIA

Site Addr

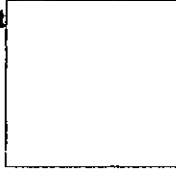
Prop Info # VACANT LAND

3430 SOUTH BLUFF CIRCLE
ANCHORAGE

AK 99515

ASSESSMENT

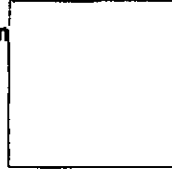
Assessment



Description
Assessment Area
Original Assessment
Original Principal
Annual Payment
YTD Payment
Delinquent Payment
Unbilled Payment

RESOLUTION

Resolution



PLAT

Status
Total Area

LAST PAYMENT INFORMATION

Date
Principal
Payment
Delinquent Interest
Penalty
Bond Interest
Cost

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 7-22-92

Reconsideration Failed 9/22/92
Reconsideration Failed 9/29/92
Adopted 10-2-92
Vote overridden 10-06-92

Submitted by: Chairman of the
Assembly At the Request
of the Mayor

Prepared by: Department of Community
Planning and Development

For Reading: August 18, 1992

ANCHORAGE, ALASKA
AO NO. 92-103

AN ORDINANCE REPEALING ORDINANCE 84-198 AND AMENDING THE ZONING
MAP AND THE SOUTHPORT PLANNED COMMUNITY FROM PC (PLANNED COMMUNITY
DISTRICT) TO PC (PLANNED COMMUNITY DISTRICT) INCORPORATING 395
ACRES OF LAND LYING WITHIN SECTIONS 14 AND 23, T12N, R4W, S.M.,
ALASKA, GENERALLY LOCATED SOUTH OF WEST 100th AVENUE AND WEST OF
VICTOR ROAD TO TURNAGAIN ARM.

(BAYSHORE/KLATT COMMUNITY COUNCIL).. (Case No. 84-004-5)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

SECTION 1. That ordinance 84-198 (as amended) is repealed.

SECTION 2. The zoning map be amended by designating the
following described property including recorded subdivisions
within, as PC (Planned Community District):

Parcel #1: the NE4 of the SE4 of Section 14, T12N, R4W,
Seward Meridian, filed in the Anchorage Recording
District, Third Judicial District State of Alaska,
excepting therefrom that portion shown as Chugach
Electric Association, Inc., Substation reserve according
to Plat 76-160.

Parcel #2: the SE4 of the SE4 of Section 14, T12N, R4W,
Seward Meridian, filed in the Anchorage Recording
District, Third Judicial District, State of Alaska.

Parcel #3: Tract G1, Bayshore West Unit #4A, according
to Plat 81-257, located in Anchorage Recording District,
Third Judicial District, State of Alaska.

Parcel #4: Tract D-2A, Bayshore West Unit #2A according
to Plat 76-220, located in Anchorage Recording District,
Third Judicial District, State of Alaska.

Parcel #5: Tract H, Bayshore West Unit #3, according to
Plat 76-220, located in Anchorage Recording district,
Third Judicial District, State of Alaska.

AM 817-92

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Page 2

Parcel #6: The NE4 of the NE4 of Section 23, T12N, R4W, Seward Meridian, filed in the Anchorage Recording District, Third Judicial District, State of Alaska.

Parcel #7: Lots 1 and 3, and the SW4 of the NE4 of Section 23, T12N, R4W, Seward Meridian, filed in the Anchorage Recording District, Third Judicial District, State of Alaska, excepting therefrom that portion of Lot 3 sold to Fred M. Oliphant by Deed recorded July 14, 1955, in Book 120, at page 199.

Parcel #8: A parcel of land situated in Lot 3, Section 23, T12N, R4W, Seward Meridian, said parcel containing an area of 5 acres more or less and is more particularly described as follows: commencing at the quarter section corner common to Sections 23 and 24, T12N, R4W, Seward Meridian, and south 803.44 feet thence west 1,756.91 feet to corner #1 and true point of beginning thence north 71 14'W 369.46 feet to angle point, thence north 65 00'W 288.60 feet to angle point, thence north 64 6'W 142.80 feet to corner #2, thence north 103.45 feet to corner #3, thence north 73 44'E 488.61 feet to corner #4, thence south 141.33 feet true corner #5, thence south 71 14'E 285.98 feet to corner #6, thence south 310.87 feet to corner #1 and to point of beginning being within the Anchorage Recording District, Third Judicial District, State of Alaska.

Parcel #9: Tracts J1 and K1, Bayshore West Unit #4A, according to Plat 83-171, filed in the Anchorage Recording District, Third Judicial District, State of Alaska.

SECTION 3. Development of Planned Community District

shall proceed in substantial conformance to the Master Development Plan for the Southport Community, prepared by the Hanover Group, dated December 1982, revised March 1983, September 1983, February 1984, April 1984, September, 1986, March, 1992, entitled Sheet #P1 and said Master Development Plan map is a part of this Ordinance.

SECTION 4. The zoning map amendment described in Section 2 is subject to the following special limitations regarding use of the property:

1. The maximum number of residential dwelling units to be erected within Southport shall in no event exceed a total of 1,660.

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Zoning Map Amendment
Page 3

2. Dwelling unit styles listed in all development areas shall conform to the specified zoning of each section in this ordinance. ~~Conventional single family subdivisions shall, as a minimum, be developed in conformance with the R-1 zoning district, and conform with 21.40.030. (Within Tract J, excluding the hill, the height limit shall be 30 feet rather than the standard R-1 height restriction of 25 feet. Additionally, four 4 plex lots may be included in Tract J on lots #15, #17, #18, and #20.)~~ Cluster housing shall conform to 21.50.210. Townhouses, row houses, and other common wall developments designed for individual dwelling unit ownership shall conform to 21.50.110. In addition to the type of dwelling units allowed in the individual development areas, special development zones not presently defined in Title 21 may be utilized following full public hearing site plan review by the Planning and Zoning Commission and approved by the Municipal Assembly. as approved in the Southport Master Development Plan Map.
3. Unless otherwise provided by this ordinance, all as required residential or commercial subdivisions within Southport in Title 21 PCD shall include sidewalks or a primary bikeway/trail ~~adjacent to all streets unless otherwise approved by the Planning and Zoning Commission through non-public hearing site plan review.~~ The sidewalks or bikeways shall connect to the Southport Parkway Biketrail system. Sidewalks, bikeways or trails shall be included as part of the subdivision agreement for the adjacent residential or commercial development area. All common open space areas shall remain undisturbed unless improvements within the common area are specifically related to subdivision development, such as utilities, dikes, etc., and approval has been obtained from the appropriate reviewing body through a non-public hearing site plan review.
4. All improvement to and within the common open space with undesignated uses such as the identified recreation areas are to be left undisturbed unless related to subdivision development such as utilities, dikes, etc. unless a specific use is petitioned for to the Planning and Zoning Commission.
5. Any improvement of the open space not in conjunction with the development areas as approved in 4 above shall be approved by the Director of Economic Development and Planning.
6. Fill material may be placed within open space areas designated for active recreation (areas designated RA and Southport Park on the Master Development Plan map) only after a fill permit has been issued by the

Assembly Ordinance No.92-
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Page 4

1 Department of Public Works and reviewed and approved by
2 the Parks and Recreation Department and the Planning and
3 Zoning Commission in a non-public hearing site plan
4 review. Placement of fill material within the Southport
5 Recreation PCD shall be permitted only after receipt of a fill
6 Areas (RA) permit or by incorporation into a subdivision agreement.
7 and park Application for a fill permit shall include all
8 information required by 23.05 and 23.15 and additionally
9 will include a drainage plan, addressing both on-site
10 and off-site hydrologic conditions and impacts, to
11 ensure that adjacent residential and commercial
12 development areas are not adversely impacted by drainage
13 resulting from the fill; and a revegetation plan,
14 indicating the final graded slopes and vegetation types,
15 that assures that after filling operations cease, the
16 site will be left in a safe, stable and aesthetically
17 acceptable condition.

- 18 7. The Platting Board will act as the Platting Authority
19 for all subdivisions containing a single
20 zoning/development style. Where development is proposed
21 with mixed uses (single-family and multi-family
22 dwellings, or residential and commercial dwellings) the
23 Planning and Zoning Commission will act as the Platting
24 Authority. The Planning and Zoning Commission shall be
25 the Platting Authority for Area H.

26 SECTION 5. Development Area A shall be restricted to the
27 following development and design standards:

28 Total acreage: 36

29 Total number of dwelling units: 288

30 Dwelling Unit style: Condominium flats, townhouses and
31 conventional single family subdivision

32 Development shall conform to the R-3 (Multiple Family Use
33 District), Section 21.40.050

34 SECTION 6. Development Area B shall be restricted to the
35 following development and design standards:

36 Total acreage: 6

37 Total number of dwelling units: 60

38 Dwelling Unit style: Condominium flats, townhouses and
39 conventional single family subdivision

40 Development shall conform to the R-3 (Multiple Family Use
41 District), Section 21.40.050

1 SECTION 7. Development Area C shall be restricted to
2 the following development and design standards:

3 Total acreage: 6

4 Total number of dwelling units: 24

5 Dwelling Unit style: Clustered mix-plexes and conventional
6 single family subdivision

7 Development shall conform to the R-1 (Single Family Use
8 District), Section 21.40.030

9 SECTION 8. Development Area D shall be restricted to
10 the following development and design standards:

11 Total acreage: 24

12 Total number of dwelling units: 95

13 Dwelling Unit style: Clustered individual homes, townhomes,
14 and conventional single family subdivision

15 Development shall conform to the R-1 (Single Family Use
16 District), Section 21.40.030

17 Supplementary standards: Maximum building height shall be 30
18 feet or two stories within 300 feet of Bayshore Blvd.

19 SECTION 9. Development Area E shall be restricted to
20 the following development and design standards:

21 Total acreage: 42

22 Total number of dwelling units: 210

23 Dwelling Unit style: Clustered individual, attached homes,
24 and conventional single family subdivision

25 Development shall conform to the R-1 (Single Family Use
26 District), Section 21.40.030

27 SECTION 10. Development Area F shall be restricted
28 to the following development and design standards:

29 Total acreage: 16

30 Total number of dwelling units: 86

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Page 6

Dwelling Unit style: Townhomes, multiple family and conventional single family subdivision

Development shall conform to the R-3 (Multiple Family Residential Use District), Section 21.40.050

Supplementary Standards: a setback of 50 feet along the existing right-of-way of Bayshore Drive at the westerly end of the development area shall be provided. No building within 100 feet of this setback shall exceed 30 feet or two stories in height.

SECTION 11. Development Area G shall be restricted to the following development and design standards:

Total acreage: 12

Total number of dwelling units: 96

Dwelling Unit style: Townhomes, multiple family and conventional single family subdivision

Development shall conform to the R-3 (Multiple Family Residential Use District), Section 21.40.050

Supplementary Standards: a setback of 50 feet along the existing right-of-way of Bayshore Drive at the westerly end of the development area shall be provided. No building within 100 feet of this setback shall exceed 30 feet or two stories in height.

SECTION 12. Development Area H shall be restricted to the following development and design standards:

Total acreage: 28

Total number of dwelling units: 236

Dwelling Unit style: Point towers (high rise), condominiums, townhomes, clustered and conventional single family subdivision.

R-4

Residential Development shall conform to the standards ~~outlined in Section 4.2 of this ordinance.~~ Village Center Development shall conform to R-0 (Residential Office), Section 21.40.130, and B-1A (Local and Neighborhood Business), Section 21.40.140. within 200 ft. of the Southport Parkway center line.

Supplemental standards: Any residential structures above three stories shall be subject to site plan review by the Planning and Zoning Commission with a public hearing. Such site plan shall include architectural studies, site line Structures above five stories in the balance of this area shall be subject to the same review as stated above.

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investigations and other similar analyses and shall address buffering of single family areas, open space access, location and size of buildings, parking demands, traffic circulation, seismic conditions, and provisions for active recreation area open space. The Village Center plans shall be subject to a public hearing site plan review by the Planning and Zoning Commission. The Village Center shall be located within the north one-half of Area H.

1. Village Center

The Village Center will provide convenience commercial uses, professional offices, and institutional/governmental facilities on a scale fitting to the community and surrounding neighborhoods. Also visitor-serving uses will support the scenic overlook/trails recreation destination, including an inn/motel with dining, reception and meeting rooms, and shops and services for outdoor recreation.

a. Area of Site: 8 acres

Approved density of 12 dwelling units per acre may be utilized to adjust density based on elimination of or reduced Village Center site of 8 acres up to the original approved density of 336 dwelling units.

b. Gross Floor Area:

Retail	50,000 s.f.
Office	20,000 s.f.
Medical/Dental	10,000 s.f.
Recreation Destination:	50,000 s.f.
TOTAL	130,000 s.f.

c. Building Height:

1-3 stories; (average height, 2 stories)

d. Building coverage: 73,000 s.f., or 20% of development project area.

e. Suggested parking standards (to be analyzed further upon submission of precise development plan):

Retail: 3.6 spaces/1000 s.f.* x 50,000 s.f. = 180

Office: 2.5 spaces/1000 s.f.* x 20,000 s.f. = 50

Medical/Dental: 2.0 spaces/1000 s.f.* x 10,000 s.f.
= 20

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Page 8

Recreation Destination: 3.0 spaces/1000 s.f.* x
50,000 s.f. = 150

TOTAL 400 parking spaces

* Developer may elect to use full standards if
detailed investigation does not support feasibility
of reduction.

f. Permitted uses in Village Center:

Group 1*

Health/Exercise Center
Liquor Store
Sporting Goods Store
Video Rental and Sales
Garden Supplies
Smoke Shop
Auto Parts Store
Antiques
Naturalist Supplies

* Note: Group 1 uses are permitted uses
in addition to those listed in the
B-1A and R-O zoning districts.

Group 2

Grocery Stores, delicatessens
and food speciality shops
Meat and seafood markets
Retail bakeries
Hardware Stores
Shoe Repair Shops
Bookstores and Stationery Stores
Drugstores
Self-service Laundry and self
service dry cleaning
Beauty Shops and Barber Shops
Restaurants, tearooms, cafes,
and other places serving food food
or beverages conducted entirely
within fully enclosed buildings,
but specifically excluding any
drive-in eating facilities
Knit shops, yarn shops, dry goods,
dressmaking and notion stores
Small appliance repair shops
Photography studios, art studios
Post Offices
On-premise dry cleaning establishments using
perchloroethylene process or
similar non-flammable,

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non-aqueous solvent, provided,
however, that large commercial and
industrial laundry and dry cleaning
plants are prohibited
Laundry and dry cleaning pickup stations
Noncommercial parks, playgrounds, and
government buildings in keeping with
the character of the district
Libraries
Medical and dental offices; offices of
attorneys, accountants, engineers
and other professions regulated by
State law
Family residential care, day care and 24
-hour child care facilities
Insurance and real estate offices
Department or Variety Stores: 4,000 s.f.
Clothing Store: 3,000 s.f.
Furniture and home appliance stores:
3,000 s.f.
Catalog showroom: 2,000 s.f.
Music and record store: 1,400 s.f.
Hobby Store: 1,400 s.f.
Florist: 1,200 s.f.
Gift and Card shop: 1,000 s.f.
Bank or similar financial activity with
predominant service to local
depositors and customers, not
including drive-in facilities:
3,000 s.f.
Frozen food locker: 1,400 s.f.
Local administration offices for charitable
and eleemosynary agencies of a
non-commercial nature: 1,000 s.f.
Gasoline service stations
Off-street taxicab stands
Drive-in banks with sufficient off-street
area for maneuvering and waiting
automobiles
Churches and synagogues, along with the
customary accessory uses, including
parsonages, day care and meeting
rooms
Off-street parking spaces or structures
Museums, historical and cultural exhibits
and the like
Mechanical car wash, if operated in
conjunction with a gasoline
station

Group 3

Hotel, motels, and motor lodges, provided
that principal access to such uses

shall be from streets of Class I or
greater designation on the Official
Streets and Highways Plan
Private Clubs and Lodges
Parks, playgrounds and playfields, municipal
buildings in keeping with the
character of the district
Private employment agencies,
placement services, temporary
personnel services
Hotels, motels, or motor lodges having 20 or
more rental units, may include
personal and professional service
establishments and restaurants
which are clearly incidental to
the operation of the permitted
principal use
Town houses, row houses and office buildings
built to a common wall at side lot
lines

* SECTION 13. Development Area I shall be restricted to the
following development and design standards:

Total acreage: 58

Total number of dwelling units: 390

Condominium Flats, Townhouses and Clustered or

Dwelling Unit style: Conventional single family subdivision.

R-3

Development shall conform to the ~~R-1~~ (Single Family Use
District) 21.40.030.050.

Supplemental Standards:

- a. Development plans for Area I shall show continuity with
the coastal trail/ and the Southport Overlook Park area.
- b. No building construction shall be permitted within 50
feet of the bluff with the exception of visitor-serving
(non permanent occupancy) facilities facing the Overlook
Park. Such development may be authorized by the
Planning and Zoning Commission only after full public
hearing site plan review. In addition to the site plan
submittal contained in 21.15.030, the petitioner shall
provide a detailed report on soils conditions showing
that soil conditions are sufficiently stable for
proposed development.

SECTION 14. Development Area J shall be restricted to the
following development and design standards:

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Total acreage: 22

Total number of dwelling units: 76

Dwelling Unit style: Clustered individual homes, townhomes, condominiums flats and conventional single family subdivision.

Development shall conform to the R-3 (Multiple Family Residential Use District) Section 21.40.050

Supplemental Standards:

- a. Development area plans for area J shall show continuity with the coastal trail.
- b. No building construction shall be permitted within 50 feet of the bluff with the exception of visitor-serving (non-permanent occupancy) facilities facing the Overlook Park as may specifically be authorized by the Planning and Zoning Commission upon application for approval of such facilities. Nothing in this approval binds the Municipality to permit any particular development without submission by the applicant for development area plan approval, of a detailed report on soils conditions at a depth showing that soil conditions are sufficiently stable for the proposed development.
- c. The Planning Commission shall be the Platting Authority for the subdivision of land including any proposed towers, unless by its consent agenda waives this right to the Platting Board or Platting Officer.

SECTION 15. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classifications applied by this ordinance were not subject to special limitations.

SECTION 16. The Director of Economic Development and Planning shall change the zoning map accordingly.

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Page 12

SECTION 17. The ordinance referenced within Sections 2

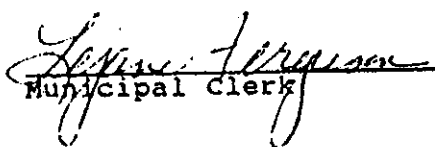
1 through 14 above shall become effective 10 days after the Director
2 of the Department of Economic Development and Planning has
3 determined in writing as submitted to the Municipal Clerk that the
4 special limitations set forth in Sections 2 through 14 above have
5 the written consent of the owner of the property within the areas
6 described in Section 2 above. The Director of the Department of
7 Economic Development and Planning shall make such a determination
8 only if ^{is received} ~~she receives~~ evidence of the required consent within 120
9 days after the date on which this ordinance is passed and
10 approved.
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21 PASSED AND APPROVED BY THE Anchorage Assembly this

22 22nd day of September, 1992.
23
24
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26
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28
29
30
31


Chairman

32 ATTEST:

33
34
35
36
37 
38 Municipal Clerk
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(84-004-5)
(012-531-75, 76, 77;
019-021-06, 07; 019-041-03, 04, 07;
019-091-74; 019-122-03 thru 22, 24 thru 36)

ma061692

REZONING



EXHIBIT A

CLERK'S OFFICE
JAN 13 3 22 PM '93

October 12, 1992

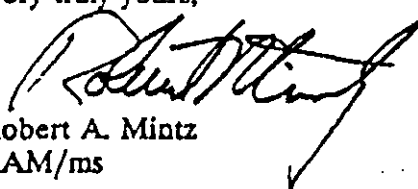
Don Alspach
Municipality of Anchorage
Department of Economic Development & Planning
PO Box 196650
Anchorage, Alaska 99519-6650

Re: Southport Subdivision

Dear Mr. Alspach:

Regarding AO 92-105, Southport Subdivision Zoning Appeal, please be advised the owner accepts the special limitations set forth in the final passage of this ordinance by the Assembly, during their October 6, 1992, meeting.

Very truly yours,


Robert A. Mintz
RAM/ms

cc: Paul Carr

**CARR
GOTTSTEIN
PROPERTIES**

550 W. 7th Avenue, Suite 1540 • Anchorage, AK 99501 • (907) 278-2277 • facsimile 272-3695

085

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
SEPTEMBER 13, 2004**

Supplemental Information

**G.4. Case 2004-129
Rezoning to R-1A**

Double-sided

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

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

Questions? If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

1. Select a Case: [2004-129](#) [View Comments](#)

2. View Comments:

Case Num: 2004-129

Rezoning to R-1A One-family residential district

Site Address: N/A

Location: A request to rezone approximately 2.5 acres from PLI (Public Lands and Institutions) to R-1A (Single Family Residential). T12N R4W Section 23, Lot 2 Portion. Located South of Bluff Creek Circle and West of Southbluff Circle.

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

Public Comments

9/13/04

Cycelia Gumennik
4000 W. Dimond Blvd., Suite 240
Anchorage AK 99502

My name is Cycelia Gumennik. I am the project manager for Southport Subdivision. I am also President of the Discovery Heights Homeowners Association and Secretary/Treasurer for the both the Southport Master Association and the Discovery Heights Phase 4 Homeowners Association. Mr. and Mrs. Stanley filed a lawsuit against Carr Gottstein Properties demanding access to Government Lot 2 through a bluff lot on Southbluff Circle, Lot 11. This lawsuit went to U.S. District Court. Mr. Stanley lost the suit. He later purchased Lot 11, and through that purchase obtained permission to access Lot 2 across lot 11, provided that he first install a landscaping berm. Carr Gottstein Properties later filed suit against the Stanleys for accessing Lot 2 across 11 without building the berm, and the court entered an order prohibiting them from doing so. The Stanleys also agreed to landscape their lots on Southbluff Circle (which they have since sold). Mr. Stanley is in default of this legal requirement as he has not met his legal obligation to install the berm and landscaping. A bluff setback line exists on all the bluff lots, and this bluff setback line crosses Government Lot 2. All the homeowners who purchased bluff lots were subject to the conditions of this bluff setback line, which states: The areas lying southerly of the bluff setback are intended as yard area. In this yard area principal buildings are prohibited. Bluff slope vegetation shall not be disturbed except for erosion prevention measures and vegetation enhancement. This municipal requirement is located on the Discovery Heights Phase 2, 3 and 4 recorded plats. Mr. Stanley's property should be subject to the bluff setback restriction, as are all the other homeowners who own bluff property. In addition, Mr. Stanley has stated that he would voluntarily join the Southport Homeowners Association. The Southport Master Association's

responsibility is to maintain the common areas throughout Southport by dues assessments. This maintenance is limited to landscaping. Joining the SPMA would be a benefit, but would not ensure compliance with the Discovery Heights Phase 4 Covenants, Conditions and Restrictions. To protect the property value of existing homes and to ensure Mr. Stanley's property meets the architectural controls and design guidelines that the other residents have been subject to, Mr. Stanley should be required to join the Southport Master Association and the Discovery Heights Phase 4 Homeowners Association and abide by the recorded occupancy restrictions. Unless Mr. Stanley meets his legal obligation to install his landscaping, is made subject to the bluff setback requirement and joins both the Discovery Heights Phase 4 Homeowners Association and the Southport Master Association, I am opposed to the rezone of Government Lot 2 from PLI to R-1A.

9/10/04

Michael Gottschalk
3431 Southbluff Circle
Anchorage AK 99515

I am the owner of the Discovery Heights, Phase 2, Block 4, Lot 6 property. I oppose the rezoning petition based on the following: 1.)the subject property has no road access per the communities master plan; 2.) the Discovery Heights Home Owners Association will not have the ability to enforce the communities bylaws and protect the value of our properties and investments; 3.)the proposed new road construction associated with this rezoning petition was not included in the communities master plan and if constructed will negatively impact the traffic pattern in the community; and 4.)this petition if approved will have a substantial impact on the bluff views for adjacent and neighboring property owners, which means a negative impact on the value of each property investment. Note, I oppose this rezoning petition!

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

Zoning and Platting Cases On-line

View Case Comments

[Submit a Comment](#)

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

Questions? If you have questions regarding a case, please contact Zoning at 907-343-7943 or Platting & Variances at 907-343-7942.

1. Select a Case:

2004-129

[View Comments](#)

2. View Comments:

Case Num: 2004-129

Rezoning to R-1A One-family residential district

Site Address: N/A

Location: A request to rezone approximately 2.5 acres from PLI (Public Lands and Institutions) to R-1A (Single Family Residential). T12N R4W Section 23, Lot 2 Portion. Located South of Bluff Creek Circle and West of Southbluff Circle.

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

Public Comments

9/13/04

Ruth Paone

6441 Reed Lane

Anchorage AK 99502

This land is listed as MOA Property. When did the Municipality list this property for sale? How many offers did MOA get for this land? What price did it sell for? Most likely, MOA will have to purchase back part of this land (at a much higher cost than sold) if and when the proposed Tony Knowles Trail is built.

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
SEPTEMBER 20, 2004**

Notice of Reconsideration

**C.2.a. Case 2004-129
Rezone from PLI to R1A**

Pierce, Eileen A

From: Nancy Pease [nancypease@alaska.net]
Sent: Tuesday, September 14, 2004 2:10 PM
To: dpoulton@ppco.com; Pierce, Eileen A
Subject: Notice of reconsideration on 2004-129

Don and Eileen,

In accordance with 21.10.502, I hereby file notice of reconsideration in the matter of Case 2004-129, rezoning a lot located at T12N R4W Section 23, lot 2, portion from PLI to R-1A. New information, which was requested at the meeting but not available, has been provided by Municipal staff.

Since the Commission does not have an elected secretary, Eileen has indicated that she will spread notice. If there is any other action needed on my behalf to validate this notice of reconsideration, please advise me.

DRAFT

built in compliance with Title 21, which allows for design possibilities that he hoped would include some of Mr. Jones's concerns regarding access. He remarked that access is nearly always a concern with requests that come before the Commission.

AYE: T. Jones, Gibbons, Poulton, G. Jones, Lottsfeldt
NAY: Pease, Wielechowski

PASSED

4. 2004-129

Jose & Emelia Stanley. A request to rezone approximately 2.5 acres from PLI (public lands and institutions) to R-1A (single family residential). T12N R4W Section 23, Lot 2 portion. Located south of Bluff Creek Road and west of South Bluff Circle.

Staff member MARY AUTOR stated 58 public hearing notices were mailed, 1 was returned against, and no comment was received from the community council. The Department supports this request to rezone. There is history with respect to how this land went from government to private ownership; now that the property is in private ownership, the owner would like to develop a single family home rather than develop it with an institutional or government-related use under PLI. The R-1A zoning is compatible with Anchorage 2020 and it meets the standards to rezone. The issue of interest by surrounding homeowners is that of a 50-foot bluff setback, which was a requirement at the time that Discovery Homes and other homes in the Southport area along the bluff line, as well as other subdivisions, were required to provide. That was a requirement of a platting action that apparently has not occurred on more recent plats along the bluff. MS. AUTOR understood this was because Building Safety has re-evaluated seismic setback requirements and has instituted within their general building permit review manual that there are two ways of evaluating the setback: one is from the top of the cut and the other is from the toe of the slope. In either case, the review is standard and is handled routinely by Building Safety. If required, a setback issue is sent to the Geotechnical Advisory Committee for them to evaluate the proposed location. MS. AUTOR stated the access to this site will be via the cul-de-sac through property either owned by the petitioner or by another owner who has provided access to the petition site. The Department does not believe any special limitations required. The Department accepts the

DRAFT

recommendation of Building Safety Plan Review that the issue of the bluff is protected for future development.

COMMISSIONER PEASE stated she was not able to find the locations of houses on the adjoining lots in the information in the packet. MS. AUTOR did not have that information. She explained that type of information would not be provided in a rezoning packet.

COMMISSIONER PEASE stated that, based on the information she had received, it was not clear if the house would be built under Option A or Option B as shown on pages 41 and 42 of the packet. She was uncertain whether the Commission is charged with trying to protect the viewsheds of existing homeowners and how to assess if that is being done when the Commission is not aware of the locations of houses within 100 feet of where the house on the petition site might be built. MS. AUTOR stated the Commission's responsibility is to determine whether or not it is appropriate to rezone this property for residential use. The Commission is not being asked to look at a site plan. She did not believe the petitioner submitted a map or other information regarding the location of other homes in the area. She was not sure that was relevant information. She stated the charge of the Commission is not necessarily to protect viewsheds, but rather to determine whether residential development is an appropriate use for this property.

COMMISSIONER G. JONES noted the packet contains a copy of the undated, unsigned access easement agreement and asked if that easement does, in fact, exist. MS. AUTOR deferred to the petitioner.

The public hearing was opened.

TIM POTTER, representing the petitioner, commended the Staff for its analysis of this case. He indicated this is a simple request to rezone a parcel from PLI to R-1A in order to allow development of a single family home on this 2.5-acre lot. This request is in full conformance with the 1982 Comprehensive Plan, which indicates this at residential use with a density between 3 and 6 dwelling units per acre (DUA). It is also in conformance with the goals and objectives of Anchorage 2020. The proposed R-1A was selected after much thought because it conforms to the Comprehensive Plan and it is more restrictive than the residential zoning under the surrounding PC zone. The R-1A has a height limitation that is significantly less than what is permitted within the R-3 guidelines for this area of the Southport Master Plan. The house on the petition site would not take on the mass or height that it could under the PC zone, which could obstruct views from adjacent

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properties. The property was originally held by the Heritage Land Bank. The Southport PC Master Plan showed this area in the bubble diagram, but in reviewing the legal documents, it was not included in the legal description or legal guiding document associated with that zoning action. The parcel was transferred to the Trust Land Office in a statewide mental health land settlement a number of years ago, as were properties in the Potter Creek hillside. The Trust Land Office advertised this property for sale and Mr. Stanley, the petitioner, successfully acquired this property from TLO. The remaining undeveloped lots on Bluff Creek Circle were also acquired by Mr. Stanley in order to accommodate legal access to this parcel. Staff will address the bluff setback in detail. Page 41 of the packet shows that a 50-foot bluff setback creates a small triangular lot area in which a home could be developed, pushing the house toward the neighbors. Page 42 of the packet shows that not providing the 50-foot bluff setback allows the house to be up to 75 feet away from adjacent properties. MR. POTTER clarified that the drawing of three structures on Option A did not indicate three structures, it was to show the probable locations of a 3,000 square foot home with a 50-foot setback in place. He noted that the 50-foot setback does not reflect the actual location of the bluff. He reiterated that this is a simple rezone in terms of the context of the request, which is to rezone from PLI, a zone that allows a number of uses not compatible with the single family neighborhood, to R-1A to allow construction of one single family home.

COMMISSIONER G. JONES asked if there is a signed access easement document. MR. POTTER replied that there is a recorded access easement and he has seen it.

FRANCIS STEVEN MAHONEY stated his home is on South Bluff Circle and the entirety of his back yard abuts the petition site. He was told it was likely that a building would be built on the petition site. He felt this use of this property would only increase the value of his home and increase the Municipality's tax base. This is a site that tourists frequent all the time because it is vacant. He would prefer the land be used. Mr. Stanley said he would join Southport Homeowners Association, which is positive. He characterized Mr. and Mrs. Stanley as good neighbors; they maintain their home in perfect condition. They currently live on Lot 8 adjacent to him and he believes their home enhances the community. He believed there would be no impact to roads or traffic. He stated he has six children who play on the cul-de-sac and he does not fear for their safety.

JIM ARNESON, representing the Bayshore Klatt Community Council, stated the Council's only concern is to require that the use of this property be one single-family residence because it may be difficult to extend water and sewer

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to the property; there are no easements for that. He proposed a special limitation that this property is for one single-family residence only.

STEVE WUERTH, a partner in Wuerth Investment Group, owner of four properties to the west of the petition site. He indicated he has known the petitioners for some time and they have increased the value of anything in which they have been involved. He supported their request, believing it would increase the value of the properties owned by the Group.

COMMISSIONER G. JONES asked which lots the Group owns. MR. WUERTH replied that the Group owns Lots 11, 12, 13, and 14 on Bluff Creek Circle and the Stanleys have an easement across Lot 11. COMMISSIONER G. JONES asked if his Group granted the access easement. MR. WUERTH replied in the affirmative. COMMISSIONER G. JONES asked whether any of the lots are developed. MR. WUERTH replied that the lots are all vacant.

AUGIE PIGNON, owner of Lot 10, supported the requested rezoning. He stated he recently purchased his lot and he was given paperwork that indicates Bluff Creek Circle would be covered by landscaping and that landscaping also abuts his land. The driveway or easement that was given to Mr. Stanley to access his lot was supposed to be a 4-foot high berm with trees atop it. He wanted to know if that landscaping is needed or, if not, why that was shown to him when he was sold the property. He indicated he would like to know if this rezoning would be approved with a landscape berm. CHAIR POULTON indicated that the Commission was not dealing with issues of that type in this rezoning request. MR. PIGNON stated he would favor the rezoning, but remained concerned with the issue of the landscape berm.

In rebuttal, MR. POTTER stated the Comprehensive Plan has shown since 1982 that this property would be developed as single family residential. This rezoning implements that comprehensive plan designation. He stated the petitioners would not object to a special limitation limiting the number of single family homes on this 2.5-acre parcel to one. In order to locate more than one home on this lot, a significant replatting would be required and it probably would not be effective. In any case, replatting would involve a full public process. Regarding landscaping, he stated there is a fairly long and interesting history related to the access associated with this lot. As a result of actions by Carr-Gottstein and the petitioner, an easement was granted and following that action was a requirement to contractually obligate that there would be a landscape berm planted to certain dimensions when the mainline extensions are put in the driveway.

The public hearing was closed.

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COMMISSIONER PEASE noted that comments from Physical Planning indicated the Trails Coordinator should weigh in on the need for trail extension. She asked if there is need for comment from the Trails Coordinator, given that the location of the South Coastal Trail had not been decided and. MS. AUTOR was not able to respond to this question.

COMMISSIONER GIBBONS moved for approval of a rezoning from PLI to R-1A as recommended by Staff.

COMMISSIONER T. JONES seconded.

COMMISSIONER GIBBONS found that this rezoning is appropriate for this property and it complies with the Comprehensive Plan. He was impressed that the neighbors who have spoken are supportive of the rezone.

AYE: Pease, T. Jones, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski
NAY: None

PASSED

5. 2004-127 Turnagain View Joint Venture. A request to rezone approximately 1.23 acres from R-1SL (single family residential with special limitations) to R-1SL to change the special limitation. Turnagain View Estates Phase 7B, Block 3, Lots 32, 33, 34, 35, 36 and 37. Located on the north side of DeArmoun Road east of Cange Street.

POSTPONED TO OCTOBER 4, 2004

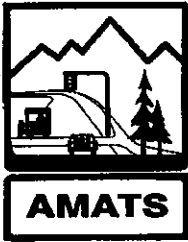
6. 2004-130 AWWU. A request to rezone approximately 2.77 acres from R-1SL (single family residential with special limitations) to PLI (public lands and institutions). Turnagain View Subdivision, Tract B2. Located at 13541 Ervin Road.

Staff member MARY AUTOR stated 68 public hearing notices were mailed, 1 was returned as undeliverable, 1 was returned in opposition, and 1 was returned and characterized as "other." This property is located adjacent to the South Anchorage High School. It contains a

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
SEPTEMBER 20, 2004**

**Notice of Reconsideration
Comments from MOA Trails
Coordinator**

**C.2.a. Case 2004-129
Rezone from PLI to R1A**



**Anchorage
Metropolitan
Area
Transportation
Solutions**

MUNICIPALITY OF ANCHORAGE
Traffic Department
Municipal Trails Coordinator
Permit & Development Center, 4700 South Bragaw Street
P.O. Box 196650, Anchorage, AK 99519-6650
voice (907) 343-8368, facsimile (907) 343-8088
e-mail: *schanchele@muni.org*

DATE: September 13, 2004
TO: Jerry Weaver
FROM: Lori Schanche, Municipal Trails Coordinator
SUBJECT: 2004-129 Rezoning Case

RECEIVED
SEP 14 2004
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

This case was heard at the Planning and Zoning Commission on September 13, 2004. It is our understanding that a request for reconsideration of this case will be made by a Planning & Zoning Commissioner.

The Municipal Trails Coordinator has reviewed this case and requests a 50' Coastal Trail Easement along the western (bluff) property line. This request is consistent with existing easements that have been made along the coast.

The current planning for the South Extension of the Coastal Trail project locates two of the studied alternatives traversing across this property in this location. Although the Coastal Trail final preferred alternative may not be sited in this area, the Municipality requests that the option be available with this easement.

Cc: Craig Lyon, AMATS Coordinator



2004-12R
 (amended) to reflecting
 on 9/10/04

South Extension of the Coastal Trail

Scale: 1" = 200'

0 100 200 400 Feet

Legend	
	Rad
	Original Orange
	Orange Modified
	Yellow
	Green
	Fuchsia
	Overlapping Section
	Spurs
	Perpet Boundary
	Easement Boundary
	Bridge/Filling
	At-Grade
	Tunnel
	Fence
	Cross-Section Number
	Mammal Crossing
	Limits of Coastal Wildlife Refuge
	Management Authority

SHEET NO. 12 of 58

HDR Alaska
 November 13, 2002

Content Information

Content ID : 002509

Title: Planning and Zoning Commission Recommendation of Approval to rezone approximately 2.5 acres from PLI to R-1A for Government Lot 2, Section 23, T12N, R4E, S.M., AK

Author: weaverjt

Initiating Dept: Planning

Description: Planning and Zoning Commission Recommendation of Approval to rezone approximately 2.5 acres from PLI to R-1A for Government Lot 2, Section 23, T12N, R4E, S.M., AK

Date Prepared: 1/11/05 1:55 PM

Director Name: Tom Nelson

Assembly Meeting Date: 1/25/05

Public Hearing Date 3/1/05
MM/DD/YY:

2005 JAN 14 11:10:15
CLERK OF COURT

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	1/11/05 1:58 PM	Checkin	weaverjt	Public	002509
AllOrdinanceWorkflow	1/11/05 2:12 PM	Reject	nelsontp	Public	002509
AllOrdinanceWorkflow	1/11/05 3:58 PM	Checkin	weaverjt	Public	002509
Planning_SubWorkflow	1/12/05 10:16 AM	Approve	nelsontp	Public	002509
ECD_SubWorkflow	1/12/05 4:59 PM	Approve	thomasm	Public	002509
OMB_SubWorkflow	1/13/05 10:55 AM	Approve	pearcydl	Public	002509
Legal_SubWorkflow	1/13/05 4:35 PM	Approve	fehlenrl	Public	002509
MuniManager_SubWorkflow	1/13/05 5:25 PM	Approve	leblancdc	Public	002509
MuniMgrCoord_SubWorkflow	1/14/05 8:22 AM	Approve	abbottmk	Public	002509