

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: May 31, 2005

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 6-28-05 Anchorage, Alaska
AO 2005-75

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR
THE REZONING OF LOTS 14, 15, 16 AND 17, BLOCK 6, AND LOTS 2
AND 3, BLOCK 7, BRUIN PARK SUBDIVISION FROM R-6 (SUBURBAN
RESIDENTIAL, LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL),
GENERALLY LOCATED AT MONA AVENUE AND LAKE OTIS PARKWAY.

(O'Malley - Huffman Community Council) (Planning and Zoning Commission case 2005-014)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described
property as R-1 (Single family Residential) zone:

Lots 14, 15, 16 and 17, Block 6, and Lots 2 and 3, Block 7 Bruin Park Subdivision
#1 consisting of approximately 2.2 acres as shown on Exhibit A.

Section 2. This zoning map amendment is subject to the following effective clause:

1. This rezoning shall not become effective, and no building permits to be
issued, until a final plat has been recorded which requires the following:

Lots on the west side of Mona Avenue shall have a rear yard setback of 20
feet, and shall be a minimum of 10,000 square feet. Natural vegetation
within the setback shall not be disturbed except as needed for utility easement
maintenance. Lots on the east side of Mona Avenue shall retain the natural
vegetation in the yard setback adjacent to Lake Otis Parkway, and shall be a
minimum of 7,000 square feet. All lots shall have driveway access from
Mona Avenue and no lot shall have legal or physical access to Lake Otis
Parkway.

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

1 contained herein, this ordinance is effective immediately upon passage and approval. The
2 Director of the Planning Department shall change the zoning map accordingly.

3
4 PASSED AND APPROVED by the Anchorage Assembly this 28th
5 day of June 2005.

6
7 ATTEST:

Anna J. Fairclough
Chair

Bonnie S. Gruenke
Municipal Clerk

(Tax Identification 016-111-04; 05; 06; 07; 016-112-38; -39)

8

MUNICIPALITY OF ANCHORAGE

Summary of Economic Effects -- General Government

AO Number: 2005-75

**Title: PLANNING AND ZONING COMMISSION RECOMMENDATION
ON A REZONING FROM R-6 (SUBURBAN RESIDENTIAL,
LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL) FOR
LOTS 14, 15, 16, 17, BLOCK 6, AND LOTS 2, AND 3, BLOCK 7,
BRUIN PARK SUBDIVISION.**

Sponsor: Planning Department

Preparing Agency:

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 rezoning should have no significant economic impact on the public sector. The rezoning to R-1 will allow the applicant to replat the subject property and develop it as single family homes on smaller lots. The applicant will extend water, sewer and the public street to the lots.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant impact on the private sector. The rezoning will make the property more functional for the owner by allowing him to replat and build ten single family homes.

Property Appraisal notes: The subject properties are currently appraised with R-1 values due surrounding, development and sales history.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939

Validated by OMB: _____

Date: _____

Approved by: _____
(Director, Preparing Agency)

Date: _____

Concurred by: _____
(Director, Impacted Agency)

Date:

Approved by: _____
(Municipal Manager)

Date:



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 371 -2005

Meeting Date: May 31, 2005

From: Mayor

Subject: PLANNING AND ZONING COMMISSION RECOMMENDATION
ON A REZONING FROM R-6 (SUBURBAN RESIDENTIAL,
LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL) FOR
LOTS 14, 15, 16, 17, BLOCK 6, AND LOTS 2, 3, BLOCK 7, BRUIN
PARK SUBDIVISION.

1 Mr. Kenneth Jackson, doing business as Free Land Builders, has submitted an
2 application to rezone six lots totaling 2.2 acres from R-6 to R-1. This case is
3 substantially the same as the case submitted in May 2003. The applicant has added
4 one lot which increases the total property acreage from 1.9 to 2.2 acres. The
5 Assembly denied the 2003 rezoning request citing density and spot zoning. The
6 Assembly Ordinance and Assembly minutes from December 2003 are in the staff
7 package.
8

9 In the R-6 district, the developable lot size required by Title 21 is 54,450 square feet.
10 In the R-1 district, the minimum developable lot size is 6,000 square feet. The
11 subject lots are nonconforming in the R-6 district as to lot size, and they range from
12 13,000 to 21,000 square feet. The entire neighborhood was platted in 1961 and the
13 area was zoned in 1974. Most of the lots nearby the subject rezone lots are also
14 nonconforming R-6 lots, ranging from 12,000 to 18,000 square feet.
15

16 The applicant wishes to rezone the existing six lots to R-1, and replat them into ten
17 lots. The lots will range from 7,100 square feet to 12,100 square feet, with the larger
18 lots located adjacent to existing development. The smaller lots will be located
19 between Mona Ave. and Lake Otis Parkway. The R-1 standards of the proposed
20 rezone area are compatible with the surrounding nonconforming R-6 lots which have
21 been developed to R-1A or R-5 standards.
22

23 The subject lots are located in an area not specifically mentioned in the Anchorage
24 2020 Anchorage Bowl Comprehensive Plan. The 1982 comprehensive plan lists the
25 property as residential with densities between three and six dwelling units per acre. If
26 approved, the rezone proposal and replat will result in a density of approximately 4.5
27 dwelling units per acre (10 lots/2.2 acres). The existing development pattern on the

1 nonconforming R-6 lots adjacent to the subject lots has a density of about 3 units per
2 acre. Across Lake Otis Parkway is the Terraces Subdivision, commonly referred to
3 as the Tulin gravel pit or Pioneer gravel pit. The plat for The Terraces Subdivision
4 indicates a density of 3.2 dwelling units per acre (238 lots/75 acres) and is zoned R-1
5 SL. The rezoning approval for the Terraces Subdivision could have allowed a density
6 of up to 4.5 dwelling units per acre.

7
8 The subject lots in this current case are within the sewer service boundary area of the
9 Hillside Wastewater Management Plan. Sewer and water lines are located at the
10 intersection of Lake Otis Parkway and Mona Avenue. The existing lots will lose any
11 nonconforming rights to develop with well and septic as a result of the rezone and
12 replat. The stubbed-out water and sewer lines and Mona Avenue will be required to
13 be extended the length of the subject property as shown on Exhibit A.

14
15 The Community Council submitted a letter at the public hearing and did not support
16 the request citing that the area had been deliberately zoned and platted as R-6,
17 specifically to allow more liberal setbacks for animal enclosures. R-1 requires a 100-
18 foot setback for animal enclosures; R-6 requires only 25 feet. In response to the
19 public hearing notice, there were no letters of objection, and two letters in support of
20 the proposal submitted in time to be included in the staff report. One letter of support
21 and three letters of opposition were received after the packet was written. The
22 Planning Department and the Planning and Zoning Commission recommend
23 approval of the rezoning. The rezone is consistent with the Anchorage 2020
24 Anchorage Bowl Comprehensive Plan and, as conditioned, is compatible with the
25 surrounding zoning districts and uses, and is not a spot zoning.

26
27 The Planning and Zoning Commission recommended approval of the rezone by a
28 vote of eight aye, zero nay.

29
30 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
31 COMMISSION RECOMMENDATION FOR THE REZONING REQUEST.

32
33 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
34 Concur: Tom Nelson, Director, Planning Department
35 Concur: Mary Jane Michael, Executive Director, Office of Economic and
36 Community Development
37 Concur: Denis C. LeBlanc, Municipal Manager
38 Respectfully submitted, Mark Begich, Mayor

REZONING 2005-014 "EXHIBIT A"

The map displays several zoning districts across different areas of Anchorage:

- R-1 SL**: Single-Family Detached, Subdivision Lot.
- R-6**: Single-Family Detached, Standard Lot.
- R-7 SL**: Single-Family Detached, Subdivision Lot.
- PLI**: Professional Limited Office.

A central area is designated as the **PETITION AREA**, which is currently zoned **R-6**. This area is bounded by Forest Drive to the north, Polar Drive to the east, Willene Drive to the south, and Rainbow Avenue to the west. Other nearby streets include East Klatt, Mona, and Reader Lane.

An inset map titled "ANCHORAGE VICINITY" provides a broader context, showing major roads like Northern Lights Boulevard, Seward Highway, and Dimond Boulevard. A star indicates the "Case Location" near the intersection of Seward Highway and Dimond Boulevard.

Flood Limits Legend:

- 100 Year Floodplain (Stippled pattern)
- 500 Year Floodplain (Cross-hatched pattern)
- Floodway (White/unfilled)

Municipality of Anchorage Planning Department
Date: April 18, 2005

Scale: 0 to 1000 Feet
North Arrow pointing up.

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-006

A RESOLUTION APPROVING A REZONING FROM R-6 (SUBURBAN RESIDENTIAL, LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT FOR BLOCK 6, LOTS 14, 15, 16 AND 17, AND BLOCK 7, LOTS 2 AND 3, BRUIN PARK SUBDIVISION #1, GENERALLY LOCATED WEST OF LAKE OTIS BOULEVARD ON MONA AVENUE.

(Case 2005-014, Tax I.D. No. 016-111-04, -05, -06, -07; 016-112-38, -39)

WHEREAS, a request has been received from Kenneth Jackson, dba Free Land Builders, owner, to rezone 2.2 acres (95,832 square feet) from R-6 to R-1 for Block 6, Lots 14, 15, 16 and 17 and Block 7, Lots 2 and 3, Bruin Park Subdivision #1, generally located west of Lake Otis Boulevard on Mona Avenue, and

WHEREAS, the Platting Board is the appropriate body to discuss the concerns raised by the Community Council, which include minimum lot size, buffers between the subject property and adjacent R-6 zoning, buffers along Lake Otis Boulevard, and sidewalk access, yard area and fencing, and

WHEREAS, notices were published, posted and 61 public hearing notices were mailed and a public hearing was held on February 7, 2005.

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

A. The Commission makes the following findings of fact:

1. The petition site is 6 lots totaling 2.2 acres. The lots are non-conforming in the R-6 district as to lot size. The applicant proposes a replat to create 10 conforming R-1 lots which will be subject to review by the Platting Board.
2. Anchorage 2020 and the 1982 comprehensive plan indicate the property is residential with a projected density range of 3 to 6 dwelling units per acre. The area is generally developed as single family residential with an approximate density of 3 dwelling units per acre. The proposed lots will have a density of approximately 4.5 units per acre (10/2.2). The application is consistent with the comprehensive plan and compatible with existing zoning districts.
3. The applicant has submitted a preliminary replat.

B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following effective clause:

1. This rezoning shall not become effective and no building permits shall be issued until the final plat has been recorded.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 7th day of February 2005.



Tom Nelson
Secretary



Don Poulton
Chair

(2005-014)
(016-111-04, -05, -06, -07; 016-112-38, -39)

ab

Final

PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
February 7, 2005
6:30 PM

A. ROLL CALL

Present Don Poulton, Chair
 Toni Jones
 Johnny Gibbons
 Greg Jones, Vice Chair
 Nancy Pease
 Jim Lottsfeldt
 Bill Wielechowski
 Art Isham

Excused Megan Simonian

Staff Al Barrett
 Thede Tobish

CHAIR POULTON explained that municipal regulations state that any action by the Commission require a favorable vote of a majority of the fully constituted Commission, except when others may be excused due to conflicts voiced during disclosure. Therefore, an affirmative vote by 5 of the 8 members present at this meeting is necessary for the approval of any action. If this caused concern, petitioners could request postponement.

B. MINUTES

COMMISSIONER GIBBONS moved for approval of the minutes of November 1, 2004, November 8, 2004, December 6, 2004, and January 3, 2005.

COMMISSIONER G. JONES seconded.

COMMISSIONER T. JONES noted that two of the meetings she was excused.

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

NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS

1. Disclosures

VICE CHAIR G. JONES requested that members make disclosures regarding items on this evening's agenda.

COMMISSIONER T. JONES noted that she would abstain from voting on Resolution 2004-064.

COMMISSIONER LOTTSFELDT noted that subsequent to hearing the cases dealt with in Resolution 2004-064, 2004-068, and 2004-087, being heard by the Commission, Mr. Marlow hired his firm to handle public relations, so he would be abstaining in the votes on those resolutions. VICE CHAIR G. JONES indicated that it would be appropriate for Mr. Lottsfeldt to abstain in those matters.

2. 2004-021

Anchorage Bowl Park, Natural Resource,
and Recreation Facility Plan – Presentation
to the Commission of the January 2005
Draft

THEDE TOBISH stated a work session is scheduled on this item for 5:30 p.m. on March 14, 2005. On behalf of the Parks and Recreation Department and Planning Department, the Commission is being presented with copies of the Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan. The Plan has been available to the public for review since last week. Staff is available and the Parks and Recreation Department Director is available for additional work sessions, should they be desired between now and March 14, 2005. Staff is hoping to have full packets, including public comments and previous actions by the Parks and Recreation Commission roughly one week prior to the work session.

COMMISSIONER T. JONES noted that the current issue of the American Planning Association publication or on their website is an article entitled "Pups and Parks" that would be worthwhile reviewing.

D. CONSENT AGENDA

- 1. Resolutions for Approval:** 2004-064 (case 2004-153), 2004-068 (case 2004-147), 2004-079 (case 2004-146), 2004-084 (case 2004-174), 2004-087 (case 2004-176), 2004-088 (case 2004-171), 204-089 (case 2004-168), 2005-001 (case 2004-091), 2005-004 (case 2004-179)
- 2. Introduction for Public Hearing**
- 3. Site/Landscape Plan Approval**

ETHAN WHITLOCK, petitioner, stated the two people who wrote in saying he has a bed and breakfast are incorrect. He clarified that when the plan is completed he will only have two dwelling units. He further stated he does not have a barking dog, that is his neighbor's.

The public hearing was closed.

COMMISSIONER G. JONES moved for approval of the conditional use subject to conditions 1, 2, 3, amending condition 4 to delete "water and", subject to condition 5, amending 6 to state "October 31, 2005" and subject to condition 7.

COMMISSIONER WIELECHOWSKI seconded.

COMMISSIONER G. JONES viewed this conditional use as housekeeping. The petitioner is trying to comply with the code and has a plan in place to do so. He further noted that there is no major community concern. He felt there were ample reasons to approve this request.

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

NAY: None

PASSED

 2. 2005-014

Kenneth Jackson. A request to rezone approximately 2.20 acres from R-6 (Rural Residential) to R-1 (Single Family Residential. Bruin Park First Addition, Block 6, Lots 14, 15, 16, 17 and Block 7, Lots 2, 3. Located at 2501, 2511, 2521 Mona Avenue, 2500 and 2510 Klatt Road and an unaddressed lot on Mona Avenue.

Staff member AL BARRETT stated 61 public hearing notices were mailed, no response was received from the Community Council, 2 letters were received in support and no comments were received in opposition. Essentially this same case was heard by the Commission in 2003, a rezoning from R-6 to R-1. The only difference is that in 2003 Lot 14 was not part of the application. The applicant has purchased and added Lot 14 in this application. Because of configuration of Lot 14, that lot will not be part of the replat, but the other five lots are part of the replat. The applicant is asking for rezoning to R-1. These are substandard R-6 lots that do not meet the 1.25-acre minimum lot size requirement. However, they were platted prior to zoning, so they are grandfathered. When a lot does not fit the minimum lot size requirement, the determination for yard setbacks, etc. is made based on what the acreage most closely resembles, which he presumed

would be R-1A or R-5. Staff recommended approval of rezone to R-1A not R-1. In 2003, Staff recommended approval as proposed and with the plat that was proposed in 2003. When the rezoning was heard by the Assembly, they voted to deny it based on a finding that this was spot zoning and there was also discussion that the applicant was not present at the meeting. MR. BARRETT indicated he spoke with the Clerk's Office and could not ascertain why the applicant was not present at that meeting; the Community Council and one member of the community were present to speak in opposition. Staff does not find that this is a spot zoning and the Department recommends approval of rezoning to R-1A. The lots are already larger than the R-1 standard and on the west side of Mona Avenue they even are larger than the R-1A standard. In either case the density that will result from the rezoning and replat is consistent with Anchorage 2020.

COMMISSIONER G. JONES asked if the Staff recommendation is for R-1A SL. MR. BARRETT replied in the affirmative. COMMISSIONER G. JONES asked if condition 1 is actually an effective clause rather than an special limitation. MR. BARRETT replied in the affirmative. COMMISSIONER G. JONES asked if conditions 2 and 3 would be eliminated at the time of platting. MR. BARRETT replied in the affirmative. COMMISSIONER G. JONES asked if there would be a way to condition the plat so that these conditions are effective clauses so there are no special limitation after the plat is recorded. MR. BARRETT agreed that those conditions could become notes on the plat.

The public hearing was opened.

CHRIS BURT, representing the petitioner, stated this case was heard by the Commission last May and was lost for about eight months and no one was aware of its status. When the Assembly hearing occurred, he was notified after the fact, which is why he was not present. He concurred with the Staff recommendations, but did not agree with the recommendation for rezoning to R-1A. The lots in the plat are much larger than R-1 sized lots. If the property is zoned R-1A, there would be a width requirement of 70 feet and there would be no ability to do further subdividing. The petitioner desires an R-1SL zoning with a special limitation on lot sizes, or the rezoning could be R-1A if the petitioner is able to get an exception for lot width. He noted that the street is being upgraded to full pavement. In order to sell these lots, city water and sewer will be brought into the area from Lake Otis.

COMMISSIONER G. JONES believed the difference in density that could be achieved by R-1 versus R-1A zoning is three lots. If two of the five lots on the east side were eliminated, the R-1A zoning could be met. MR. BURT explained there are two lots on the east side and only one additional lot could be gained, while none could be added on the west side. COMMISSIONER G. JONES asked if the density is needed in order to make

the development feasible. MR. BURT replied in the affirmative. He stated that the lots behind Lots 15A through 17A would remain R-6 and Lots 15A through 17A on the west side of Mona are nearly the same size.

KATIE NOLAN, representing the Huffman/O'Malley Community Council, stated the Council has spoken with this developer and he is aware of the Council's feelings. The history of this area is that it was zoned R-6 and deliberately platted into one-third acre parcels to be marketed as horse properties. These properties still enjoy the benefits of R-6 zoning. She indicated that the Council would conditionally support the rezone with 10,000 square foot minimum lots, subject to the following conditions: 40-foot minimum buffers to the adjoining R-6 properties; 15-foot buffer on Lake Otis exclusive of the utility easement; addressing usable yard space on the Lake Otis lots; and the ability to place 8-foot solid fences along the Lake Otis side for noise and safety buffers. The Council does not want the owners to be required to get a conditional use permit in order to have higher fences along Lake Otis. She noted that this is a very wet area and the Council would like to know where the drainage will go and how it will impact the area.

COMMISSIONER PEASE asked for elaboration on the comment regarding usable yard space. MS. NOLAN stated the Council wants to ensure there is play area with each house so children are not playing in the streets. COMMISSIONER PEASE asked what are the fencing restrictions along Lake Otis at this time. MS. NOLAN explained that there will need to be a fence and buffering because of the wet conditions and a fence will act as a sound buffer. MR. BARRETT stated that lots along Lake Otis would be required to have 6-foot high fences in the R-1 and R-1A districts. An allowance for a higher fence would either have to be added now or a variance obtained for the lots on the east side of Mona Avenue.

CHAIR POULTON asked if the Council's suggestions had been discussed with the petitioner. MS. NOLAN replied in the affirmative.

MR. BARRETT asked where the Council was requesting the fences be located. MS. NOLAN replied that the fence would be inside the easement.

In rebuttal, MR. BURT stated the petitioner did not object to the fencing request. The 10,000 square foot lot size requirement creates an issue in the R-1A which allows 8,400 square foot lots. The petitioner wants an R-1 zoning with a special limitation to allow 8,400 square foot lots.

COMMISSIONER WIELECHOWSKI asked if the petitioner has objections to the Council's requests, other than the ones Mr. Burt noted. MR. BURT stated the R-1 zoning has a 20-foot yard setback, which should address the issue of usable yard. COMMISSIONER WIELECHOWSKI asked if this is essentially the same petition that was brought forward last year. MR. BURT replied in the affirmative. COMMISSIONER WIELECHOWSKI asked if the Commission could act on this request if the Assembly has determined that

it is spot zoning. MR. BARRETT replied that the application is different in that it has added a property and it has been over 12 months since the prior petition and the petitioner can re-apply.

MR. BARRETT corrected himself regarding the question of fence height, explaining that fences of up to 8 feet are permitted in the secondary front yard so long as vehicular access is prohibited, which it is.

COMMISSIONER PEASE asked if problems would be created by requiring a greater than 20-foot front yard. MR. BURT felt that 20 feet is a significant yard area and the petitioner would not want that to be increased; the rear setbacks are already increased by the requirement for buffers.

MR. BURT stated that since the application was submitted last year the subdivision to the east of the petition site on the other side of Lake Otis has been approved and finalized with a zoning of R-1SL. The subdivision to the south of that is also zoned R-1SL.

COMMISSIONER WIELECHOWSKI asked on what street is the new R-1 development. MR. BURT replied that it is directly across Lake Otis from the petition site. He indicated that there was more opposition to that rezoning than to the petitioner's request. MR. BARRETT indicated that property is a former gravel pit.

The public hearing was closed.

COMMISSIONER G. JONES moved for approval of a rezoning to R-1 subject to effective date clause 1 and subject to conditions 2 and 3.

COMMISSIONER GIBBONS seconded.

COMMISSIONER PEASE felt it was notable that the Assembly fairly recently found that this is a spot zoning. She felt there would clearly be a benefit to the landowner by the sale of additional parcels. She was not sure there was a balance of benefits with the neighboring property owners, however. The minimum lot size in this area on the west side of Lake Otis is 10,000 square feet with an average of 12,000 square feet, and this rezoning would create smaller lots. With 50-foot lot widths, this would appear to be a different density pattern. With regard to the issue of community benefit, there is a need for more residential properties and she wanted discussion whether this is an appropriate location for more to be located. She stated it is not clear that there would be transit service; the transit corridor is .5 mile away. She also was not clear about connectivity to open space.

COMMISSIONER T. JONES felt the Commission should be careful to not consider the plat, which is not before the body this evening. The request is with regard to a zoning designation, so the lot configuration is not at question. The Commission should be considering the overall density in this

area and could, if it desired, recommend a minimum lot size. She was generally supportive of the lots in this area, particularly along a major roadway like Lake Otis, being able to develop at a density that is conducive to installing public water and sewer. She felt that whatever the Commission can do in its decision-making to support development with public sewer and water should be done.

COMMISSIONER LOTTSFELDT was inclined to support the motion based on Ms. Jones's comments. He added that Potter Stewart once said "I can't define it, but I know it when I see it," and that is his feeling with regard to the issue of spot zoning as it relates to this request. Although this seems like spot zoning, many requests before the Commission appear to be spot zoning. Although this request appears to meet the definition of spot zoning, it was not problematic in his mind.

COMMISSIONER WIELECHOWSKI also had some concerns with regard to spot zoning, but the rezoning of the much larger R-6 property across the street to R-1 has changed the circumstances in the area. Lake Otis is a relatively high transit area. He noted there are several R-1 properties in this vicinity, and he felt it was clear that the area is changing.

COMMISSIONER G. JONES felt the circumstances are very changed from the last submittal to the Commission. When this rezoning request was seen before the property was completely surrounded by other zonings, but rezoning this to R-1 at this time would simply extend an R-1 boundary. With respect to the Council's recommendations, he indicated he was sympathetic, but this is not the body to determine the matters they presented. The rezoning does not establish lot sizes, that is the jurisdiction of the Platting Board. He indicated that his support of the rezoning to R-1 was not suggesting the Council was incorrect, but rather that those items should be discussed when the plat is dealt with.

COMMISSIONER T. JONES did not believe this request met the definition of spot zoning, particularly when there is a large R-1SL parcel across the street. She was supportive of an effective clause that requires the zoning not become effective until the replat occurs. She feared a situation of a rezoning without a requirement for a replat, so this condition provides an opportunity for the public to address their requests regarding easements, etc.

COMMISSIONER GIBBONS agreed with his colleagues regarding the issue of spot zoning. He felt this particular parcel is more an extension of an existing R-1 area and is not an island.

COMMISSIONER ISHAM concurred with his colleagues and noted that the R-6 lots adjacent to this parcel are not really the size of R-6 lots. He did not object to more dense development in this area.

COMMISSIONER G. JONES agreed with T. Jones that conditions 2 and 3 be effective date clauses. This was incorporated as a friendly amendment. He asked that the resolution include a "whereas" clause indicating that the Platting Board is the appropriate body to discuss the concerns raised by the Community Council, which include what should be the minimum lot size, appropriate buffers between this zoning area and the adjacent R-6 area, appropriate buffers along Lake Otis, sidewalk access, yard area, and fencing.

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

NAY: None

PASSED

I. REPORTS

1. Chair

CHAIR POULTON noted that an email was distributed listing questions to be forwarded to Transportation Planning from the Commission regarding the LRTP. He believed a work session was to be scheduled. COMMISSIONER PEASE believed a work session had been discussed. COMMISSIONER T. JONES believed that a work session was in order. MR. BARRETT asked if some potential dates could be discussed. After some discussion, MR. BARRETT offered to have the Department Secretary email possible dates to the Chair, who can then discuss them with the Commission.

2. Secretary - None

3. Committees

- a. AMATS Committee:** No report.
- b. School Site Selection Committee:** No report.
- c. Citizens Air Quality Committee:** No report.
- d. Airport Master Plans:** No report.
- e. Parks Planning Committee & Chester Creek Subcommittee:** No report.
- f. Title 21 Committee:** COMMISSIONER T. JONES suggested that the Commission schedule a discussion of the Title 21 rewrite. CHAIR POULTON believed the Planning Department has issued a revised schedule

PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING

DATE: February 7, 2005

CASE NO.: 2005-014

APPLICANT: Kenneth Jackson, owner, dba Free-Land Builders

**PETITIONER'S
REPRESENTATIVE:** Bell & Associates

REQUEST: Rezoning from R-6 (suburban residential, large lot) to R-1 (Single Family Residential).

LOCATION: Bruin Park Subdivision #1; block 6, lots 14, 15, 16, 17 and block 7, lots 2 and 3

SITE ADDRESS: Mona Avenue

**COMMUNITY
COUNCIL:** Huffman O'Malley

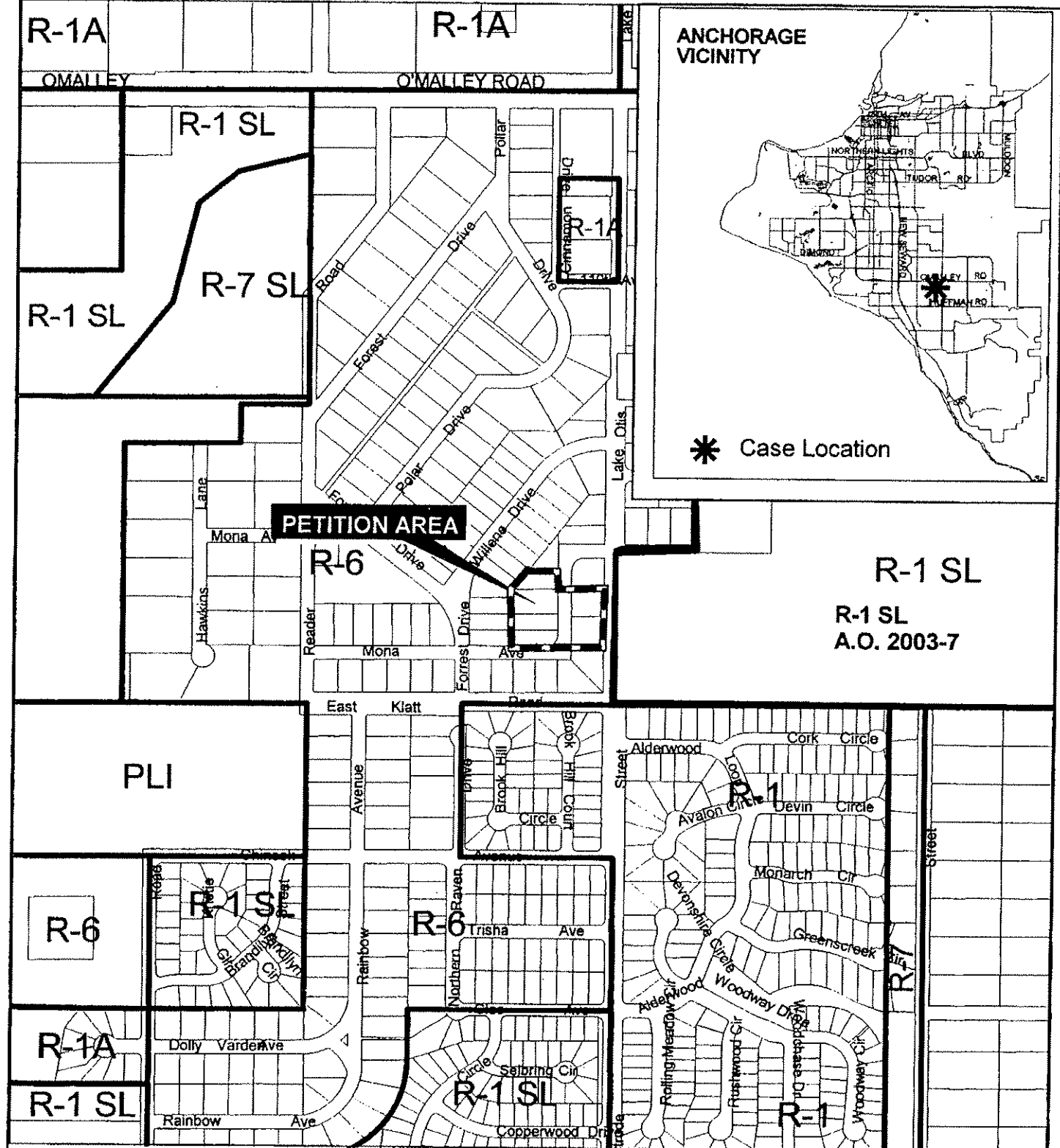
TAX NUMBER: 016-111-04, -05, -06, -07; 016-112-38, -39

ATTACHMENTS:

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

RECOMMENDATION SUMMARY: APPROVAL of R-1A. The proposed rezoning meets the general standards of the Comprehensive Plan.

REZONING 2005-014






**Municipality of Anchorage
Planning Department**



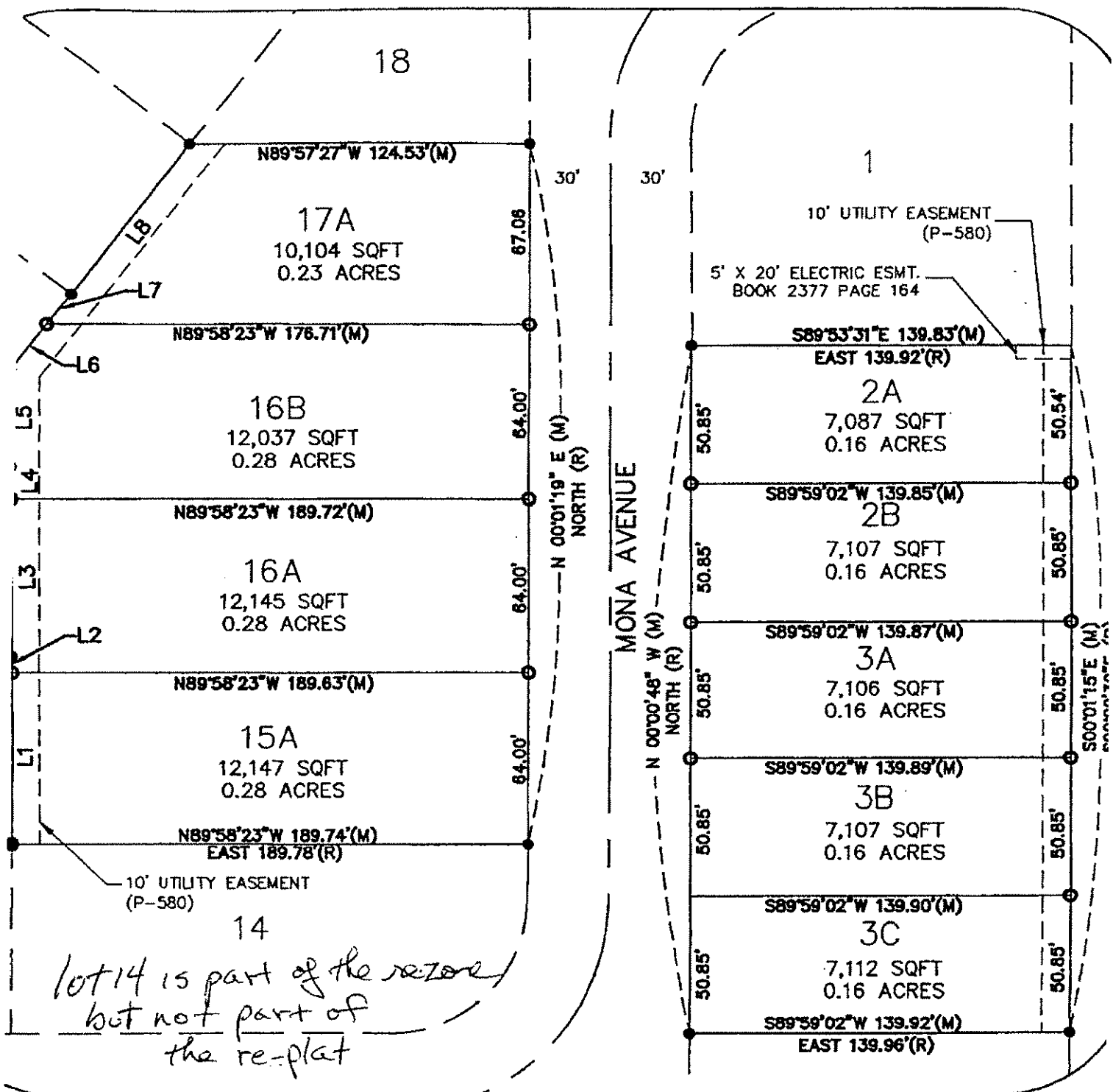
Date: DECEMBER 16, 2004

Flood Limits

-  100 Year Floodplain
 500 Year Floodplain
 Floodway



0 500 1000 Feet



1

SITE DETAIL

SCALE: 1" = 50'

Proposed plat

SITE:

Acres: 2.2 acres (95,832 square feet)

Vegetation: Lots are undeveloped and contain mature, natural vegetation

Zoning: R-6 suburban residential, large lot (1.25 ac). The lots are substandard.

Topography: Level and even, but with poor drainage

Existing Use: Vacant

Soils: Public water and sewer available in Lake Otis right-of-way and at the intersection of Lake Otis and Mona Ave.

COMPREHENSIVE PLAN:

Classification: Not specifically designated in Anchorage 2020. The 1982 Comprehensive Plan lists the property as residential.

Density: 3-6 du/a according to the 1982 plan.

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-6	R-1SL	R-6	R-6
Land Use:	Vacant & single family	Lake Otis Blvd, Terraces SD under development	Vacant	Vacant & single family

PROPERTY HISTORY

4-29-74	Zoning	Area-wide rezone, R-6
4-26-61	Platting	Earliest plat on record, Bruin Park #1
5-05-03	Rezone	Application for R-1SL: recommended approval by PZC, denied by Assembly 12-2-03
4-16-03	Platting	S-11058 preliminary plat; on hold for re-zone

Applicable Zoning Regulations:

TABLE 1 SUMMARY COMPARISON OF R-1 and R-6		
	R-1 District AMC 21.40.030	R-6 District AMC 21.40.080
Intent:	<p>Intended as urban and suburban single family residential areas with low population densities. Structures and uses required to serve governmental, educational, religious, noncommercial, recreational and other needs of such areas are permitted within the district or are permissible as conditional uses subject to restrictions intended to preserve and protect the single family residential character.</p>	<p>Intended for those lands where large lot or acreage development is desirable as an adjunct to more typical urban and suburban residential zoning. R-6 is intended to encourage low density residential development while protecting and enhancing physical and environmental features.</p>
Permitted Uses and permitted accessory uses	<p>Single family dwellings only a single principal structure per lot or tract. Public, private, parochial academic elementary schools. High schools if on a class I street, parks/playgrounds, municipal buildings in keeping with the character and requirements of the district, public branch libraries, family residential care, churches, antennas without towers type 1, 2, 3 and type 4 tower structures and antennas.</p> <p>Home occupations, noncommercial greenhouses family care, bed and breakfast.</p>	<p>Single family, two family, multifamily, mobile homes are allowed for 18 months while the dwelling is being constructed. Only one principal structure is allowed. Public, private, parochial elementary and secondary schools, family residential care, with a permitted nonresidential use type 1 and 3 local interest towers and type 4 tower structures and antennas. Family care, bed & breakfast with 3 or fewer guestrooms, bed & breakfast with 4 guestrooms by administrative site plan review.</p>

TABLE 1 SUMMARY COMPARISON OF R-1 and R-6		
	R-1 District AMC 21.40.030	R-6 District AMC 21.40.080
Conditional Uses:	Commercial greenhouses, airstrips, utility substations, nursing homes, art schools, music schools, natural resource extraction on 5 acre minimum, QI houses, day care, snow disposal.	Natural resource extraction on tracts of not less than five acres, quasi institutional uses, heliports, snow disposal, 24 hour child care and day care, bed and breakfast with 5 guestrooms, roominghouses, commercial greenhouses.
Prohibited Uses	Storage or use of mobile homes, any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, etc.	Storage in connection with trade, service or manufacturing; Quonset huts, uses which may be expected to cause excessive noise, vibration, dust, smoke...
Height limitation:	Principal structure 30 ft., detached garage 20 ft., accessory buildings 12 ft.	Unrestricted (except FAA)
Minimum lot size:	6,000 square feet	54,450 square feet
Yards:		
Front	20 feet	50 feet
Side	5 feet	25 feet
Rear	10 feet	50 feet
Lot Coverage:	30 %	30%
Landscaping	No requirement except for conditional uses.	No requirement except for conditional uses.

SITE DESCRIPTION AND PROPOSAL:

This application is similar to one filed and heard in May 2003. At that time, the proposal included five lots totaling 1.9 acres. The applicant has added one lot to this new application and the total property size is now 2.2 acres. The 2003 case was recommended for approval by the Commission, see minutes and resolution. The Assembly denied the request citing lot size, setbacks, retention of natural vegetation and spot zoning as unresolved issues.

The applicant owns all six lots which, in terms of lot size, are substandard R-6 lots. The lots throughout this neighborhood are R-6 and all are

substandard in terms of lot size. The property in the area was platted in the 1950's and early 60's. Current Title 21 minimum required lot size in R-6 is 54,450 square feet; the subject lots range from approximately 13,000 to 21,000 square feet. The first and only plat for the subject property occurred in 1961. Since the platting action precedes original zoning by 13 years, these lots have non-conforming rights.

No site plan or development proposal was submitted with the application, but the applicant has submitted a preliminary plat application (S-11058) which shows nine lots conforming to R-1 standards; the plat will be on hold pending the rezoning application. The replat will result in a more dense development. The current R-6 zoning would allow six units, one unit per lot. The rezone to R-1 and a replat could theoretically allow as many as fifteen lots of 6,000 square feet each. ($15 \times 6,000 = 90,000$ sq ft.; 2.2 acres = 95,800 sq ft.)

However, based on rights-of-way and the lot width requirement of 50 feet for R-1, a total of ten to twelve lots is more realistic. The application states that ten lots are proposed. The preliminary plat shows nine lots, plus lot 14 of block six. Lot 14, block six is part of this rezone application, but not part of the replat application.

Water and sewer service lines are available at the Mona Ave./Lake Otis Blvd. intersection. In order to develop the lots, the applicant will need to reach an agreement with AWWU to extend the lines to each property. Mona Avenue is platted with 60 foot right of way, but not constructed. Water/sewer and street construction issues will be addressed during the platting process.

The subject lots are vacant as well as most other lots along Mona Ave. Mona does not physically exist except as a platted right of way. The lots on Willene Drive (the next street to the north and west) are developed as single family. The lots on Forest Drive backing to the subject property are vacant. The area is zoned R-6 and lots range from 12,000 to 18,000 square feet. However, as these lots are non-conforming for R-6 lot size, they have been developed either as R-1A or R-5, depending on lot width and area, for yard setback requirements. The closest R-1 property is on the south side of the Klatt Road right of way. Those R-1 lots for the most part are developed in a range of 7,000 to 11,000 square feet.

FINDINGS:

21.20.090 Standards for Approval – Zoning map Amendments.

A. Conformance to the Comprehensive Plan.

The standard is met.

The area is not specifically designated in Anchorage 2020. In the 1982 comprehensive plan, the property is designated residential with a density of 3 to 6 dwelling units per acre. The subject property and many nearby lots are vacant. The overall development pattern in the area is single family residential at approximately 3 units per acre, with lot sizes ranging from 12,500 square feet to 20,000 square feet. If the rezone and replat are approved, the density for the subject properties would be approximately 4.5 units per acre (10units/2.2ac).

Policy 5, General land use. Rezones shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.

A single family home development would be compatible with adjacent uses. If the applicant were to maximize the density with 6,000 square foot lots, there could be a density compatibility issue. The smallest R-6 lot in the neighborhood is 9,900 square feet, most are in the 12-13,000 square foot range. In the R-1 properties south of Klatt Road, currently served by public water and sewer, the lots are mostly 7,000 to 9,000 square feet in size; a few are 6,300 to 6,600 square feet. The parcel on the east side of Lake Otis Blvd. (the Terraces Subdivision) will have an approximate density of 5.7 units per acre if developed as currently approved.

The point is, maximum possible allowed density under R-1 might be slightly out of character with existing scale of development on the west side of Lake Otis Blvd. As the preliminary plat indicates ten lots, the proposal is at a slightly greater density than the surrounding area, but not to the extent that it is out of character with the existing neighborhood and proposed development.

Policy 8, Residential. Urban residential density (>1dua) is the optimum standard in the urban services area.

The subject properties are within the sewer service area boundary of the Hillside Wastewater Management Plan. The applicant will need to extend road, water and sewer prior to development. If the rezoning and plat are approved as submitted, the density with ten lots on the 2.2 acres will be approximately 4.5 units per acre. The R-1 zoning district density equivalent allows 6 to 7 units per acre; the 1982 comprehensive plan calls for 3 to 6 units per acre. Title 21 R-6 density is 1.25 units per acre, but because these parcels probably have non-conforming rights. The allowed density for the six existing lots as R-6 would equate to 2.7 units per acre ($6/2.2$).

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

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

Environment and Land Use Patterns

The Standard is met.

The area is developed as low density single family residential uses on large lots. The proposed rezoning will be at a slightly higher density than exists in the area, but not out of character with most of the neighborhood.

The subject lots are not developed and contain dense natural vegetation, staff will recommend preservation of some of this vegetation. There are no mapped wetlands on the property, but historically wetlands existed throughout this area. The property is wet and not well drained.

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

Transportation

This Standard is not currently met.

Mona Avenue is platted, but not constructed. Mona will need to be built before these lots can be accessed. This will be done as part of the platting process.

In the subject property, two lots are through lots, with frontage on Lake Otis Boulevard and Mona Avenue, and four lots have frontage on Mona Avenue. All the lots will use Mona Ave. for their legal and physical access.

Public Services and Facilities

This Standard is not currently met.

Public sewer and water are near the subject properties but not currently available at the individual lots. Mains are located in the Lake Otis Boulevard right of way at the intersection of Mona Avenue and Lake Otis. The applicant will need to extend these services to the individual lots. This will be done as part of the platting process.

There are sidewalk and multi-use and bicycle trails along Lake Otis Boulevard. They will not be affected by the rezone or replat.

Special Limitations

At the time this report was written, no Special Limitations have been offered by the applicant.

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

There is both vacant and developed R-6 and R-1 property in the area, the overall nature of the area is residential. The rezoning of this property to R-1 represents an increase in density. The loss of R-6 property in this area is not significant. The property has been zoned R-6 since 1974 with no development activity occurring.

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.

Services will be extended during the platting process and as the development of the properties occurs.

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 development is at a slightly greater density than exists in the surrounding areas. However, the single family uses are consistent with the residential nature of the area, and the density is within the range called for in Anchorage 2020.

SPOT ZONING

There are generally five elements in determination of whether or not spot zoning will occur:

1. The size of the parcel subject to the rezoning.
2. The zoning district prior to and after the rezoning action.
3. The existing zoning districts and uses on the adjacent properties.
4. The benefits and detriments to the landowner, neighboring property owners, and the community resulting from the rezoning.
5. The relationship between the zoning change and the local governments stated land use policies and objectives [e.g., in the Comprehensive Plan].

1. Element 1, the size of the parcel to be rezoned is a relative issue. A large parcel is not automatically not spot zoning and conversely, a small parcel is not automatically assumed to be a spot zone. Parcel size is not a final determinant for spot zoning. Nor is the appearance of the zone district on a map an indication of spot zoning. For example, an island of R-1 in a sea of R-6 may appear when viewed on a map to be an R-1 spot zoning. But by itself, this is not a good indicator.

In the current case, the subject property is adjacent to R-1SL on the east side of Lake Otis Blvd. This application does have support from non-contiguous property owners, but they are not part of the

rezoning effort as inclusion of their property would make the boundary less contiguous.

2. & 3. In elements 2 and 3, the idea is the measure of disparity in the situation comparing the uses, densities, intensities, etc, allowed before and after the rezoning. If the changes in the proposed zone district, and the potential or allowable uses is great, then the more likely it is to be spot zoning.

For the subject property, the change is not very dramatic as the use will continue to be single family residential. Under the current R-6 zoning, six homes could be built on substandard R-6 lots. If the R-1 district and plat are approved, there will be ten homes on ten lots.

4. Element 4 is an evaluation of who benefits and who is harmed and what the magnitude of the benefit and harm is. If the benefit to the owner is great, then the benefit to the community must be real and substantial. Also, the benefit must be tangible: number of jobs created, value to the community, etc. not just a matter of convenience to the owner.

There is a substantial and immediate benefit to the property owner. He will obtain an increase in density. There is somewhat less direct benefit to the community. Vacant land will be developed, the tax base will be increased, water and sewer lines will be extended and a platted road will be built and density will be within the range called for in the comprehensive plan and policies.

5. Element 5 is an evaluation of where and how the proposed rezoning fits into the overall community growth plan. In other words, how well does the proposal comply with the Comprehensive Plan?

The proposal is consistent with Anchorage 2020. The property is adjacent to Lake Otis Blvd. Lake Otis is a transit supportive corridor, but the designation as transit corridor ends north of the subject property approximately one-half mile away at O'Malley Road. The property is within the sewer service area boundary of the Hillside Wastewater Management Plan. The comprehensive plan map calls for a density of 3 to 6 units and policy #8 calls for urban density in the urban service area, meaning more than one unit per

acre in this area of the Muni. All of these issues point toward a higher density than allowed under R-6 zoning.

COMMUNITY AND COMMUNITY COUNCIL COMMENTS

Approximately 61 public hearing notices were mailed. As of the date this report was written, no comments had been received. The Community Council had not commented, but did object to the 2003 rezone request.

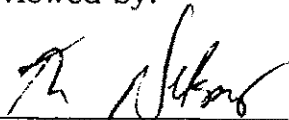
DEPARTMENT RECOMMENDATION: R-1A

The Department recommends that although R-1 zoning density is in conformance with the Comprehensive Plan, the lot sizes of the surrounding properties on the west side of Lake Otis Blvd indicate that the R-1A standard (8,400 sq ft) is more appropriate and R-1A should be approved, subject to the following special limitations.

NOTE: These special limitations shall be carried over to the plat.

1. No building permits shall be issued until the final plat has been recorded. This rezoning shall not become effective until a final plat has been filed.
2. Lots on the west side of Mona Avenue shall have a rear yard setback of 20 feet. Natural vegetation within the setback shall not be disturbed except as needed for utility easement maintenance. Lots on the east side of Mona Avenue shall retain the natural vegetation in the yard setback adjacent to Lake Otis Boulevard.
3. All lots shall have driveway access from Mona Avenue; no lot shall have legal or physical access on Lake Otis Boulevard.

Reviewed by:



Tom Nelson
Director

Prepared by:

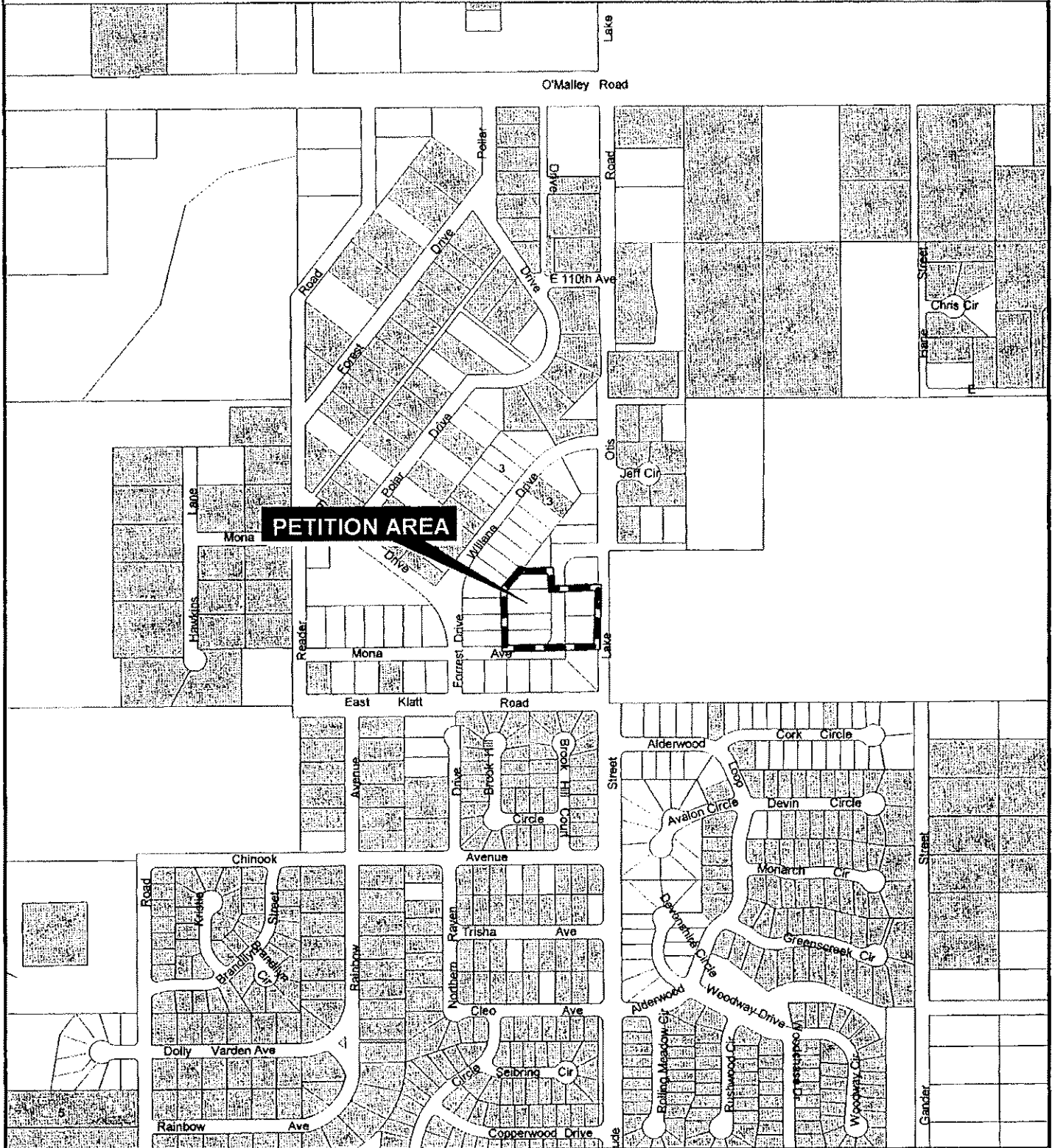


Alfred Barrett
Senior Planner

2

HISTORICAL MAPS AND AS-BUILTS

REZONING 2005-014

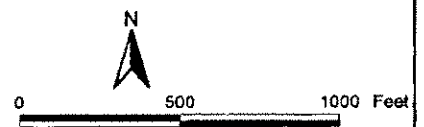


Municipality of Anchorage
Planning Department



Date: DECEMBER 16, 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

REZONIG 2005-014



Municipality of Anchorage
Planning Department



Date: DECEMBER 16, 2004



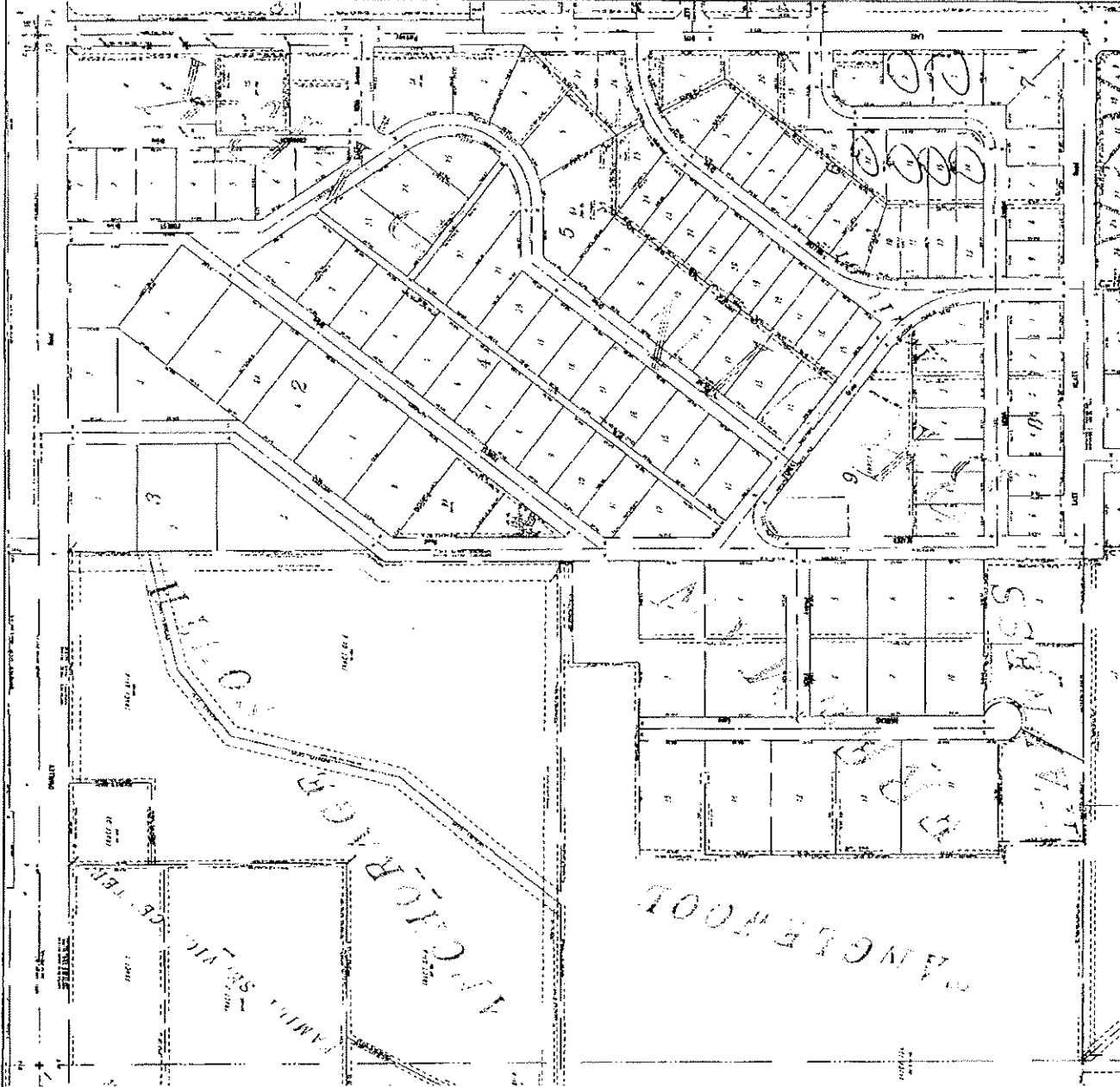
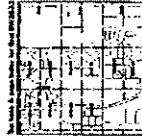
0 500 1000 Feet

Date of Aerial Photography: 2001

29

SW2633 Grid Map

- Parcel Line
- Dashed Parcel Line
- Subdivision Boundary
- Subdivision Addition
- Current Line
- Road Centerline
- Section Line
- Highway
- Water Way
- Road ROW
- Monument
- BLM Monument
- Where Corner
- Beating Break
- Lot Number
- Block Number
- Subdivision Name
- BLM Lot Number
- Section Number
- Adjoining



MOA 1/4 Section Grid Map	
NE 1/4 SECTION ROW	
15-MAY-2004	GRID 2633

3

DEPARTMENTAL COMMENTS

RECEIVED

JAN 11 2005


**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

MUNICIPALITY OF ANCHORAGE

MEMORANDUM

DATE: January 5, 2005

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

THRU:  Cathy Hammond, Planning Supervisor
Physical Planning Division

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for February 7, 2005 Zoning Cases

Case 2005-014: Rezoning from R-6 to R-1 Single-family Residential District

The petition site is located on the west side of Lake Otis Parkway, across from the former Tulin gravel pits. The *Anchorage 2020 Anchorage Bowl Comprehensive Plan Policy Map* does not address the petition site. Since there is no intensity map, the *Anchorage Bowl Comprehensive Development Plan (1982)* residential intensity map is still in effect for this site, which designates it for 3-6 dwelling units per acre. Lake Otis Parkway is designated as a Transit-Supportive Development Corridor as far south as O'Malley Road. The petition site is located farther south beyond the area designated as a transit corridor.

Urban density single family residential in this location conforms to adopted plans if the zoning map amendment does not allow for residential densities substantially greater than 6 dwelling units per acre. The proposed R-1 district would allow a theoretical density of 7.2 dua; whereas, R-1A would allow approximately 5.1 dua. With an R-1 district the lots could be replatted to add 5 new lots; whereas, with the R-1A the lots could be replatted to have 1 new lot. R-1A would bring the lots into conformity and allow one potential new lot. The setbacks for R-1 and R-1A are the same (20/5/10); whereas, the setbacks for R-6 are (50/25/50). The urban single family residential setback for the existing lots allows more flexibility for the property owner in placement of a primary structure. (Note: information regarding densities in the petitioner's application is inaccurate).

Because this portion of Lake Otis Pkwy. is not on the transit corridor, which supports 8 dua, the R-1A zoning district would be more in conformance with the Comprehensive Plan densities as well as surrounding developed lots within this subdivision.

The lots within the petition area and surrounding R-6 lot sizes in this subdivision are all non-conforming in lot size and dimension for an R-6 zoning district lot (54,450s.f. and 150 lot width). A rezone to R-1 or R-1A would bring the lots into conformity. The petition site is located in the

Hillside Water and Wastewater Management Plan water and sewer service area. An R-1A zoning on this site would bring the lots into conformance and be more compatible with surrounding single-family development.

Case 2005-006: R-11 Turnagain Arm defacto conditional use

The petition site is located in Indian and zoned R-11, Turnagain Arm district, which allows 1 dwelling unit on 2.5 acres. AMC 21.40.117.D.1. lists as conditional uses "All uses and structures that do not conform to the land use plans of the Turnagain Arm Comprehensive Plan." Multi-family uses not along the Alyeska Highway that are four-plex or greater in density require a conditional use.

There are four structures with 5 dwelling units existing (including an ADU). Two structures existed prior to zoning. There is only one approved well and on-site septic system for the entire site. Two structures, including the ADU, are proposed to remain, which would be one additional unit more than what was existing prior to zoning. The main residence and ADU are located in the same structure. One of the remaining four structures is proposed to be demolished, one converted to a shop and the third to remain a residence. The applicant's representative indicated that the petitioner is a contractor and may convert one unit to an office. The application is somewhat confusing and there is a lack of information regarding square footage of the largest structure and how many bedrooms are proposed.

Staff has no objection to two dwelling units, not to exceed the original number of bedrooms existing prior to zoning, subject to approval by the health department for on-site septic and well. The applicant needs to provide proof that any residence to be converted to a non-residence has the kitchen units removed from those structures including water pipes to the kitchen.



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

RECEIVED

JAN 11 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

DATE: January 11, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of February 7, 2005.

Right of Way has reviewed the following case(s) due January 10, 2005.

05-008 Section 19, T10N R1W, U.S. Survey 3201, Lot 18, grid 4659
(Conditional Use, Defacto conditional Use)
Right of Way Division has no comments at this time.
Review time 15 minutes

05-014 Bruin Park #1, Block 6, Lots 14, 15, 16, & 17, and Block 7, Lots 2 & 3, grid 2633
(Rezoning Request, R-6 to R-1)
Right of Way Division has no comments at this time.
Review time 15 minutes

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)

January 7, 2005

RE: Zoning Case Review

RECEIVED

JAN 11 2005

**MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION**

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

Dear Mr. Weaver:

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

2005-014 First Addition to Bruin Park Subdivision Lots 14-17 Blk 6 & Lots 2 & 3 Blk 7 Rezone: R1

Comments:

2005-017 Van's Subd Lots 9 & 10 8007 Old Seward Highway Conditional Use Permit:

restaurant/alcohol: The applicant is required to have a current valid driveway permit to access the Old Seward Highway. The applicant may contact Lynda Hummel, Right of Way Agent at 269-0698 for an application and assistance.

2005-018 Woodland Lakes Subd Unit No 2 Lot 5A Blk 1: The applicant is required to have a current valid driveway permit to access the Old Seward Highway. The applicant may contact Lynda Hummel, Right of Way Agent at 269-0698 for an application and assistance.

Thank you for the opportunity to comment.

Sincerely,



Sandra L. Cook
Anchorage Area Planner

/eh


cc: Lynda Hummel, Right of Way Agent, Right of Way



Municipality of Anchorage
Development Services Department
Building Safety Division



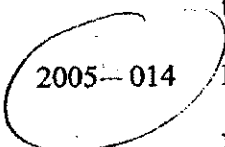
MEMORANDUM

DATE: January 4, 2005
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM:  Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due January 10, 2005

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

2005 – 008 Zoning conditional use for a de facto conditional use 2.5 acres

No objections provided the State of Alaska DEC has issued an operating permit for the on-site water and wastewater disposal system that serves this property.

 2005 – 014 Rezoning to R-1 One-family residential district

No objection



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

JAN 04 2005

DATE: January 3, 2005

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

THRU: Leland R. Coop, Associate Traffic Engineer *LC*

FROM: Mada Angell, Acting Associate Traffic Engineer *MA*

SUBJECT: Comments, Planning & Zoning Commission February 7, 2005

05-008 US Survey 3201 Lot 18; Conditional Use to a de facto conditional use; Grid 4659

Traffic has no comment.

05-014 Bruin Park; Rezone from R-6 to R-1; Grid 2633

Traffic has no comment on the Rezone.

Important Note: All access to these lots shall come from Mona Street. NO access will be granted to Lake Otis Parkway from any lot on Mona Street. Mona Street shall be constructed to Municipal Standards during the building permitting process.

RECEIVED
JAN 03 2005
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION



FLOOD HAZARD REVIEW SHEET for PLATS

Date: 12-30-04

Case: 2005-014

Flood Hazard Zone: C

Map Number: 0360

☐ 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.

This portion of Furrow Creek is not studied. S11329 reflects an open space on tract A. Is there a way to make sure this open space is not subject to development and uses that will restrict the flows or impact the water quality of the stream? Snow dumping and storage in this area should not be permitted. Perhaps a plat note?

Reviewer: Jack Puff

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

DEC 22 2004

MEMORANDUM

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: December 21, 2004
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician *H Stewart*
SUBJECT: Public Hearing date of February 7, 2005
AGENCY COMMENTS DUE January 10, 2005

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

05-014 Bruin Park Addn. 1, Block 6, Lots 14, 15, 16 and 17; Block 7, Lots 2 and 3 (rezone) Grid 2633

1. AWWU water and sanitary sewer mains are located within the Lake Otis Parkway right-of-way. Main agreements are required to extend the existing mains and provide services to the proposed lots.
2. AWWU has no objection to the proposed rezone.

If you have any questions, please call me at 343-8009 or the AWWU Planning Section at 564-2739.

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

FIRST CLASS MAIL

*61 mailed
1/12/05*

NOTICE OF PUBLIC HEARING - - Monday, February 07, 2005

Planning Dept Case Number: 2005-014

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

CASE: 2005-014
PETITIONER: Kenneth Jackson
REQUEST: Rezoning to R-1 One-family residential district
TOTAL AREA: 2.200 acres
SITE ADDRESS: MONA AVE & KLATT RD
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1—Huffman OMalley

LEGAL/DETAILS: A request to rezone approximately 2.20 acres from R-6 (Rural Residential) to R-1 (Single Family Residential. Bruin Park First Addition, Block 6, Lots 14, 15, 16, 17 and Block 7, Lots 2, 3. Located at 2501, 2511, 2521 Mona Avenue, 2500 and 2510 Klatt Road and an un addressed lot on Mona Avenue.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, February 07, 2005 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 invited 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: _____
Address: _____
Legal Description: _____
Comments: _____

REZONING/RESIDENTS-PLANNING COMMISSION
2005-014

40

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) DBA Free-Land Builders (Jackson, Kenneth)		Name (last name first) F. Robert Bell & Associates	
Mailing Address 3501 Hiland Road Anchorage, AK 99504		Mailing Address 801 W. Fireweed Ln #201 Anchorage, AK 99503	
Contact Phone: Day: 333-6122 Night		Contact Phone: Day: 274-5257 Night	
FAX:		FAX: 743-3480	
E-mail:		E-mail: cshavlik@frbcmh.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): 016-111-07-000-05; 016-111-06-000-05; 016-111-05-000-05; 016-111-04-000-05; 016-112-39-000-05; 016-112-38-000-05

Site Street Address: Unknown Address (Lot 14); 2501 Mona Ave (Lot 15); 2511 Mona Ave (Lot 16); 2521 Mona Ave (Lot 17); 2510 Klatt Rd (Lot 2); 2500 Klatt Rd (Lot 3)

Current legal description: (use additional sheet if necessary)

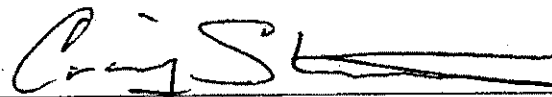
Lots 14, 15, 16, and 17 of Block 6 and Lots 2 and 3 of Block 7, First Addition to Bruin Park Subdivision

Zoning: R-6	Acreage: 2.21	Grid # 2633
-------------	---------------	-------------

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.

12/14/04

Date



Signature (Agents must provide written proof of authorization)

Accepted by

AB

Poster & Affidavit

3

Fee

6000

Case Number

2005-014



2005 014

Wed Dec 15, 12:19:40, 2004

Map: Parcels-Basic Layers



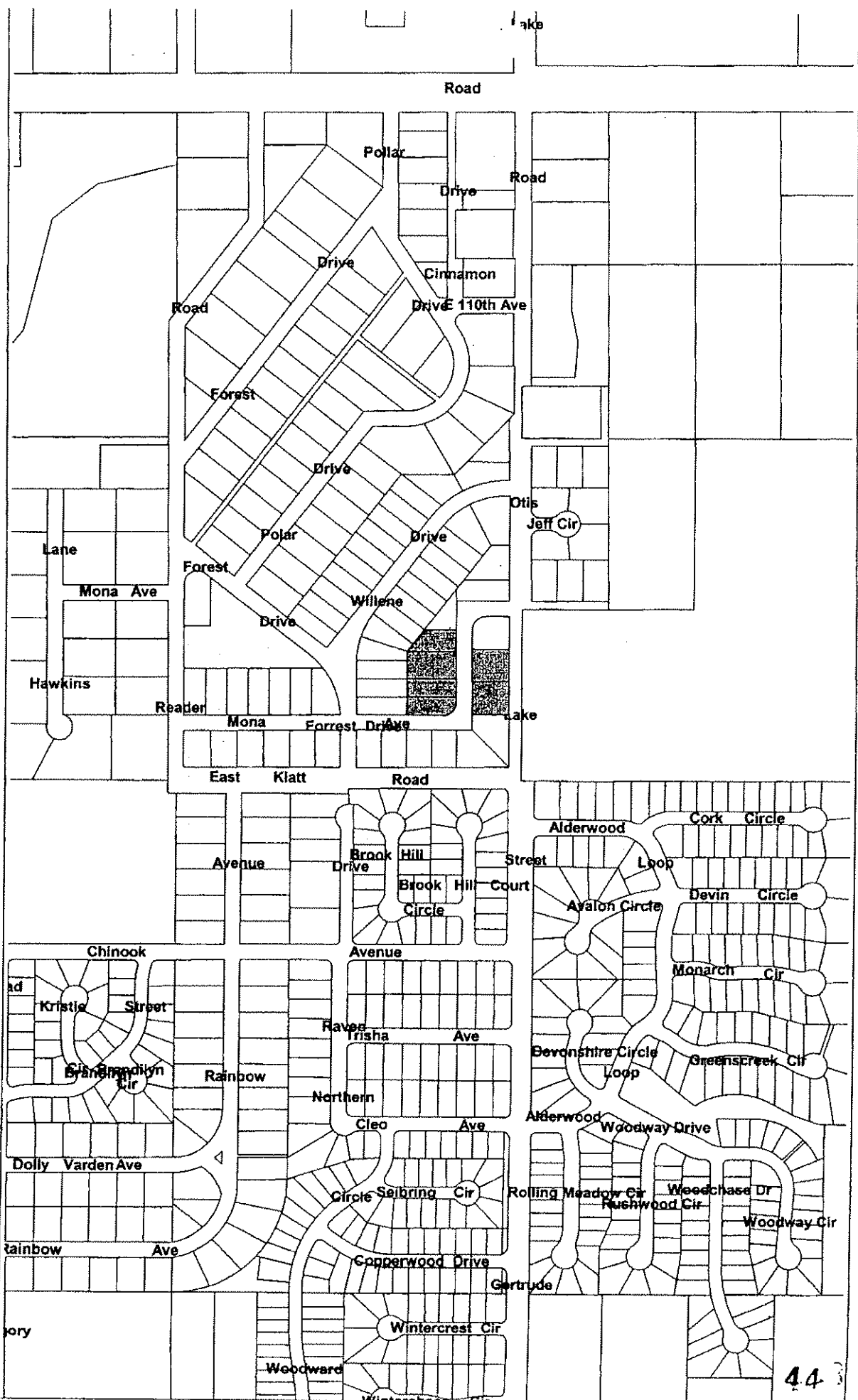
Scale 1:6000

Legend:

Txt STRNAMES



PARCELS



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:

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

Girdwood- Turnagain Arm

- ☐ 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" SW Corner Lot 3 Block 7 ☐ "4" ☐ "5"

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

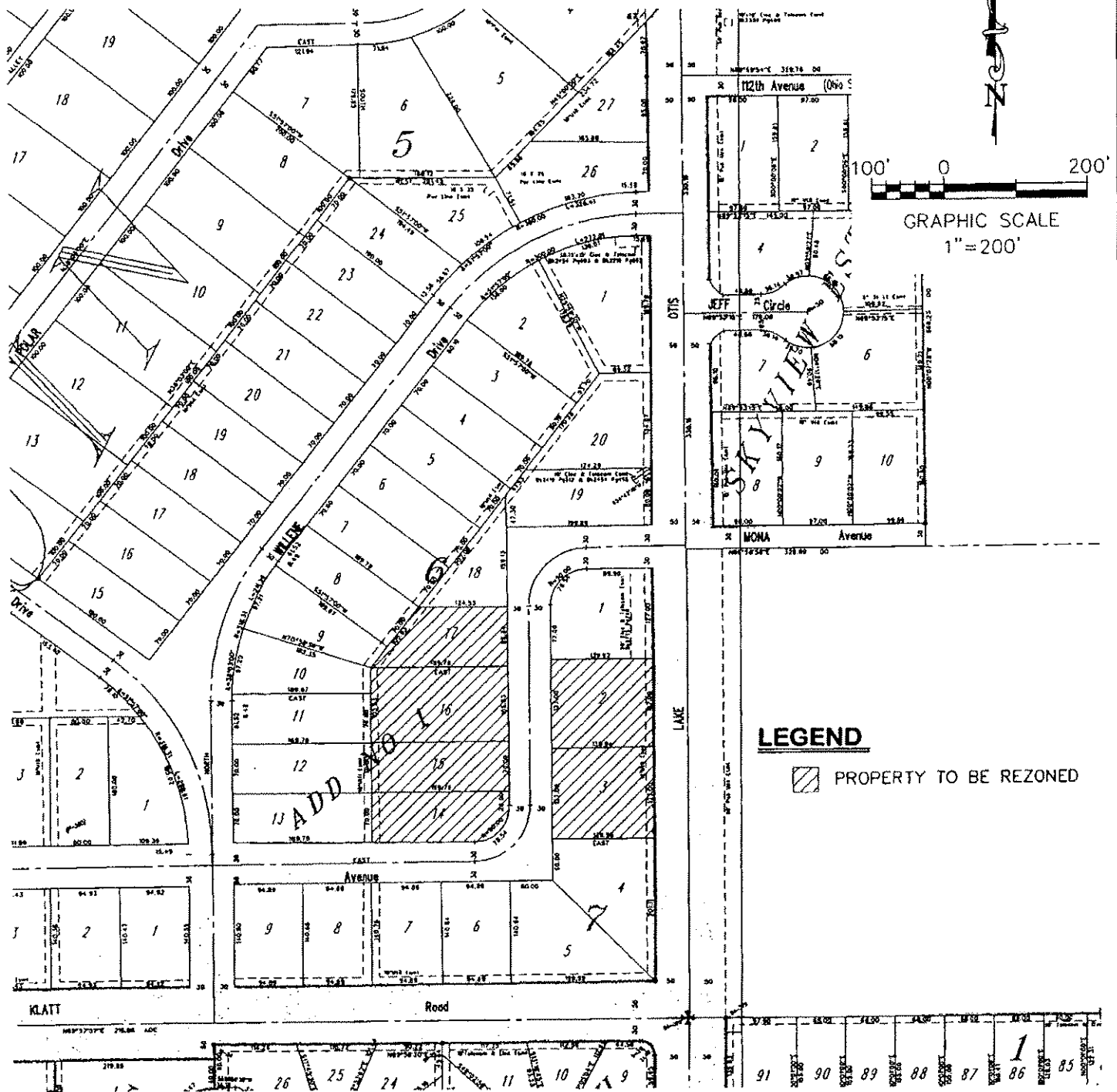
- ☒ Rezoning - Case Number: 2003-040, 2003-069
☒ Preliminary Plat ☐ Final Plat - Case Number(s): S-11058
☐ Conditional Use - Case Number(s):
☐ Zoning variance - Case Number(s):
☐ Land Use Enforcement Action for
☐ Building or Land Use Permit for
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality 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.



LOT INFO.

- * GRID No: SW2633
- * ZONING CLASSIFICATIONS: R-6
- * AREA INCLUDED: 2.21 ACRES

REZONING APPLICATION **LOTS 14-17 OF BLOCK 6** **LOTS 2 & 3 OF BLOCK 7** **FIRST ADDITION OF BRUIN PARK SUBDIV**

PETITIONER: DBA FREE-LAND BUILDERS

REPRESENTED BY: F. ROBERT BELL AND ASSOC.

DATE: DECEMBER 13, 2004

STANDARDS FOR ZONING MAP AMENDMENTS

A. Conformance to Comprehensive Plan

This property is not specifically designated in the Anchorage 2020. In the 1982 comprehensive plan, the property is designated residential with a density of 3 to 6 dwelling units per acre. The overall development pattern in the area is single-family residential at approximately 3 units per acre, with lot sizes ranging from 12,500 square feet to 20,000 square feet. If the rezone and replat are approved, the density for the subject properties would be approximately 4.5 units per acre (10 units / 2.2 acres).

Policy 5, General Land Use.

Rezoning shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.

A single-family home development would be compatible with adjacent uses. If the applicant were to maximize the density with 6,000 square foot lots, there could be a density compatibility issue. The smallest R-6 lot in the neighborhood is 9,900 square feet, most are in the 12-13,000 square foot range. In the R-1 properties south of Klatt Road, currently served by public water and sewer, those lots are mostly 7,000-9,000 square feet in size; a few are 6,300 to 6,600 square feet. The parcel on the east side of the Lake Otis Blvd. (known as the Tulin gravel pit) will have an approximate density of 3.5 to 4.5 units per acre if developed as currently approved.

The point is, maximum possible allowed density under R-1 might be slightly out of character with existing scale of development. As the preliminary plat indicates nine lots, the proposal is at a slightly greater density than the surrounding area, but not to the extent that it is out of character with the existing neighborhood and proposed development.

Policy 8, Residential.

Urban residential density (>1 du/a) is the optimum standard in the urban services area.

The subject properties are within the sewer service area boundary of the Hillside Wastewater Management Plan. The applicant will need to extend road, water and sewer prior to development. If the rezoning is approved, the density with nine lots will be approximately 4.5 units per acre. The R-1 zoning district density equivalent allows 6 to 7 units per acre; the 1982 comprehensive plan calls for 3 to 6 units per acre. Title 21 R-6 density is 1.25 units per acre, but because these parcels probably have non-conforming rights, the allowed density for the five existing lots as R-6 would equate to 2.6 units per acre.

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

Environment and Land Use Patterns

The Standard is met.

The area is developed as low-density single-family residential uses on large lots. The proposed rezoning will be at a slightly higher density than exists in the area, but not out of character with most of the neighborhood.

The subject lots are not developed and contain dense natural vegetation.

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

Transportation

This Standard is not currently met.

Mona Avenue is platted, but not constructed. Mona will need to be built before these lots can be accessed. This will be done as part of the platting process.

Public Services and Facilities

This Standard is not currently met.

Public sewer and water are near the subject properties but not currently available at the individual lots. Mains are located in the Lake Otis Boulevard right of way at the intersection of Mona Avenue and Lake Otis. The applicant will need to extend these services to the individual lots. This will be done as part of the platting process.

There are sidewalk and multi-use and bicycle trails along Lake Otis Boulevard.

Special Limitations

There are no Special Limitations.

STANDARDS FOR ZONING MAP AMENDMENTS

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 are both vacant and developed R-6 and R-1 property in the area, the overall nature of the area is residential. The rezoning of this property to R-1 represents an increase in density. The loss of R-6 property in this area is not significant. The property has been zoned R-6 since 1974 with no development activity occurring.

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.

Services will be extended during the platting process and as the development of the properties occurs.

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 development is at a slightly greater density than exists in the surrounding areas. However, the single-family uses are consistent with the residential nature of the area, and the density is within the range called for in Anchorage 2020.



801 West Fireweed Lane, Suite 201 • Anchorage, AK 99503-1801
(907) 274-5257 • FAX (907) 743-3480

December 13, 2004

Municipality of Anchorage
Dept. of Community Planning and Development
P.O. Box 196650
Anchorage, AK 99519

To whom it may concern:

Mr. Kenneth Jackson, owner of DBA Free-Land Builders, is applying for the rezoning of Lots 2 and 3 of Block 7 and Lots 14 thru 17 of Block 6 within the First Addition of Bruin Park Subdivision. The current zoning for these lots is R-6 (suburban residential district) and this application is for the lots to be reclassified as R-1 (single-family residential district).

The proposed rezoning is intended to make the lots conform to minimum zoning standards and to match the zoning of adjacent properties, without reducing the number of developable lots. The adjacent gravel pit, across Lake Otis Parkway, has recently been rezoned to R-1 classification. Lots within Brookwood Hills North Subdivision (to the south and across E. Klatt Road) are also classified as R-1. All six of the current lots are in nonconformance for the minimum lot size for R-6 zoning. The average size for these lots is 15,878 s.f. which is below the required lot size of 54,450 s.f. By rezoning the lots to R-1 the property will conform to the zoning requirements.

Owners of Lots 1 and 4 thru 9 of Block 7, and Lots 18 and 19 of Block 6 were asked if they would like their property included in this application. The owners of the lots within Block 7 did not want their properties included. We were unable to contact the owner of lot 18 of Block 6. The owner of Lot 19 of Block 6, also being the only lot with a house currently on it, did favor having their property rezoned. Because it is not contiguous with the other lots owned by Mr. Jackson we were unable to include this lot in this application. We are aware that additional lots could be added, as long as 51% of the property is owned by the petitioner. However, Mr. Jackson does not want to rezone properties that he does not have the owner's support. We do not feel the proposed rezoning will isolate or create "islands" for the properties being rezoned or for the lots directly adjacent to them.

December 13, 2004

These properties, excluding Lot 14 of Block 6, were submitted previously in a rezoning application by Gregory E. Broderick. The application was originally assigned case number 2003-040 before being reassigned case number 2003-069.

A preliminary plat was also submitted on April 2, 2003 and was assigned case number S-11058. This application has yet to be reviewed as it is awaiting the approval of the rezoning at hand. Mr. Jackson has purchased Lot 14 of Block 6 since the original submittal of the preliminary plat, and this property is included in this rezoning application. At this time Lot 14 will not be added to the property being resubdivided and the preliminary plat will remain as originally submitted.

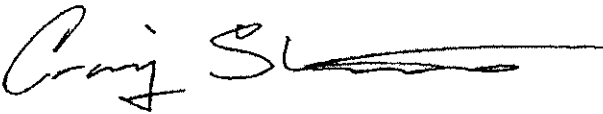
The Planning Department approved the rezoning application with general recommendations associated with requirements for subdividing the properties. The Planning and Zoning Commission approved the application on June 26, 2003 with the recommended requirements from the Planning Department.

5.5.03

On December 2, 2003 this case was heard by the Assembly. Neither the petitioner nor F. Robert Bell and Associates were informed of the hearing and resulted in the petitioner not being represented at the Assembly Hearing. The Assembly denied the ordinance amending the zoning map (Ordinance No AO 2003-143).

If you require additional information please contact me at our Anchorage office (phone: 274-5257 or csHAVlik@frbcmh.com).

Thanks,



F. Robert Bell and Associates

Craig Shavlik

Civil Engineer/Surveyor

F. Robert



801 West Fireweed Lane, Suite 201 • Anchorage, AK 99503-1801
(907) 274-5257 • FAX (907) 743-3480

December 13, 2004

F. Robert Bell and Associates
801 W. Fireweed LN., #201
Anchorage, AK 99503-1801

Re: Authorized Representation for Re-Zoning

Dear F. Robert Bell:

This is authorization for F. Robert Bell and Associates to represent DBA Free-Land Builders before the Municipality of Anchorage Zoning Board in regards to the rezoning application for Lots 14 thru 17 of Block 6 and Lots 2 and 3 of Block 7 of the First Addition to Bruin Park Subdivision. This letter authorizes an agent(s) from F. Robert Bell and Associates to sign the application as an authorized representative.

Sincerely,

DBA Free-Land Builders
Kenneth Jackson
Owner

5

**POSTING
AFFIDAVIT**



Feb 7.

RECEIVED

JAN 11 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

AFFIDAVIT OF POSTING

Case Number: 2005-014

I, F. ROBERT BELL AND ASSOC., 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 REZONING. The notice was posted on JAN 10, 2005 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 10TH day of JANUARY, 2005

Craig Slavik
Signature (CRAIG SLAVLIK)

LEGAL DESCRIPTION

Tract or Lot 14-17 Block 6 - 23 Block 7

Block

Subdivision Brown Park

6

HISTORICAL INFORMATION

Failed 12/2/03

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For Reading: October 7, 2003

Anchorage, Alaska
AO No. 2003-143

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING OF BLOCK 6, LOTS 15, 16 AND 17, AND BLOCK 7, LOTS 2 AND 3,
3 BRUIN PARK SUBDIVISION FROM R-6 (SUBURBAN RESIDENTIAL, LARGE LOT)
4 TO R-1 SL (SINGLE FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS),
5 GENERALLY LOCATED AT MONA AVENUE AND LAKE OTIS PARKWAY.

6
7 (O'Malley - Huffman Community Council) (Planning and Zoning Commission case 2003-069)
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-1 SL (Single Family Residential with Special Limitations) zone:

13
14 Block 6, Lots 15, 16 and 17 and Block 7, Lots 2 and 3, Bruin Park Subdivision #1 as
15 shown on Exhibit A.

16
17 The zoning map amendment shall be subject to the following special limitations:

- 18
19 1. No building permits shall be issued until the final plat has been recorded. This rezoning
20 shall expire 18 months from the final Assembly approval if the property has not been
21 replatted.
22
23 2. Lots on the east side of Mona Avenue shall be a minimum of 7,000 square feet; lots on
24 the west side of Mona Avenue shall be a minimum of 10,000 square feet.
25
26 3. Lots on the west side of Mona Avenue shall have a rear yard setback of 15 feet. Natural
27 vegetation within the 15-foot setback shall not be disturbed, except within utility
28 easements. Lots on the east side of Mona Avenue shall retain the natural vegetation
29 within the yard setback adjacent to Lake Otis Parkway, except within utility easements.
30
31 4. All lots shall have driveway access from Mona Avenue, and no lot shall have driveway
32 access on Lake Otis Parkway.
33

34 **Section 2.** Effective Clause.

35
36 A. This rezoning shall not be effective until a final plat has been recorded creating a
37 maximum of nine lots within 18 months of the Municipal Assembly approval.

AM 758-2003

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

3
4 **Section 4.** This ordinance shall become effective within 10 days after the Director of the
5 Planning Department has received the written consent of the owners of the property within
6 the area described in Section 1 above to the special limitations contained herein. The rezone
7 approval contained herein shall automatically expire and be null and void if the written
8 consent is not received within 120 days after the date on which this ordinance is passed and
9 approved. In the event no special limitations are contained herein, this ordinance is effective
10 immediately upon passage and approval. The Director of the Planning Department shall
11 change the zoning map accordingly.

12
13 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
14 _____ 2003.

15
16
17 _____
18 Chair

19
20 ATTEST:

21
22
23
24 _____
25 Municipal Clerk

26
27 (2003-069) (016-111-04, -05, -06; 016-112-38, -39)
28
29

EXHIBIT - A

2003-069

ANCHORAGE VICINITY

* Case Location

PETITION AREA

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway

Municipality of Anchorage Planning Department

Date: MAY 22, 2003

0 500 1000 Feet

Chair Traini read the ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public Hearing and Question was called on the motion.

Ms. Fairclough moved, to approve AR 2003-365.
Ms. Taylor seconded,
and this motion passed,

AYES: Tremaine, Van Etten, Sharnberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

14.G. Resolution No. AR 2003-367, a resolution authorizing the Municipality of Anchorage to enter into a Transfer of Responsibilities Agreement (TORA) in the amount not to exceed \$262,800 with the State of Alaska Department of Transportation and Public Facilities and to appropriate these funds to the State Categorical Grants Fund (231) for financing the Municipal GIS Integrated Transportation Network called Roadnet, Project Management & Engineering and Traffic Department.

1. Assembly Memorandum No. AM 903-2003.

Chair Traini read the ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AR 2003-367.
Mr. Tremaine seconded,
and this motion was passed,

AYES: Tremaine, Van Etten, Sharnberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

14.H. Resolution No. AR 2003-369, a resolution of the Municipality of Anchorage, Alaska, accepting and appropriating a State of Alaska Drinking Water Fund Loan Offer in the amount of \$1,635,300 for financing a portion of the costs of the Girdwood Water Project, Anchorage Water & Wastewater Utility.

1. Assembly Memorandum No. AM 922-2003.

Chair Traini read the ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AR 2003-369.
Mr. Tremaine seconded,
and this motion passed,

AYES: Tremaine, Van Etten, Sharnberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

14.I. Resolution No. AR 2003-371, a resolution of the Municipality of Anchorage authorizing the acceptance of a Federal Transit Administration Section 5307 grant and appropriating \$2,567,700 from the Federal Transit Administration and \$82,130 from insurance recoveries and disposal of vehicles to the Public Transportation Capital Improvement Fund (485) for the purchase of capital items and \$193,600 from the Federal Transit Administration along with \$48,400 for local matching funds from the Public Transportation Department's 2003 Operating Budget as a contribution to the Federal Categorical Grants Fund (241) for the Americans with Disabilities Act (ADA) Operating Assistance, Public Transportation Department.

1. Assembly Memorandum No. AM 935-2003.

Chair Traini read the ordinance and opened Public Hearing. With no public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AR 2003-371.
Mr. Tremaine seconded,
and this motion passed,

AYES: Tremaine, Van Etten, Sharnberg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

NAYES: None.

ABSENT: Sullivan, excused and Kendall, temporarily out of room.

14.J. Ordinance No. AO 2003-143, an ordinance amending the zoning map and providing for the rezoning of Block 6, Lots 15, 16 and 17, and Block 7, Lots 2 and 3, Bruin Park Subdivision

from R-6 (Suburban Residential, Large Lot) to R-1 SL (Single Family Residential with Special Limitations), generally located at Mona Avenue and Lake Otis Parkway (O'Malley-Huffman Community Council) (Planning and Zoning Commission Case 2003-069), Planning Department.
1. Assembly Memorandum No. AM 758-2003.

Chair Traini read item No. AO 2003-143 and opened Public Hearing for this ordinance.

MELISSA SCHMIDT, resident and owner of a 15,000 square foot lot on Mona Avenue, spoke in opposition to the proposed rezoning. She described her lot and her neighborhood, and believed that the lots there were small enough already and that all these lots supported septic systems, with little access to sewer. To Mr. Tremaine's questions, she stated there were sidewalks on both sides of Lake Otis and the MOA had used their property for completion of the sidewalk, but they were still getting taxed for the full 15,000 square foot lot size. Mr. Tremaine asked the Mayor about taxing residents for sidewalks and rights-of ways. Mayor Begich responded that he would find an answer.

RYAN STENCEL, President of Huffman O'Malley Community Council, spoke in opposition to this ordinance. She felt the rezoning of this area was 'uncalled-for' spot rezoning which would be a detriment to the reasons many residents have chosen this area to live. To Mr. Whittle's question, Ms. Stencel responded that she had already testified in front of Planning and Zoning, concerning this issue.

With no further public testimony, Chair Traini closed Public Hearing and called for a motion.

Ms. Fairclough moved, to approve AO 2003-143.
Mr. Tremaine seconded,

Mr. Tremaine stated he thought it was clear that this was spot zoning and he referred to P&Z's map on Page 3, Exhibit A. He said it was confusing because rights across the street were 10,000 square foot lots. He didn't object to the zone change from R-1 SL to R-6, but felt there would be many residents inconvenienced with this change. He gave the reminder that the Assembly had voted against Lake Otis being developed as a Transit Corridor in the area's Comprehensive Plan.

To Mr. Tremaine's question, Mr. Weaver responded that MOA sewer and water utilities for all lots would be accessed from Lake Otis Parkway. He explained that this area included many non-conforming lots that were less than 40,000 square feet. The improvements that would be required with this rezoning would correlate with the R-1 zoning and would require paved streets.

Mr. Tremaine proposed an amendment to change, on Page 1, Line 23, the square footage of lots on the east side of Mona Avenue to 8600 square feet, instead of the current required 7000 square feet, bringing lots in that area closer to conformity.

Mr. Tremaine moved, to amend AO 2003-143, to change, on Page 1, Line
Ms. Shamberg seconded, 23, the minimum lot size to 8600 square feet.
and this motion passed unanimously,

Mr. Tremaine proposed an amendment, concerning the lots on the west side of Mona Avenue, to change on Page 1, Line 26, the rear setback requirement of 15 feet beginning at the easterly boundary of the utility easement.

Mr. Tremaine moved, to amend AO 2003-143, to change on Page 1, Line 26,
Ms. Shamberg seconded, the first sentence, to read: "Lots on the west side of
and this motion passed with one objection, Mona Avenue shall have a rear yard setback of 15
feet, beginning on the easterly boundary of the utility
easement."

To Mr. Tremaine's questions, Mr. Weaver responded that property owners did not pay taxes for the right-of-way areas of the sidewalk easements and that setbacks for east side lots allowed 20-foot front yards, ten-foot rear yards and five-foot side yards. Mr. Weaver responded the lots were required to contain natural vegetation. Mr. Tremaine proposed an amendment, reinforcing natural vegetation for the back yards of these lots.

Mr. Tremaine moved, to amend AO 2003-143, by adding, on Page 1, Line
Ms. Shamberg seconded, 28, the word "undisturbed," to read: The lots on the
and this motion passed unanimously, east side of Mona Avenue shall retain the undisturbed,
natural vegetation within the yard setback adjacent to
Lake Otis Parkway, except within utility easements.

Ms. Von Gemmingen moved, to amend AO 2003-143, by adding a new, Section 5 to
Mr. Tremaine seconded, read: "the Municipal Assessor shall be notified
and this motion passed unanimously, immediately of this rezone."

Ms. Von Gemmingen pointed out that the Planning and Zoning Minutes, on Page 35, stated that Ms. Shamberg had a conflict of interest with this issue. Ms. Shamberg responded she had no conflict of interest because the property had been sold and that the property had never been in her name.

Ms. Von Gemmingen voiced her concern that none of the petitioners had attended the Assembly to hear or participate in the discussion of this ordinance.

Mr. Van Etten wanted clarity on the responsibility of the paving requirements for this area. Mr. Weaver responded that the petitioner would be responsible for the initial improvements to meet the standards, and the improvements would be maintained by the Anchorage Roads and Drainage Service (ARDSA). Mr. Weaver reminded the Body that variances could be requested to change those requirements.

Mr. Tremaine stated that he viewed this as spot-rezoning and would be a NO-vote on this ordinance.

Mr. Tesche stated that he agreed with Mr. Tremaine and would also be a NO-vote on this ordinance.

Mr. Weaver responded to Mr. Whittle's question by stating that the stated lots were larger than the other lots in that area. He stated that the Planning and Zoning Commission viewed this area as one in transition, and were trying to bring some conformity to this area.

Question was called on the main motion, as amended.

Ms. Fairclough moved, to approve AO 2003-143, as amended.
Mr. Tremaine seconded,
and this motion failed,

AYES: Fairclough, Traini and Von Gemmingen.
NAYES: Tremaine, Sharnberg, Van Etten, Taylor, Whittle and Tesche.
ABSENT: Sullivan, excused and Kendall, temporarily out of room.

- 14.K. Ordinance No. AO 2003-148, an ordinance amending the zoning map and providing for the rezoning from R-3 (Multiple Family Residential) to B-3 SL (General Business with Special Limitations) for Lintner Subdivision, Lots 21, 22, 23, 24 and 25, generally located on the south side of Carolina Drive and the west side of McRae Road (Spenard Community Council) (Planning and Zoning Commission Case 2003-093), Planning Department.
1. Assembly Memorandum No. AM 803-2003.

Chair Traini read the ordinance and opened Public Hearing.

LARRY NOREEN testified as part-owner of the property. He stated they had originally sought a conditional use permit for parking and had completed the process but then discovered the conditional use permit for parking would not allow the type of parking they had on their properties. He said they had been trying to resolve the parking issue for the last eighteen months. Mr. Noreen explained their property hosted a car-rental agency, which did not conform to the conditional use language because of the car storage. Their property was named in the Spenard Redevelopment Plan, to be rezoned to B-3, and they did not object. Mr. Noreen explained some of the history of the property including security concerns in the neighborhood. They purchased an adjoining piece of property so they could destroy the building on that property which had hosted prostitution and drug dealing activity. The alley had a long history of this type of activity. Ms. Von Gemmingen read some of the positive notes she had received from Mr. Noreen's neighbors. Mr. Noreen stated that the neighbors had been extremely pleased with the improvements they had made to the property and the neighborhood.

ROBERT AUTH, Vice Chair of the Spenard Community Council and a resident of Spenard, testified. He stated that Mr. Noreen had met with their community council and had also met with Turnagain Community Council with his presentation of rezoning to accommodate the parking needs. Mr. Auth questioned the B-3 zoning and did not think the rezoning was necessary.

NARGARET AUTH, Zoning Committee Chair for the Spenard Community Council, testified. She agreed that Mr. Noreen had done a very nice job of clearing away the old house and making property improvements, but she and their community council were concerned with the changes to their neighborhood. Ms. Auth stated they wanted to try to save the integrity of the R-1 neighborhood, with limitations on businesses.

Chair Traini called for additional testimony, and there being none, he closed Public Hearing, and Question was called on the motion.

Mr. Van Etten moved, to approve AO 2003-148.
Ms. Sharnberg seconded,

Mr. Van Etten asked the Administration to comment with a possible solution of this issue. Mr. Weaver responded that they supported the B-3 zoning because it was not designed for parking, but was for specific businesses, and this issue could be resolved with assigning a special limitation. Mr. Noreen responded that the application of the B-3 SL would not guarantee a long-term future. For the near future he would rather design the limitations to accommodate a small structure on the car rental section of their property so they could get rid of the Connex trailer they were currently using for their office. He stated the neighborhood seemed to appreciate all the improvements they had made on their property and his plan was to continue to make improvements, including a 14 foot perimeter landscape around the property on Carolina.

Ms. Von Gemmingen agreed with Mr. Noreen that the traffic congestion on Carolina was due to congestion created in large by the adult bookstore. She said that issue concerning that establishment and traffic congestion had been addressed before the Spenard Community Council.

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-034

A RESOLUTION APPROVING A REZONING FROM R-6 (SUBURBAN RESIDENTIAL, LARGE LOT) TO R-1 SL (SINGLE FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS) FOR BLOCK 6, LOTS 15, 16 AND 17, AND BLOCK 7, LOTS 2 AND 3, BRUIN PARK SUBDIVISION #1, GENERALLY LOCATED WEST OF LAKE OTIS BOULEVARD ON MONA AVENUE.

(Case 2003-069, Tax I.D. No. 016-111-04, -05, -06; 016-112-38, -39)

WHEREAS, a request has been received from Gregory E. Broderick, owner to rezone 1.9 acres (82,965 square feet) from R-6 to R-1 SL for Block 6, Lots 15, 16 and 17 and Block 7, Lots 2 and 3, Bruin Park Subdivision generally located west of Lake Otis Boulevard on Mona Avenue, and

WHEREAS, notices were published, posted and 149 public hearing notices were mailed and a public hearing was held on May 5, 2003.

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

A. The Commission makes the following findings of fact:

1. The petition site is 5 lots totaling 1.9 acres. The lots are non-conforming in the R-6 district as to lot size.
2. Anchorage 2020 and the 1982 comprehensive plan indicate the property is residential with a projected density range of 3 to 6 dwelling units per acre. The area is generally developed as single family residential with an approximate density of 3 dwelling units per acre. The proposed lots will have a density of approximately 4.7 units per acre. The application is consistent with the comprehensive plan and compatible with existing zoning districts.
3. The applicant wishes to replat the five lots into nine lots.
4. The applicant has agreed with the proposed Special Limitations.

B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following special limitations:

1. No building permits shall be issued until the final plat has been recorded. This rezoning shall expire 18 months from final Assembly approval if the property has not been replatted.

2. A Notice of Zoning Action and the Resolution shall be filed with the State of Alaska District Recorder's office. Proof of such shall be submitted to the Planning Department.
3. Lots on the east side of Mona Avenue shall be a minimum of 7,000 square feet; lots on the west side of Mona Avenue shall be a minimum of 10,000 square feet.
4. Lots on the west side of Mona Avenue shall have a rear yard setback of 15 feet. Natural vegetation within the 15 foot setback shall not be disturbed, except within utility easements. Lots on the east side of Mona Avenue shall retain the natural vegetation in the yard setback adjacent to Lake Otis Boulevard, except within utility easements.
5. All lots shall have driveway access from Mona Avenue; no lot shall have driveway access on Lake Otis Boulevard.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 5th day of May, 2003.

Susan R. Fison
Secretary

Henry Penney
Chair

(2003-069)
(016-111-04, -05, -06; 016-112-38, -39)

6. 2003-069 Gregory E. Broderick. A request to rezone approximately 1.91 acres from R-6 (Suburban Residential) to R-1 (Single-Family Residential). Bruin Park First Addition, Block 6, Lots 15, 16, 17 and Block 7, Lots 2 & 3. Located at 2500, 2510 Klatt Road and at 2521, 2511 and 2501 Mona Avenue.

CHAIR PENNEY noted that Brock Shamberg had submitted a written withdrawal of his opposition to this rezoning.

Staff member AL BARRETT stated 149 public hearing notices were mailed, 0 were received in support, and 1 was received in opposition. He stated that no written comment was received from the community council, but he has been told they have made verbal comments to other Staff members. Pages 03 and 04 of the packet show the proposed plat, if the rezoning is successful. The existing situation is depicted on page 038 of the packet. The existing five lots are nonconforming lots of record in the R-6 district. They were platted in 1961 and rezoned in 1974. No nonconforming rights have been established, but they are likely developable as either R-1 or R-5, using well and septic. If the rezoning and replat are successful, the property would lose nonconforming rights and need to connect to city water and sewer in order to be developed. The request to rezone is consistent with the Comprehensive Plan and the zoning is compatible with existing uses in the area. The real issue regarding this request is the increase in density that will result with the change from 5 lots to 9 lots, however, the density falls within the range of the Comprehensive Plan and Title 21. Condition 4 requires that lots on the west side of Mona Avenue have a 15-foot rear yard setback, rather than the 10-foot requirement in the R-1 district. The first 10 feet of that 15 feet is a utility easement. The applicant is proposing alternate language in terms of the type of vegetation to be preserved within the setback area.

CHAIR PENNEY asked if the intent of condition 4 is to buffer Lots 15A through 17A from existing developed lots. MR. BARRETT replied the intent is to buffer against the developed lots on the northwest and the lots to the immediate west that are not developed.

COMMISSIONER COFFEY asked if lots along Forest Drive and Willene Drive are zoned R-1. MR. BARRETT believed all those lots are zoned R-6. They have been developed as R-5 or R-1, depending on frontage and overall area.

The public hearing was opened.

CHRIS BURKE, representing the petitioner, concurred with the recommendations of Staff.

MELISSA SCHMIDT, resident on Mona Avenue across Lake Otis, did not believe these lots should be made smaller. She felt the petitioner's proposal would not be compatible with the current subdivision. She also feared this would lead to attempts by other developers to convert large lots to smaller lots and remove trees. She did not believe future residents would like to live on lots that are 50-feet in width. She noted that her home, which is not large, would not fit on these lots. She thought the amount of profit that the developer feels is needed dictates the type of development.

COMMISSIONER COFFEY asked if Ms. Schmidt has public sewer and water MS. SCHMIDT replied that she does, as does the house on Mona from where the water and sewer connection would extend and the lot kitty corner from her could connect to public sewer and water. She noted that water and sewer has to be run up Mona.

COMMISSIONER COFFEY asked the size of Ms. Schmidt's lot. MS. SCHMIDT replied that her lot is 15,000 square feet in size. COMMISSIONER COFFEY asked if the petitioner has sewer available to the petition site. MR. BARRETT replied that with this rezoning and replat, the water and sewer line would need to be extended to serve these lots.

LARRY PHILLIPS and CORRINE PHILLIPS stated that since 1968 they have lived on Willene Drive on Lot 18, Block 5, Bruin Park. They enjoy the large lots and country atmosphere that the current zoning allows. They opposed the petition and asked that the R-6 zoning remain in effect. MR. PHILLIPS pointed out that page 025 of the Staff packet indicates that the lots are upland, but he stated they are wet. Four new houses were built on the east side of Willene Drive and this spring one owner moved out due to groundwater problems. He feared the residents of the proposed lots could encounter drainage problems.

RYAN STENCEL, representing the Huffman/O'Malley Community Council, stated that in considering whether or not a rezone is a spot zoning, the underlying question is whether the zoning decision advances the health, safety, and welfare of the community. A zoning decision that merely provides for individual benefit without public benefit cannot be supported. This rezone would negatively impact the neighborhood and for nothing more but the profit of the developer. In the letter from the developer that accompanied his application states, "the greatest advantage for rezoning these parcels is it allows the owners the option of smaller lots for development." The petition site is in the middle of R-6 lots, many of which are grandfathered as to small size. Water and sewer has been available to this property since 1982, but under R-6 zoning. This property is under an acceptable zoning and would provide adequate profit to the developer without detriment to the neighborhood. Some of the homes in the area have horses. She noted that in the R-6 zoning there is a 25-foot setback requirement for all animal pens, etc. Under R-1 a zoning, there are 100-foot setbacks, which are impossible without a lot larger than 90,000 square feet. Neighbors in this area want new residents to share their lifestyle. Any zoning that prohibits the keeping of animals or other R-6 uses would eliminate a chance for the rural lifestyle of the area for the new neighbors.

In rebuttal, MR. BURKE stated the lots that would be directly affected by the proposed subdivision are on the west side of Willene Drive and the lots in the subdivision were designed to match those lots so as to be compatible. He stated there would be no adjoining lot owners along the east side of the subdivision between Mona Avenue and Lake Otis, other than Lot 4, which will have one common lot line, and the lot to the north, which would have one common lot line. He stated the petitioner would also be paving Mona to the corner, which will greatly improve the surrounding lots. He noted that although existing properties in the area are zoned R-6, very few if any are conforming. He remarked that a large subdivision will be installed in the gravel pit to the east that is zoned R-1. He felt this proposal conforms to the Comprehensive Plan and brings lots into conformity.

The public hearing was closed.

COMMISSIONER KLEIN moved for approval of the rezoning to R-1 subject to conditions 1 through 5.

COMMISSIONER POULTON seconded.

COMMISSIONER KLEIN stated that some of the larger lots in this area were platted in the 1960s and 1970s prior to public utilities and were designed to accommodate well and septic. There is now a need for smaller lots to be able to provide housing at an affordable level and at a level to which the marketplace responds. Staff has required buffering in terms of lot size in condition 3. Lots that abut Lake Otis have a minimum square footage of 7,000 square feet. He stated there are many good subdivisions throughout Anchorage that have created nice home sites on even smaller lots.

COMMISSIONER COFFEY noted that page 56 of the Comprehensive Plan discusses the urban/rural boundary and in none of the maps is the rural area to the west of Lake Otis that far down the hill. He thought the petition site was in the urban area. The Comprehensive Plan says the urban area will have higher density residential and commercial developments. Furthermore, AMC 21.40.080 regarding R-6 states this district is intended for those land areas where large lots or acreage development is desirable; there is none of that in this subdivision. Although the lots are being made smaller by this proposal, there has been an attempt to be compatible to the lots to the east and to the west.

AYE: Penney, Klinkner, Starr, Poulton, Jones, Coffey, Knepper, Klein

NAY: None

PASSED

**PLANNING & ZONING
COMMISSION
PUBLIC HEARING
FEBRUARY 7, 2005
COMMENTS RECEIVED AFTER
PACKET WAS DELIVERED**

**G.2. Case 2005-014
Rezone to R-1**

Double-sided

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

ANCHORAGE
FIRST CLASS



016-111-28-000
PHILLIPS LARRY I & CORRINE G
PO BOX 111304
ANCHORAGE, AK 99511

RECEIVED

JAN 27 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

NOTICE OF PUBLIC HEARING - -

Monday, February 07, 2005

Planning Dept Case Number: 2005-014

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

CASE: 2005-014
PETITIONER: Kenneth Jackson
REQUEST: Rezoning to R-1 One-family residential district
TOTAL AREA: 2.200 acres
SITE ADDRESS: MONA AVE & KLATT RD
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1—Huffman OMalley

LEGAL/DETAILS: A request to rezone approximately 2.20 acres from R-6 (Rural Residential) to R-1 (Single Family Residential. Bruin Park First Addition, Block 6, Lots 14, 15, 16, 17 and Block 7, Lots 2, 3. Located at 2501, 2511, 2521 Mona Avenue, 2500 and 2510 Klatt Road and an un addressed lot on Mona Avenue.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, February 07, 2005 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

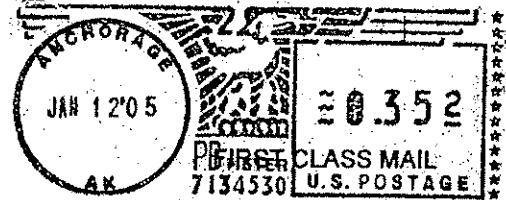
The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

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: Larry I and Corrine G. Phillips
Address: 11400 Willana Dr., Anchorage, AK. P.O. Box 11-1304
Legal Description: lot 18, BK 5, Bruin Bruin Park 1st addition 99511
Comments: My wife & I have lived on Willana Dr. since 1969. This area has been R-6 (large lots) and we oppose small lots. They do not fit into the present land development. We do not believe they are really suitable for family living. Also these lots are not dry they should be not be develop as
REZONING/RESIDENTS-PLANNING COMMISSION
2005-014 small lots.

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

PERSONAL
FIRST CLASS



015-271-43-000
MATTHEWS MAURICE K
DBA SIX-M CEDAR HOMES
2804 W NORTHERN LIGHTS #6
ANCHORAGE, AK 99517

RECEIVED
FEB 04 2005
MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

NOTICE OF PUBLIC HEARING - -

Monday, February 07, 2005

Planning Dept Case Number **2005-014**

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COM COUNCIL(S): 1—Huffman OMalley

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The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, February 07, 2005 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

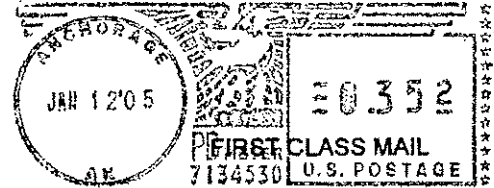
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Name: M.K. MATTHEWS
Address: 2804 W NORTHERN LIGHTS DR, ANCH, AK 99517
Legal Description: LOT 10 SKYVIEW ESTATE
Comments: PLEASE PASS THE REQUEST
THE 20/20 PLAN CALLS FOR SEVEN THOUSAND MORE HOMES
IN THIS AREA. HOME BUYERS WILL NEED THE ADDITIONAL LOTS

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

PERSONAL
FIRST CLASS



015-271-43-000
MATTHEWS MAURICE K
DBA SIX-M CEDAR HOMES
2804 W NORTHERN LIGHTS #6
ANCHORAGE, AK 99517

RECEIVED

FEB 04 2005

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

NOTICE OF PUBLIC HEARING - -

Monday, February 07, 2005

Planning Dept Case Number: 2005-014

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PETITIONER: Kenneth Jackson
REQUEST: Rezoning to R-1 One-family residential district
TOTAL AREA: 2.200 acres
SITE ADDRESS: MONA AVE & KLATT RD
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1--Huffman OMalley

LEGAL/DETAILS: A request to rezone approximately 2.20 acres from R-6 (Rural Residential) to R-1 (Single Family Residential). Bruin Park First Addition, Block 6, Lots 14, 15, 16, 17 and Block 7, Lots 2, 3. Located at 2501, 2511, 2521 Mona Avenue, 2500 and 2510 Klatt Road and an un addressed lot on Mona Avenue.

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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: M.K. MATTHEWS

Address: 2804 W NORTHERN LIGHTS AVE, ANCH, AK 99517

Legal Description: LOT 9 SKYVIEW ESTATES

Comments:

I URGE YOU TO PASS THIS RE-ZONE. THE EXISTING LOTS ARE NON-CONFORMING & ANCHORAGE DESPERATELY NEEDS MORE BUILDING LOTS. WHERE ARE THE COMING ANCHORAGE HOME BUYERS GOING TO LIVE? PASS THIS REASONABLE REQUEST.

REZONING/RESIDENTS-PLANNING COMMISSION
2005-014

**Mona Street Rezone
Huffman/O'Malley Community Council Opinion
Feb. 7, 2005**

History

This entire area was specifically zoned R-6 and deliberately platted into one-third acre parcels in anticipation of sewer. The R-6 was done on purpose for usage, not size. Initially developed and marketed as "horse properties" with 3 DUA planned upon the arrival of sewer, this area still enjoys the R-6 zoning and benefits.

HOCC Opinion

As in 2003, we conditionally support this rezone for R-1 with 10,000 square foot minimum lots, under the following conditions:

- Minimum 10,000 square foot lot size.
- Sufficient buffers (minimum 40') to the adjoining R-6 properties still enjoying the benefits of "horse properties".
- 15' buffer on Lake Otis exclusive of utility easement.
- Additional sidewalk easement on Lake Otis.
- Developer must address usable yard space on Lake Otis lots.
- Ability to place up to 8' solid fences along Lake Otis for noise and safety buffers. R-6 enjoys this ability; R-1 demands 4' maximum, not sight-obscuring fences without CUP.

As a reminder, if this developer wants this rezone to R-1, he must put in a real road. As this is a very wet area we also must know exactly where the drainage will go and how drainage impacts this entire area.

Barrett, Al W. (Zoning)

From: craig sevigny [craig_sevigny@yahoo.com]
Sent: Monday, February 07, 2005 5:18 PM
To: Barrett, Al W. (Zoning)
Subject: case # 2005-014

Mr. Barrett,

I live in the Bruin Park subdivision immediately west of the proposed rezone. My backyard is adjacent to this proposed rezone. I would like to express my opposition to this rezone. I purchased this property because of the low population density of the area with all the lots around us zoned r-6. We also like greater density of vegetation associated with larger lots. Most of all, we do not want to look out our back windows and see densely packed homes. IF WE WANTED TO LIVE IN R1 ZONING WE WOULD HAVE MOVED THERE. I strongly believe that this should not be possible considering people already live in this area. I could understand it if the area was completely undeveloped, but considering people made \$200,000+ investments in this area with the intent of living in R6 zoning, I do not believe this should be approved. Sincerely Craig and Katie Sevigny 11411 Willene DR, Anchorage 344-1435

Do you Yahoo!?
Meet the all-new My Yahoo! - Try it today!
<http://my.yahoo.com>

Content Information

Content ID : 002804

Type: Ordinance - AO

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF LOTS 14, 15, 16 AND 17, BLOCK 6, AND

Title: LOTS 2 AND 3, BLOCK 7, BRUIN PARK SUBDIVISION FROM R-6 (SUBURBAN RESIDENTIAL, LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL), GENERALLY LOCATED AT M

Author: katkusja

Initiating Dept: Planning

AN ORDINANCE REZONING LOTS 14, 15, 16 AND 17, BLOCK 6, AND LOTS 2 AND 3, BLOCK 7, **BRUIN PARK SUBDIVISION** FROM

Description: R-6 (SUBURBAN RESIDENTIAL, LARGE LOT) TO R-1 (SINGLE FAMILY RESIDENTIAL), GENERALLY LOCATED AT MONA AVENUE AND LAKE OTIS PARKWAY.

Date Prepared: 4/22/05 9:30 AM

Director Name: Tom Nelson

Assembly

Meeting Date 5/31/05

MM/DD/YY:

Public Hearing

Date MM/DD/YY: 6/28/05

Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	4/22/05 9:34 AM	Checkin	weaverjt	Public	002804
Planning_SubWorkflow	4/22/05 12:31 PM	Approve	thomasm	Public	002804
ECD_SubWorkflow	4/22/05 12:32 PM	Approve	thomasm	Public	002804
AllOrdinanceWorkflow	4/27/05 2:25 PM	Reject	pearcydl	Public	002804
AllOrdinanceWorkflow	4/27/05 2:28 PM	Checkin	weaverjt	Public	002804
ECD_SubWorkflow	4/27/05 4:21 PM	Approve	thomasm	Public	002804
Planning_SubWorkflow	4/27/05 4:21 PM	Approve	thomasm	Public	002804
OMB_SubWorkflow	5/3/05 3:40 PM	Approve	mitsonjl	Public	002804
Legal_SubWorkflow	5/9/05 2:36 PM	Approve	fehlenrl	Public	002804
MuniManager_SubWorkflow	5/9/05 3:41 PM	Checkin	katkusja	Public	002804
MuniManager_SubWorkflow	5/11/05 2:13 PM	Approve	katkusja	Public	002804
MuniMgrCoord_SubWorkflow	5/23/05 8:10 AM	Approve	abbottmk	Public	002804

CLERKS OFFICE
 2005 MAY 23 PM 2:15
 M.O.A.