

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 1-24-06

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: December 13, 2005

Anchorage, Alaska  
AO 2005-187

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING OF LOT 1A, RASPBERRY CENTER SUBDIVISION FROM B-1B SL  
(COMMUNITY BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) TO B-1B SL  
(COMMUNITY BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) AND TO  
REPEAL AO 91-174 IN ITS ENTIRETY AS APPLIED TO LOT 1A, RASPBERRY  
CENTER SUBDIVISION, GENERALLY LOCATED AT 6820 NORTHWOOD  
DRIVE.

(Sand Lake Community Council) (Planning and Zoning Commission case 2005-129)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as  
B-1B SL (Community Business District with Special Limitations) zone:

Lot 1A, Raspberry Center Subdivision, as shown in exhibit A.

**Section 2.** This zoning map amendment is subject to the following special limitations:

The following uses and structures are prohibited:

- a. on-premises dry cleaning establishments;
- b. package liquor stores;
- c. bars;
- d. video arcades;
- e. pool halls.

**The existing vegetation shall remain within the 24 foot landscape easement  
on the west boundary and, if disturbed, shall be replanted to buffer  
landscape standards.**

**Section 3.** This zoning map amendment is subject to the following effective clause:

This zoning shall not become effective until a Platting Board resolution has been  
recorded removing plat notes 1, 2, and 3 of Plat 99-13 for Lots 1-A, 1-B and 1-C,

Raspberry Center Subdivision concerning a previous ordinance, site plan review and lot coverage requirements.

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

PASSED AND APPROVED by the Anchorage Assembly this 24<sup>th</sup> day of January, 2006.

ATTEST:

Anna J. Fairclough  
Chair

Bonnie G. Duenkel  
Municipal Clerk

(Planning Case Number 2005-129)  
(Tax Identification 009-111-98)

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

AO Number: 2005-187

Title: Planning and Zoning Commission, recommendation of approval for a rezoning from B-1B SL (Community Business District with special limitations) to B-1B SL (Community Business District with special limitations).

Sponsor:

Preparing Agency:

Others Impacted:

**CHANGES IN EXPENDITURES AND REVENUES:**

(In Thousands of Dollars)

	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>
<b>Operating Expenditures</b>				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Add: 6000 Charges from Others				
Less: 7000 Charges to Others				
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>REVENUES:</b>				
<b>CAPITAL:</b>				
<b>POSITIONS: FT/PT and Temp</b>				

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this rezone should have no significant impact on the public sector. The rezone changes the height limitation and the site plan review procedure of the current governing ordinance, AO 91-174. None of the permitted or prohibited uses will change.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning should have no significant economic impact on the private sector. If approved, the owner will be able to increase the height limitation from 30 feet to 35 feet, and the lot coverage from seventeen percent to seventy percent, which is the allowed height and coverage of the B-1B zoning district.

Property Appraisal Notes: Approval of the rezoning should have no significant change to the assessed valuation.

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



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 884 -2005

Meeting Date: December 13, 2005

From: Mayor

Subject: Planning and Zoning Commission Recommendation on a Rezoning from B-1B SL (Community Business District with Special Limitations) to B-1B SL (Community Business District with Special Limitations) to Repeal the Height Limitations, Site Plan Review, and Lot Coverage Requirements of AO 91-174 for Lot 1A, Raspberry Center Subdivision.

1 Tesoro Refining and Marketing Company submitted an application to rezone 1.53  
2 acres to modify the special limitations list in the current governing ordinance, AO  
3 91-174. The ordinance has a height limitation of 30 feet and the applicant wishes to  
4 increase the allowed height to 35 feet for buildings and 100 feet for antenna towers,  
5 and lot coverage of seventy percent as allowed in the B-1B zoning district. The  
6 present ordinance also requires a public hearing if a development proposal does not  
7 conform to a 1991 Sand Lake Community Council resolution and site plan. In  
8 addition to the height limitation, there is a lot coverage restriction of approximately  
9 sixteen percent. This rezoning would delete the site plan limitations as well, and has  
10 the support of the current Sand Lake Community Council Board.

11  
12 The applicant is proposing to build a two-story office building with related antenna  
13 structures for use by a commercial television station. The tower will also support co-  
14 located antennas. If the rezoning is approved, antennas and towers will be regulated  
15 per AMC 21.40.145, which will require either Supplementary District administrative  
16 review, or Planning and Zoning Commission conditional use review, depending on  
17 the type of tower. The requested rezoning does not otherwise change the list of  
18 permitted or prohibited uses.

19  
20 The Planning Department recommends that the zoning change not become effective  
21 until some plat notes concerning the previous ordinance (AO 91-174), site plan  
22 review requirements, and lot coverage limitations are removed.  
23



1 The Community Council supports the proposed changes, including the removal of  
2 the reference to the 1991 Sand Lake Community Council resolution. One letter of  
3 opposition was received. The applicant has agreed to the special limitations. The  
4 rezone is consistent with the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*  
5 and, as conditioned, is compatible with the surrounding zoning districts and uses.  
6 The Planning and Zoning Commission recommended approval of the rezone by a  
7 vote of seven ayes and zero nay.

8  
9 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING  
10 COMMISSION RECOMMENDATION AND SUPPORTS THE REZONING  
11 REQUEST.

12  
13 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

14 Concur: Tom Nelson, Director, Planning Department

15 Concur: Mary Jane Michael, Executive Director, Office of Economic and  
16 Community Development

17 Concur: Denis C. LeBlanc, Municipal Manager

18 Respectfully submitted, Mark Begich, Mayor

### Content Information

**Content ID :** 003491

**Type:** Ordinance - AO

**Title:** Planning and Zoning Commission Recommendation on a Rezoning from B-1B SL (Community Business District with Special Limitations) to B-1B SL (Community Business District with Special Limitations) to Repeal the Height Limitations, Site Plan Review, and Lot C

**Author:** curtiscr2

**Initiating Dept:** Planning

**Description:** Planning and Zoning Commission Recommendation on a Rezoning from B-1B SL to B-1B SL to Repeal the Height Limitations, Site Plan Review, and Lot Coverage Requirements of AO 91-174 for Lot 1A, Raspberry Center Subdivision.

**Date Prepared:** 11/14/05 1:08 PM

**Director Name:** Tom Nelson

**Assembly**

**Meeting Date** 12/13/05

**MM/DD/YY:**

**Public Hearing**

**Date MM/DD/YY:** 1/10/06

### Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	11/14/05 1:10 PM	Checkin	weaverjt	Public	003491
Planning_SubWorkflow	11/14/05 4:46 PM	Approve	nelsontp	Public	003491
ECD_SubWorkflow	11/14/05 4:50 PM	Approve	thomasm	Public	003491
AllOrdinanceWorkflow	11/15/05 10:00 AM	Reject	mitsonjl	Public	003491
AllOrdinanceWorkflow	11/15/05 10:59 AM	Checkin	weaverjt	Public	003491
Planning_SubWorkflow	11/16/05 12:06 PM	Approve	nelsontp	Public	003491
ECD_SubWorkflow	11/16/05 2:55 PM	Approve	thomasm	Public	003491
OMB_SubWorkflow	11/21/05 6:38 PM	Approve	mitsonjl	Public	003491
Legal_SubWorkflow	11/22/05 8:00 PM	Approve	fehlenrl	Public	003491
MuniManager_SubWorkflow	11/23/05 2:40 PM	Checkin	curtiscr2	Public	003491
MuniManager_SubWorkflow	11/25/05 1:39 PM	Approve	leblancdc	Public	003491
MuniMgrCoord_SubWorkflow	12/2/05 10:31 AM	Approve	abbottmk	Public	003491

CLERKS OFFICE

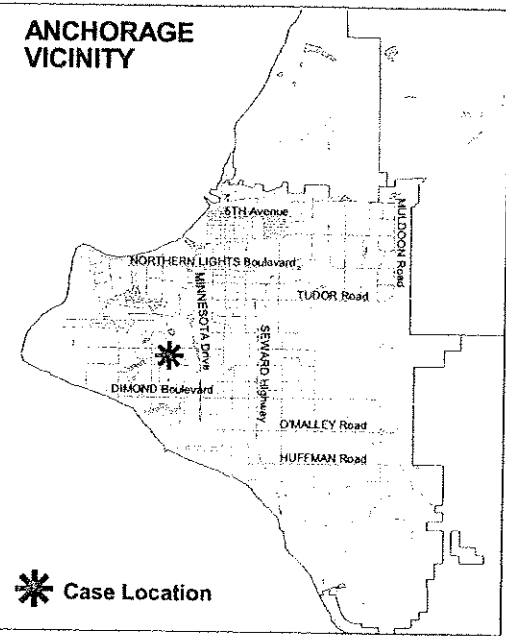
2005 DEC -2 PM 1:32

M.O.A.

# REZONE 2005-129

Exhibit A

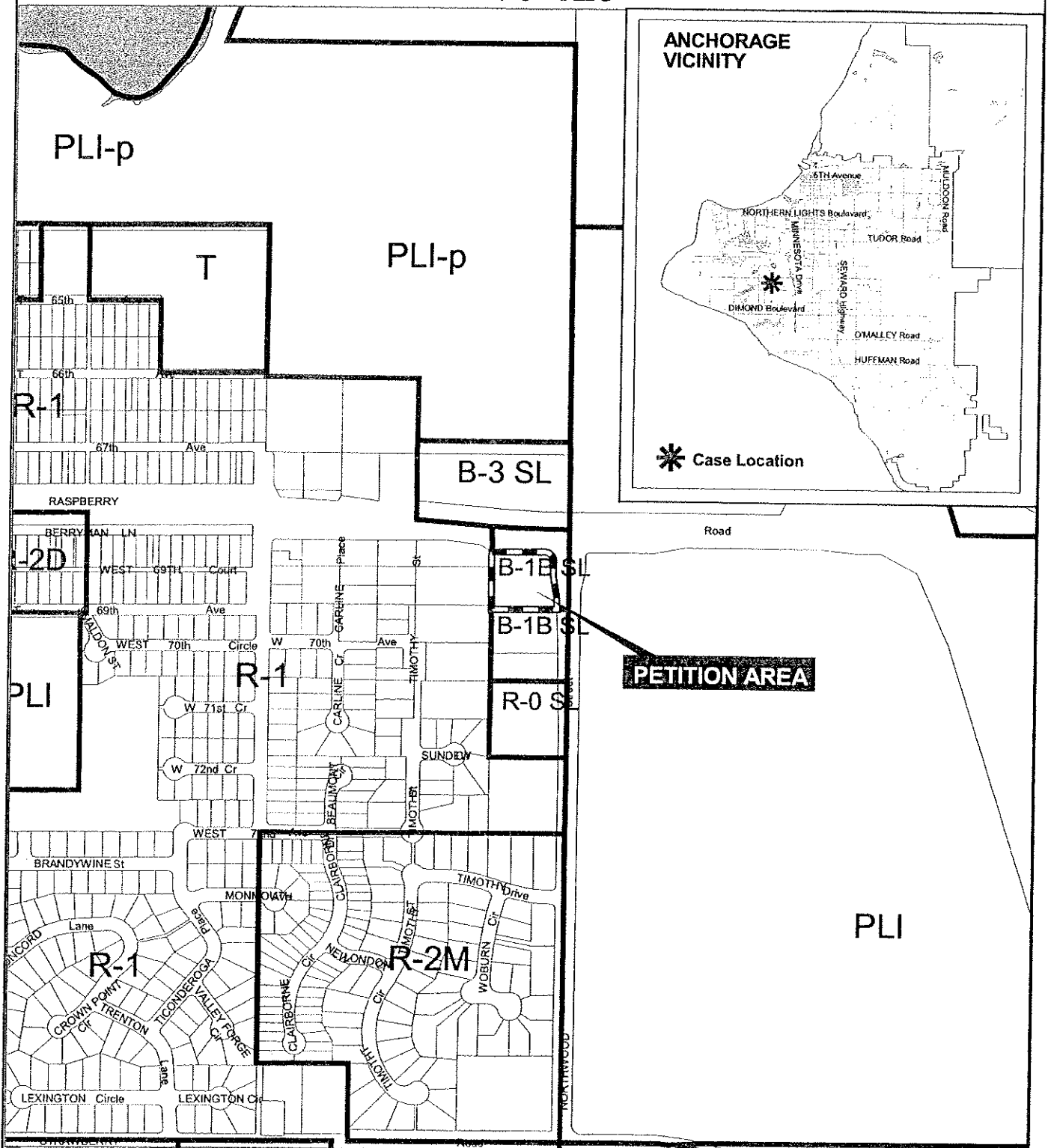
## ANCHORAGE VICINITY



\* Case Location

Road

**PETITION AREA**



Municipality of Anchorage  
Planning Department

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway

Date: August 10, 2005



0 500 1000 Feet

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-062**

A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST TO REZONE 1.53 ACRES FROM B-1B-SL PER AO 91-174 (COMMUNITY BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) TO B-1B-SL TO AMEND THE HEIGHT RESTRICTIONS AND SITE PLAN REVIEW PROCEDURES OF AO 91-174 FOR LOT 1A, RASPBERRY CENTER SUBDIVISION, GENERALLY LOCATED AT 6820 NORTHWOOD DRIVE.

(Case 2005-129; Tax ID No. 012-135-01)

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WHEREAS, a request was received from petitioner Tesoro Refining and Marketing Company to rezone 1.53 acres from B-1B SL per AO 91-174 (Community business district with special limitations) to B-1B SL to amend the height restriction and site plan review procedures of AO 91-174 for Lot 1A, Raspberry Center Subdivision, generally located at 6820 Northwood Drive, and

WHEREAS, notices were published, posted and mailed and a public hearing was held October 10<sup>th</sup>, 2005, and

WHEREAS, the Planning and Zoning Commission recommended APPROVAL of the rezoning request,

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 consists of a 1.53 acre vacant lot and is located on the south side of Raspberry Road and west of Northwood Drive. The area was rezoned to B-1B SL per AO 91-174 and the height of all structures is limited to twenty-five feet. AO 91-174 also requires that any development proposal not consistent with a 1991 Sand Lake Community Council resolution and site plan be the subject of a public hearing site plan review.
2. The property is not designated in Anchorage 2020 Anchorage Bowl Comprehensive Plan, but the 1982 plan lists the property as residential with a density 3 to 6 units per acre. The property has never been developed.
3. The proposed rezoning to B-1B SL will change the special limitations for Lot 1A to allow a height limit to 35 feet for buildings and up to 100 feet for type four antenna towers. A type four tower is a disguised or camouflaged support structure whose function is imperceptible to the uneducated eye. Towers will still require separate review. The rezone proposal will also remove the special limitation requirement for consistency with the 1991 Sand Lake resolution and site plan.
4. The proposed use of an office building and antenna tower is compatible with the purpose and intent of the B-1B district. The area is generally undeveloped except for residential to the west. There is a fifty-four foot setback on the west side of the property which will keep office and commercial uses away from the residential uses. Any tower construction will have to comply with either the

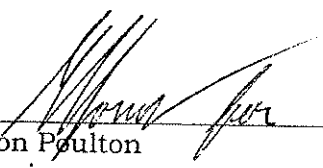
Supplementary District regulations or a Conditional Use permit, depending on the type of tower and antenna.

5. The Commission has unanimously (7-0) recommended approval of the request. The Sand Lake Community Council supports the request and there were no objections from the surrounding property owners.
- B. The Commission recommends that the request for a rezoning from B-1B SL to B-1B SL to change the height limitation and the site plan review procedure of AO 91-174, for Lot 1A, Raspberry Center Subdivision, generally located at 6820 Northwood Drive be APPROVED by the Anchorage Assembly, subject to the following special limitations and an effective clause:
  1. Applicable conditions of Plats 92-128 and 99-13 remain in effect except as modified herein. Rezoning AO 91-174 and AO 02-116 are superceded as they apply to Lot 1-A, Raspberry Center Subdivision.
  2. Structures and telecommunications receivers may be up to 35 feet in height.
  3. Antennas and tower structures shall be regulated per AMC 21.40.145, the B-1B district.
  4. The following uses are prohibited:
    - a. on-premises dry cleaning establishments
    - b. package liquor stores
    - c. bars
    - d. video arcades
    - e. pool halls
  5. This zoning shall not become effective until a replat has been recorded to remove plat notes 1, 2, and 3 of plat 99-13 for Lots 1-A, 1-B and 1-C, Raspberry Center Subdivision.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 10<sup>th</sup> day of October 2005.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 7<sup>th</sup> day of Nov. 2005. If the Planning and Zoning Commission recommends that the Assembly disapprove a zoning map amendment, that action is final unless within 20 days of the Commission's written resolution recommending disapproval, the applicant files a written statement with the Municipal Clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
Don Poulton  
Chair

(Case No. 2005-129)  
(Tax ID No. 012-135-01)

ab

**PLANNING AND ZONING COMMISSION MEETING**

**Assembly Chambers  
Z.J. Loussac Library  
3600 Denali Street  
Anchorage, Alaska**

**MINUTES OF  
October 10, 2005  
6:30 PM**

**A. ROLL CALL**

Present Don Poulton, Chair

Greg Jones, Vice Chair  
Shaun Debenham  
Toni Jones  
Bill Wielechowski  
Art Isham  
Nancy Pease

Excused Megan Simonian

Staff Angela Chambers  
Al Barrett  
Sharon Ferguson

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 7 members present at this meeting is necessary for the approval of any action. If this caused concern, petitioners could request postponement. There were no requests for postponement.

**B. MINUTES**

COMMISSIONER G. JONES moved for approval of the minutes of September 12, 2005.  
COMMISSIONER ISHAM seconded.

AYE: Isham, Pease, T. Jones, Poulton, G. Jones, Wielechowski, Debenham

NAY: None

PASSED

## **G. PUBLIC HEARINGS**

- 1. 2005-129** Tesoro Refining and Marketing Company. A request to rezone approximately 1.53 acres from B-1BSL (Community Business District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) in order to change the Special Limitations currently in place. Raspberry Center Subdivision, Lot 1A. Located at 6820 Northwood Drive.

Staff member AL BARRETT explained that this matter relates to Consent Agenda case 2005-130, which the Commission approved in its previous action. This request is to amend the special limitations list under AO 91-174 to change the height limitation and the review procedure that is referenced in AO 91-174, in a Sand Lake Community Council resolution, and on the plat. MR. BARRETT stated 37 public hearing notices were mailed, no letters in support were received, one letter of objection was received, and the Sand Lake Community Council sent a letter of support, although it was not received timely to be included in the packet for 2005-129, but is included in the packet for 2005-130. This request is to be applied to Raspberry Center Subdivision Lot 1A. AO 91-174 and the plats for this property have in the past treated Lots 1A, 1D and 1C together, but this request deals only with Lot 1A. The Department believes the request is consistent with Anchorage 2020. There are not specific references regarding antennas in Anchorage 2020, but Policy #80 discusses utilities and their location and design, particularly visual impacts. The antennae proposed for this property is a Type 4 stealth antenna, so Staff finds that Policy #80 has been addressed. Any other tower that might be proposed for the property would be reviewed as a supplementary district tower under AMC 21.45 or as a conditional use tower under AMC 21.50. The office building is permitted in the B-1B zoning district. This property lies within the West Anchorage planning area, which has airport-related issues. At this time there is no West Anchorage Planning Study. The issue for this case would probably be one of tower height, but this property is well outside of the height warning zones for the Airport. The Department finds that the Comprehensive Plan standard is met. Regarding existing zonings and neighborhood development patterns, this is a fairly significant intersection that has been targeted for neighborhood commercial. The surrounding property is either commercial or PLI, with the exception of residential immediately to the west. The Department believes the 35-foot height request for the building and a Type 4 tower is compatible with development in the area; the 35-foot height limitation is allowed under B-1B. Any tower would have to comply with either AMC 21.45 or AMC 21.50. The property is well separated from the residential property to the west. Easements totaling 54 feet in width are required on the west side of the subject property, which should guarantee adequate setback for any permitted use. The standard regarding environment is met; there are wetlands in the area but none on



the subject property and there are no identified streams. Public water and sewer are available to the property. The standard for land use patterns is not yet met due to an internal inconsistency between what is proposed and the governing plat. The approval of this rezoning will have an effective clause requiring removal of the plat notes that create this inconsistency. The standard regarding transportation is met; driveway access and street standards were identified in the previous plat and AO. Drainage will be addressed during permitting. The land is vacant. There does not seem to have been any great demand to develop the land. This request allows adjustment of the AO and plat to allow realistic development of the property. MR. BARRETT reviewed each of the five recommended conditions of approval. Condition 1 notes that the applicable conditions of plats 92-128 and 99-13 remain in effect, as amended by condition 5. Condition 2 allows a 35-foot height, as permitted in the B-1B zone. Condition 3 is provided for clarification to future plan reviewers as it is possible that some towers would not qualify under AMC 21.45 and would have to be reviewed as conditional uses under AMC 21.50. Condition 4 lists prohibited uses. Condition 5 is an effective clause requiring removal of notes 1, 2, and 3 on plat 99-13 for Lots 1A, 1B and 1C, Raspberry Center Subdivision, which limited the uses on this property.

COMMISSIONER PEASE asked what is the reason for the limitation in the previous plat on square footage (note 3). MR. BARRETT replied that this restriction is found in the Sand Lake Community Council resolution.

COMMISSIONER PEASE understood this restriction was not tied to any physical constraints of the property. MR. BARRETT responded that it was tied to a very conceptual plan for the property and was intended to help limit the size of development to what one would normally associate with the B-1B neighborhood commercial district.

The public hearing was opened.

TIM SPERNAK, representing the petitioner, explained that one of the conditions of the purchase of this property is that the buyer is able to develop according to his development plan. The owner of Hagen Investments, the potential purchaser of the property, wants to develop a two-story office building with an 8500 square foot footprint and a stealth tower. There have been three meetings with the Sand Lake Community Council. He noted that the tower on the renderings he was displaying is not to scale; the tower would be off the sheet if it were depicted to scale. The peak of the building is 35 feet. The developer has been sensitive to the neighborhood by making the building residential in style. MR. SPERNAK first reviewed an oblique view of the building from the intersection of Northwood Drive and Raspberry Road. He indicated there would be a receiver dish in the rear of the building. A flat deck is located on the east end of the building in order for the satellite to achieve line of sight to receive a signal. The building cannot be located differently because of the tower and the receiving dish. He next reviewed an at-grade view of the building. The building masks the tower to 35 feet and masks the receiving dish. He next reviewed a view of the development from Raspberry Road. The back of the

development will be screened. MR. SPERNAK reviewed the footprint of the building, the location of parking, the location of the receiving dish, visual enhancement landscaping, an existing 8-foot two-sided fence to the south and existing treed landscaping. He then reviewed where the studio for Channel 5 will be located, and a schematic design of the structure.

COMMISSIONER WIELECHOWSKI asked if the front of the building faces the intersection of Raspberry Road and Northwood Drive. MR. SPERNAK replied in the affirmative; the building is at an angle to the intersection. COMMISSIONER WIELECHOWSKI understood that the receiving dish will be in the rear. MR. SPERNAK indicated this is correct. COMMISSIONER WIELECHOWSKI asked if the lots behind this parcel are vacant. MR. SPERNAK replied there are four lots in total; the furthest southern lot is zoned R-O and three lots zoned B-1BSL. COMMISSIONER WIELECHOWSKI asked if radio frequency is an issue and whether studies have been done to determine what kind of aura will exist. JEREMY LANDSMAN with KYES TV 5 replied that the television would use microwave links of half a watt and that is used to send a signal to the main transmitter, which is elsewhere. Any possible tenants that would share the tower would be dealt with separately. He understood that each antenna requires municipal approval. He noted that federal requirements also provide protection. MR. SPERNAK stated that one-half watt is a small emission. He noted that the towers are being constructed to allow collocation; the developer is in discussion with ACS.

COMMISSIONER G. JONES asked what would be the height of the tower. MR. SPERNAK replied that the tower would be 100 feet in height. The initial application was for 85 feet, but now that collocation is considered, the 100-foot height is desired. COMMISSIONER G. JONES asked if the tower is enclosed or open. MR. SPERNAK replied that it would be totally closed. He noted that the tower might look different than the rendering, depending on the design for snow loading, seismic considerations, and wind loading.

SHERRY BROWN stated Sherry Jackson wanted to go on record acknowledging that in her seven years as chair of the Sand Lake Community Council, Mr. Spernak did a great job in not only presenting, but also doing what was asked of him. The Sand Lake Community Council approved this project with the concerns that if Hagen Investments buys the land owned by Calvary Church it would also have to go through the process and be reviewed by the Council. Should Hagen Investments buy the remaining land, the community does not want an antenna farm. Sand Lake Community Council neighbors believe this project is much better than a gas station. The idea that the 85- to 100-foot antenna will be stealth is very well received. The Sand Lake Community Council agrees and insists on the stealth antenna.

On her own behalf MS. BROWN stated she and her husband purchased their home on Timothy Street in 1967 and have been involved in all of the rezone issues in the area since the inception of the Sand Lake Community Council. She was contacted by Sherry Jackson to hold a community meeting on Timothy Street, which was attended by

approximately 12 individuals. At that meeting, drawings were reviewed, and the consensus was that this proposal is much more conducive to the neighborhood than previous proposals. The neighbors were at that time looking at the antenna being 60 feet, so a 100-foot antenna changes the perspective. However, Mr. Spernak did indicate that the tower could be higher than the 60-foot height. She noted that there have been concerns from the neighborhood about contamination from radio waves; this is an unknown. The neighborhood's experience in the past is that the proposals look wonderful but in reality the proposal is not what is actually going to be done. The neighborhood feels that in the past it has been convinced of a best use of the land that is not so and it is looking to the Commission's expertise and the Staff input to protect the community.

COMMISSIONER WIELECHOWSKI asked what was the vote at the Sand Lake Community Council. MS. BROWN replied that she did not attend that meeting. MR. SPERNAK indicated the vote was 16 to 3 in favor of the request. COMMISSIONER WIELECHOWSKI asked if the plan that came before the Sand Lake Community Council was a 60-foot tower. MS. BROWN thought that the Council voted on a height of 85 feet. MR. SPERNAK stated an 85-foot tower was planned initially and after discussions with Staff renderings were prepared of 85-, 100-, and 110-foot towers; the understanding was that the height would depend on who collocates. The Sand Lake Community Council was informed on two occasions that a 100-foot height would be requested.

TOBY STEINBERGER, resident on Raspberry Road, stated she was at a hearing one year ago when ACS wanted to put a tower in her neighborhood and they were asked to do camouflage and said it could not be done. She complimented this developer for their proposal for a stealth tower. She sympathized with her neighbors who will live next to a 100-foot tower, but she agreed with the concept of collocation. She was not sure she would want a 100-foot tower in her neighborhood, but she was encouraged that this company wants to provide opportunities for collocation.

MR. SPERNAK offered to answer questions. COMMISSIONER WIELECHOWSKI noted a concern was raised about this property becoming an antenna farm. He asked if this tower is the only one that can be built on this site. MR. SPERNAK replied that this proposal is for one building and one tower. COMMISSIONER WIELECHOWSKI asked if the receiver in the rear of the building was a topic of discussion in the community. MR. SPERNAK replied that the community wanted to know how it would be shielded and while there will be some shielding, the receiver cannot be enclosed because it receives the transmission. COMMISSIONER WIELECHOWSKI asked if this is the only receiver planned for this site. MR. SPERNAK replied in the affirmative.

MR. SPERNAK explained that he asked ADOT what they are doing with the light standards at the overpass at Minnesota and Raspberry and they indicated the 150-foot standards are being replaced with one 150-foot and four 175-foot standards. Those are two to three blocks from the petition site.

MS. CHAMBERS noted regarding emissions that the 1996 Telecommunications Act prohibits regulating towers or land use issues related to antenna towers regarding emissions and health issues. This is handled through federal regulation.

MR. SPERNAK added that the developer has worked diligently with the Sand Lake Community Council to address their needs and has designed a building that is residential in appearance. He noted that the construction of a stealth tower is significantly more expensive than a typical tower.

Addressing Commissioner Wielechowski's question regarding screening of the receiving dish, MR. BARRETT referred to the photograph on page 3 of the packet and noted that the trees at the rear of the lot are in the 54-foot easement separating the residential neighborhood from the petition site. At the left of the photograph the roof of a two-story home on Timothy Street is visible. There is also a fence along the property. The Department feels the receiving station is adequately shielded from the neighboring property. In addition, Mr. Spernak has provided on page 54 of a packet a good schematic of the footprint of the property, the location of the dish, and artist reproductions of the tower. Further in response to Commissioner Pease's question regarding the 25,500 SF limitation, MR. BARRETT referred to page 85 of the packet, item B.2 of AO 91-171.

The public hearing was closed.

COMMISSIONER G. JONES moved for approval of the requested rezoning from B-1BLS to B-1BSL, subject to the Staff condition 1-4 as special limitations and condition 5 as an effective date clause. COMMISSIONER WIELECHOWSKI seconded.

COMMISSIONER G. JONES felt the petitioner had worked well with the Sand Lake Community Council and he particularly agreed with the testimony that it is gratifying to see a developer propose a stealth tower. This tower will not be the typical open frame cellular tower; it will have architectural features that will help it blend better into the area. He explained that he changed condition 5 to an effective date clause so the ordinance would not go into effect until the revised plat is approved.

COMMISSIONER WIELECHOWSKI supported the motion, commending the developer and the community for working together. He noted that antenna issues are often contentious and this is a model of how this type of request should be done. He agreed with the concept of collocation in order to reduce contention in the future. He felt the stealth tower would benefit both the community and the developer.

COMMISSIONER T. JONES commended the petitioners for coming forward with a stealth tower. She stated there is clearly an existing demand for towers and that demand will likely increase. She recently saw an article on the new E911 system being launched by the Anchorage Police Department that will enable them to find individuals whose cellular phones have GPS capabilities. In order for this system to work, it is necessary to have a signal and, therefore, it is necessary to have towers. She believed this tower would

provide collocation for other providers. With regard to radiation emissions from the tower or the transmitter, she understood that before these facilities go live there is significant engineering and permitting through the FCC.

AYE: Isham, Pease, T. Jones, Poulton, G. Jones, Wielechowski, Debenham

NAY: None

PASSED

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

**G.1.**

**DATE:** ~~October 3, 2005~~ *October 10, 2005 AB*

**CASE NO.:** 2005-129

**APPLICANT:** Tesoro

**PETITIONER'S  
REPRESENTATIVE:** Timothy Spernak

**REQUEST:** Rezoning from B-1B SL (Community business district with Special Limitations) per AO 91-174 to B-1B SL to amend the Special Limitation list and change part of the site plan review procedure as required by AO 91-174.

1) to allow the height limitation to be increased from 25 feet to 35 feet for buildings; and for the height of antennas and transmission towers to be subject to AMC 21.45.265. In commercial zone districts the base height allowed is 130 feet with a bonus for collocation of antennas up to 160 feet maximum. The applicant is proposing a Type 4 tower to be reviewed via case 05-130.

2) a proposed review procedure change, see the fourth paragraph under site description and proposal, below.

**LOCATION:** Raspberry Center Subdivision, Lot 1A

**SITE ADDRESS:** 6820 Northwood Street

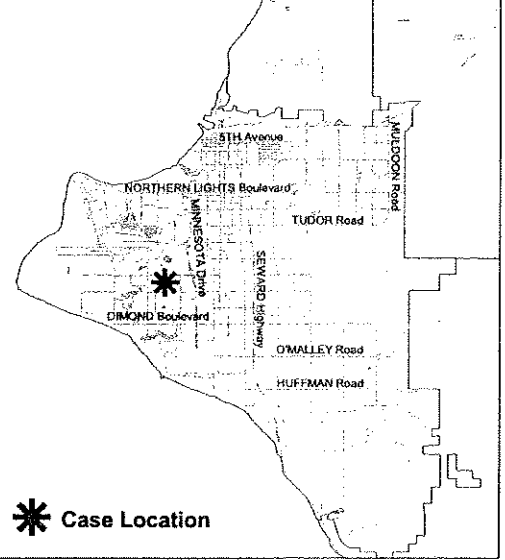
**COMMUNITY  
COUNCIL:** Sand Lake

**TAX NUMBER:** 009-111-98

009-12

# REZONE 2005-129

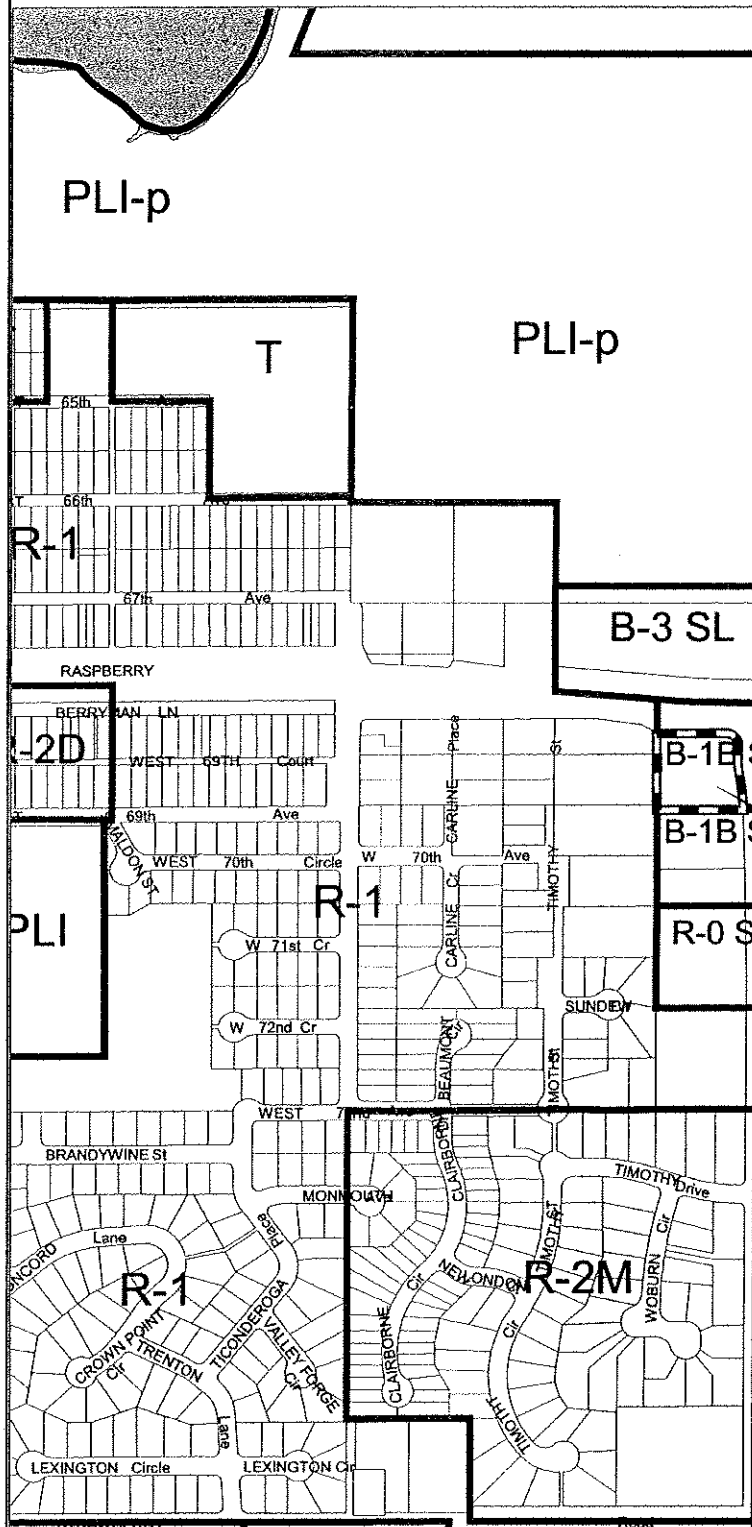
## ANCHORAGE VICINITY



\* Case Location

Road

**PETITION AREA**



Municipality of Anchorage  
Planning Department

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

13

Date: August 10, 2005



property from Northwood



**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:** APPROVAL, subject to the previous replatting and rezoning approvals, except as modified herein. The proposal is consistent with the standards of the Comprehensive Plan.

**SITE:**

Acres: 1.53 acres (approximately 66,803 sq ft)

Vegetation: Cleared

Zoning: B-1B (SL) per AO 91-174

Topography: Generally level

Existing Use: Vacant

Soils: Public water and sewer available

**COMPREHENSIVE PLAN:**

Classification: West Anchorage Planning Area.

Density: B1-B allows approximately 5 units per acre.

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	B-3 SL	PLI	B-1B SL	R-1
Land Use:	Vacant	Vacant	Vacant	Single family

**PROPERTY HISTORY**

03-24-72	Zoning	Areawide R-1
12-17-91	Rezoning	B-1B SL per AO 91-174

08-19-92	Plat 92-128	Re-subdivision of BLM lot 33; Lot 1 Raspberry Center Subdivision created
01-12-99	Replat 99-13	Raspberry Center Lots 1A, 1B, 1C created.
08-20-02	Rezone 02-042	Adds standards for church use to SL list

Applicable Zoning Regulations:

AO 91-174, copy attached. The ordinance limits structure heights to 30 feet, but a later amendment to the ordinance lowered allowable height to 25 feet. The applicant requests an increase to 35 feet for buildings and telecommunications receivers; and for all antennas and transmission towers to be governed by AMC 21.45.265.

**SITE DESCRIPTION AND PROPOSAL:**

This application is to amend the current height restrictions and the review procedure of AO 91-174. The applicant is proposing an office building and a type 4 tower. The tower design will be reviewed under case 2005-130. Type 4 tower means a supportive structure, such as an existing building, steeple, spire or utility pole that is not a type 1, 2 or 3 tower and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principle or secondary function as an antenna or antenna support structure is imperceptible to the uneducated eye. See AMC 21.35.020 for complete definitions of all tower types.

The lot is a 1.6 acre square lot at the southwest corner of Raspberry Road and Northwood Street. There is no record of any development on the property. It has been owned by Tesoro since 1999. The only development in the area consists of single family homes on the west side of the subject lot.

The applicant is requesting to relax the height restriction of AO 91-174 when related to buildings, antennas and transmission towers. The AO restriction is 25 feet. The request is to allow 35 feet for buildings and telecommunication receiver; and for AMC 21.45.265 to regulate the height of an antenna and transmission tower. AMC 21.45.265 would allow up to 130 feet height for a transmission tower although the applicant is proposing a type 4 tower, with the height to be resolved with case 2005-130 (type 4 tower design review).

Staff will recommend that towers be reviewed be per the B-1B district and not per AMC 21.45.265. Towers are reviewed per AMC 21.45.265, which allows a subsequent owner to install a type 1, 2 or 3 tower with an administrative site plan review.

NOTE: AMC 21.50.280 Conditional Use standards are used for type 1, 2, and 3 local interest towers that do not meet the Supplementary District regulations of 21.45.265. The current proposal is for a type 4 tower, which requires a design review by the Commission.

Two other changes are requested:

- 1) in AO 91-174 Section 3, item c. the applicant asks to delete Planning and Zoning Commission review; and,
- 2) in the amendment to AO 91-174 section 3, A.1. delete the section referencing the Sand Lake Community Council resolution and replace in entirety with "Any substantial deviation from the submitted site plan will require a public hearing before the Planning and Zoning Commission."

#### **FINDINGS:**

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

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

##### **The standard is met.**

The rezoning application states that the subject property area is a neighborhood commercial center according to *Anchorage 2020 Anchorage Bowl Comprehensive Plan*, but there is actually no comprehensive plan designation for this property. The nearest neighborhood center is about one mile west, at Raspberry Road and Jewel Lake Road.

The comprehensive plan does not have specific references regarding antennas or transmission towers. Policy 80 does state that all utilities shall be located and designed with balanced regard for the environment, energy conservation, reliability, *visual impacts* (emphasis added), natural hazard survivability, and cost.

If this rezoning is approved, any type 1 or 3 structure will be reviewed as an administrative site plan, PNZ case 05-130.

1. if the proposed zoning map amendment does not conform to the land use classification map in the Comprehensive Plan explain how proposed rezoning meets one of the following standards:
  - a. the proposed use is compatible because of the diversity of uses in the area,
  - b. the proposed use may be made compatible with special limitations or conditions of approval relating to access, landscaping, screening, design standards, site planning,
  - c. the proposed use does not conflict with applicable goals and policies.

Department Response: The *Anchorage 2020* plan designates this area as the West Anchorage Planning Area. There is no existing specific plan, but the intent is to recognize a relationship between the airport and surrounding communities, and the impacts of one upon the other.

At this point in time, the airport issue could be one of tower height, which is required to be reviewed by the FAA. This location is outside height warning zones.

The 1982 plan land use map indicates public lands to the north and east, and residential to the west and south of the subject property.

The current zoning pattern at the intersection of Raspberry Road and Northwood Street is commercial and PLI, but the area is generally undeveloped.

Staff believes the proposal for a building height of 35 feet and a type 4 tower is compatible with development in the area. Thirty-five feet height is normal for an office in B-1B, the Title 21 height limit is 35 feet. A type 4 tower is acceptable as it will have to comply with either AMC 21.45.265 or 21.50.280. There are residential uses west of the property, but the plat and the zoning special limitations require buffers and easements totaling 54 feet in width from the west property line.

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

- a. In cases where the proposed rezoning would result in greater density, explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, using one of the following criteria:
  - i. the area is adjacent to a neighborhood shopping center, other major high density node, or principal transit corridor.
  - ii. not applicable

This section is not applicable.

- b. in cases where the rezoning would result in less residential density...

This question is not applicable.

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

Not applicable.

**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 for environment.**

**The standard is not met for land use patterns.**

There are class C wetlands on the adjacent property to the west, but no identified wetlands or streams on the subject property. Public water and

sewer services are available. The property is vacant and cleared. Drainage issues will be addressed as part of permit process.

The proposal is in potential conflict with the plat. There is a plat limitation from plat 99-13 which limits total building of the three lots, 1-A, 1-B, 1-C, to a maximum of 25,500 square feet. The proposed building on Lot 1-A alone has a footprint of 8,500 square feet. This could present a problem for development on Lots 1-B and 1-C. The owner of the three lots has recorded a document that advises future buyers of any of the lots that lot 1-A is allowed up to 11,600 square feet of the total 25,500 and that lots 1-B and 1-C may be limited to 13,900 square feet. If this application is approved, the square foot restriction will be removed.

There is also a plat note requiring all three lots to conform to a Sand Lake Community Council resolution and site plan. A plat amendment is needed to remove plat notes 1, 2 and 3 from plat 99-13. The applicant will apply for a plat note removal.

The current land use pattern and zoning districts at the intersection of Raspberry and Northwood can best be characterized as "undeveloped." There is a large amount of R-1 zoning to the west, but the immediately adjacent property is zoned commercial and vacant. A site plan review under 21.45 or 21.50 can best determine exact antenna location.

#### Transportation/Drainage

**The standard is met for transportation.**

**The standard has not yet been addressed for drainage.**

Raspberry Road (state owned) and Northwood Street (Muni owned) are constructed. Driveway permits will be required. The plat and the special limitations govern driveway locations. Lot 1A will be limited to a maximum two access points: a right-in, right-out driveway on Raspberry Road and one common driveway at the lot line with Lot 1B.

Drainage will be reviewed during permitting.

#### Public Services and Facilities

**The standard is met.**

AWWU water mains and sanitary sewer are available.

There is an existing multi-use paved trail and a planned bicycle route on Raspberry. Northwood is shown for a planned multi use paved trail. Right of way is adequate for trails, sidewalks and bike paths. This project will not interfere with either.

#### Special Limitations

The applicant is requesting an amendment to the Special Limitations in AO 91-174. He is requesting an increase to the height limitation and a change to the plan review procedure. The Department is recommending a tower height and tower type special limitation.

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.

The zone district is not changing. A height change to the special limitations is proposed. There are no towers in the immediate area.

The land is vacant and there does not seem to have been any great demand for it. The list of special limitations is not restrictive and allows uses typical of what would be expected at a minor commercial intersection.

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.

Public water and sewer are available. The external road network is adequate in terms of level of service. The application states that the site will be developed beginning Spring, 2006.

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 1982 comprehensive plan designated the area as residential, but the 1991 rezoning to B-1B SL changed that. The change of the height limitation will not affect density or distribution of land uses.

### **COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

On September 8, 2005, 37 public hearing notices were mailed. None have been returned. The Community Council has submitted a letter of support for the proposal.

### **DEPARTMENT RECOMMENDATION:**

The proposal is consistent with *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. The Department recommends approval of B-1B SL for Lot 1-A, Raspberry Center Subdivision with the proposed special limitations to increase the allowed structure height, permit towers, and amending the site plan review process of AO 91-174.

If the Planning and Zoning Commission recommends approval, staff recommends the following special limitations:

1. Applicable conditions of Plats 92-128 and 99-13 remain in effect except as modified herein. Rezoning AO 91-174 and AO 02-116 are superceded as they apply to Lot 1-A, Raspberry Center Subdivision.
2. Buildings may be up to 35 feet in height.
3. Antennas and tower structures shall be regulated per AMC 21.40.145, the B-1B district.
4. The following uses are prohibited:
  - a. on-premises dry cleaning establishments
  - b. package liquor stores
  - c. bars
  - d. video arcades
  - e. pool halls
5. This zoning shall not become effective until a replat has been recorded to remove plat notes 1, 2, and 3 of plat 99-13 for Lots 1-A, 1-B and 1-C, Raspberry Center Subdivision.



Reviewed by:



Tom Nelson  
Director

Prepared by:

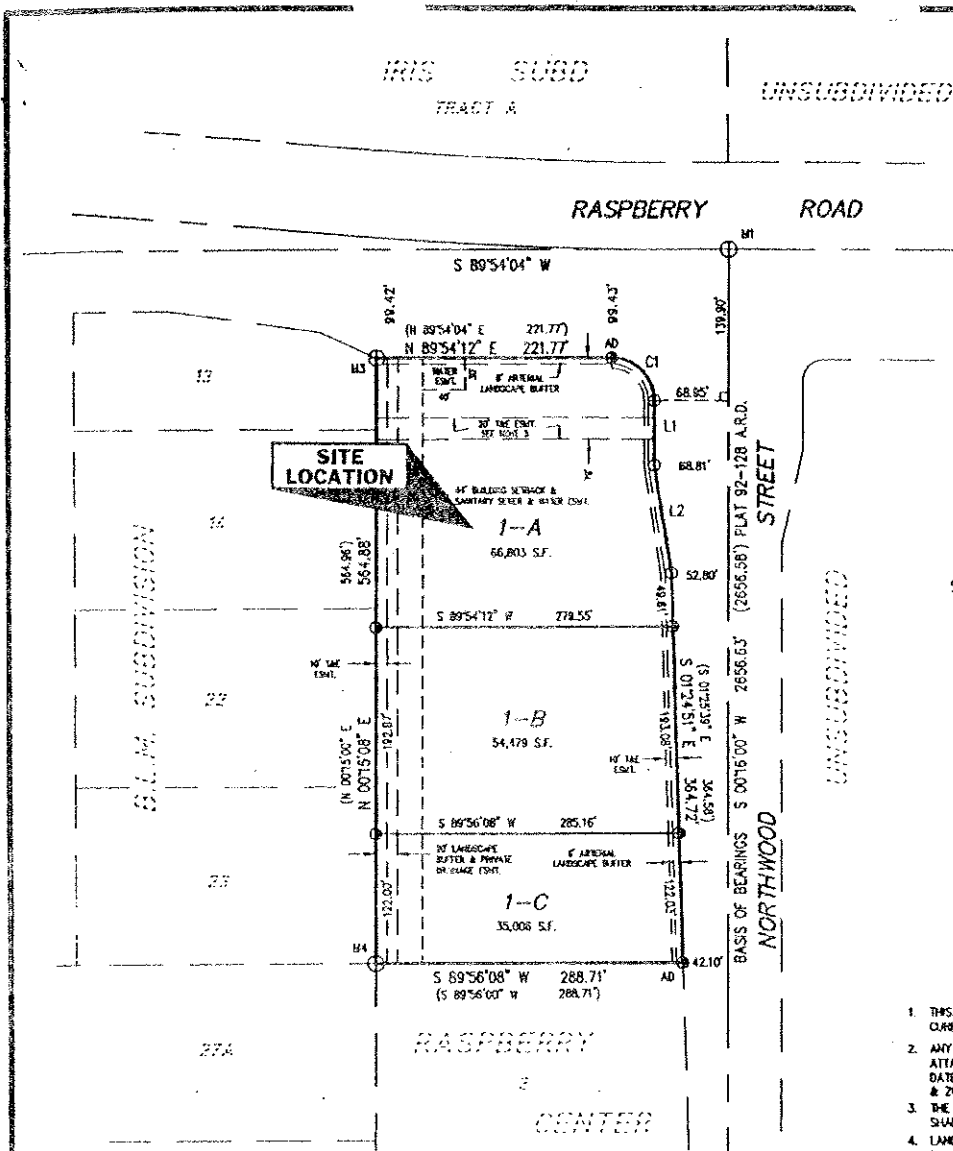


Alfred Barrett  
Senior Planner

(Case No. 2005-129) (Tax Parcel #012-135-01)  
C:\WINNT\Profiles\cdawb\Desktop\rezonings\02-202 SL change\staff report.doc

# 2

## **HISTORICAL MAPS AND AS-BUILTS**



# LEGEND

S 89°56'08" W	288.71'	MEASURED DATA THIS SURVEY
(S 89°56'00" W	288.71')	RECORD DATA PER PLAT 92-128 A.R.D.
⊕		FOUND PRIMARY MONUMENT
⊙		FOUND BESSE ENG. PLASTIC CAP ON 5/8" IR
⊗		SET 2" LONGBERRY ALUM. CAP ON 5/8" REB
		FLUSH W/ GROUND - LS-8535 / 1999
AD		POINT ESTABLISHED AT RECORD ANGLE & DIS
CI		TYPICAL CURVE LABEL, SEE TABLE
L1		TYPICAL LINE LABEL, SEE TABLE
M3		TYPICAL MONUMENT LABEL, SEE DETAILS
EW		EASEMENT
TEL		TELEPHONE & ELECTRIC
S.F.		SQUARE FEET

# NOTES

- THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AO 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED.
- ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11-22-91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION.
- THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,500 SQUARE FEET.
- LANDSCAPING FOR ARTERIAL AND BUFFER EASEMENTS SHALL BE INSTALLED WITH THE BUILDING PERMIT AND MAINTAINED BY THE PROPERTY OWNER.
- CHUCKACH ELECTRIC ASSOCIATION, INC. EASEMENT COSTS IN WISC. BOOK 65 AT PAGE NOT DEDICATED THIS PLAT.
- A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS TO RASPBERRY ROAD FROM LOT 1-B BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THIS ACCESS SHALL BE 107 FEET EAST OF THE WEST PROPERTY LINE.
- ACCESS TO NORTHWOOD DRIVE IS LIMITED TO TWO COMMON DRIVEWAYS TO BE LOC'D THE COMMON LOT LINE OF LOTS 1-A & 1-B AND THE COMMON LOT LINE OF LOTS 1-B.
- WHERE THE T&E EASEMENTS ARE OVERLAPPED BY ARTERIAL LANDSCAPING EASEMENT APPROVAL MUST BE OBTAINED FROM THE ELECTRIC UTILITY PRIOR TO LAND CHANGES OR CHANGES IN GRADE. LANDSCAPING WITHIN THESE EASEMENTS IS SUBJECT RIGHT OF THE UTILITY TO CUT, TRIM, REMOVE AND CONTROL THE GROWTH OF TREES AND OTHER VEGETATION THAT IN ITS REASONABLE JUDGEMENT MAY INTERFERE WITH PROPER INSTALLATION, FUNCTIONING AND MAINTENANCE OF THE UTILITY FACILITIES. THE ELECTRIC UTILITY WILL NOT REPLACE NOR BE RESPONSIBLE FOR DAMAGED LAND WITHIN THE OVERLAPPING T&E AND ARTERIAL LANDSCAPING EASEMENTS.
- THIS NOTE WAS NOT REQUIRED ON THE PREVIOUS PLAT WHICH DEDICATED THESE EASEMENTS. THE ADDITIONAL REQUIREMENTS OF THIS NOTE ARE OBJECTIONABLE TO THE OWNER.
- THIS PROPERTY IS LOCATED WITHIN THE 60-65 DBL. CONTOUR AND IS SUBJECT TO LEVELS OF AIRPORT NOISE.

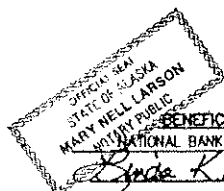
# LINE TABLE

LINE	MEASURED		RECORD	
	DIRECTION	DISTANCE	DIRECTION	DISTANCE
L1	S 00°07'53" W	59.98'	S 00°14'45" W	60.04'
L2	S 06°48'13" E	101.57'	S 06°51'00" E	101.53'

# CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
*C1	60.00'	62.83'	40.00'	56.57'	N 45°03'41" W	90°00'00"
(C1)	(40.00')	(63.07')	(40.22')	---	---	(90°20'41")

\* DEMONSTRATES NON-TANGENTIAL CURVE



BY: LINDA K. LESTER, ~~RECEIVED~~ VICE PRESIDENT  
1500 WEST BOYSON BLVD.  
ANCHORAGE, ALASKA 99503

# NOTARY'S ACKNOWLEDGMENT

LINDA K. LESTER PERSONALLY APPEARED  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th

DAY OF February, 1999

Mary Neill Carson  
NOTARY FOR ALASKA

5-16-99  
MY COMMISSION EXPIRES

# PLAT APPROVAL

PLAT APPROVED BY THE MUNICIPAL PLANNING AUTHORITY THIS

28th DAY OF Feb 1999

APPROVALS

PLATTING OFFICER

MUNICIPAL SURVEYOR

AUTHORIZED OFFICIAL

2-18-99  
3/9/99

RECORDED - FILED  
ANCHORAGE REC. DIST.

DATE Feb 19, 1999

TIME 3:11 P.M.

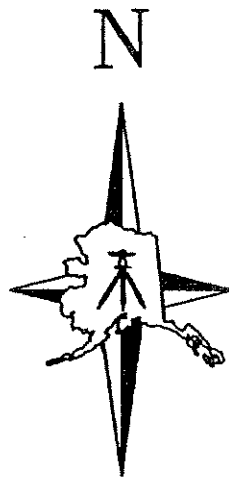
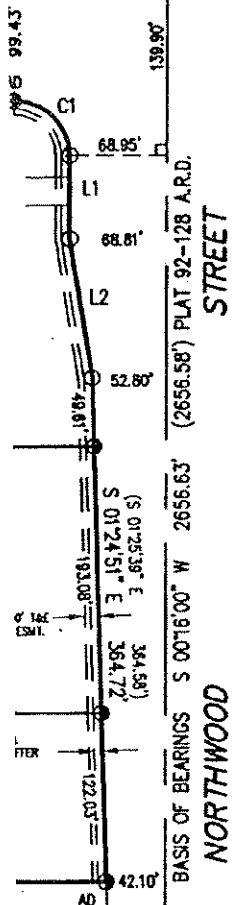
Requested by M.O.A.

Address

L  
H  
C  
T  
A  
O

UNSUBDIVIDED

RASPBERRY ROAD



( IN FEET )  
1 inch = 100 ft.

### LEGEND

S 89°56'08" W 288.71'	MEASURED DATA THIS SURVEY
(S 89°56'00" W 288.71')	RECORD DATA PER PLAT 92-128 A.R.D.
⊕	FOUND PRIMARY MONUMENT
⊙	FOUND BESSE ENG. PLASTIC CAP ON 5/8" REB.
⊙	SET 2" LOUNSBURY ALUM. CAP ON 5/8" REBAR
	FLUSH W/ GROUND - LS-8535 / 1999
AD	POINT ESTABLISHED AT RECORD ANGLE & DISTA
C1	TYPICAL CURVE LABEL, SEE TABLE
L1	TYPICAL LINE LABEL, SEE TABLE
M3	TYPICAL MONUMENT LABEL, SEE DETAILS
EASEM.	EASEMENT
T&E	TELEPHONE & ELECTRIC
S.F.	SQUARE FEET

### NOTES

1. THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AO 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED.
  2. ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11-22-91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION.
  3. THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,500 SQUARE FEET.
  4. LANDSCAPING FOR ARTERIAL AND BUFFER EASEMENTS SHALL BE INSTALLED WITH THE BUILDING PERMIT AND MAINTAINED BY THE PROPERTY OWNER.
  5. CHICAGO ELECTRIC ASSOCIATION, INC. EASEMENT EXISTS IN MISC. BOOK 65 AT PAGE NOT DEDICATED THIS PLAT.
  6. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS TO RASPBERRY ROAD FROM LOT 1-A BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THIS ACCESS SHALL BE 107 FEET EAST OF THE WEST PROPERTY LINE.
  7. ACCESS TO NORTHWOOD DRIVE IS LIMITED TO TWO COMMON DRIVEWAYS TO BE LOCATE THE COMMON LOT LINE OF LOTS 1-A & 1-B AND THE COMMON LOT LINE OF LOTS 1-
  8. WHERE THE T&E EASEMENTS ARE OVERLAPPED BY ARTERIAL LANDSCAPING EASEMENTS WRITTEN APPROVAL MUST BE OBTAINED FROM THE ELECTRIC UTILITY PRIOR TO LANDS. CHANGES OR CHANGES IN GRADE. LANDSCAPING WITHIN THESE EASEMENTS IS SUBJECT RIGHT OF THE UTILITY TO CUT, TRIM, REMOVE AND CONTROL THE GROWTH OF TREES, AND OTHER VEGETATION THAT IN ITS REASONABLE JUDGEMENT MAY INTERFERE WITH PROPER INSTALLATION, FUNCTIONING AND MAINTENANCE OF THE UTILITY FACILITIES. THE ELECTRIC UTILITY WILL NOT REPLACE NOR BE RESPONSIBLE FOR DAMAGED LANDS WITHIN THE OVERLAPPING T&E AND ARTERIAL LANDSCAPING EASEMENTS.
- \* THIS NOTE WAS NOT REQUIRED ON THE PREVIOUS PLAT WHICH DEDICATED THESE EASE. THE ADDITIONAL REQUIREMENTS OF THIS NOTE ARE OBJECTIONABLE TO THE OWNER.

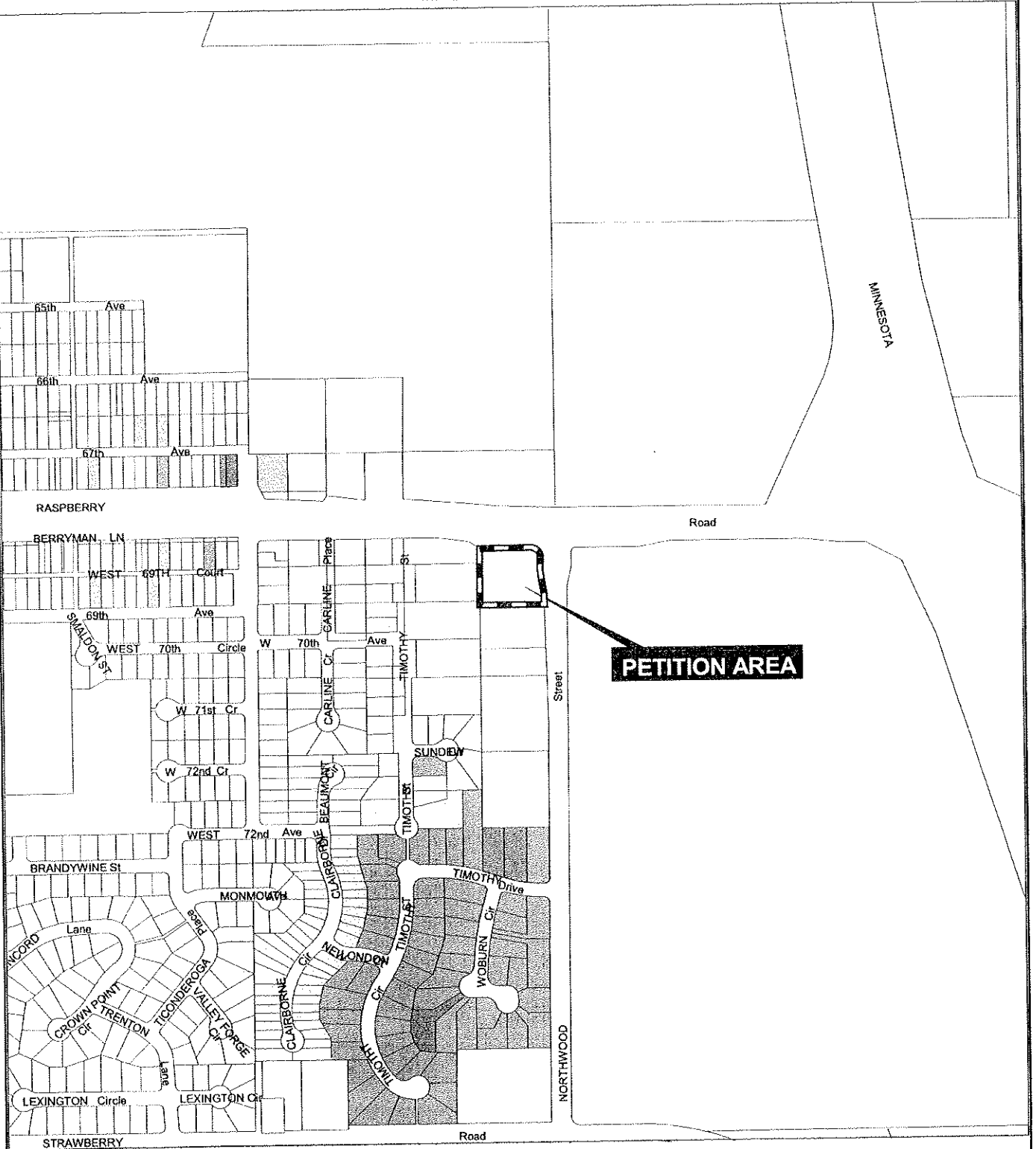
*Send Lake CC  
revisions*

*Tim - mail,  
describe  
25,000*

PLAT  
"00'00"  
20'41"



# REZONE 2005-129



Municipality of Anchorage  
Planning Department

Date: August 10, 2005

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

0 500 1000 Feet

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

3

**DEPARTMENTAL  
COMMENTS**

SEP-22-2005 06:38P FROM:

TO: 5618929

P: 1/1

Sand Lake Community Council  
Resolution Number: \_\_\_\_\_

WHEREAS, Lot A1 of the Raspberry Center Subdivision is located within the Sand Lake Community Council boundary, and

WHEREAS, The Sand Lake Community council heard presentations from Hagen Investments, LLC on July 11, 2005 and August 8, 2005 relative to a Rezone Application and Transmission Tower Design Review it submitted to the Municipal Planning Department for this property; and

WHEREAS, Hagen Investments, LLC requested Sand Lake Community Council approval of the Rezone Application and Transmission Tower Design Review on this property.

NOW THEREFORE, BE IT RESOLVED: that the Sand Lake Community Council approves the Rezone Application and Transmission Tower Design Review as presented to Sand Lake Community Council on August 8, 2005 by Hagen Investments, LLC by vote at its September 12, 2005 meeting.

Duly Adopted This 12th Day of September, 2005

Sherri Jackson 9/22/05  
Sherri Jackson, President  
Sand Lake Community Council

ATTEST:

, Vice President  
Sand Lake Community Council



*MUNICIPALITY OF ANCHORAGE*

**MEMORANDUM**

**DATE:** September 9, 2005

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

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

**FROM:** Physical Planning Division Staff

**SUBJECT:** Staff comments for the Planning and Zoning Commission to be heard  
October 3, 2005

SEP 16 2005  
Municipality of Anchorage  
Zoning Division

**2005-127      *PLI (Public Lands and Institutions) to R-0 (Residential Office District)***

This application will be reviewed under separate cover.

**2005-128      *Zoning Conditional Use for a Natural Resource Extraction Time Extension***  
This Division has no objection to the time extension.

**2005-129      *Rezoning to B-1BSL (Community Business District with Special Limitations)***

The special limitation modification would allow a sleuth antennae to be reviewed as an Administrative Site Plan; whereas, the special limitations in effect under AO91-174 require a site plan review by the Planning and Zoning Commission. This special limitation should not be deleted.

The size and appearance of the tower should blend with the surrounding neighborhood. Case 2005-130 Administrative Site Plan review for the tower proposes a 100' clock tower without a clock. It is not clear from the information submitted whether the tower is totally solid or whether it is partially open. Although there is existing vegetation between this parcel and R-1 single-family residential development to the west, it is difficult to determine whether the tower is in scale with the proposed two-story office building and the adjacent residential development.

If the tower is not to be functional as a clock, some type of design elements need to be included on the tower and an open concept rather than a solid structure should be considered. The proposal also shows a fence along the backside of the building where the satellite dish is to be located. This is a commercial area and the proposed office and tower appear to be a compatible use; however, this is an entrance to the Sand Lake Area and the tower will be highly visible and should be reviewed as a public hearing before the Planning and Zoning Commission.

**Municipality of Anchorage  
MEMORANDUM**

RECEIVED

SEP 06 2005

Municipality of Anchorage  
Zoning Division

**DATE:** September 1, 2005

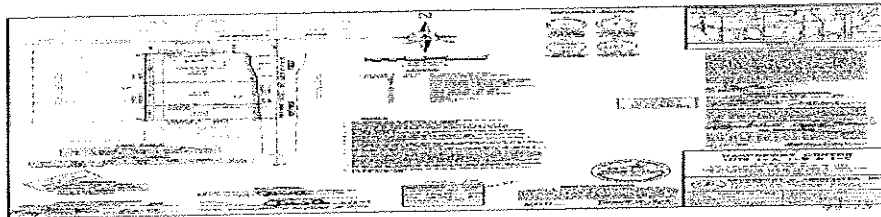
**TO:** Jerry Weaver, Manager, Zoning and Platting Division

**FROM:** Brian Dean, Code Enforcement Manager

**SUBJECT:** Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of October 3, 2005

**Case #:** 2005-129  
**Type:** Rezoning with Special Limitations  
**Subdivision:** Raspberry Center, Lot 1-A  
**Grid:** 2127  
**Tax ID #:** 012-135-01  
**Zoning:** B-1BSL per AO 91-174 aa

**Platting:** 99-13, filed February 19, 1999



1. In order to avoid conflicts with note 1 of underlying plat 99-13, the ordinance must be worded as an *amendment of AO 91-174* – not as a conventional rezoning ordinance.
2. If the petitioner intends that the Commission review the proposed site plan for conformity with note 2 of underlying plat 99-13, that needs to be clearly stated and the advertisement must reflect the site plan review as well as the rezoning. If not, Land Use Enforcement requests that it adopt a finding in its resolution that this public hearing does not meet the requirements of note 2 of plat 99-13.
3. If the petitioner intends that the Commission review the proposed site plan for conformity with note 2 of underlying plat 99-13, and if the Commission finds that the proposed site plan is acceptable, Land Use Enforcement requests that it adopt a finding in its resolution that this public hearing meets the requirements of note 2 of plat 99-13.

(Reviewer: Don Dolenc)



# MUNICIPALITY OF ANCHORAGE

Development Services Department  
Right of Way Division



## MEMORANDUM

RECEIVED

**DATE:** September 1, 2005  
**TO:** Planning Department, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisor *Lu*  
**FROM:** Lynn McGee, Senior Plan Reviewer *Lu*  
**SUBJ:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of October 3, 2005.

SEP 01 2005

Municipality of Anchorage  
Zoning Division

Right of Way has reviewed the following case(s) due September 5, 2005.

- 05-127 Providence-Chester Creek, Tract D-2, grid 1735**  
**(Rezoning Request, PLI to R-O)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 05-128 Lancaster, Tract A, and Section 10, SW1/4 SW1/4 T12N R4W, grid 2324**  
**(Conditional Use, Natural Resource Extraction)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 05-129 Raspberry Center, Lot 1A, grid 2127**  
**(Rezoning Request, B-1BSL to B-1BSL)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 05-131 Bruce, Lot 20A, grid 2327**  
**(Site Plan Review, Carwash Facility)**  
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)

RECEIVED

August 29, 2005

AUG 30 2005

RE: Zoning Case Review

Municipality of Anchorage  
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 Cases and has no comment:

2005-117 Providence Chester Creek Subd Tract A/Conditional Use: Admin. Bldg.  
2005-126 Hansen Subd Lot 1A Blk 3 2710 Spenard Rd/Conditional Use: liquor store  
2005-127 Providence-Chester Creek Tract D-2/Rezone: R-O  
2005-133 Muldoon Heights Tract A 1265 Muldoon Rd/Conditional use: restaurant

## Comments:

**2005-128** Lancaster Tract A 8501 Sand Lake Rd/Conditional use: natural resource extract  
The applicant is required to get a driveway permit to access Sand Lake Road. They may contact Lynda Hummel, Rights of Way Agent at 269-0698 for an application and assistance.

**2005-129** Raspberry Center Lot 1A (Northwood & Raspberry) Rezone: B-1BSL: The applicant is required to receive ADOT&PF approval and have a current valid driveway permit to access Raspberry Road. They may contact Lynda Hummel, Rights of Way Agent at 269-0698 for an application and assistance.

**2005-131** Bruce Lot 20A/Site plan review: carwash: The applicant is required to receive ADOT&PF approval and have a current valid driveway permit to access Dimond Blvd. They may contact Lynda Hummel, Rights of Way Agent at 269-0698 for an application and assistance.

**2005-132** Penland Park Tract F2 3801 DeBar Rd. Conditional use: restaurant: The applicant is required to receive ADOT&PF approval and have a current valid driveway permit to access DeBarr Road and Bragaw Street. They may contact Lynda Hummel, Rights of Way Agent at 269-0698 for an application and assistance.



**Municipality of Anchorage  
Development Services Department  
Building Safety Division**



**MEMORANDUM**

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**DATE:** August 25, 2005  
**TO:** Jerry Weaver, Jr., Platting Officer, CPD  
**FROM:** *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due September 5, 2005

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

- 2005 – 127 Rezoning to R-O Residential-office district 1.89 acres to R-O Residential-office district  
No objection
- 2005 – 128 Zoning conditional use for a natural resource extraction 79.17 acres to a natural resource extraction  
No objection
- 2005 – 129 Rezoning to B-1BSL Community business district with special limitations 1.53 acres to B-1BSL Community business district with special limitations  
No objection
- 2005 – 131 Site plan review for a carwash 4.46 acres to a carwash  
No objection

RECEIVED

AUG 25 2005

Municipality of Anchorage  
Zoning Division



## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 8-24-05

Case: 2005-129

Flood Hazard Zone: C

Map Number: 0240

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

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

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

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

☒ I have no comments on this case.

Reviewer: Jack Puff

**Pierce, Eileen A**

**From:** Cartier, Richard D.  
**Sent:** Tuesday, August 23, 2005 2:13 PM  
**To:** Pierce, Eileen A  
**Subject:** FW: Rich here are 3 more fire prevention site plan reviews

Here are more reviews

**Rich Cartier**  
**Municipality of Anchorage**  
Planning Department  
Zoning-Platting Division  
4700 S. Bragaw Street 1st Floor  
Anchorage AK 99507  
**Email:** [cartierd@muni.org](mailto:cartierd@muni.org)  
907-343-7934 Fax: 907-343-7927

**From:** Schwan, Martin K.  
**Sent:** Tuesday, August 23, 2005 2:12 PM  
**To:** Cartier, Richard D.  
**Subject:** Rich here are 3 more fire prevention site plan reviews

Permit #	Route To	Approved?	Subdivision	Comments	Request
2005-127	R. Cartier	Yes 8/23/2005	Tract D-2, Providence-Chester Creek Sub.	No Objection	Rezoning to R-O residential-Office
2005-128	R. Cartier	Yes 8/23/2005	Tract A, Lancaster Sub.	No Objection	Zoning conditional use for a natural resource extraction
2005-129	R. Cartier	Yes 8/23/2005	Lot 1A, Raspberry Center Sub.	No Objection	Rezoning to B-1Bsl Community Business district with special lim

This email is intended solely for the use of the individual to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure. *DISCLOSURE OF CONFIDENTIAL INFORMATION IS PROHIBITED BY AMC 5.80.060.* The information is intended solely for the use of the individual or entity named above. This email **MAY NOT** BE REPRODUCED, FORWARDED, DISTRIBUTED OR OTHERWISE DISCLOSED OR DISSEMINATED WITHOUT THE EXPRESS PERMISSION OF THE SENDER. If you have received this communication in error, please immediately notify us by telephone at 267-4968 and return the original message to us at the listed email address.

**Fire Inspector Martin Schwan**  
Anchorage Fire Department  
[schwanmk@muni.org](mailto:schwanmk@muni.org)

**MUNICIPALITY OF ANCHORAGE**  
**Anchorage Water & Wastewater Utility**

**RECEIVED**

AUG 11 2005

**MEMORANDUM**

Municipality of Anchorage  
Zoning Division

**DATE:** August 11, 2005  
**TO:** Zoning and Platting Division, OPDPW  
**FROM:** Hallie Stewart, Engineering Technician, AWWU *H Stewart*  
**SUBJECT:** Planning & Zoning Commission Hearing October 3, 2005  
AGENCY COMMENTS DUE September 5, 2005

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

**05-127 Providence-Chester Creek, Tr D-2 (rezone) Grid 1735**

1. AWWU water and sanitary sewer mains are located within the area.
2. AWWU has no objection to the proposed rezone.

**05-128 Lancaster, Tract A (conditional use) Grid 2324**

1. AWWU has no objection to the proposed conditional use.

**05-129 Raspberry Center, Lot 1A (rezone) Grid 2127**

1. AWWU water and sanitary sewer are available to the referenced lot.
2. AWWU has no objection to the 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

000-000-00-000

37  
mailed  
9/8/05

## NOTICE OF PUBLIC HEARING - - Monday, October 03, 2005

Planning Dept Case Number: 2005-129

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

CASE: 2005-129  
PETITIONER: Tesoro Refining and Marketing Company  
REQUEST: Rezoning to B-1BSL Community business district with special limitations  
TOTAL AREA: 1.530 acres  
SITE ADDRESS: 6820 NORTHWOOD ST  
CURRENT ZONE: B-1BSL Community business district with special limitations  
COM COUNCIL(S): 1---Sand Lake

LEGAL/DETAILS: A request to rezone approximately 1.53 acres from B-1BSL (Community Business District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) in order to change the Special Limitations currently in place. Raspberry Center Subdivision, Lot 1A. Located at 6820 Northwood Drive.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, October 03, 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](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Comments: \_\_\_\_\_  
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# 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) Tesoro Refining and Marketing Comp.	Name (last name first) Spernak, Timothy
Mailing Address 3450 South 344th Way, Suite 201 Auburn, WA 98001-5931	Mailing Address 3201 "C" st. Suite 200 Anchorage, AK 99503
Contact Phone: Day: 253-896-8810 Night:	Contact Phone: Day: 786-7312 Night: 345-1867
FAX: 866-743-3309	FAX: 561-8929
E-mail: rmaybruck@tsocorp.com	E-mail: tspernak@gci.net

\*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): 012-13-501		
Site Street Address: Northwest corner of Northwood Dr. & Raspberry Rd		
Current legal description: (use additional sheet if necessary)  Lot 1A, Raspberry Center subdivision Anchorage Recording District State of Alaska		
Zoning: B-1B SL	Acreage: 66,803 s.f. 1.5336 AC	Grid # SW2127

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

Date

Signature (Agents must provide written proof of authorization)

41

Accepted by: AC	Poster & Affidavit: AC	Fee: \$4,000	Case Number: 2005-129
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**COMPREHENSIVE PLAN INFORMATION**Anchorage 2020 Urban/Rural Services: ☒ Urban ☐ Rural *See Angela*Anchorage 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 ZoneFloodplain: ☒ None ☐ 100 year ☐ 500 yearSeismic Zone (Harding/Lawson): ☐ "1" ☐ "2" ☒ "3" ☐ "4" ☐ "5"**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion of site)☐ Rezoning - Case Number:☐ Preliminary Plat ☐ Final Plat - Case Number(s):☐ Conditional Use - Case Number(s):☐ Zoning variance - Case Number(s):☐ Land Use Enforcement Action for☐ Building or Land Use Permit for☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage**APPLICATION ATTACHMENTS**Required: ☒ Area to be rezoned location map ☐ Signatures of other petitioners (if any)☒ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.☐ Draft Assembly ordinance to effect rezoning.Optional: ☒ Building floor plans to scale ☒ Site plans to scale ☒ Building elevations☒ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis☐ Photographs**APPLICATION CHECKLIST**

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.

2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.



Municipality of Anchorage  
Department of Community Planning and Development  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

## STANDARDS FOR ZONING MAP AMENDMENTS

The petitioner must provide a written narrative which addresses the following standards. Zoning map amendment applications which do not address these items will be considered invalid and will not be accepted for public hearing by the Department of Community Planning and Development. (Use additional paper if necessary).

### A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:
  - a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;
  - b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
  - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

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2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:
  - a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:
    - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.
    - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

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

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

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

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

a. Environment;

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b. Transportation;

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c. Public Services and Facilities;

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d. Land Use Patterns;

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Note:     Surrounding neighborhood     =     500 - 1000' radius  
             General Area                         =     1 Mile radius  
             Community                           =     Anchorage as a whole

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

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

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

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RETURN COMMENTS TO:

DEPARTMENT OF PLANNING  
Zoning and Platting Division  
P.O. Box 196650  
Anchorage, Alaska 99519-6650  
Phone 343-7943

**Case No.** 2005-129

Request: Rezoning to B-1BSL Community business district with special limitations  
1.53 acre(s)

to:

B-1BSL Community business district with special limitations

**Zoning:** B-1BSL Community business district with special limitations

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COMMENTS AND MEETING SCHEDULE:

Planning and Zoning Commission Public hearing

Hearing Date: Monday, October 03, 2005  
Agency Comments Due: Monday, September 05, 2005  
Council Comments Due: Friday, September 23, 2005

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DISTRIBUTION: STANDARD DISTRIBUTION  
COMMUNITY COUNCIL(S):  
Sand Lake

PLANNING AND ZONING COMMISSION Assembly Hall, Z. J. Loussac Library 3600 Denali Street, Anchorage, Alaska Monday, October 03, 2005 6:30 p.m.
---





# 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) Tesoro Refining and Marketing Comp.	Name (last name first) Spernak, Timothy
Mailing Address 3450 South 344th Way, Suite 201 Auburn, WA 98001-5931	Mailing Address 3201 "C" st. Suite 200 Anchorage, AK 99503
Contact Phone: Day: 253-896-8810 Night:	Contact Phone: Day: 786-7312 Night: 345-1867
FAX: 866-743-3309	FAX: 561-8929
E-mail: rmaybruck@tsocorp.com	E-mail: tspernak@gci.net

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

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Property Tax #(000-000-00-000): 012-13-501		
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Date

Signature (Agents must provide written proof of authorization)

17

Accepted by: AC	Poster & Affidavit: AC	Fee: \$4,000	Case Number: 2005-129
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**COMPREHENSIVE PLAN INFORMATION**Anchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☒ Inside ☐ Outside

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

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Eagle River-Chugiak-Peters Creek Land Use Classification:

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

Girdwood-Turnagain Arm

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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.



Municipality of Anchorage  
Department of Community Planning and Development  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

## STANDARDS FOR ZONING MAP AMENDMENTS

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

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2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:
  - a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:
    - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.
    - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

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

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

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

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a. Environment;

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b. Transportation;

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c. Public Services and Facilities;

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d. Land Use Patterns;

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Note:      Surrounding neighborhood      =      500 - 1000' radius  
             General Area                                =      1 Mile radius  
             Community                                   =      Anchorage as a whole

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

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

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

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**Supplemental Form: OWNERSHIP AND BENEFICIAL INTEREST DISCLOSURE**

**PETITIONER: CORPORATE OFFICERS OR PARTNERS**

Applicants for an entitlement that will be in possession and the responsibility of more than one individual, such as a co-owner, joint venture, partnerships, corporations, company, or other similar form of ownership, are required to disclose a full and complete list of the name and address of each principal. (use additional paper if necessary)

Name	Title or Office(if any)	Address	Phone
Hagen Investments LLC	Richaed Hagen Managing Member	P.O.Box 240186 Anchorage, AK 99524	907 242-0838

*See  
Angela*

**PROPERTY OWNER: CORPORATE OFFICERS OR PARTNERS**

The petitioner of a property owned by more than one individual that will benefit from an entitlement is required to disclose a full and complete list of the name and address of each partner, officer, or co-owner. The other owner interest to be reported is co-owner, joint venture, partnership, corporation, company, or other similar form of ownership. (use additional paper if necessary)

Name	Title or Office(if any)	Address	Phone
Tesoro Alaska Company	c/o Tesoro Refining and Marketing Company	3450 S. 344th Way Auburn, WA 98001	253 896-8810
Contact Person:	Ronald Maybruck	or Steve Goff	

**Attach this sheet to your application form**

Accepted by:	Date	Application for	Case Number
--------------	------	-----------------	-------------

**Supplemental Form: ADDITIONAL PETITIONER...**

**ADDITIONAL PETITIONERS:**

Applicants for an entitlement involving more than one property description and owned by more than one individual are required to provide the name, legal description of property owned, and signature of each petitioner. Persons signatory to this application supplement are deemed to be petitioners (use additional paper if necessary)

We, the undersigned, hereby apply for: \_\_\_\_\_

Signature	Name (printed or typed)	Legal description of property owned within petition area	Phone
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

**Attach this sheet to your application form**

Accepted by:	Date:	Application for:	Case Number:
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From Application for Zoning Map Amendment

Request: Rezoning from current B-1B (SL) to a proposed B-1B with alternative (SL's).

Application Attachments

Optional:

Special Limitation offered: The existing B-1B with SL's AO 91-174 and Amendment to AO 91-174 are accepted and additional SL's are offered by the Petitioner attached as Schematic Design Criteria.

Essentially, this is a more restrictive set of Special Limitations than currently exist.

This rezone is only to be effective at the time when title to this property is transferred from Tesoro Refining and Marketing Company to Hagan Investments, LLC.

Existing Zoning and SL's

**AO 91-174**

Section 2.

A. 1. (accepted)

B. 1., 2., 3., and 4 (accepted)

Section 3.

- a. (accepted) Except for an antenna and transmission tower which shall be subject to AMC 21.45.265
- b. (accepted and existing)
- c. (accepted and submitted in Rezone Application) with the deletion of the requirement for a site plan review by the Planning and Zoning Commission.

Section 4. (accepted)

Section 5. (accepted)

Section 6. (accepted)

Section 7. (accepted) recommend elimination of this section; it has been completed.

**Amendment to AO No. 91-174**

Section 1. (accepted)

Section 2.

A. (accepted)

B. B. (accepted)

C. (accepted)

D. N/A



Section 3.

A.

1. 1. (accepted) delete this item. Add, any substantial deviation from the submitted site plan will require a Public Hearing before the Planning and Zoning Commission.
2. Completed and in place (accepted)
3. Completed and in place
4. (accepted)
5. (accepted)
6. **Change to 35' for building and telecommunications receiver.**  
Except for an antenna and transmission tower which shall be subject to AMC 21.45.265
7. (accepted)

B.

1. (accepted)
2. (accepted)

C. N/A

## Standards for Zoning Map Amendments

### A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the and classification map contained in the applicable Comprehensive Plan, explain how the proposed rezone meets one or more of the following standards:
  - a. The proposed use is compatible because of the diversity of use within the surrounding neighborhood or general area;
  - b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as assess, landscaping, screening, design standards and site planning; or
  - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

The proposed Rezoning of Lot 1-A of the Raspberry Center Subdivision – located at the south west corner of Raspberry Road and Northwood Drive -complies with the Municipal Zoning Atlas of August 2003 (GRID 51006 depicting a current zoning classification of B-1B SL under AO 91-174 and AO 92-68) and the Generalized Land Use Plan Map, Community Discussion Working Draft, dated June 28, 2005 depicting this property as a Commercial / Mixed Use Center.

Conforms to the Goals, Policies and strategies of the Anchorage 2020, Anchorage Bowl Comprehensive Plan.

Chapter #4, page 50.

Neighborhood Commercial Centers:

*This land use concept comprises neighborhood-level commercial/retail facilities that serve small clusters of residential neighborhoods than town centers.*

This designation allows neighborhood-oriented commercial uses in and adjacent to residential areas: the scale and appearance should be compatible with adjacent residential development: and should be highly responsive to the needs and charter of nearby residential area and traffic patterns.

The proposed rezone, from its current B-1B SL to a different B-1B SL, is in conformance with the 2020 Plan: the scale of the development and appearance is compatible with the adjacent residential development; these are:

### **Schematic Design Criteria**

Site Area: Lot I-A = 66,803 sf

Building footprint: 8,500 sf

Lot Coverage: 56% (Max Allowable 70%)

Building Height: 30' mean roof height. Max allowable 30'

Yard Requirements: (All met or exceeded)

- North (Side Yard) = 5' (67' provided)
- East (Front Yard) = 20' (84' provided)
- South (Side Yard) = 5' (26' provided)
- West (Rear Yard) = 25' w/buffer landscaping. (44' provided with screening landscaping per community council.)

### **Building Area:**

1<sup>st</sup> Floor = 8,500 sf

- 4,500 sf Office
- 3,000 sf Restaurant
- 1000 sf Reception/Atrium/Circulation

2<sup>nd</sup> Floor = 7,000 sf + 1,500 sf Deck

- 6,000 sf Office
- 1,000 sf Reception/Atrium/Circulation

Total = 15,500 sf

Parking: (preliminary calculation)

1<sup>st</sup> Floor: Office – 4,500 sf = 15 spaces (@ 1 space per 300 sf)  
Restaurant – 3,000 sf = 10 spaces (@ 1 space per 3 fixed seats)  
Approximate  
2<sup>nd</sup> Floor: Office – 6,000 sf = 20 spaces

Total: 45 spaces required (including 2 HC accessible spaces), based on preliminary design calculations. There is room for more parking, see max lot coverage.

Design: the architecture is of a scale and style that resembles and reflects residential construction blending into the residential neighborhoods to the west and south of the proposed rezone which conforms to the 2020 Plan for neighborhood-level commercial/retail facilities. See renderings attached to this Application.

Traffic: according to Anchorage Traffic Map 2002, from Alaska Department of Transportation/ Public Facilities, Division of Planning, GIS/ Mapping section there are 23,863 daily vehicle trips along Raspberry Road and 10,308 daily vehicle trips along Northwood Drive. The intended rezone from the existing B-1B SL to a different B-1B SL will reduce daily traffic trips to this intersection. The existing zoning permits a gas station and associated convenience store; this would generate significant volumes of daily traffic as opposed to the proposed predominately office use reducing adverse impacts on the adjacent neighborhood. See page 65 of the 2020 Plan.

The proposed rezone meets and exceeds the Comprehensive Development Plan goals and policies.

2. N/A

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

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

the proposed development will have minimal impact on the surrounding neighborhood; which is to the west and south of the subject. The general area is predominately residential and the subject property is located at the entrance into the Sand Lake Community Council (SLCC) area. A presentation to the SLCC of this rezone was greeted with support at the SLCC July 11, 2005 meeting.

The design, mass and scale of the proposed development are the Special Limitations the SLCC seeks for this area as an entrance impact to the SLCC area.

- a. Environment;  
the proposed rezone retains the Special Limitations of the existing zoning classification relative to building setbacks from lot lines, landscaping, building height and visual enhancements.
- b. Transportation;  
according to Anchorage Traffic Map 2002, from Alaska Department of Transportation/ Public Facilities, Division of Planning, GIS/ Mapping section there are 23,863 daily vehicle trips along Raspberry Road and 10,308 daily vehicle trips along Northwood Drive. The intended rezone from the existing B-1B SL to a different B-1B SL will reduce daily traffic trips to this intersection. The existing zoning permits a gas station and associated convenience store; this would generate significant volumes of daily traffic as opposed to the proposed predominately office use reducing adverse impacts on the adjacent neighborhood. See page 65 of the 2020 Plan.

Sidewalks are on both the east and west side of Northwood Drive.

- c. Public Services and Facilities;  
all public utilities are on-site and no off-site utility extensions will be required. See attached Anchorage Water and Waste Water Utility water and sanitary sewer maps and Enstar gas map.
- d. Land Use Patterns;  
from the subject property:
  - to the north; B-3 SL
  - to the east; PLI
  - to the west: R-1
  - to the south; B-1B SL

the proposed rezone neither creates nor reduces the quantity of Neighborhood Commercial Centers land inventory in this area.

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

From the subject property, directly south and adjacent, is a 54,479 sq. ft. parcel of land, Lot 1-B, zoned B-1B SL under AO 91-174 and AO 92-68 1-B of the Raspberry Center Subdivision. Directly south of Lot 2-B is parcel lot 1-C zoned B-1B SL containing 35,006 sq. ft. Both of these parcels are vacant. North of the subject, and across Raspberry Road, is a parcel zoned B-3 SL containing 153,875 sq. ft. Totaling the land in commercial zoning designation in the immediate area is 5.5868 acres, excluding the subject Lot 1-A. see attached Property Data Cards

It is the Petitioner's opinion that sufficient commercial land is available in the Sand Lake Community Council area at Raspberry Road and Northwood Drive.

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

development will occur spring of 2006 with a completion date of fall 2006.

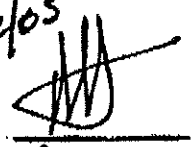

all public utilities are on-site and no off-site utility extensions will be required. See attached Anchorage Water and Waste Water Utility water and sanitary sewer maps and Enstar gas map.

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

There would be no loss or gain of B-1B land resulting from this rezone request.

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FAX NO. 5616029

6/2/05  
P 02  
  


## PURCHASE-SALE AGREEMENT

## ALASKA

WHEREAS, Tesoro Refining and Marketing Company, a Delaware corporation, of 3450 South 344th Way, Suite 100, Auburn, Washington 98001 ("Seller"), is desirous of selling certain unimproved property more particularly described below located in Anchorage, Alaska, and

WHEREAS, Hagen Investment, LLC, an Alaska limited liability company, of P.O. Box 240186, Anchorage, Alaska 99524 ("Buyer"), is desirous of purchasing the property; and

WHEREAS, Seller is the owner of the following described unimproved real property:

Lot 1A, Raspberry Center Subdivision, Anchorage Recording District, State of Alaska, according to Plat 92-128, filed in the Anchorage Recording District, Third Judicial District State of Alaska (the "Property").

NOW, THEREFORE, Seller and Buyer agree to the following terms and conditions for the sale of the Property.

1. TOTAL PURCHASE PRICE. The purchase price for the Property is the sum of ~~the sum of Five Thousand and No/100 Dollars (\$5,000.00)~~ payable in full in cash at closing.

2. EARNEST MONEY DEPOSIT/MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING PROPOSED MODIFICATIONS RELATIVE TO PROPERTY:

(a) Initial Earnest Money Deposit. The sum of Five Thousand and No/100 Dollars (\$5,000.00) ("Earnest Money Deposit") shall be deposited with Fidelity Title Agency of Alaska upon the execution of this Agreement by Buyer as earnest money to be applied against the purchase price of the Property at the time of closing. The initial \$5,000.00 Earnest Money Deposit shall be non-refundable except as provided in paragraphs 3, and 8.

(b) Authorization to Apply for Modification of Special Limitations. Buyer and Seller acknowledge and agree that the Municipality of Anchorage zoning and land use restrictions currently applicable to the Property include certain Special Limitations that appear to preclude the Buyer's intent to install an

Purchase-Sale Agreement  
Hagen Investments  
P.O. Box 240186  
Anchorage, Alaska 99524

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P. 03

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P. 03

6/02/05

approximately eighty (80) foot communications and television tower on the Property in conjunction with Buyer's television business (the "Buyer's Intended Use"). Seller hereby authorizes Buyer based on its interest in the Property under this Agreement to apply its sole cost and expense to the Municipality of Anchorage Planning Department and the Municipality of Anchorage Planning and Zoning Commission for a modification of any Special Limitations or other planning or zoning restrictions, so as to accommodate Buyer's Intended Use ("P&Z Modifications"). Any such P&Z Modifications shall be no more restrictive than the currently applicable Special Limitations. Buyer agrees to file any such application with the Municipality of Anchorage within thirty (30) days of the date Buyer executes this Agreement.

(c) Period Within Which to Procure Municipal Planning and Zoning Approval for Buyer's Intended Use. Buyer shall have a period of one hundred twenty (120) days in which to procure approval from the Municipality of Anchorage Planning and Zoning Commission for the P&Z Modifications ("P&Z Approval"). Upon the payment of an additional immediately non-refundable earnest money deposit sum of Five Thousand and No/100 Dollars (\$5,000.00), Buyer may, on written notice to Seller, have a period of an additional sixty (60) days to procure P&Z Approval. Upon receipt of P&Z Approval, Buyer shall pay an additional, immediately non-refundable earnest money deposit sum of Five Thousand and No/100 Dollars (\$5,000.00), whereupon the total Earnest Money Deposit shall be Fifteen Thousand and No/100 Dollars (\$15,000.00). Closing shall occur within thirty (30) days of the receipt of P&Z \*

Approval, provided, however, that in any event closing must occur on or before If closing does not occur on or before the entire Earnest Money Deposit shall be forfeited to and retained by Seller, and Buyer shall have no further rights to purchase the Property under this Agreement \* the 180th day after execution of this agreement by both parties

3. TITLE INSURANCE: Seller shall provide Buyer with a standard owner's policy of title insurance issued by First American Title Company located at Attn: Monica Prather, 2010 Fourth Ave, Suite 800, Seattle, Washington 98121, telephone (206) 728-0400; fax (206) 448-6348 in the face amount of \$575,000.00. A condition precedent to Buyer's duty to close hereunder shall be that the title insurance policy insuring title to the Property is subject only to the exceptions set forth below in paragraph 5 and the title insurer's standard preprinted exceptions set forth in its standard owner's policies of title insurance. Upon execution of this Agreement by all parties, Seller will order a preliminary commitment for title insurance and promptly provide a copy of it to Buyer. Buyer shall have a period of twenty (20) days after both parties have executed this Agreement in which to furnish Seller with a written report specifying any objections or defects in title to the Property, and Seller will have thirty (30) days thereafter in which to correct any such specified defects. In the event Seller fails to cure any valid defect within such thirty (30) day period, this Agreement will be null and void (except for Buyer's obligations under paragraph 8 associated with its due diligence activities), and the initial \$5,000.00 Earnest Money Deposit shall be refunded to Buyer.

Purchase-Sale Agreement  
Hagen Investments  
P.O. Box 240186  
Anchorage, Alaska 99524

2



13. **DEFAULT:** If Buyer fails to pay the balance of the purchase price at closing, or fails to complete the purchase as provided for in this Agreement, the Earnest Money Deposit shall be forfeited to Seller, and Seller shall also have all rights existing at law or in equity arising as a result of Buyer's breach of this Agreement.

14. **CLOSING.** This Agreement shall close at the office of First American Title Insurance Company, Attn: Monica Prather, 2010 Fourth Ave, Suite 800, Seattle, Washington 98121, telephone (206) 72M400; fax (206) 448-6348. Closing shall occur within thirty (30) days of the P&Z Approval provided for in paragraph 2, but in any event on or before ✓

15. **REPRESENTATIONS AND WARRANTIES OF BUYER.** Buyer represents and warrants to Seller that:

(a) All necessary action has been taken, and approvals obtained, for Buyer to enter into this Agreement and to purchase the Property as herein provided; and

(b) Buyer is a limited liability company duly organized, validly existing and in good standing under the laws of the State of Alaska. This Agreement has been duly authorized, executed and delivered by Buyer; is, and at the closing will be, a legal, valid and binding obligation of Buyer, is, and at the closing will be, enforceable in accordance with its terms. The individual executing this Agreement has full power and authority to bind Buyer as set forth in this Agreement.

16. **REPRESENTATIONS AND WARRANTIES OF SELLER.** Seller represents and warrants to Buyer that:

(a) All necessary corporate action has been taken, and approvals obtained, for Buyer to enter into this Agreement and to purchase the Property as herein provided; and

(b) Seller is a corporation duly organized, validly existing and in good standing under the laws of the State of Delaware. This Agreement has been duly authorized, executed and delivered by Seller; is, and at the closing will be, a legal, valid and binding obligation of Seller; is, and at the closing will be, enforceable in accordance with its terms. The individual executing this Agreement has full power and authority to bind Seller as set forth in this Agreement.

17. **1031 EXCHANGE:** Buyer agrees that Seller may consummate the transactions contemplated by this Agreement through a tax deferred exchange which qualifies for non-recognition of gain under Section 1031 of the Internal Revenue Code. If a Seller desires to effect such exchange, it shall give written notice to Buyer at least ten (10) days prior to the Closing of its intention to do so. Upon receipt of such notice, Buyer shall cooperate with Seller in attempting to effectuate such exchange, including, but not limited to, the execution of such agreements and other documents as may be

Purchase-Sale Agreement  
Hagen Investments  
P.O. Box 240186  
Anchorage, Alaska 99524



reasonably necessary to complete and otherwise effectuate the tax deferred exchange.

18. GENERAL PROVISIONS:

(a) Entire Agreement. This Agreement contains the entire agreement between the parties and neither Buyer nor Seller have relied upon any verbal representations, agreements, or understandings not set forth in this document.

(b) Notices. All notices or other communications which may be pursuant to or which may be necessary or convenient in connection with this agreement shall be in writing and shall be made to the parties at the address which appears after their names (or at such address as each may designate in written notice by personal service or by certified mail, return receipt requested) and shall be deemed given when mailed by certified mail, return receipt requested. In addition, a copy of any notice by either Buyer or Seller shall be sent to Mr. Tim Spornak, CCIM of Bond, Stephens & Johnson, 3201 C Street, Suite 200, Anchorage, Alaska 99503.

(c) Time Is of the Essence. Time is of the essence with respect to this agreement and each term, covenant and condition thereof.

(d) Counterparts. This agreement may be executed in any number of counterparts and by each party on a separate counterpart, each of which when so executed and delivered to Seller or whomever Seller may designate shall be deemed an original.

(e) Governing Law. This Agreement and all questions concerning its interpretation shall be determined and resolved in accordance with the laws of the State of Alaska. Venue for any such action shall be in the Alaska Superior Court, Third Judicial District, at Anchorage.

(f) Assignment. Buyer may assign its rights hereunder to any other person or entity with the prior written consent of Seller, not unreasonably withheld.

(g) Attorney's Fees. The prevailing party in any legal proceeding brought to enforce such party's rights hereunder shall receive from the other party its reasonable attorney's fees and costs.

18. SURVIVAL PAST CLOSING: All of the provisions of this agreement, including without limitation, all representations, warranties, covenants, stipulations and agreements shall survive closing and remain in full force.



DATED this 8th day of JUNE, 2005.

SELLER:  
TESORO ALASKA COMPANY  
By: Tesoro Refining and Marketing Company

By: [Signature]

Its: Vice President - Retail

PSA  
6-27-05  
TJH  
6:55

DATED this 18 day of MAY, 2005.

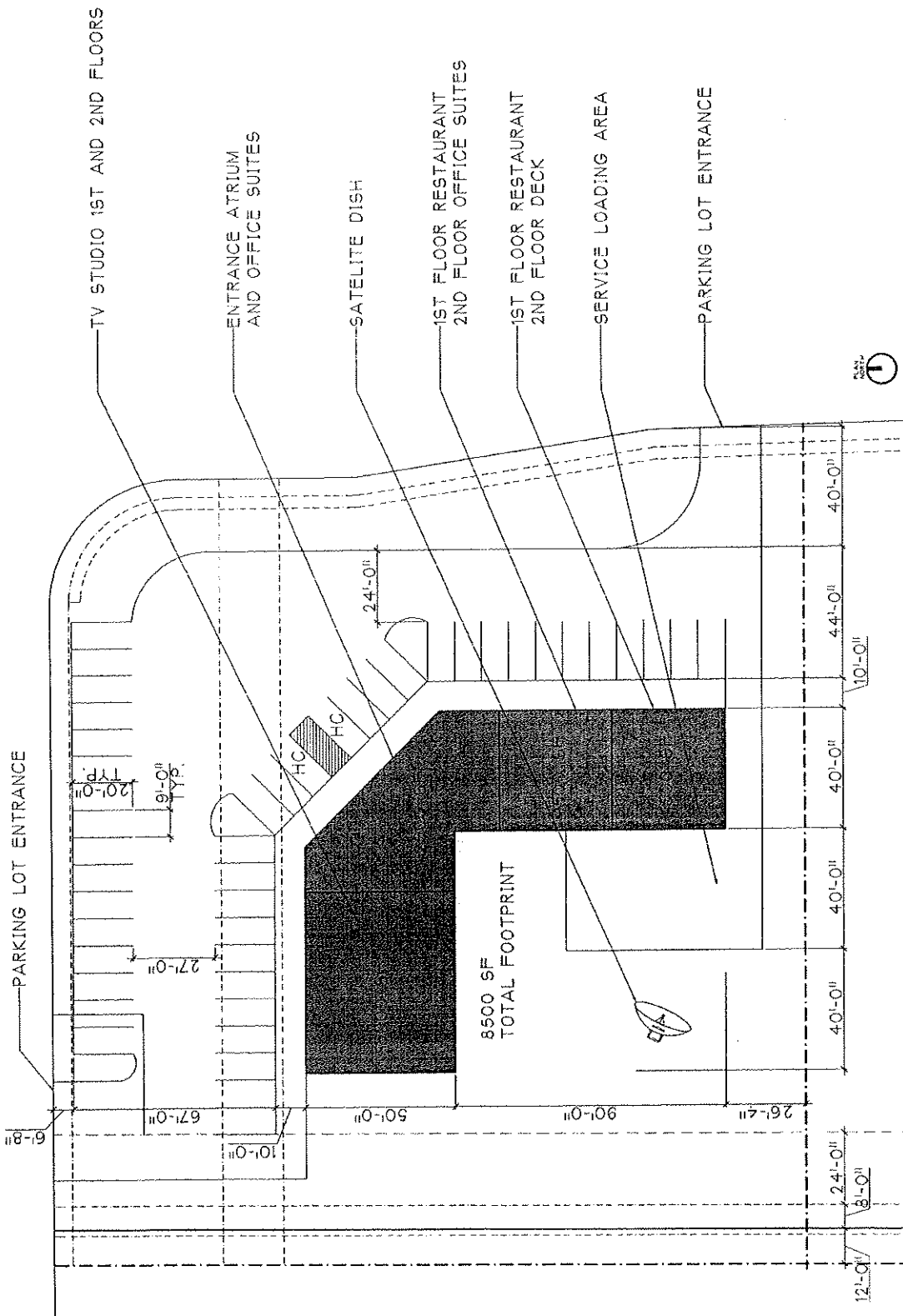
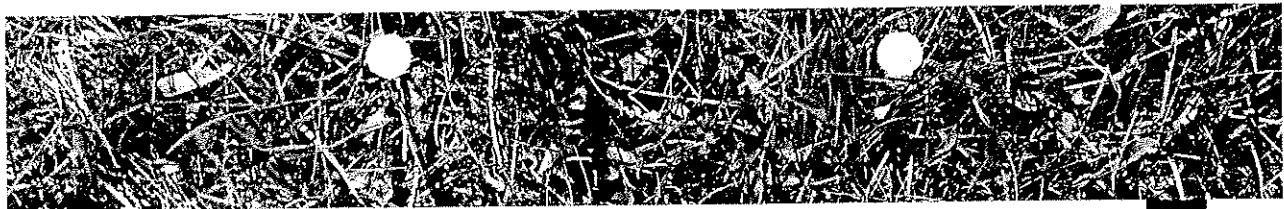
BUYER:

Hagen Investments, LLC

By: [Signature]

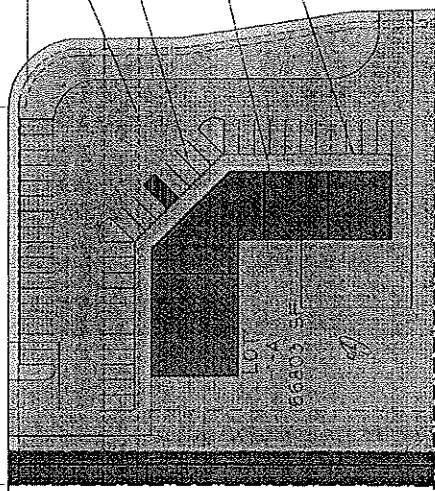
Its: Pres / MANAGER PARTNER

[Signature]  
6/14/05



RASPBERRY ROAD

22'-9"

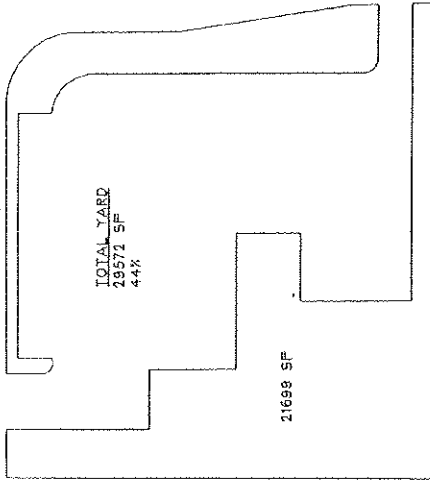


56% LOT COVERAGE  
MAX. ALLOWABLE 70%  
20'-0" T&E EASEMENT  
45 PARKING SPACES  
PROVIDED AS REQUIRED

BUILDING FOOTPRINT  
8,388 SF

10'-0" SIDEWALK AND  
VISUAL ENHANCEMENT  
LANDSCAPING

7873 SF



TOTAL YARD  
29,572 SF  
44%

21,699 SF

564'-10"  
WEST PROPERTY LINE

NORTHWOOD STREET

8'-0" BUFFER FENCE  
12'-0" FROM PROP LINE  
6'-0" ARTERIAL  
LANDSCAPE BUFFER  
44'-0" BUILDING SETBACK &  
SEWER AND WATER EASEMENT  
20'-0" LANDSCAPE BUFFER  
AND PRIVATE DRAINAGE  
EASEMENT  
10'-0" T&E EASEMENT  
SOUTH PROPERTY LINE  
288'-9"

### KEY

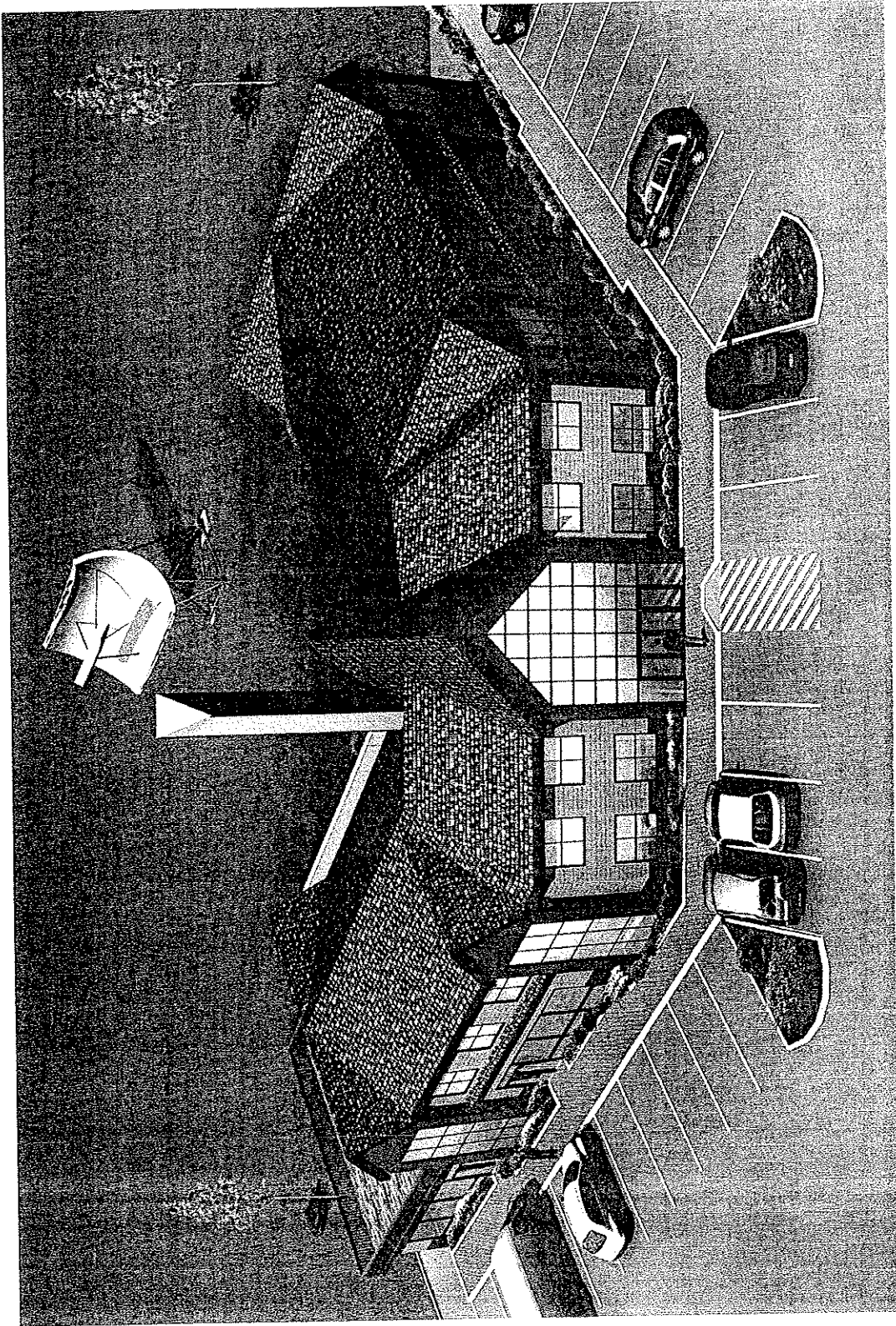
- SCREENING/BUFFER LANDSCAPING
- ARTERIAL LANDSCAPING
- PERIMETER VISUAL ENHANCEMENT  
LANDSCAPING

### MUNICIPAL CODE DATA (TITLE 21):

COMPASS ASSOCIATION NAME	REMARKS	YES	NO	EX
ZONING CLASSIFICATION	P-10, COMMUNITY BUSINESS DISTRICT			
LOT REQUIREMENTS	MIN. LOT AREA: 10,000 SQ. FT.			
MIN. LOT COVERAGE	MIN. LOT COVERAGE: 50%			
MIN. BUILDING HEIGHT	MIN. BUILDING HEIGHT: 10'-0"			
SETBACK REQUIREMENTS	MIN. SETBACK: 10'-0"			
MIN. SIDE YARD	MIN. SIDE YARD: 10'-0"			
MIN. REAR YARD	MIN. REAR YARD: 10'-0"			
MIN. FRONT YARD	MIN. FRONT YARD: 10'-0"			
MIN. SIDEWALK	MIN. SIDEWALK: 10'-0"			
MIN. BUFFER	MIN. BUFFER: 10'-0"			
MIN. LANDSCAPING	MIN. LANDSCAPING: 10'-0"			
MIN. PERIMETER	MIN. PERIMETER: 10'-0"			
MIN. ARTERIAL	MIN. ARTERIAL: 10'-0"			
MIN. BUFFER FENCE	MIN. BUFFER FENCE: 10'-0"			
MIN. LANDSCAPE BUFFER	MIN. LANDSCAPE BUFFER: 10'-0"			
MIN. PRIVATE DRAINAGE	MIN. PRIVATE DRAINAGE: 10'-0"			
MIN. T&E EASEMENT	MIN. T&E EASEMENT: 10'-0"			
MIN. SOUTH PROPERTY LINE	MIN. SOUTH PROPERTY LINE: 10'-0"			

GPARCH  
ARCHITECTS

RASPBERRY TOWN CENTER  
HAGEN INVESTMENTS LLC

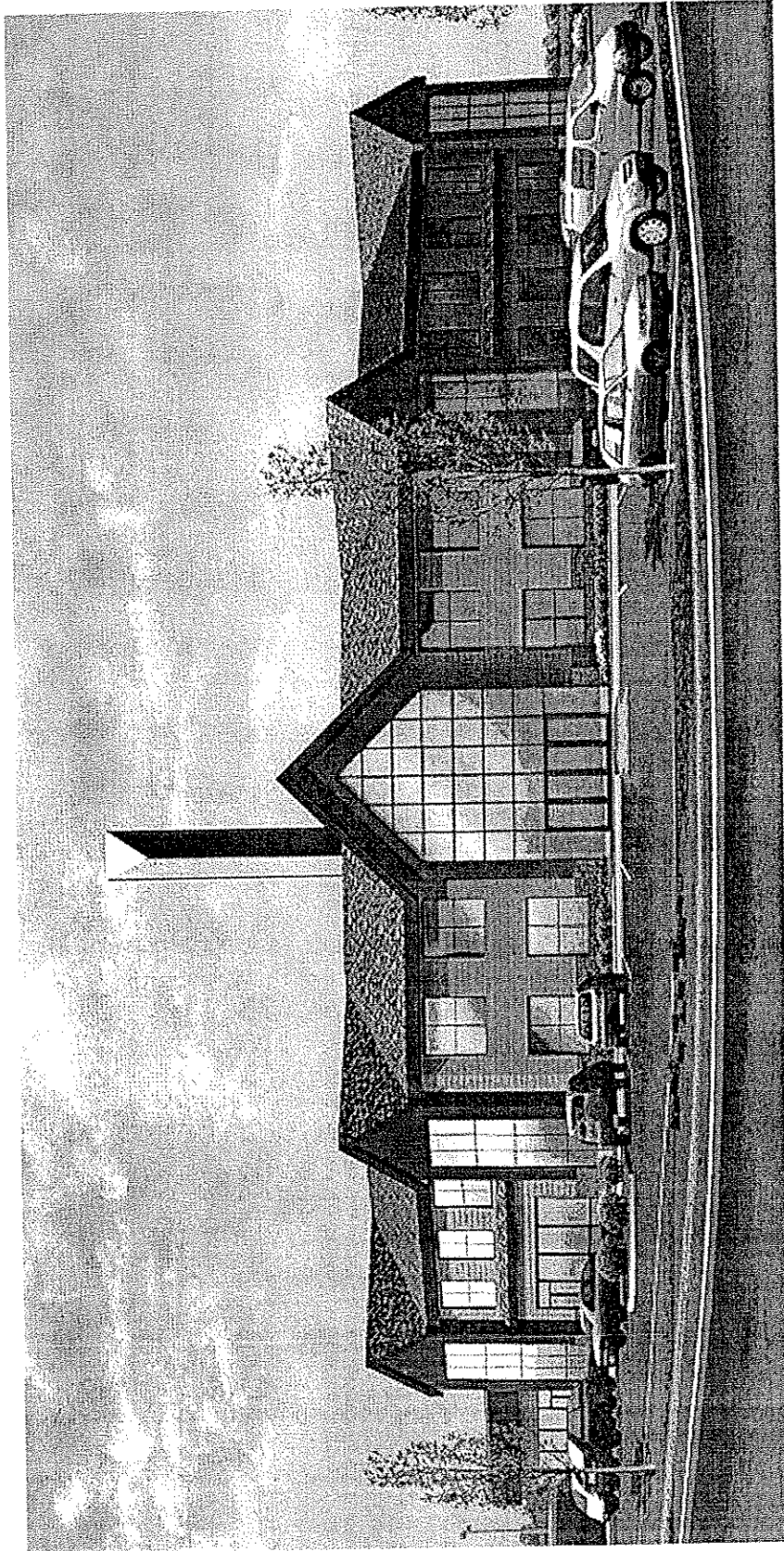
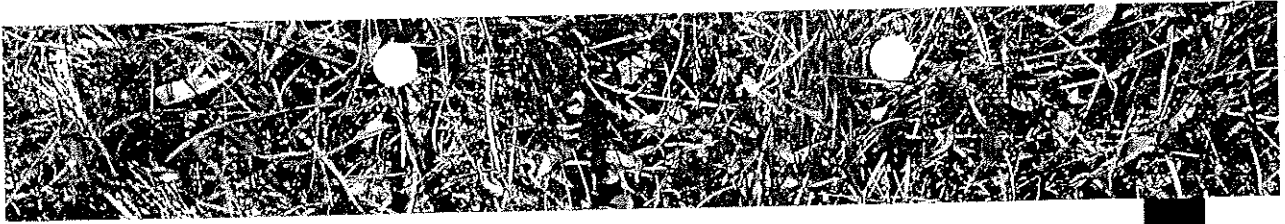


**RASPBERRY TOWN CENTER**

PHOTOGRAPH BY J. H. HARRIS

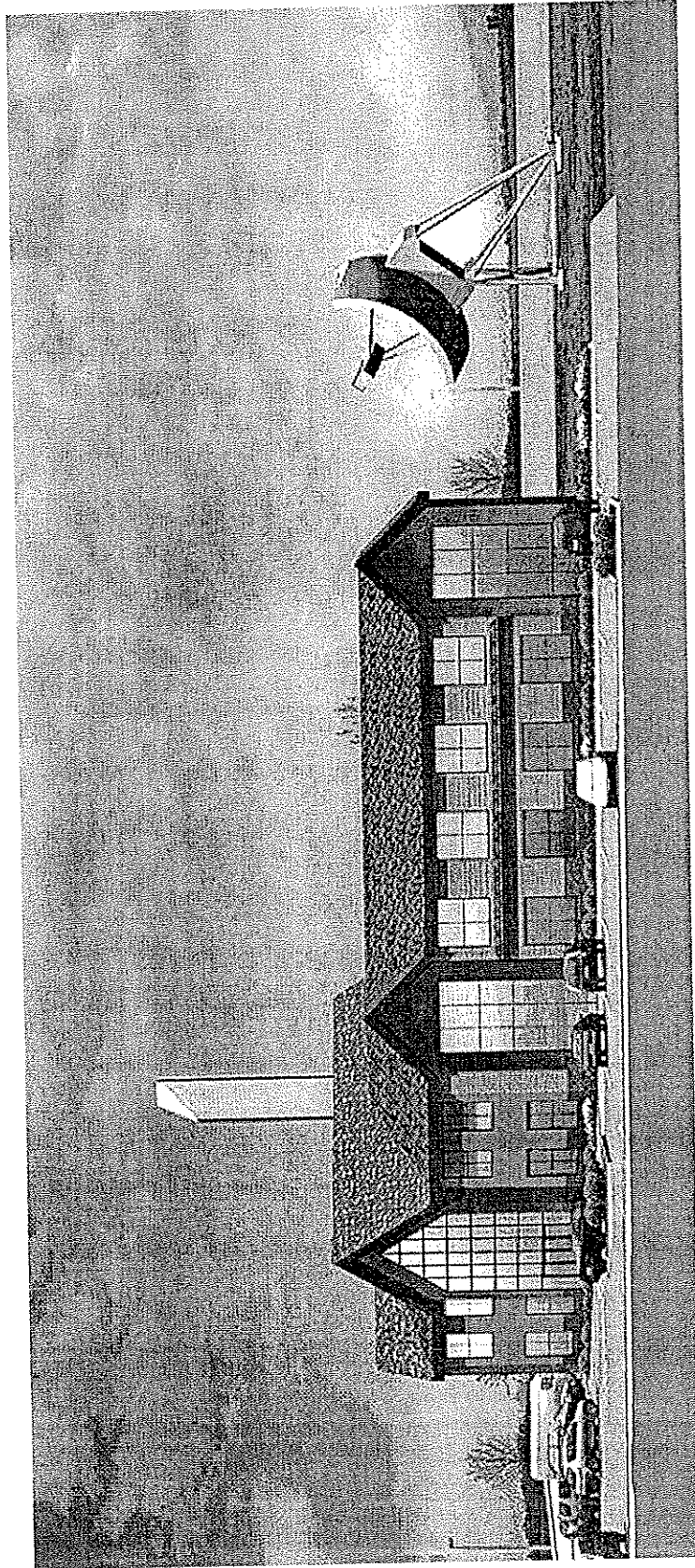
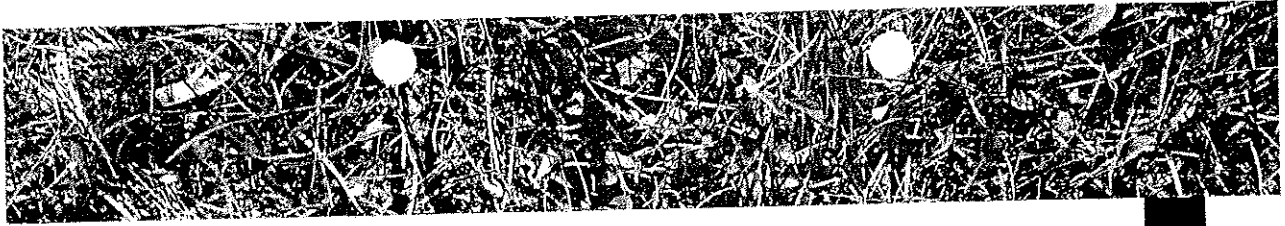
**GPARCH**  
ARCHITECTS





**RASPBERRY TOWN CENTER**  
IMAGEN INVESTMENTS LLC

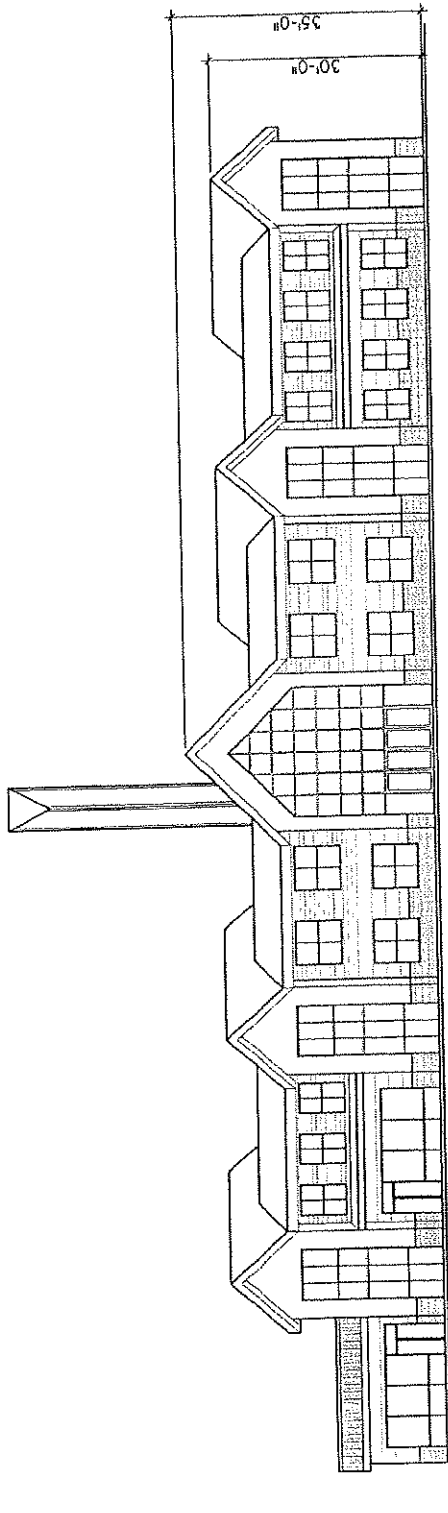
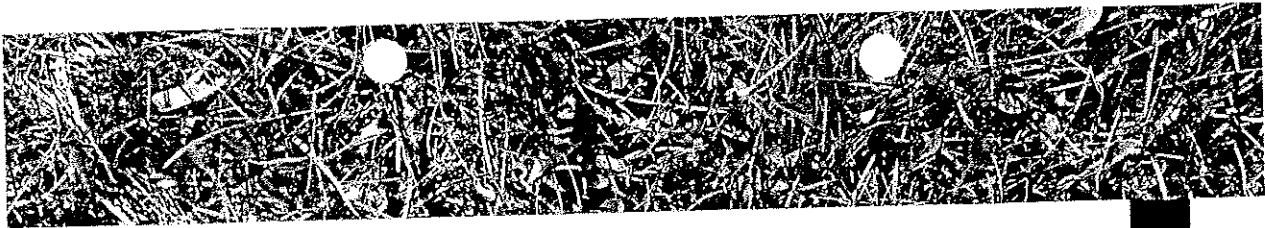
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ARCHITECTS



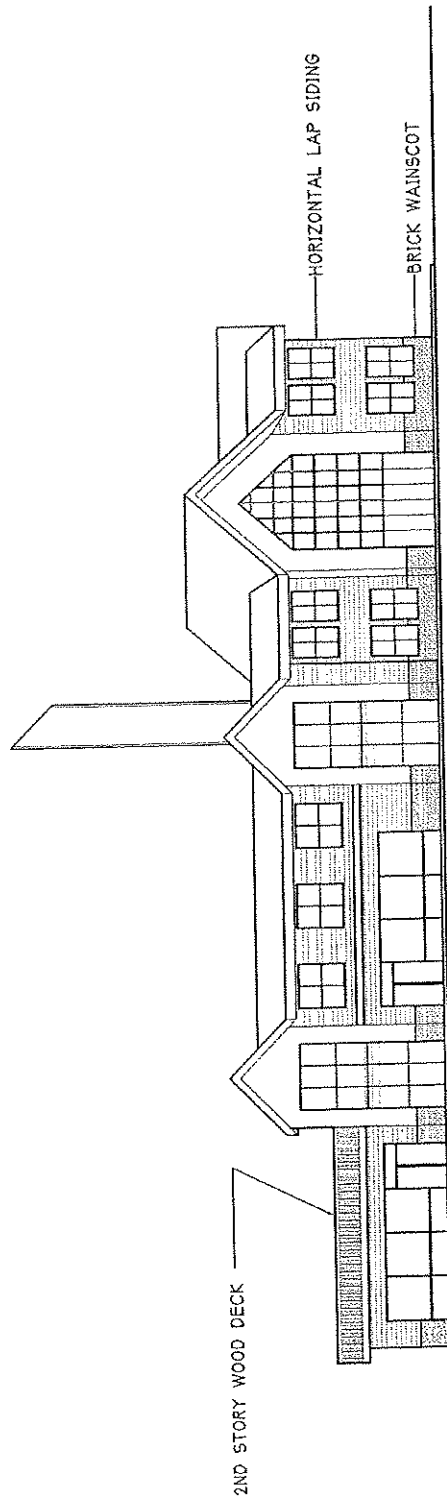
**RASPBERRY TOWN CENTER**  
HACEN INVESTMENTS LLC

**GPARCH**  
ARCHITECTS





NORTH-WEST ELEVATION



WEST ELEVATION

*Raspberry Town Center  
Office Building*

**Schematic Design Criteria**

Site Area: Lot I-A = 66,803 sf

Building footprint: 8,500 sf

Lot Coverage: 56% (Max Allowable 70%)

Building Height: 30' mean roof height. Max allowable 30'

Yard Requirements: (All met or exceeded)

- North (Side Yard) = 5' (67' provided)
- East (Front Yard) = 20' (84' provided)
- South (Side Yard) = 5' (26' provided)
- West (Rear Yard) = 25' w/buffer landscaping. (44' provided with screening landscaping per community council.)

**Building Area:**

1<sup>st</sup> Floor = 8,500 sf

- 4,500 sf Office
- 3,000 sf Restaurant
- 1000 sf Reception/Atrium/Circulation

2<sup>nd</sup> Floor = 7,000 sf + 1,500 sf Deck

- 6,000 sf Office
- 1,000 sf Reception/Atrium/Circulation

Total = 12,500 sf

**Parking: (preliminary calculation)**

1<sup>st</sup> Floor: Office – 4,500 sf = 15 spaces (@ 1 space per 300 sf)

Restaurant – 3,000 sf = 10 spaces (@ 1 space per 3 fixed seats) Approximate

2<sup>nd</sup> Floor: Office – 6,000 sf = 20 spaces

Total: 45 spaces required (including 2 HC accessible spaces), based on preliminary design calculations. There is room for more parking, see max lot coverage.

Submitted by: Chairman of the  
Assembly  
At the Request of  
the Mayor  
Prepared by: Department of  
Economic Development  
& Planning  
Date 12/17/91 For Reading: November 12, 1991

CLERK'S OFFICE

AMENDED AND APPROVED

ANCHORAGE, ALASKA  
AO NO. 91-174

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* SEE ATTACHED PAGES FOR INCORPORATED AMENDMENTS

Section 1. The zoning map shall be amended by  
designating the following described property as a B-1B (Community  
Business District) with Special Limitations zone:

T12N, R4W, Section 2, Lot 33 and North 1/2 of Lot 34 as  
shown on Exhibit A attached (Planning and Zoning  
Commission case no. 91-073).

Section 2. The zoning map amendment described in  
Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

A. The following principal uses and structures are  
prohibited:

1. on-premises dry-cleaning establishments.

AO NO. 91-174

8. The following conditional uses and structures are prohibited:

1. package liquor stores;
2. bars;
3. video arcades;
4. pool halls.

Section 3. The zoning map amendment described above shall be subject to the following special limitation establishing design standards for the property:

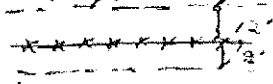
- a. Maximum height of any structure on the tract shall not exceed 30 feet.
- b. A 20 foot wide landscape screening buffer, with a 6 foot high solid wooden fence, shall be placed along the west and south property. Twelve feet of this 20 foot buffer will be outside the fence with 8 feet inside.
- c. Prior to the issuance of any building permits, a non-public hearing site plan review shall be held by the Planning and Zoning Commission in accordance with AMC 21.15.030 and the special limitation design standards for the property.

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

Section 5. The Director of the Department of Economic Development and Planning shall change the zoning map

50'

Prop. Line.



accordingly.

Section 6. The ordinance referenced within Section 1 above shall become effective within 10 days after the Director of the Department of Economic Development and Planning shall determine in writing, as submitted to the Municipal Clerk, that the special limitations set forth in Section 2 above have the written consent of the property owners of the property within the area described in Section 1 above. The Director of the Department of Economic Development and Planning shall make such a determination only if he receives evidence of the required consent within 120 days after the date on which this ordinance is passed and approved.

Section 7. The ordinance referenced within Section 1 above shall further become effective upon completion of the following:

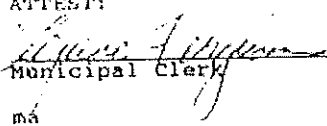
- a. The recordation of a replat with the District Records Office that combines the subject lots into a single tract.

PASSED AND APPROVED BY THE Anchorage Assembly this

17th day of December, 1991.

  
Chairman

ATTEST:

  
Municipal Clerk

ma

(91-073)  
(012-131-05, 09)

AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

Section 1. The zoning map shall be amended as follows:

- A. By designating the following described property as B-1B (Community Business District) with Special Limitations Zone:

T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

- B. By designating the following described property as R-O (Residential-Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

- A. The following principal uses and structures are prohibited from all of the property:
1. On-premises dry cleaning establishments;
  2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
  3. Photo processing establishments.
- B. The following conditional uses and structures are prohibited from all of the property:
1. Package liquor stores;
  2. Bars;
  3. Video arcades;
  4. Pool halls.

C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-O:

1. Hotels, motels and motor lodges;
2. Boarding and lodging houses;
3. Private Clubs and lodges;
4. Funeral parlors and services.

D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-O:

1. Free-standing transmission towers of any height.

Section 1. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:

A. With respect to all of the property:

1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

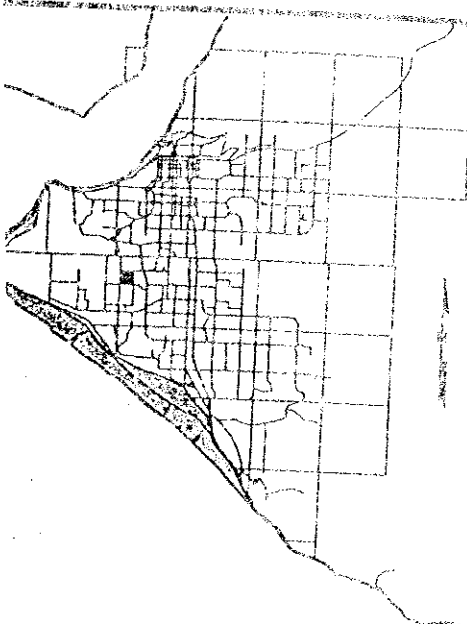
5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
6. Maximum height of any structure on the property shall not exceed 25 feet.
7. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.
- B. With respect to the portion of the property zoned B-1B:
  1. A minimum 44 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.
- C. With respect to the portion of the property zoned R-O:
  1. A minimum 60 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.





Municipality of Anchorage  
Water & Wastewater Utility

Notes:

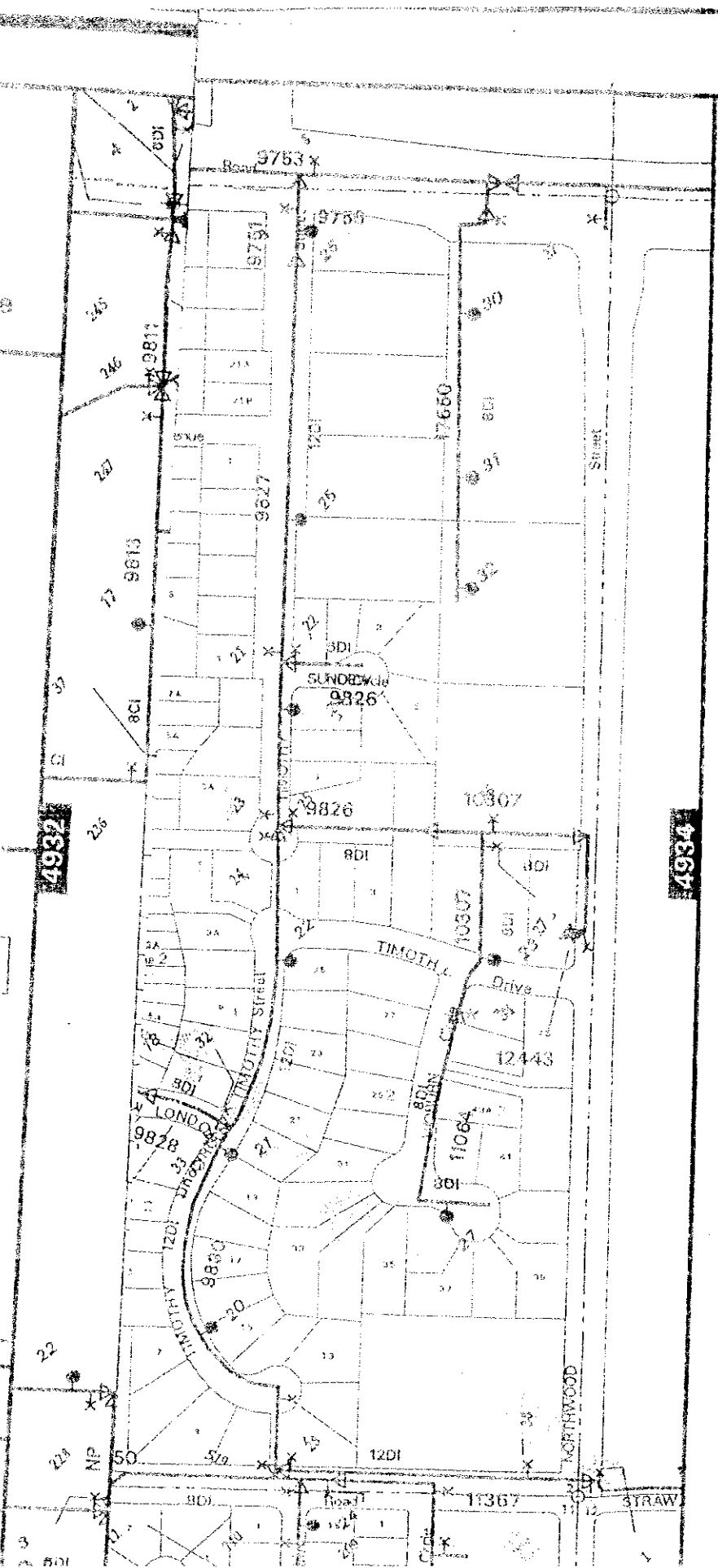


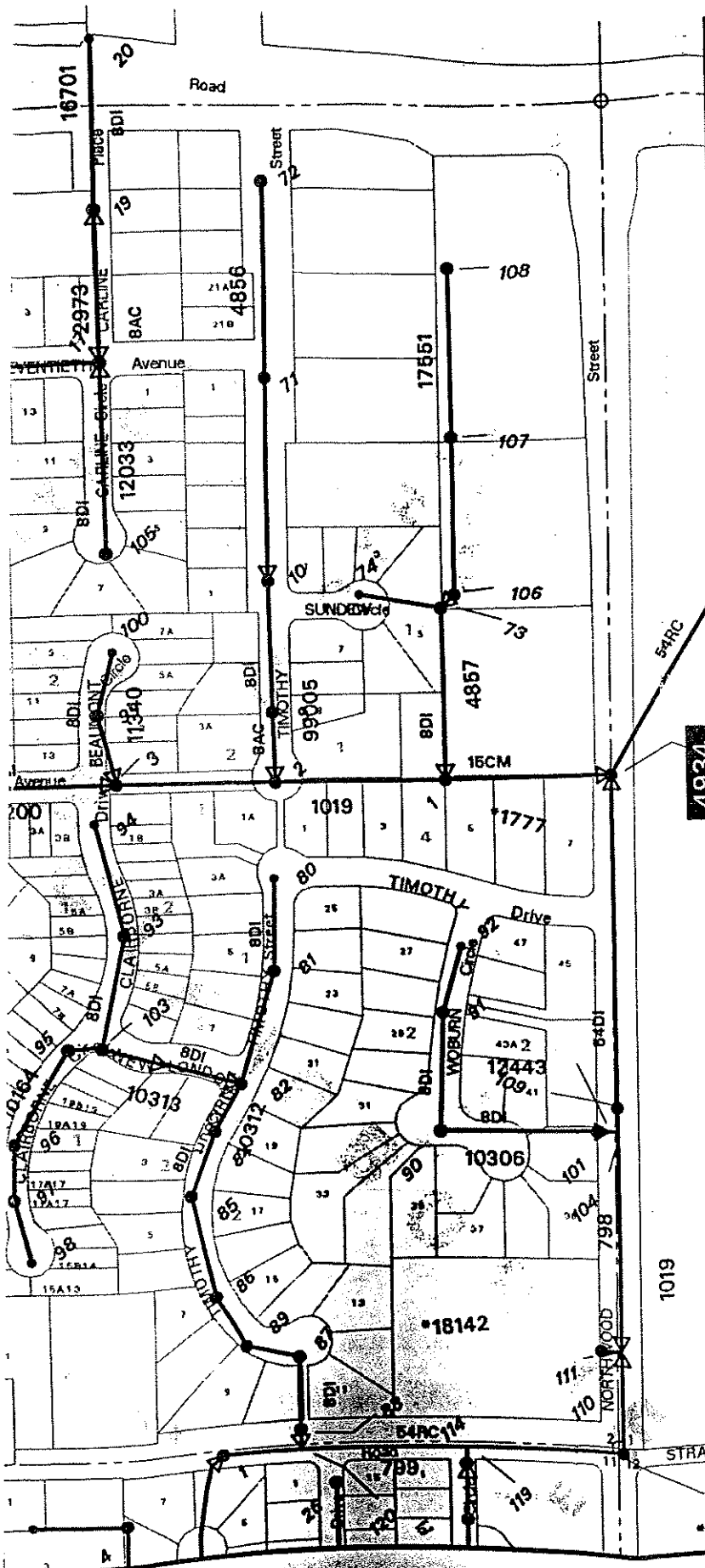
500 Scale Map: 51006  
MOA Grid Number: 2127

Water Distribution System

133

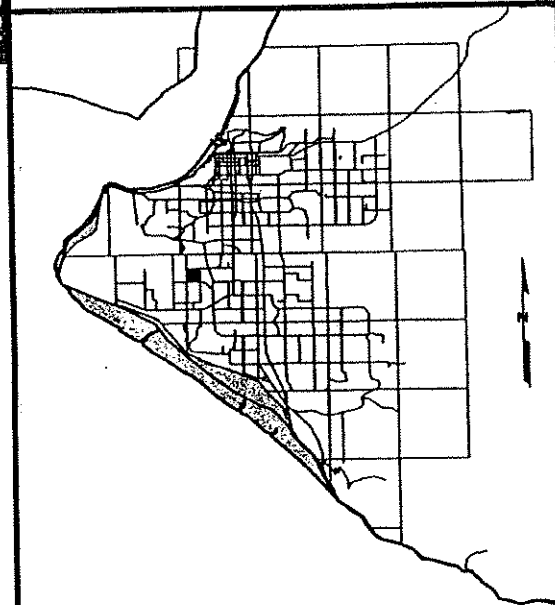
SCALE 1" = 300'





# Municipality of Anchorage Water & Wastewater Utility

Notes:



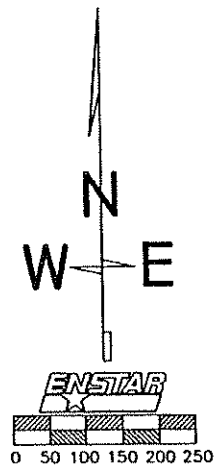
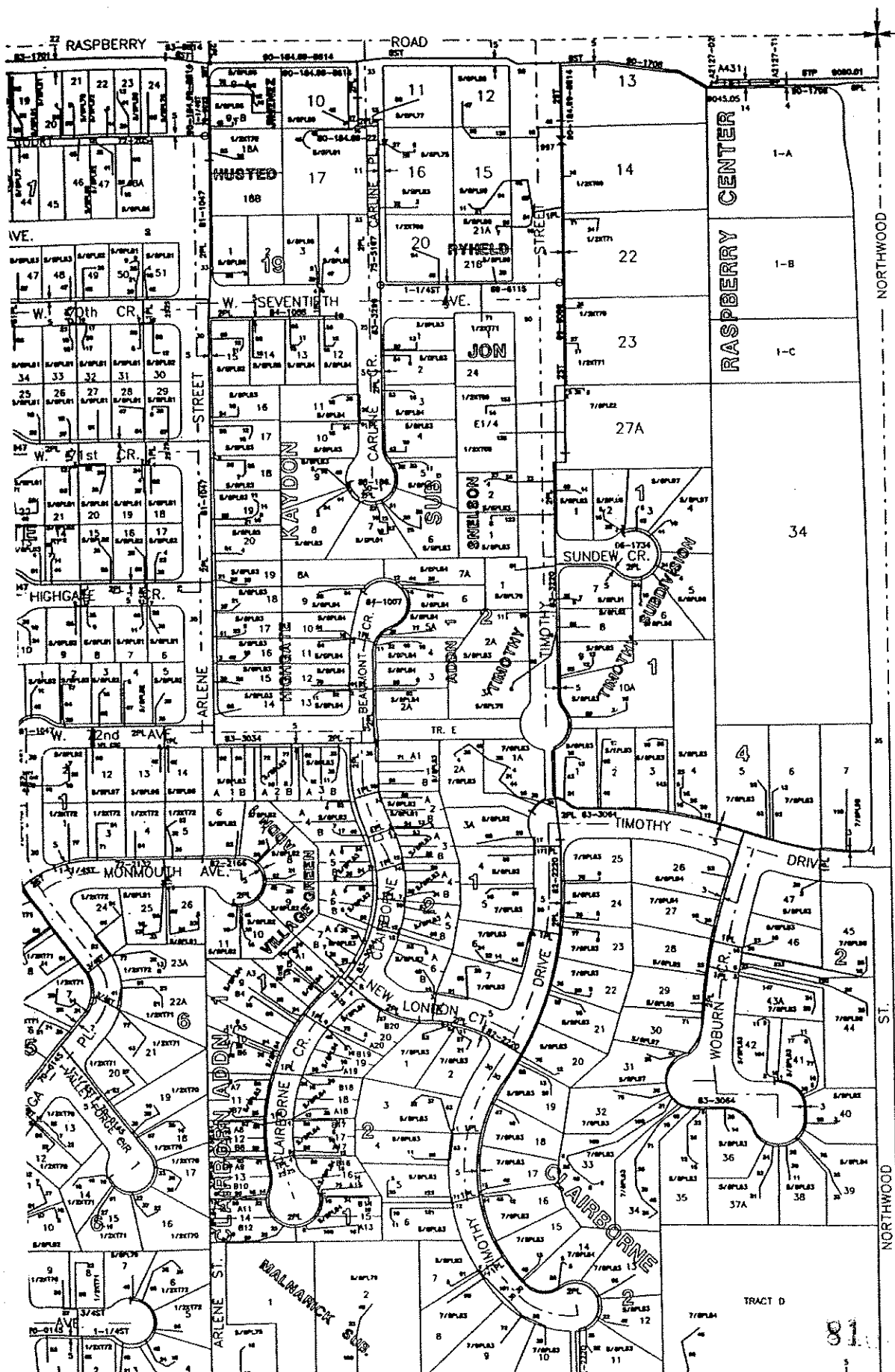
500 Scale Map: 51006  
MOA Grid Number: 2127

Wastewater Collection System

SCALE 1" = 300'

July 1998

4933




A2127G  
SE 1/4  
SECTION 2  
T12NR4W


# Generalized Land Use Plan Map


Community Discussion Working Draft

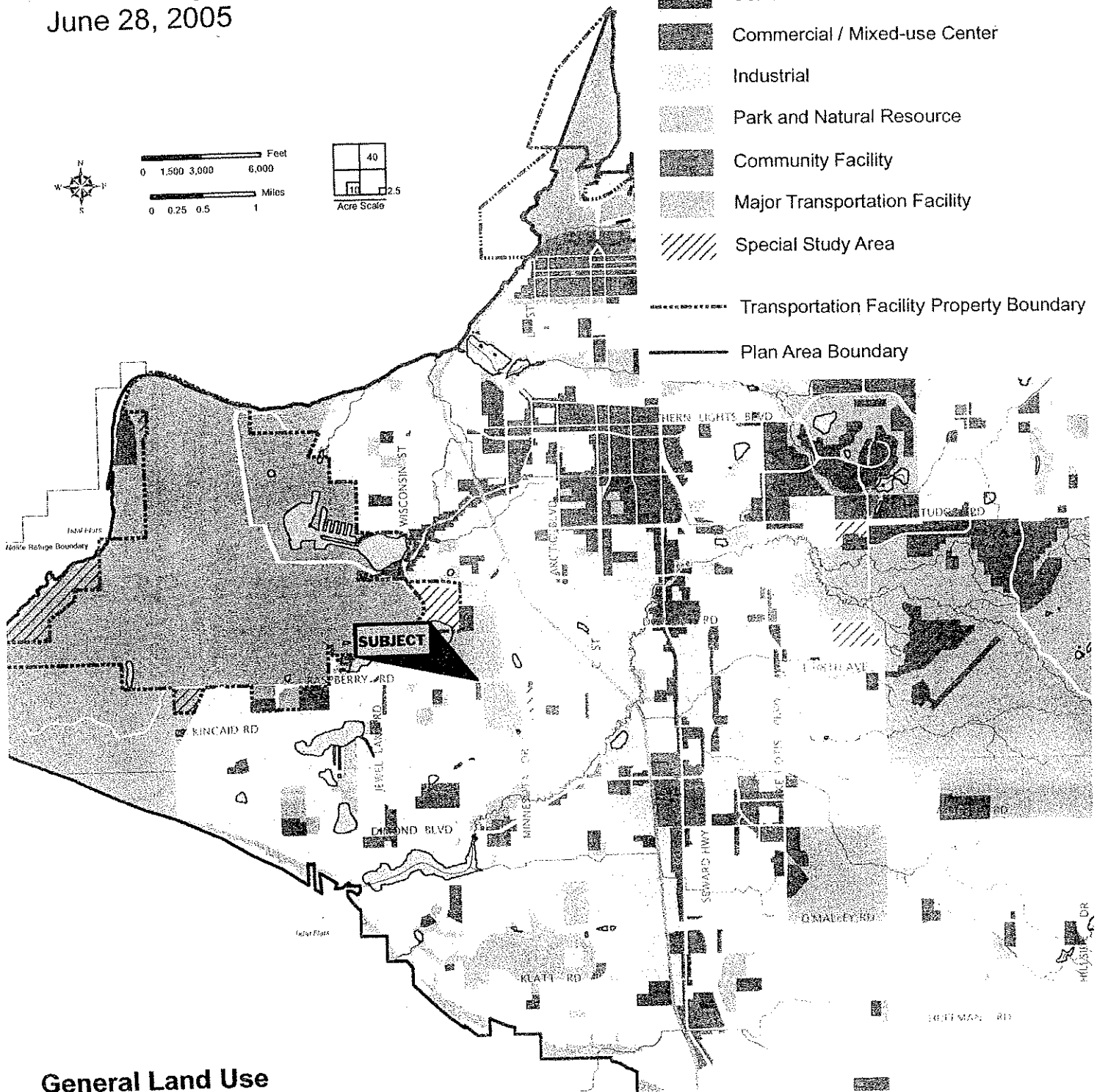
June 28, 2005

## General Land Use Designations

-  Residential
-  Commercial
-  Commercial / Mixed-use Center
-  Industrial
-  Park and Natural Resource
-  Community Facility
-  Major Transportation Facility
-  Special Study Area

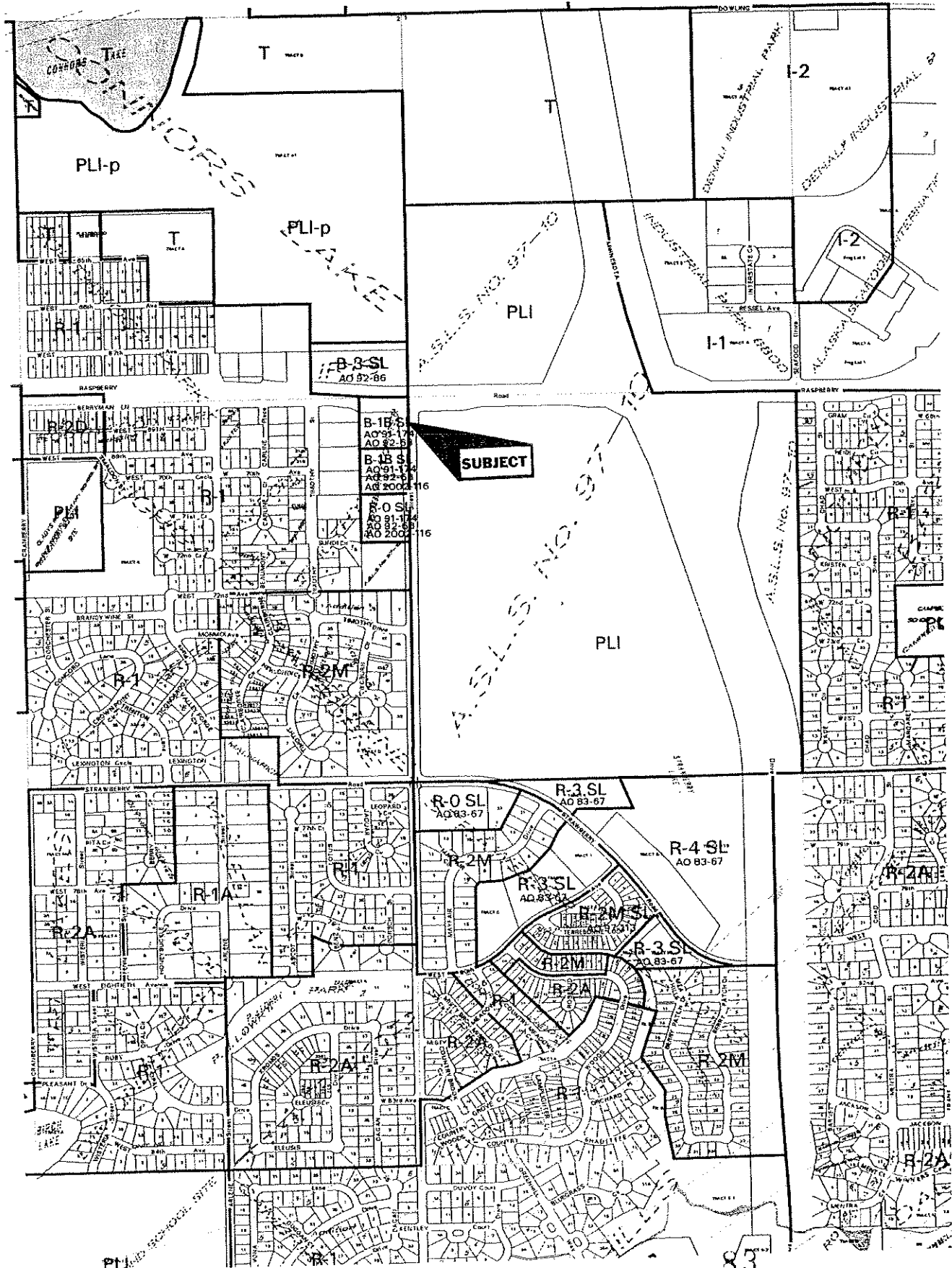
 Transportation Facility Property Boundary

 Plan Area Boundary



**General Land Use**

C



# Property

TAXID	Seqnum	MOA Grid	Map	Deed Date	Book	Page	Land Use
0121350100001	5100606930	ANSW2127	334	04/22/1999	3459	0000194	VACANT LAND COMMERCIAL
Lot Sq Ft	Zoning	Land Assessed	Bldg Assessed	Total Assessed	Mill Rate	Est Taxes	Class
66803	B1BSL	\$396,600		\$396,600	16.18	\$6,416	COMMERCIAL

## Property Owner

Owner 1  
TESORO ALASKA COMPANY

Owner 2

Owner 3  
% L B WALKER & ASSOCIATES INC

Mailing  
PO BOX 16290

City  
HOUSTON

St  
TX

Zip  
77222

## Legal

Subdivision  
RASPBERRY CENTER

Blk / Lot  
LT 1-A

Condominium / Lease  
Unit

Site Address  
6820 NORTHWOOD ST

## Other

TWNRRNGSEC  
12N04W02

Census Tract  
2303

Elementary School  
GLADYS WOOD

Middle School  
MEARS

High School  
DIMOND HIGH

Seismic  
MODERATE

Latitude  
-149.9209015

Utilities  
PUBLIC WATER PUBLIC SEWER

Heat Features

Lot Topo  
GOOD

Drainage  
GOOD

Traffic  
GOOD

Welland

City Council  
Sand Lake

Longitude  
61.1591411

Street Features  
PAVED

Access  
GOOD

## Commercial Data

Floor  
SQ FT

Floor Use

Construction Type

Yard Features

Structure Type

Total Bldg SQ FT

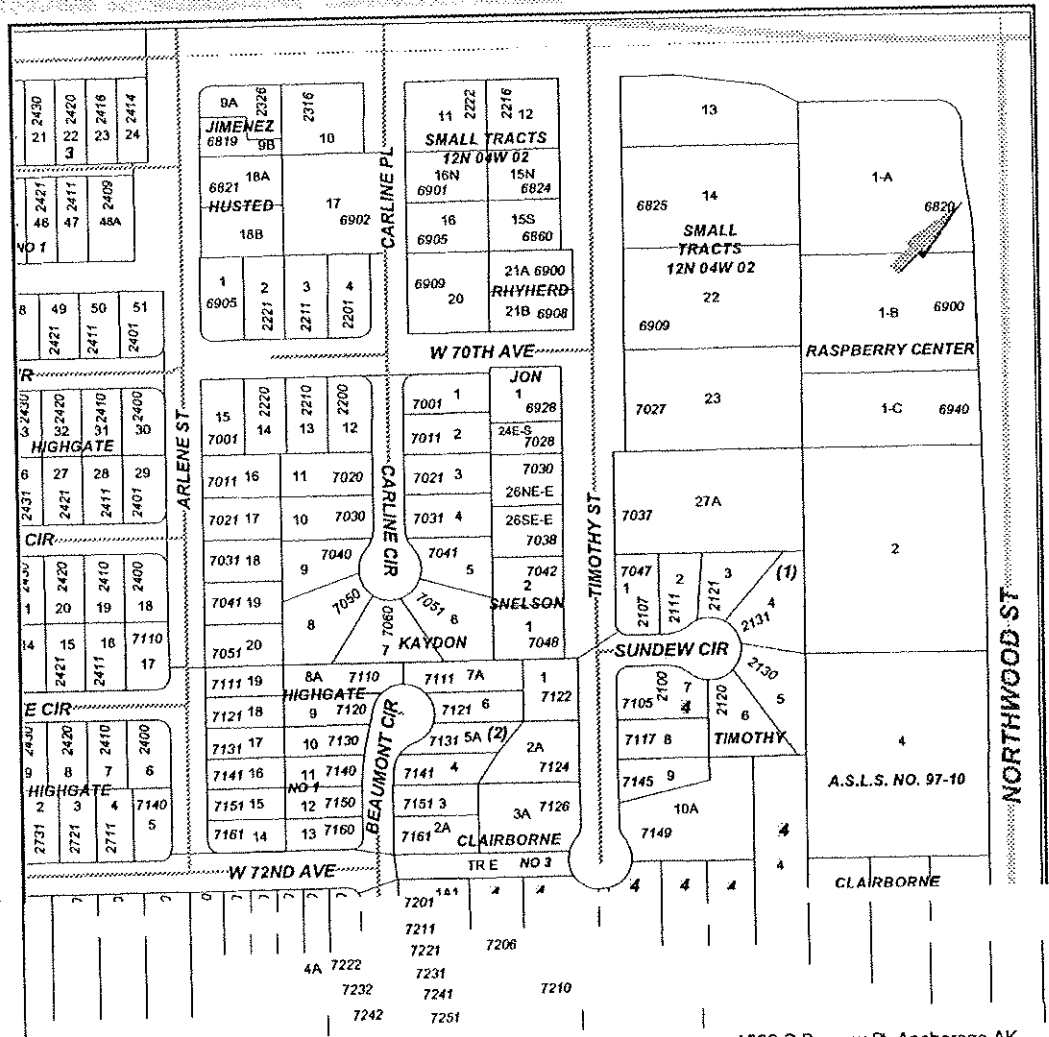
Building Name

Identical Units Building Grade

Year Built Com Units

## Other Features

\*DISCLAIMER -- Though every effort is made to be as accurate as possible, these maps and data are not the official representation of any of the information included. The maps and data are made available solely for informational purposes and is made available on the condition that users agree that Alaska Street Master, their employees, owners and heirs AND THE MUNICIPALITY OF ANCHORAGE shall not be liable for tangible or intangible loss or damage of any kind even if any errors, inaccuracies or omissions are attributable in whole or in part to Alaska Street Master's negligence or failure to use due care in obtaining or presenting the maps and data. By accessing and using these maps and data you accept this limitation of liability. There may be



complete.





## Municipality of Anchorage Commercial Data Card

**Property Owner**

## Legal

**Other**

### **Commercial Data**

Seismic	City Council		
MODERATE	Sand Lake		
Latitude	Longitude		
-149.9208502	61.15810462		
Utilities	Street Features		
PUB. PUB.	PAVED		
PUBLIC WATER PUBLIC SEWER	Access		
Heat Features	GOOD		
Lot Topo	Drainage	Traffic	Welland
	GOOD		

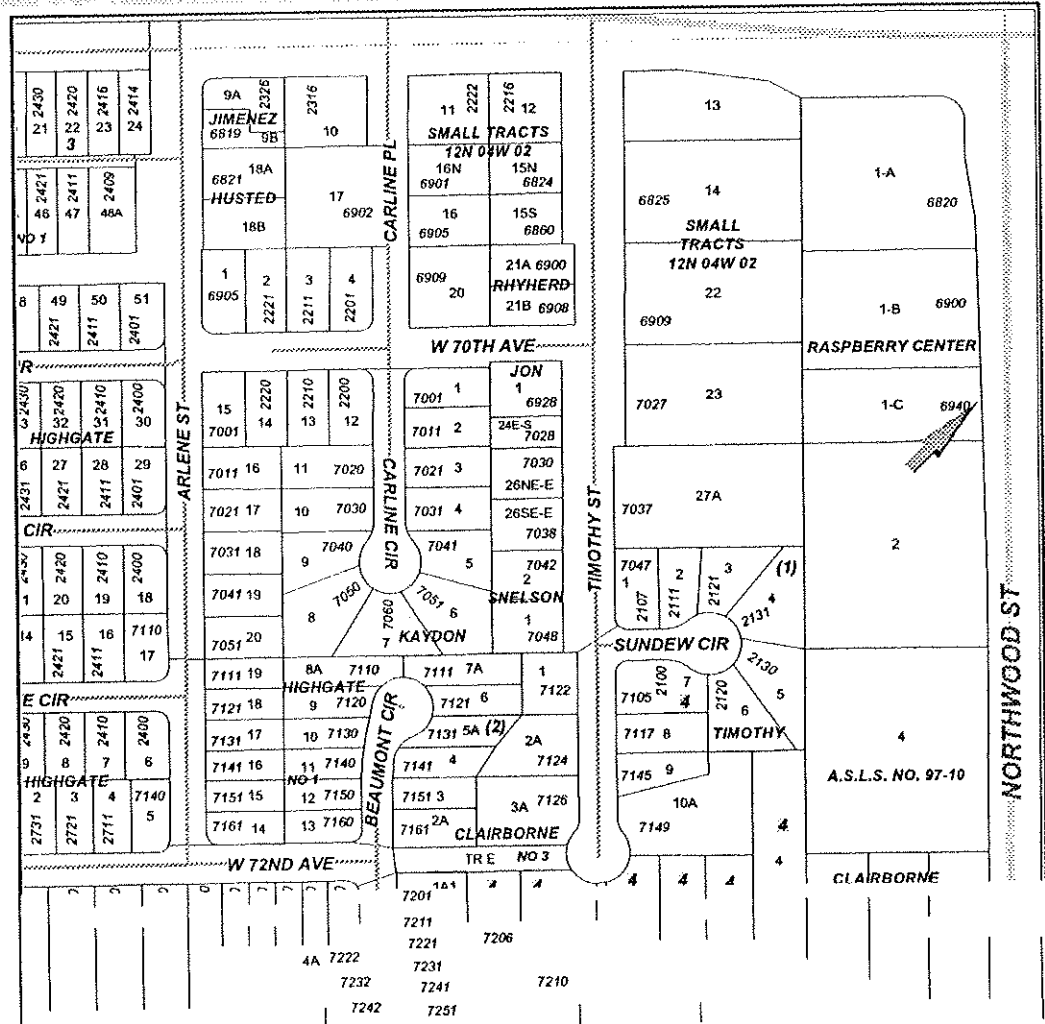
**Building Name**

Identical Units Building Grade

Year Built	Com Units
1970	10
1971	10
1972	10
1973	10
1974	10
1975	10
1976	10
1977	10
1978	10
1979	10
1980	10
1981	10
1982	10
1983	10
1984	10
1985	10
1986	10
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2021	10
2022	10
2023	10
2024	10
2025	10
2026	10
2027	10
2028	10
2029	10
2030	10

### **Other Features**

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complete.



## Municipality of Anchorage Commercial Data Card

**Property Owner**

**Other**

Subdivision	IRIS	
Blk / Lot	TR A	
Condominium / Lease	Unit	
Site Address		

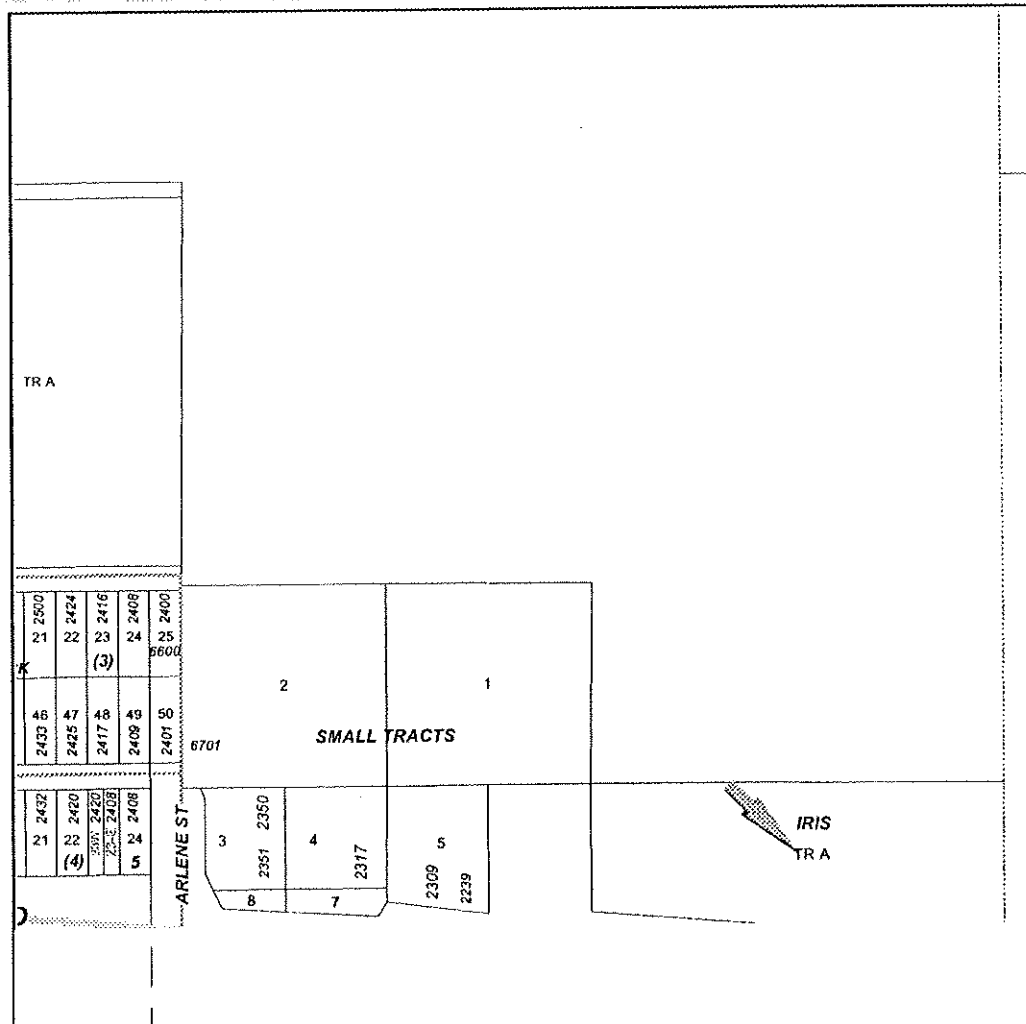
TWNRRNGSEC		Zip Code
12N04W02		99502
Census Tract	Census Blk	MLS
2302	1000	15
Elementary School		Assembly
GLADYS WOOD		3-D / 3-E
Middle School		Legislative
MEARS		25M
High School		APD Beat
DIMOND HIGH		24

[illegible]

Seismic	City Council		
MODERATE	Sand Lake		
Latitude	Longitude		
-149.921657	61.16030569		
Utilities	NO#	Street Features	
NONE		NONE	
Heat Features	Access		
	NONE		
Lot Topo	Drainage	Traffic	Wetland
	POOR	NONE	

### Other Features

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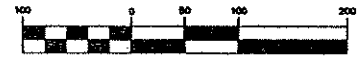
complete.

© Copyright Alaska Street Master, 907-243-0477, [www.alaskastreetmaster.com](http://www.alaskastreetmaster.com), 1569 S Bragaw St, Anchorage AK

IRIS SUBD  
TRACT A

UNSUBDIVIDED

RASPBERRY ROAD



( IN FEET )  
1 inch = 100 ft.

### LEGEND

- S 89°56'08" W 288.71' MEASURED DATA THIS SURVEY  
(S 89°56'00" W 288.71') RECORD DATA PER PLAT 92-128 A.R.D.  
⊕ FOUND PRIMARY MONUMENT  
⊙ FOUND BESSE ENG. PLASTIC CAP ON 5/8" RI  
⊙ SET 2" LOUNSBURY ALUM. CAP ON 5/8" RED  
AD FLUSH W/ GROUND - LS-8535 / 1999  
C1 POINT ESTABLISHED AT RECORD ANGLE & DIS  
L1 TYPICAL CURVE LABEL, SEE TABLE  
M3 TYPICAL LINE LABEL, SEE TABLE  
CMT. TYPICAL MONUMENT LABEL, SEE DETAILS  
EASEMENT  
TEL. & ELECTRIC  
S.F. SQUARE FEET

### NOTES

1. THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AD 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED.
2. ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11-22-91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION.
3. THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,500 SQUARE FEET.
4. LANDSCAPING FOR ARTERIAL AND BUFFER EASEMENTS SHALL BE INSTALLED WITH THE BUILDING PERMIT AND MAINTAINED BY THE PROPERTY OWNER.
5. CHUGACH ELECTRIC ASSOCIATION, INC. EASEMENT EXISTS IN MISC. BOOK 65 AT PAG NOT DEDICATED THIS PLAT.
6. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS TO RASPBERRY ROAD FROM LOT 1-B BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THIS ACCESS SHALL BE 107 FEET EAST OF THE WEST PROPERTY LINE.
7. ACCESS TO NORTHWOOD DRIVE IS LIMITED TO TWO COMMON DRIVEWAYS TO BE LOCATED WITHIN THE COMMON LOT LINE OF LOTS 1-A & 1-B AND THE COMMON LOT LINE OF LOTS 1-C & 1-D.
8. WHERE THE TAC EASEMENTS ARE OVERLAPPED BY ARTERIAL LANDSCAPING EASEMENT WRITTEN APPROVAL MUST BE OBTAINED FROM THE ELECTRIC UTILITY PRIOR TO LAND CHANGES OR CHANGES IN GRADE. LANDSCAPING WITHIN THESE EASEMENTS IS SUBJECT TO THE UTILITY TO CUT, TRIM, REMOVE AND CONTROL THE GROWTH OF TREES AND OTHER VEGETATION THAT IN ITS REASONABLE JUDGEMENT MAY INTERFERE WITH PROPER INSTALLATION, FUNCTIONING AND MAINTENANCE OF THE UTILITY FACILITIES. THE ELECTRIC UTILITY WILL NOT REPLACE NOR BE RESPONSIBLE FOR DAMAGED LAND WITHIN THE OVERLAPPING TAC AND ARTERIAL LANDSCAPING EASEMENTS.
9. THIS NOTE WAS NOT REQUIRED ON THE PREVIOUS PLAT WHICH DEDICATED THESE EA THE ADDITIONAL REQUIREMENTS OF THIS NOTE ARE OBJECTIONABLE TO THE OWNER.
10. THIS PROPERTY IS LOCATED WITHIN THE 60-65 DBL CONTOUR AND IS SUBJECT TO LEVELS OF AIRPORT NOISE.

### LINE TABLE

LINE	MEASURED		RECORD	
	DIRECTION	DISTANCE	DIRECTION	DISTANCE
L1	S 00°07'53" W	59.98	S 00°14'45" W	60.04
L2	S 08°48'13" E	101.57	S 08°51'00" E	101.53

### CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
*C1	40.00'	62.83'	40.00'	56.57'	N 45°03'41" W	90°00'00"
(C1)	(40.00')	(63.07')	(40.24')	---	---	(90°20'41")

\* DENOTES NON-TANGENTIAL CURVE



BY: LINDA K. LESTER, ~~Notary Public~~ VICE PRESIDENT  
1500 WEST BENSON BLVD.  
ANCHORAGE, ALASKA 99503

### NOTARY'S ACKNOWLEDGMENT

LINDA K. LESTER PERSONALLY APPEARED  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th  
DAY OF February, 1999  
Mary Nell Larson  
NOTARY FOR ALASKA MY COMMISSION EXPIRES 5-16-99

### PLAT APPROVAL

PLAT APPROVED BY THE MUNICIPAL PLANNING AUTHORITY THIS  
28th DAY OF Feb, 1999

APPROVALS

PLATTING OFFICER

MUNICIPAL SURVEYOR

AUTHORIZED OFFICIAL

2-18-99  
2/9/99

RECORDED - FILED  
ANCHORAGE REC. DIST.

DATE Feb 19, 1999

TIME 3:16 P.M.

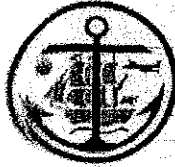
Requested by M.O.A.

Address \_\_\_\_\_

1, FILED  
L, CL  
C, TH  
A, OI

5

**POSTING  
AFFIDAVIT**

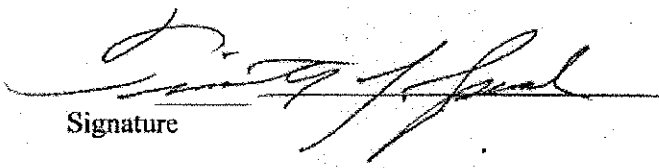


# AFFIDAVIT OF POSTING

CASE NUMBER: 05-129

I, Timothy J. Sperrake 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 Lot 1A, Raspberry Ctr.. The notice was posted on 8-1-05 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 1st day of August, 2005

  
Signature

## LEGAL DESCRIPTION

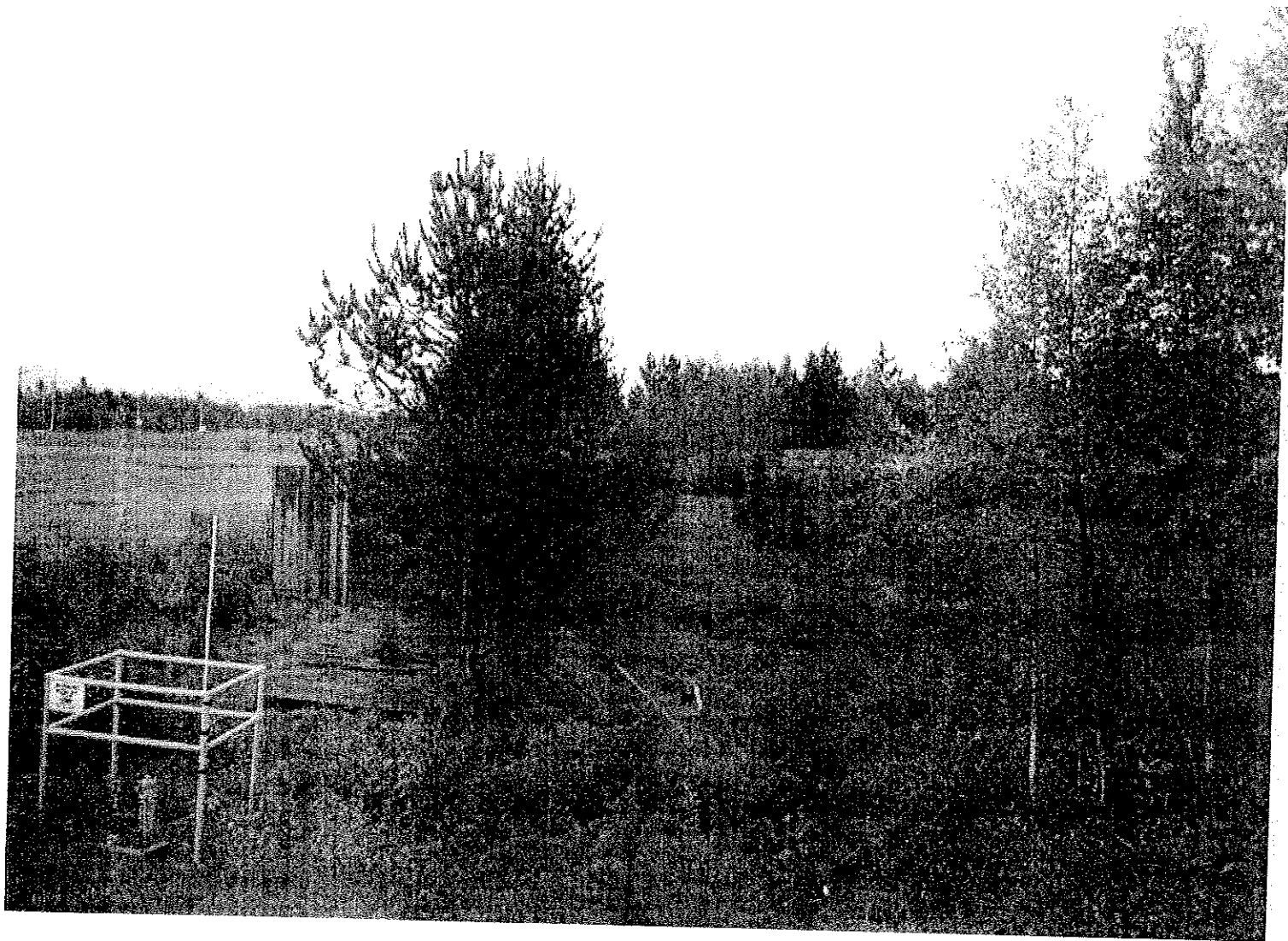
Tract or Lot 1A

Block N/A

Subdivision Raspberry Center Subdivision

# 6

## **HISTORICAL INFORMATION**



View south of the 54' easement  
subject on left.

10 w/ changes requested

1  
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Submitted by: Chairman of the  
Assembly  
At the Request of  
the Mayor  
Prepared by: Department of  
Economic Development  
& Planning  
Date: 12/17/91 For Reading: November 12, 1991

CLERK'S OFFICE  
**AMENDED AND APPROVED**

ANCHORAGE, ALASKA  
AO NO. 91-174

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* SEE ATTACHED PAGES FOR INCORPORATED AMENDMENTS  
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Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

- A. The following principal uses and structures are  
prohibited:
1. on-premises dry-cleaning establishments.

AM 1084-91

B. The following conditional uses and structures are prohibited:

1. package liquor stores;
2. bars;
3. video arcades;
4. pool halls.

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- a. Maximum height of any structure on the tract shall not exceed 30 feet.
- b. A 20 foot wide landscape screening buffer, with a 6 foot high solid wooden fence, shall be placed along the west and south property. Twelve feet of this 20 foot buffer will be outside the fence with 8 feet inside.
- c. Prior to the issuance of any building permits, a non-public hearing site plan review shall be held by the Planning and Zoning Commission in accordance with AMC 21.15.030 and the special limitation design standards for the property.

*write to delete. Admin review?*

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

Section 5. The Director of the Department of Economic Development and Planning shall change the zoning map



AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

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T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

B. By designating the following described property as R-O (Residential-Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

A. The following principal uses and structures are prohibited from all of the property:

1. On-premises dry cleaning establishments;
2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
3. Photo processing establishments.

B. The following conditional uses and structures are prohibited from all of the property:

1. Package liquor stores;
2. Bars;
3. Video arcades;
4. Pool halls.

C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-0:

1. Hotels, motels and motor lodges;
2. Boarding and lodging houses;
3. Private Clubs and lodges;
4. Funeral parlors and services.

D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-0:

1. Free-standing transmission towers of any height.

Section 3. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:

A. With respect to all of the property:

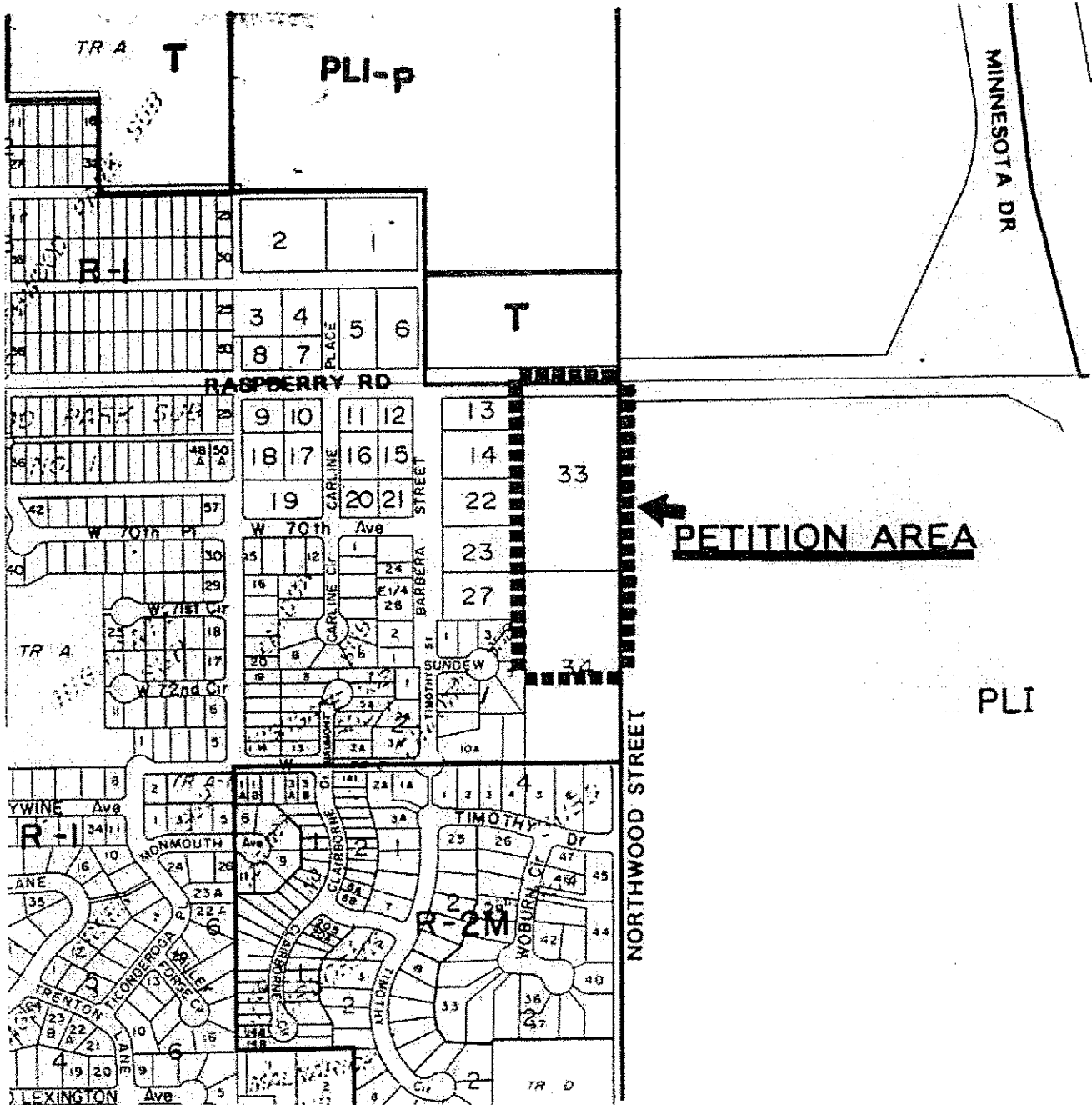
1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

*Amend  
to  
PZC  
revisions  
conflict w/ P. 2.2.*

5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
  6. Maximum height of any structure on the property shall not exceed <sup>wants</sup> 35 ~~25~~ feet.
  7. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.
- B. With respect to the portion of the property zoned B-1B:
1. A minimum 44 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.
- C. With respect to the portion of the property zoned R-O:
1. A minimum 60 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.

91-073

REZONING



100 Year Floodplain  
500 Year Floodplain

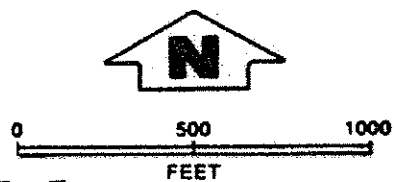


EXHIBIT A

MUNICIPALITY OF ANCHORAGE

REZONINGS OR ORDINANCES AMENDMENTS\*

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY  
AND PREPARATION AND SUBMISSION OF ORDINANCE AMENDING THE  
ZONING MAP PURSUANT TO 21.20.100(D)

(I (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A  
PUBLIC HEARING ON CASE NO. 91-073 WHICH RECEIVED AN  
UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON  
August 26, 1991 FOR THE FOLLOWING REASONS

Please see attached statement

SEP 13

CLERK'S OFFICE  
SEP 12 3 06 PM '91

Applicant also requests Planning Staff prepare and submit an ordinance to amend  
the map pursuant to MOA 21.20.100(D) as well as arrange for prompt submission of  
the ordinance to the Assembly for review and public hearing.

SIGNED: NATIONAL Bank of ALASKA: By Stan Agni, Owners Rep.

ADDRESS: 5600 B STREET SUITE 202 TELEPHONE: 561-8665

\$150.00 FEE: PAID BY #261 CHECK        CASH

RECEIVED BY: Lynda L. Heim DATE REC'D: 9-12-91

\* REZONINGS (Petitioner or anyone objecting to decision)

\* ORDINANCE AMENDMENTS - changes to Title 21 regarding text (petitioner or anyone  
objecting to decision).

05-129

Rezone  
SL's

886556191

NOTICE REGARDING ALLOCATION AMONG SEVERAL LOTS  
OF PERMITTED BUILDING SQUARE FOOTAGE

Guy J. Turner, a married man, whose mailing address is P. O. Box 190329,  
Anchorage, Alaska 99519, owner of record of the following described real property:

Lots One "A", One "B" (1-B) and One "C" (1-C), of RASPBERRY CENTER,  
according to Plat 99-13, filed in the Anchorage Recording District, Third  
Judicial District, State of Alaska.

gives notice regarding the allocation, among these lots, of the building square footage  
permitted on this property.

PLAT note 3 of this Plat 99-13 provides:

"The total square footage for all buildings located within this subdivision  
shall not exceed 25,500 square feet."

AO 91-174, which is applicable to this property, provides for the same limit on building  
square footage.

GUY J. TURNER HEREBY GIVES NOTICE as follows:

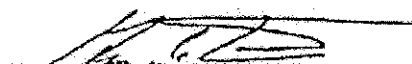
Lot One "A" (1-A) of Raspberry Center is irrevocably granted the right to  
construct buildings of 11,600 square feet from among the 25,500 square  
feet permitted by this Plat note 3 and by AO 91-174;

and

Lots One "B" (1-B) and One "C" (1-C) of Raspberry Center are limited,  
under this Plat note 3 and AO 91-174, in the building square footage which  
may be constructed upon them, to 13,900 square feet.

Notwithstanding the foregoing, nothing contained in this notice shall prevent Guy J.  
Turner from making application to the appropriate authority to increase the building  
square footage permitted on Lots One "B" and One "C" of Raspberry Center, so long as  
the building square footage permitted on Lot One "A" of Raspberry Center, presently  
irrevocably granted square footage in the amount of 11,600 square feet, remains  
undiminished.

DATED this 13 day of April, 1999.

  
Guy J. Turner

Notice Regarding Allocation - Page 1

LAW OFFICES OF  
GROH EGGERS, LLC  
2201 C STREET, SUITE 400  
ANCHORAGE, ALASKA 99503-3417  
(907) 861-9474

026525

ANCHORAGE  
RECORDING DISTRICT

18<sup>cc</sup> 1999 AP 22 AM 8:59

REQUESTED BY

PNT

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

} ss.

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of April, 1999, by Guy J. Turner.

*Dorothy Carter*  
Notary Public in and for Alaska

My Commission Expires: 12-12-00

After Recording Return to:

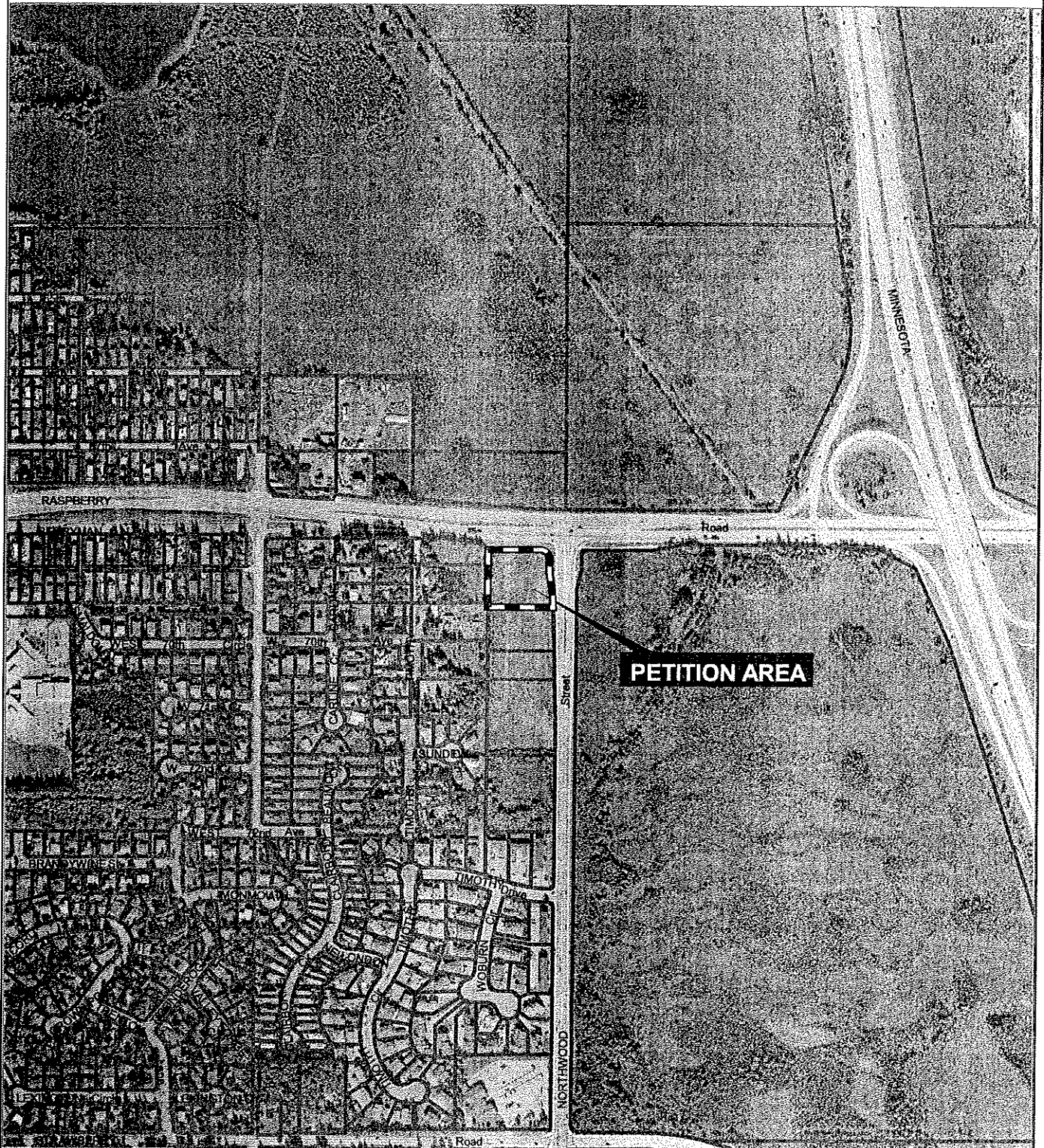
Guy J. Turner  
P.O.Box 190329  
Anchorage, Alaska 99519



LAW OFFICES OF  
GROH EGGERS, LLC  
3201 CENTRE STREET, SUITE 400  
ANCHORAGE, ALASKA 99503-3867  
(907) 552-6474

Notice Regarding Allocation - Page 2

# REZONE 2005-129



Municipality of Anchorage  
Planning Department

Date: August 10, 2005



103

0 500 1000 Feet

Date of Aerial Photography: 2001



History  
Church rezone  
Lots 1B, 1C and  
Lot 2

CLERK'S OFFICE

APPROVED

Date: 8-20-02

Submitted by:

Chair of the Assembly at the  
Request of the Mayor

Prepared by:

Planning Department

For reading

July 23, 2002

Anchorage, Alaska

AO 2002-116

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
THE ZONING MAP AND AMENDING THE SPECIAL LIMITATIONS OF  
APPROXIMATELY 4.28 ACRES, CURRENTLY ZONED R-O SL AND B-1B SL,  
DESCRIBED AS LOTS 1B, 1C AND 2, RASPBERRY CENTER SUBDIVISION,  
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RASPBERRY  
ROAD AND NORTHWOOD STREET.

(Sand Lake Community Council) (Planning and Zoning Commission Case 2002-042)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by amending the special limitations for the  
following described property:

Lots 1B, 1C (B-1B SL) and Lot 2 (R-O SL), Raspberry Center Subdivision as shown on  
Exhibit A (Planning and Zoning Commission Case 2002-042).

**Section 2.** All terms, conditions, and special limitations of Plat 92-128, Plat 99-13, AO  
91-174 and AO 92-68 remain in effect, except as modified by the following special  
limitations:

1. The west lot line setback for lot 2, Raspberry Center Subdivision shall be a  
minimum of 44 feet for a church and accessory uses. All other uses shall  
remain subject to the 60 foot setback. Asphalt paving for a driveway and  
lawn and low shrubbery landscaping is allowed in the setback.
2. The height limitation for a church and accessory uses shall be 35 feet.
3. The entire square footage, on all three lots, for a church and accessory  
structures shall be a maximum of 60,000 square feet.


**Section 3.** The special limitations set forth in this ordinance prevail over any inconsistent  
provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for  
otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically  
affected by the Special Limitations set forth in this ordinance shall apply in the same  
manner as if the district classification applied by this ordinance were not subject to  
Special Limitations.

1 **Section 4.** The Director of the Planning Department shall change the zoning map  
2 accordingly.

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

10 PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup>  
11 day of August 2002.

12

  
Chair

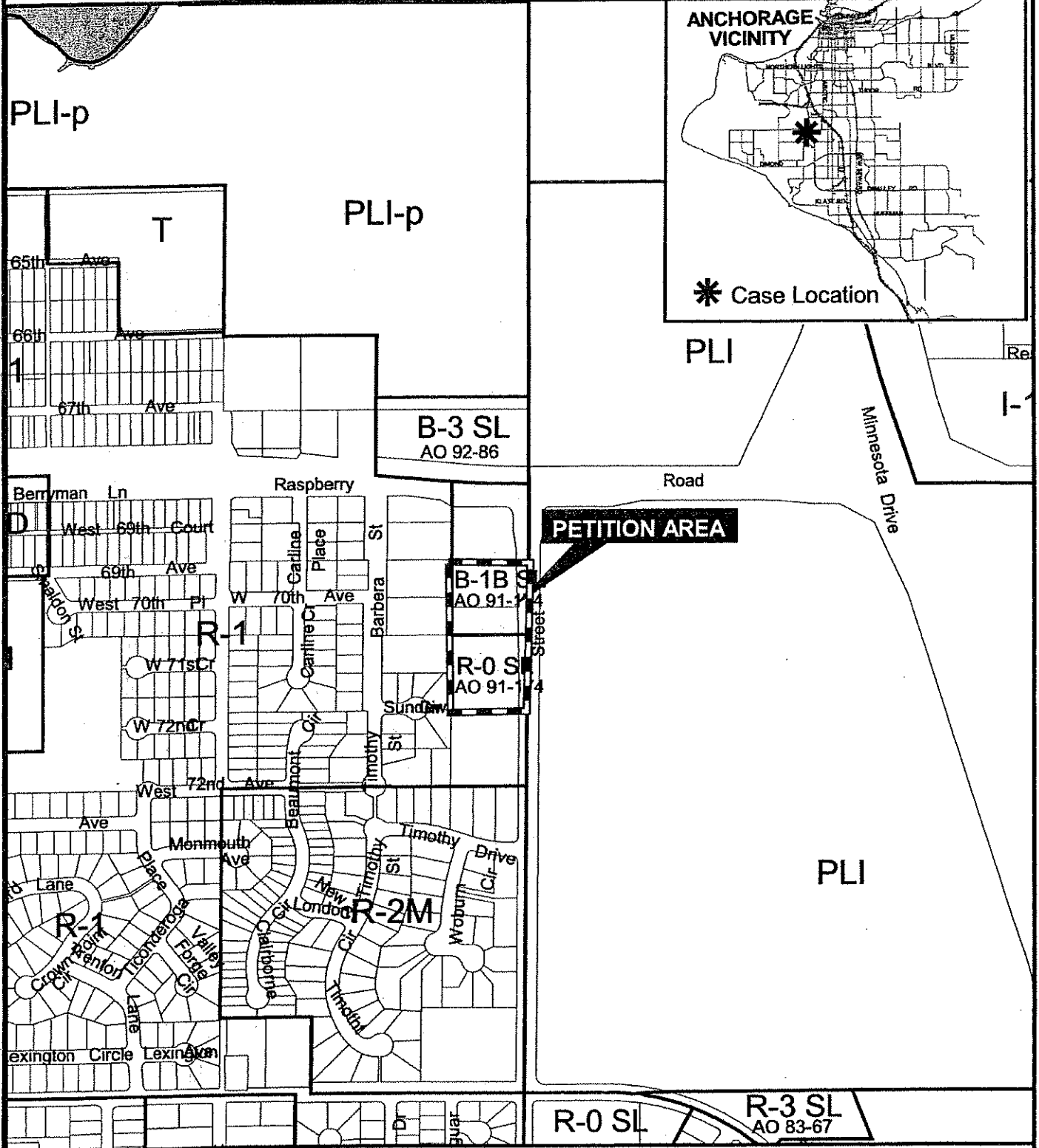
ATTEST:

  
Municipal Clerk

G:\MAT\OPEN MATTERS\Planning\Calvary Temple rezone AO - law draft.DOC

# ● EXHIBIT - A ●

## 2002-042



Municipality of Anchorage  
Planning Department



Date: APRIL 24, 2002

Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 1000 Feet

106

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

AO Number: 2002-<sup>116</sup> Title: The rezoning of 4.2 acres from B-1B (SL) and R-O (SL) to B-1B (SL) and R-O (SL) for Raspberry Center Subdivision, Lots 1B, 1C and 2

Sponsor: Bill Tatom

Preparing Agency: Planning Department

Others Affected

CHANGES IN EXPENDITURES AND REVENUES		(Thousands of Dollars)				
	FY00	FY01	FY02	FY03	FY04	
Operating Expenditures						
1000 Personal Services						
2000 Supplies						
3000 Other Services						
4000 Debt Services						
5000 Capital Outlay						
TOTAL DIRECT COSTS						
6000 IGCs						
FUNCTION COST:						
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp.						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

All facilities (water, sewer, electric, storm drains) are currently available to the affected lots. As the anticipated use involves a church, traffic generation will be less than that allowed by permitted commercial uses. The non-residential use will not impact schools. The church is anticipating its own school at some future date, which would lessen the impact on area public schools. Trails and parks are not directly affected. The church is planning a multi-use recreation building/gymnasium which would be available to the general public.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

The property consists of three lots and two zoning districts. The church might be required to address these development issues (the potential need to replat and/or rezone) in the future, depending on the actual site plans. The plat of the property contains some minor driveway access requirements.

Prepared by: Jerry Weaver Jr., Planning Supervisor

Validated by OMB:

Approved By:

Jerry Weaver Jr.

John R. Smith

Director, Preparing Agency

Telephone: 343-4215

Date:

Date:

7/17/02

5-6-02



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 677-2002

Meeting Date: July 23, 2002

From: Mayor

Subject: AO 2002- 116      Planning and Zoning Commission  
Recommendation for a Rezoning from R-O  
SL and B-1B SL to R-O SL and B-1B SL for  
Raspberry Center Subdivision, Lots 1B, 1C  
and 2.

1 Calvary Temple Assembly of God has made an application for rezoning to change some of  
2 the Special Limitations of AO 91-174 when applied specifically to a church and church  
3 accessory uses. On March 4, 2002, the Planning and Zoning Commission recommended  
4 approval of the rezoning.

5  
6 The Special Limitations of AO 91-174 limit uses, west lot line setbacks, building heights  
7 and square foot coverage of the lots. A church and its accessory uses are permitted. The  
8 proposed changes will only apply to a church and its accessory uses and would be a  
9 permanent zoning change at this location.

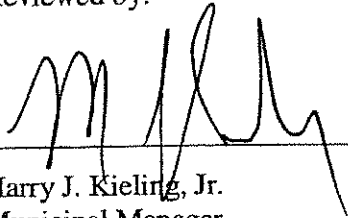
10  
11 The applicant's request amends the existing Special Limitations for churches as follows:

- 12  
13 1. The west lot line setback will be reduced from 60 feet to 44 feet;  
14 2. The height limitation will be raised from 25 feet to 35 feet; and  
15 3. The lot coverage restriction will be changed from a total of 45,500 square feet to  
16 60,000 square feet.

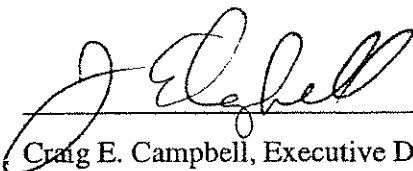
17  
18 There are no effective clauses to implement the new Special Limitations or to cause them  
19 to expire. This is a permanent change to the AO. All other conditions of AO 91-174 and of  
20 Plats 92-128 and 99-13 remain in effect. (The plats establish utility easements and the  
21 number and location of driveway cuts on Northwood Street.) The applicant has indicated  
22 these items will not hinder development of the church and understands and accepts the  
23 special limitations.  
24

- 1 The applicant has also been apprised of the potential difficulties of developing three lots  
2 into two different zoning districts. A rezoning to one district and/or a replat to one lot may  
3 be necessary for development as the applicant envisions it. At this time the applicant does  
4 not wish to undertake the rezoning or replatting. The Community Council membership has  
5 voted to support the proposed changes, 58 to 1.  
6  
7 Approval of the ordinance is recommended.

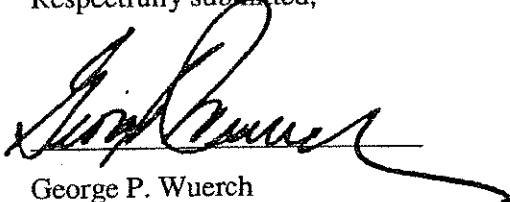
Reviewed by:

  
Harry J. Kieling, Jr.  
Municipal Manager

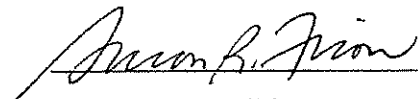
Reviewed by:

  
Craig E. Campbell, Executive Director  
Office of Planning, Development, and  
Public Works

Respectfully submitted,

  
George P. Wuerch  
Mayor

Prepared by:

  
Susan R. Fison, Director  
Planning Department

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-016**

A RESOLUTION APPROVING A REZONING FROM R-O SL AND B-1B SL TO R-O SL AND B-1B SL FOR LOTS 1B, 1C AND 2, RASPBERRY CENTER SUBDIVISION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RASPBERRY ROAD AND NORTHWOOD STREET.

(Case 2002-042, Tax I.D. No. 012-135-02, 012-135-03, 012-131-86)

WHEREAS, a request has been received from Calvary Temple Assembly of God to rezone 4.28 acres of land from R-O SL and B-1B SL to R-O SL and B-1B SL for Lots 1B, 1C and 2, Raspberry Center Subdivision, generally located at the southwest corner of Raspberry Road and Northwood Street, and

WHEREAS, notices were published, posted and 57 public hearing notices were mailed and a public hearing was held on March 4, 2002.

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 a 4.2 acre parcel consisting of three lots.
2. The three lots are in two different zoning districts and may require rezoning and/or replatting prior to development. The applicant is aware of potential issues associated with development of multiple zone districts and plats.
3. The property is owned by Mr. Guy Turner and under contract for sale to the applicant. The applicant wishes to relax some of the special limitations of AO 91-174 when applied to a church.
4. The Commission finds the rezoning is consistent with the Anchorage 2020 plan and compatible with existing uses and zoning districts. Churches are a permitted use in R-O and B-1B and are less intrusive than other permitted uses.
5. The proposed Special Limitation changes will apply only to a church and associated uses. All other conditions of plats 92-128 and 99-13 and AO 91-174 will remain in effect.
6. The need for effective clauses was discussed with the buyer and seller and determined to be not necessary.

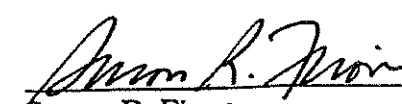
B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following conditions:

1. All conditions of plats 92-128 and 99-13 and AO 91-174 remain in effect except as modified by conditions 2, 3 and 4.



2. The west lot line setback for lots 1B, 1C and 2 Raspberry Center SD shall be a minimum of 44 feet for a church and its' accessory uses. Asphalt paving for a driveway and lawn and low shrubbery landscaping is allowed in the setback.
3. The height limitation for a church and its' accessory uses shall be 35 feet.
4. The entire square footage allowed on the three combined lots, for a church and its' accessory uses, shall be a maximum of 60,000 square feet.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 4<sup>th</sup> day of March, 2002.

  
\_\_\_\_\_  
Susan R. Fison  
Secretary

  
\_\_\_\_\_  
Daphne Brown  
Chair

(2002-042)  
(012-135-02, 012-135-03, 012-131-86)

ab

**FILE COPY**

CHAIR BROWN noted firm for which she works does work with DOWL Engineers, but was not involved in the project they are presenting this evening. She also believed her employer has worked with the developer of property adjacent to that in case 2002-043, but they were not involved with that project specifically.

**D. CONSENT AGENDA**

1. Resolutions for Approval: None

3. Site/Landscape Plan Approval

a. 2002-045 Municipality of Anchorage Project  
Management & Engineering.

**POSTPONED TO APRIL 8, 2002**

5. Other

a. 2002-063 Annual Inspection Report for 2001, AS&G  
Sand Lake Gravel Pit Restoration

COMMISSIONER PENNEY moved for approval of the Consent Agenda.

COMMISSIONER JONES seconded.

AYE: Killoran, Adams, Penney, Brown, Jones, Coffey, Knepper, Klein  
NAY: None

PASSED

**E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC  
HEARINGS - None**

**G. PUBLIC HEARINGS**

1. 2002-041 Development Managers Steven M. Agni. A  
request to rezone approximately 0.87 acres  
from R-5 (Rural Residential) to B-3SL  
(General Business with Special  
Limitations). Arlon Subdivision, Lots 3,4,5,6.  
Located at 9131, 9141 Golovin Street and  
9130, 9140 Arlon Street.

**POSTPONED**

2. 2002-042 Calvary Temple, Assembly of God. A  
request to rezone 4.28 acres from B-1BSL

(Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally located at the southwest corner of Raspberry Road and Northwood Drive.

Staff member AL BARRETT explained the nature of this request, which would amend several special limitations on the property. This change is only for a church and only related to some specific limitations. There were 57 public hearing notices mailed, 5 were returned in favor, 0 were returned in opposition, and 0 were returned unclaimed. The Community Council supported this request in a vote of 58 to 1. Staff found the requests to be consistent with the Comprehensive Plan and compatible with the area zoning.

COMMISSIONER ADAMS asked what were the implications of having split lot zoning on this property. MR. BARRETT indicated these items were discussed at great length with the petitioner, he is aware of them, and he is aware of the difficulties he may encounter in the future. Setbacks, fire requirements, parking, etc. have been discussed. These are obstacles to development, however, the applicant does not wish to address those at this time because, if the development is smaller than anticipated, they would like to preserve the southern portion of the lots (zoned R-O) for separate resale. Depending on development plans, they might build on the R-O and preserve the B-1B for resale.

COMMISSIONER PENNEY noted there has been an effective clause in other rezoning cases that would trigger the zoning. He asked whether an effective clause might be appropriate in this case. MR. BARRETT stated that effective clauses were discussed with the applicant and the property owner in order to ensure the owner was comfortable with the special limitations. Staff would not object to an effective clause perhaps tied to a building permit, but he felt the petitioner's representative might wish to address this suggestion. Staff believes effective clauses are not needed in this case.

COMMISSIONER COFFEY asked whether there are any problems associated with access and driveways, given the plat notes referenced on page 009 of the packet. MR. BARRETT replied there would be no problems, particularly if the church develops all of the properties. If

the church sells one of the parcels, a joint access agreement may be necessary.

CHAIR BROWN felt that the proposed height of 35 feet was low, noting that this is on the north side of any residential development. She asked whether the limitation could be two stories, rather than the suggested height. MR. BARRETT replied the petitioner proposed this condition.

The public hearing was opened.

BILL TATOM, representing the petitioner, introduced Pastor Humphreys. SAM HUMPHREYS felt the Staff presentation adequately presented the petitioner's request.

COMMISSIONER KILLORAN asked what is the anticipated development period for the two lots in question. PASTOR HUMPHREYS indicated he has pastored the church on Jewel Lake and the intent is to move that church to this property. He anticipated that could happen within 1.5 years. He indicated the church has every intention of using the entire property. The church had desired to have a property upon which it could build. He did not believe development would start later than five years from now.

COMMISSIONER PENNEY asked if the petitioner was amenable to an effective clause. PASTOR HUMPHREYS replied he would not favor an effective clause.

COMMISSIONER COFFEY asked if the church is the current owner of the property. MR. TATOM replied that the property has not been sold pending this rezoning. MR. COFFEY asked whether a sunset on this zoning would be appropriate. CHAIR BROWN noted that the conditions on this case were such that, even if this church does not purchase the property, it could be appropriate for another buyer.

The public hearing was closed.

COMMISSIONER ADAMS moved for approval subject to the 4 Staff conditions

COMMISSIONER KLEIN seconded.

COMMISSIONER ADAMS supported the motion, finding this rezoning would facilitate the ability for the church to procure this site. He noted there are steps that still must be taken by the church in order for the site to be appropriate for their use. He noted there is a lack of public objection, either in written or verbal form, to the development of a site that has been controversial in the past. He indicated he felt this was a good location for commercial development, but a church is also an appropriate use.

COMMISSIONER KLEIN also supported the motion. He noted regarding the possibility of a sunset clause that, in this instance, since the neighborhood has overwhelmingly endorsed the church as a use, it would seem appropriate to let this special limitation run with the property.

AYE: Killoran, Adams, Penney, Brown, Jones, Coffey, Knepper, Klein  
NAY: None

PASSED

3.      2002-043      Union Square Development Company LLC.  
A Conditional Use in the I-1 (Light Industrial) to allow a natural resource extraction per 21.50.070. Tudor Business Park, Tract 1-A. Generally located at the southeast corner of Tudor Road and C Street.

Staff member ANGELA CHAMBERS stated 96 public hearing notices had been mailed, 1 was returned in opposition and 3 were returned undeliverable. This is a final conditional use to allow the extraction of peat from the site. The peat depth varies to 12 feet and the total removal is estimated at between 40,000 and 50,000 square feet. Peat has already been removed from the area to the north of the 5-acre petition site through a commercial peat removal operation permitted under conditional use approval in the 1980s and early 1990s. The petitioner proposes to bring the site back up to grade and to bring in fill to replace the removed peat. She noted the following change in the Staff analysis: the request is for a 24-hour, 7-day-a-week operation for one construction season, but the Department suggested the operation be 7:00 AM to 7:00 PM with the exception that it can go to 10:00 PM with a valid noise permit. Additionally, she had noted in the analysis that the access into the site is from C Street to 48<sup>th</sup> Avenue and then out through the access easement; the petitioner has indicated there will also be egress on 48<sup>th</sup> to C Street and A Street to Tudor as well. She amended condition 5 to state, "Operational hours shall be limited to all operations from 7:00 AM to 7:00 PM with the ability to extend to 10:00 PM with a valid noise permit."

COMMISSIONER KLEIN asked if a permit is allowed to run through October 31, 2002 or is it for a 30-day or 60-day window. MS. CHAMBERS referred to the noise permit application on page 55 of the packet, which states the hours of operation, while still complying with the noise regulation.

COMMISSIONER COFFEY indicated regarding condition 2 that refers to removal of 40,000 cubic yards of peat, that he understood

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

**DATE:** March 4, 2002

**CASE NO.:** 2002-042

**APPLICANT:** Calvary Temple Assembly of God

**PETITIONER'S  
REPRESENTATIVE:** Bill Tatom, Porath-Tatom Architects

**REQUEST:** Rezoning from R-O (SL) and B-1B (SL) to R-O (SL)  
and B-1B (SL) to amend the Special Limitations  
when applied specifically to a church.

**LOCATION:** Lot 1B and 1C, and Lot 2, Raspberry Center SD

**SITE ADDRESS:** 6900 Northwood Street

**COMMUNITY  
COUNCIL:** Sand Lake

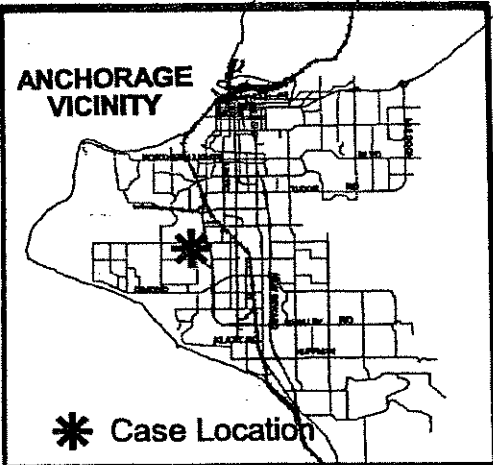
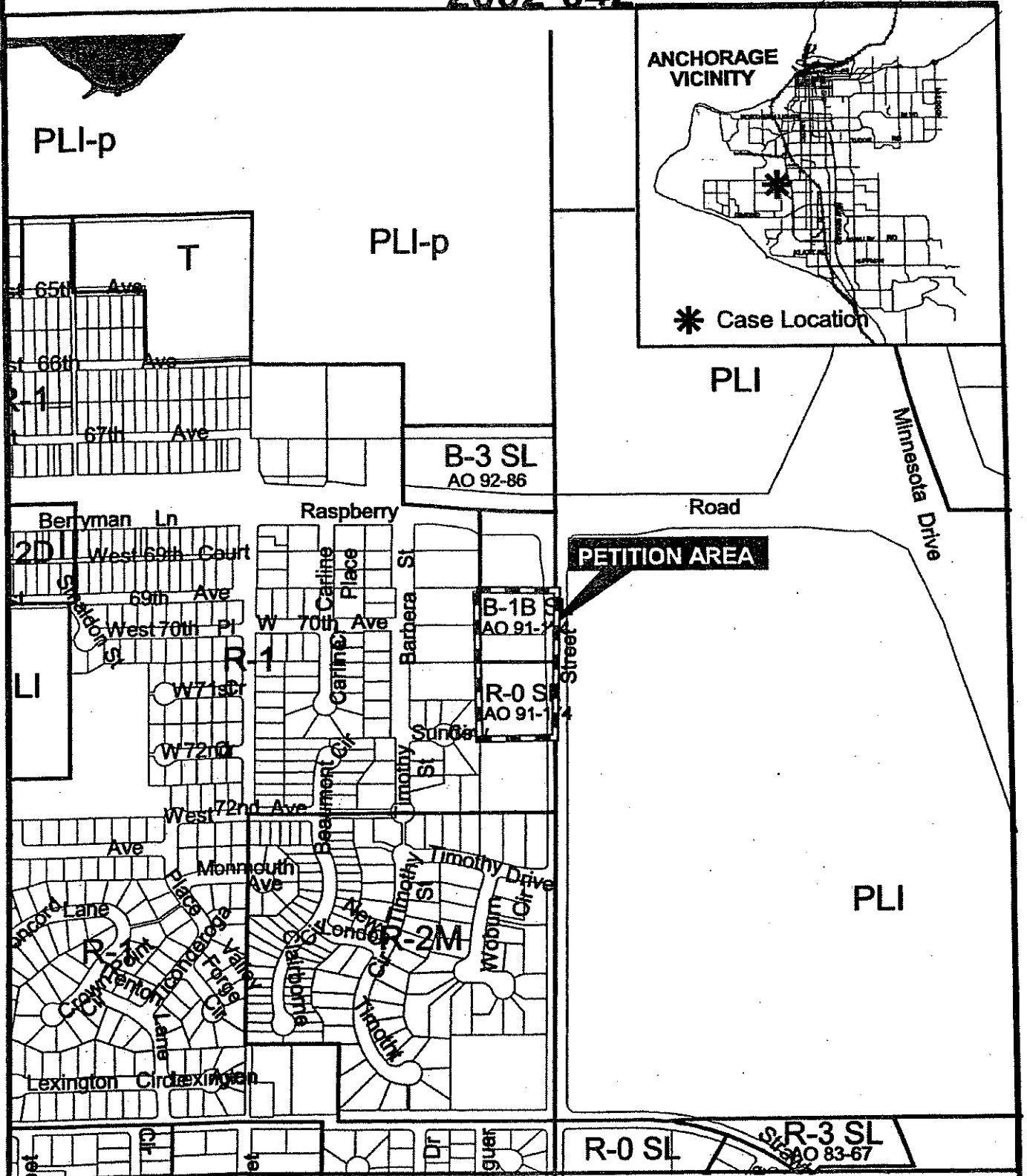
**TAX NUMBER:** 012-135-02 and 012-135-03 and 012-131-86

**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:** APPROVAL with conditions. The  
proposed rezoning meets the standards of the Comprehensive Plan.

# REZONING 2002-042

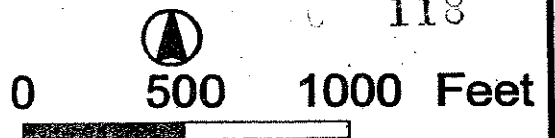


Municipality of Anchorage  
Planning Department



#### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Dry Creek



# Parcels

Tue Feb 05, 16:28:16, 2002

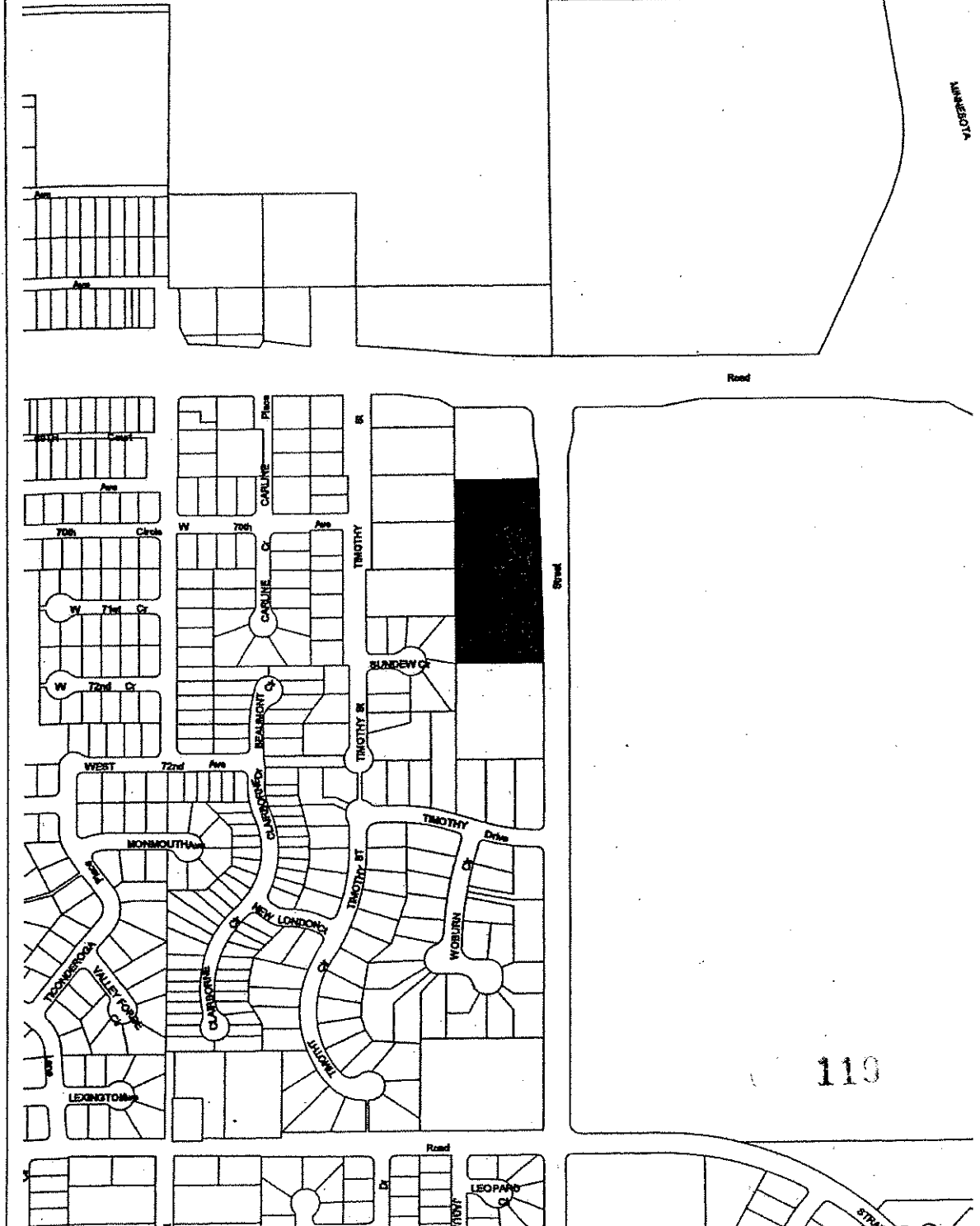
Map: Parcels



Scale 1:6000

## Legend:

-  alcohol
-  streetsano: Text
-  parcels





**SITE:**

Acres: 4.28 acres (approximately 186,000 sq ft)  
Vegetation: Some natural vegetation, portions cleared  
Zoning: B-1B (SL) and R-O (SL)  
Topography: Generally level  
Existing Use: Vacant  
Soils: Public water and sewer

**COMPREHENSIVE PLAN:**

Classification: West Anchorage Planning Area  
Density: B-1B approximately 5 du/ac  
R-O up to 30du/ac

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	B-1B(SL)	PLI	R-1	R-1
Land Use:	Vacant	Vacant	vacant	Single family

**PROPERTY HISTORY**

3-24-72	Rezoning	Areawide rezone R-1
12-17-91	Rezoning	Rezoning R-1 to B-1B and R-O per AO 91-174 as amended
8-19-92	plat 92-128	Lots 1 and 2 created
1-12-99	plat 99-13	Lot 1 subdivided to 1-A, 1-B, 1-C Raspberry Center

**Applicable Zoning Regulations:**

AO 91-174 as amended (copy attached).

**SITE DESCRIPTION AND PROPOSAL:**

The property in question is three lots, two of which are zoned B-1BSL, the third is zoned R-OSL. The applicant wishes to amend those SL's pertaining to maximum height of structures, west property line setback requirements and structure square footage limitations to allow construction of a church and accessory uses.

The AO requires:	Applicant's amendment
Structure heights shall not exceed 25 feet.	Except a church structure shall have a maximum height of 35 feet.
On property zoned B-1B the west property line setback shall be a minimum of 44 feet.	Except a church building shall have a minimum 20 foot setback.
On property zoned B-1B the entire square footage of buildings shall not exceed 25,500 square feet.	Except a church building shall only be restricted by subsequent provisions of this special limitation.
On property zoned R-O the west property line setback shall be a minimum of 60 feet.	Except a church building shall have a minimum 20 foot setback.
On property zoned R-O the entire square footage of buildings shall not exceed 20,000 square feet.	Except a church building shall only be restricted by subsequent provisions of this special limitation.
	<p>Subsequent SL added by applicant:</p> <p>The entire square footage of church buildings located on lots 1-B, 1-C and 2 shall not exceed 60,000 square feet.</p>

The SL's of AO 91-174 regarding the 44 foot and 60 foot west property line setback are needed for water and sewer easements as shown on plat 92-128. The 44 foot setback is on lots 1B, C; the 60 foot setback is on lot 2.

Plat 99-13 modified the easements to a uniform 44 feet on all three lots. The applicant is not proposing any other changes to the conditions of AO 91-174 and they will remain in effect.

**FINDINGS:**

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

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

The standard is met.

The area is shown on the Anchorage 2020 Land Use Policy map as the West Anchorage Planning Area. This area recognizes the relationship between the Airport and the surrounding communities. A church is an integral part of a community.

**Policy 7. General Land Use**

Avoid incompatible uses adjoining one another.

Churches are permitted uses in all districts. Churches in R-O and B-1B districts are not required to comply with AMC 21.45.235 supplementary district regulations for churches, and therefore have a presumption of compatibility.

**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.**

Public water and sewer services are available. The property is vacant and cleared.

The current land use pattern and zoning districts are supportive of the proposed use.

#### Transportation/Drainage

This Standard is met.

A church use will not generate more traffic than allowable residential and commercial developments. There are some driveway limitations placed on the property by the plats. Storm drains are adjacent to the property.

There are no locational criteria for a church in these zone districts. Raspberry Road in this area is a class III major arterial. Northwood is a class II minor arterial.

#### Public Services and Facilities

This Standard is met.

AWWU water mains and sanitary sewer are available on the west side of the property. AWWU has stated that if the subject parcels are ever replatted they would request a 49 foot easement.

There are no parks or trails affected.

#### Special Limitations

The applicant is requesting amendments to Special Limitations in the AO regarding building heights, square footage of buildings and west property line setbacks when applied only to a church. The other SL's will remain in effect.

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 adequate residentially zoned property in the area. The loss of these parcels would not have an adverse affect. Of slightly more concern is the potential loss of commercial uses allowed in R-O and B-1B. There is

not a great deal of commercially zoned property in the area and the intersection of two arterial roads is a logical location for commercial. There is a B-3 lot on the north side of Raspberry and a B-1B lot adjacent to the subject properties. Regardless, the area is not designated for neighborhood commercial or other commercial by the comprehensive plan so the standard is met.

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.

Public water and sewer are available. The road network is adequate. Development can be accommodated at the present time.

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 zoning districts are not changing, the potential use by a church would result in a net density loss, but the use is appropriate. There is a very large supply of R-1 and R-2 zoning in the area.

#### **COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

There were 57 public hearing notices mailed on February 5th. As of February 20th there have been no items returned as undeliverable. The Community Council membership voted 58-1 in support of the change. One PHN received offering conditional support.

#### **DISCUSSION:**

The applicant is requesting this rezoning because the Special Limitations would limit construction of a church and ancillary facilities. The applicant is proposing to build, in three to five years, a church, church offices, an education facility, and a multi-purpose facility such as a gymnasium, which would be available to the public. The applicant's plans are not more specific because the construction is several years in the future. Indeed, even if the rezoning is approved, the applicant is not obligated to purchase the property. This is why the SL changes apply only to a church and accessory uses.

The west lot line setback cannot be reduced to 20 feet without severely impacting the existing water and sewer lines. Staff will recommend a minimum setback of 44 feet to comply with the easement. The height limitation will be set by airport height regulations AMC 21.65.050. The building square feet increase to a total of 60,000 square feet for all structures is acceptable and represents a lot coverage of approximately 32%.

There are other development limitations. Plat 92-128 limits access to Northwood Street to one driveway each for lots 1 and 2 and one access in common for lots 1 and 2 (three driveways total). This was slightly modified by plat 99-13 which subdivided lot one into three lots.

The plat notes now read: access to Northwood shall be via two common driveways, one to be located at the common lot line of lots 1A and 1B and one to be located at the common lot line of lots 1B and 1C. Lot 2 was not affected by plat 99-13 so it retains one access in common with lot 1C and one driveway of its' own (for a total of four driveways for the properties). Some landscape conditions, for the west lot line and street frontage, are set by the plats.

There is another possible obstacle that concerns staff. That is the existence of the two zone districts and the two lot lines separating the common property. These items should be addressed prior to building permits being issued. If they are not addressed they could hinder development in the future. For example, the church sanctuary can be built in either B-1B or R-O, but the education facility is only allowed in R-O. Also, if a parking lot is not on the same lot as the structure it serves, a conditional use permit is always required in R-O and in B-1B if it is for more than 50 spaces.

Staff believes that for the protection of the applicant, these issues (replatting and rezoning to one district) should be addressed as part of this petition. Without firm development plans at this time there may be other issues which could arise five years from now. There could also be a different set of players, both from the applicant and staff, involved five years from now and some of these limitations could come as a surprise.

The applicant has expressed a reluctance to undertake a replatting

and rezoning to one district at this time because of time involved, cost and it could limit development options in the future.

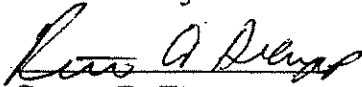
The Physical Planning Division has recommended that a site plan and landscaping plan be submitted for review and approval prior to building permits being issued. The plans would address building location and orientation to the site, parking lot and vehicle circulation, parking lot lighting, trees and landscaping, and pedestrian circulation. After staff discussion we have decided not to include this as a condition of approval. Trees, interior landscaping and perimeter landscaping are already addressed by Code and Plat requirements, there is a 44 foot wide setback along the west property line, lighting is addressed by Code and the Plats, and Code does not require a review for a church in B-1B or R-O zone districts. The remaining issues that would be addressed in a site plan review are building and parking lot location and pedestrian circulation. The size and orientation of the lots will restrict building and parking lots and pedestrian circulation will be addressed during building permits.

**DEPARTMENT RECOMMENDATION:**

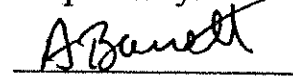
The Department recommends that the proposed rezoning of the 4.2 acre parcel is in conformance with the Comprehensive Plan and should be APPROVED with the following conditions:

1. All conditions of Plats 92-128, 99-13 and AO 91-174 remain in effect except as modified, below.
2. The west lot line setback for a church and its' accessory uses shall be a minimum of 44 feet. Asphalt paving for a driveway and lawn/low shrubbery landscaping is allowed in the easement.
3. The height limitation for a church and its' accessory uses shall be 35 feet.
4. The entire square footage for a church and its' accessory uses shall be 60,000 square feet.

Reviewed by:

  
Susan R. Fison  
Director

Prepared by:

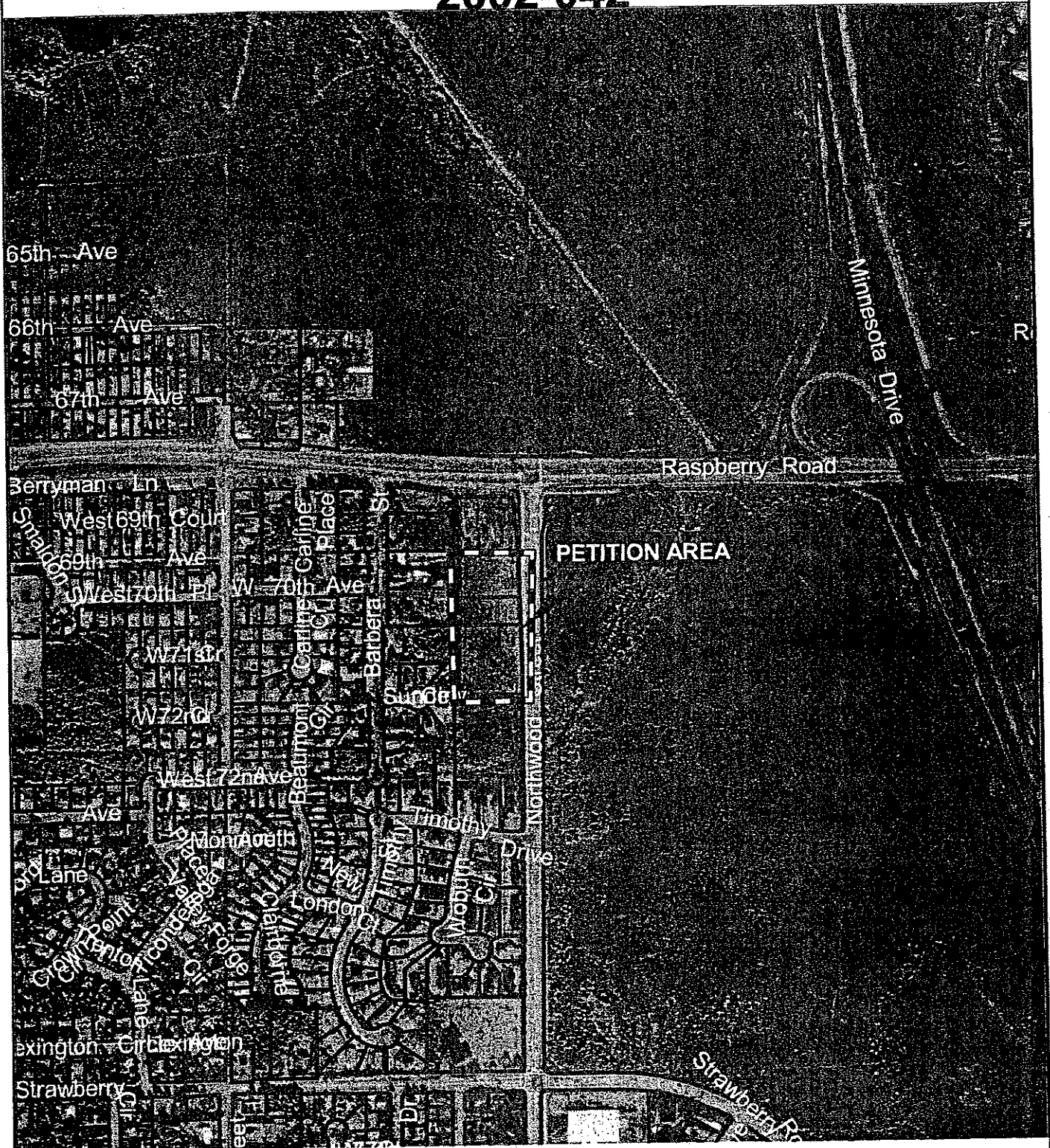
  
Al Barrett  
Senior Planner

# 2

## **HISTORICAL MAPS AND AS-BUILTS**



# REZONING 2002-042



Municipality of Anchorage  
Planning Department



Date: JANUARY 14, 2002



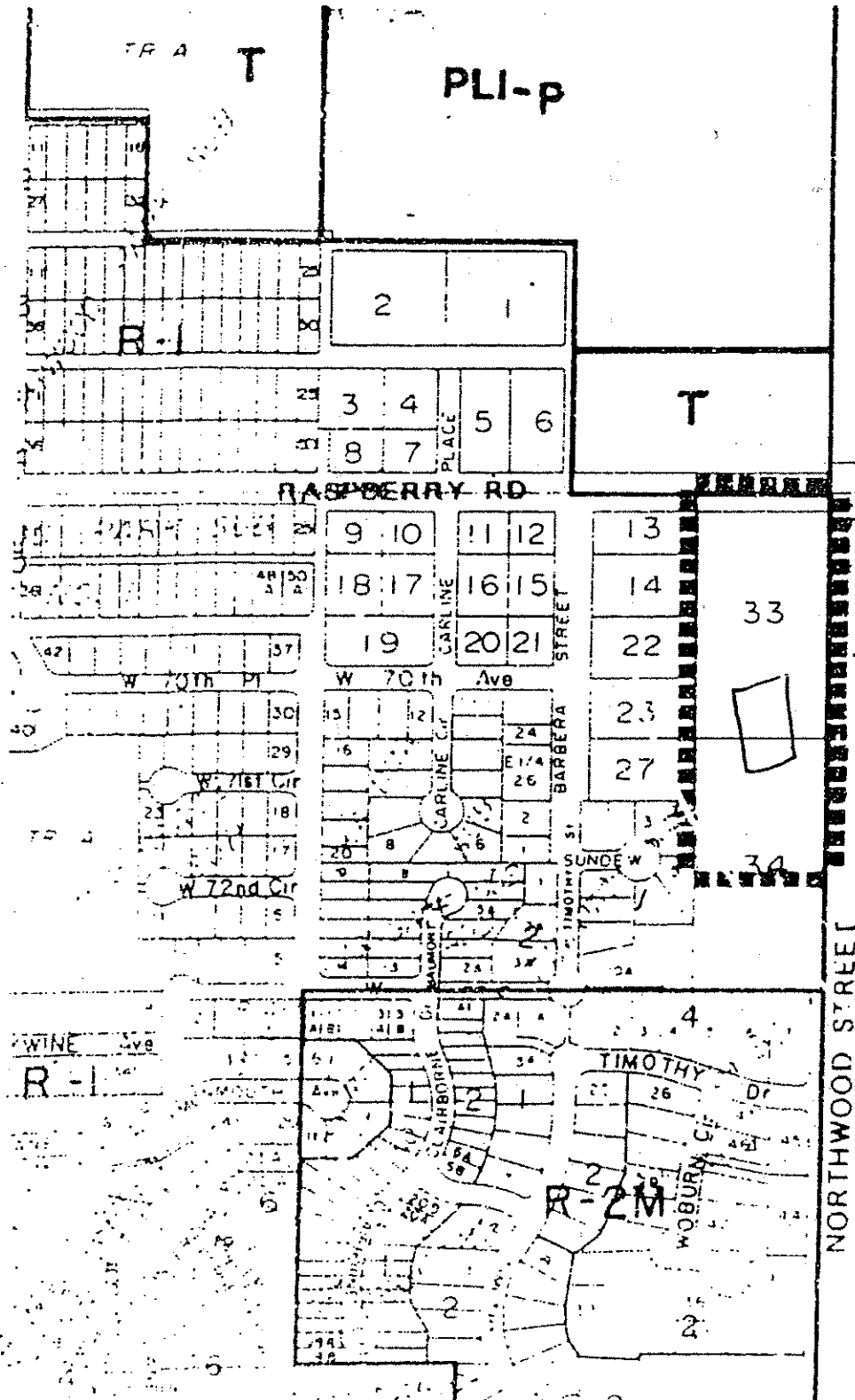
128

0 500 1000 Feet

Date of Aerial Photography: 1996

91-073

REZONING



**CERTIFICATE OF CHAIRMAN AND DELEGATION**

**Information for the provider:** In the United States, the National Commission on the Accreditation of Health Care Facilities (NCAHF) is the only organization that has been granted accreditation by the American Society for Accreditation of Health Care Facilities (ASAC). The NCAHF is a non-profit organization that has been granted accreditation by the American Society for Accreditation of Health Care Facilities (ASAC). The NCAHF is a non-profit organization that has been granted accreditation by the American Society for Accreditation of Health Care Facilities (ASAC).

## SYNOPSIS

**NATIONAL BANK OF ALASKA**  
\$500 West Brewster Bldg.  
CUSTOMERS, Alaska 99501

Lydia L. Lott 8 24 92  
Mrs. John K. Lott, Assistant Vice President, Delta

**LIBRARY ACKNOWLEDGEMENT**

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*M. 1.1.4.1 cat.*

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**Write**

THE PRIVATE STONE GAMES ELEMENTS ON THE WEST SIDE OF  
LAYS 1 AND 2 IS INDICATED FOR THE USE OF OTHER LOTS 1  
OR LAY 2 FOR THE PURPOSES OF THE CHURCH STONE ON  
LOCATED IN THE PRIVATE ELEMENTS. THE STONE MARK IS A  
AND THIS MUST BE MARKED BY THE OWNERSHIP OF THE

**FOR ALL**

**RASPBERRY CENTER, LOTS 1 & 2**  
A REDUPLICATION OF BLK LOT 33 & N 1/2 OF BLK LOT 34  
EXCEPTING ADDITION NOW TAKEN IN BOOK 540  
PAGES 583 & 585 AND IN BOOK 1843 AT PAGE 547  
LOCATED IN THE NE 1/4, SEC. 2, T. 12-N., R. 4-W., S.M.A.  
CHANDLER, WYOMING DISTRICT, THIRD GEOLOGICAL DISTRICT, ALBUQUERQUE

	7137	60	1"-100"	9/18/73	Sheet 92-1 impg 20 of 20
BESSIE ENGINEERING 204 CLEVELAND AVE. ANCHORAGE, ALASKA 99517					

DATE	09-08-64	TIME	09 45
NAME	HARRIS, CAROL		

## NOTES

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UNCLASSIFIED

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## STAYING ON TOP

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RECORDS - FREE OF CHARGE

**Abstract**

**ACCEPTANCE OF DEEDGATION**

## TAX IDENTIFICATION

14-00000

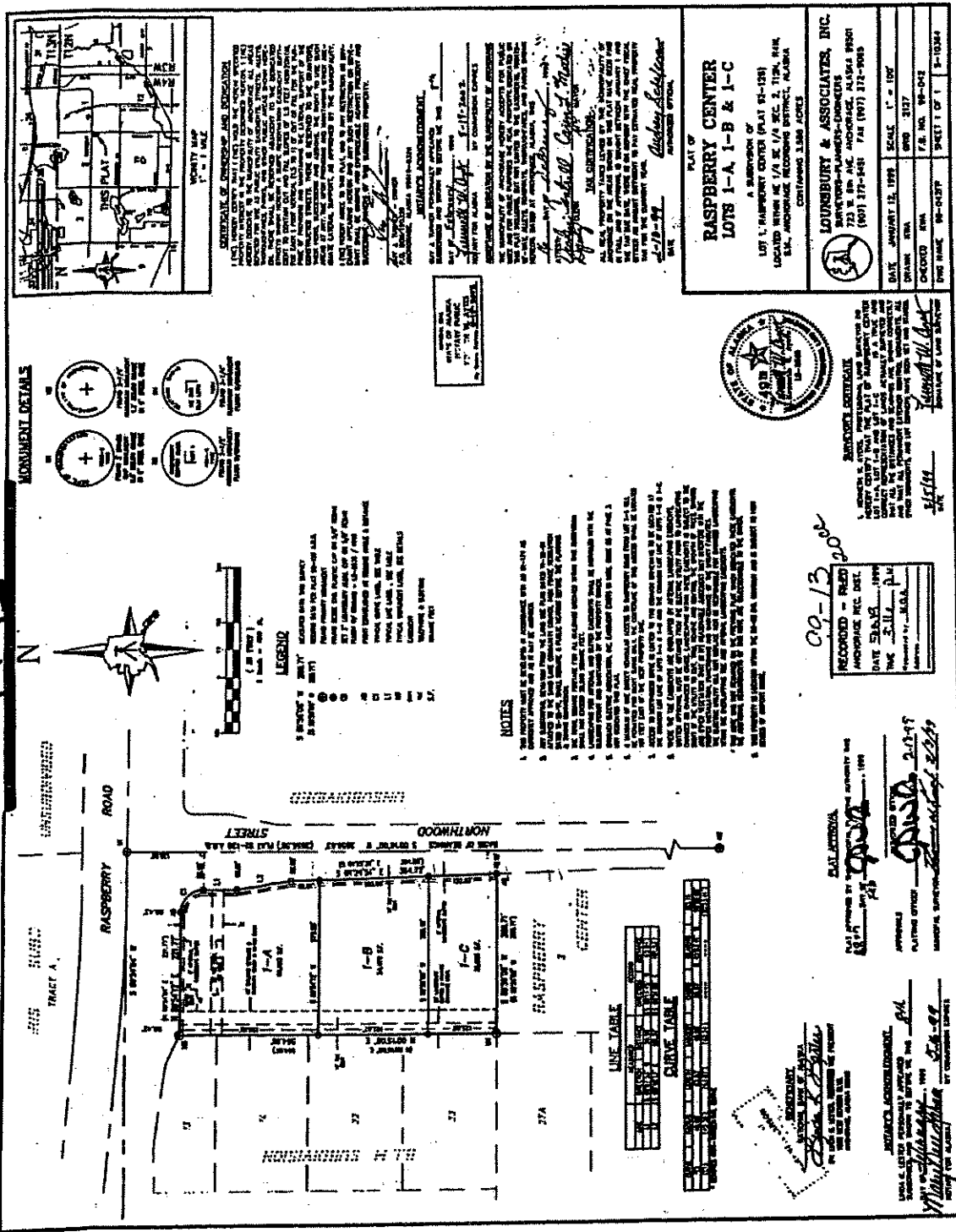
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APPROVALS  
 \_\_\_\_\_  
 Date: 10-23-17  
 Printed Name: [Signature]

**THE UNIVERSITY OF CHICAGO**

99-13

**ST-15**



1. THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY.  
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**DEPARTMENTAL  
COMMENTS**

RECEIVED

FEB 12 2002

Pierce, Eileen A

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

**From:** Spring, Jon R.  
**Sent:** Tuesday, February 12, 2002 2:59 PM  
**To:** Barrett, Al W. (Zoning); Autor, Mary P.;  
Chambers, Angela C.; Pierce, Eileen A  
**Subject:** Transportation Planning Comments on  
03-04-02 PZC Cases

**Memorandum**

**Municipality of Anchorage  
Department of Community Planning & Development  
Transportation Planning Section**

**DATE:** February 12, 2002  
**TO:** Planning and Zoning Commission  
**FROM:** Jon R. Spring, Senior Transportation Planner  
**RE:** Comments on 3-4-02 Planning & Zoning Commission Cases

**Case No. 2002-025**

No comment.

**Case No. 2002-041**

Transportation Planning recommends waiting until the Abbott Town Center Plan is completed before acting on this rezoning request. In general, Transportation Planning does not recommend approval of strip commercial development along major arterial streets since the turning movements associated with strip commercial development tends to reduce the capacity of arterials.

If approved, a special limitation should be attached which prohibits access from Abbott Road.

**Case No. 2002-042**

*Calvary church rezone*

No comment.

**Case No. 2002-043**

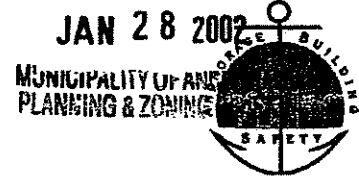
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Access from C Street at an ADOT approved curb cut is not recommended since C Street is a limited access highway. Instead access should be restricted to 48<sup>th</sup> Avenue. In any case, ADOT should review and comment on the proposed access from C Street and Tudor Road.




**Municipality of Anchorage**  
Development Services Department  
Building Safety Division

**RECEIVED**



**MEMORANDUM**

**DATE:** January 25, 2002  
**TO:** Jerry T. Weaver, Jr., Platting Officer, CPD  
**FROM:**  James Cross, PE, Program Manager, On-Site Water & Wastewater  
**SUBJECT:** Comments on Cases due February 14, 2002

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

- 2002 - 025 A request for an ordinance amending Title 21.  
No objections.
- 2002 - 041 A request for rezoning to B-3SL General Business district with special limitations.  
No objections.
- 2002 - 042 A request for rezoning to B-1BSL and R-O SL.  
No objections.
- 2002 - 043 A request for a conditional use for a natural resource extraction.  
No objections.
- 2002 - 044 A request for a conditional use for an adolescent psychiatric facility.  
No objections.
- 2002 - 045 A request for a site plan review of a public facility.  
No objections.

Jerry T. Weaver, Jr., Zoning and Platting Manager  
March 4 and 11, 2002 Zoning Cases  
Physical Planning Division Comments  
Page 2

*"Conservation of residential lands for housing is a high community priority. ...No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan."*

Although a town center plan is not yet in place to clearly designate the location of commercial uses in this area, the proposed rezoning would result in a net loss of residential land for a commercial use which is contrary to policy #14 of *Anchorage 2020*. It is the Division's opinion that since the proposal is inconsistent with a policy of *Anchorage 2020*, the 1982 Generalized Land Use Map designation of commercial/industrial uses in this area should not be used for guidance in this case.

Policy #21 of *Anchorage 2020* encourages new commercial development in town centers. However, this policy also states that rezoning of property to commercial use is only permitted when designated in an adopted plan. As indicated above, the Division does not agree that the 1982 Generalized Land Use Map should not be considered the adopted plan in this case since it is inconsistent with the *Anchorage 2020* policy regarding no net loss of residential land. Policy #21 also states that new strip commercial development is strongly discouraged. The conceptual site plan and elevations of the proposed development contain characteristics of strip commercial development, (as defined in *Anchorage 2020* on page 117) which is contrary to the intent of policy #21.

Ideally, this proposal should be heard after a town center plan is adopted for this area. However, since this will take six months or longer to occur, the Division recommends that this case should be postponed until at least a preliminary land use plan and design standards/guidelines are presented in April 2002. These draft documents will provide a basis for how development proposals should be evaluated in the town center area given the proposed land use concept, and determine if commercial development at this location would be acceptable given certain design standards or guidelines. The preliminary land use plan will also address the locations and proposed densities of residential development to support the town center which relates to policy #14 regarding the no net loss of residential land.

**Case 2002-042** Proposed Amendment to Special Limitations to Allow Church Development (Raspberry Road and Northwood Street)

The Physical Planning Division has no objection with a proposed new church at this site. Policy #49 of *Anchorage 2020* states, "Site plan layout and building design for new development shall consider the character of adjacent development. The Municipality may



*require layouts and designs to incorporate the functional and aesthetic character of adjacent development."*

Since there will likely be visual impacts associated with this use on the adjacent neighborhood, the Division recommends that approval of this use should be subject to a site plan and landscaping plan that would be submitted to the Planning Department for review and approval. Site plan issues to be addressed should include, but not be limited to: building location and orientation on the site, parking lot and vehicular circulation, parking lot lighting, existing trees to be retained and proposed new landscaping, and pedestrian circulation system.

**Case 2002-043      Proposed Conditional Use for Natural Resource Extraction ("C" Street at East 48<sup>th</sup> Ave.)**

According to the *Anchorage Wetlands Management Plan* map #43, this is an area of class "C" wetlands. Any proposed activity in this area including peat removal or fill will require approval from the U.S. Army Corps of Engineers.

**Case 2002-044      Proposed Conditional Use for an Adolescent Psychiatric Facility (E. 42<sup>nd</sup> Avenue and Folker Street)**

The Physical Planning Division has no comment on this case.

**Case 2002-045      Public Facility Site Plan Review for Denali Street (E. 40<sup>th</sup> Avenue to Fireweed Lane)**

The Physical Planning Division provided comments on 11/30/01 regarding the Final Design Study Report and 65% Design Submittal for this project. These comments are attached. In general, some of the Division's design recommendations for this project were not included in this project. These recommendations include the need for sidewalks at least eight feet wide (separated from curb if possible), vegetated medians with irrigation systems, landscaping features such as benches at transit shelters, textured paving within crosswalk areas, and underground utilities. The Division supports Alternative C but recommends adding the elements as described in the 11/30/01 memo to the project.

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

JAN 24 2002

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

**DATE:** January 23, 2002  
**TO:** Zoning and Platting Division, OPDPW  
**FROM:** Hallie Stewart, Engineering Technician  
**SUBJECT:** Planning & Zoning Commission Meeting of March 4, 2002  
AGENCY COMMENTS DUE February 14, 2002

AWWU has reviewed the case material received on January 18, 2002, and has the following comments.

**02-025 An Ordinance amending Anchorage Municipal Code Title 21 By Adding Definitions Pertaining to Land Clearing in Sections 21.35.020 B., Definitions and Rules of Construction; and Adding a New Section to Anchorage Municipal; Code Chapter 21.45 Pertaining to Land Clearing.**

1. AWWU has no objection to the proposed changes and additions.

**02-041 Arlon, Lots 3, 4, 5 & 6 (rezone) Grid 2333**

1. AWWU sanitary sewer mains are located within the Golivin Street and Arlon Street rights-of-way.
2. A privately owned water company provides water service to the referenced area.
3. AWWU has no objection to the proposed rezone.

**02-042 Raspberry Center, Lots 1B, 1C & 2 (rezone) Grid 2127**

1. AWWU water and sanitary sewer mains are located within an easement located on a west portion of the referenced lots.
2. AWWU has no objection to the proposed rezone.

**02-043 Tudor Business Park, Tract A-1 Five Acre Portion (conditional use) Grid 1830**

1. Developer has entered into water and sanitary sewer main extension agreements with AWWU that upon completion will provide water and sanitary sewer service availability to the referenced tract.
2. AWWU has no comments on the proposed conditional use.

**MUNICIPALITY OF ANCHORAGE**  
**DEPARTMENT OF CULTURAL & RECREATIONAL SERVICES**

**PARKS & RECREATION DIVISION**

**MEMORANDUM**

**RECEIVED**

**JAN 24 2002**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

DATE: January 22, 2002  
TO: Jerry T. Weaver, Platting Supervisor, Planning Department  
THROUGH: John Rodda, Manager *[Signature]*  
FROM: *[Signature]* Mada Hansen, Land Manager  
SUBJECT: Comments, Planning & Zoning Commission meeting of March 4, 2002

**02-025 Ordinance amending AMC Title 21; adding a new section to 21.45  
pertaining to land clearing**

Add the following to 21.45.D.1.a -- Submittal requirements:

a. Location of existing and proposed buildings, paved areas, vegetation that is to be retained, and the location of creeks, water bodies, drainage areas, wetland, and adjoining Municipal Parks;

Add the following to 21.45.D.1.e -- Submittal requirements;

e. Details and specifications for tree protection fencing, signage, or other means to protect any required vegetation or other vegetation which is to remain on site, or is on adjoining property;

**02-041 Arlon Sub., Lots 3, 4, 5, 6; Rezone from R-5 to B-3SL**

No park lands or trail systems will be adversely effected by this Rezone; therefore, Parks & Recreation Division has no comment.

**02-042 Raspberry Center, Lot 1B, 1C & 2; Rezone from B-1BSL to B-1BSL  
and R-OSL**

No park lands or trail systems will be adversely effected by this Rezone; therefore, Parks & Recreation Division has no comment.

**02-043 Tudor Business Park; 5 acre portion of Tract 1-A; Conditional Use for  
a natural resource extraction; Grid 1830**

No park lands or trail systems will be adversely effected by this Rezone; therefore, Parks & Recreation Division has no comment.

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

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

**RECEIVED**

**JAN 18 2002**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

January 16, 2002

RE: MOA Zone Requests

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

Dear Mr. Weaver:

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

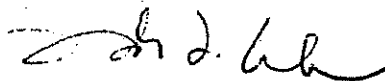
2002-025 Amending Title 21  
2002-041 Rezoning to B-3sL General Business District with Special Limitations  
2002-042 Rezoning to B-1BSL & R-O SL  
2002-044 Conditional use for an adolescent psychiatric facility  
2002-045 Site plan review for public safety

**Comments:**

2002-043 Conditional use for natural resource extraction: The Department requires a Traffic Control Permit for constructing approaches, truck "crossings" at pathways, and road entrances, plus provisions for sweeping, and cleaning haul materials off State owned roads. The applicant may contact the Traffic Section at 269-0633 for an application.

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

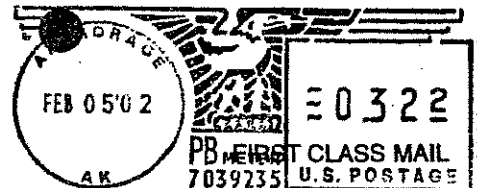
Sincerely,



Sandra L. Cook  
Anchorage Area Planner

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-4215

PRESORTED  
FIRST CLASS



012-163-62-000  
JOHNSON BERNARD GARY &  
MARY LOUISE  
2410 FOXHALL DR  
ANCHORAGE, AK 99504

RECEIVED  
FEB 12 2002  
MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING

## NOTICE OF PUBLIC HEARING - - Monday, March 04, 2002

Planning Dept Case Number: 2002-042

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

**CASE:** 2002-042  
**PETITIONER:** Calvary Temple, Assembly of God  
**REQUEST:** Rezoning to B-1BSL and R-O SL  
**TOTAL AREA:** 4.28 acres  
**SITE ADDRESS:** B-1BSL Community business district with special limitations  
**CURRENT ZONE:** Sand Lake  
**COM COUNCIL:** COM COUNCIL 2: Community Council Unknown  
**LEGAL/DETAILS:** A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of Raspberry Road and Northwood Drive.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, March 04, 2002 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 343-4215; FAX 343-4220. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Zoning and Platting On-line Notification.

Name: Bernard Gary Johnson  
Address: 2410 Foxhall Drive Anchorage AK 99504 3335225  
Legal Description: New subject 2411 Timothy  
Comments: No objection so long as off street adequate of street parking is provided for and that there is no more than a single access to Northwood.

**4**

# **APPLICATION**



**Municipality of Anchorage**  
 Department of Community Planning and Development  
 P.O. Box 196650  
 Anchorage, Alaska 99519-6650  
**ZONING MAP AMENDMENT APPLICATION**

<b>OFFICE USE</b>	
REC'D By:	<u>AC</u>
Verify Own:	
Poster and Affidavit:	<u>AC</u>
Fee \$	<u>750</u>
Tentative	
Hearing Date	<u>3, 4, 02</u>

Case Number: 2002-042

Zoning map amendments require at a minimum 1.75 acres of land or a boundary common to the requested zoning district. The application must also be signed by 51% of the property owners within the area to be rezoned.

A. Please fill in the information requested below. Print one letter or number per block.

1. Petitioning for:

C A L V A R Y   T E M P L E   A S S E M B L Y   O F   G O D

2. Abbreviated legal description (T12N R2W SEC 2 LOT 45 or SHORT SUB BLK 3 LOT 34) Full legal on back Page.

L O T   1 B   1 C &   2   R A S P B E R R Y   C E N T E R

3. Street address of petition site (1234 Main Street).

U N A S S I G N E D

4. Petitioner's Name (Last - First)

C A L V A R Y   T E M P L E   A S S E M B L Y   O F   G O D

Address: 3800 W. 80th

City Anchorage State: Alaska

Day Phone Number: (907) 243-8984 Zip: 99502

5. Petitioner's representative

P O R A T H   T A T O M   A R C H I T E C T S

Address: 800 E. Dimond Blvd. , Suite 3-670

City Anchorage State: Alaska

Day Phone Number: (907) 349-1425 Zip: 99515

6. Current Zoning: 

B	1	B	S	L
---	---	---	---	---

 & RO-SL

7. Petition Acreage: 

4	,	2	8	A	C
---	---	---	---	---	---

8. Grid Number: 

5	1	0	0	6
---	---	---	---	---

9. Principal Tax Number: 

0	1	2	1	3	5	0	2
---	---	---	---	---	---	---	---

 (Lot 1B)/012-135-03 (Lot 1C)

10. No. of Tax Parcels: 

--	--	--

 012-131-86 (Lot 2)

11. Community Council: SAND LAKE

B. I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I desire to rezone it in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the rezoning application fee is nonrefundable and is to cover the costs associated with processing this applications, 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 or the Planning and Zoning Commission or the Assembly due to administrative reasons.

Date: 12/18/2001

Signature:

\*Agents must provide written proof of authorization

**C. Please check or fill in the following**

**1. Comprehensive Plan -- Land Use Classification**

- ☐ Alpine/Slope Affected  
☐ Commercial  
☐ Commercial/Industrial  
☐ Industrial

- ☐ Marginal Land  
☐ Parks/Open Space  
☐ Public Lands Institutions

- ☒ Residential  
☐ Special Study  
☐ Transportation Related

**2. Comprehensive Plan Residential Land Use Intensity**

- ☐ Dwelling units per acre ☐ Alpine/Slope Affected

- ☐ Special Study

**3. Environmental Factors (if any):**

- ☐ a. Wetlands  
☐ Development  
☐ Conservation  
☐ Preservation

- ☐ b. Avalanche  
☐ c. Floodplain  
☐ d. Seismic Zone (Harding/Larson)

**D. Please indicate below if any of these events have occurred in the last three years on the property**

- ☒ Rezoning  
☐ Subdivision action  
☐ Conditional use  
☐ Zoning Variance  
☐ Site plan review  
☐ Enforcement action  
☐ Building/Land use permit

- Case Number  
Case Number  
Case Number  
Case Number  
Case Number  
Case Number  
Permit Number

**A0-91-174**

**E. Please list any attachments**

1. Location map (Mandatory)

2.

3.

4.

**F. Proposed special limitations: (use separate sheet if necessary).**

1. SEE ATTACHED

2.

3.

4.

**G. The full legal description for legal advertisement (use separate paper if necessary)**

**LOT 1B AND 1C RASPBERRY CENTER FILED UNDER PLAT NO. 99-13.**

**LOT 2 RASPBERRY CENTER FILED UNDER PLAT NO. 92-128**





Municipality of Anchorage  
Department of Community Planning and Development  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

## STANDARDS FOR ZONING MAP AMENDMENTS

The petitioner must provide a written narrative which addresses the following standards. Zoning map amendment applications which do not address these items will be considered invalid and will not be accepted for public hearing by the Department of Community Planning and Development. (Use additional paper if necessary).

### A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:
  - a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;
  - b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
  - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

**SEE ATTACHED**

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2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:
  - a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:
    - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.
    - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

---

---

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

**SEE ATTACHED**

---

---

---

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

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---

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144

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

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

a. Environment;

SEE ATTACHED

b. Transportation;

SEE ATTACHED

c. Public Services and Facilities;

SEE ATTACHED

d. Land Use Patterns;

SEE ATTACHED

Note: Surrounding neighborhood = 500 - 1000' radius  
General Area = 1 Mile radius  
Community = Anchorage as a whole

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

**Municipality of Anchorage: Standards for Zoning Map Amendments**  
**Application Attachment.**  
**RE: Calvary Temple Assembly of God**

A-1

- c. The proposed rezone does not conflict with the West Anchorage Planning Area as described in the Land Use Concept Plan of The Anchorage 2020 Comprehensive Plan. The rezone will reinforce the desirable land use within a developing neighborhood. Churches are permitted principle uses land under current B-1B and R-0 zoning districts, and are compatible with surrounding residential districts.

A-2

- b. Churches are a vital and integral part of our community and will provide an important community service. The allowance of a church will also create a less intensive use than the special limitations of current zoning

B-1

- a. Current zoning allows for a commercial center. The rezone will allow for the construction of a church which is less demanding on the environment. There will be less traffic overall thereby reducing noise, energy consumption and pollution.
- b. Residents of the community will not have to travel outside the immediate area to attend church. There will be a decreased demand for transportation services both public and private. All local residents will have access to a multi-use facility.
- c. The proposed use is completely in conformance with current land use patterns. Churches are permitted principle uses within B-1B, R-O and R zoning districts.
- d. The proposed use will be a multi-purpose facility available to the public. Churches typically service the community spiritually, recreationally, educationally, politically, and in times of local and national emergency.

B-2

There is no other property in the general area zoned B-1B or R-0. This rezone request is intended to include church development as an added special limitation. This existing special limitations exclude church development. The property is only property currently available of sufficient size in the general area that will support programmatic needs of the petitioner.

B-3

Development is expected to occur within the next 3-5 years. All public service are available to the site.

B-4

Rezoning does alter land use as indicated or implied in the Anchorage 2020 Comprehensive Plan.

**RECEIVED**

**DEC 13 2001**



# Sand Lake Community Council

*Grass roots community involvement*

**COMMUNITY PLANNING  
AND DEVELOPMENT**  
Sherri Jackson-President  
Ph# 248-0995 Fax# 243-9231  
jacksonsherri@hotmail.com

Susan Fison  
Director of Planning  
Planning and Zoning Commission  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Re: Zoning Variance for Calvery Temple Assembly of God, Inc.

On December 10, 2001 the Sand Lake Community Council voted 58-1 in support of the attached resolution (no.#01-12).

Sincerely,

*Becky Roth*

Becky Roth  
Secretary  
Sand Lake Community Council

c.c Jerry Weaver

**SAND LAKE COMMUNITY COUNCIL**  
**in the matter of**  
**PROPOSED ZONING AMENDMENT OF PROPERTY**  
**RASPBERRY AND NORTHWOOD ROADS**

**WHEREAS,** Calvary Temple Assembly of God, Inc. has offered to purchase Lot 1B, 1C & Lot 2 of Raspberry Subdivision located at Raspberry Rd. & Northwood Rd., and

**WHEREAS,** it is the intent and part of Calvary Temple Assembly of God, Inc.'s 5 to 10 year master plan to build a sanctuary (church), education facility, church offices and a multi-purpose facility (gym), and

**WHEREAS,** the Special Limitations on this property referred to as AO NO. 91-174 will not allow Calvary Temple Assembly of God Inc. to build the intended building as per the attached site use plan without rezoning lots 1B, 1C & lot 2 of the Raspberry Subdivision, and

**WHEREAS,** Calvary Temple A/G would not likely begin any building construction on the property for approximately 3-5 years, and

**NOW, BE IT THEREFORE RESOLVED,** that the Sand Lake Community Council is not opposed to the following zoning changes at the referenced location if the proposed development proceeds strictly in accordance with the General Conditions listed below, and

**BE IT FURTHER RESOLVED,** the rezoning would only affect the mentioned property in consideration for a principle use as a 'church' and its ancillary usage, if it is not used for a church then all special limitations in AO - 91 - 174 shall remain unaffected, and

**BE IT FURTHER RESOLVED,** that this rezoning becomes effective at the time Calvary Temple closes and records on the sale of this property.

**I. GENERAL CONDITIONS - Lot 1B, 1C & Lot 2A**

**a. Lot 1B, 1C & 2A of Raspberry Subdivision Special Limitations referred to in AO - 91 - 174 be amended as follows**

**i. Usage as a 'church'**

- 1. Entire property listed above total of building(s) area shall not exceed 60,000 square feet.**

**2. Lot 1B & 1C, zoned B-1B SL**

- a. The structure height restriction shall be 35 feet**
- b. There shall be a minimum 20 feet building setback from the west property line**

**3. Lot 2A zoned R-O SL**

- a. The structure height restriction shall be 35 feet**
- b. There shall be a minimum 20 feet building setback from the west property line**

**Adopted:** December 10, 2001

**By:** Sand Lake Community Council

**Signed:** Sherri R Jackson  
Sherri Jackson, President Sand Lake Community Council

January 16, 2002

Angela Chamber  
Zoning and Planning  
PO Box 196650  
Anchorage, AK 99519

**RE: ZONING MAP AMENDMENT APPLICATION**  
**CALVARY TEMPLE ASSEMBLY OF GOD**  
(Project No. 0149/Corr/Agency)

Dear Angela,

As requested, we are forwarding supplemental information to clarify the Zoning Map Amendment Application. Attached please find copies of plat maps for the subject properties, Raspberry Center Lots 1 and 2, as well as the subsequent subdivision of Lot one into Raspberry Center Lots 1-A, 1-B, and 1-C. This rezone application is concerned only with Lots 1-B, 1-C and Lot 2. Additionally, we have attached a copy of the Zoning Action AO No. 94-174 that defines the parameters of current zoning on the subject lots.

The intent of this request to rezone is to add a special limitation to the subject property. The special limitation would modify current zoning only in the event that a church were to be constructed on the site. In order to construct a church of sufficient size to satisfy the petitioners' program requirements, certain conditions must exist on the property that current special limitations restrict. The following are proposed changes to the current special limitations necessary to satisfy the petitioners program requirements.

- AO NO. 91-174 – Amendment Section 3.A.6. Change to read: "Maximum height of any structure on the property shall not exceed 25 feet except that a church structure shall be allowed a maximum height of 35 feet."
- AO NO. 91-174. – Amendment Section 3.B.1. Change to read: "A minimum 44 foot building set back shall be required from the west property line except that a church building shall be required to have a minimum 20 foot building setback."
- AO NO. 911-174 – Amendment Section 3.B.2. Change to read: "The entire square footage of the buildings located on this property shall not exceed 25,500 square feet except that a church building shall only be restricted by subsequent provisions of this special limitation."
- AO NO. 91-174 – Amendment Section 3.C.1. Change to read: "A minimum 60 foot building set back shall be required from the west property line except that a church building shall be required to have a minimum 20 foot building set back."

- AO NO. 91-174 – Amendment Section 3.C.2. Change to read: "The entire square footage of the buildings located on this property shall not exceed 20,000 square feet, except that a church building shall be restricted only by subsequent provisions of this special limitation."

Add the flowing special limitation:

- AO NO. 91-174 – Amendment Section 3. Add: "D. The entire square footage of a church building located on lots 1-B, 1-C and 2 combined shall not exceed 60,000 square feet."

We hope the above changes to the current special limitations clarify the intent of the request.

Please feel free to call should you have further questions.

Sincerely,

PORATH TATOM ARCHITECTS



Bill Tatom  
Principal

BCT/esg.



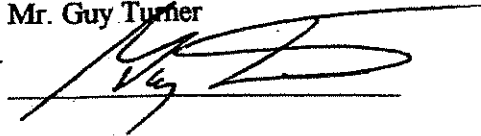
**AUTHORIZATION TO REQUEST  
ZONING CHANGE**

**RE: Lot 1B, Lot 1C and Lot 2, all of Raspberry Subdivision, Anchorage, AK.  
All three lots are owned by Mr. Guy Turner**

**This letter hereby authorizes Calvary Temple Assembly of God and Mr. Bill  
Tatom of Porath Tatom Architects to apply for a change of zoning specifically related to  
the use of the above described property as a church facility.**

**Respectfully**

**Mr. Guy Turner**

A handwritten signature in black ink, appearing to be 'Guy Turner', written over a horizontal line.

**Date: Jan. 18, 2002**

5

**POSTING**

**AFFIDAVIT**



# AFFIDAVIT OF POSTING

CASE NUMBER: 2002-042

I, Robert F. Arms 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. 29, 2002 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 29<sup>th</sup> day of January, 2002

Robert F. Arms  
Signature

## LEGAL DESCRIPTION

Tract or Lot 1B+1C+2

Block \_\_\_\_\_

Subdivision RASBERRY CENTER

# 6

## **HISTORICAL INFORMATION**

# Parcels

Thu Feb 14, 15:18:59, 2002

Map: Parcels



Scale 1:8000

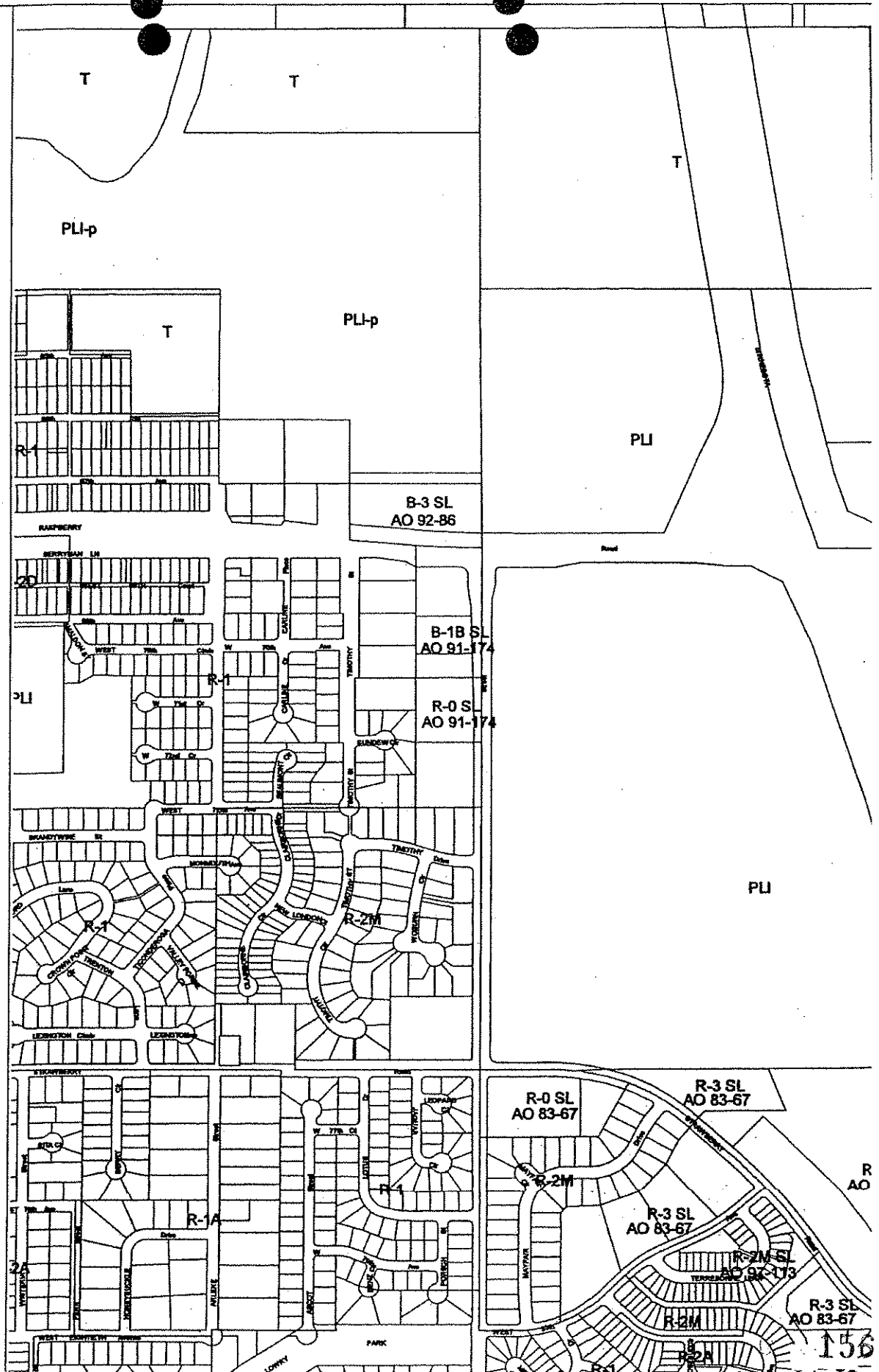
## Legend:

Txt streetsano: Text

□ zoning

Txt zonano: Text

□ parcels



Reference number : 004220      Reference coment : BZAP - TEXT REFERENCE

Print date : 12/07/99      Date TEXT created: 12/29/92  
Requested by : RAK      Executed from : BZAP/BZ20  
Action number : 92-128  
Action date : 12/02/92      Expiration date : / /  
Reference type : PN      Description : PLAT NOTES  
Reference status :      Description :

- 1 page follows -

CASE #S-9194

4. landscaping plan for landscape buffer and arterial landscaping to be approved by the department of economic development and planning prior to issuance of a building permit, and installation of vegetation to occur with building permit.
5. a maximum of one direct vehicular access onto raspberry road from lot 1 will be permitted for right turns only. the centerline of the access shall be located 107' east of the west property line.
6. a maximum of one direct vehicular access onto northwood street for each lot and one direct vehicular access common to lots 1 & 2 will be permitted. accesses shall be a minimum of 60 feet from the intersecting roadways of northwood and raspberry.

plds 92-128  
99-13

print grid map 2127

Robert

**PARCEL SUMMARY**

**APPRAISAL INFORMATION**

Legal RASPBERRY CENTER  
LT 1-B

Parcel 012-135-02-000  
Owner TURNER GUY J

# Descr VACANT LAND  
Site Addr

PO BOX 875408  
WASILLA

AK 99687 5408

**REZONE**

2002-042

Case Number 2002-042 # of Parcels 3 Hearing Date 03/04/2002

Case Type Rezoning to B-1BSL and R-O SL

Legal A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of

**PLAT CASES**

Case Number  
Action Type  
Legal

Grid

Proposed Lots 0  
Action Date

Existing Lots

**PERMITS**

Permit #  
Work Desc

Project

Use

**BZAP**

Action No.  
Action Date  
Resolution

Status  
Type

**ALCOHOL  
LICENSE**

Business  
Address

Applicants Name  
Conditions

License Type  
Status

# PARCEL SUMMARY

## APPRAISAL INFORMATION

Legal RASPBERRY CENTER  
LT 1-C

Parcel 012-135-03-000  
Owner TURNER GUY J

# Descr VACANT LAND  
Site Addr

PO BOX 875408  
WASILLA

AK 99687 5408

## REZONE

Case Number  
Case Type  
Legal

# of Parcels

Hearing Date

## PLAT CASES

Case Number  
Action Type  
Legal

Grid

Proposed Lots 0  
Action Date

Existing Lots

## PERMITS

Permit #  
Work Desc

Project

Use

## BZAP

Action No.  
Action Date  
Resolution

Status  
Type

## ALCOHOL LICENSE

Business  
Address

Applicants Name  
Conditions

License Type  
Status



# **PARCEL SUMMARY**

## **APPRAISAL INFORMATION**

Legal RASPBERRY CENTER  
LT 2

Parcel 012-131-86-000  
Owner TURNER GUY J

# Descr VACANT LAND  
Site Addr

PO BOX 875408  
WASILLA

AK 99687 5408

## **REZONE**

1997-023

Case Number 1997-023

# of Parcels 1

Hearing Date 02/03/1997

Case Type

Legal

Rezoning to more than one zoning district. See Legal/Detail

To rezone approximately 5.36 acres FROM B-1B SL (Community Business) with Special Limitations and R-O SL (Residential Office) with Special Limitations TO B-1B SL and R-O SL which will amend the Special Limitations of AO 91-174. Raspberry Center Subdivision, Lots 1 & 2, generally located on the south side of Raspberry Road and on the west side of Northwood Street.

## **PLAT CASES**

Case Number

Grid

Proposed Lots 0

Existing Lots

Action Type

Action Date

Legal

## **PERMITS**

Permit #

Project

Work Desc

Use

## **BZAP**

004220

006012

Action No. 92-128

Action Date 12/02/1992

Resolution

Status

Type PN

Plat Notes

## **ALCOHOL LICENSE**

Business

Address

Applicants Name

Conditions

License Type

Status

CLERK'S OFFICE  
AMENDED AND APPROVED

Date: 12/17/91

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

Prepared by: Department of  
Economic Development  
& Planning

For Reading: November 12, 1991

ANCHORAGE, ALASKA  
AO NO. 91-174

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

---

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* THE ATTACHED PAGES FOR INCORPORATED AMENDMENTS

Section 1. The zoning map shall be amended by  
designating the following described property as a B-1B (Community  
Business District) with Special Limitations zone:

T12N, R4W, Section 2, Lot 33 and North 1/2 of Lot 34 as  
shown on Exhibit A attached (Planning and Zoning  
Commission case no. 91-073).

Section 2. The zoning map amendment described in  
Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

A. The following principal uses and structures are  
prohibited:

1. on-premises dry-cleaning establishments.

MUNICIPALITY OF ANCHORAGE

RECONINGS OR ORDINANCES AMENDMENTS\*

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY  
AND PREPARATION AND SUBMISSION OF ORDINANCE AMENDING THE  
ZONING MAP PURSUANT TO 21.20.100(D)

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD  
PUBLIC HEARING ON CASE NO 91-073 WHICH RECEIVED AN  
UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION

AUGUST 22, 1991 FOR THE FOLLOWING REASONS:

Please see attached statement

SEP 13

SEP 12 3 46 PM '91

Request: Planning Staff prepare and submit an ordinance to  
amend the Zoning Map (MOA 21.20.100(D)) as well as arrange for prompt submission  
to the Assembly for review and public hearing.

Requester: Bank of ALASKA: By Staff, Owners  
300 B STREET SUITE 202 TELEPHONE: 561-3388

PAID BY #261 CHECK \_\_\_\_\_ CASH

RECEIVED BY: David L. Loomis DATE REC'D: 9-12-91

\* RECONINGS (Petitioner or anyone objecting to decision)

162

\* ORDINANCE AMENDMENTS - changes to Title 21 regarding text (petitioner or

B. The following conditional uses and structures are prohibited:

1. package liquor stores;
2. bars;
3. video arcades;
4. pool halls.

Section 3. The zoning map amendment described above shall be subject to the following special limitation establishing design standards for the property:

- a. Maximum height of any structure on the tract shall not exceed 30 feet.
- b. A 20 foot wide landscape screening buffer, with 6 foot high solid wooden fence, shall be placed along the west and south property. Twelve feet of this 20 foot buffer will be outside the fence with 8 feet inside.
- c. Prior to the issuance of any building permits, a non-public hearing site plan review shall be held by the Planning and Zoning Commission in accordance with AMC 21.15.030 and the special limitation design standards for the property.

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

Section 5. The Director of the Department of

accordingly.

Section 6. The ordinance referenced within Section 1 above shall become effective within 10 days after the Director of the Department of Economic Development and Planning shall determine in writing, as submitted to the Municipal Clerk, that the special limitations set forth in Section 2 above have the written consent of the property owners of the property within the area described in Section 1 above. The Director of the Department of Economic Development and Planning shall make such a determination only if he receives evidence of the required consent within 120 days after the date on which this ordinance is passed and approved.

Section 7. The ordinance referenced within Section 1 above shall further become effective upon completion of the following:

- a. The recordation of a replat with the District Records Office that combines the subject lots into a single tract.

PASSED AND APPROVED BY THE Anchorage Assembly this

11th day of December, 1991.

\_\_\_\_\_  
Chairman

ATTEST:

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

ma

(91-073)  
(012-131-05, 09)

164

AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

Section 1. The zoning map shall be amended as follow

- A. By designating the following described property B-1B (Community Business District) with Special Limitations Zone:

T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

- B. By designating the following described property R-O (Residential-Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

- A. The following principal uses and structures are prohibited from all of the property:
1. On-premises dry cleaning establishments;
  2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
  3. Photo processing establishments.
- B. The following conditional uses and structures are prohibited from all of the property:
1. Package liquor stores;
  2. Bars;
  3. Video arcades;
  4. Pool halls.

- C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-O:
1. Hotels, motels and motor lodges;
  2. Boarding and lodging houses;
  3. Private Clubs and lodges;
  4. Funeral parlors and services.
- D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-O:
1. Free-standing transmission towers of any height.

Section 3. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:

- A. With respect to all of the property:
1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
  2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
  3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
  4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.

Property shall not exceed **25** feet.

6. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.
- B. With respect to the portion of the property zoned B-1B:
1. A minimum 44 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.
- C. With respect to the portion of the property zoned R-C:
1. A minimum 60 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.



# SAND LAKE COMMUNITY COUNCIL

## RESOLUTION

SAND LAKE COMMUNITY COUNCIL TASK FORCE  
in the matter of  
PROPOSED REZONING OF NBA PROPERTY

OR

SOUTH WEST CORNER OF NORTHWOOD AND RASPBERRY

**WHEREAS**, The Sand Lake Community Council formed a Task Force with volunteers from the Council for the purpose of discussing the proposed rezoning of the property located at the Southwest corner of Northwood and Raspberry (Government Lot 33 and North one-half of Lot 34), and

**WHEREAS**, The task force has met and reviewed applicable ordinances governing zoning and land use for residential, commercial, and office uses within the Municipality, and

**WHEREAS**, The task force has met with representatives of the National Bank of Alaska (NBA), owner of lot 33 and the North one-half of Lot 34 at four separate meetings to discuss community and NBA needs in an attempt to see if rezoning the property could proceed in a manner compatible with needs of the adjacent residential property owners and retaining the general residential character of the Sand Lake Area, and

**WHEREAS**, the task force is against any zoning change which is not compatible with the adjacent residential neighborhood, and

**WHEREAS**, the task force is against any start of strip zoning on Raspberry or Northwood which could start by a zoning change at this location, and

**WHEREAS**, the NBA has substantially revised his proposed plan for zoning change in order to be more compatible with community desires, and

**WHEREAS**, the task force has reviewed the revised NBA plan for zoning change, **NOW, THEREFORE**, the task force is not opposed to a proposed zoning change at the reference location if the proposed development proceeds strictly in accordance with the following conditions:

### 1. GENERAL CONDITIONS - ENTIRE SITE

a. The entire site (Lot 33 and the North one-half of Lot 34) will be replatted to conform to new zoning in accordance with requirements of Title 21 with exceptions included as special limitations or other means, as noted herein.

b. The attached Site Plan titled LAND USE PLAN - RASPBERRY PLACE at

November 25, 1991

b. The attached site plan titled LAND USE PLAN - RASPBERRY PLACE at Northwood and Raspberry and dated 11/22/91 (Exhibit A) shall be considered the development plan for the site and shall be followed in the development of the site. Any substantial deviation from this plan shall trigger a public hearing process within the planning and zoning commission. The entire building(s) area shall not exceed 45,500 sq.ft.

c. A minimum of a twenty foot wide landscape buffer including a eight foot noise barrier fence (double sided) shall be located on or near the site's west property line with appropriate screening vegetation as shown on attached drawing (Exhibit B) which may exceed the landscape plan and requirements of Title 21. It is understood that this fence and landscaping will be constructed by NEA to MOA and professional standards within six months of the zoning change and future maintenance will be by property owners in accordance with established screening vegetation requirements.

d. A six foot high screening fence will be constructed by NEA at the same time as the above noise fence along the North property line of adjacent lot 27 in order to prevent foot traffic and ATV/snowmachine traffic along the West side of the noise fence and adjacent property. It is understood that future maintenance of the fence located on lot 27 will be by the owner of that property.

e. Site lighting shall conform to Title 21 requirements, and any site lighting on the west property line shall be located to avoid offsite illumination and impact.

f. The entire site shall be subject to building height limitations of 25 feet, including any and all appurtenances.

#### II. LOT 33 (NORTHERN LOT)

The underlying zoning shall be B1-B with restrictions or special limitations running with property title as contained herein:

a. Any commercial establishment shall be open to the public only between the hours of 9am and 11pm daily.

b. There will be a minimum forty-four foot building setback from the west property line.

c. Ordinary service and care of automobiles shall be allowed, but there shall not be any automobile body repair shops or vehicle storage more than 24 hours allowed.

d. Uses prohibited from the site shall include package liquor stores, alcoholic beverage dispensary "bars", video arcades and video entertainment machines, pool halls, on-premise dry cleaning, or photo

processing. A beer and wine licence incidental to food service is acceptable.

e. The entire building(s) square footage on this lot shall not exceed 25,500 sq. ft.

III. NORTH ONE-HALF LOT 34 (SOUTHERN LOT)

The underlying zoning shall be R-O with restrictions or special limitations running with property title as contained herein:

a. There will be a minimum sixty foot building setback from the west property line.

b. The following uses shall be prohibited as allowed or conditioned uses:

1. Hotels/Hotels
2. Boarding and Lodging houses
3. Private Clubs or Lodges
4. Funeral Parlors and services
5. Free standing transmission towers of any height

c. An eight foot noise barrier fence (double sided) shall be located on or near the west property line of Heritage Land Bank parcel 5-003 (South one-half of Lot 34) which may exceed the landscaping Plan and requirements of Title 21. It is understood that this fence will be constructed by NBA and to professional standards within six months of zoning change and future maintenance will be by property owner(s). Should the Heritage Land Bank disallow the construction of the fence, it will be constructed on the south property line of the north one-half of lot 34 with appropriate screening vegetation as shown on attached Exhibit B.

d. The entire building(s) area on the north one-half of lot 34 shall not exceed 20,000 sq. ft.

ADOPTED: This 25th of November, 1991 by the Sand Lake Community Council Task Force.

*Mary Minder*  
Mary Minder  
Task Force Chair

*Jim Crum*  
Jim Crum  
Vice President SLCC  
Task Force Advisor

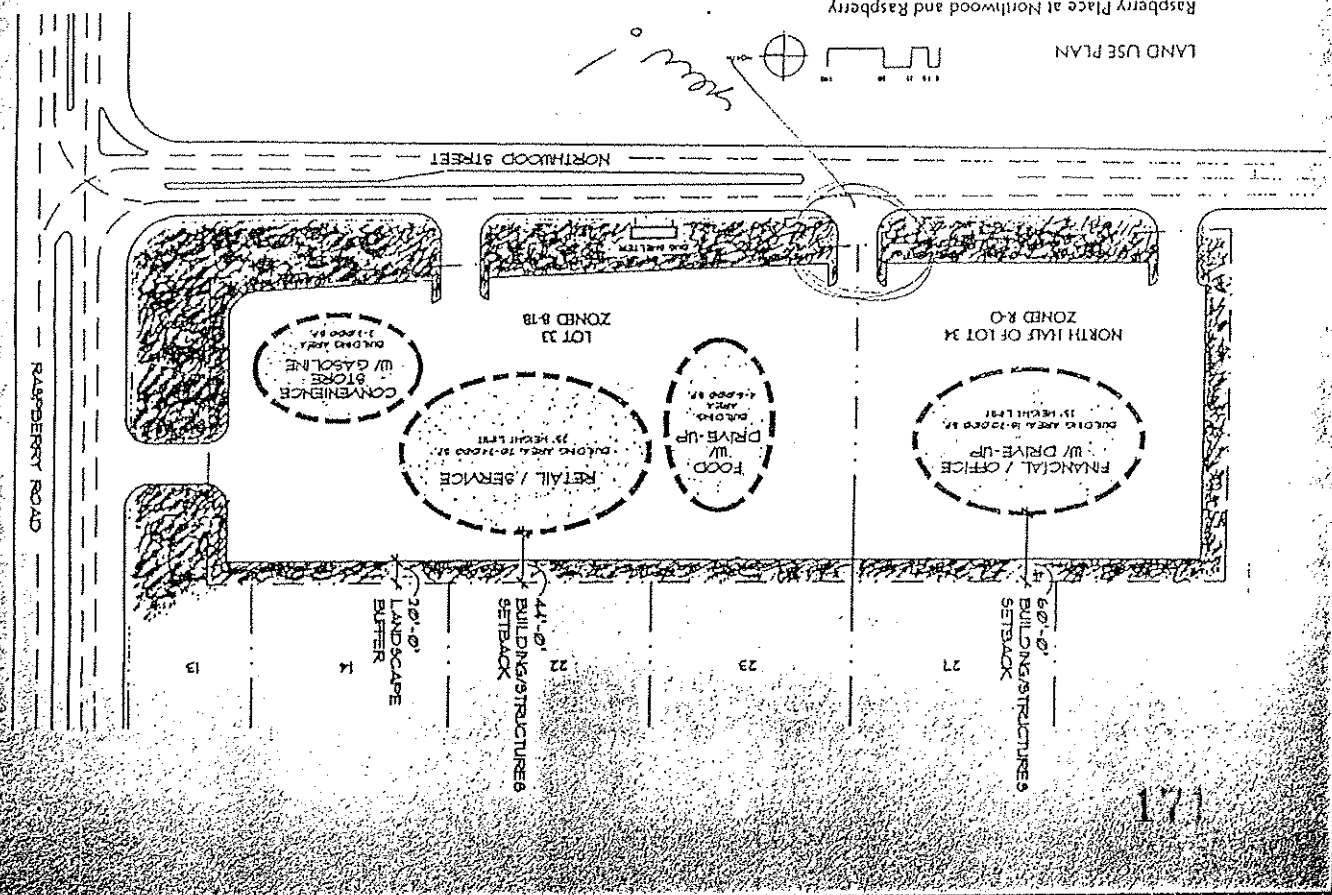
Attachment(s): 2

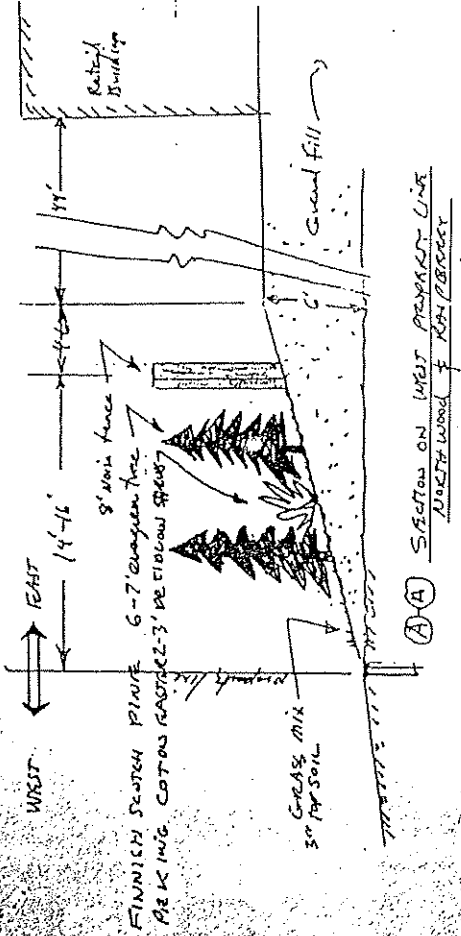


(EXHIBIT A) SLCC-TF

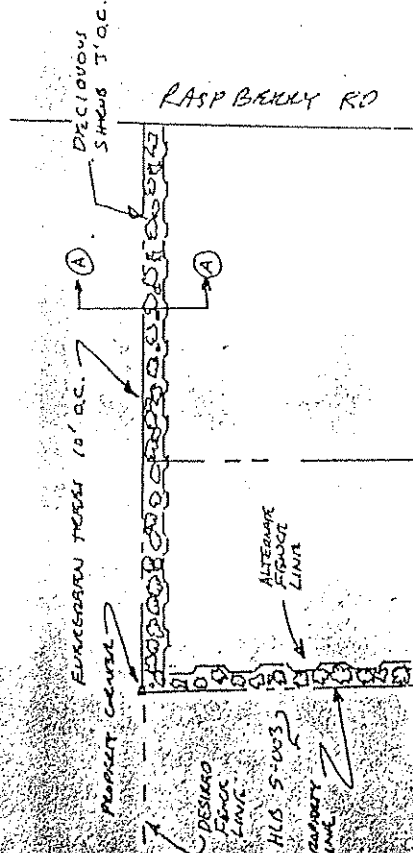
Raspberry Place at Northwood and Raspberry  
Anchorage, Alaska

LAND USE PLAN





(A) SECTION ON WEST PROPERTY LINE  
NORTHWOOD & RASP BERRY



NOTE: (1) SHRUBS & TREES TO BE PROBABLY STAGED & GUNTER

(2) SHRUBS TO BE MANUALLY MULCHED

ZONE SEPARATION SCREEN
NORTHWOOD & RASP BERRY
SAND LAKE COMMUNITY COUNCIL
TASK FORCE
11/25/91
EXHIBIT B
JMC

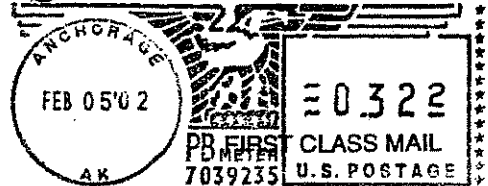
**PLANNING & ZONING  
COMMISSION PUBLIC HEARING  
MARCH 4, 2002**

**SUPPLEMENTAL INFORMATION  
RECEIVED TOO LATE TO BE  
INCLUDED IN STAFF  
ANALYSIS**

**G.2. CASE 2002-042  
Rezone to B-1BSL and R-O SL**

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-4215

PRESORTED  
FIRST CLASS



012-071-14-000  
EMBLEY FAMILY LTD PARTNERSHIP  
2317 RASPBERRY RD  
ANCHORAGE, AK 99502



## NOTICE OF PUBLIC HEARING - - Monday, March 04, 2002

Planning Dept Case Number: 2002-042

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

CASE: 2002-042  
PETITIONER: Calvary Temple, Assembly of God  
REQUEST: Rezoning to B-1BSL and R-O SL  
TOTAL AREA: 4.28 acres  
SITE ADDRESS:  
CURRENT ZONE: B-1BSL Community business district with special limitations  
COM COUNCIL: Sand Lake COM COUNCIL 2: Community Council Unknown  
LEGAL/DETAILS: A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of Raspberry Road and Northwood Drive.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, March 04, 2002 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

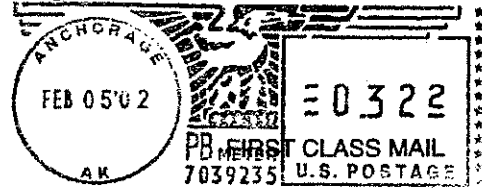
The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

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 343-4215; FAX 343-4220. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Zoning and Platting On-line Notification.

Name: Tom Embley  
Address: 2317 Raspberry Rd. Anchorage AK 99502  
Legal Description: Lot 1, 2, 3, 4, 7, 8 Commons Lake Sub.  
Comments: I support the petitioners what they ask for is within the standards of B1 Property also Sand Lake Com Council supported the request. Much rather have a church on this property than a strip mall or gas station

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-4215

PRESORTED  
FIRST CLASS



012-131-27-000  
EMBLEY KENNETH L  
2317 RASPBERRY RD  
ANCHORAGE, AK 99502

RECEIVED  
FEB 26 2002  
ANCHORAGE

**NOTICE OF PUBLIC HEARING - - Monday, March 04, 2002**

**Planning Dept Case Number: 2002-042**

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**SITE ADDRESS:**  
**CURRENT ZONE:** B-1BSL Community business district with special limitations  
**COM COUNCIL:** Sand Lake **COM COUNCIL 2:** Community Council Unknown  
**LEGAL/DETAILS:** A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of Raspberry Road and Northwood Drive.

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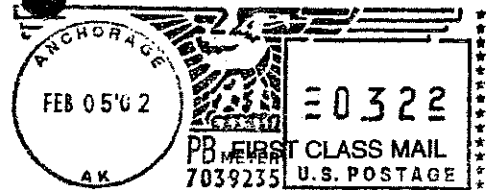
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Name: Ken Embley  
Address: 6709 CARLINE PL SOUTHWOOD PK T12N R4W section 2  
Legal Description: LOT 20 SOUTHWOOD PARK  
Comments: I support the Rezone for the Petitioner  
to have a Church There. I was present at the Com. Council  
meeting and supported it both then & now



Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-4215

PRESORTED  
FIRST CLASS



012-131-30-000  
KNIGHT JOYCE J  
2222 RASPBERRY RD  
ANCHORAGE, AK 99502

2317

RECEIVED  
FEB 26 2002  
ANCHORAGE, ALASKA  
PLANNING DEPT

## NOTICE OF PUBLIC HEARING - - Monday, March 04, 2002

Planning Dept Case Number: 2002-042

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

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**PETITIONER:** Calvary Temple, Assembly of God  
**REQUEST:** Rezoning to B-1BSL and R-O SL  
**TOTAL AREA:** 4.28 acres  
**SITE ADDRESS:** B-1BSL Community business district with special limitations  
**CURRENT ZONE:** Sand Lake  
**COM COUNCIL:** COM COUNCIL 2: Community Council Unknown  
**LEGAL/DETAILS:** A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of Raspberry Road and Northwood Drive.

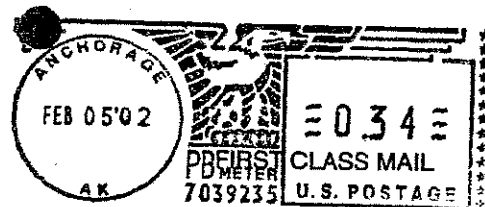
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Name: Joyce Knight  
Address: 2222 Raspberry Rd. Anchorage Alaska  
Legal Description: Lot 11 Southwood PK T12n R4w Sec2  
Comments: I am in support of the Petitioner. It will be nice to finally get this piece of property settled. I think a church will be great for the location.

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-4215



012-135-03-000  
TURNER GUY J  
PO BOX 875408  
WASILLA, AK 99687

FEB 22 2002

## NOTICE OF PUBLIC HEARING - -

Monday, March 04, 2002

Planning Dept Case Number: 2002-042

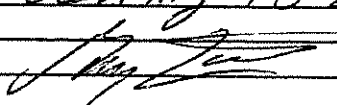
The Municipality of Anchorage Planning and Zoning Commission will consider the following:

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**PETITIONER:** Calvary Temple, Assembly of God  
**REQUEST:** Rezoning to B-1BSL and R-O SL  
**TOTAL AREA:** 4.28 acres  
**SITE ADDRESS:**  
**CURRENT ZONE:** B-1BSL Community business district with special limitations  
**COM COUNCIL:** Sand Lake **COM COUNCIL 2:** Community Council Unknown  
**LEGAL/DETAILS:** A request to rezone 4.28 acres from B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) to B-1BSL (Community Business District with Special Limitations) and R-OSL (Residential Office District with Special Limitations) in order to change the Special Limitations regarding building height, yard setbacks and lot coverage. Raspberry Center Subdivision, Lots 1-B, 1-C, and 2. Generally Located at the southwest corner of Raspberry Road and Northwood Drive.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, March 04, 2002 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

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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 343-4215; FAX 343-4220. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Zoning and Platting On-line Notification.

Name: Guy Turner  
Address: PO Box 875408 Wasilla, AK 99687  
Legal Description: Raspberry Center Sp lot 1-B, 1-C and 2  
Comments: I'm the owner and I'm in favor of what the church is wanting to do.  


**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-016**

A RESOLUTION APPROVING A REZONING FROM R-O SL AND B-1B SL TO R-O SL AND B-1B SL FOR LOTS 1B, 1C AND 2, RASPBERRY CENTER SUBDIVISION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RASPBERRY ROAD AND NORTHWOOD STREET.

(Case 2002-042, Tax I.D. No. 012-135-02, 012-135-03, 012-131-86)

WHEREAS, a request has been received from Calvary Temple Assembly of God to rezone 4.28 acres of land from R-O SL and B-1B SL to R-O SL and B-1B SL for Lots 1B, 1C and 2, Raspberry Center Subdivision, generally located at the southwest corner of Raspberry Road and Northwood Street, and

WHEREAS, notices were published, posted and 57 public hearing notices were mailed and a public hearing was held on March 4, 2002.

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 a 4.2 acre parcel consisting of three lots.
2. The three lots are in two different zoning districts and may require rezoning and/or replatting prior to development. The applicant is aware of potential issues associated with development of multiple zone districts and plats.
3. The property is owned by Mr. Guy Turner and under contract for sale to the applicant. The applicant wishes to relax some of the special limitations of AO 91-174 when applied to a church.
4. The Commission finds the rezoning is consistent with the Anchorage 2020 plan and compatible with existing uses and zoning districts. Churches are a permitted use in R-O and B-1B and are less intrusive than other permitted uses.
5. The proposed Special Limitation changes will apply only to a church and associated uses. All other conditions of plats 92-128 and 99-13 and AO 91-174 will remain in effect.
6. The need for effective clauses was discussed with the buyer and seller and determined to be not necessary.

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

1. All conditions of plats 92-128 and 99-13 and AO 91-174 remain in effect except as modified by conditions 2, 3 and 4.

2. The west lot line setback for lots 1B, 1C and 2 Raspberry Center SD shall be a minimum of 44 feet for a church and its' accessory uses. Asphalt paving for a driveway and lawn and low shrubbery landscaping is allowed in the setback.
3. The height limitation for a church and its' accessory uses shall be 35 feet.
4. The entire square footage allowed on the three combined lots, for a church and its' accessory uses, shall be a maximum of 60,000 square feet.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 4<sup>th</sup> day of March, 2002.



Susan R. Fison  
Secretary



Daphne Brown  
Chair

(2002-042)  
(012-135-02, 012-135-03, 012-131-86)

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CLERK'S OFFICE  
AMENDED AND APPROVED  
Date: 12/17/91

Submitted by: Chairman of the  
Assembly  
At the Request of  
the Mayor  
Prepared by: Department of  
Economic Development  
& Planning  
For Reading: November 12, 1991

ANCHORAGE, ALASKA  
AO NO. 91-174

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* SEE ATTACHED PAGES FOR INCORPORATED AMENDMENTS  
Section 1. The zoning map shall be amended by  
designating the following described property as a B-1B (Community  
Business District) with Special Limitations zone:

T12N, R4W, Section 2, Lot 33 and North 1/2 of Lot 34 as  
shown on Exhibit A attached (Planning and Zoning  
Commission case no. 91-073).

Section 2. The zoning map amendment described in  
Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

A. The following principal uses and structures are  
prohibited:

1. on-premises dry-cleaning establishments.

AM 1084-91

Assembly Ordinance No.  
Zoning Map Amendment  
Page 2

B. The following conditional uses and structures are prohibited:

1. package liquor stores;
2. bars;
3. video arcades;
4. pool halls.

Section 3. The zoning map amendment described above shall be subject to the following special limitation establishing design standards for the property:

- a. Maximum height of any structure on the tract shall not exceed 30 feet.
- b. A 20 foot wide landscape screening buffer, with a 6 foot high solid wooden fence, shall be placed along the west and south property. Twelve feet of this 20 foot buffer will be outside the fence with 8 feet inside.
- c. Prior to the issuance of any building permits, a non-public hearing site plan review shall be held by the Planning and Zoning Commission in accordance with AMC 21.15.030 and the special limitation design standards for the property.

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

Section 5. The Director of the Department of Economic Development and Planning shall change the zoning map

accordingly.

Section 6. The ordinance referenced within Section 1 above shall become effective within 10 days after the Director of the Department of Economic Development and Planning shall determine in writing, as submitted to the Municipal Clerk, that the special limitations set forth in Section 2 above have the written consent of the property owners of the property within the area described in Section 1 above. The Director of the Department of Economic Development and Planning shall make such a determination only if he receives evidence of the required consent within 120 days after the date on which this ordinance is passed and approved.

Section 7. The ordinance referenced within Section 1 above shall further become effective upon completion of the following:

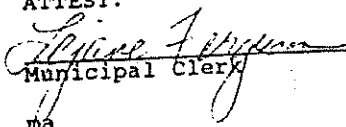
- a. The recordation of a replat with the District Records Office that combines the subject lots into a single tract.

PASSED AND APPROVED BY THE Anchorage Assembly this

17th day of December, 1991.

  
Chairman

ATTEST:

  
Municipal Clerk

ma

(91-073)  
(012-131-05, 09)

AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

Section 1. The zoning map shall be amended as follows:

- A. By designating the following described property as B-1B (Community Business District) with Special Limitations Zone:

T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

- B. By designating the following described property as R-O (Residential-Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

- A. The following principal uses and structures are prohibited from all of the property:
1. On-premises dry cleaning establishments;
  2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
  3. Photo processing establishments.
- B. The following conditional uses and structures are prohibited from all of the property:
1. Package liquor stores;
  2. Bars;
  3. Video arcades;
  4. Pool halls.



C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-O:

1. Hotels, motels and motor lodges;
2. Boarding and lodging houses;
3. Private Clubs and lodges;
4. Funeral parlors and services.

D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-O:

1. Free-standing transmission towers of any height.

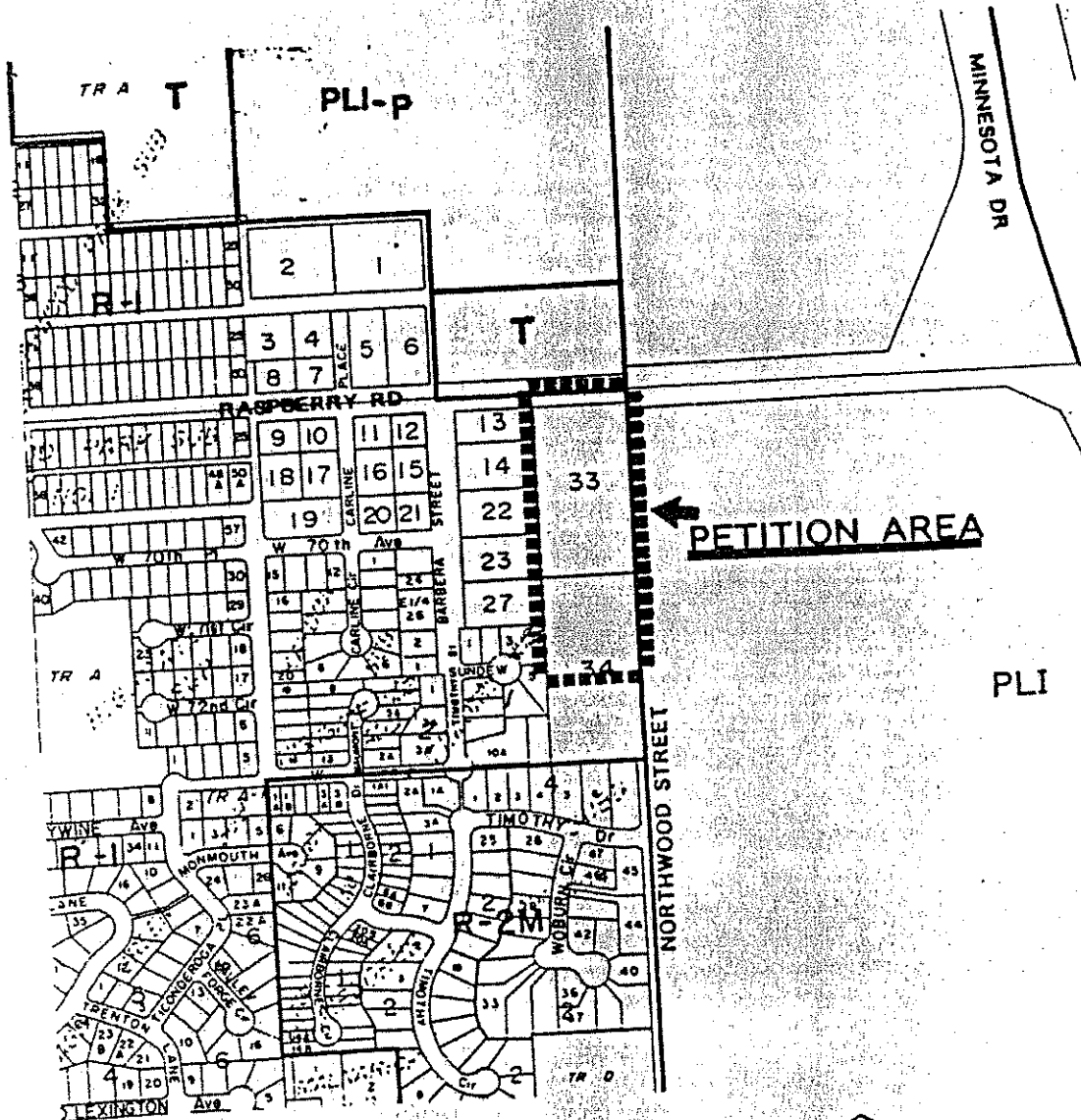
Section 3. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:

A. With respect to all of the property:

1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
  6. Maximum height of any structure on the property shall not exceed 25 feet.
  7. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.
- B. With respect to the portion of the property zoned B-1B:
1. A minimum 44 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.
- C. With respect to the portion of the property zoned R-O:
1. A minimum 60 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.

# 91-073 REZONING



- 100 Year Floodplain
- 500 Year Floodplain



## EXHIBIT A

MUNICIPALITY OF ANCHORAGE  
REZONINGS OR ORDINANCES AMENDMENTS\*

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY  
AND PREPARATION AND SUBMISSION OF ORDINANCE AMENDING THE  
ZONING MAP PURSUANT TO 21.20.100(D)  
(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A  
PUBLIC HEARING ON CASE NO. 91-073 WHICH RECEIVED AN  
UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON  
AUGUST 26, 1991 FOR THE FOLLOWING REASONS:

Please see attached statement

SEP 13

CLERK'S OFFICE  
SEP 12 3 06 PM '91

Applicant also requests Planning Staff prepare and submit an ordinance to amend  
the map pursuant to MOA 21.20.100(D) as well as arrange for prompt submission of  
the ordinance to the Assembly for review and public hearing.

SIGNED: NATIONAL Bank of ALASKA: BY Stan Agni, Owners Rep.

ADDRESS: 5600 B STREET SUITE 202 TELEPHONE: 561-8665

\$150.00 FEE: PAID BY #261 CHECK CASH

RECEIVED BY: Lynette L. Heim DATE REC'D: 9-12-91

- \* REZONINGS (Petitioner or anyone objecting to decision)
- \* ORDINANCE AMENDMENTS - changes to Title 21 regarding text (petitioner or anyone objecting to decision).

CLERK'S OFFICE

APPROVED

Date: 6-30-92

Submitted by: Assemblyman Faulkner  
Prepared by: Clerk's Office  
For reading: June 2, 1992

ANCHORAGE, ALASKA

ORDINANCE NO. AO 92- 68

AN ORDINANCE AMENDING SECTION 7 OF AO 91-174 WHICH REZONED T12N, R4W, SECTION 2, LOT 33 TO B-1B WITH SPECIAL LIMITATIONS AND T12N, R4W, SECTION 2, NORTH 1/2 OF LOT 34 TO R-O WITH SPECIAL LIMITATIONS

THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

Section 1. Section 7 of AO 91-174 which was amended and approved by the Anchorage Municipal Assembly on December 17, 1991 is hereby amended to read as follows (bracketed words being deleted; underlined words being added):

[SECTION 7. THE ORDINANCE REFERENCED WITHIN SECTION 1 ABOVE SHALL FURTHER BECOME EFFECTIVE UPON COMPLETION OF THE FOLLOWING:

- A. THE RECORDATION OF A REPLAT WITH THE DISTRICT RECORDERS OFFICE THAT COMBINES THE SUBJECT LOTS INTO A SINGLE TRACT.]

Section 7. The rezoning shall further become effective upon completion of the following:

- a. The recordation of a replat with the District Recorder's Office that reflects the property as two separate lots which shall be divided coincidental with the line separating the two zoning classifications as reflected on Exhibit A attached.

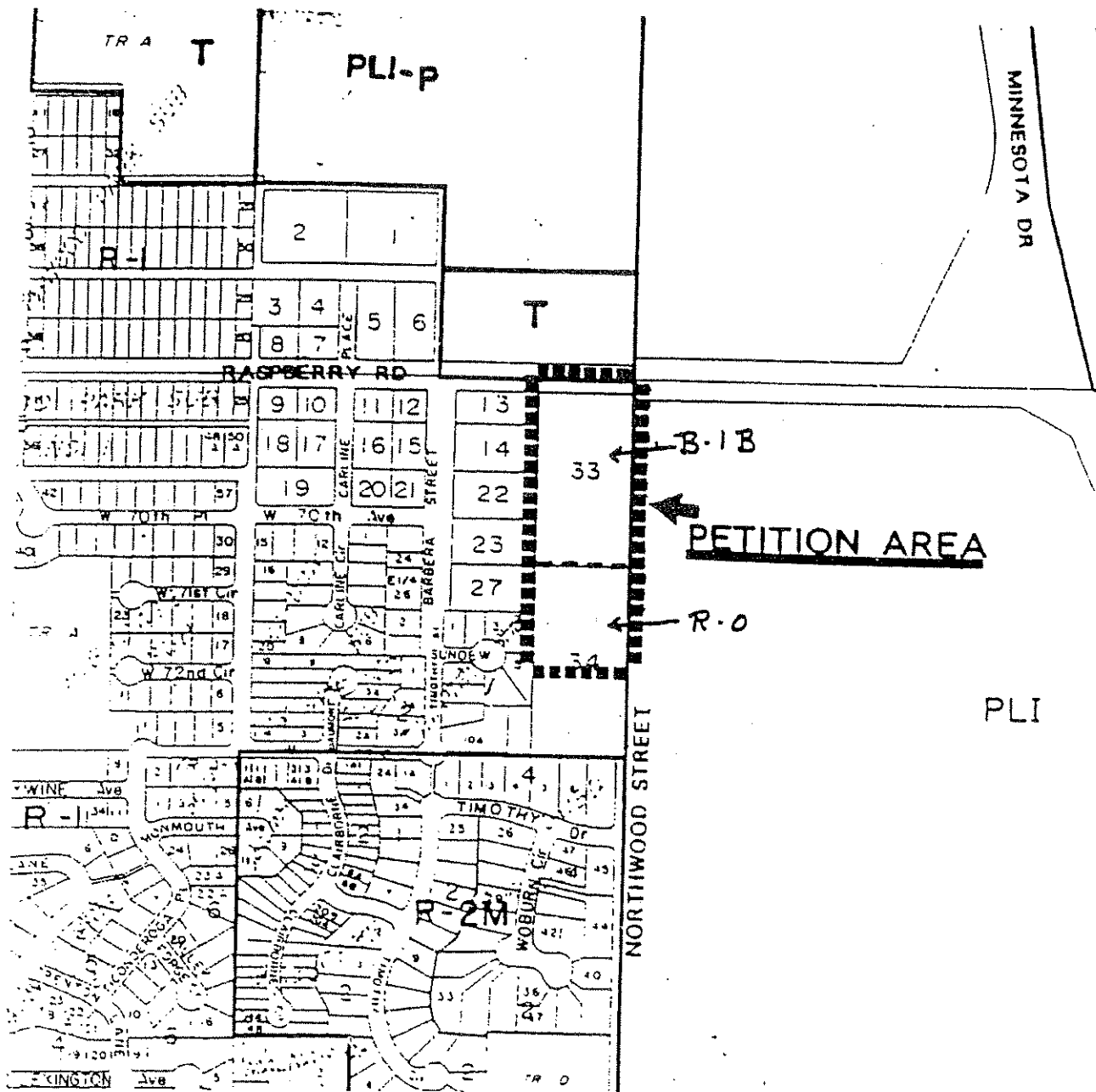
Section 2. This ordinance shall be come effective upon passage and approval by the Anchorage Municipal Assembly.



PASSED AND APPROVED by the Anchorage Municipal Assembly this 30th day of June, 1992.

ATTEST:

[Signature]  
Chairman

[Signature]  
Municipal Clerk



 100 Year Floodplain  
 500 Year Floodplain



0 500 1000  
 FEET

# **EXHIBIT A**

Municipality of Anchorage  
MUNICIPAL CLERKS OFFICE  
Agenda Document Control Sheet

As 2002-116

1	SUBJECT OF AGENDA DOCUMENT		DATE PREPARED	INDICATE DOCUMENTS ATTACHED	
	Calvary Temple Assembly of God rezoning from R-O SL and B-1B SL to R-O SL and B-1B SL to amending the Special Limitations when applied to a church per AO 91-174.  (Sand Lake Community Council) (Case 2002-042)		05/2/02	<input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM	
2	DEPARTMENT NAME		DIRECTOR'S NAME		
	Planning Department		Susan R. Fison, Director		
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY		HIS/HER PHONE NUMBER		
	A. Barrett/ J. Weaver		343-4260		
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE		
5	Mayor				
	Heritage Land Bank				
	Merrill Field Airport				
	Municipal Light & Power				
	Port of Anchorage				
	Solid Waste Services				
	Water & Wastewater Utility				
5	Municipal Manager	M	7/18		
	Cultural & Recreational Services				
	Employee Relations				
	Finance, Chief Fiscal Officer				
	Fire				
	Health & Human Services				
4	Office of Management and Budget	CF	7/17/02		
	Management Information Services				
	Police				
2	Office of Planning, Development, & Public Works	CF	5/6/02		
	Development Services				
	Facility Management				
1	Planning	MTJ	5-6-02		
	Project Management & Engineering				
	Street Maintenance				
	Traffic				
	Public Transportation Department				
	Purchasing				
3	Municipal Attorney 1189A		5/17-11-02		
	Municipal Clerk				
5	SPECIAL INSTRUCTIONS/COMMENT				
	P.F.2. Introduction 9/20/02 8/20/02				
6	ASSEMBLY MEETING DATE REQUESTED	7	PUBLIC HEARING DATE REQUESTED		
	Next available meeting 7/23/02		4 weeks after introduction 9/10/02		

00-002(7/98)



**TESORO**

Tesoro Refining and Marketing Company  
3450 South 344th Way, Suite 100  
Auburn, WA 98001-5931  
253 896 8700  
253 896 8887 Fax

November 11, 2005

Alfred Barrett  
Municipality of Anchorage  
Planning Department  
4700 S. Bragaw Street  
Anchorage, AK 99519

RE: Re-Zone: Northwood & Raspberry property  
Anchorage, AK.

Dear Mr. Barrett:

I have received a copy of the MOA Planning and Zoning Commission Resolution No. 2005-062. We accept the Planning and Zoning Commission Resolution subject to the wording in paragraph B.5., which states:

"This zoning shall not become effective until a replat has been recorded to remove plat notes 1, 2, and 3 of plat 99-13 for Lots 1-A, 1-B, and 1-C, Raspberry Center Subdivision."

If any questions arise concerning this, please give me a call at (253) 896-8810.

Respectfully,

Ronald Maybruck  
Real Estate Department