

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: June 6, 2006

CLERK'S OFFICE

APPROVED

Date: 7-25-06

Anchorage, Alaska  
AO 2006- 92

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING OF APPROXIMATELY 0.69 ACRES FROM B-3 (GENERAL BUSINESS  
DISTRICT) TO R-7 (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) FOR  
STEPHENS SUBDIVISION, LOTS 3 AND 4, GENERALLY LOCATED AT 23107 AND  
23108 BARBARA STREET.

(Chugiak Community Council) (Planning and Zoning Commission Case 2006-003)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as  
R-7 (Intermediate Rural Residential District):

Stephens Subdivision, Lots 3 and 4, generally located at 23107 and 23108 Barbara Street,  
containing approximately 0.69 acres, as shown on Exhibit A.

**Section 2.** This zoning map amendment is subject to the following effective clause: The zoning  
shall become effective when Stephens Subdivision, Tract A, Lots 3 and 4, have been replatted  
into conforming lots.

**Section 3.** Except as provided in Section 2 above, 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 25<sup>th</sup> day of  
July 2006.

ATTEST:

Chair

Municipal Clerk

(Tax Identification 051-102-49 and 051-102-50)

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

AO Number: 2006- 92

Title: Planning and Zoning Commission, Case 2006-003;  
recommendation of approval for a rezoning from B-3 (General  
Business District) to R-7 (Intermediate Rural Residential  
District) for Stephens Subdivision, Lots 3 and 4; generally  
located at 23107 and 23108 Barbara Street.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

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

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this rezone should have no significant impact on the public sector. A rezone from B-3 to R-7 will allow the owner to create a residential subdivision. Even though the property is currently zoned for commercial uses, it has always been used residentially.

**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 replat and create a subdivision with adjacent residential property.

Property Appraisal notes: No significant impacts anticipated as the properties are already in residential use and have limited commercial application.

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 404-2006

Meeting Date: June 6, 2006

From: Mayor

Subject: The Planning and Zoning Commission Recommendation of Approval for a Rezoning of Two Lots Totaling Approximately 0.69 Acres From B-3 (General Business District) to R-7 (Intermediate Rural Residential District) for Stephens Subdivision, Lots 3 and 4, Generally Located at 23107 and 23108 Barbara Street.

1  
2 On March 13, 2006, the Planning and Zoning Commission recommended approval  
3 of a rezoning for both lots owned by Ada E. Stephens. Mrs. Stephens also owns the  
4 2.5 acre tract adjacent to the subject lots to the west. The 2.5 acre tract is zoned R-7.  
5 Mrs. Stephens' intent is to replat the three properties, if this rezoning is approved,  
6 and create a small R-7 subdivision.

7  
8 The properties were originally zoned R-5, but were changed to B-3 in the areawide  
9 rezonings in 1985. The subject lots have never been developed commercially. The  
10 north lot has a duplex built in 1966. The south lot has a single-family home built in  
11 1971. Both structures are legally nonconforming in the B-3 district. Residential is an  
12 allowed use in B-3 district, but must be at a density equivalent of 12 dwelling units  
13 per acre. From a planning point of view, the lots should not have been rezoned to B-  
14 3 in 1985. The B-3 district is intended for general commercial uses exposed to high  
15 volumes of automobile traffic. The subject properties have no direct exposure to  
16 traffic and are more residential in nature.

17  
18 There have been no comments received from the community or Community Council  
19 in response to the public hearing notices.

20  
21 The Planning and Zoning Commission found that this site is identified in the  
22 *Chugiak-Eagle River Recommended Land Use Plan Map* as being on the boundary  
23 of residential and commercial areas, but that the area is generally developed as  
24 residential. The proposed use is consistent with the plan map and compatible with

1 surrounding uses. The rezoning to R-7 will allow large lots with on-site well and  
2 septic systems. The rezoning is to be effective upon recording of a conforming plat.

3  
4 The Planning and Zoning Commission recommended APPROVAL of the rezone to  
5 R-7 by a vote of 7 ayes, 0 nays.

6  
7 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING  
8 COMMISSION RECOMMENDATION FOR THE REZONING REQUEST.

9  
10 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

11 Concur: Tom Nelson, Director, Planning Department

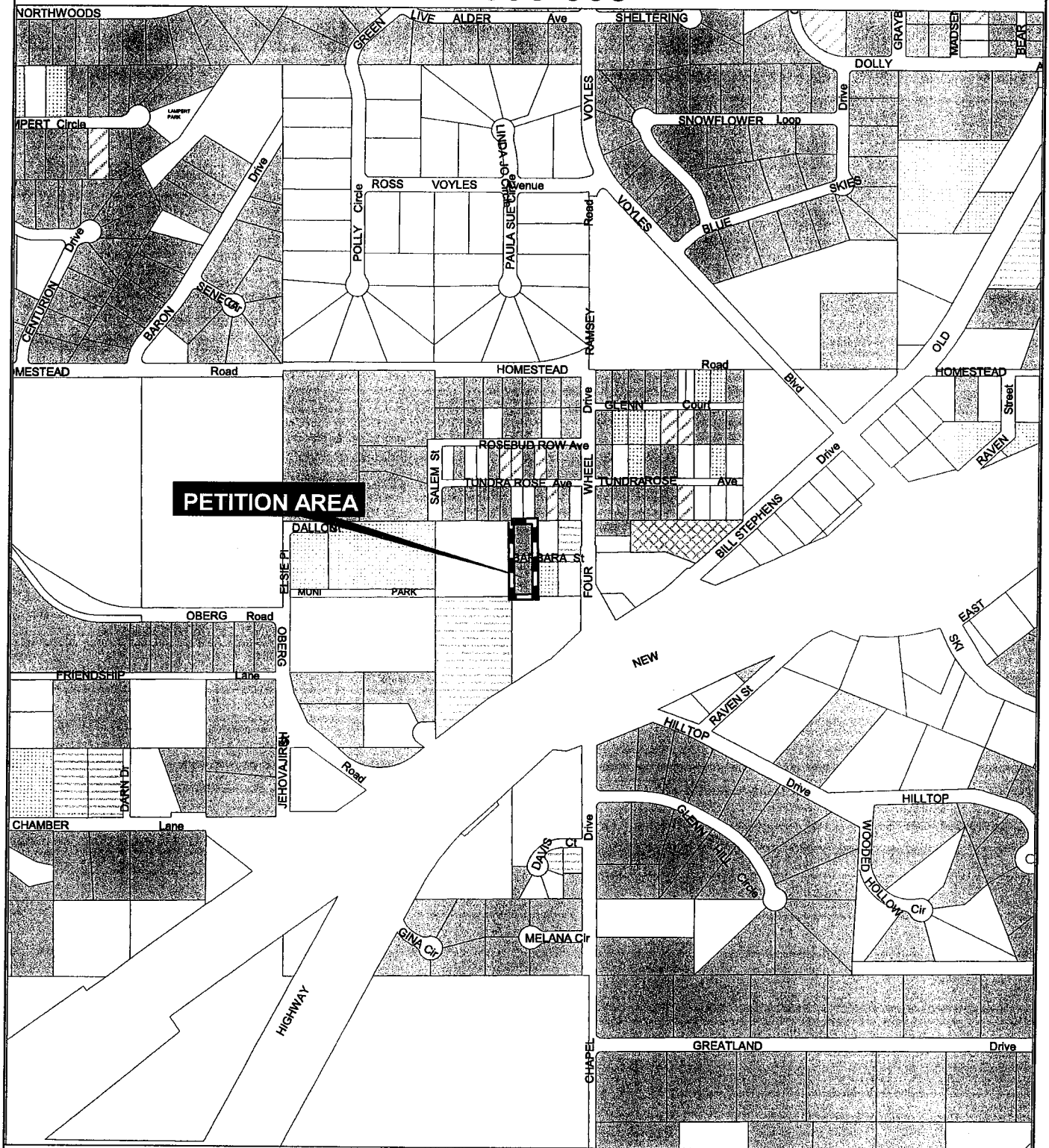
12 Concur: Mary Jane Michael, Executive Director, Office of Economic and  
13 Community Development

14 Concur: Denis C. LeBlanc, Municipal Manager

15 Respectfully submitted, Mark Begich, Mayor

# REZONE 2006-003

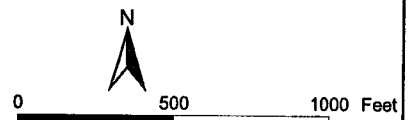
EXHIBIT A



Municipality of Anchorage  
Planning Department

Date: November 15, 2005

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



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

01

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2006-020**

A RESOLUTION APPROVING A REZONING FROM B-3 (GENERAL BUSINESS DISTRICT) TO R-7 (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) FOR STEPHENS SUBDIVISION, LOTS 3 AND 4, GENERALLY LOCATED AT 23107 AND 23108 BARBARA STREET, PETERS CREEK.

(Case 2006-003, Tax I.D. No. 051-102-49 and -50)

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WHEREAS, a request has been received from Ada Stephens, owner to rezone approximately 0.57 acres from B-3 (General Business District) to R-7 (Intermediate Rural Residential District) for Lots 3 and 4, Stephens Subdivision, generally located at 23107 and 23108 Barbara Street, and

WHEREAS, notices were published, posted and 79 public hearing notices were mailed and a public hearing was held on March 13, 2006.

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

A. The Commission makes the following findings of fact:


1. The subject property was zoned B-3 in the area-wide rezonings of 1985. There were residential structures on the property prior to the areawide rezoning.
2. The Chugiak-Eagle River Comprehensive Plan places this property on the boundary of residential and commercial uses.
3. This proposal is a potential down-zone in terms of density, but since the B-3 district does not require a residential component and R-7 does, it can also be seen as a potential increase in density.
4. The subject property will be replatted with an adjacent R-7 tract and the property is more appropriately zoned residential. The proposal is consistent with the comprehensive plan and compatible with the zoning districts and uses in the area.
5. There has been no community opposition to the request.
6. The Commission recommended approval of the request by a vote of 7-aye, 0-nay.

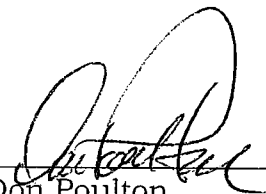
B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following effective clause:

1. The rezone shall become effective when Tract A, Stephens Subdivision addition #1; and Lots 3 and 4, Stephens Subdivision have been replatted to a conforming subdivision.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 13<sup>th</sup> day of March 2006.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 3<sup>rd</sup> day of April 2006. 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 2006-003, Tax I.D. No. 051-102-49 and -50)

ab

of additional residential density in the area. This area is served by a transit corridor, which is a key piece of infrastructure to handle the density. The site plan review will help to ensure the open space and livable design and particularly enactment of Policy #12 of Anchorage 2020. She amended special limitation 2 in order to help make the differing densities more compatible.

AYE: Jones,, Cotten, Wang, Poulton, Debenham, Isham, Pease  
NAY: None

PASSED

- 5. 2006-003** Ada Ellen Stephens. A request to rezone approximately 0.57 acres from B-3 (General Business) to R-7 (Intermediate Rural Residential). Stephens Subdivision, Lots 3 and 4. Located 23107 and 23108 Barbara Street in Peters Creek

Staff member AL BARRETT stated this case was originally scheduled for January 9, 2006. He stated 57 public hearing notices were mailed and no comments were received either from the public or the community council. The existing zoning of B-3 is inappropriate for this property, which is comprised of two properties. If these two properties, the four lots to the east, and the larger B-3 zone to the south had been owned by the same person and were subject to a unified planned development in 1985 when the property was rezoned as part of the areawides, B-3 might be appropriate for the subject lots. However, that is not the case. The B-3 zone is intended for heavily trafficked areas at or near major arterial intersections. While this property is relatively near the Glenn Highway, this property is not truly B-3 without a unified plan through the property to the south. The Department believes the rezoning to R-7 is appropriate. When the property was rezoned to B-3 it had been R-5, as is much of the property immediately to the north. The property is on the boundary of residential and commercial areas as shown in the 1993 Chugiak-Eagle River Comprehensive Plan, however, the Plan is generally a reflection of the zoning that was in place at the time and may not be applicable to the zoning. The environmental and land use patterns are important to this request. The land use pattern is smaller single-family homes and duplexes to the north. There is a good deal of contamination from an old fuel tank; groundwater contamination is an issue that must be addressed. That issue will be addressed because if the rezoning is approved, the applicant will undertake a replat and subdivision with the property immediately to the west. This rezoning is, in effect, a down zoning from the residential allowed by B-3 at a density of 12 DUA. That alternative was discussed with the applicant. The property on the north side of Barbara Street is a duplex and the one to the south is a single-family home that the applicants are enlarging for their son.



The applicant could be legal for both properties in the B-3 zone if a triplex were created. The applicant initially indicated he would examine that avenue to come into conformity, but then filed the application for rezoning. MR. BARRETT reiterated that issues affecting the property related to traffic, access, trails, well and septic systems are more properly addressed in a replat.

The public hearing was opened.

TIM POTTER, representing the petitioner, stated the petitioner is currently out of state and asked him to represent her interests. He stated that the petitioner has properties that were originally zoned R-5 and were rezoned to B-3. She has a single-family home on one of the small lots and another single-family home across the 30-foot right-of-way on another small lot. The homes do not meet the lot requirements for having on-site wells and septic. This is a nonconforming situation. The petitioner has a disabled son who is approximately 40 years of age who she would like to bring back home. In order to do that, she started building a significant addition to one of the homes. She then learned that she should probably pursue getting a land use permit. She went to the city and made application for a land use permit, at which time she was told she could not increase the size of a nonconformity in the B-3 zoning district. She was given a list of options to come into conformance. Through her counsel, DOWL Engineers was asked to review the situation considering Ms. Stephens' inability to sell her property and move to another house. DOWL Engineers determined that the most straightforward approach is to rezone the property to R-7 and abut it with the adjoining R-7. A single well serves both houses; that well is in the middle of Barbara Street right-of-way, which is not conforming. The septic systems cross property lines, which is also not conforming. The petitioner is aware she will need to do a replat and does not object to that as a requirement of this rezoning. He agreed that this is a down zone. The rezoning does not impact the availability of B-3 property in the general area. This is a transitional use between the B-3 and residential properties.

No public testimony.

In rebuttal, MR. POTTER noted that the community council has produced a letter in support of the rezoning.

MR. BARRETT modified his statement that the rezoning from B-3 to R-7 would result in a "slight loss of density." That statement is true with the lots as they exist, but in balancing that with the adjacent property to the west and a potential subdivision, both of the lost lots may be made up, so there may be no loss of residential density.

COMMISSIONER PEASE asked if it would also not be accurate to say that the B-3 zone does not require residential, so the dwelling units under the B-3

could be zero while the R-7 zoning yields two dwelling units. MR. BARRETT agreed with this statement.

The public hearing was closed.

COMMISSIONER ISHAM moved for approval of the rezoning from B-3 to R-7, subject to the one Staff condition. COMMISSIONER JONES seconded.

COMMISSIONER ISHAM stated he lives in this area and was not aware that this property was zoned B-3. He felt it was sensible to combine this property with the R-7 property to the west. The petitioner will, with this rezoning, be able to comply with the various requirements respecting the existing residential development. This rezoning is also in conformance with the Chugiak-Eagle River Comprehensive Plan.

AYE: Jones, Cotten, Wang, Poulton, Debenham, Isham, Pease  
NAY: None

PASSED

3.      **2005-152**                      Municipality of Anchorage. An Ordinance of the Municipal Assembly amending Anchorage Municipal Code Chapter 21.47, sign standards, regulating nonconforming signs and other minor revisions.

CHAIR POULTON indicated that Commissioner Debenham was excused from participating in this case. As there were no other cases on the agenda for the evening, Commissioner Debenham departed the meeting.

CHAIR POULTON noted that this ordinance was not properly noticed, therefore the Commission would be unable take formal action this evening. Individual Commissioners are free to comment on the ordinance and the minutes from this evening's hearing will be provided to the Assembly. He indicated that Assemblymember Sullivan informed him that a worksession is scheduled for March 24, 2006 and the ordinance will be on the Assembly agenda for March 28, 2006.

Staff member DAVE TREMONT noted that the Staff report dated March 13, 2006 is the second revision of the Staff report that provides the Planning Department recommendations on AO 2005-163 S-1 version. The original version of the draft ordinance was reviewed in the initial Staff report dated December 12, 2005. A revised Staff report dated February 13, 2006 was prepared to review the S version of the ordinance. That case was postponed to this evening. On March 6, 2006 the Planning Department received the S-1 version. The Commission had also been supplied with responses to questions posed by the

**MUNICIPALITY OF ANCHORAGE  
PLANNING DEPARTMENT  
MEMORANDUM**

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**DATE:** March 13, 2006

**TO:** Planning and Zoning Commission

**FROM:** Alfred Barrett, Senior Planner *ARB*

**APPLICANT:** Ada E. Stephens

**REPRESENTATIVE:** DOWL

**SUBJECT:** **2006-003 Rezoning from B-3 to R-7: postponement request to March 13, 2006**

**LOCATION:** North side of Glenn Highway and west of Voyles Blvd.  
23107 & 23108 Barbara St.

**TAX PARCEL NO.** 051-102-49 and 051-102-50

The applicant requested and was granted a postponement of this case from February 13 to March 13, 2006 due to a short board at the February meeting.

**MUNICIPALITY OF ANCHORAGE  
PLANNING DEPARTMENT  
MEMORANDUM**

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**DATE:** February 13, 2006

**TO:** Planning and Zoning Commission

**THROUGH:** Jerry Weaver, Division Manager

**FROM:** Alfred Barrett, Senior Planner

**APPLICANT:** Ada E. Stephens

**REPRESENTATIVE:** self

**SUBJECT:** **2006-003 Rezone B-3 to R-7: postponement from January 9, 2006 to February 13.**

**LOCATION:** North side of Glenn Highway and west of Voyles Blvd.  
23107 & 23108 Barbara St.

**TAX PARCEL NO.** 051-102-49 and 051-102-50

The rezoning request is to change the district to residential for single family use. The Department is recommending approval with a special limitation.

The case was postponed due to a short board at the January 9 meeting. This postponement constitutes the one free postponement allowed by code. Any additional postponements will be at the applicant's expense.

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

**DATE:** January 9, 2006

**CASE NO.:** 2006-003

**APPLICANT:** Ada E. Stephens

**PETITIONER'S  
REPRESENTATIVE:** Self

**REQUEST:** Rezoning from B-3 (general business) to R-7  
(intermediate rural residential)

**LOCATION:** North side of Glenn Highway and west of Voyles  
Blvd.

**SITE ADDRESS:** 23107 & 23108 Barbara St

**COMMUNITY**

**COUNCIL:** Chugiak

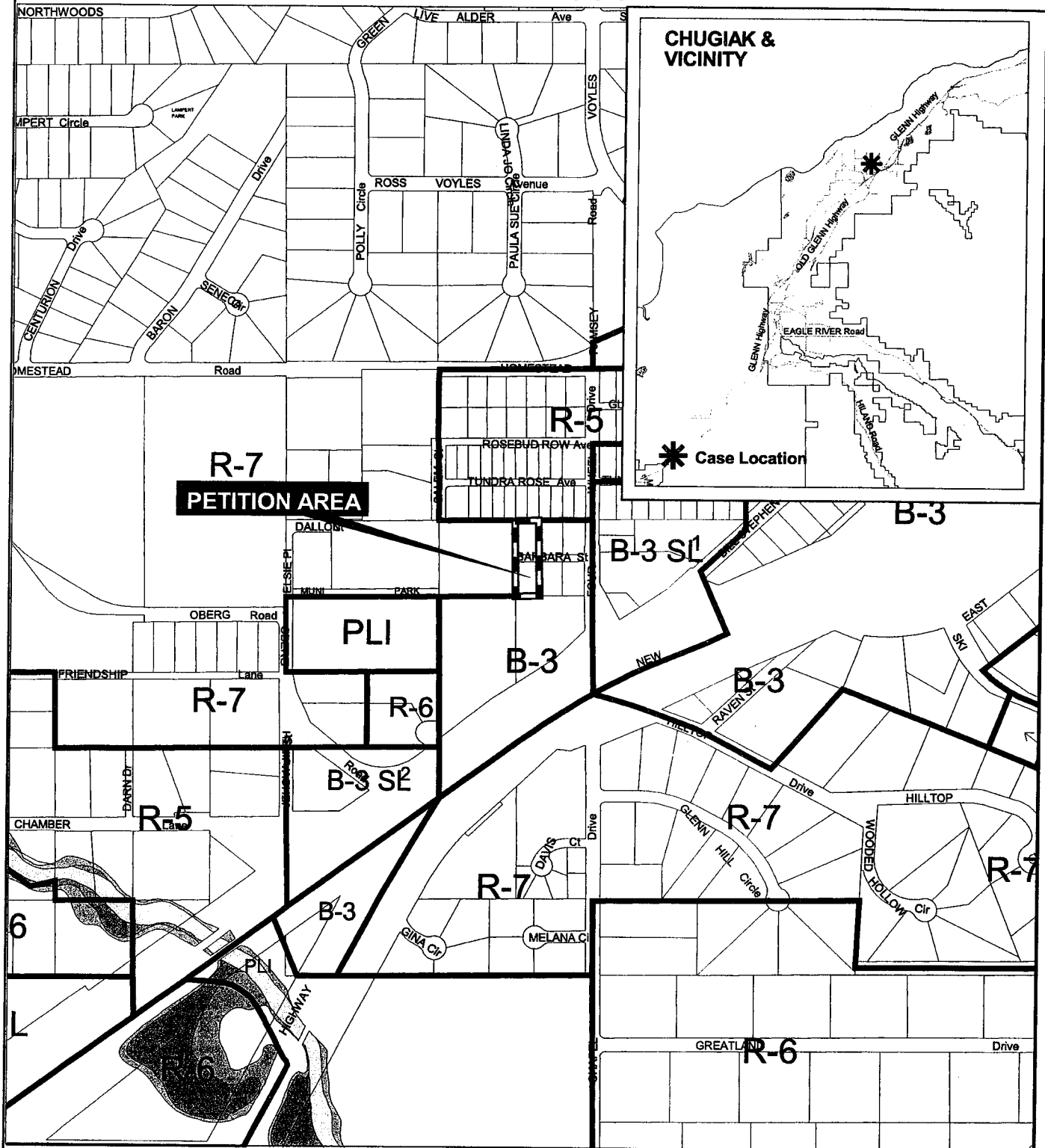
**TAX NUMBER:** 051-102-49 and 051-102-50

**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:** APPROVAL with an effective  
clause. The proposed rezoning meets the general standards of the  
Comprehensive Plan.

**REZONE**  
**2006-003**



**Municipality of Anchorage  
Planning Department**

### Flood Limits

-  100 Year Floodplain  
 500 Year Floodplain  
 Floodway

Date: November 15, 2005



**Parcels--Basic Layers**

Thu Dec 15, 07:37:25, 2005

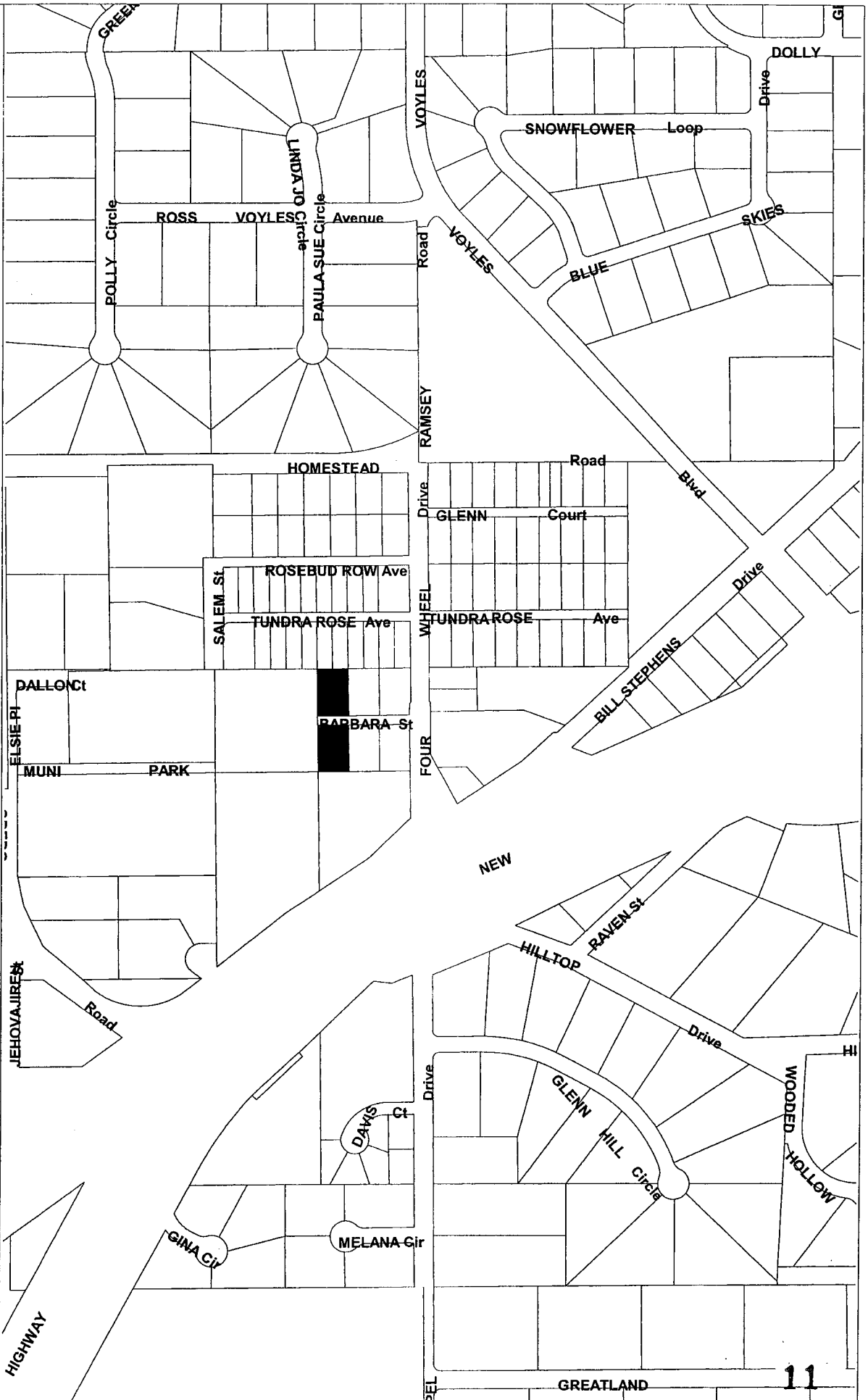
Map: Parcels--Basic Layers



Scale 1:5000

**Legend:**

- Txt COUNCILS\_NA
- Txt STRNAME\_BLI
- PARCELS



**SITE:**

Acres: Each lot is approximately 15,000 square feet, total acreage = 0.69

Vegetation: Residential landscaping

Zoning: B-3

Topography: Level

Existing Use: The north lot has a duplex constructed in 1966 and the south lot has a single family home constructed in 1971. The structures are legal, but non-conforming.

Soils: Well and septic.

**COMPREHENSIVE PLAN:**

Classification: The property is on the boundary of residential and commercial designations according to the Chugiak-Eagle River Recommended Comprehensive Land Use Plan.

Density: N/A

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-5	B-3	B-3	R-7
Land Use:	Vacant and single family	Vacant and mobile home lot	Commercial & office building	Vacant

**PROPERTY HISTORY**

09-11-59	Plat	Earliest Subdivision on record; Lots 1 through 6, Stephens Subdivision (the subject lots are #3 and 4), a subdivision of US Govt Lot 1 Section 9.
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1969	Zoning	R-5
12-02-85	Rezone	Areawide zoning, rezoned to B-3. The Department had recommended a continuation of the R-5 zone, but B-3 was approved.

**Applicable Zoning Regulations:**

<b>TABLE 1</b> <b>SUMMARY COMPARISON OF R-7 and B-3</b>		
	<b>R-7 District</b> <b>AMC 21.40.090</b>	<b>B-3 District</b> <b>AMC 21.40.180</b>
Intent:	Intended as intermediate rural residential areas with low population densities.	The B-3 district is intended to for general commercial uses in areas exposed to heavy automobile traffic.
Permitted Uses and permitted accessory uses	<p>Single family dwellings duplexes, multi-family, only a single principal structure per lot or tract. Public, private, parochial academic elementary schools. High schools if on a class I street, parks/playgrounds.</p> <p>Home occupations, noncommercial greenhouses family care, bed and breakfast.</p>	<p>Business, business services, office, multi family at a density of not less than 12 units per acre, dwellings in commercial structures of not less than 5,000 square feet, parks, playgrounds, governmental buildings and uses, churches, family residential care, day care and 24 hour child care, roominghouses, antennas without tower structures type 1, 2, 3 and type 4 as specified in the supplementary district regulations, public, private and parochial academic schools, business colleges and universities, unlicensed nightclubs; uses and structures customarily and clearly incidental to permitted principal uses and structures.</p>

### TABLE 1

#### SUMMARY COMPARISON OF R-7 and B-3

	R-7 District AMC 21.40.090	B-3 District AMC 21.40.180
Conditional Uses:	Commercial greenhouses, airstrips, utility substations, nursing homes, art schools, music schools, natural resource extraction on 5 acre minimum, QI houses, day care, snow disposal, community interest and local interest towers.	heliports, snow disposal, quasi-institutional houses, alcohol sales per AMC 21.50.160, CCRC's, camper parks, utility substations.
Prohibited Uses	Storage or use of mobile homes, any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, etc.	The outdoor storage or display of any scrap, junk, salvaged or second hand materials, or any salvage yard or salvage operation. Any use which causes or may reasonably be expected to cause excessive noise, vibration, dust, particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond the lot line on which it is located.
Height limitation:	35 feet	Unrestricted (except per FAA regulations)
Minimum lot size:	20,000 square feet for a single family unit with an additional 20,000 square feet for each additional unit.	Residential per 21.40.060F All other including residential when associated with other uses Width – 50 feet Area – 6,000 square feet
Yards:		
Front	25 feet	Residential per 21.40.060G all other – ten feet
Side	10 feet	Residential per 21.40.060G All other - 10 feet adjacent to residential otherwise none; provided that all buildings shall have a wall on the lot line or be set back 10 feet.
Rear	20 feet	15 feet adjacent to a residential district, otherwise none
Lot Coverage:	30 percent	Residential per 21.40.060H; all other uses unrestricted
Landscaping	No requirement except for conditional uses.	Buffer landscaping along each lot line adjoining a residential district.

TABLE 1 SUMMARY COMPARISON OF R-7 and B-3		
	R-7 District AMC 21-40.090	B-3 District AMC 21-40.130
		Arterial landscaping along collector or arterial streets. Visual enhancement landscaping for all areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations and along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.

#### **SITE DESCRIPTION AND PROPOSAL:**

The applicant owns the two subject B-3 zoned lots and the adjacent 2.5 acre tract to the west. If the rezone is approved, the two lots would be non-conforming. The R-7 district requires a lot size minimum of 20,000 square feet per dwelling unit and each lot is only approximately 15,000 square feet. The adjacent 2.5 acre tract is zoned R-7. The applicant's plans are to replat the entire collection of properties for residential R-7 development if this rezone is approved.

Public sewer is not available. The normal minimum lot size requirement is 40,000 square feet for on site septic systems. However, lots 3 and 4 were platted prior to the current septic system regulations (1986), and the On-site Systems Division considers the size of the lots to be grandfathered for septic systems. The replat of the lots to R-7 standards of 20,000 square feet per unit will still be short of the current code for septic systems, but will be moving toward conformity.

The two lots have residential structures on them. Lot 3, the south lot, has a single family home. The north lot has a duplex. The duplex was built in 1966 prior to the first zoning. The single family home was built in 1971 when the property was zoned R-5. Regardless, both structures are legal non-conforming structures as they were built prior to current zoning code adoption in 1985. Residential uses are allowed in the current B-3 zoning, but at a minimum of 12 dwelling units per acre. Since each lot is about 15,000 square feet, each lot would require a triplex in order to meet the

legal B-3 density equivalent. The owner is not interested in multi-family units, but prefers a single family subdivision, so the rezone is necessary.

The issue came to the applicant's attention when he applied for a land use permit to expand the existing single family home. The permit has not been issued because the existing structure under expansion is non-conforming. Approval of the rezone will allow the permit to be issued.

**FINDINGS:**

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

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

The standard is met.

The 1993 Chugiak – Eagle River Comprehensive Plan designates the area as on the boundary between residential and commercial recommended land uses. The map is generally a reflection of the zoning districts in place at that time.

A residential zone district for this property is consistent with the plan and appropriate for the area. When the property was first zoned, in 1969, it was assigned the R-5 district. The property is not an ideal commercial location. It is on a dead end street. It is not on a through street, a major street, nor at an intersection. It is not in a high automobile traffic area. These are general locational criteria for a commercial district, especially the B-3 district.

In the 1985 areawide rezone, the Planning Department recommended a continuation of the R-5 district, but B-3 General business district was requested and approved.

**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.

There is a large amount of vacant land in the area, but the development that does exist is residential to the north of the subject property and commercial to south. Other than along the Glenn Highway, where there is some B-3 zoning, most zoning in the area is residential: R-5, R-7 and R-O. A residential subdivision is compatible with the general area.

The property to the south of the subject property is existing B-3 commercial development and is owned by the applicant. The normal landscaping requirement between B-3 and residential zones is for Buffer landscaping. However, because the B-3 is existing, there is no R-7 code requirement for a buffer. Buffer landscaping where the R-7 properties are adjacent to commercial districts will be required in the plat.

There are no known creeks, lakes, wetlands or other environmentally sensitive lands near the subject property.

However, there are groundwater contamination issues in the area as the result of leaky gasoline storage tanks. Also, because the structures were built prior to current code, water well and septic logs are either inadequate or completely lacking. The On-site Systems Division has recommended that the applicant have an engineer coordinate with the Division as quickly as possible regarding wells and septic systems.

All uses are subject to AMC Noise and Air Quality ordinances

### Transportation

This Standard is met.

There is no cul-de-sac on the dead end street of the subject property. The property was platted in 1959 and no cul de sac or hammerhead turnaround was required. However, the 2.5 acre tract adjacent to the west is also owned by the applicant and it was platted in 1984. The tract has a dedicated cul-de-sac as a result of that plat. The replat of all the properties will continue this requirement.

When the property is rezoned and replatted with the adjacent property, the internal road network will need to be designed and built to Municipal standards.

#### Public Services and Facilities

This Standard is partially met.

Municipal waters lines are available to the property. Due to ground water issues, it is highly advisable that the lines be extended and water wells not be installed.

Sewer is not available, so on-site systems will be needed. The applicant has a permit application with the On-site Systems Division.

There are no trails or parks adjacent to the subject property.

#### Special Limitations

No Special Limitations have been offered by the applicant.

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

There is both vacant and developed residential and commercial property in the area. The loss of 30,000 square feet of commercial zoning is not significant.

B-3 general business district zoning is intended for areas exposed to heavy automobile traffic, at or around major arterial intersections. The location of this property does not meet that criteria and the B-3 zone is not appropriate for this property.

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.

Most services are available. The rezoning would legalize the existing residential uses and allow their expansion.

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 B-3 district allows multi-family at a density equivalent of 12 units per acre. The R-7 district requires 20,000 feet per dwelling unit. Since the R-7 is a less intense district, it is a down zoning and, in a sense, it represents a loss of residential density. The B-3 district would require three units on each lot, the R-7 district would allow one dwelling unit on each lot. So, the loss is equivalent to about four dwelling units.

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

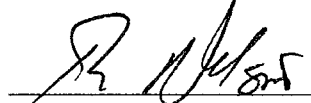
On December 15, 2005, a total of 57 public hearing notices were mailed. There have been no written responses from the public or the Community Council. There is a conditional comment from the Chugiak Wastewater Technical Advisory group.

#### **DEPARTMENT RECOMMENDATION:**

The Department recommends that the proposed rezoning is in conformance with the Chugiak-Eagle River Comprehensive Plan and should be approved subject to the following special limitation and effective clause.

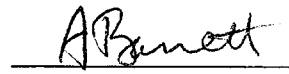
1. The rezone shall become effective when Tract A, Stephens Subdivision addition #1; and Lots 3 and 4, Stephens Subdivision have been replatted to a conforming subdivision.

Reviewed by:

A handwritten signature in black ink, appearing to read 'Tom Nelson', written over a horizontal line.

Tom Nelson  
Director

Prepared by:

A handwritten signature in black ink, appearing to read 'Alfred Barrett', written over a horizontal line.

Alfred Barrett  
Senior Planner

(Case No. 2006-003) (Tax Parcel #051-102-49 and -50)



# 2

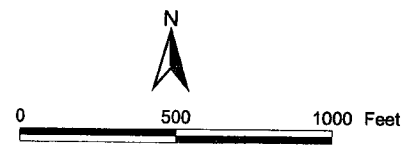
## **HISTORICAL MAPS AND AS-BUILTS**

**REZONE**  
**2006-003**



**Municipality of Anchorage  
Planning Department**

Date: November 15, 2005



Date of Aerial Photography: 2001

AUBREY SUB.

BARBARA STREET

U.S. LOT 1

UNITED STATES OF AMERICA }  
STATE OF ALASKA }

THIS IS TO CERTIFY that on this 14<sup>th</sup> day of August 1959, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared WILLIAM H. STEPHENS, JR., known to me and to me known to be the individual who caused to be prepared the plat of STEPHENS SUBDIVISION located in Lot 1, Section 9, T 15 N, R 1 W, Seward Meridian, Alaska, by R. E. Denning, registered land surveyor of the State of Alaska. William H. Stephens, Jr., furthermore acknowledged that the property located in the Stephens Subdivision is not within any City and is not within any school district and is not within any other governmental subdivision of the State of Alaska and that no Platting Board has been appointed for the area within which the subdivided is located, and is not within the area of any taxing district and that accordingly no taxes have been assessed or levied against such property or any part thereof and that there is no tax collecting official or officials, with reference to the area involved, to certify concerning taxes with reference to such property for the reason that no taxes have been levied or assessed with reference to the same. William H. Stephens, Jr. furthermore acknowledged that he has signed this plat as above set forth as his own voluntary act and deed and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and the year in this acknowledgement first written.

*William H. Stephens Jr.*  
Notary Public in and for the State of Alaska. My commission expires March 12, 1960.

GLENN Grace A. Peters

PLAT OF

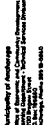
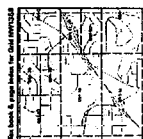
THE STEPHENS SUBDIVISION

LOCATED IN U.S. LOT 1- SEC. 9 - T15N, R1W  
OF S.M. ALASKA

FILED SURVEYED JULY 24, 1959 R.E. DENNING

OFFICE OF THE U. S. COMMISSIONER  
THIRD DIVISION, ANCHORAGE, ALASKA  
175 SEP 11 1959 2:15  
UNITED STATES COMMISSIONER  
*William H. Stephens Jr.*

REGISTERED LAND SURVEYOR  
223.5  
-1-  
RICHARD E.  
DENNING  
ANCHORAGE, ALASKA  
1958

[illegible]Planning Department  
Technical Services Division

100

UF 1 1/4 Sec 9 T15N R1W

DEC-2003  
GRID NW1

GR10 NW1359

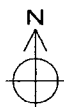
24

**Parcels--Basic Layers**

Tue Dec 20, 12:00:09, 2005

Map: Parcels--Basic Layers

**Water  
Lines**



Scale 1:5000

**Legend:**



WATER\_shp

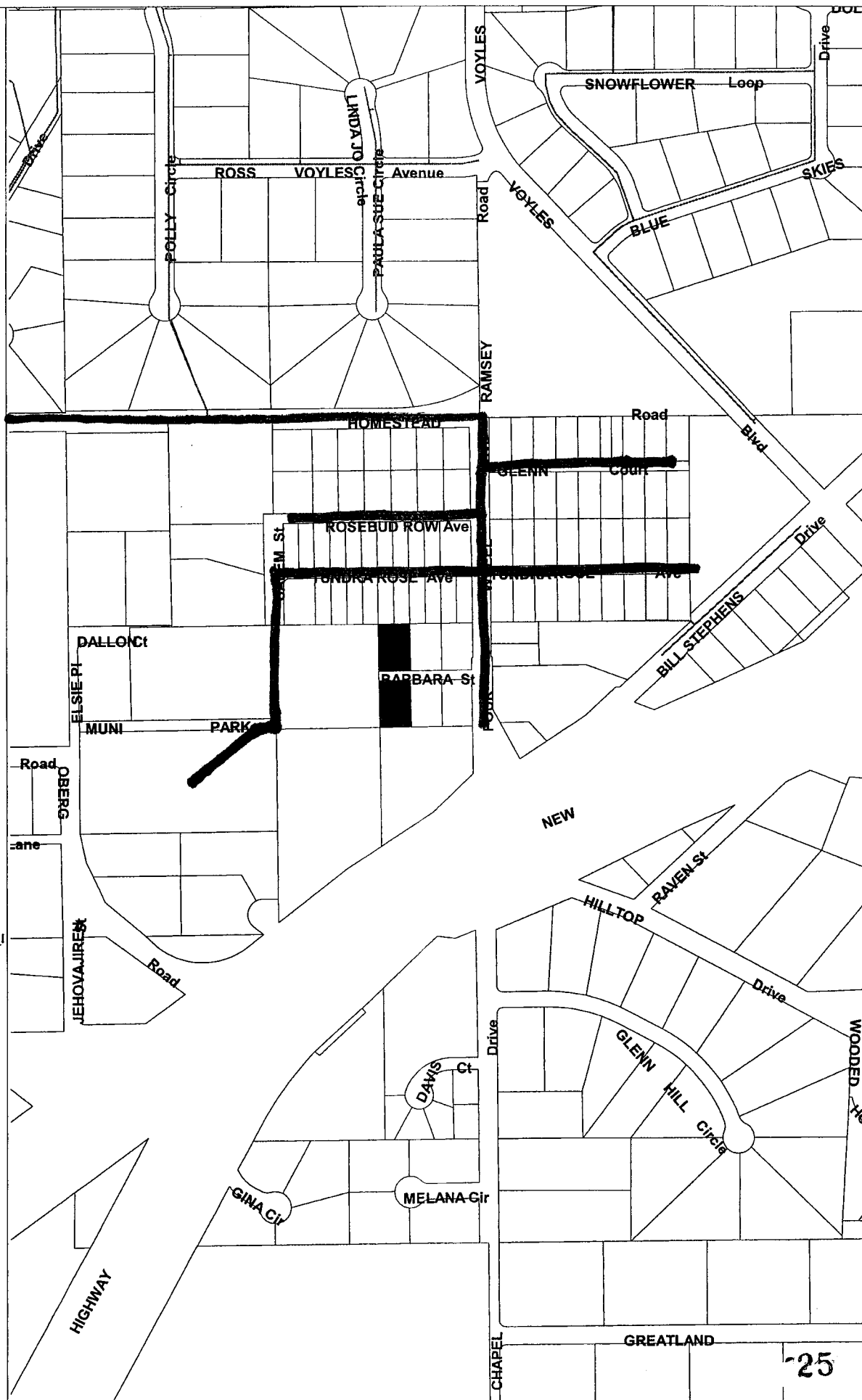
SEWER

Txt



STRNAME\_BI\_I

PARCELS



CityView™

Municipal Software Corporation

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we), hereby certify that I (we) hold the herein specified property interest in the property described herein. I (we) hereby dedicate to the Municipality of Anchorage all areas depicted for use as public utility easements, streets, alleys, thoroughfares, parks, and other public areas shown herein. There shall be no restriction on the use of the property for any other purpose, and the dedication shall be binding on all successors in title. The dedication shall be binding on all successors in title, and the dedication shall be binding on all successors in title. There is reserved to the grantors, their heirs, successors and assigns, the right to use such areas at any time upon providing and maintaining other adequate lateral support, as approved by the Municipality.

I (we) hereby agree to this plat, and to any restriction or covenant appearing hereon and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.

*William H. Stephens*  
WILLIAM H. STEPHENS  
6304 STEPHENS  
ANCHORAGE, ALASKA 99507 (BENEFICIARIES)  
JANE ANNARS

*William H. Stephens*  
WILLIAM H. STEPHENS JR.  
6304 STEPHENS  
ANCHORAGE, ALASKA 99507 (BENEFICIARIES)  
JANE ANNARS

*Samuel R. Cate*  
SAMUEL R. CATE  
6304 STEPHENS  
ANCHORAGE, ALASKA 99507 (BENEFICIARIES)  
JANE ANNARS

NOTARY ACKNOWLEDGEMENT

Subscribed and sworn to before me this 8th day of November 1983  
I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

State of Alaska  
Notary Public  
FREDDA M. ROBERTS  
1000 COMMERCIAL AVENUE  
ANCHORAGE, ALASKA 99501

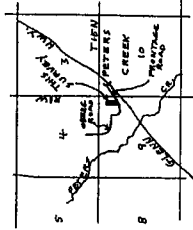
Notary Public to and for the State of Alaska  
My Commission Expires: Nov. 23, 1985

NOTARY ACKNOWLEDGEMENT

Subscribed and sworn to before me this 8th day of November 1983.  
I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

*Christie H. Roberts*  
CHRISTIE H. ROBERTS  
1000 COMMERCIAL AVENUE  
ANCHORAGE, ALASKA 99501

VICINITY MAP SCALE: 1" = 1 MILE

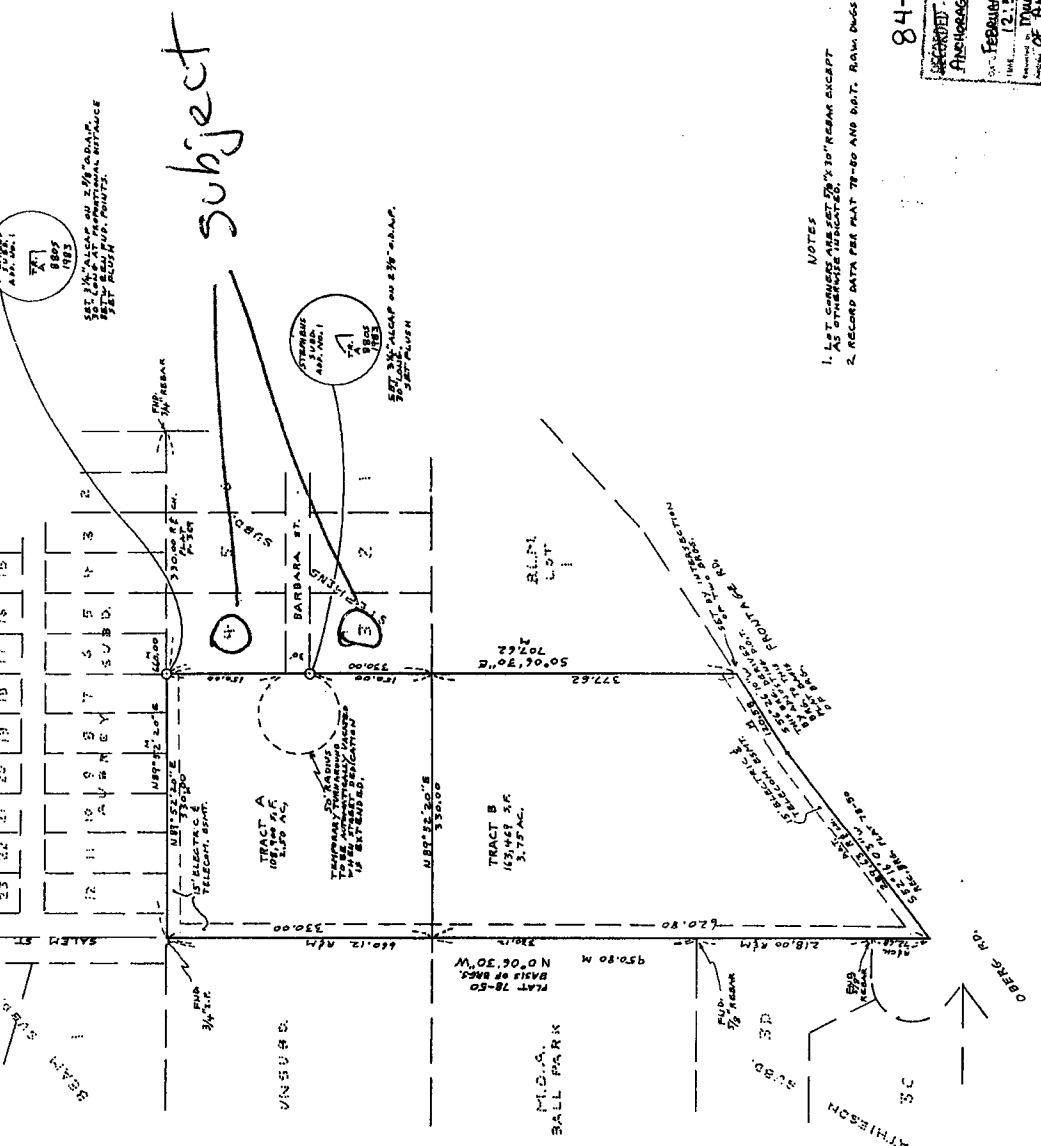


TRACTS A & B  
STEPHENS SUBDIVISION, ADD. NO. 1  
A SUBDIVISION OF B.L.M. LOT 2

LOCATED WITHIN THE 1/4 SECTION 9, T12N, R14W, S14N, AK.  
CONTAINING 1.27 ACRES MORE OR LESS  
ROBERT C. JOHNSON, B.L.S.  
P.O. BOX 452, EAGLE RIVER, AK

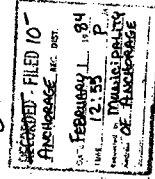
City and State: Anchorage, Alaska  
Date: 11-11-83  
Page: 2 of 2

5-6969



- NOTES
1. LOT CORNERS ARE SET BY 1/4 SECTION EXCEPT AS OTHERWISE INDICATED.
  2. RECORD DATA FOR PLAT 78-80 AND 80-T, ALASKA DUGS.

84-27



TAX CERTIFICATION

All real property taxes levied by the Municipality of Anchorage on the area shown on this plat have been paid.

*William H. Stephens*  
WILLIAM H. STEPHENS  
11/11/83  
APPROVALS  
Municipal Engineer  
Environmental Protection  
11/11/83

ACCEPTANCE OF DEDICATION

The Municipality of Anchorage hereby accepts for public use and for public purposes the real property dedicated on this plat including, but not limited to, the easements, rights-of-way, alleys, and other public areas shown herein.

Dated at Anchorage, Alaska this 11th day of November 1983.

*William H. Stephens*  
WILLIAM H. STEPHENS  
11/11/83  
APPROVALS  
Municipal Engineer  
Environmental Protection  
11/11/83

SURVEYOR'S CERTIFICATE

I, ROBERT C. JOHNSON, a professional land surveyor do hereby certify that I am the owner of the land shown on this plat and that I have correctly and truthfully represented the same to the Municipality of Anchorage and that all permanent exterior control monuments, all other monuments, and lot corners have been set and staked, or if final completion is assured by subdivision agreement, they will be set as specified in said subdivision agreement. Lot corners to be set by N/A. Monuments to be set by N/A.

PLAT APPROVAL  
Filed approved by the Municipal Planning Authority  
this 11th day of December, 1983



# 3

**DEPARTMENTAL**

**COMMENTS**

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

FIRST CLASS MAIL

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57  
mailed  
12/15/05

**NOTICE OF PUBLIC HEARING - - Monday, January 09, 2006**

**Planning Dept Case Number: 2006-003**

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

**CASE:** 2006-003  
**PETITIONER:** Ada Ellen Stephens  
**REQUEST:** Rezoning to R-7 Intermediate rural residential district  
**TOTAL AREA:** 0.570 acres  
**SITE ADDRESS:** 23108 BARBARA ST  
**CURRENT ZONE:** B-3 General business district  
**COM COUNCIL(S):** 1---Chugiak

**LEGAL/DETAILS:** A request to rezone approximately 0.57 acres from B-3 (General Business) to R-7 (Intermediate Rural Residential). Stephens Subdivision, Lots 3 and 4. Located at 23107 and 23108 Barbara Street in Peters Creek.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, January 09, 2006 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REZONING/RESIDENTS--PLANNING COMMISSION  
2006-003



# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

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

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

**RECEIVED**

DEC 16 2005

Municipality of Anchorage  
Zoning Division**1. Select a Case:** 2006-003[View Comments](#)**2. View Comments:****Case Num: 2006-003**

Rezoning to R-7 Intermediate rural residential district

**Site Address:** 23108 BARBARA ST**Location:** A request to rezone approximately 0.57 acres from B-3 (General Business) to R-7 (Intermediate Rural Residential). Stephens Subdivision, Lots 3 and 4. Located at 23107 and 23108 Barbara Street in Peters Creek.[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**12/16/05**

Linda Kovac

Case No. 2006-003 is a request to rezone approximately 0.57 acres from B-3 to R-7 in Stephens Subdivision, Peters Creek. This property has an existing house with a substantial addition currently being built. This property is located in an area that has groundwater polluted by hydrocarbons. Although there is city water in the immediate vicinity, I do not know if this particular property has city water or on-site well water. I suggest that a review be conducted by MOA Development Services/On-Site Water and Wastewater to verify that the property's on-site septic system will be sufficient for the new addition. Thank you for your consideration, Linda Kovac Chugiak On-Site Wastewater System Technical Review Board Member

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



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



**RECEIVED**

**MEMORANDUM**

**DATE:** December 6, 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 December 12, 2005

DEC 06 2005

**Municipality of Anchorage  
Zoning Division**

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

2006 – 001 Zoning conditional use for a master plan approval and medical buildings to a master plan approval and medical buildings

No objection

2006 – 002 Rezoning to I-1 Light Industrial district to I-1 Light industrial district with special limitations

No objection

2006 – 003 Rezoning to R-7 Intermediate rural residential district

The On-Site Program has an inspection report for the wastewater system for lot 3. No water well log exists for lot 3. No wastewater disposal system information or a well log exists in our files for lot 4.

The petitioner should hire a professional engineer to coordinate with this office to provide the required information to document these systems.



***Municipality of Anchorage***  
Office of Planning, Development, & Public Works  
Project Management & Engineering Department



**PZC Case Comments**

**DATE:** 12/21/2005  
**TO:** Eileen Pierce, P&Z  
**FROM:** Anastasia Taylor, PM&E  
**SUBJECT:** Comments for hearing date: 1/9/06

**RECEIVED**

DEC 21 2005

Municipality of Anchorage  
Zoning Division

**Case No.** ~~2006-001~~ Providence

*see next page*

**Road Requirements:**

Resolve with PM&E the need to enter into a subdivision agreement to construct any required improvements identified in the current Traffic Impact Analysis requested by Traffic.

**Drainage Requirements:**

Development of the subject parcel(s) shall require the submittal of a comprehensive site grading and drainage plan/drainage impact analysis to Project Management and Engineering to resolve the need for drainage easements and drainage improvements and to demonstrate that the post development drainage patterns will not adversely impact adjacent properties or the rights of way.

This project proposes structural development in Class B wetlands and use of Class A and B wetlands as receiving waters for site runoff. The site grading and drainage plan shall include adequate treatment measures to ensure no adverse impacts from draining into the wetlands.

**Development Setback Requirements for Creeks and Wetlands:**

The petitioner shall dedicate a stream maintenance and protection easement for the existing stream in accordance with AMC 21.80.040.

The petition area is affected by Class A and B designated wetlands. The final plat shall include a development setback as determined by Watershed Management Services for all designated wetlands within or adjacent to the petition area.

**Department Recommendations:**

Project management and engineering recommends approval of this case subject to the above conditions.

PM&E comments for PZC cases: Hearing Date: 1/9/06

**Case No.** ~~2006-002~~ Dunham Rezone

**Department Recommendations:**

**Special Limitation Number One:**

Project management and engineering opposes removing special limitation number one.

PM&E will require the dedication of ROW along the southern 30 feet of the subject parcel during the replat. Existing roads in this area are quite primitive and are incapable of safely supporting the increased traffic the site would generate. Drainage problems in this area are exacerbated by the lack of a piped storm drain system. Replat will provide the opportunity to require access and drainage improvements.

Future driveway access from this parcel to Brayton Drive is a safety concern for PM&E, Traffic, and ADOT. Dedicating ROW would permit driveway access to the south onto Otis Place instead of to the west onto Brayton.

**Special Limitation Number Two:**

No comment.

**Special Limitation Numbers Three and Four:**

Project management and engineering opposes removing both of these SL's for the reasons given above.

**Case No.** 2006-003

No comment.

*Stephen's B-3 to R-7 rezone*

**Case No.** ~~2006-006~~

No comment.

Copy

## Municipality of Anchorage MEMORANDUM

**DATE:** December 13, 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 January 9, 2006

**Case #:** 2006-003  
**Type:** Rezoning to R-7 from B-3  
**Subdivision:** Stephens Lot 3 & 4  
**Grid:** NW 1359  
**Tax ID #:** 051-102-50 & 051-102-49  
**Zoning:** R-7

**Platting:** P-486 filed September 11, 1959

**Lot area and width:** AMC 21.40.090.F.1: "Except as provided in subsection 2 of this subsection, a lot shall have the following minimum area and width:

Use	Lot Area (square feet)	Lot Width (feet)
Single-family dwelling	20,000, plus an additional 20,000 square feet for each dwelling unit in excess of 1"	120

The lots do not meet the minimum area and width required in the R-7 zoning district.

**Minimum lot dimensions:** The depth of a lot shall be at least 100 feet. / The width of a corner lot shall be at least 50 feet. / The width of a lot shall be at least one-third the depth of the lot.

The lots meet the width, depth, and width-to-depth ratio requirements of AMC 21.80.300.

**Width of driveways:** AMC 21.80.330.D: "The total width of driveway entrances to a lot from a street shall not exceed two-fifths of the frontage of that lot on that street.

**OS&HP setbacks:** The property does not adjoin any classified street.

**Yard requirements:** AMC 21.40.090.G: “Minimum yard requirements are as follows:

1. Front yard: 25 feet.
2. Side yard: Ten feet.
3. Rear yard: 20 feet.”

AMC 21.45.030.A.2: “Sheds of 150 square feet or less and not attached to a foundation may be erected in a required side or rear yard.”

Submit an as-built survey to Land Use Enforcement to verify compliance with yard setbacks.

Preliminary plat submittals are required by AMC 21.15.110.B.3.g to include “the location of known existing facilities and structures within the proposed subdivision ....” The submittal does not show the location of the existing structures. Submit an as-built survey (with respect to the proposed lot lines) to Land Use Enforcement to verify compliance with yard setbacks.

**Lot coverage:** AMC 21.40.090.H: “Maximum lot coverage by all buildings is 30 percent....”

**Separation between buildings:** AMC 21.45.030.B requires ten feet of separation between principal and detached accessory buildings.

**Clear vision area:** Clear vision areas do not apply to this property.

**Legal nonconformities:** None have been established with Land Use Enforcement.

**Enforcement actions:** No open land use cases are listed in CETS.

**Ownership history:** Property tax records indicate the current owner acquired the property in June 1994.

**Permits:** Building permit 05-E-3333 was obtained for a 1900 sq ft living addition and a 988 sq ft garage for parcel 051-102-50.

**Building height:** AMC 21.40.090.I: “Except as otherwise provided in this title, no building or structure shall exceed 35 feet in height.”

**Off-street parking:** AMC 21.45.080.B.1: “Single-family dwellings.

- a. Two parking spaces are required for each dwelling unit up to 1,800 square feet.
- b. Three parking spaces are required for each dwelling unit over 1,800 square feet, including any unfinished area which may be converted to living area.”

**Landscaping requirements:** No landscaping is required by the R-7 district regulations.

**Fences:** AMC 21.45.110.A: “A fence may be constructed at the lot line, provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height....”

**Access:** Access is shown to Barbara Street, which complies with the requirements of AMC 21.45.040.

**Seismic hazard:** The property is not within an area of high ground failure susceptibility.

**Storm drainage:** AMC 21.45.230: "Prior to the issuance of a building or land use permit, the applicant shall provide a site drainage plan for the area affected by the application, including an appropriate drainage outfall for surface water and roof drainage. The drainage plan shall also indicate effects if any, on adjacent properties."

**Recommendations:** Land Use Enforcement cannot support this case as proposed, for the following reasons:

1. The lots do not meet the minimum area and width required in the R-7 zoning district. A variance is required.
2. Submit an as-built survey to Land Use Enforcement to verify compliance with yard setbacks.

(Reviewer: Jillanne M. Inglis)

RECEIVED

DEC 20 2005

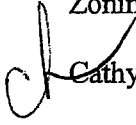
MUNICIPALITY OF ANCHORAGE

Municipality of Anchorage  
Zoning Division

MEMORANDUM

DATE: December 16, 2005

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

THRU:  Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Comments on Planning and Zoning Commission Cases to be heard  
January 9, 2006

2006-003

**Rezoning to R-7 Intermediate Rural Residential District (Eagle River)**

The 1993 *Chugiak-Eagle River Comprehensive Plan* Recommended Land Use Plan shows the petition site in an area designated for commercial use, which is immediately adjacent to a an area designated for residential use. The petition site is located on Barbara Street, which is a relatively short dead-end street. Lots are either vacant or developed residential. The petition site is developed with a single-family on Lot 3 and a duplex on Lot 4. Both lots as platted would be non-conforming if rezoned to R-7. However, the petitioner also owns a 2.5-acre lot to the west, which is vacant. The R-7 zoning requires 20,000 s.f. and 40,000 s.f. respectively for a single-family and duplex. Since there is no public sewer in the area, a minimum of 40,000 s.f. is required for each lot. With a replat, there is the potential for three conforming lots.

An update of the 1993 *Chugiak-Eagle River Comprehensive Plan* is underway. The current discussion draft of the land use plan map reflects the 1993 commercial designation for the area where the petition site is located. A goal of the comprehensive plan continues to be ensuring an adequate supply of commercial land in suitable locations, such as areas at or near major road intersections. However, in this instance the properties being rezoned are already developed residentially and appear to be consistent with the existing developed neighborhood.



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

**RECEIVED**

**NOV 22 2005**

**M E M O R A N D U M**

Municipality of Anchorage  
Zoning Division

**DATE:** November 21, 2005

**TO:** Zoning and Platting Division, OPDPW

**FROM:** Hallie Stewart, Engineering Technician, AWWU *H Stewart*

**SUBJECT:** Planning & Zoning Commission Hearing January 9, 2006  
AGENCY COMMENTS DUE December 12, 2006

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

**06-001 Providence Chester Creek, Tract A (conditional use) Grid 1735**

1. AWWU has no objection to the proposed conditional use.
2. All changes, additions and deletions to water and sanitary sewer mains and service lines must be reviewed and approved by AWWU prior to any excavation.

**06-002 Parcel of land located at the SE corner of Abbott Road and New Seward Highway and described in Warranty Deed recorded at the Anchorage Recording District and identified as document number 2005-034742-0. (rezone) Grid 2332**

1. Water and sanitary sewer availability must be resolved with AWWU.
2. AWWU has no objection to the proposed rezone.

**06-003 Stephens, Tracts 3 & 4 (rezone) Grid NW1359**

1. AWWU water and sanitary sewer mains are not available to the referenced parcel.
2. AWWU has no comments on the proposed rezone.

**06-004 T13N, R3W, Sec 22, NW4SW4, Parcel 4 (site plan review) Grid 1536**

1. AWWU water and sanitary sewer are available to the referenced parcel.
2. Existing water and sanitary sewer lines should be taken into consideration when placing relocatables.

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



**RECEIVED**

DEC 12 2005

Municipality of Anchorage  
Zoning Division

## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 12-09-05

Case: 2006-003

Flood Hazard Zone: C

Map Number: 0020

☐ 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

*Traffic*

access to the site from Dimond Blvd exists, but is not constructed to a standard that will support the added traffic generated by the new development.

Second, it is a necessary requirement to have Public Works Engineering review development construction plans for drainage related problems. There are existing drainage problems in the immediate area.

**06-003      Stephens; Rezone from B3 to \$7**

Traffic has no comment.

**06-006      Ordinance Amending Title 21**

Traffic has no comment.



# MUNICIPALITY OF ANCHORAGE

Development Services Department  
Right of Way Division



**RECEIVED**

DEC 13 2005

Municipality of Anchorage  
Zoning Division

## MEMORANDUM

**DATE:** December 13, 2005  
**TO:** Planning Department, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisor *L*  
**FROM:** Lynn McGee, Senior Plan Reviewer *L*  
**SUBJ:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of January 9, 2006.

Right of Way has reviewed the following case(s) due December 12, 2005.

**06-001 Providence Chester Creek, Tract A, grid 1735**  
**(Conditional Use, Master Plan Approval for Medical Buildings)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**06-002 Section 8 T12N R3W, West 450' of the East 1110', grid 2332**  
**(Rezoning Request, I-1SI to I-1)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**06-003 Stephens, Lots 3&4, grid NW 1359**  
**(Rezoning Request, B-3 to R-7)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**06-006 Ordinance Amendment**  
**(Title 21 for Land Clearing of Undeveloped Contiguous Lots)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**Pierce, Eileen A****From:** Schwan, Martin K.**Sent:** Monday, November 21, 2005 11:13 AM**To:** Stewart, Gloria I.; Pierce, Eileen A**RECEIVED****NOV 21 2005**Municipality of Anchorage  
Zoning Division

Permit #	Subdivision	Comments
2006-001	Tract A Providence Chester Creek	No Objection
2006-002		No Objection
2006-003	Stephens Sub., Lot 3&4	No Objection
2006-004	T13N R3W Sec 22 NW4SW4 Par 4	No Objection
S11437-1	Cornerstone	No Objection
S10763-5	Little Campbell Creek Est. aka. Ros Hts	No Objection
S11082-2	Bear Ridge Sub.	No Objection
S11230-2	Lilleston Sub.	No Objection
S11438-1	Simonson tracts Sub.	No Objection
S11439-1	Hillcrest Plaza	No Objection
S11384-2	Galatea Estates	No Objection
S11434-1	Kerby Addn to College Village #3	No Objection
S11435-1	A&A Anderson Sub.	No Objection
S10880-2	Olympic Terrace Sub.	No Objection
S11436-1	Chase Sub.	No Objection

**S11440-1 Cross Estates Sub.****Comment**

- 1) Object vacation of Our Road.
- 2) Emergency Access Gate shall meet requirements of Section D103.5, IFC
- 3) Un-named Road accessing Hoffman and Birch Road shall be posted both sides as a FIRE LANE per IFC D103.6.
- 4) Cul-De-Sac greater than 150' in length shall have minimum 40' inside turning radius and minimum 60' outside turning radius per 503.2.4, IFC
- 5) Require water supply shall be per IFC 508.1 or all structures >120 sq. ft. shall be sprinklered.

Pierce, Eileen A

RECEIVED

**From:** Staff, Alton R.  
**Sent:** Friday, December 16, 2005 4:55 PM  
**To:** Pierce, Eileen A; Stewart, Gloria I.  
**Cc:** Taylor, Gary A.  
**Subject:** Plat and Zoning Case Reviews

DEC 19 2005  
Municipality of Anchorage  
Zoning Division

S11439-1 People Mover has bus stops on the Old Seward Highway far-side of Lakewood Court adjacent to the plat and far-side of Abbott Road.

S11440-1 This new subdivision is in our DART service area and may be served with 30 foot buses.

The Public Transportation Department has no comment on the following Plats:

S10763-5  
S10880-2  
S11082-2  
S11230-2  
S10388-4  
S10436-1  
S11437  
S11438-1  
S11442-1  
S11443-1  
S11444-1  
S11445-1

The Public Transportation Department has no comment on the following zoning cases:

2006-003  
2006-002

Thank you for the opportunity to review.

Alton Staff, Operations Supervisor  
Public Transportation Department  
People Mover  
907-343-8230  
Right Fax 907-249-7492

# 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) <i>Stephens Ada E.</i>		Name (last name first)	
Mailing Address <i>23108 Barbara ST Chugiak Alaska 99567</i>		Mailing Address	
Contact Phone: Day: <i>688 2615</i> Night: <i>Same</i>		Contact Phone: Day: Night:	
FAX: <i>688 2605</i>		FAX:	
E-mail:		E-mail:	

\*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): <i>051-102-50-000-05 and 051-102-49-000-05</i>	
Site Street Address: <i>23108 Barbara ST and 23107 Barbara ST</i>	
Current legal description: (use additional sheet if necessary) <i>Stephens Subdivision Lot 3 &amp; 4</i>	
<i>2 Lots = total 30,000 sq ft</i>	
<i>Proposed Zoning R-7</i>	
Zoning: <i>B3 EXISTING</i>	Acreage: <i>15,000 SQ. FT. Each</i> Grid #

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.

<i>11-14-05</i>	<i>Ada E. Stephens</i>
Date	Signature (Agents must provide written proof of authorization)

2006-003

Accepted by <i>AC</i>	Plaster & Affidavit <i>AC</i>	Fee <i>4</i>	Case Number <i>2006-003</i>	44
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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:

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

Eagle River-Chugiak-Peters Creek Land Use Classification:

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

Girdwood- Turnagain Arm

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

**ENVIRONMENTAL INFORMATION** (All or portion of site affected)

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

The Property in the Back of Lot 3x4 is Zoned R7  
the Two Lots are not on a Frontage Road But are  
on a dead end Street.

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.

not adjacent to high density area  
Land in front of us fronted on 4 wheel drive is Zoned B3

- 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.

will not have multi apartments just single family  
Homes - less Density

- 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.

Existing Plan calls for Commercial But its next to  
Low Density Residential which is more suitable for these  
Parcels.

- B. A zoning map amendment may be approved only if it is in the best interest of the public, consider 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;

Single Family homes should not Confuse any one,  
no adverse effect

b. Transportation;

no adverse effect

c. Public Services and Facilities;

no adverse effect

d. Land Use Patterns;

Because These lots are on a Dead End Street They  
would Be Better suited to Residential as the rest  
of The adjacent Property is.

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?

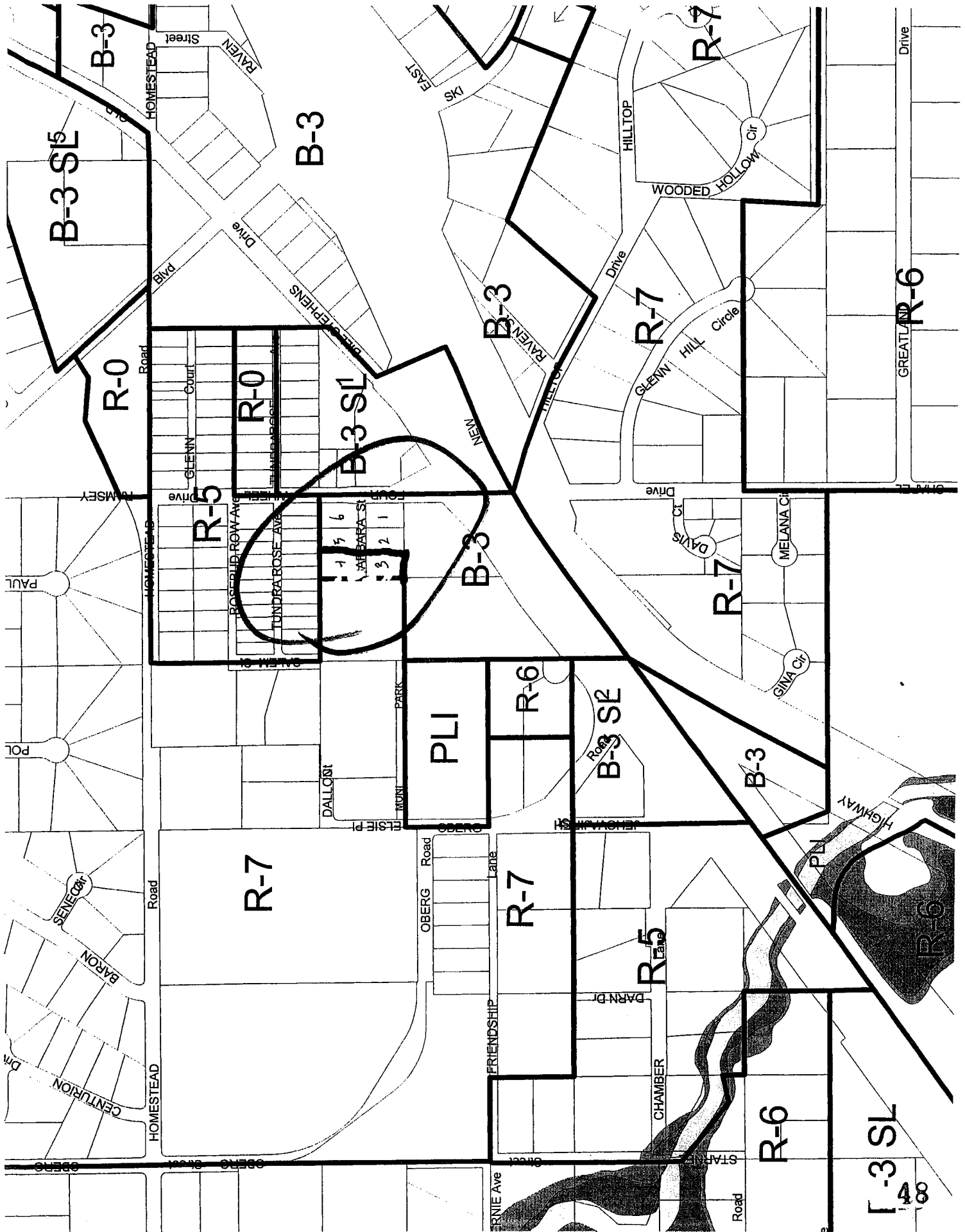
Land behind lot 3 & 4 is Residential and to the north  
of us is also Residential.

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?

we have water & sewer on site, we have Elec & natural  
gas. have no idea when sewer will be available.

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?

Rezoning Lot 3 & 4 Bill Stephens Subdivision is not  
a Big Loss of B3 Property. 2 small lots 100'x150'.



R-7

OBERG Road

Lane

R-7

PLI

R-6

B-3 S2

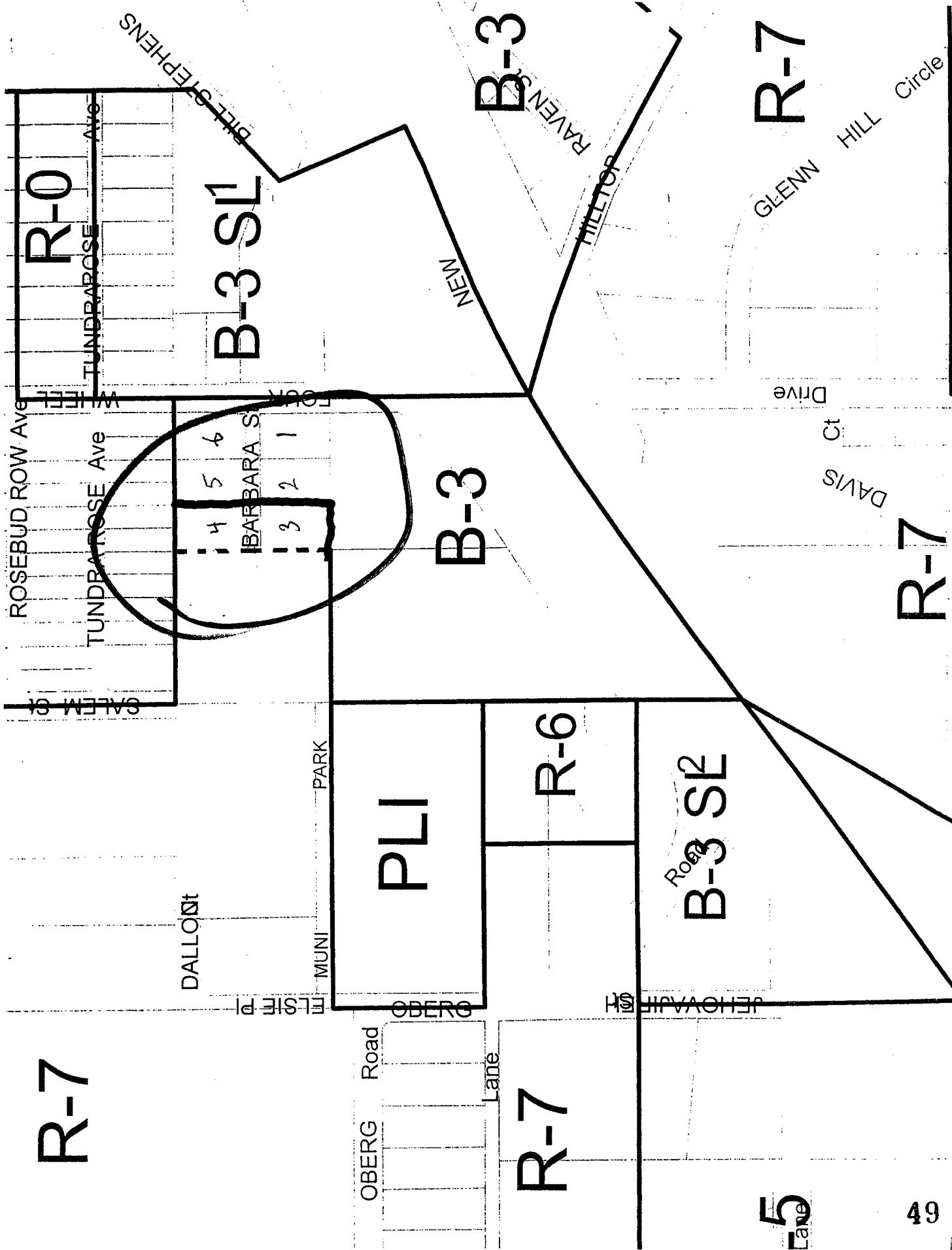
B-3

B-3

B-3 S1

R-0

5  
Lane



DALLON St

MUNI

PARK

oad

PLI

OBERG

R-6

JENNIFER St

50

B-3 SL

BARBARA St

FOUR

B-3

NEW

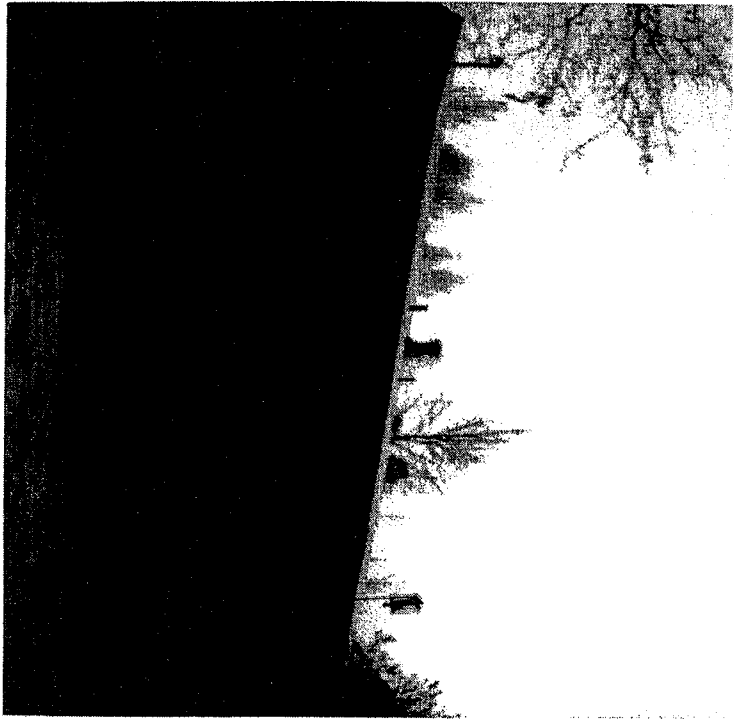
HILL

GLF

ive

B-3 SL

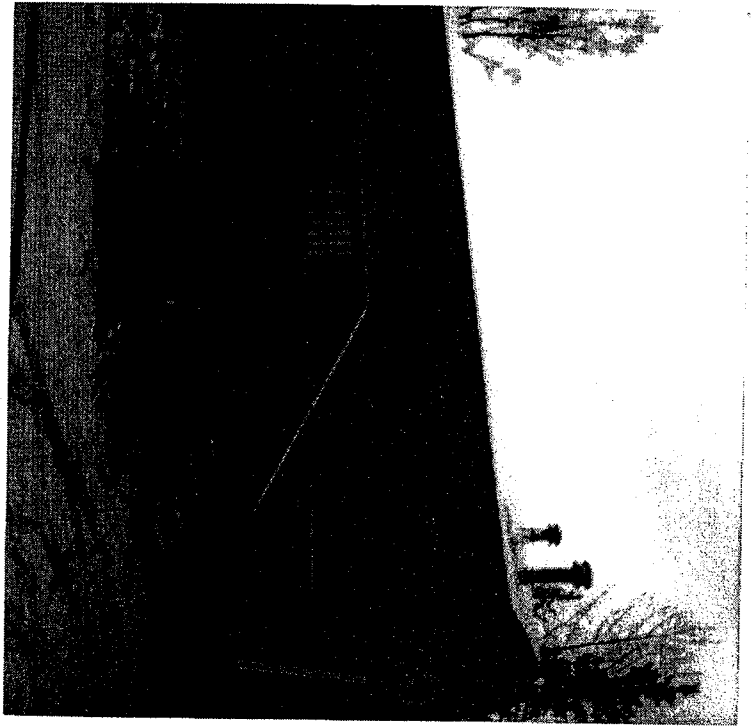
ROAD



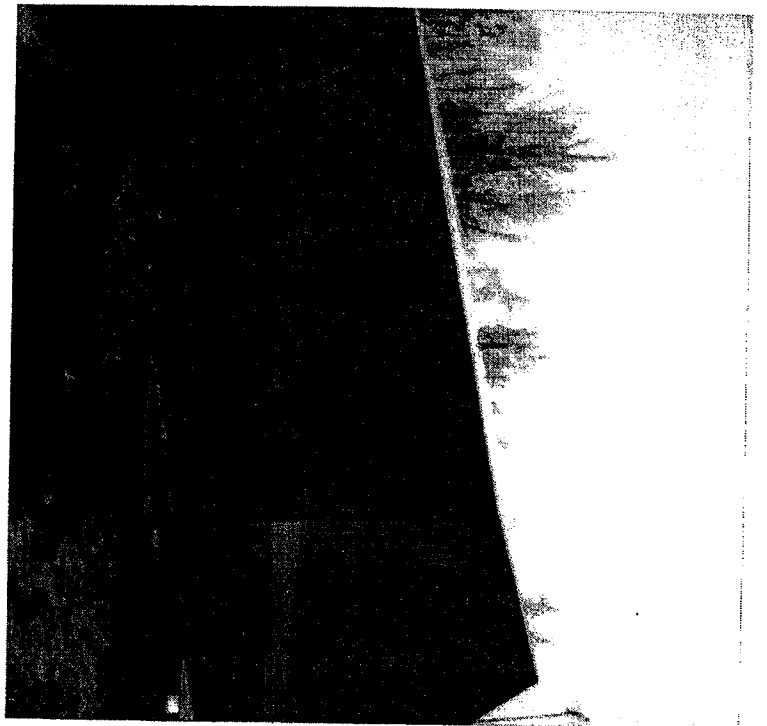
Lot 3 Back



Lot 3 Front



Lot 4 Front



Lot 4 Back



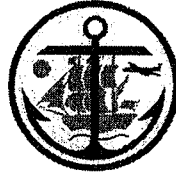
# 5

## **POSTING AFFIDAVIT**

RECEIVED

NOV 21 2005

PLANNING DEPARTMENT



# AFFIDAVIT OF POSTING

CASE NUMBER: 2006-003

I, Ada Stephens 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 11-14-05 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 11 day of Nov., 2005

Ada E. Stephens  
Signature

## LEGAL DESCRIPTION

Tract or Lot LOT 3<sup>24</sup> Stephens

Block \_\_\_\_\_

Subdivision Stephens

# 6

## **HISTORICAL INFORMATION**

**Parcels--Basic Layers**

Thu Dec 15, 09:48:00, 2005

Map: Parcels--Basic Layers



Scale 1:3000

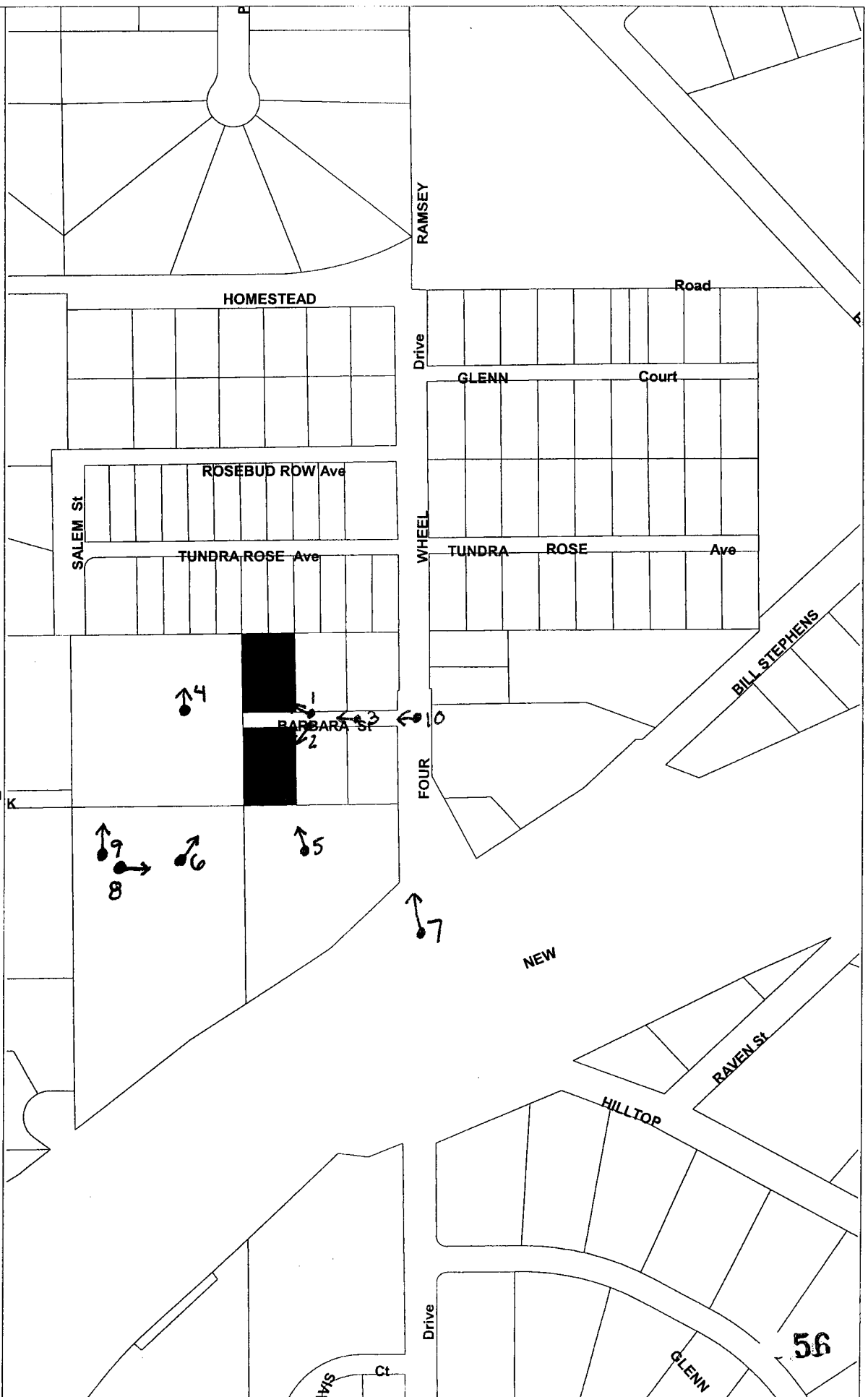
**Legend:**

Txt

STRNAME\_BI\_I



PARCELS









4





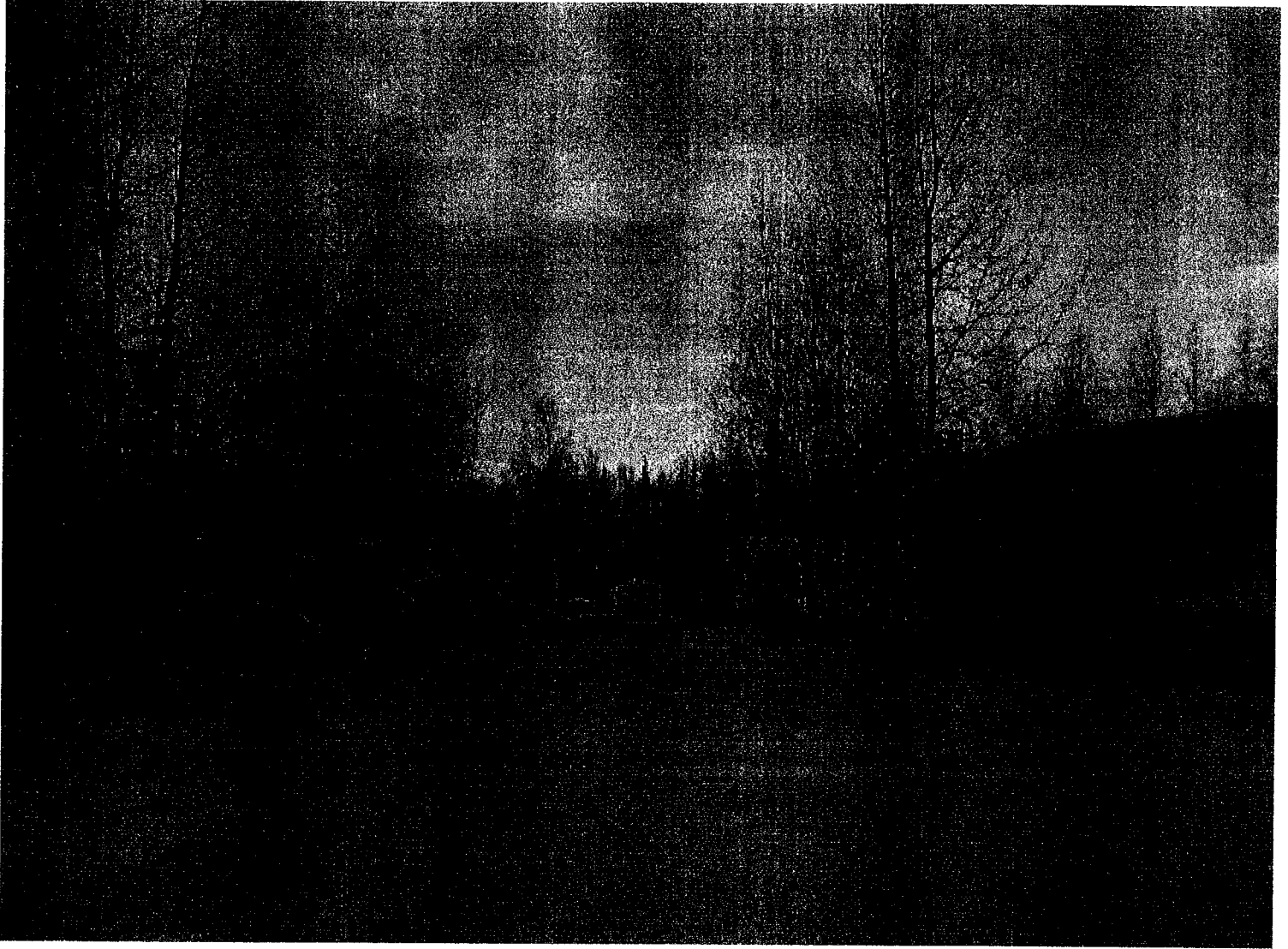












**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
February 13, 2006**

**Comments Received After Packet  
Was Delivered**

**G.3. Case 2006-003  
Rezone to R-7**

Double-sided

Ada E. Stephens  
23108 Barbara Street  
Chugiak, Alaska 99567

March 1, 2006

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

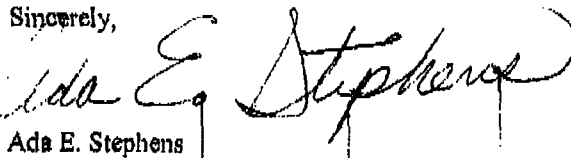
Subject: Letter of Authorization

Dear Mr. Nelson:

Ada E. Stephens is the current owner of Lots 3 and 4, Stephens Subdivision, Tax ID no.s 051-102-50 and 051-102-49, located in Chugiak, Alaska.

I authorize DOWL Engineers, in accordance with Anchorage Municipal Code 21.20.050.A.7, to act on my behalf in representing case number 2006-003, a zoning amendment request to be heard by the Planning and Zoning Commission on March 6, 2006.

Sincerely,

  
Ada E. Stephens





***Municipality of Anchorage***  
Office of Planning, Development, & Public Works  
Project Management & Engineering Department



**PZC Case Comments**

**DATE:** 2/1/2006  
**TO:** Eileen Pierce, P&Z  
**FROM:** Anastasia Taylor, PM&E  
**SUBJECT:** Comments for hearing date: 2/13/06

**RECEIVED**

FEB 01 2006

Municipality of Anchorage  
Zoning Division

**Case No.** 2006-002 Dunham Rezone

**Department Recommendations:**

**Special Limitation Number One:**

Project management and engineering approved removing special limitations number one, three and four under the condition that the petitioner dedicate a 30-foot wide PUE along the southern property line and enter into an Improvement of Public Place agreement with PM&E for the construction of the PUE access road and related drainage improvements.

PUE road and drainage improvements will be required the full length of the southern property boundary. Resolve the construction details with PM&E.

**Special Limitation Number Two:**

No comment.

**Case No.** 2006-003 Chugiak Rezone B3 to R7

No comment.

**CHUGIAK COMMUNITY COUNCIL**

P.O. Box 671350  
Chugiak, Alaska 99567

February 10, 2006

**RECEIVED**

FEB 10 2006

Municipality of Anchorage  
Zoning Division

TO: Municipality of Anchorage  
Department of Planning  
Zoning Division  
P.O. Box 196650  
Anchorage, AK 99519-6650  
(4700 South Bragaw Street)  
Phone: 343-7900  
Fax: 343-7927

SUBJECT: Council Comments on Rezone Request Case No. 2006-003

Dear Sir/Madam:

At the monthly meeting of the Chugiak Community Council (Council), held on January 19, 2006, the Council discussed Case No. 2006-003. This case is a request to rezone approximately 0.57 acres from B-3 (General Business) to R-7 (Intermediate Rural Residential) in Stephens Subdivision, Lots 3 and 4. The lots are located at 23107 and 23108 Barbara Street in Peters Creek. The case is scheduled to go before the Planning and Zoning Commission on February 13, 2006.

The Council unanimously passed a motion to request that the Planning and Zoning Commission approve this rezone.

You may contact me at 688-5356 if you have any questions.

Sincerely,



Linda Kovac  
Secretary-Treasurer  
Chugiak Community Council

**Content Information****Content ID :** 003958**Type:** Ordinance - AO

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 0.69 ACRES FROM B-3

**Title:** (GENERAL BUSINESS DISTRICT) TO R-7 (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) FOR STEPHENS SUBDIVISION, LOTS 3 AND 4, GENERALLY LOCATED AT 23107 AND 23**Author:** weaverjt**Initiating Dept:** Planning

AN ORDINANCE FOR THE REZONING OF APPROXIMATELY 0.69 ACRES FROM B-3 (GENERAL BUSINESS DISTRICT) TO R-7

**Description:** (INTERMEDIATE RURAL RESIDENTIAL DISTRICT) FOR STEPHENS SUBDIVISION, LOTS 3 AND 4, GENERALLY LOCATED AT 23107 AND 23108 BARBARA STREET.**Date Prepared:** 5/4/06 10:35 AM**Director Name:** Tom Nelson**Assembly****Meeting Date** 6/6/06**MM/DD/YY:****d Public****Hearing Date** 7/11/06**MM/DD/YY:****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	5/4/06 10:40 AM	Checkin	weaverjt	Public	003958
Planning_SubWorkflow	5/9/06 10:14 AM	Approve	nelsontp	Public	003958
ECD_SubWorkflow	5/10/06 10:32 AM	Approve	thomasm	Public	003958
OMB_SubWorkflow	5/11/06 8:10 AM	Approve	mitsonjl	Public	003958
Legal_SubWorkflow	5/17/06 2:29 PM	Approve	fehlenrl	Public	003958
MuniManager_SubWorkflow	5/26/06 2:11 PM	Approve	abbottmk	Public	003958
MuniMgrCoord_SubWorkflow	5/26/06 2:11 PM	Approve	abbottmk	Public	003958

2006 MAY 30 AM 9:36  
CLEAN COPY