

1 CLERK'S OFFICE
2 **AMENDED AND APPROVED**
3 Date: 2-26-08

Submitted by: Assemblymember Traini
Prepared by: Planning Department
For reading: January 8, 2008

4
5 ANCHORAGE, ALASKA
6 AO No. 2008-10
7

8 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
9 **THE ZONING MAP AND PROVIDING FOR THE REZONING OF LOTS 45, 49A,**
10 **49B, 49C AND 52, T13N, R3W, SECTION 33, FROM R-2A TO R-3 SL;**
11 **GENERALLY LOCATED ON THE SOUTH SIDE AND EAST END OF EAST 49TH**
12 **COURT, EAST OF LAKE OTIS PARKWAY.**

13
14 (Campbell Park Community Council) (Planning and Zoning Case 2007-087)

15 NOTWITHSTANDING any limitation that might otherwise apply under AMC 21.20.120
16 THE ANCHORAGE ASSEMBLY ORDAINS:

17
18 **Section 1.** The zoning map shall be amended by designating the following described
19 property as R-3 SL (Residential-Office District with special limitations):

20
21 Lots 45, 49A, 49B, 49C and 52, T13N, R3W, Section 33; generally located on the
22 south side and east end of East 49th Court, containing approximately 3.070 acres, as
23 shown on Exhibit "A."
24

25 **Section 2.** The zoning map amendment described in Section 1 shall be subject to the
26 following special limitations:

- 27
28 A. Dwelling unit density shall not exceed ninety-six units total.
29
30 B. Vehicle parking in enclosed buildings (including the residential structures) shall
31 be provided at a ratio of not less than one space per dwelling unit.
32
33 C. The primary exterior walls of all buildings shall be separated from adjacent
34 buildings (measured at ground level) by not less than twenty feet.
35
36 D. Buildings shall not exceed thirty five feet in height as measured pursuant to
37 Title 21.
38
39 E. No single building shall have a "foot print" or ground coverage area in excess
40 of nine-thousand square feet.
41

42 *Read below.

43 **Section 3.** The special limitations set forth in this ordinance prevail over any

* F. There shall be no direct vehicular access to Laurel Street from
the property other than fire/emergency access.

* G. The development shall require an administrative site plan review
by the Planning Department for compliance with the concept site
plan presented to the Planning and Zoning Commission dated 10/29/07.

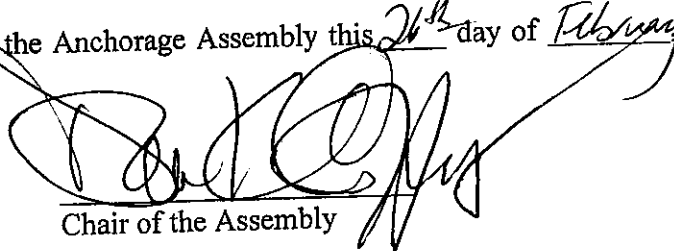
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1 inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically
2 provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code, not
3 specifically affected by a Special Limitations set forth in this ordinance shall apply in the
4 same manner as if the district classification applied by this ordinance were not subject to
5 special limitations.

6
7 **Section 4.** Except as provided in Section 3 above, this ordinance shall become
8 effective within 10 days after the Director of the Planning Department has received the
9 written consent of the owners of the property within the area described in Section 1
10 above to the special limitations contained herein. The rezone approval contained herein
11 shall automatically expire and be null and void if the written consent is not received
12 within 120 days after the date on which this ordinance is passed and approved. The
13 Director of the Planning Department shall change the zoning map accordingly.

14
15 *Read below.

16
17 PASSED AND APPROVED by the Anchorage Assembly this 26th day of February
18 2008.

19
20
21 
22 Chair of the Assembly

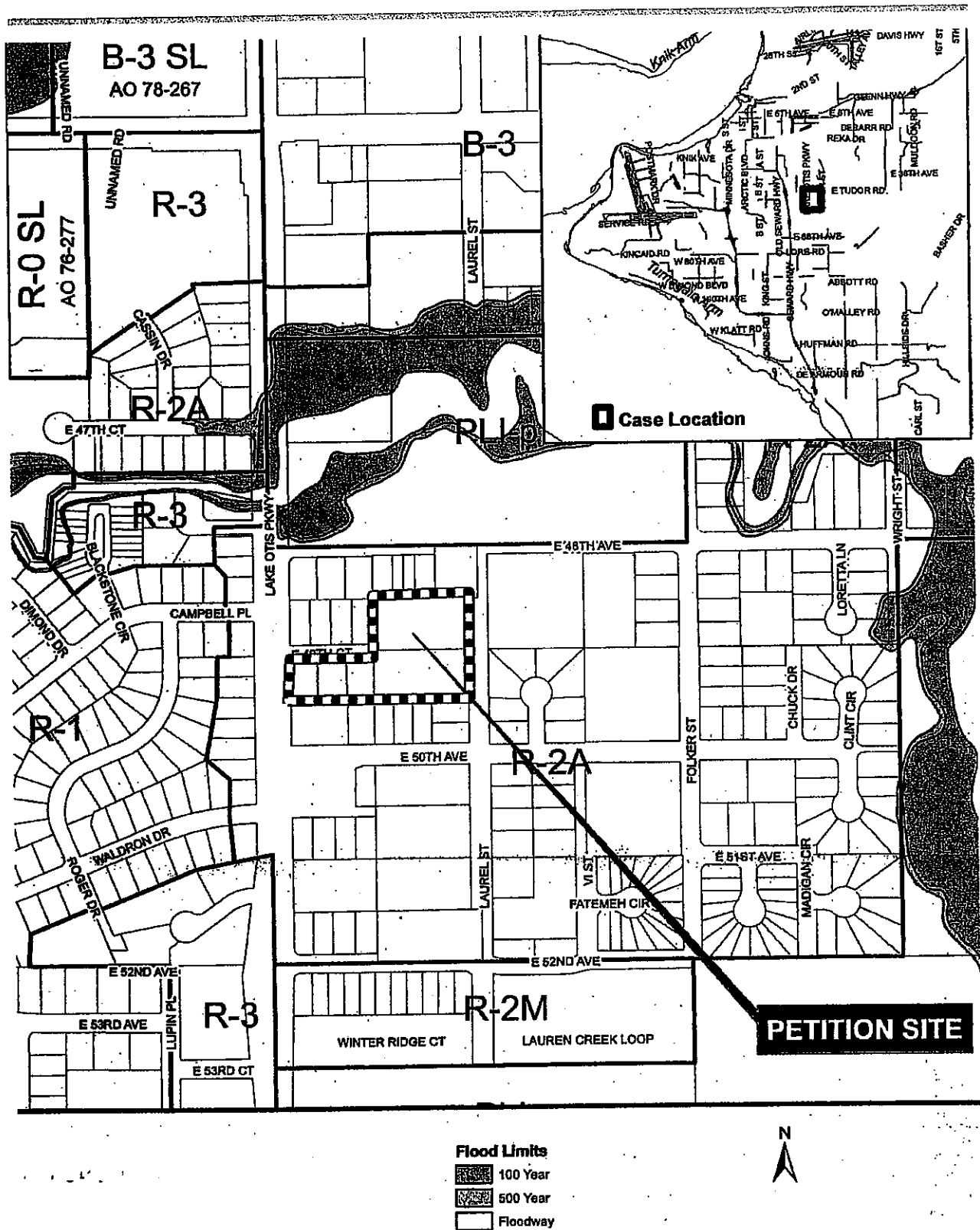
23
24 ATTEST:

25
26 
27
28 Municipal Clerk

29
30 (Tax ID Numbers 008-071-10, 11, 19, 20, 97)
31

*Section 5. The Assembly finds that this ordinance amending the zoning map does not materially change the ordinance that was considered by the Planning and Zoning Commission.

Petition Site Map



MUNICIPALITY OF ANCHORAGE

Summary of Economic Effects -- General Government

AO Number: 2007-10

Title: Planning and Zoning Commission, Case 2007-087;
recommendation of denial for arezoning from R-2A to R-3 SL

Sponsor:
Preparing Agency:
Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:					(In Thousands of Dollars)			
	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>	<u>FY10</u>				
Operating Expenditures								
1000 Personal Services								
2000 Non-Labor								
3900 Contributions								
4000 Debt Service								
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -				
Add: 6000 Charges from Others								
Less: 7000 Charges to Others								
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -				
REVENUES:								
CAPITAL:								
POSITIONS: FT/PT and Temp								
PUBLIC SECTOR ECONOMIC EFFECTS:								

PRIVATE SECTOR ECONOMIC EFFECTS:

Prepared by: _____	Telephone: _____
Validated by OMB: _____	Date: _____
Approved by: _____ (Director, Preparing Agency)	Date: _____
Concurred by: _____ (Director, Impacted Agency)	Date: _____
Approved by: _____ (Municipal Manager)	Date: _____

Draft

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2007-~~xxx~~

A RESOLUTION DENYING A REZONING OF 3.070 ACRES +/-, FROM R-2A (TWO-FAMILY RESIDENTIAL DISTRICT - LARGE LOT) TO R-3 SL (MULTIPLE FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS), FOR T13N, R3W, SECTION 33, LOTS 45, 49a, 49B, 49C AND 52; GENERALLY LOCATED ON THE SOUTH SIDE AND EAST END OF EAST 49TH COURT, EAST OF LAKE OTIS PARKWAY.

(Case 2007-087, Tax I.D. No. 008-071-10, 11, 19, 20, 97)

WHEREAS, a request has been received from Pura Vida, LLC, to rezone 3.070 acres +/- from R-2A (Two-Family Residential District - Large Lot) to R-3 SL (Multiple Family Residential District with Special Limitations) for T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52; generally located on the south side and east end of East 49th Court, east of Lake Otis Parkway, and

WHEREAS, notices were published, posted, public hearing notices were mailed and a public hearing was held on September 17, 2007 and action was taken on December 3, 2007.

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

A. The Commission makes the following findings of fact:

1. This is a request to rezone the petition area from R-2A (Two-Family Residential district - Large Lot) to R-3 SL (Multiple Family Residential District with Special Limitations). The petition site is comprised of five parcels totaling 3.070 acres in size. The parcels are located on the south side and east end of East 49th Court, located east of Lake Otis Parkway, and south of Tudor Road. The three lots located on the south side of E. 49th Court are occupied by a non-conforming eight-plex, and are owned by Pura Vida, Inc. The other two parcels are located at the east end of E. 49th court, are each developed with what appear to be single family homes, and are each under separate ownership. The petition area was zoned R-2A as a part of the 1970 areawide rezoning for Area D. Two of the petition sites, Lots 49 and 52, are parcels which appear to be subdivided by deed. The other three lots, 49A, 49B, 49C, owned by Pura Vida, Inc., were created by plat 63-68. The surrounding area is zoned R-2A, and is developed with a mix of single-family and duplex homes.
2. This site is located adjacent to the Lake Otis Transit Supportive Development Corridor as shown on the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. The Plan calls for an average residential density of eight dwelling units per acre along the Corridor, where such density is determined to be appropriate.
3. Special limitations were offered by the petitioner to require an administrative site plan review to ensure conformance with the concept site plan provided at the hearing, vehicle parking in enclosed buildings, building separation of twenty feet, maximum 35 foot building height, maximum building foot print of

9,000 SF., maximum density of ninety-six (96) dwelling units, and provision of landscaping improvements in the adjacent Laurel Street right of way.

4. This request was originally scheduled to be heard on July 9, 2007. It was postponed to September 19, 2007. The public hearing was held September 17, 2007. The public hearing was closed and during deliberations the Commission postponed action to November 5, 2007 to allow the petitioner to work with the Department regarding issues and concerns regarding the proposed rezoning and special limitations. At that November 5, 2007 hearing the petitioner requested postponement. The Commission acted on the rezoning request on the December 3, 2007.
 5. The Commission noted it understood the petitioner's position is that this proposal addresses *Anchorage 2020*, but did not find the development of Laurel Street as helpful, and noted further that it does not require dedication of the petitioner's land. The Commission further finds that the DUA proposed by the petitioner is double what the City proposes and has seen the Planning Staff and Administration as proponents of development.
 6. The Commission finds that the petitioner offered their proposal, there was negotiation, and the City made a proposal but the petitioner is not willing to accept it. The Commission finds it appropriate to leave the parcel zoned R-2A.
 7. The Commission finds that the request is a spot zoning and it is something the community opposes. This small parcel would be singled out for special and privileged treatment. This is an island of R-3 surrounded by R-2A, R-2M and R-1. The petitioner has argued that there is a need for this housing, but at the same time has indicated that two- and four-family homes are on the market for 267 days. The Commission did not find that the need for this rezoning was persuasively shown.
 8. The Commission finds that this rezone would also not be in accord with the *Comprehensive Plan*. There was also no resolution of traffic concerns. Traffic has said no access directly onto Lake Otis and this proposal is for 700 cars daily onto Lake Otis, which carries 24,000 to 25,000 vehicles per day. The Commission noted that the open space proposal is innovative and makes high density development palatable, but the petitioner does not own the land and in fact it is a right-of-way for public transportation. The Commission noted it was uncertain that Traffic would be willing to relinquish the right-of-way for park development. The Commission further finds that staff has carefully analyzed the proposal and although the housing is attractive and has good features that are more modern, such as parking under the building and the pedestrian system, the Commission could not support the request.
 9. The Commission voted to recommend denial of the subject request to the Assembly: aye, one; nay, six.
- B. The Commission recommends the DENIAL of the subject rezoning by the Anchorage Assembly for T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 3rd day of December, 2007.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this _____ day of _____ 2008. 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

Toni Jones
Chair

(Case 2007-087)
(Tax ID No. 008-071-10, 11, 19, 20, 97)

ac

12-3-07
Draft

2. 2007-087

Pura Vida LLC. Rezoning to R-3 Multiple-family residential district from R-2A (Two-family Residential) to R-3 (Multiple-family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C, and 52, S.M., AK, located at 2300 East 49th Court.

CHAIR JONES noted that the public hearing in this matter has been closed.

Staff member ANGELA CHAMBERS stated this request was originally scheduled to be heard on July 9, 2007. It was postponed to September 19, 2007. The public hearing was held September 17, 2007. The public hearing was closed and during deliberations the Commission postponed action to November 5, 2007 to allow the petitioner to work with the Department regarding issues and concerns regarding the proposed rezoning and special limitations. At that November 5, 2007 hearing the petitioner requested postponement. The Department has worked extensively with the petitioner; however, the Department has not amended its recommendation for an alternative R-3SL zoning. The petitioner has provided supplemental information for the Commission's review.

COMMISSIONER PALMER asked for comment from the petitioner on the work that has been done with the Department. CHAIR JONES asked whether the petitioner's revised proposal has been posted on the website for public review. MS. CHAMBERS replied in the negative. She noted that the special limitations proposed by the petitioner are not substantially revised from those that were presented at the time of the public hearing. COMMISSIONER PALMER asked that the petitioner address the changes they are requesting from their original proposal.

STEVE AGNI, representing the petitioner, stated that two major points were identified with Staff: impact on the neighborhood and density. The separation provided by Laurel Street right-of-way is now proposed as a park or connecting greenbelt to the Campbell Creek Greenbelt. This functions in the near-term as a trail, but it stays in the public domain so it can be utilized for vehicular travel in the future, if need demands. He noted that traveling from the site west to east there is a topographical difference of 10 feet and in some places 12 feet. The height of the buildings on this site will not exceed that of surrounding residential development because of this topographical feature.

COMMISSIONER JOSEPHSON recalled that the original proposal did not include the strip of improvements on Laurel Street. MR. AGNI stated this is correct. COMMISSIONER JOSEPHSON asked what are the proposed

dwelling units per acre (DUA) under the current proposal. MR. AGNI replied that the current proposal is 31.5 DUA, not including the Laurel Street greenbelt.

COMMISSIONER PEASE asked if the Laurel Street proposal would require a vacation of the street right-of-way. MR. AGNI explained that the petitioner is proposing that Laurel Street remain in the public domain and serve as a combination trail and secondary access for fire vehicles, as well as other park-style improvements. For example, there is a ball court toward the middle of the Laurel Street right-of-way. That would be an obligation of the developer. He explained that there is no need for additional public right-of-way because the Campbell Creek Greenbelt acts as a barrier to further development and density in this area. Both 48th Avenue and 50th Avenue provide more than adequate movement for vehicles to and from Lake Otis and other arterials. He did not expect this right-of-way to be developed for vehicular access, but it would remain in the public domain if that need arose. COMMISSIONER PEASE asked if there is permission from the City's Right-of-Way Division to allow the development of Laurel Street as proposed or suggestion that this could remain a long-term use and circulation needs are addressed. MR. AGNI replied that the petitioner has not yet secured approval from the Traffic Department.

COMMISSIONER ISHAM asked who would maintain the improvements on the Laurel Street right-of-way. MR. AGNI replied that he would anticipate the homeowners association would maintain the recreational areas.

COMMISSIONER ISHAM asked if there would be any restriction on who could use the area. MR. AGNI replied that it is public domain. He saw this as no different than situations where a developer is asked to develop sidewalks or streets.

COMMISSIONER PEASE asked if there has been additional presentation to the community council since the petitioner's last presentation to the Commission. MR. AGNI replied in the negative.

COMMISSIONER PEASE asked that Ms. Chambers remark on the finding that this constitutes a spot zoning and also on traffic concerns. MS. CHAMBERS stated the Department finds this request appears to be a spot zoning, which occurs if: 1) a small parcel of land is singled out for special and privileged improvement; 2) the singling out is not in the public interest but only for the benefit of the land owner; and 3) the action is not in accord with the comprehensive plan. Pages 19, 20 and 21 of the packet discuss these findings in greater detail. The petitioner does not agree with the Staff analysis in this regard. The Traffic Department previously commented on the rezoning only. The Traffic Department would have to make separate comments as to alternate use of the Laurel Street right-of-way. She spoke to

them today about this request in general and they commented that a request to convert the Laurel Street right-of-way in this area to fire access or a park would be premature, based upon the redevelopment potential for the area. Using the right-of-way for another public purpose is similar to a vacation as it is difficult to convert such an area into a roadway. The open space could also be seen as related to the project and for the use of the residents.

COMMISSIONER PEASE asked whether, if this were vacated, there would be a priority right of the adjacent homeowners to claim the right-of-way. MS. CHAMBERS replied that research would verify from which properties that right-of-way was taken. It is like that it came from both abutting properties. The northwest corner of 50th and Laurel is legal access. Although the two parcels are used as a single parcel, they are technically two parcels. The vacation of Laurel Street would have some ownership ramifications. Formal vacation is not always necessary and probably would not be favored by the Traffic Department. However, the Department felt that use of the right-of-way as a park or fire access would be premature at this time.

COMMISSIONER ISHAM asked if the Staff recommendation for an alternate R-3SL is still spot zoning, given that the surrounding area is R-2A. MS. CHAMBERS replied that of the three primary criteria for determining a spot zoning, the overriding criteria is conformance with the *Comprehensive Plan*. Lake Otis Parkway is a transit-supported corridor, which calls for an average density of 8 DUA within one-quarter mile radius, where appropriate. The area on the west side of Laurel Street has the potential for redevelopment at a slightly higher density, not only in support of a transit-supported corridor, but also as a buffer to the more established area to the east. The current zoning allows a density of 6-10 DUA, while the Department is recommending special limitations that are stricter than those proposed by the petitioner, but that is in conformance with the *Comprehensive Plan* with a density of 16 DUA, or 48 units. The density requested by the petitioner is 31.5 DUA, or 96 units, which the Department believes is out of character with the *Comprehensive Plan*.

COMMISSIONER JOSEPHSON clarified through Staff that the petitioner is proposing to develop public land in the Laurel Street right-of-way. This is different than the Legacy Pointe development that left some area as public space. MS. CHAMBERS stated that the Laurel Street right-of-way is not under the petitioner's control, rather it is public domain that could be used otherwise in the future. CHAIR JONES believed that half of Laurel Street might be considered as part of the petition site. MS. CHAMBERS explained that the zoning district allows that the site extends to the centerline of Laurel Street in terms of measurement.

COMMISSIONER PEASE asked for discussion of traffic onto Lake Otis, which is one block north of the signalized intersection at 50th Avenue. She thought there was a call for two-way access by the Traffic Department. MS. CHAMBERS replied that the Traffic Department recommended that no direct vehicular access would be allowed to Lake Otis from these lots. She did not believe there is any proposed change to 49th Court. There is a low level of traffic on that street. The rest of the traffic in the neighborhood utilizes 50th Avenue and 52nd Avenue. Fiftieth intersects with Waldren at Lake Otis. COMMISSIONER PEASE asked what is the formula to calculate residential trips per unit. MS. CHAMBERS indicated that the petitioner's representative has trip information. MR. AGNI stated the Department has a trip generation model and uses slightly under 9 trips per day per unit. From that figure public transportation and pedestrian trips (10% of the total) are deducted. This calculation results in a net of 720 trips per day, spread over 24 hours. Trips at peak hour periods do not exceed 50. Traffic took no exception to the data the petitioner submitted, which contained this figure.

COMMISSIONER ISHAM asked what is the maximum density under the Department's proposal. MS. CHAMBERS replied that the density proposed by the Department is 48 units. COMMISSIONER ISHAM asked what is the petitioner's proposal. MS. CHAMBERS replied that the density proposed by the petitioner is 96 units.

COMMISSIONER PALMER asked that the petitioner comment on the Staff's recommendation. RICHARD MICHAEL, petitioner, responded that the density proposed by Staff is twelve four-plexes, which he felt is a style of development that is overdone; this product is on the market and is not selling. The petitioner's proposal offers a fresh alternative to that four-plex model. MR. AGNI added that the housing style the petitioner proposes has ground level parking for owners and an elevator. Those types of improvements are not cost feasible in a four-plex building. This style has been developed recently in Southport and elsewhere in town.

COMMISSIONER ISHAM asked if the petitioner would agree to the density proposed by the Department. MR. AGNI replied that density is not adequate to pay the development costs associated with covered parking and elevators. MR. MICHAEL stated the model proposed would cater to people who live in the U-Med professional district.

COMMISSIONER JOSEPHSON moved for approval of case 2007-087, a rezoning from R-2A (Two-family Residential) to R-3 (Multiple-family Residential) subject to the Department's recommended special limitations 1 through 4. COMMISSIONER ISHAM seconded.

COMMISSIONER JOSEPHSON did not support the petitioner's proposal. He did not know that moving the four-plex units in this market is as easy as the 16-plex units. He was accustomed to petitioners giving ground, but the proposal is the same as was seen in July. He felt this is a spot zoning and it is something the community opposes. He understood the petitioner's position is that this proposal addresses *Anchorage 2020*. He did not see the development of Laurel Street as helpful. He sensed that is not a generous proposal, as it does not require dedication of the petitioner's land. He stated the DUA proposed by the petitioner is double what the City proposes and he has seen the Planning Staff and Administration as proponents of development; he felt the Planning Staff has attempted to reach compromise and he deferred to them.

COMMISSIONER ISHAM did not support the proposal. He noted that the petitioner offered their proposal, there was negotiation, and the City made a proposal but the petitioner is not willing to accept it. He felt it was appropriate to leave the parcel zoned R-2A.

COMMISSIONER PEASE also did not support the proposal. She agreed with Commissioner Isham that if the motion is not what the petitioner proposes, there is no point in approving a rezone. She found that this is a spot rezone, as found by the Staff; this small parcel would be singled out for special and privileged treatment. This is an island of R-3 surrounded by R-2A, R-2M and R-1. The petitioner has argued that there is a need for this housing, but at the same time has indicated that two- and four-family homes are on the market for 267 days. She did not find that the need for this rezoning was persuasively shown. The rezone would also not be in accord with the *Comprehensive Plan*. There was also no resolution of traffic concerns. Traffic has said no access directly onto Lake Otis and this proposal is for 700 cars daily onto Lake Otis, which carries 24,000 to 25,000 vehicles per day. She thought the open space proposal is innovative and makes high density development palatable, but the petitioner does not own the land and in fact it is a right-of-way for public transportation. She was uncertain that Traffic would be willing to relinquish the right-of-way for park development. Staff has carefully analyzed the proposal and although the housing is attractive and has good features that are more modern, such as parking under the building and the pedestrian system, she could not support it.

AYE: Fredrick

NAY: Pease, Josephson, Jones, Isham, Palmer, Phelps

FAILED

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and wetland protection." He stated that he could not follow the example in 21.12.060.B, parking out of compliance.

COMMISSIONER JOSEPHSON on the issue of over height and concerns with regulatory taking, there is a commercial building Supreme Court case on that point regarding an historical district in New York City. The Court said the air space above could not be built higher. He stated the case respects Penn Central. He did not want to see the City in a position of being afraid to use police powers.

COMMISSIONER PEASE stated 21.12.010.B.3.b talks about a conditional use or use with an approved site plan. She felt it was confusing language and asked that it be clarified in mentioning both conditional uses and permitted uses. She asked also if the language that the conditional use permit for the approved site plan shall be null and void means any conditions are, therefore, null and void.

CHAIR JONES asked by what date Staff would like questions for the Issue-Response. MR. NELSON asked that questions be submitted by the end of the week.

CHAIR JONES asked whether any of the Commissioners received an email from Cheryl Richardson, noting that she received a copy of an email Ms. Richardson sent to Mr. Nelson. MR. NELSON stated he responded to Ms. Richardson's email and suggested that if she had any questions or issues, she express them in the public hearing. There was a second email from her saying she intended to do so.

COMMISSIONER JOSEPHSON moved to continue case 2007-151 to October 8, 2007. COMMISSIONER PEASE seconded.

AYE: Josephson, Jones, Fredrick, Palmer, Phelps, Pease
NAY: None

PASSED

2. 2007-087

Pura Vida LLC. A request to rezone approximately 3.07 acres from R-2A (Two Family Residential) to R-3 (Multiple Family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52, S.M., AK. Located at 2300 East 49th Ct. #200.

Staff member ANGELA CHAMBERS stated this request is to rezone approximately 3.07 acres from R-2A to R-3 SL. The site is on the east side of Lake Otis Parkway, south and east of East 49th Court. This site is comprised of five parcels. There are three lots on the south side occupied by a nonconforming 8-plex and two other parcels at the east

end of 49th Court that under separate ownership and developed with single-family homes. The Department finds this to be a spot zoning. A spot zoning exists if all of the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan. As the property exists, one duplex could be developed on each lot. The two lots at the end of East 49th Court could be subdivided further. The density is 6-10 DUA under the current zoning. The general area is developed less intensely. The petitioner's request, with the special limitations, would allow a density of 31.27 DUA, a very significant increase in dwelling unit density. In discussing this project with the petitioner, the Department found this area between Lake Otis Parkway and Laurel Street extended is an area studied in the current Title 21 Rewrite process as one that merits special treatment in terms of adding some limited flexibility in density for the purposes of enhancing infill capabilities, but with additional site design controls and density limitations. Although the area is an existing single-family/duplex area, there are areas that could benefit from infill and density and the area between Laurel and Lake Otis could serve as a buffer with a slightly higher density, provided that certain design criteria are met. The Department offers an alternative R-3SL to mitigate the impacts on the surrounding single-family/duplex neighborhood.

COMMISSIONER PHELPS asked for a review of the Department's recommended special limitations and their effects in terms of mitigating impacts. MS. CHAMBERS stated the special limitations provide a slightly higher density than allowed in the R-2A district, similar to allowing a four-plex on each lot. It would nearly double the allowed density, but not go as high as 30 DUA. This area would be a buffering zone between the highly traveled Lake Otis Parkway and the area east of Laurel Street. It still limits the number of dwelling units per acre. It has similar minimum lot width and lot coverage as R-2A. It provides for planned unit development as a conditional use, limiting density to 16 DUA. The single-family/duplex style design element is proposed. MS. CHAMBERS added that one principal structure would be allowed per lot where the R-3 would allow multiple structures per lot.

The public hearing was opened.

STEVE AGNI, representing the petitioner, distributed renderings of the project, as well as a statistical market analysis. He stated *Anchorage 2020* recognizes that the most important land use issue Anchorage will face is room to grow. As noted earlier by Mr. Nelson, infill and redevelopment of existing land, particularly in areas designated for higher density and mixed-use development will provide the best opportunity to meet that basic goal of *Anchorage 2020*. This project is an opportunity to set a high standard for

quality and efficiency of residential projects in infill areas. The Staff and petitioner have more agreement than differences. Both agree that this area requires special attention because of its circumstances and location and that it is on the Lake Otis Parkway transit supported corridor on the Land Use Policy Map. That Map supports higher to mid level densities along a transit supported corridor. Lake Otis Parkway merits special attention, as there is significant development at Bragaw and Dowling that will take traffic from Tudor. While this density of development would be located on Lake Otis Parkway, it will not overwhelm that portion of the public infrastructure. Staff points out that in order to be compatible with the surrounding neighborhood the project should have a certain density style. Staff advocates a duplex and four-plex style dwelling. From the market analysis, this is not what people can afford and demand. The proposal involves two 42,000 square foot (SF) parcels and one 35,000 SF parcel. This land has not been subdivided because there has not been a demand for that type of housing style. In 2003 the Department contracted with NewStats to do a statistically valid survey of trip travel in Anchorage. He was comfortable in asserting that this project could use 49th Court for ingress/egress after netting out transit and pedestrian bicycle trips, which leaves less than 800 average daily trips (ADT). When those trips are distributed, as shown by the study, over a 24-hour period there is a modest traffic level on Lake Otis/49th Court. He felt Laurel Street could be a good secondary emergency access and a pedestrian linkage. He agreed with Staff that infill requires special control because of the surrounding neighborhood, but the petitioner has proposed a series of special limitations that will limit lot coverage, setbacks, and side yards that would be no more onerous than an R-2A. He distributed the table he referenced, noting that it is in summary form in the packet. The petitioner is proposing that the 40,000 SF lots could be subdivided into 20,000 SF, but they will be large parcels that can accommodate a larger building with an aggregation of dwelling units to be marketable and to serve the U-Med District. People have to have either affordable housing or downsized housing for older persons. It is not cost feasible to put an elevator into a four-plex to accommodate the needs of some of the residents.

RICHARD MICHAEL, petitioner, stated that in MSLS areas 35 and 40 there are 57 active attached dwellings or condos on the market, almost all of which are 2- to 4-unit buildings. The average market time for these units is 276 days, much longer than traditional market times of 90-120 days in a healthy market. He felt the data speaks to the marketability of twelve four-plexes, as suggested by Staff.

COMMISSIONER FREDRICK asked for further comment on the rezone to R-3. MR. MICHAEL stated that the need for housing in close proximity to the U-Med District is well documented. The market is seeing major corrections and the need for well thought developments is even more important. The proposed project represents a development that is missing in the current market. The proposed six buildings will offer any developer the comfort level needed to build as demand presents itself. It offers a fresh alternative to

homebuyers in line with the Municipality's long-term vision. This could be a benchmark for all future developments. In addition, these units are well suited for first-time homebuyers and downsizing seniors and will be priced in the \$235,000 to \$255,000 range. The target market makes \$58,000 with income-to-debt ratios less than 36%.

COMMISSIONER FREDRICK asked to compare that scenario to the Staff recommendation of 11 to 12 four-plexes in terms of selling price. MR. MICHAEL believed those units would be more expensive and 2- to 4-unit dwellings in this same price range are staying on the market a long time. COMMISSIONER FREDRICK asked if the petitioner is suggesting that structures with a greater number of units are marketable. MR. MICHAEL explained this is the case because Mark Ivy has designed them, they are luxury units, and they afford an opportunity for something new and fresh.

COMMISSIONER PHELPS understood the Staff recommendation is not desirable because the market is already saturated; whereas, this proposal taps into a new market that consists of entry level homeowners and downsizing seniors. MR. MICHAEL stated this is correct. COMMISSIONER PHELPS further understood that there is no data to support that assertion; rather it is an inference from the data. MR. MICHAEL responded that there are 57 duplex units on the market with an average sell time of 276 days. COMMISSIONER PHELPS asked if there is similar housing in the Anchorage market for which there is data. MR. AGNI stated Mr. Peterson is doing a large multi-family building in Southport Area H. The first building was 28 units and it went well. The second building presales are slow. The proposed buildings for this project are slightly smaller in scale, have parking underneath, have the amenity of an elevator, and use a building style that creates view on two sides of the unit.

COMMISSIONER PHELPS asked that the petitioner address the difference in density between this project and the adjacent duplexes. MR. AGNI stated his narrative speaks to the fact that the traffic will not load onto the adjoining streets. There are nearby projects similar to this project. On Waldren 500 feet to the southwest is a multi-family project that loads onto Lake Otis Parkway. There are single-family homes around it that are prospering. He agreed with area homeowners that there is no need to build out Laurel Street. He proposed that Laurel Street could be a pedestrian access that would add value to the neighborhood. COMMISSIONER PHELPS saw the proposed density is 30 DUA compared to 16 DUA that is permitted by the R-2A zoning district. He asked if this project would be a single structure on a lot. MR. AGNI anticipated there could be as many as two structures per lot. The first phase would be the 35,000 SF lot adjacent to Lake Otis Parkway, which would be built out with two buildings. Depending on the financing environment, the bank might approve development of one lot and then the second. The development is two buildings per lot. COMMISSIONER PHELPS asked what is the petitioner's response to a condition for an administrative site plan review. MR. AGNI replied that it

would be important that the Planning Department conduct the site plan review and that the plan be substantially the same as the one shown to the Commission tonight.

COMMISSIONER PEASE noted that Staff packet did not include a comprehensive analysis of existing R-3 zoned land. She asked why this parcel is appropriate for this use versus other parcels already zoned for multi use, mid to high density. MR. AGNI replied that the spot zone assertion is erroneous because the *Anchorage 2020* designates this area as one for higher levels of development. There are other policies in *Anchorage 2020* encouraging redevelopment and infill in areas proximate to high employment centers like the U-Med District and along transit supported corridors. The Staff recognizes that this area requires special attention.

COMMISSIONER PHELPS stated the parking requirement is a ratio of not less than one space per dwelling unit. He asked if that is typical. MR. AGNI replied that this relates to the covered parking. Additional surface parking is provided. No variance is anticipated from parking requirements.

TODD SAVOIE, 15-year resident on Hartman Circle to the east and south of the petition site across from Laurel Street, opposed the rezoning. He had many concerns including the density of multi-family parcels already existing along Lake Otis Parkway between Dowling and Tudor, heavy vehicular traffic that causes problems between 50th Avenue and Tudor, including left-hand turns onto Lake Otis, and current traffic at Lake Otis/Tudor. There are new traffic issues on 50th Avenue because of the increased density of housing being developed on 52nd Avenue and the possibility of a new traffic pattern funneling onto 50th Avenue concerns him. The intersection of 50th Avenue at Lake Otis is the only signalized exit for the entire neighborhood. He also had concern if the petitioner's project falls through what would be done on the R-3 zoned land. He stated he bought his property because the character of the neighborhood was low density and he feared that is being slowly eroded.

KRISTIN DYSON, resident on Hartman Circle, hoped any change in the area would enhance her property. She stated she has lived in the neighborhood for 31 years, moving to Hartman Circle after living on two other streets. There has been more and more access onto 50th Avenue over time. With the additional building by the YMCA, there has been more and more traffic on 50th Avenue. She hoped the property would remain zoned R-2A so there is less density.

COMMISSIONER PEASE asked if the light on 50th Avenue functions well or is there back up of traffic. MS. DYSON replied that it functions fairly well. She explained that she does not travel at peak times. She has heard that it backs up, but does not see that personally.

COMMISSIONER JOSEPHSON wished to ensure that the petitioner understood that five of the six Commissioner members present would need to

vote in the affirmative in order for a motion to pass. MR. AGNI asked whether, if the matter were postponed, the case would be restarted. CHAIR JONES indicated this decision rests with the Commission.

MS. CHAMBERS indicated she wished to offer rebuttal. COMMISSIONER JOSEPHSON wished to hear rebuttal and thought the petitioner may wish to postpone. MS. CHAMBERS stated that the public testimony given this evening has been received in telephone calls and in written information. If the petitioner wishes to postpone, the Commission can offer that option. She noted there is no guarantee of future Commission member attendance. MR. AGNI asked to what date the matter might be postponed. Due to the Title 21 Rewrite hearings, CHAIR JONES suggested that November would be a likely date for postponement. MR. AGNI stated he would prefer to postpone to November 1, 2007.

The public hearing was closed.

MR. NELSON suggested November 12, 2007 as a date for continuance of this case.

MS. CHAMBERS offered rebuttal, noting that the market information brought forward by the petitioner are of interest, but the standards for approving or disapproving a rezoning relate to conformance to the *Comprehensive Plan*. Although Lake Otis is a transit-supported corridor, it suggests an average of 8 DUA or greater within one-quarter mile where feasible and where appropriated. Not every location is feasible or appropriate. The location of a property in relation to a transit-supported corridor is reviewed on a case-by-case basis. She explained that the special limitations proposed by the petitioner and the alternative special limitations proposed by Staff do not reference a specific site plan, so there are no assurances in that regard. In addition, although three lots are adjoined economically there are actually five lots. The Department would view this as implementing the ordinance on the property that exists. Best intentions aside, the petitioner may be able to make some modifications to the special limitations to offer better protection.

MR. NELSON added that the two biggest concerns with this project are the number of units and the impact of that density on the surrounding area, as well as the physical massing of the building in such close proximity to the surrounding area. The petitioner provided some examples of multi-family housing on pages 51-52 of the packet. There is a difference in the mass and scale of those buildings and the buildings being proposed; the existing projects are two to two and one-half stories, more similar in scale to the properties surrounding the petition site. Staff does not dispute the benefits of the architectural quality of the building, but the concern remains with regard to the height and mass of the building and the impact of the density on the surrounding area.

COMMISSIONER PEASE asked that Staff consider the comment on page 16 that if a rezoning is approved it obviates the need to subdivide and that obviates the need for permits. She understood that a requirement for participation by the applicant in upgrading Laurel or other infrastructure because of density would have to be addressed in the conditions. If that is the case, she wanted conditions to address mitigation from higher density.

COMMISSIONER PALMER moved to postpone case 2007-087 to November 12, 2007. COMMISSIONER FREDRICK seconded.

AYE: Josephson, Jones, Fredrick, Palmer, Phelps, Pease
NAY: None

PASSED

I. REPORTS

1. **Chair** – None

2. **Secretary**

MR. NELSON reminded the Commission of a Director's meeting this Thursday to discuss context sensitive design for road projects, which makes much better use of public participation. Traffic Engineer Bob Kniefel plans to attend. There will also be discussion of the upcoming ordinance to transfer some design review functions from the Planning and Zoning Commission to the Urban Design Commission. There were meetings earlier this year to discuss this item, but Staff understands the Commission has some questions or concerns.

3. **Committees** – None

J. COMMISSIONER COMMENTS – None

K. ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

FILE COPY

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

Case 2007-099

COMMISSIONER JOSEPHSON indicated he did no longer wished to pull this case and moved to approve case 2007-099. COMMISSIONER FREDRICK seconded.

COMMISSIONER PALMER noted that the community council originally had no comment in this case, but in the materials distributed this evening they had provided comment expressing some concerns. MS. CHAMBERS indicated there was no response from the community council, only one from Parks and Recreation. COMMISSIONER PALMER asked whether there have been any complaints from the community in the past regarding this facility. Staff member ALFRED BARRETT replied that there have been none.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS – None

F. REGULAR AGENDA – None

G. PUBLIC HEARINGS

1. **2007-087**

Pura Vida LLC. A request to rezone approximately 3.07 acres from R-2A (Two Family Residential) to R-3 (Multiple Family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52, S.M., AK. Located at 2300 East 49th Ct. #200. Located at 2300 E. 49th Court

Staff member ANGELA CHAMBERS indicated the Commission would need to vote on the request to postpone as the matter has been advertised.

COMMISSIONER FREDRICK moved to postpone case 2007-087 to September 17, 2007. COMMISSIONER ISHAM seconded.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

POSTPONED TO SEPTEMBER 17, 2007

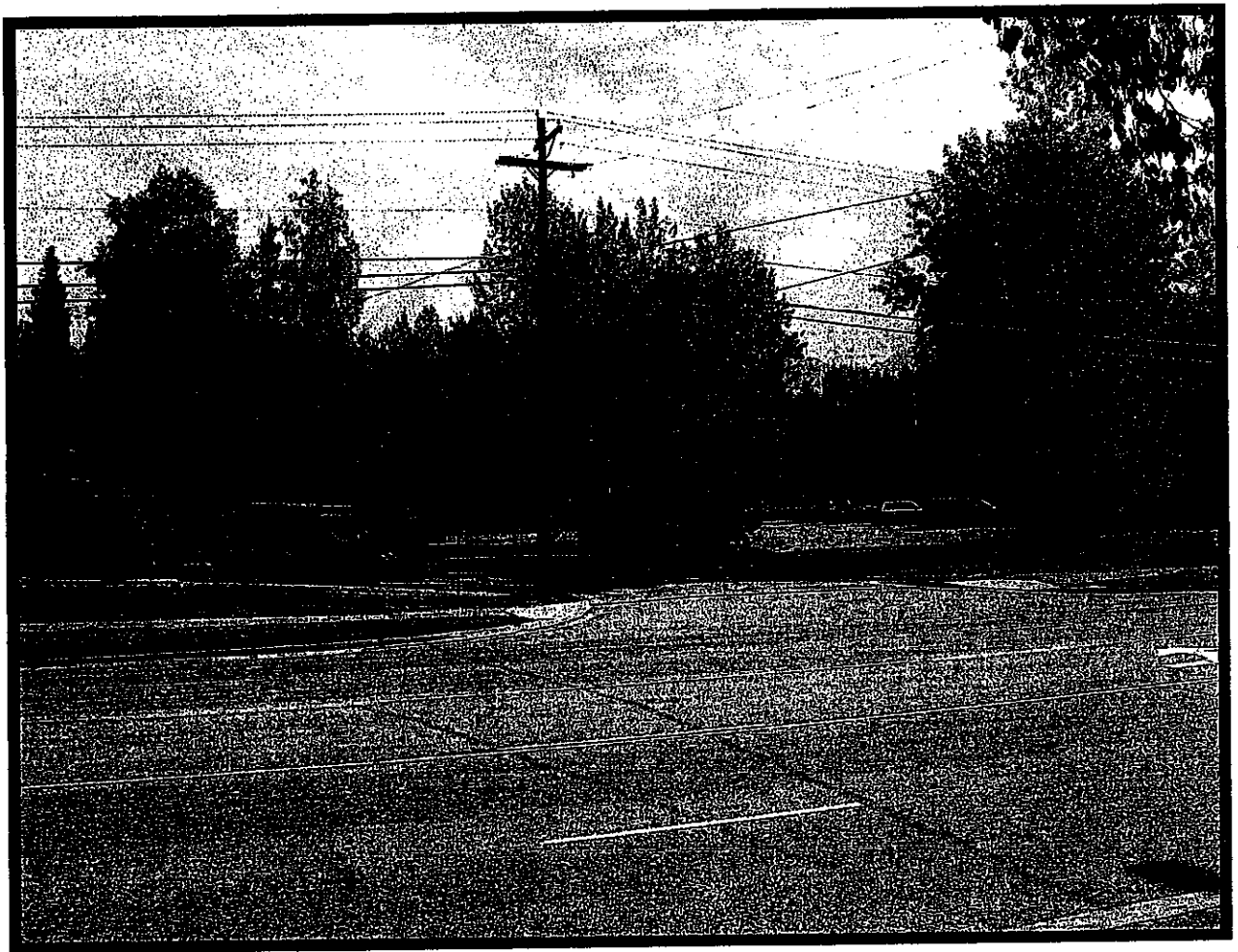
2. **2007-094** Municipality of Anchorage. An Ordinance amending Anchorage Municipal Code Chapters 21.40, and 21.50 regarding Correctional Community Residential Centers, amending the B-3 (General Business) zoning district, and amending conditional use standards regarding Correctional Community Residential Centers.

Staff member ANGELA CHAMBERS noted that the Commission and Assembly have reviewed an assisted living facility ordinance in the past and there have been discussions regarding healthcare facilities in town. There has been significant discussion of locational criteria for Correctional Community Residential Centers (CCRCs), which are rehabilitative facilities that they serve as an alternative to jail for those clients who qualify, which may include misdemeanants and felons. Frequently these services require close proximity to urban services such as hospitals, other rehabilitation services/programs, and other social services. Currently there is a one-mile separation requirement between these facilities. This requirement, combined with the prohibition of housing felons in these facilities in the B-3 district, creates problems for locating new facilities in the Anchorage Bowl in particular. These requirements currently restrict the placement of these facilities in areas removed from needed services. With the proposed ordinance, the Department recommends that the separation distance between CCRCs be amended to 1000 feet or as determined by the Commission on a case-by-case basis. The Commission would retain conditional use review authority to determine on a case-by-case basis if the use is appropriate for the particular site. The Department also proposes a maximum density for these facilities in the B-3 district of no more than 30 residents. Coupled with the 1000-foot separation, this would serve to regulate the location more by density. As convicted felons who are on probation or parole without restrictions are able to live in locations of their choosing, the Department finds that they should not be further restricted when participating in a rehabilitative program. The Department supports the ordinance as written.

COMMISSIONER JOSEPHSON asked for a recess in order to review additional material that was distributed this evening. CHAIR JONES granted this request.

**Amended Submittal
EAST 49TH COURT
Application to Re-Zone**

Case Number: 2007-087



Site from Intersection, Lake Otis Parkway and East 49th Court

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Office 907.274.1475
Fax 907.274.1476
Richard@liveAK.com

Friday, August 31, 2007

RE: East 49th Court, Re-zone 2007-087

I wanted to say a few words regarding our effort to re-zone. First, I want to thank the staff at MOA for numerous meetings, time and effort spent on this. They have been great to work with. Most important though, I'd like to thank the property owners who participated in sending in their comments, questions and concerns regarding the proposed zoning changes. It's very important that members of the community get involved with what's going on and take pride in our city. As a lifelong Alaskan and citizen of this community, I share they're same opinions on traffic, schools and displeasure for many of the "site condo" developments that have been built recently, especially in regards to the subject area. These are all valid opinions including my own.

However, this project is different. As you can see from our proposal, our concept is not much different than similar projects that have been built recently. Just better. Steve Agni has incredible knowledge in development and construction management. His depth and knowledge of the city's long term vision or 20/20 plan is unparalleled. Mark Ivy is a leader in innovation and architecture and is easily one of the top architects, *anywhere*. Mark, based on my knowledge of the real estate market, has designed a concept that is not only wonderful to look at, but fills the need for housing close to the U-MED district. I believe that 60% of our housing will be sold to elderly persons in need of close proximity housing to the MED district and 40% to professionals who cater to those individuals *and* our students. This is not another "site condo" development or a spot zone!

In addition, traffic is a major problem at the Lake Otis and Tudor corridor, without question. However, with the Abbott Loop/Bragaw extension as well as the East Dowling Road extension scheduled for completion in 2008 and 2009, those traffic counts will drop significantly. Similar to the time frame of any construction completion. The safety of pedestrians and students alike will no doubt be improved by the work done by these needed projects. The impact will also be well felt by all people living and doing business between Dowling and Tudor.

In summary, I truly believe this re-zone is a win/win for the city, citizens and developers. It takes into consideration the integrity of all surrounding property values and all general safety concerns. In turn it will also fill the need for quality development and housing in line with the 20/20 plan. I hope you feel as I do and look forward to your support in this effort. Thanks!

Sincerely,

Richard A. Michael
Managing Member, Pura Vida, LLC

027

Amended Narrative Report

AMENDED NARRATIVE REPORT SUPPORTING ZONING AMENDMENT APPLICATION

Submitted By: Pura Vida LLC, Mr. Richard Michael, General Manager

Pertaining to: Lots 49A, 49B, 49C, 45 and 52; all within T 13 N R 3W Section 33

Address: 2300 E 49th Court and 2402 E 49th Court
Generally located south of the SE corner of Tudor and Lake Otis

Prepared By: Steve Agni, Development Managers Inc. (Petitioner's Representative)
Office no: 248-8302; fax 248-8305; email: akstevea@alaska.net

INTRODUCTION

This property submitted for a zoning map amendment consists of five legal parcels totaling about 125,000 square feet, almost three acres. The Property is presently zoned "R-2A" and is proposed for amendment to R-3 SL.

This Property on 49th Court is located on the Lake Otis Transit Supportive Development Corridor immediately south of the University/Medical Employment Center. An aerial photo is attached here as Exhibit A along with an excerpt of the existing zoning map.

The Property is served by all public utilities and is not impacted by wetlands jurisdiction, avalanche or seismic hazard or other physical development limitations. The property is presently underutilized and presents an excellent opportunity for medium density infill and redevelopment as encouraged in the Anchorage 2020 Comprehensive Plan. This Application for Zoning Map Amendment (the "Rezoning") fulfills the goals and policies on the Anchorage 2020 Comprehensive Plan (the "Comp. Plan") and should be approved.

DISCUSSION

A. Conformity to Comprehensive Plan

Fundamental to this and any rezone is underlying need for or demand that pushes and encourages a change in the nature or intensity of land use. As noted in the Comp. Plan Population section, the proportion of empty nesters and seniors is the fastest growing component of Anchorage's population. This growth in seniors and the overall aging of the population is creating a greater need for medium to high density multi-family housing as opposed to traditional single family housing. Demand for this housing or dwelling type is most pronounced in city sectors like the "Central Sector" where the rezone property is located. Increasing the demand for this dwelling style in the Central Sector is the need for the services provided in the medical/health care industry located in the Central sector, Anchorage's "U-Med" district within one half mile of the property. Additionally a large percentage of the persons employed in the "U-Med" district are lower to mid range service and support workers who need and can only afford mid range housing costs. Therefore the demand for attached or medium density multi-family housing is increasing in areas proximate to Anchorage's U-Med center like the Property proposed here.

Amended Narrative Report

The rezone Property submitted here is ideally located to fill the increased demand for medium density attached housing in the Central District. As explained in Chapter 4 of the Comp. Plan "Preferred Development Scenarios" seven key issues are discussed which will guide development under the Comp. Plan. On page 49 of the Plan it is noted that intensive development is encouraged along the Transit Supportive Development corridors. As noted above this Property is directly on the Lake Otis corridor. The Comp. Plan also notes on page 49 of the discussion of Preferred Development Scenarios that infill and redevelopment of older neighborhoods is a process to be encouraged. And, "neighborhoods in and around... the University Medical district are targeted for public/private re-investment"

The Comp Plan elaborates further on the benefits of encouraging distinct employment centers in the implementation of the Land Use Policy Map on page 50 and following. The "U-Med" district next to this Property is clearly recognized as a main employment center. In the discussion of redevelopment it is noted:

Medium to high density residential mixed use areas have been designated near the major employment centers. The intent is to create more opportunities for people to live close to work.

This Property is ideally located to provide the medium density housing proximate to Anchorage's key employment center U-Med District as contemplated in the comprehensive plan. Accompanying this memo is a Site plan and proposed Special Limitations to the R-3 zoning classification that substantiates the intent and quality of the development. Clearly, this Project and this Application for Zoning Map Amendment (the "Rezoning") fulfills the goals and policies on the Anchorage 2020 Comprehensive Plan (the "Comp. Plan") and should be approved.

B. Conditions of Approval

1. The effect of allowing R-3 development on the Property will be to encourage the goals and policies of the Comp Plan without any adverse impacts on the neighborhood. As recognized in the Comp Plan a greater proportion of the occupants of medium density attached dwellings will be "empty nesters" and older adults who are beyond the child rearing years. Therefore allowing for medium density development with greater dwelling unit density will not add to the school age population.

As this is a classic "infill" site in an area already substantially developed there will be no extended burden for police, fire and emergency services. Furthermore the location on the Lake Otis Transit Development Corridor is a perfect location to take advantage of public and other private group transport methods that will reduce road borne vehicle traffic. It is also safe to say that the proximity of this site to the "U-Med" employment centers (under 1 mile) will encourage pedestrian and bicycle travel to places of employment.

Amended Narrative Report

Attached as Table One is a vehicle trip generation forecast based on survey data collected and presented in the *Anchorage Household Travel Data Survey*, prepared by "Nustats" September 2002. Table One clearly shows that the proposed project authorized by the zoning amendment will not generate a flow of traffic sufficient to adversely impact Lake Otis Parkway, a major urban Arterial. The daily and peak trips reach a hourly maximum during the evening commute period of about seventy trips per hour arriving and departing total. This modest traffic movement may easily be handled by Lake Otis and does not warrant the need for a second vehicle access on the undeveloped Laurel Street right of way. The project proponents recommend that this portion of Laurel Street be improved with a trail link and as a secondary emergency vehicle access route. In sum this Property is a classic infill site that will efficiently add to the housing stock and assessed valuation without any meaningful burden on municipal services or the local environment.

The cumulative effects of any adverse impacts generated by the Property are also minimal due to its minimal size, slightly under two acres. The property is served by a short "Cul-de-sac" 49th court, directly connecting to Lake Otis Boulevard, a major arterial road. Therefore there exists no possibility for the generation of through traffic onto local streets that might not be suited to the traffic. Furthermore the improvements of the new Bragaw extension to Dowling will free up tremendous capacity on Lake Otis to ensure the efficient operation and future capacity on that important major arterial road. Finally the abutting property that might be developed to a similar density is limited to a little over one acre. See Zoning map. This re-zoning will not provide the stimulus for greater development in quantity or quality that could individually or in a contributing manner have a detrimental affect on the surrounding neighborhood or property. In fact it will likely encourage reinvestment in nearby properties.

2. The Supply of Land similarly zoned R-3 in the economically relevant area will not be upset or over supplied in any manner by the rezoning requested here. Considered quantitatively, the limited size of the Parcel (about) creates a miniscule adjustment to the numerator of R-3 land measure against the denominator of all land in the District. Measured, the "Central District". And when considered more empirically by examination of the zoning map one can readily see that there is not meaningful undeveloped R-3 property in the area. In fact the closest R-3 land about one hundred yards south on Lake Otis between Glenridge and E. 53rd Court has been developed with multi-family units since the mid 70's. Another nearby R-3 tract is developed with a significant Church and associated structures, the Saint Mary's Church Subdivision at the corner of Lake Otis and Tudor. The tangible evidence of the relevant markets' demand and need for R-3 land is clearly provided by the successful Weidner Properties multi family project, "The Highlands" completed within the past few years just north of Lake Otis and Dowling. That project consisting of fifteen buildings of over 120 units was developed on about three acres of shares a single access with other multi-family property on 56th avenue.

A review of the zoning map reveals a substantial unused inventory of R-2M and R-2A many in small lot configurations. See for example "Wentworth Subdivision" between 42nd and 43rd Avenues.

Amended Narrative Report

This pattern of underutilized R-2A and R-2M land is also demonstrated in the area to the East of the Property between Laurel and Piper. Given that this area immediately south of Tudor first developed in the early 1970's the fact that significant numbers of R-2A and R-2M lots remain vacant provides dramatic tangible evidence that the current zoning is not appropriate. Much of the vacant R-2A land is in larger one acre tracts that have never developed. Given the need for R-3 land, proven by the new development there-on, keeping this land in a fallow R-2A designation makes no sense from a Comp Plan and public policy standpoint.

3. The Timing of Development does not raise any issues of public concern or impact. As noted above there exists all public utilities and the development style would not likely add to the school age burden. This "infill" site can be readily absorbed into the existing capacity of public services and infra-structure. In fact sites like this Property should be encourage for infill style development to increase the assessed value of the City to support the existing installed public services and infrastructure! In short this rezone and the infill development it will spur will add greater marginal tax revenue to the given level of public services required because the public services are already in place in the relevant District or geographic area.

4. The effect of this Rezoning on the land uses and densities allowed versus what is contemplated in the Comp Plan is completely consistent with the Comp. Plan. As pointed out in the new "2020 Comp Plan", the Land Use Concept Plan is presented in three planning maps with related text that addresses the major land use policies of the community. The Land Use Policy map establishes a hierarchy (a priority) of Uses that guide land use decisions such as use type and intensity, including:

Major Employment Centers such as the U-Med District relevant here. The plan states:
Residential redevelopment near these sites will be at medium to high density.

Transit Supportive Development Corridors such as Lake Otis Boulevard adjacent to the Property will provide "more transit services, more walk able streets and develop(s)
more concentrated residential and commercial development in selected areas."

Infill or Redevelopment. The plan states:
"This issue becomes a priority focus to meet projected growth by encouraging more intensive development where appropriate". And continues: "Neighborhoods and sub areas in and around Downtown/Midtown and the *University-Medical District are target for public/private reinvestment.*

Natural Open Space The Comp Plan formalizes the importance of retaining protect and integrating natural open spaces into the urban living environment.
See discussion Comp Plan page 49. This Property is nearby but does not actually abut the Campbell Creek Green belt. Its location is perfect to allow for the pedestrian enjoyment of these resources without impacting them with development imposed directly adjacent to them.

Amended Narrative Report

Conclusion.

The Rezoning application submitted provides an ideal example of beneficial infill development that can be spurred by an increase in density authorized under a "mid density" R-3 zoning status.

Adjacent to a Transit Supportive Development Corridor, Lake Otis Boulevard the Property will provide opportunity for residents to travel to without resorting to individual automobiles and to live proximate to the Major Employment Center, the "U-Med" district. The relatively small scale of the Property in an area that is manifesting demand for R-3 style dwelling ensures that there will be no over supply or allocation of this dwelling type to the detriment of other owners and the community. Finally the location proximate to but not directly adjacent the superb Campbell creek Green Belt Parkway and Park Tracts provides an ideal opportunity for residents to utilize these public resources without the need to resort to automobile travel, all as encourage in the Anchorage 2020 comprehensive plan.

For all of these reasons and those elaborated during testimony the Applicant believes the Rezoning to be in conformance with the Comprehensive Plan and to have merit. Accompanying this memo is a Site plan and proposed Special Limitations to the R-3 zoning classification that substantiates the intent and quality of the development proposed. However if upon staff review or during public hearing other limitations or amendments are identified that would be beneficial to the Property and the neighborhood, the Applicant will consider all suggestions presented in good faith.

Respectfully Submitted:

Steve Agni
Development Managers Inc.
Representative of Applicant: PURA Vida LLC, Owner

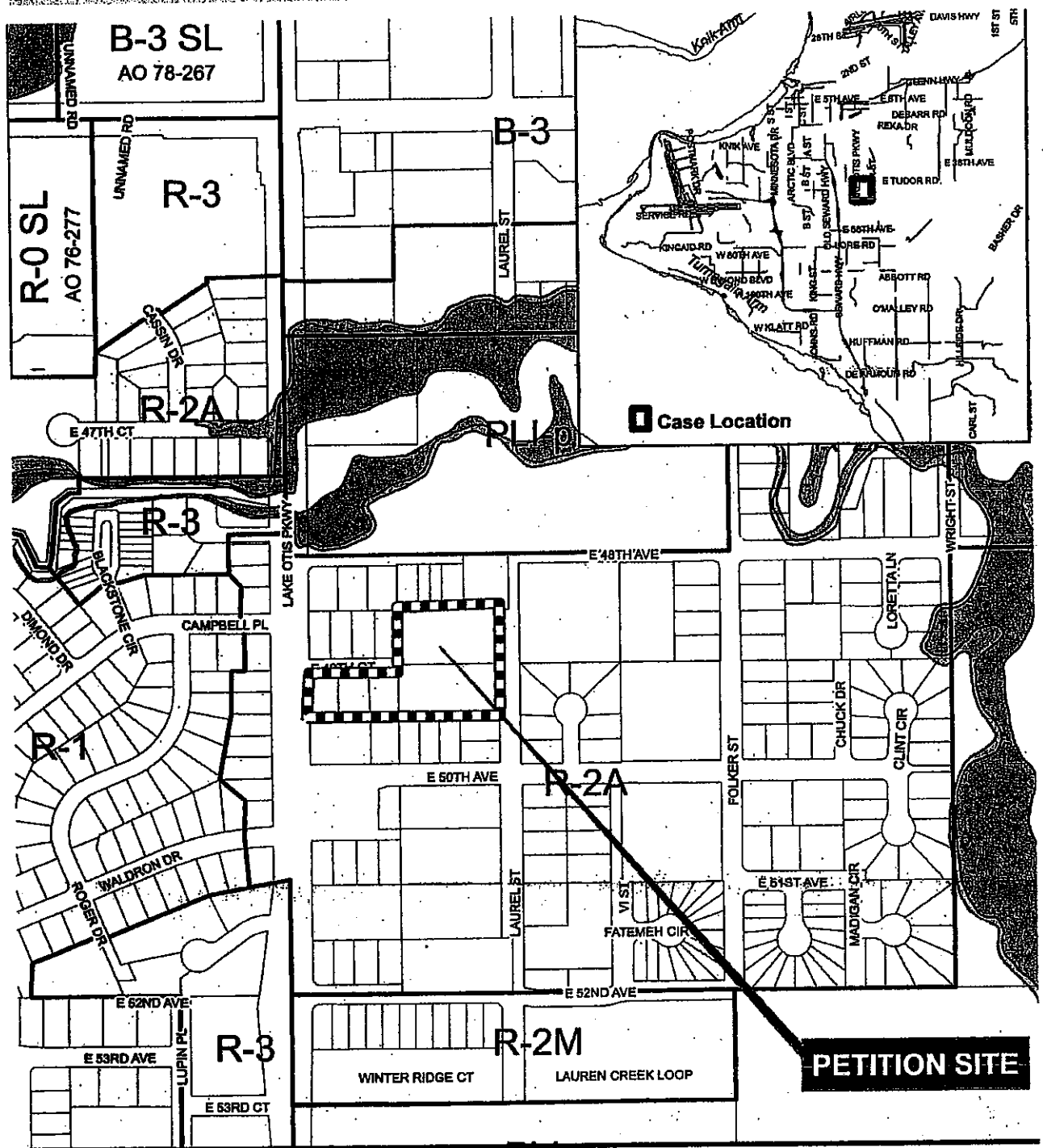
Proposed Special Limitations

PROPOSED SPECIAL LIMITATIONS FOR REZONE APPLICATION CASE NO. 2007-087

1. Dwelling Unit density shall not exceed ninety six units total.
2. Vehicle Parking in enclosed buildings (including the residential structures) shall be provided at a ratio of not less than one space per dwelling unit.
3. The primary exterior walls of all buildings shall be separated from adjacent buildings (measured at ground level) by not less than twenty feet.
4. Buildings shall not exceed thirty five feet in height as measured pursuant to Title 21 Section _____. (thirty five feet measured from the mid point the roof)
5 feet half buried parking level + 9 + 9 + 8 = 31 + 4 roof pitch = 35.
5. No single building shall have a "foot print" or ground coverage area in excess of Nine Thousand square feet. (I measured the larger building to have ground floor area of 8900 square feet)

End of "SL's"

Petition Site Map



Municipality of Anchorage
Planning Department

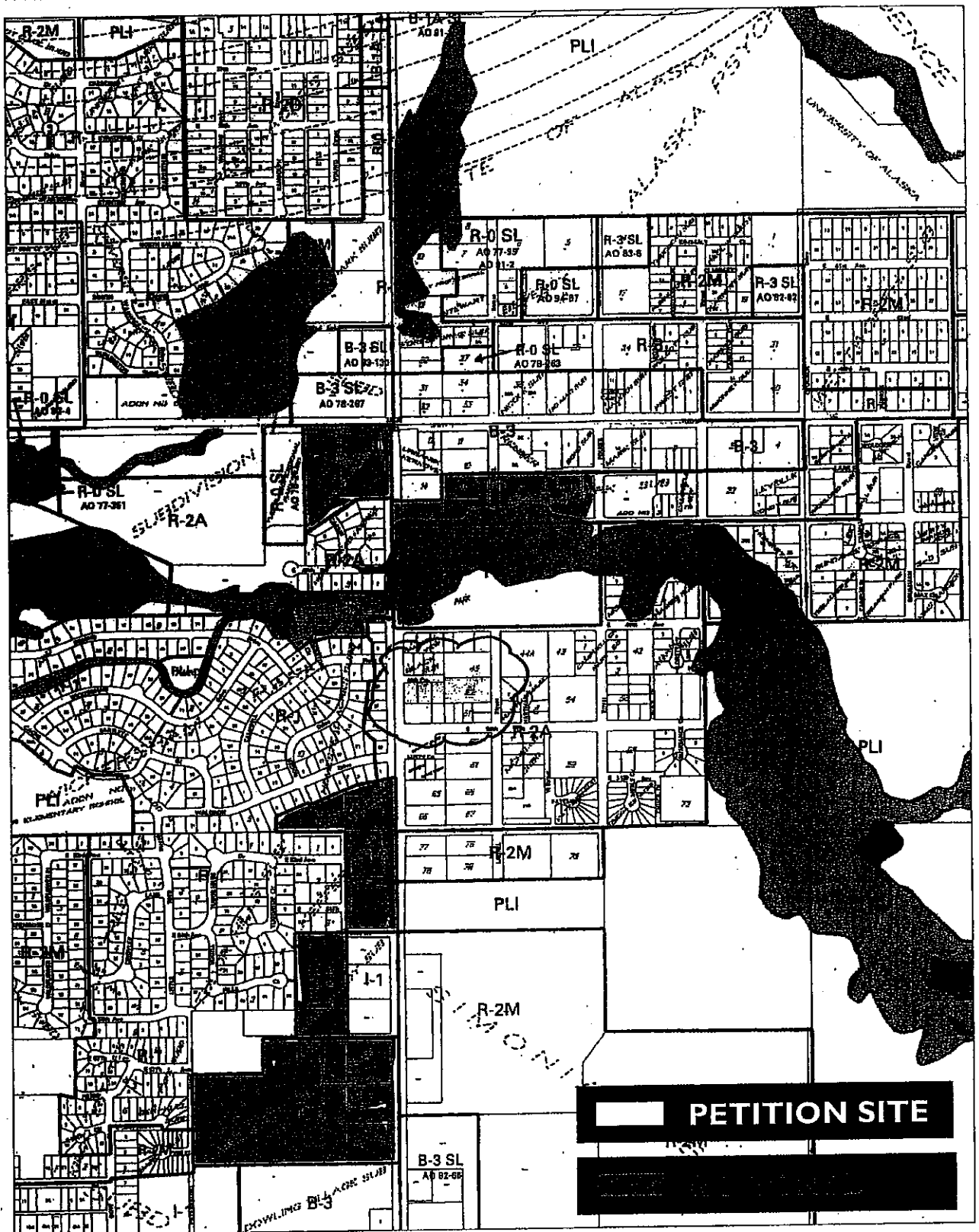
Date: May 29, 2007

Flood Limits
 100 Year
 500 Year
 Floodway



002

Municipal Zoning Map

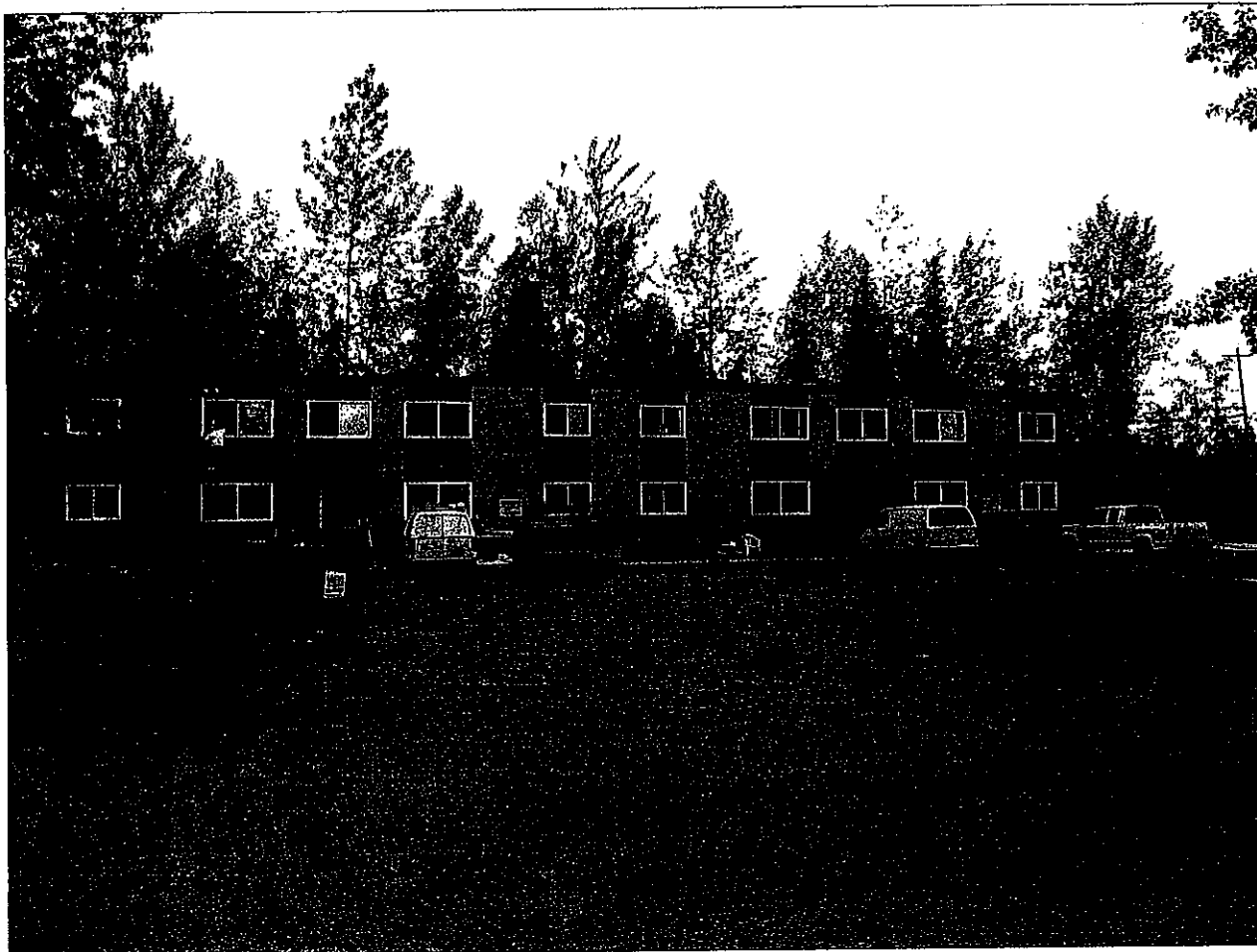


East 49th Court Properties



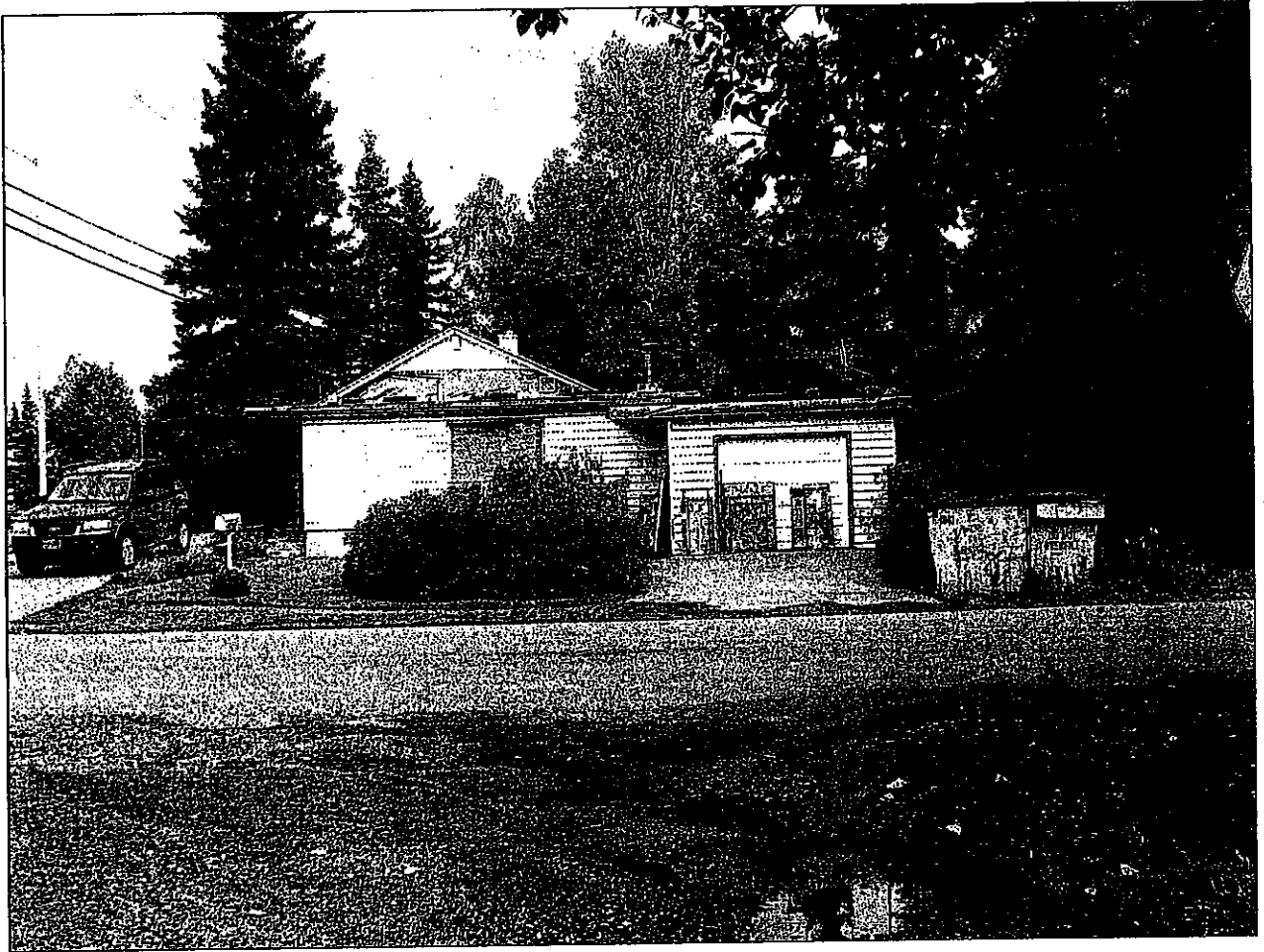
East 49th Court Entrance from Lake Otis Parkway

East 49th Court Properties



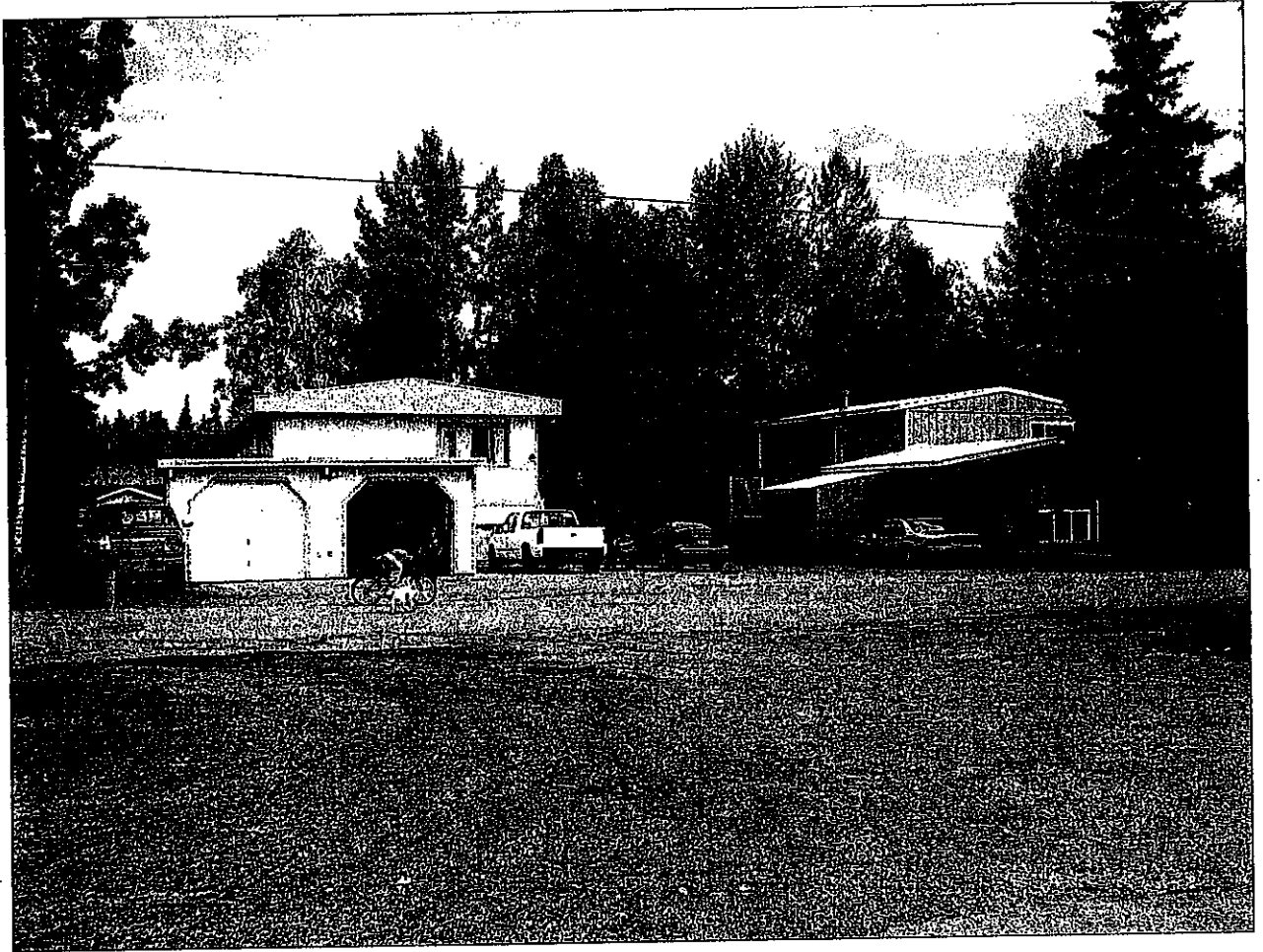
2300 East 49th Court
Lots 49AB&C
Non-conforming 8-plex
Part of Rezone Petition
To be removed during Site Development

East 49th Court Properties



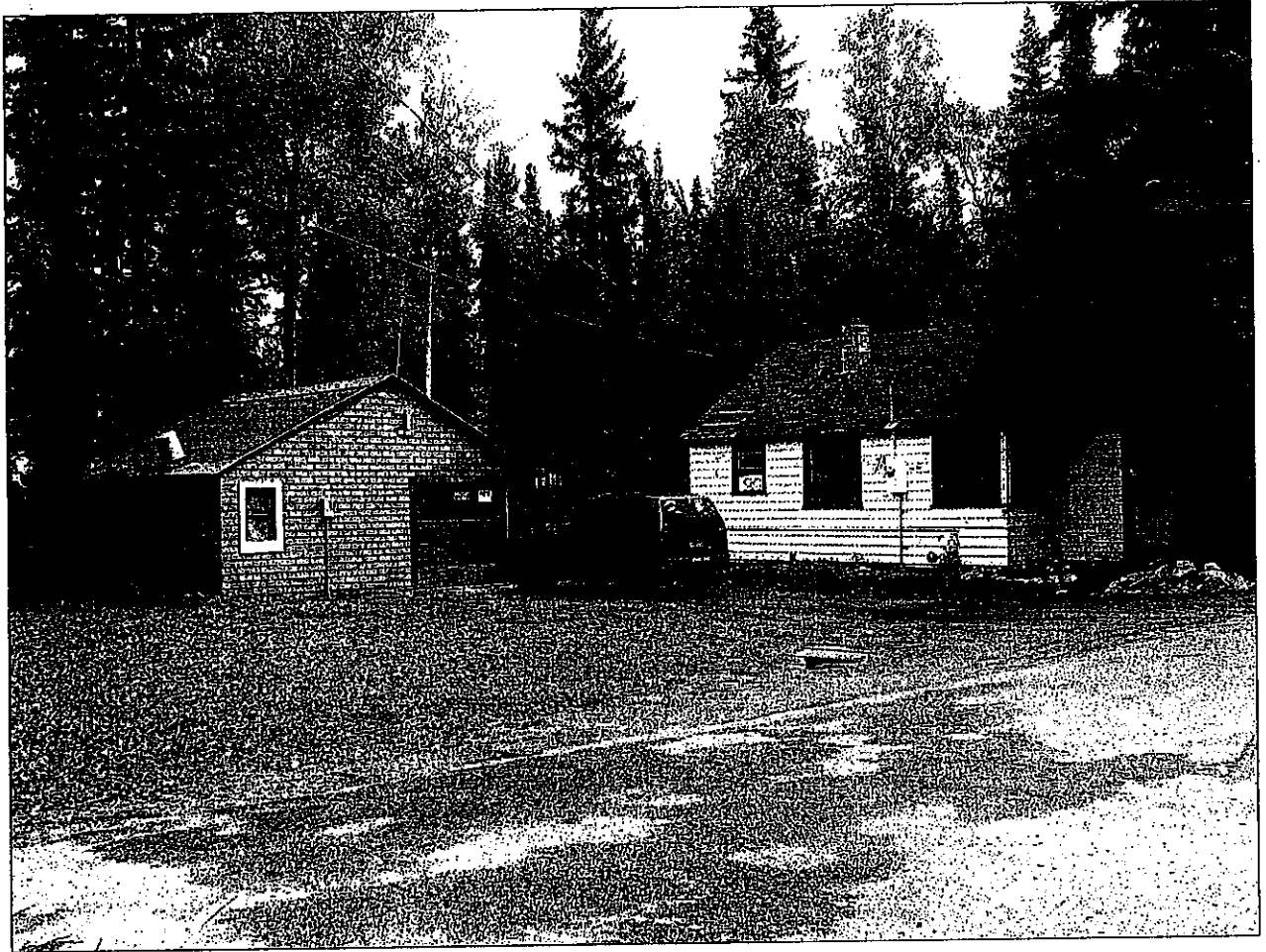
Home on East 49th Court

East 49th Court Properties



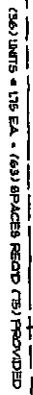
Duplexes on East 49th Court

East 49th Court Properties



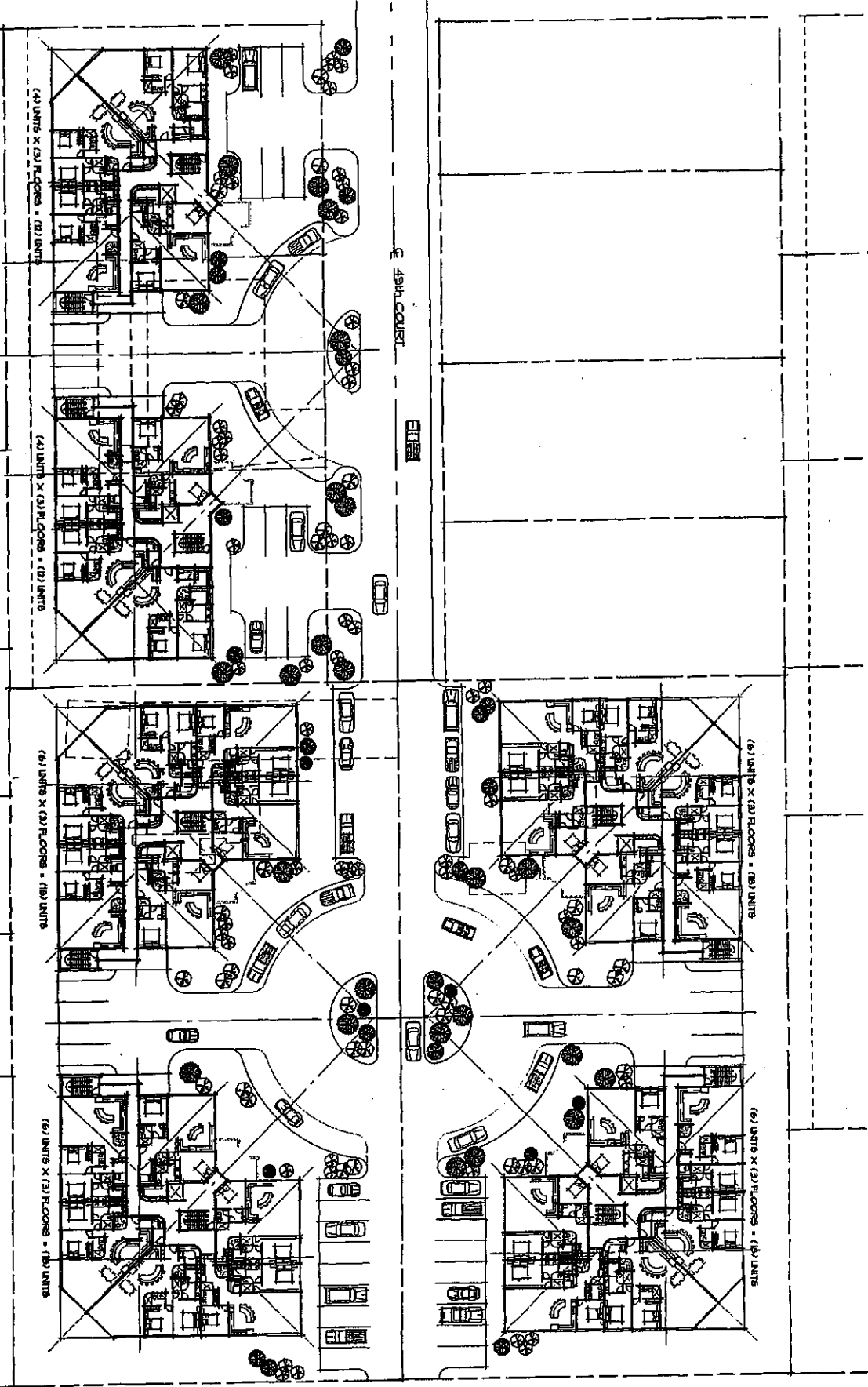
Home on East 49th Court
Lot 45
Part of Rezone Petition
To be removed during Site Development

LOT COVERAGE	SQUARE FOOTAGE
LOT 45	
PROPOSED BLDG. LOT COVERAGE:	AREA: 48,553 * 9,899 * X71 = 18,435 * [38.1%]
LOT 49C	
PROPOSED BLDG. LOT COVERAGE:	AREA: 37,106 * 15,014 * X71 = 15,007 * [38.1%]
LOT 52	
PROPOSED BLDG. LOT COVERAGE:	AREA: 48,578 * 9,899 * X71 = 18,435 * [38.6%]



1

PROPOSED SITE PLAN - MAIN LEVEL



LAUREL RIGHT OF WAY

IVY & CO.
ARCHITECTS

ARCHITECT
CONTRACTOR
PLANNING
DESIGN
CONSULTING

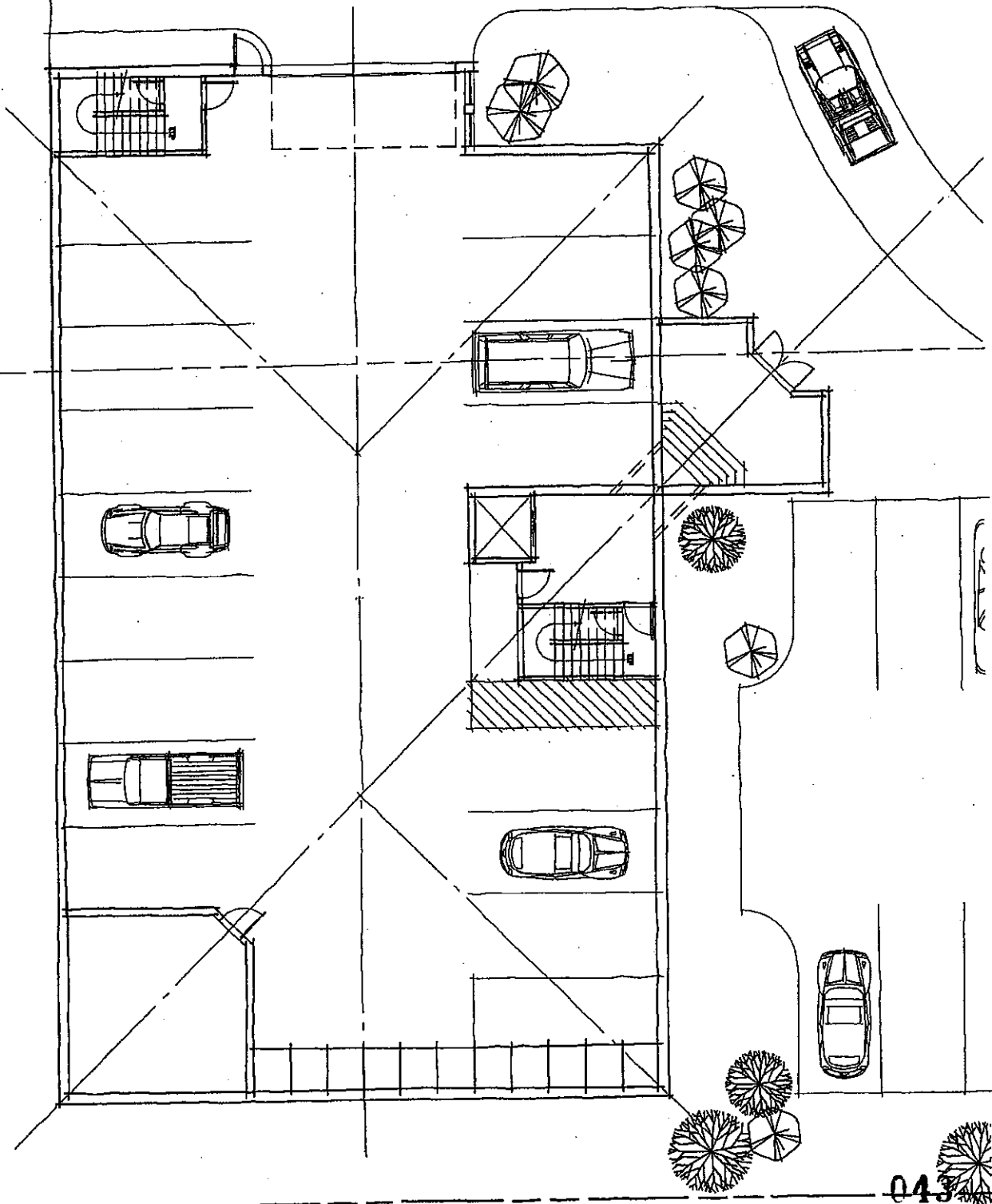
1000 W. 10th Ave.
Anchorage, Alaska 99501
Tel: 261-1234
Fax: 261-5678

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1
1:1=0

PROPOSED PARKING PLAN - BASEMENT LEVEL LOTS 49C (6) REAR PARKING SPACES EACH BUILDING



043

<p>P8</p>	<p>DESIGNED BY JACOB</p>	<p>IVY & CO. ARCHITECTS</p>	<p>DATE 10/10/11</p>
	<p>DRAWN BY JACOB</p>		<p>PROJECT PARK</p>
	<p>CHECKED BY JACOB</p>		<p>DATE 10/10/11</p>
	<p>APPROVED BY JACOB</p>		<p>DATE 10/10/11</p>

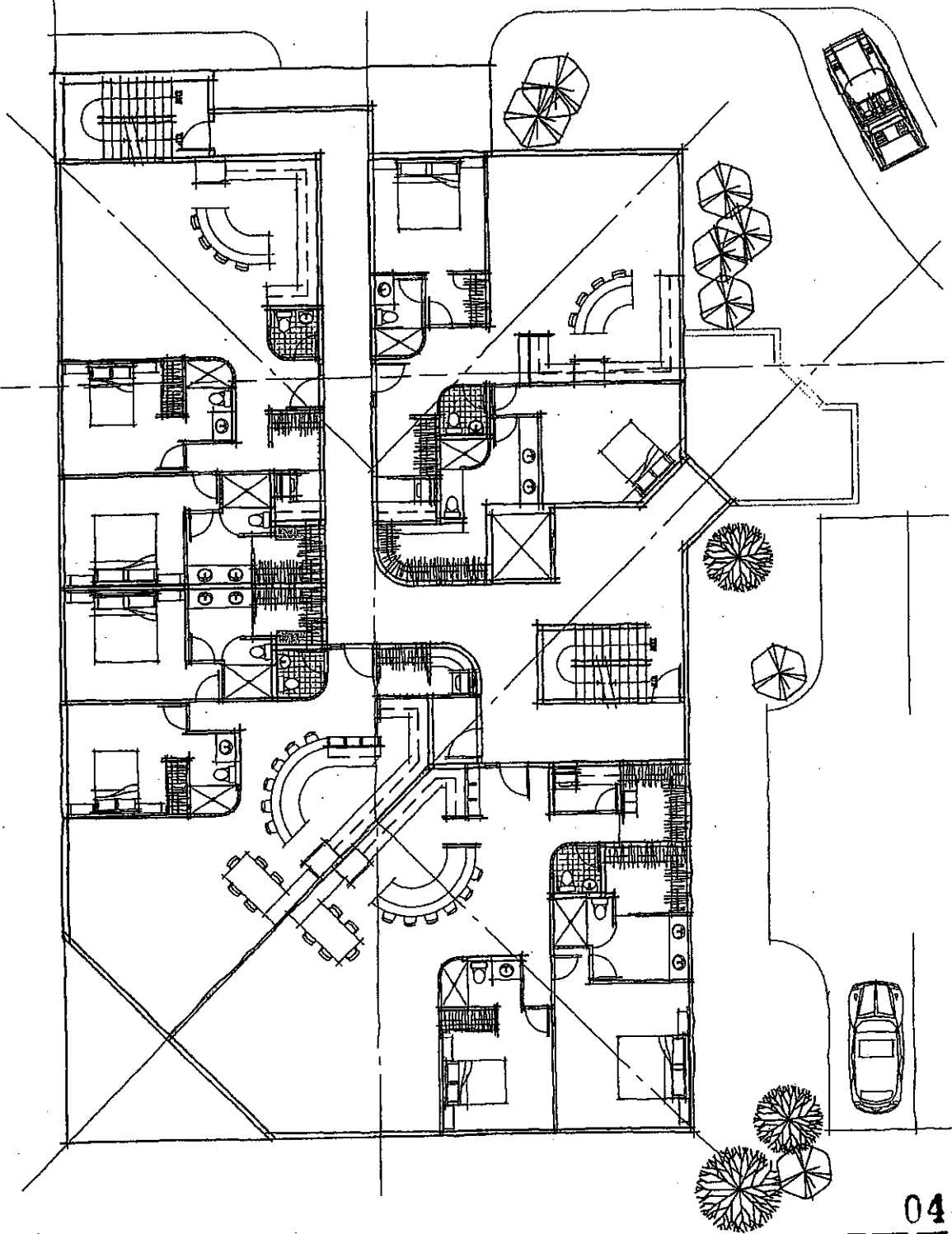
PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1

PROPOSED LIVING LEVELS - LOT 49C

NORTH



044

P4

DATE: 10/1/01
DRAWN: JACOB
CHECKED: JACOB
SCALE: 1/8" = 1'-0"

IVY & CO.
ARCHITECTS

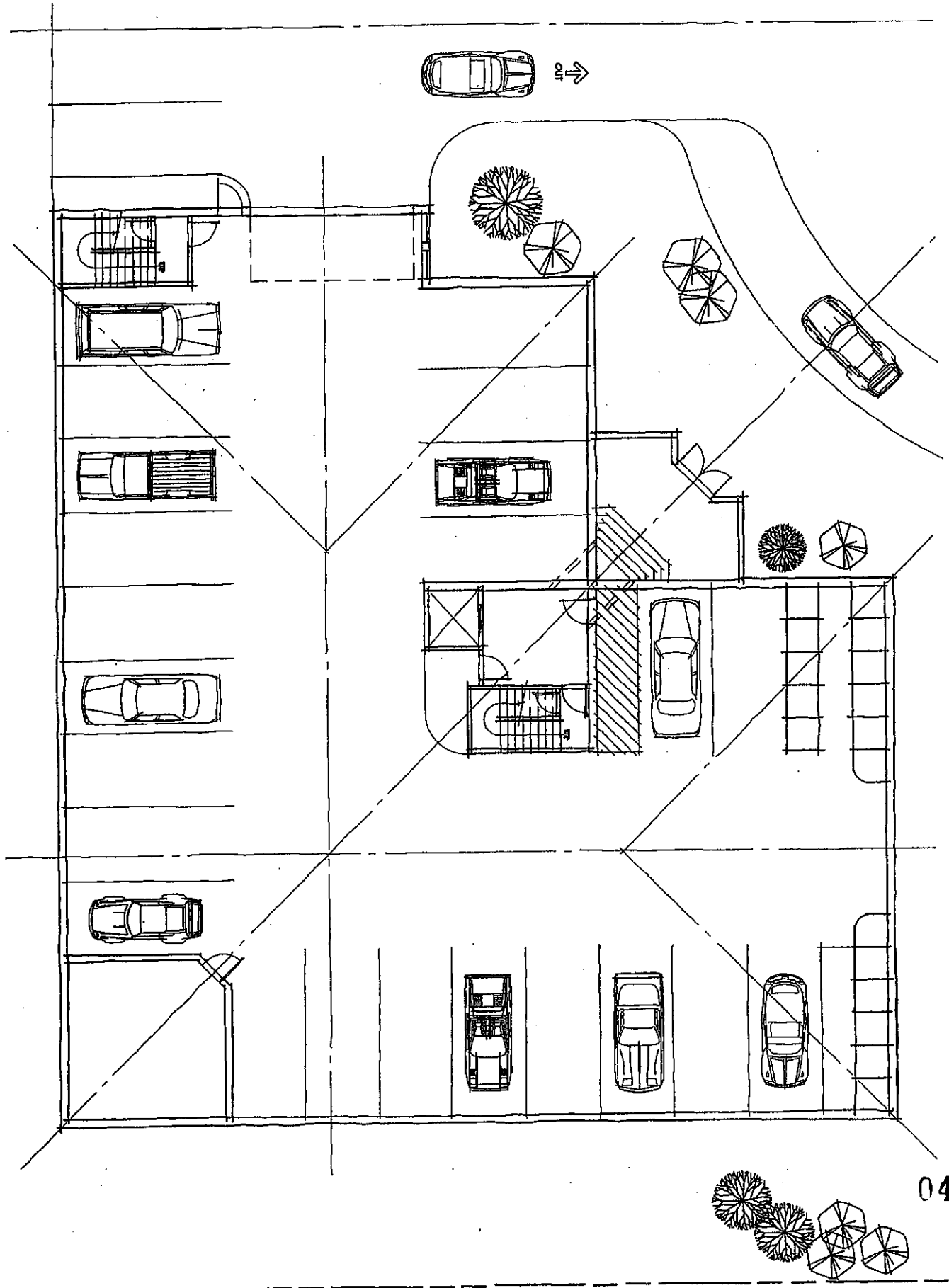
PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1

PROPOSED PARKING PLAN - BASEMENT LEVEL LOTS 45 & 52

231 RELATED PARKING SPACES EACH BUILDING

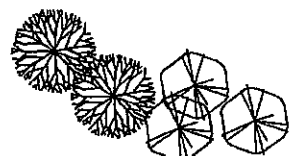


045

<p>P5</p> <p>DATE: 04.20.07</p> <p>BY: [signature]</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>IVY & CO.</p> <p>ARCHITECTS</p>	<p>PROJECT: 49th COURT MULTI</p> <p>LOCATION: ANCHORAGE, ALASKA</p>
	<p>OWNER: [blank]</p> <p>DESIGNER: [blank]</p> <p>DATE: [blank]</p>	<p>ARCHITECT: [blank]</p> <p>DATE: [blank]</p> <p>SCALE: [blank]</p>
	<p>PROJECT: 49th COURT MULTI</p> <p>LOCATION: ANCHORAGE, ALASKA</p>	<p>ARCHITECT: [blank]</p> <p>DATE: [blank]</p> <p>SCALE: [blank]</p>
	<p>OWNER: [blank]</p> <p>DESIGNER: [blank]</p> <p>DATE: [blank]</p>	<p>ARCHITECT: [blank]</p> <p>DATE: [blank]</p> <p>SCALE: [blank]</p>
	<p>PROJECT: 49th COURT MULTI</p> <p>LOCATION: ANCHORAGE, ALASKA</p>	<p>ARCHITECT: [blank]</p> <p>DATE: [blank]</p> <p>SCALE: [blank]</p>

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA

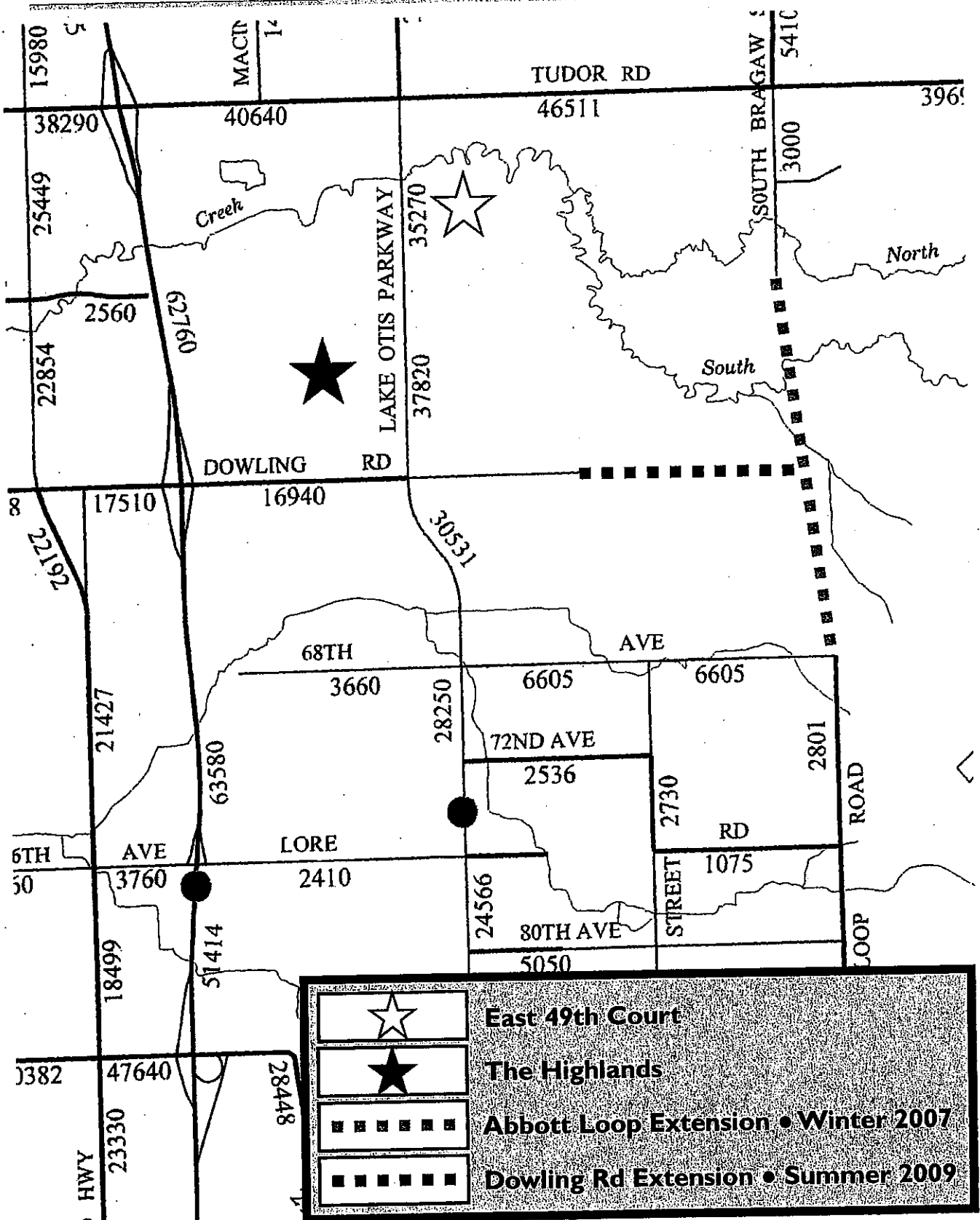




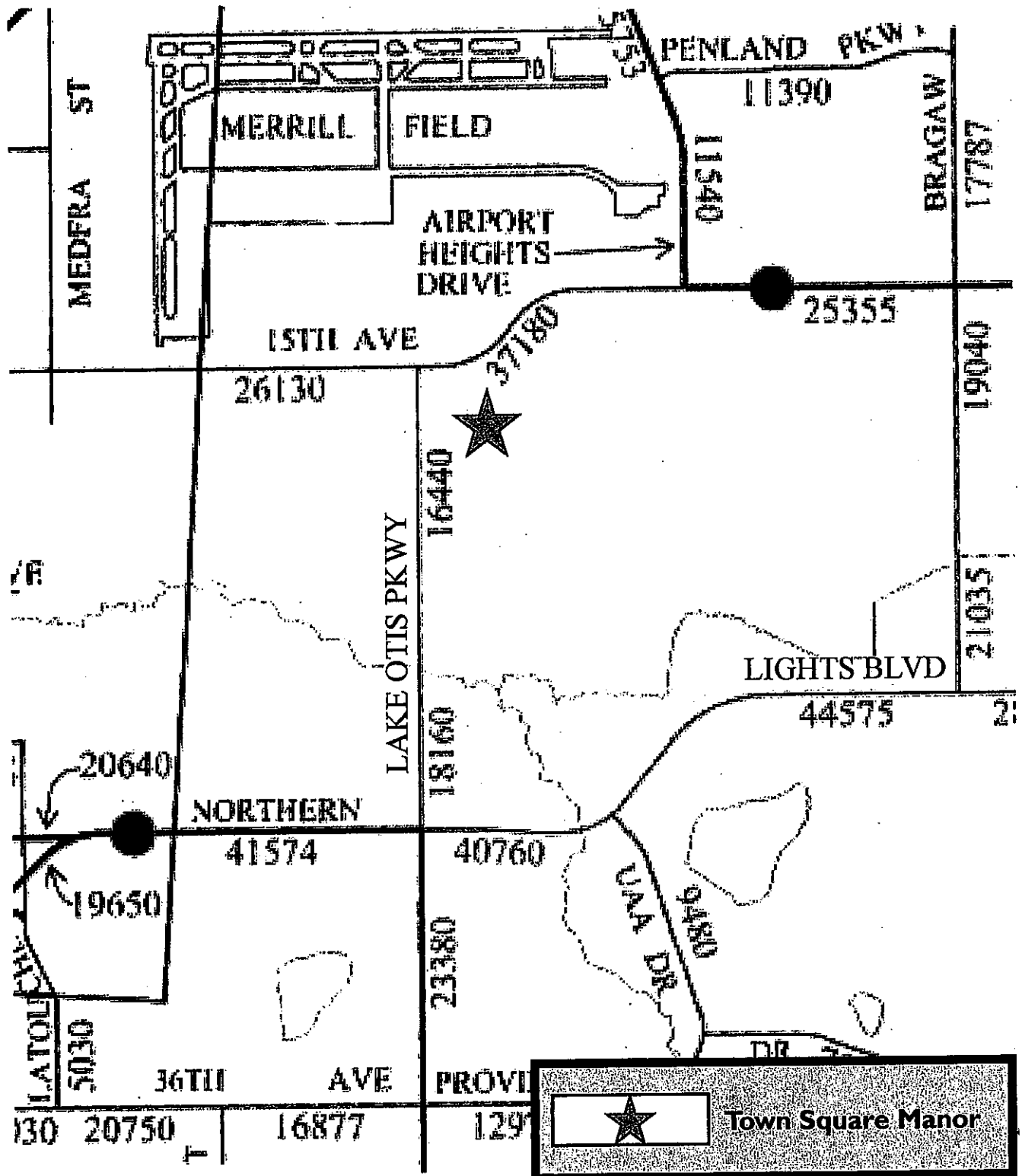
046



Traffic Counts



Traffic Counts



Steve Agni Traffic Analysis

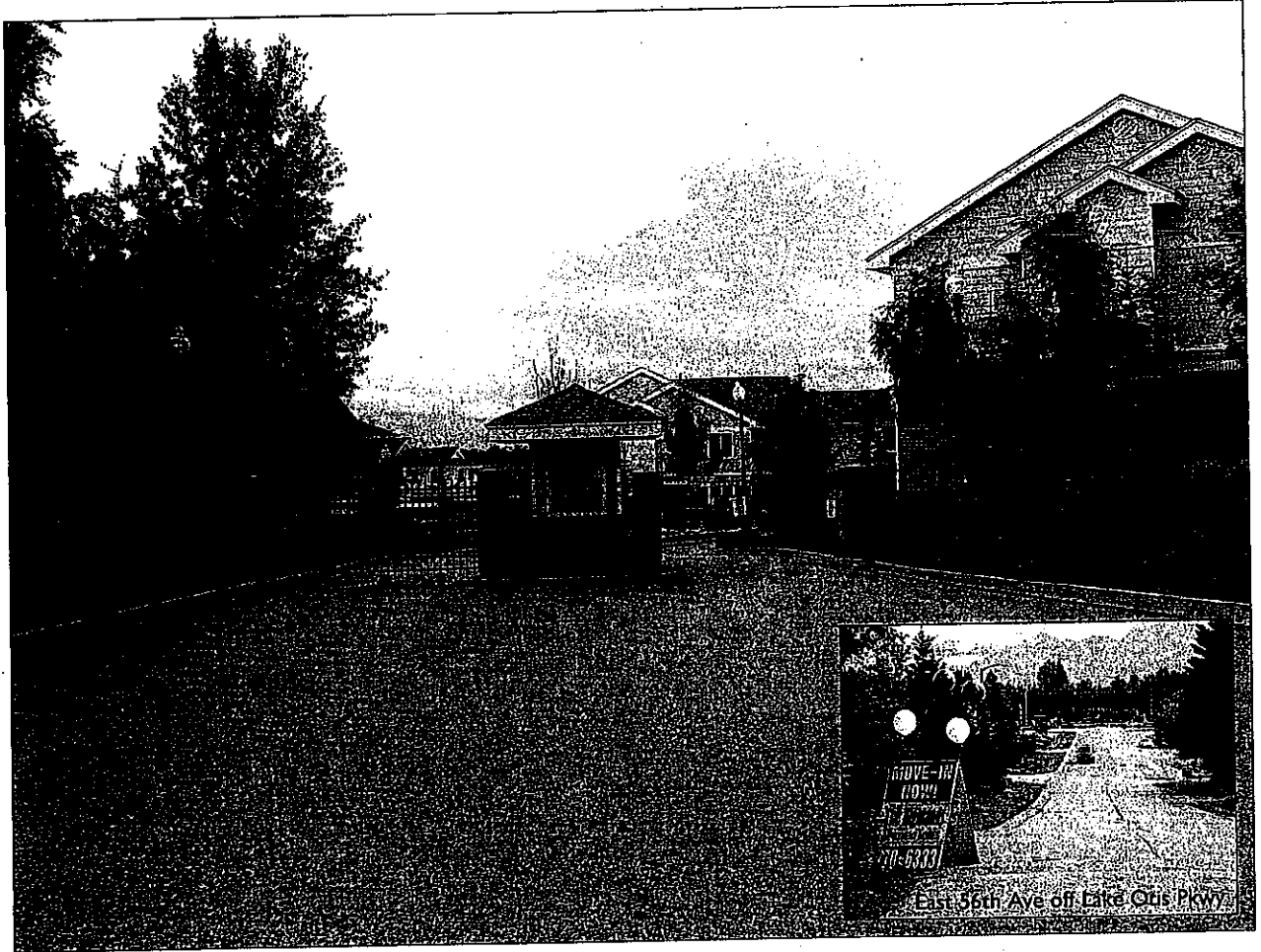
49th Court Project Trip Generation Analysis

No. of Dwelling Units	96					
Average Household Size	2.25					
Trips Per Individual	4.1					
Trips Per Unit/Day	9.225					
Total Dwelling Units	96					
Total Trips/Day	885.6					
Transit Trips Per Day	4.60%	40.7376				
Non Vehicle/Pedestrian	5.9%	52.2504				
Net Vehicle Trips/Day		793				
Vehicle trip Distribution						
Graveyard	Depart for Work & School	Mid-day	Return from Work & School	Swing & Late Shift		
No. Trips	44	134	236	224	155	793
Percent	5.60%	16.90%	29.80%	28.20%	19.50%	100.00%
	12:00am to 7:00am	7:00am to 9:00am	9:00am to 3:00pm	3:00pm to 6:00pm	6:00pm to 12:00am	
Trips/hr	6.340896	66.98	39.366396	74.51	25.75989	
Trips/min	0.1056816	1.12	0.6561066	1.2	0.4293315	

All trip generation data and ratios derived from the Anchorage Household Travel Data Survey, prepared by "Nustats" 9/2002

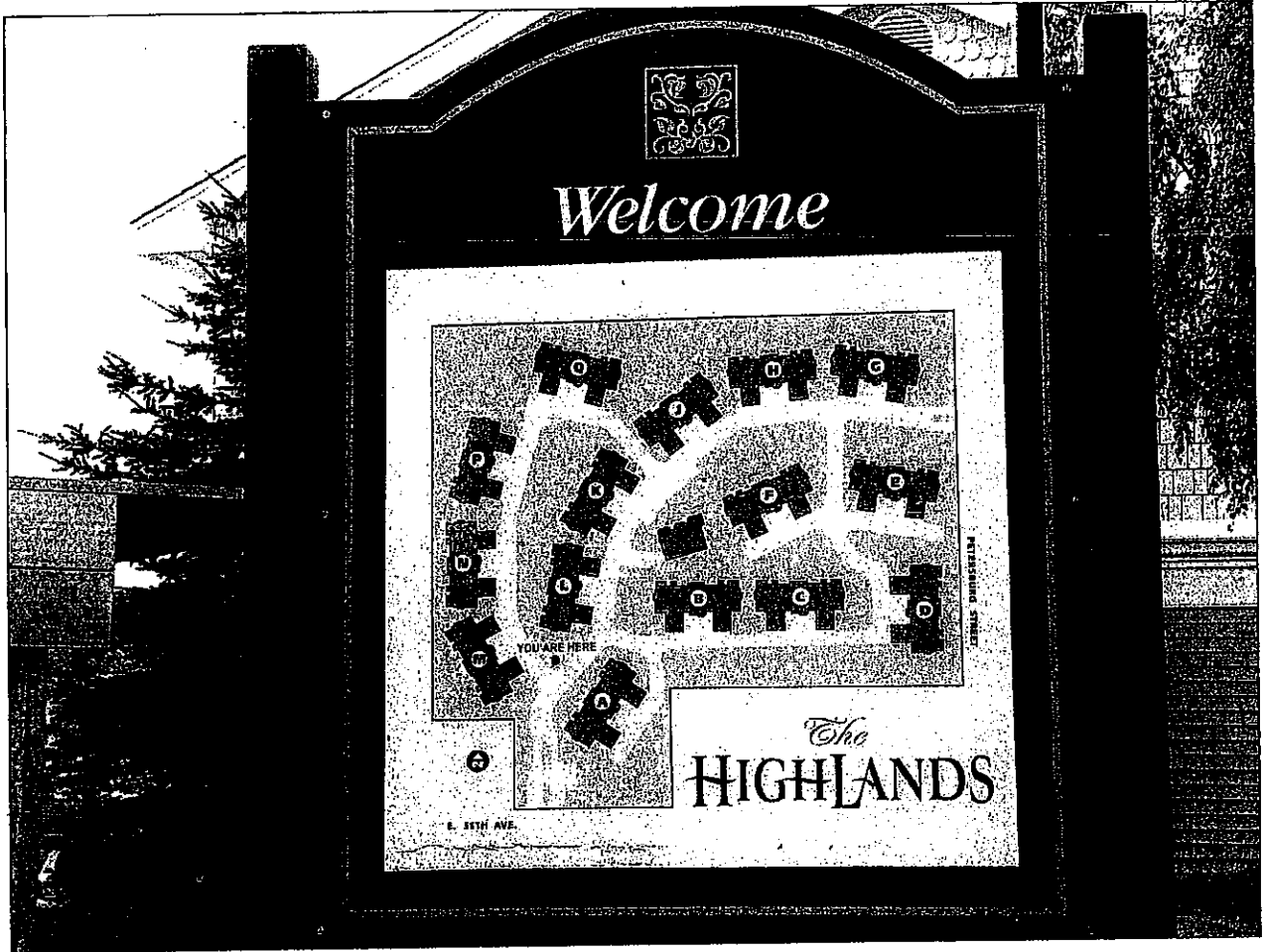
Note "Mid Day" Trips frequently involve destinations that do NOT include residence as point of destination or departure.

Similar Projects



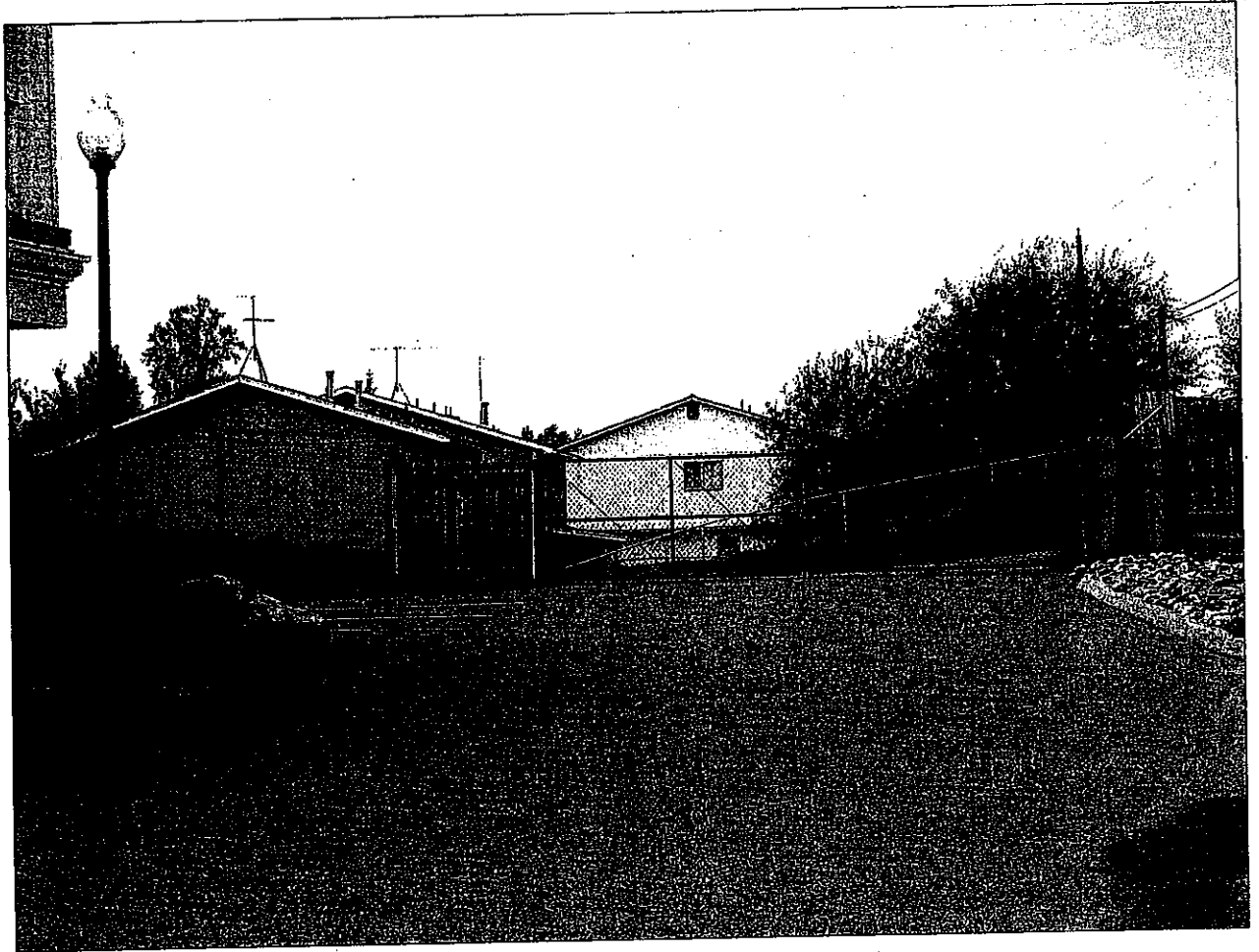
The Highlands
Entrance off of East 56th Avenue and Lake Otis Parkway
150 Units
One Ingress/Egress
Built 2002
Zoned R3

Similar Projects



The Highlands
Layout Map

Similar Projects



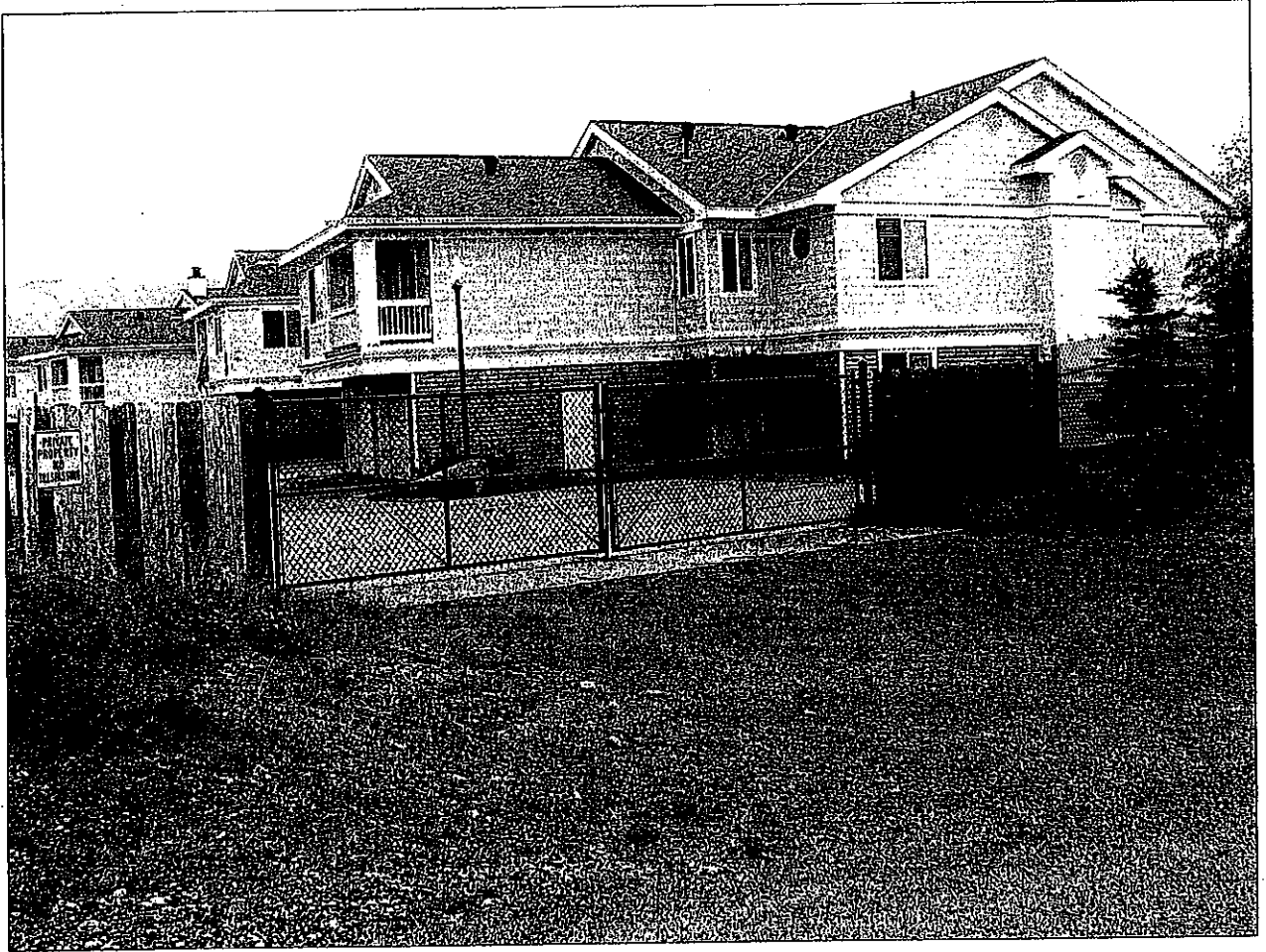
The Highlands
Emergency Exit from Inside Complex

Similar Projects



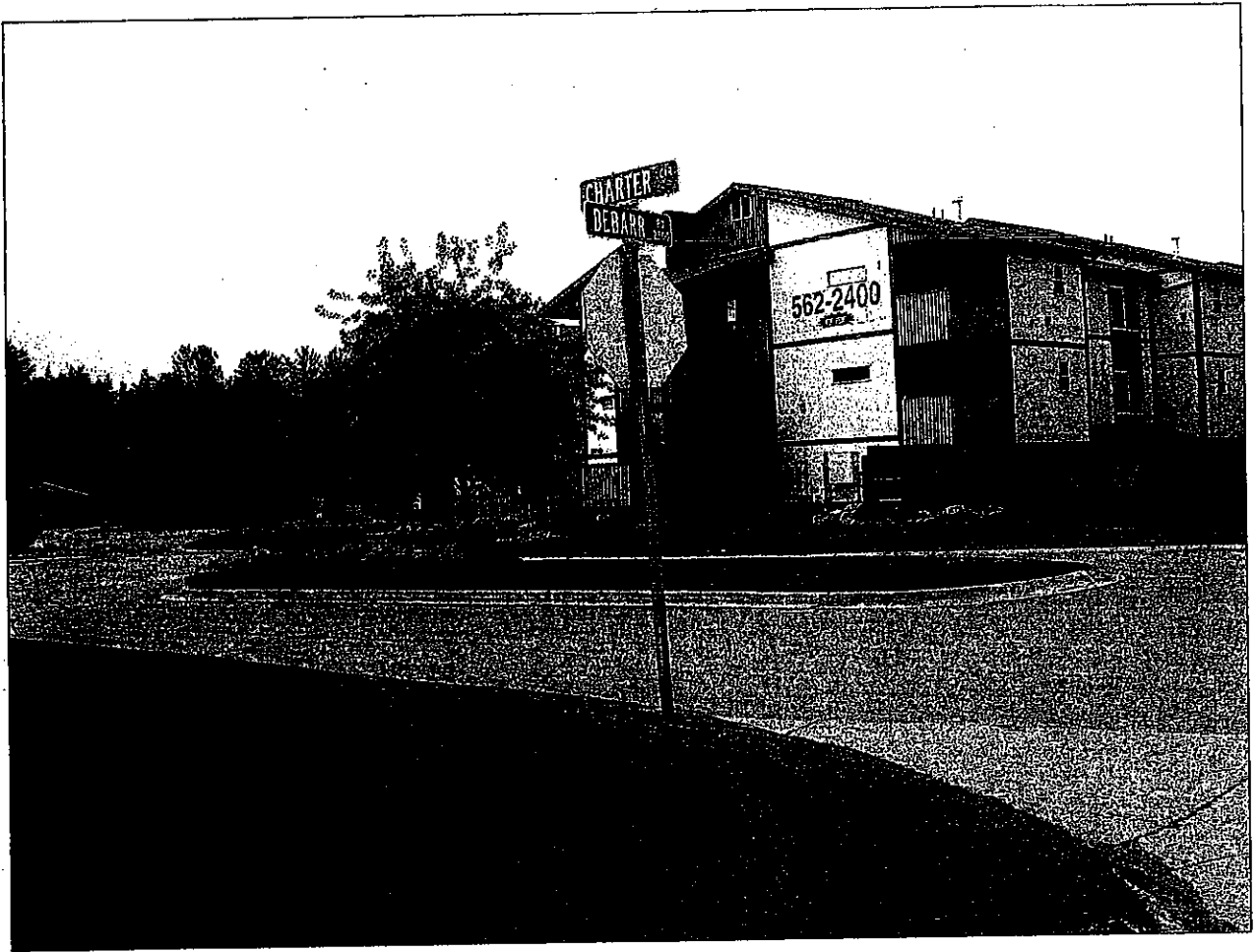
The Highlands
Emergency Exit from Petersburg/Dowling Road

Similar Projects



The Highlands
Emergency Exit from Outside Complex

Similar Projects



Town Square Manor
Entrance from Lake Otis Parkway
90 Units
One Ingress/Egress
Built 2004
Zoned R4SL

Similar Projects



Town Square Manor
View from East (off Charter Circle)

Similar Projects



Town Square Manor

Zoning and Platting Cases Online

Case Number: 2007-087

Case Comments:

Case Num: 2007-087 Rezoning to R-3 Multiple-family residential district

Site Address: 2300 E 49TH CT **Location:** A request to rezone approximately 3.07 acres from R-2A (Two Family Residential) to R-3 (Multiple Family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52, S.M., AK. Located at 2300 East 49th Ct. #200.

Public Comments:

8/25/07

Phillip Kline

I have lived in the area of this rezoning case for 24 years. Lake Otis has increased in volume of traffic considerably and cannot handle too much more. Tudor Elementary school, which is the school for the area in which this zoning is requested, is currently over full. Both of these conditions would be adversely affected by changing the zoning in this area for multi family dwellings.

7/6/07

Elisa Stewart

5000 Sundance Circle

Anchorage AK 99507

Can the schools, especially Lake Otis Elementary School absorb another large increase in students? This rezoning could have adverse effects on our neighborhood schools. We oppose the rezone to a R-3!

7/6/07

Joel Harmon

4801 Folker Street

Anchorage AK 99507

Our Community Council does not meet during the time frame of your mailing, so the word of this rezoning did not get to all the people due to your mailing Requirements. You would have been flooded with negative comments if a meet would have been held. The 10 residents on Folker Street between 48th and 50th DO NOT WANT THE AREA RE-ZONED! You keep adding more and more to this area yet do nothing to improve our roads or access to Lake Otis. 50th was to be upgraded to a collector road in 2004 but it never happened. NO TO ANY REZONING IN THIS AREA!

058

Zoning and Platting Cases Online

Case Number: 2007-087

Public Comments:

7/3/07

Christopher & Jeane Breinig
4910 Hartman Circle
Anchorage AK 99507

When we purchased our home in 1995, we understood we were purchasing a home in an area designated R-2 and are opposed to the having it now changed to R-3. Adding this type of housing in our neighborhood would put stress on already overtaxed road access surrounding the area. Tudor and Lake Otis is the busiest intersection in Alaska and this change would only increase pressure on this major intersection. Additionally, E49th Court, a dead end street, is the only access from Lake Otis to this property. E 49th Ct is a narrow road with minimal unpaved pedestrian walkway to accommodate foot traffic. People walking out of E 49th Ct would need to compete with increased car traffic creating a safety concern. We also note that the area between the YMCA and E 50th has been experiencing steady growth and development with additional 2 family structures now under construction. These residents will also significantly impact traffic on Lake Otis/Tudor. We respectfully request The Planning and Zoning Commission deny this request. The R-2 designation for this area is appropriate and should remain. Thank you.

7/3/07

Richard Dyson
4900 Hartman Circle
Anchorage AK 99507-1439

We have lived in the neighborhood since 1976. We built our current home in 1984. Our property borders the land being considered for rezoning in this case. When built our home, we were aware that the adjacent property was R-2A and recognized the consequences of that. We also note that a major variance exists within that R-2A designation in the form of a multi-unit apartment building. We do not know how this was allowed but we want to prevent any more multi-units from being built in this area. We do not wish to see the parcel rezoned to R-3 since it will change the nature of the neighborhood even further. There have been very dense developments off of 50th Avenue in the last few years which has caused huge problems with traffic and access by emergency vehicles. We believed we were building a home in a quiet neighborhood and we would like to keep it that way. We are opposed to the rezoning.

059

Zoning and Platting Cases Online

Case Number: 2007-087

Public Comments:

6/25/07

Jessica Cederberg
2720 East 50th Ave.
Anchorage AK 99507

On E. 52nd Ave. 22 Zero Lot Lines and 26 Townhomes were recently squeezed along this road with additional dense housing currently being constructed along E. 52nd. These dense housing developments must exit and enter through E. 50th in order to obtain access onto Lake Otis. These large increases in multiple family housing is creating heavy congestion at the intersection of East 50th and Lake Otis. Laurel Street currently does not exist North of E. 50th. Can this additional increase in traffic from this rezoning be solely directed onto E. 49th Ct? I feel there is already a lot of dense housing developments along Lake Otis in this area and that these lots should remain as zoned R-2A to minimize the traffic.

060

IVY & CO. ARCHITECTS
Mark A. Ivy Corporation

3835 Spenard Road
Anchorage, Alaska 99517
Phone (907) 563-5656 Fax (907) 563-5657
Email: ivyco@alaska.net

Established in 1985, **IVY & CO. ARCHITECTS** provides architectural services for both residential and commercial clients. The Principal Architect-in-Charge and President, Mark Ivy, is a lifelong Alaskan with over twenty-five years of architectural experience. The company provides complete architectural services ranging from project planning to construction supervision including engineering and multi-discipline coordination.

Celebrating our twenty-third year, **IVY & CO. ARCHITECTS** has successfully designed and coordinated hundreds of commercial and residential projects from Barrow to Wrangell to Dutch Harbor, Alaska. Our full-time staff of registered and intern Architects allows the flexibility of a one-on-one, close working relationship with clients as well as the ability to respond quickly to project requirements. The Principal Architect's many years of hands-on construction experience and the requirement that employed Architects have approximately 2-3 years practical construction experience results in the practical application of design principles.

Our mission is to provide quality design and drawings at a reasonable cost to clients through the use of both traditional and computer-aided drafting techniques. As the Principal Architect, Mark Ivy is personally involved in every project and leads the design team to ensure an efficient and tailored approach to each design. Of specific interest to our firm is the challenge of combining excellent, innovative, and functional design with the specific and unique requirements of the Alaskan climate.

IVY & CO. ARCHITECTS has produced designs featured in local publications and tours, and on national television.

IVY & CO. ARCHITECTS
PROJECT EXPERIENCE
RESIDENTIAL

NEW HOMES REMODELS ADDITIONS

ANCHORAGE AREA

Artus Remodel
Begich Addition/Remodel
Burns Addition/Remodel
Cheng Residence
Christopherson Addition
Cronick Remodel
Dahl Residence
Dickie/Carnahan Addition
Dodge Residence
Duncan/Bowman Residence
Fabe/Simpson Log Residence
Frampton Residence
Gibson/Rieger Residence
Gilbert Addition
Gillam Addition/Remodel
Goldsmith Residence
Hedges Addition/Remodel
Herrington Remodel
Huhndorf Log Residence
Iden Residence
Jones Residence

Kerr B&B Addition
Luiten Residence
Matsutani Addition/Remodel
Mehner Residence
Morris/Decker Residence
McCart Residence
Pautzke/McCrea Residence
Ramsey Residence
Renfro Addition
Richey Residence
Simonian Residence
St. George Residence
Stehle Remodel
Sturgeon Addition
Stutzer Residence
Sydnam Residence
Tomsen Addition
Warren Addition/Remodel
Warren Residence
Wilson Residence
Wong Residence

EAGLE RIVER & VALLEY AREA

Earp Residence, Eagle River
Heinze Residence, Talkeetna
Kelly Residence, Eagle River
Kramer Residence, Horseshoe Lake
Mitchell Residence, Palmer

OTHER AREAS IN ALASKA

Harrison Residence, Barrow
Hurley Residence, Kodiak
Lopez Residence, Valdez
Stewart Residence, Girdwood
Stuermer Residence, Barrow
Towarak Residence, Unalakleet
Wilson Addition, Girdwood

IVY & CO. ARCHITECTS
PROJECT EXPERIENCE
COMMERCIAL EXPERIENCE

RETAIL/COMMERCIAL

- Veterinary Specialist Surgery, Anchorage
- Alaska Wild Berry Products: Candy factory/retail outlet, Anchorage
- Alaska Wild Berry Products, Trail Entrance and Kiosks, Warehouse Expansion
- Alaska Wild Berry Products, Theatre building
- Alaska Zoo, Master Plan and New Facility, Anchorage
- Anchorage Masonic Holding Co. Inc: Tenant Improvement, Anchorage
- Anchorage Police Dept. Employees Assoc.: Tenant Improvement, Anchorage
- Aviation Wholesale: Commercial Renovation, Anchorage
- Bay Club: New Health Club, Homer (Preliminary Only)
- Bird Point Caretaker Cabin, Bird Point
- Boys & Girls Club, Storage Building, Anchorage
- Captain Lee's Restaurant: 5th Avenue Mall, Anchorage
- Chopsticks Restaurant, 5th Avenue Mall, Anchorage
- Community Covenant Church: New facility, Eagle River
- Copper River Country: Gift Shop and Luncheonette, Cordova
- Dimond West Little League: Concession Stand, Anchorage
- Evergreen Memorial Chapel: Funeral Home, Anchorage & Eagle River
- Gary King Sports: Float boat design, Anchorage
- Habitat: Interior retail, 5th Avenue Mall, Anchorage
- Holy spirit Episcopal Church: Re-build, Eagle River
- Kids Club Daycare: 6,000 sq. ft. daycare, Anchorage
- Magnum Electronics: Commercial Tenant Improvement, Anchorage
- Moore Heating: Commercial Remodel, Anchorage
- Railway Brewing Company: Anchorage
- Regal Foods: 15,000 sq.ft. Frozen Food Distribution Facility, Anchorage
- Saturday Market Building: Anchorage
- Saucy Sisters: Commercial Catering Facility, Anchorage
- Subway Sandwich Shop: Anchorage
- Trinity Christian Reformed Church: Commercial renovation, Anchorage
- United Utilities, Inc.: Headquarter building: Tenant Improvement/ remodel, Anchorage
- Williams & Kay/ Sadler's Building: Retail renovation & tenant improvements, Anchorage
- Woolworth building: Exterior Facade remodel, Anchorage

HOUSING

- Anderson shop/office/apartment, Dutch Harbor
- Birch Hill Condominiums: 22 unit, Anchorage
- Bristol Bay Inn: 22 unit, Dillingham
- Discovery Condominiums Project: 54 unit, Anchorage
- King Cove Community Center, King Cove
- Kijulik Corporation, multi-unit
- North Slope Borough 40 home development, North Slope Borough
- North Slope Borough Task Force "A" housing option development, North Slope Borough, Alaska
- Lower Kuskokwim School District 3-Single Family Homes, Nightmute & Newtok, Alaska
- SBS Component Houses, Barrow, Alaska
- SBS/SKW/NSB 45 Residence development, North Slope Borough
- Silvertip Condominiums, 24 unit, Girdwood, Alaska
- Thomas Bay Power Authority Crew Quarters, Wrangell, Alaska

EDUCATION

- Lower Kuskokwim School District Portable Classrooms and Multi-purpose room, Newtok and Nightmute, Alaska

INDUSTRIAL

- Alaska Independent Resources Red Dog Mining Camp
- Anchor Chrysler & Dodge, 2000 sq. ft. addition, Anchorage
- Avis Carwash building, 5,000 sq. ft., Anchorage
- Copper Valley Electric Assoc. 2,000 sq. ft. Solar Turbine Bldg, Valdez
- Copper Valley Electric Assoc. 9,000 sq. ft. Office Renovation, Valdez
- Drivetrain Distributors warehouse building, Anchorage
- Golden Zone Mine, base camp (50 man)
- Jay-Brant Cordova maintenance building, Cordova
- Routh Aircraft hanger, 6,000 sq. ft. Anchorage
- Thomas Bay Power Authority Crew Quarters, Wrangell
- Thomas Bay Power Authority 4,000 sq. ft. Equipment Shed, Wrangell

- United Utilities addition, Bethel

RESORTS

- Aurora Winds Hotel, Anchorage, Alaska (proposed)
- Club at Eagle Point, Recreation Center, Anchorage, Alaska
- Colorado Station Resort, Colorado, Alaska (proposed)
- Finger Lake Resort, Palmer, Alaska
- Michael Cusack's King Salmon Lodge addition, King Salmon, Alaska
- Uptown Hotel renovation, Anchorage, Alaska

NOTE: This is only a partial listing, references available upon request.

**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
Memorandum**

DATE: November 5, 2007

CASE NO.: 2007-087

APPLICANT: Pura Vida, LLC, Petitioner
Steve Agni, Representative

REQUEST: A request to rezone approximately 3.070 acres from R-2A (Two-Family Residential District - Large Lot) to R-3 SL (Multiple Family Residential District with Special Limitations)

Background:

This request was originally scheduled to be heard on July 9, 2007, and was postponed to September 17, 2007. The public hearing was opened on September 17, and action was postponed to November 5, 2007 in order to allow the petitioner to work with the Department regarding the issues and concerns regarding the proposed rezoning. The public hearing is closed on this item.

At the September 17 hearing, the petitioner presented proposed concept designs and limitations to show potential residential development on the petition site. The Commission asked Staff to determine if a rezoning is approved, does it obviate the need to subdivide or the need for permits. The Commission further asked for clarification concerning participation by the applicant in upgrading Laurel or other infrastructure because the increased density would need to be addressed with conditions.

Recommendation:

The design concept plans and density request of over 30 dwelling units per acre (DUA) presented by the petitioner do not materially change the original analysis by the Department. The special limitations proposed by the petitioner do not materially mitigate neighborhood impacts, which is basically the issue of significant overall scale compared to the existing neighborhood. The petitioner's proposed special limitations do not prevent or require further subdivision of land, and do not tie the rezoning request to one particular development. Thus, there is no guarantee regarding whether or how any utility, traffic, or street upgrades may need to occur. This could only be gauged accurately through an application for a specific development proposal.

The petitioner met with staff to discuss these areas of concern. The petitioner shared information regarding current housing numbers and construction costs. Staff shared concerns with the petitioner regarding conceptual site and building design drawings

submitted with the rezoning application. Ultimately, the meeting did not produce a resolution of the differences.

This memorandum incorporates the September 17, 2007 planning staff analysis by reference.

Recommendation

The Department does not support the R-3 SL as proposed by the petitioner, but does offer an alternative R-3 SL option which supports the need for a higher density than that which exists, while mitigating the impacts on the surrounding single family/duplex residential neighborhood. Thus, the Department recommends the following special limitations for consideration by the Commission:

1. Purpose

This R-3 SL zoning district is intended primarily for a mixed-density residential area that allows for a variety of single-family, two-family, and low-to-medium-density multifamily dwellings. It permits the establishment of three- and four-dwelling multifamily structures, subject to site plan review to ensure compatibility with a predominantly single-family environment and the enhancement of overall neighborhood quality. It also is intended to allow for additional design flexibility through the planned unit development process. This district is intended to be applied to the existing area of East 49th Court as a transition between single- and two-family areas and higher density mixed residential or multifamily areas.

2. District-Specific Standards

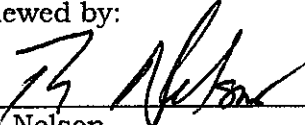
- Multifamily buildings shall contain no more than four dwelling units.
- In order to create neighborhood compatibility and retain a predominantly single-family environment, buildings with three or four dwelling units shall maintain detached single-family style architectural features by complying with the following design standards:
 - a. Each residence need not have its own entrance.
 - b. No more than forty percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

3. The following development standards shall apply:

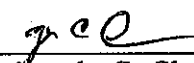
Development Standards								
Use	Min. lot area	Min. lot width	Max lot coverage	Front setback	Side setback	Rear setback	Max # of principal structures on one lot	Max. Height
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	3,000	24 (30 on corner lots)	60	20		10	1	
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	10	10	1	
All other uses	10,000	70	40	20	10	10	1	

- 4. Planned Unit Developments.** An alternative housing development design may be proposed through AMC 21.50.130 Conditional Use Standards – Planned unit developments. However, the maximum number of dwelling units shall not exceed sixteen dwelling units per acre.

Reviewed by:


Tom Nelson
Director

Prepared by:


Angela C. Chambers, AICP
Senior Planner

(Case # 2007-087, Tax ID No's. 008-071-10, -11, 19, -20, 97)

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

MINUTES OF
July 9, 2007
6:30 PM

A. ROLL CALL

Present Toni Jones, Chair
 Jim Fredrick
 Jim Palmer
 Art Isham, Vice Chair
 Andrew Josephson
 Bruce Phelps
 Lamar Cotten

Excused Nancy Pease
 Thomas Vincent Wang

Staff Jerry Weaver
 Al Barrett
 Angela Chambers

B. MINUTES

COMMISSIONER ISHAM moved for approval of the minutes of June 4, 2007 and June 11, 2007. COMMISSIONER FREDRICK seconded.

AYE: Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS

1. Disclosures

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

CHAIR JONES stated regarding Consent Agenda case 2007-099 that the law firm with which she is employed has represented Cook Inlet Tribal Council

(CITC) on matters in the past. She spoke with both attorneys who performed the work, which involved a real estate transaction, but not this property, and something of a commercial nature. She had no involvement in either of those matters.

COMMISSIONER ISHAM moved to direct Ms. Jones to participate in case 2007-099. COMMISSIONER FREDRICK seconded.

COMMISSIONER ISHAM stated that by her own declaration Ms. Jones was not involved in cases involving CITC and he believed she could make a reasonable decision on in case 2007-099.

AYE: Josephson, Isham, Fredrick, Palmer, Phelps

NAY: None

ABSTAIN: Jones

PASSED

COMMISSIONER COTTEN arrived at 6:33 p.m.

D. CONSENT AGENDA

1. **Resolutions for Approval:** 2007-030 (case 2007-043), 2007-034 (case 2007-085), 2007-035 (case 2007-086), 2007-036 (case 2007-082), 2007-037 (case 2007-056), 2007-040 (case 2007-078), 2007-041 (case S-11587)
3. **Site/Landscape Plan Approval**
 - a. **2007-113** Municipality of Anchorage. A minor amendment to a site plan review for Romig Middle School and West High School to allow the placement of five (5) additional relocatable classrooms on the Romig/West campus. Located at 1602 Hillcrest Drive.
4. **Time Extensions; Expedited Hearing Requests; Minor Conditional Use Amendments**
 - a. **2007-089** Peach Investments LLC. A Time Extension for construction of a parking garage containing more than 50 spaces to be located within a high rise multi use building in the B-2A (Central Business District) per Conditional Use Case# 2005-147. Anchorage

Original Townsite, Block 41, Lot 9A. Located at 601 W 5th Avenue.

- b. **2007-099** Cook Inlet Tribal Council, Inc. Minor Amendment to a Final Conditional Use permit for a Correctional Community Residential Center (CCRC) to increase the number of beds from 32 to 36. Tract G5, Athenian Village Subdivision, 4330 S. Bragaw Street.

- c. **2007-098** Pamela D. McCarl. A minor amendment to a conditional use for a PUD (planned unit development) to allow a front yard encroachment. Woodside East #3, Lot 127. Located at 2115 Sorbus Way.

COMMISSIONER ISHAM moved for approval of the Consent Agenda.
COMMISSIONER FREDRICK seconded.

COMMISSIONER PALMER stated he did not participate in Resolutions 2007-037, 2007-040 and 2007-041 and asked that they be voted on separately.

COMMISSIONER ISHAM pulled case 2007-113.

COMMISSIONER JOSEPHSON pulled case 2007-099.

Resolutions 2007-037, 2007-040 and 2007-041

COMMISSIONER ISHAM moved to approve Resolutions 2007-037, 2007-040 and 2007-041. COMMISSIONER COTTEN seconded.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Phelps

NAY: None

ABSTAIN: Palmer

PASSED

Case 2007-113

COMMISSIONER ISHAM asked that Staff explain the changes to this request. Staff member ANGELA CHAMBERS responded that this request is a minor amendment to a site plan review for Romig Middle School and West High School. The original request was to allow placement of five relocatable units on the campus. A handout has been provided to the Commission indicating that the request has been modified to allow placement of seven

relocatables in order to accommodate students from Clark Middle School during reconstruction of that school. The Department does not view this as a major change.

COMMISSIONER ISHAM moved to approve case 2007-113, as modified.
COMMISSIONER PALMER seconded.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

Case 2007-099

COMMISSIONER JOSEPHSON indicated he did no longer wished to pull this case and moved to approve case 2007-099. COMMISSIONER FREDRICK seconded.

COMMISSIONER PALMER noted that the community council originally had no comment in this case, but in the materials distributed this evening they had provided comment expressing some concerns. MS. CHAMBERS indicated there was no response from the community council, only one from Parks and Recreation. COMMISSIONER PALMER asked whether there have been any complaints from the community in the past regarding this facility. Staff member ALFRED BARRETT replied that there have been none.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC
HEARINGS – None

F. REGULAR AGENDA – None

G. PUBLIC HEARINGS

1. 2007-087 Pura Vida LLC. A request to rezone approximately 3.07 acres from R-2A (Two Family Residential) to R-3 (Multiple Family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52, S.M., AK. Located at 2300 East 49th Ct. #200. Located at 2300 E. 49th Court

Staff member ANGELA CHAMBERS indicated the Commission would need to vote on the request to postpone as the matter has been advertised.

COMMISSIONER FREDRICK moved to postpone case 2007-087 to September 17, 2007. COMMISSIONER ISHAM seconded.

AYE: Cotten, Josephson, Jones, Isham, Fredrick, Palmer, Phelps
NAY: None

PASSED

POSTPONED TO SEPTEMBER 17, 2007

COMMISSIONER PEASE stated 21.12.010.B.3.b talks about a conditional use or use with an approved site plan. She felt it was confusing language and asked that it be clarified in mentioning both conditional uses and permitted uses. She asked also if the language that the conditional use permit for the approved site plan shall be null and void means any conditions are, therefore, null and void.

CHAIR JONES asked by what date Staff would like questions for the Issue-Response. MR. NELSON asked that questions be submitted by the end of the week.

CHAIR JONES asked whether any of the Commissioners received an email from Cheryl Richardson, noting that she received a copy of an email Ms. Richardson sent to Mr. Nelson. MR. NELSON stated he responded to Ms. Richardson's email and suggested that if she had any questions or issues, she express them in the public hearing. There was a second email from her saying she intended to do so.

COMMISSIONER JOSEPHSON moved to continue case 2007-151 to October 8, 2007. COMMISSIONER PEASE seconded.

AYE: Josephson, Jones, Fredrick, Palmer, Phelps, Pease

NAY: None

PASSED

2. 2007-087

Pura Vida LLC. A request to rezone approximately 3.07 acres from R-2A (Two Family Residential) to R-3 (Multiple Family Residential). T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52, S.M., AK. Located at 2300 East 49th Ct. #200.

Staff member ANGELA CHAMBERS stated this request is to rezone approximately 3.07 acres from R-2A to R-3 SL. The site is on the east side of Lake Otis Parkway, south and east of East 49th Court. This site is comprised of five parcels. There are three lots on the south side occupied by a nonconforming 8-plex and two other parcels at the east end of 49th Court that under separate ownership and developed with single-family homes. The Department finds this to be a spot zoning. A spot zoning exists if all of the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive

plan. As the property exists, one duplex could be developed on each lot. The two lots at the end of East 49th Court could be subdivided further. The density is 6-10 DUA under the current zoning. The general area is developed less intensely. The petitioner's request, with the special limitations, would allow a density of 31.27 DUA, a very significant increase in dwelling unit density. In discussing this project with the petitioner, the Department found this area between Lake Otis Parkway and Laurel Street extended is an area studied in the current Title 21 Rewrite process as one that merits special treatment in terms of adding some limited flexibility in density for the purposes of enhancing infill capabilities, but with additional site design controls and density limitations. Although the area is an existing single-family/duplex area, there are areas that could benefit from infill and density and the area between Laurel and Lake Otis could serve as a buffer with a slightly higher density, provided that certain design criteria are met. The Department offers an alternative R-3SL to mitigate the impacts on the surrounding single-family/duplex neighborhood.

COMMISSIONER PHELPS asked for a review of the Department's recommended special limitations and their effects in terms of mitigating impacts. MS. CHAMBERS stated the special limitations provide a slightly higher density than allowed in the R-2A district, similar to allowing a four-plex on each lot. It would nearly double the allowed density, but not go as high as 30 DUA. This area would be a buffering zone between the highly traveled Lake Otis Parkway and the area east of Laurel Street. It still limits the number of dwelling units per acre. It has similar minimum lot width and lot coverage as R-2A. It provides for planned unit development as a conditional use, limiting density to 16 DUA. The single-family/duplex style design element is proposed. MS. CHAMBERS added that one principal structure would be allowed per lot where the R-3 would allow multiple structures per lot.

The public hearing was opened.

STEVE AGNI, representing the petitioner, distributed renderings of the project, as well as a statistical market analysis. He stated *Anchorage 2020* recognizes that the most important land use issue Anchorage will face is room to grow. As noted earlier by Mr. Nelson, infill and redevelopment of existing land, particularly in areas designated for higher density and mixed-use development will provide the best opportunity to meet that basic goal of *Anchorage 2020*. This project is an opportunity to set a high standard for

quality and efficiency of residential projects in infill areas. The Staff and petitioner have more agreement than differences. Both agree that this area requires special attention because of its circumstances and location and that it is on the Lake Otis Parkway transit supported corridor on the Land Use Policy Map. That Map supports higher to mid level densities along a transit supported corridor. Lake Otis Parkway merits special attention, as there is significant development at Bragaw and Dowling that will take traffic from Tudor. While this density of development would be located on Lake Otis Parkway, it will not overwhelm that portion of the public infrastructure. Staff points out that in order to be compatible with the surrounding neighborhood the project should have a certain density style. Staff advocates a duplex and four-plex style dwelling. From the market analysis, this is not what people can afford and demand. The proposal involves two 42,000 square foot (SF) parcels and one 35,000 SF parcel. This land has not been subdivided because there has not been a demand for that type of housing style. In 2003 the Department contracted with NewStats to do a statistically valid survey of trip travel in Anchorage. He was comfortable in asserting that this project could use 49th Court for ingress/egress after netting out transit and pedestrian bicycle trips, which leaves less than 800 average daily trips (ADT). When those trips are distributed, as shown by the study, over a 24-hour period there is a modest traffic level on Lake Otis/49th Court. He felt Laurel Street could be a good secondary emergency access and a pedestrian linkage. He agreed with Staff that infill requires special control because of the surrounding neighborhood, but the petitioner has proposed a series of special limitations that will limit lot coverage, setbacks, and side yards that would be no more onerous than an R-2A. He distributed the table he referenced, noting that it is in summary form in the packet. The petitioner is proposing that the 40,000 SF lots could be subdivided into 20,000 SF, but they will be large parcels that can accommodate a larger building with an aggregation of dwelling units to be marketable and to serve the U-Med District. People have to have either affordable housing or downsized housing for older persons. It is not cost feasible to put an elevator into a four-plex to accommodate the needs of some of the residents.

RICHARD MICHAEL, petitioner, stated that in MSLS areas 35 and 40 there are 57 active attached dwellings or condos on the market, almost all of which are 2- to 4-unit buildings. The average market time for these units is 276 days, much longer than traditional market times of 90-120 days in a healthy market. He felt the data speaks to the marketability of twelve four-plexes, as suggested by Staff.

COMMISSIONER FREDRICK asked for further comment on the rezone to R-3. MR. MICHAEL stated that the need for housing in close proximity to the

U-Med District is well documented. The market is seeing major corrections and the need for well thought developments is even more important. The proposed project represents a development that is missing in the current market. The proposed six buildings will offer any developer the comfort level needed to build as demand presents itself. It offers a fresh alternative to homebuyers in line with the Municipality's long-term vision. This could be a benchmark for all future developments. In addition, these units are well suited for first-time homebuyers and downsizing seniors and will be priced in the \$235,000 to \$255,000 range. The target market makes \$58,000 with income-to-debt ratios less than 36%.

COMMISSIONER FREDRICK asked to compare that scenario to the Staff recommendation of 11 to 12 four-plexes in terms of selling price. MR. MICHAEL believed those units would be more expensive and 2- to 4-unit dwellings in this same price range are staying on the market a long time. COMMISSIONER FREDRICK asked if the petitioner is suggesting that structures with a greater number of units are marketable. MR. MICHAEL explained this is the case because Mark Ivy has designed them, they are luxury units, and they afford an opportunity for something new and fresh.

COMMISSIONER PHELPS understood the Staff recommendation is not desirable because the market is already saturated; whereas, this proposal taps into a new market that consists of entry level homeowners and downsizing seniors. MR. MICHAEL stated this is correct. COMMISSIONER PHELPS further understood that there is no data to support that assertion; rather it is an inference from the data. MR. MICHAEL responded that there are 57 duplex units on the market with an average sell time of 276 days. COMMISSIONER PHELPS asked if there is similar housing in the Anchorage market for which there is data. MR. AGNI stated Mr. Peterson is doing a large multi-family building in Southport Area H. The first building was 28 units and it went well. The second building presales are slow. The proposed buildings for this project are slightly smaller in scale, have parking underneath, have the amenity of an elevator, and use a building style that creates view on two sides of the unit.

COMMISSIONER PHELPS asked that the petitioner address the difference in density between this project and the adjacent duplexes. MR. AGNI stated his narrative speaks to the fact that the traffic will not load onto the adjoining streets. There are nearby projects similar to this project. On Waldren 500 feet to the southwest is a multi-family project that loads onto Lake Otis Parkway. There are single-family homes around it that are prospering. He agreed with area homeowners that there is no need to build out Laurel Street. He proposed that Laurel Street could be a pedestrian

access that would add value to the neighborhood. COMMISSIONER PHELPS saw the proposed density is 30 DUA compared to 16 DUA that is permitted by the R-2A zoning district. He asked if this project would be a single structure on a lot. MR. AGNI anticipated there could be as many as two structures per lot. The first phase would be the 35,000 SF lot adjacent to Lake Otis Parkway, which would be built out with two buildings. Depending on the financing environment, the bank might approve development of one lot and then the second. The development is two buildings per lot. COMMISSIONER PHELPS asked what is the petitioner's response to a condition for an administrative site plan review. MR. AGNI replied that it would be important that the Planning Department conduct the site plan review and that the plan be substantially the same as the one shown to the Commission tonight.

COMMISSIONER PEASE noted that Staff packet did not include a comprehensive analysis of existing R-3 zoned land. She asked why this parcel is appropriate for this use versus other parcels already zoned for multi use, mid to high density. MR. AGNI replied that the spot zone assertion is erroneous because the *Anchorage 2020* designates this area as one for higher levels of development. There are other policies in *Anchorage 2020* encouraging redevelopment and infill in areas proximate to high employment centers like the U-Med District and along transit supported corridors. The Staff recognizes that this area requires special attention.

COMMISSIONER PHELPS stated the parking requirement is a ratio of not less than one space per dwelling unit. He asked if that is typical. MR. AGNI replied that this relates to the covered parking. Additional surface parking is provided. No variance is anticipated from parking requirements.

TODD SAVOIE, 15-year resident on Hartman Circle to the east and south of the petition site across from Laurel Street, opposed the rezoning. He had many concerns including the density of multi-family parcels already existing along Lake Otis Parkway between Dowling and Tudor, heavy vehicular traffic that causes problems between 50th Avenue and Tudor, including left-hand turns onto Lake Otis, and current traffic at Lake Otis/Tudor. There are new traffic issues on 50th Avenue because of the increased density of housing being developed on 52nd Avenue and the possibility of a new traffic pattern funneling onto 50th Avenue concerns him. The intersection of 50th Avenue at Lake Otis is the only signalized exit for the entire neighborhood. He also had concern if the petitioner's project falls through what would be done on the R-3 zoned land. He stated he bought his property because the character of the neighborhood was low density and he feared that is being slowly eroded.

KRISTIN DYSON, resident on Hartman Circle, hoped any change in the area would enhance her property. She stated she has lived in the neighborhood for 31 years, moving to Hartman Circle after living on two other streets. There has been more and more access onto 50th Avenue over time. With the additional building by the YMCA, there has been more and more traffic on 50th Avenue. She hoped the property would remain zoned R-2A so there is less density.

COMMISSIONER PEASE asked if the light on 50th Avenue functions well or is there back up of traffic. MS. DYSON replied that it functions fairly well. She explained that she does not travel at peak times. She has heard that it backs up, but does not see that personally.

COMMISSIONER JOSEPHSON wished to ensure that the petitioner understood that five of the six Commissioner members present would need to vote in the affirmative in order for a motion to pass. MR. AGNI asked whether, if the matter were postponed, the case would be restarted. CHAIR JONES indicated this decision rests with the Commission.

MS. CHAMBERS indicated she wished to offer rebuttal. COMMISSIONER JOSEPHSON wished to hear rebuttal and thought the petitioner may wish to postpone. MS. CHAMBERS stated that the public testimony given this evening has been received in telephone calls and in written information. If the petitioner wishes to postpone, the Commission can offer that option. She noted there is no guarantee of future Commission member attendance. MR. AGNI asked to what date the matter might be postponed. Due to the Title 21 Rewrite hearings, CHAIR JONES suggested that November would be a likely date for postponement. MR. AGNI stated he would prefer to postpone to November 1, 2007.

The public hearing was closed.

MR. NELSON suggested November 12, 2007 as a date for continuance of this case.

MS. CHAMBERS offered rebuttal, noting that the market information brought forward by the petitioner are of interest, but the standards for approving or disapproving a rezoning relate to conformance to the *Comprehensive Plan*. Although Lake Otis is a transit-supported corridor, it suggests an average of 8 DUA or greater within one-quarter mile where feasible and where appropriated. Not every location is feasible or appropriate. The location of a property in relation to a transit-supported corridor is reviewed on a case-by-case basis. She explained that the special

limitations proposed by the petitioner and the alternative special limitations proposed by Staff do not reference a specific site plan, so there are no assurances in that regard. In addition, although three lots are adjoined economically there are actually five lots. The Department would view this as implementing the ordinance on the property that exists. Best intentions aside, the petitioner may be able to make some modifications to the special limitations to offer better protection.

MR. NELSON added that the two biggest concerns with this project are the number of units and the impact of that density on the surrounding area, as well as the physical massing of the building in such close proximity to the surrounding area. The petitioner provided some examples of multi-family housing on pages 51-52 of the packet. There is a difference in the mass and scale of those buildings and the buildings being proposed; the existing projects are two to two and one-half stories, more similar in scale to the properties surrounding the petition site. Staff does not dispute the benefits of the architectural quality of the building, but the concern remains with regard to the height and mass of the building and the impact of the density on the surrounding area.

COMMISSIONER PEASE asked that Staff consider the comment on page 16 that if a rezoning is approved it obviates the need to subdivide and that obviates the need for permits. She understood that a requirement for participation by the applicant in upgrading Laurel or other infrastructure because of density would have to be addressed in the conditions. If that is the case, she wanted conditions to address mitigation from higher density.

COMMISSIONER PALMER moved to postpone case 2007-087 to November 12, 2007. COMMISSIONER FREDRICK seconded.

AYE: Josephson, Jones, Fredrick, Palmer, Phelps, Pease
NAY: None

PASSED

I. REPORTS

1. **Chair** – None

2. **Secretary**

MR. NELSON reminded the Commission of a Director's meeting this Thursday to discuss context sensitive design for road projects, which makes much better use of public participation.

**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING**

DATE: September 17, 2007, postponed from July 9, 2007

CASE NO.: 2007-087

APPLICANT: Pura Vida, LLC, Petitioner
Steve Agni, Representative

REQUEST: A request to rezone approximately 3.070 acres from R-2A (Two-Family Residential District - Large Lot) to R-3 SL (Multiple Family Residential District with Special Limitations)

LOCATION: T13N, R3W, Section 33, Lots 45, 49A, 49B, 49C and 52; generally located on the south side and east end of East 49th Court, east of Lake Otis Parkway.

SITE ADDRESS: 2300, 2401 and 2402 E. 49th Court

COMMUNITY COUNCIL: Campbell Park

TAX NUMBER: 008-071-10, 11, 19, 20, 97

ATTACHMENTS:

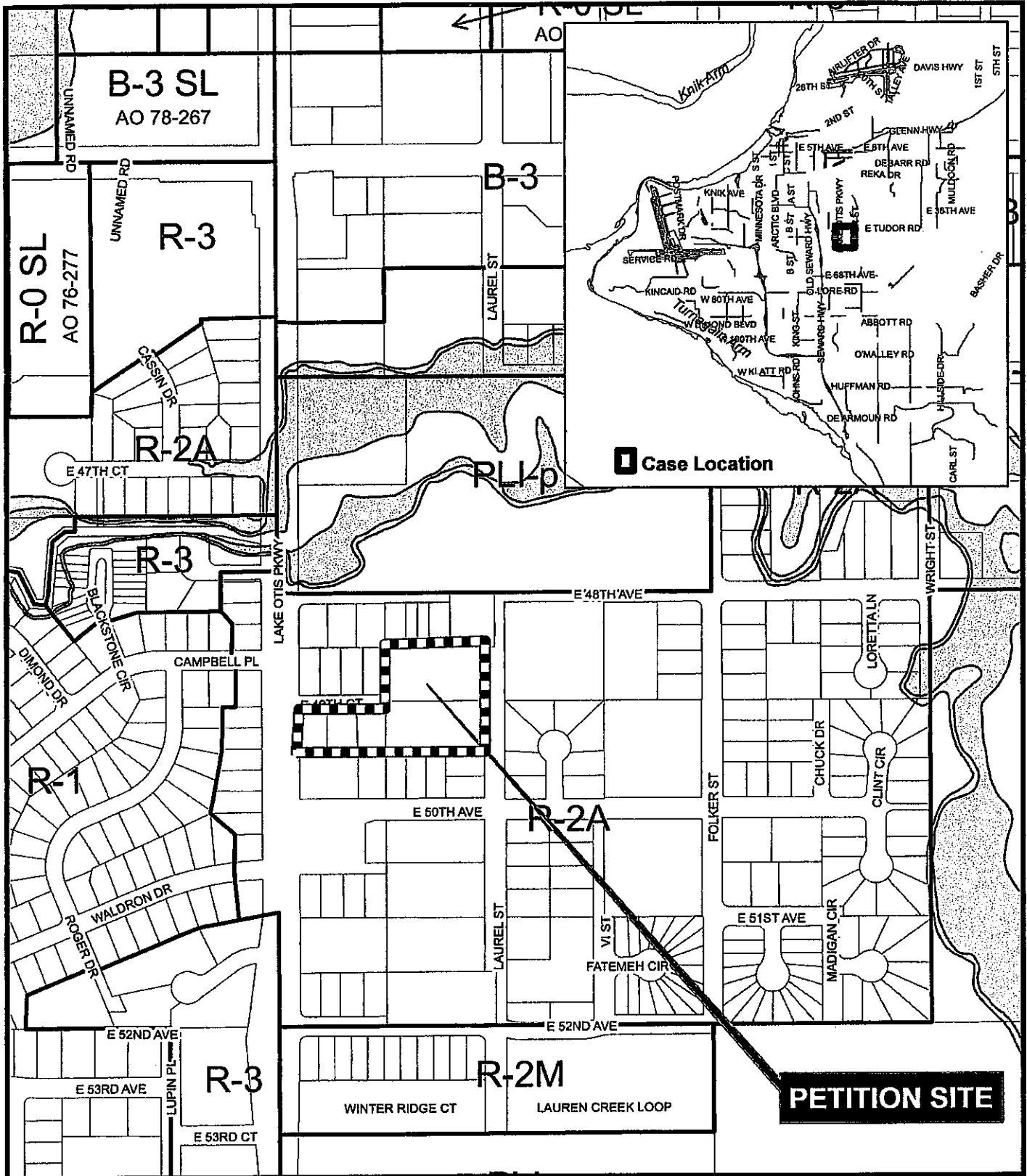
1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY: The Department does not support the R-3 SL as proposed by the petitioner, but does offer an alternative R-3 SL option.

SITE:

Acres:	3.070 acres
Vegetation:	Spruce and Birch
Zoning:	R-2A
Topography:	Generally level
Existing Use:	Single family, duplex and nonconforming apartment building
Soils:	Public Sewer and Water

REZONE 2007-087



Municipality of Anchorage
Planning Department

Date: May 29, 2007

Flood Limits

- 100 Year
- 500 Year
- Floodway



COMPREHENSIVE PLAN:

Classification: Transit-Supportive Development Corridor
Density: Average 8 DUA Along the Corridor Within ¼ Mile of Lake Otis Parkway

APPLICABLE LAND USE REGULATIONS:

	<u>Proposed R-3 SL Zoning</u>	<u>Current R-2A Zoning</u>
Height limitation:	35 feet	30 feet
Minimum lot size:	6,000 SF/50 feet	7,200 SF/60 feet
Lot coverage:	40% maximum, building foot print not to exceed 9,000 SF	40%
Density/acre:	31.27 DUA	6-10 DUA

SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-2A	R-2A	R-2A	R-2A
Land Use:	Single Family	Single Family/ Duplex/ Church	Single Family	Single Family

PROPOSAL:

This is a request to rezone the petition area from R-2A (Two-Family Residential district – Large Lot) to R-3 SL (Multiple Family Residential District with Special Limitations).

The special limitations proposed by the petitioner are as follows:

- 1) Dwelling unit density shall not exceed 96 units total.
- 2) Vehicle parking in enclosed buildings (including the residential structure) shall be provided at a ratio of not less than one space per dwelling unit.
- 3) The primary exterior walls of all buildings shall be separated from adjacent buildings (measured at ground level) by not less than twenty feet.
- 4) Buildings shall not exceed 35 feet in height as measured pursuant to Title 21.
- 5) No single building shall have a foot print or ground coverage area in excess of 9,000 SF.

SITE DESCRIPTION

The petition site is comprised of five parcels totaling 3.070 acres in size. The parcels are located on the south side and east end of East 49th Court, located east of Lake Otis Parkway, and south of Tudor Road. The three lots located on the south side of E. 49th Court are occupied by a non-conforming eight-plex, and are owned by Pura Vida, Inc. The other two parcels are located at the east end of E. 49th court, are each developed with what appear to be single family homes, and are each under separate ownership.

The petition area was zoned R-2A as a part of the 1970 areawide rezoning for Area D. Two of the petition sites, Lots 49 and 52, are parcels which appear to be subdivided by deed. The other three lots, 49A, 49B, 49C, owned by Pura Vida, Inc., were created by plat 63-68. The surrounding area is zoned R-2A, and is developed with a mix of single-family and duplex homes.

This site is located adjacent to the Lake Otis Transit Supportive Development Corridor as shown on the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*. The Plan calls for an average residential density of eight dwelling units per acre along the Corridor, where such density is determined to be appropriate.

Access to the petition area is from E. 49th Court. E. 49th Court is approximately one-half of a block long, and is strip paved. The road dead-ends at the eastern two petition lots, with the other three petitioning lots accessing off the south side of E. 49th Court. E. 49th Court is accessed from Lake Otis Parkway, just north of the signalized intersection with E. 50th Avenue. E. 49th is accessed from the north via a middle turn lane in the Lake Otis right-of-way (ROW). The *Official Streets and Highways Plan* (OS&HP) classifies Lake Otis Parkway as a Class III Major Arterial. 49th Court is a local residential street.

RECOMMENDATION SYNOPSIS:

This request appears to be a spot rezoning. A spot zoning exists if all of the following factors are present: (1) a small parcel of land is singled out for special and privileged treatment; (2) the singling out is not in the public interest but only for the benefit of the land owner; and (3) the action is not in accord with a comprehensive plan.

Regarding the first criteria, this request for rezoning is for five parcels totaling 3.070 acres in size. Two of the parcels are larger parcels, each under separate ownership. The other three small parcels, of a total of 35,730 SF, are occupied by one eight-plex. The three lots have been joined into one economic parcel by Property Appraisal for purposes of taxation, as they are not only occupied by one structure crossing lot lines and are owned by a sole owner.

The revised application petition area includes the eight-plex parcel, and the two larger parcels to achieve the the minimum 1.75 acre area size was achieved. The other of the two larger separately owned parcels was added after the initial application. The

subject area is also surrounded on all sides by similar R-2A zoning. All lots are already, and the two parcels could be further developed under the existing code.

E. 49th Court is substandard, and not constructed to Municipal street standards. The economic parcel is developed with a nonconforming eight-plex, which could not be redeveloped under existing code, even if all three parcels were legally platted into one parcel. As the lots currently exist, a maximum of three duplexes (6 units) could be developed, which are two units less than currently exist. Plans were subsequently provided to identify potential future development. It appears, as the two larger parcel owners could already develop to a higher density under existing zoning, that this request would primarily benefit the owner of the nonconforming eight-plex, which would lose the ability to rebuild to more than six units if the structure were destroyed. After meeting with the petitioner regarding the original proposal, plans were subsequently provided to identify potential future development, which proposes a density of up to 31.27 DUA. These plans show a potential development which could occur on all of the petition lots, if they were combined for a joint development.

The second criteria is also met as to these lots are being singled out purely for the benefit of a land owner, and does not appear to be in the best interest of the public. The justification for this rezoning in the application states that it is to support a need for higher residential density for the area. No empirical evidence is provided, but it states that there is insufficient R-3 zoned land in the area, that it would support the Bragaw Street extension, and that there is undeveloped R-2A land in the area which shows that the area is improperly zoned. However, to the Department, the rationale appears to be to allow a site with an existing nonconforming eight-plex to be redeveloped with a similar amount of, or more dwelling units, as opposed to developing the property under existing zoning. Although a potential concept plan was provided showing that all the lots under the request could be developed in a unified development, all of the lots are not under common ownership, and the plans are only conceptual and not proposed as a part of the rezoning request as a condition of rezoning. The eight-plex existing site has a viable existing use sited on the lot, and is redevelopable under the existing zoning for a duplex on each lot. Similarly, the other two larger parcels, under separate ownership, could be developed with additional units as they currently exist, or could be subdivided to add more units.

The application states further that the property is served by a short cul-de-sac, E. 49th Court, which directly connects to Lake Otis Parkway, thus prohibiting through traffic to the area neighborhoods. However, with a jump in density from the 6-10 DUA in the R-2A to a likely density of 20-36 DUA in the R-3, a secondary access would be necessary. The E. 49th Court intersection with Lake Otis is unsignalized, but only a block from E. 50th Avenue intersection, which is signalized. This secondary access would have to be through the Laurel Street ROW, which abuts the east side of the two larger subject parcels. This would also necessitate upgrading and extension of E. 49th Court to connect to Laurel Street, enabling traffic to have access to this signalized E. 50th Avenue intersection. Hence, there would be through-traffic generated through the adjacent neighborhood. It is important to note that all of the neighborhood streets are only strip-paved, and not constructed to Municipal standards for paving, width, on-street parking, drainage, etc. See below further for public interest.

The third criteria is met as there is no adopted residential intensity or land use plan within *Anchorage 2020*. According to AMC Title 21, the 1982 plans generally apply which calls for this area to have a density of 6-10 DUA. Existing zoning allows for this density. The proposed R-3 SL zoning would virtually allow a tripling of this density.

The application states that the effect of this request would be to add density in an infill site to support the *University-Medical District* (U-Med) area. However, this site is not within the U-Med area. The *Anchorage 2020 Anchorage Bowl Comprehensive Plan* Land Use Policy Map designates this area as adjacent to the Lake Otis Transit Supportive Development Corridor.

These corridors represent optimal locations for more intensive commercial and residential land use patterns which will support and encourage higher levels of transit service. These corridors are not intended to represent a transit route map, but illustrate where new medium to high-density housing development could occur. Higher residential density is a key to increasing transit ridership along these corridors. Residential densities of at least 8 dwelling units per acre will support frequent, cost-effective transit service. Therefore, land use policies that establish higher residential densities within one-fourth mile of the major street at the center of the transit corridor are encouraged.

The most important land use planning issue for the Anchorage Bowl is room to grow not only for homes, but for business, industry, and public uses. While the basic land use patterns in the Anchorage Bowl have been established, efficient use of the remaining vacant and underdeveloped lands is critical for Anchorage to remain the Southcentral region's workplace, and economic and cultural center. Although the Land Use Policy Map identifies transit-supportive development corridors as areas of an average 8 DUA, this is intended to be an average along the corridors, and not a minimum in all subdivisions within a quarter mile of each corridor. There are other factors to take into consideration, such as existence of and direct impact on established neighborhood areas, age and condition of the area, public infrastructure, environmental considerations, etc.

The general area in which the petition site resides is an older, established neighborhood zoned R-2A. Almost half of the housing was constructed in the 1950's and 1960's, with much after that in the 1970's and 1980's. There are some also constructed since 2000. The area is delineated by Lake Otis on the west, 48th to the north, 52nd to the south, and Campbell Creek Park (approximately 2 blocks east of Folker Street). It is primarily developed with single family and duplex housing, with some mobile homes and a few older multiple family structures, such as the one on part of the petition site.

As all three criteria for a "spot zoning" seem to be met, the Department finds this request should not be approved as requested.

Recommended Site Needs Adjustment

However, the Department does find that this is an area that has been studied with the current Title 21 re-write process that seems to merit special treatment in terms of adding some limited flexibility in density for the purposes of enhancing in-fill capabilities, but with additional site design controls and density limitations.

This rewrite has found that there are certain areas within the Municipality which may well need special attention regarding redevelopment and infill, especially older, smaller established duplex neighborhoods, which have an older housing stock mixed with some vacant larger parcels. These are neighborhood like the petition area, which also have limited access and infrastructure and are surrounded by already developed areas. The Department finds that with some limited density incentives coupled with design standards, infill and redevelopment of these sites could be occur and still fit within the existing duplex character of the area. The standards developed (called R-2F district in the rewrite) to promote this concept within certain existing R-2A areas are as follows:

- **R-2F: Mixed Residential District 1**
 - **Purpose**

The R-2F district is intended primarily for mixed-density residential areas that allow for a variety of single-family, two-family, and low-density multifamily dwellings. It permits the establishment of three- and four-dwelling multifamily structures, subject to site plan review to ensure compatibility with a predominantly single-family environment and the enhancement of overall neighborhood quality. This district is intended to be applied to existing neighborhoods that are a transition between single- and two-family areas and higher density mixed residential or multifamily areas. It is generally not intended to be applied to areas either zoned or designated by adopted plan to provide multifamily housing near designated town centers, community activity centers, or major city centers.
 - **District-Specific Standards**
 - Multifamily buildings shall contain no more than four dwelling units.
 - In order to create compatible neighborhoods and retain a predominantly single-family environment, buildings with three or four dwelling units shall maintain detached single-family style architectural features by complying with the single-family design standards below:
 - (A) Each residence need not have its own entrance.
 - (B) No more than forty percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

R-2F: Lower Density Mixed Residential District								
Use	Min. lot area	Min. lot width	Max lot coverage	Front setback	Side setback	Rear setback	Max # of principal structures on one lot	Max. Height
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	3,000	24 (30 on corner lots)	60	20		10	1	
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	10	10	1	
All other uses	10,000	70	40	20	10	10	1	

This type of zoning, used as a special limitation to an R-3 district, would allow development up to a four-plex to occur on the petition site while maintaining the duplex ambiance of the area. It will also limit the potential of negative impacts of increasing traffic through the area by not necessarily requiring development of the adjacent undeveloped and underdeveloped ROW's. The maximum density that could be developed on the petition area under this type of development restriction would be 15.84 DUA. With required improvements for parking, landscaping, etc., the maximum number of units that could actually be built would be more along the lines of 13.4 DUA.

Although the Department finds that the requested zoning (density at 31.27 DUA with minimal design standards) would constitute a spot zoning, the Comprehensive Plan and studies of the general area do support a higher zoning density than exists coupled with standards to fit with the general area. The Department recommends the above noted zoning restriction developed as the draft R-2F district for this site.

COMMUNITY COMMENTS:

At the time this report was written, there were two returned public hearing notices (PHN) received out of 115 public hearing notices mailed out, both against granting the request. There was no response received from the Campbell Park Community Council.

FINDINGS:

21.20.090 Standards for Zoning Map Amendments and 21.05.080 C, D, E.

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

The adopting ordinance¹ for the *Anchorage 2020* plan directs (1) the approving authority may approve an application for an entitlement *only if it does not conflict with the goals, policies and objectives of the plan*, ²(2) *that until more specific implementation strategies or plans for the Anchorage 2020 Bowl Comprehensive Plan are adopted, review of an application for an entitlement for conformity to the plan will follow a hierarchy and procedure.*

Anchorage 2020 Anchorage Bowl Comprehensive Plan Land Use Policy Map designates this area as adjacent to the Lake Otis Transit Supportive Development Corridor.

These corridors represent optimal locations for more intensive commercial and residential land use patterns which will support and encourage higher levels of transit service. These corridors are not intended to represent a transit route map, but illustrate where new medium to high-density housing development will occur.

The Land Use Policy Map identifies four transit-supportive development corridors, which generally connect town centers with the three major employment centers. A typical transit-supportive development corridor includes the following:

- medium- to high-density housing (over 8 dwelling units per acre) within one-fourth mile of the major street at the center of the corridor;
- small-scale commercial sites oriented to the street;
- multi-modal facilities, emphasizing bus, pedestrian, and bicycle transportation; and,
- expanded sidewalks, crosswalks, street furniture, bus shelters, and landscape improvements.

¹ AO 2000-119(S), adopted February 20, 2001.

² In response to a question from the Municipal Assembly and Mayor, "is it mandatory for land use decisions to follow the Comprehensive Plan", the Municipal Law Department produced a memorandum dated October 10, 2000 that in part provided the following: "Based on the Anchorage Municipal Charter history, the Comprehensive Plan was intended as a mandatory guide. There must be a Plan, it must contain goals, policies and objectives and it must be implemented. Legislative and land use decisions which touch upon the subject matter of the Plan must therefore be consistent with and "implement" its provisions.

Alaska Supreme court cases consistently hold that failure to follow the Plan is grounds for reversal of a land use decision. Some previous land use administrative and legislative decisions have relied on the "guide but do not bind" language in making decisions contrary to the Plan or making decisions without analyzing compliance with the Plan. When challenged in court, these decisions have been overturned. Thus the proposed amendment to AMC 21.05.020 simply clarifies that: following the Plan is mandatory."

Higher residential density is a key to increasing transit ridership along these corridors. Residential densities of at least 8 dwelling units per acre will support frequent, cost-effective transit service. Therefore, land use policies that establish higher residential densities within one-fourth mile of the major street at the center of the transit corridor are encouraged.

Strategically located neighborhood retail uses that are oriented to the street should also be encouraged along transit corridors. The ability to make an intermediate stop at a grocery store or other retail on the way home from work has been shown to improve transit usage.

Transit-supportive development corridors are intended to be multi-modal, with the primary emphasis on bus, pedestrian and bicycle transportation. Bus routes serving transit corridors should achieve a 15-minute headway during peak hours and a 30-minute headway during non-peak periods. (This reflects nationally accepted standards.) A more pedestrian-friendly environment also needs to be created to encourage short walking trips to neighborhood destinations and provide good access to bus stops. Expanded sidewalks, crosswalks, street furniture, bus shelters, and landscape improvements should be programmed as a part of roadway improvements along these corridors. Spenard Road between International Airport Road and Minnesota Drive is probably the best example of the kind of pedestrian environment that should be provided along transit-supportive development corridors.

Transit-supportive development corridors will still adequately accommodate auto traffic, and some roadway improvements may be needed to handle congested conditions. However, exceptionally wide and fast streets can inhibit transit usage by making it more difficult to cross the street to catch a bus. Intersections with dual left and right turn lanes can have a similar effect. As a result, major roadway improvements (for example, additional lanes) along transit corridors should be considered only as a last resort. Expansion of parallel routes should be first examined as a possible solution to congestion problems. If this is not possible, negative impacts on the pedestrian environment should be mitigated to the maximum extent feasible.

The most important land use planning issue for the Anchorage Bowl is room to grow—not only for homes, but for business, industry, and public uses. While the basic land use patterns in the Anchorage Bowl have been established, efficient use of the remaining vacant and underdeveloped lands is critical for Anchorage to remain the Southcentral region's workplace, and economic and cultural center. Although the Land Use Policy Map identifies transit-supportive development corridors as areas of an average 8 DUA, this is intended to be an average along the corridors, and not a minimum in all subdivisions within a quarter mile of each corridor.

The general area in which the petition site resides is an older, established neighborhood zoned R-2A. Almost half of the housing was constructed in the 1950's and 1960's, with much after that in the 1970's and 1980's. There are some also constructed since 2000. The area is delineated by Lake Otis on the west, 48th to the north, 52nd to the south, and Campbell Creek Park (approximately 2 blocks east of Folker Street). It is primarily developed with single family and duplex housing, with some mobile homes and a few older multiple family structures, such as the one on part of the petition site. South of the neighborhood, adjacent to the YMCA on E. 52nd Avenue, a high density multi-family condominium development is currently under construction in an R-2M zoned area.

This land use concept is detailed in Transportation Policy #34, and supported by Residential Policy #9, and Transportation Policies #30 and #37. Boundaries for these corridors will be delineated in District Plans. To this date, no District Plans have been adopted.

Policy 9: New residential development located within ¼ mile of the major street at the center of a transit supportive development corridor shall achieve an overall average of equal to or greater than 8 dwelling units per acre. Individual lot densities shall be further defined through development of implementation Strategies.

New residential development is not proposed for the petition area, but the petitioner has provided drawings showing potential development in relation to their proposed special limitations. This is an existing neighborhood. Two of the petition site parcels are developed with single family homes, but could technically be further subdivided into approximately two to three lots each (dependant upon public infrastructure needs). However, in order for these parcels to be subdivided or further developed, additional infrastructure in terms of road access, significant drainage improvements and public water/sewer extension would be needed. The petition site road and general area have only strip paved roads with no urban drainage improvements. Currently, the only access in and out of the subdivision is via E. 49th Court. Laurel Street on the east side of these two parcels is dedicated, but not constructed. This would require not only road dedications and construction, but also utility connections. This area is currently zoned for a density of 6-8 DUA, and has remaining parcels which can be further subdivided and developed at this intensity. However, the Department does find that although an increase in density to traditional R-3 standards is not appropriate for this area, an increase in density to approximately 14 DUA with standards may be appropriate to aid in in-fill and

redevelopment for the area without causing negative area impacts.

Policy 30: Transportation and land use Policies and programs shall include:

- a) multi-modal and intermodal access, including commuter rail and transit service;
- b) pedestrian-to-transit linkages;
- c) efficient and safe freight movement;
- d) congestion management and roadway improvements;
- e) optimal use of parking;
- f) minimization of individual and cumulative air quality impacts;
- g) minimizing impacts on neighborhoods; and, adequate snow storage.

Lake Otis Parkway has pedestrian paths on both sides, one of which is a separated path adjacent to the petition site. Two transit routes run down Lake Otis, as well. There is a signalized intersection south of the petition area, at 50th Avenue, which assists in pedestrian crossings to transit stops.

While Lake Otis Parkway is an improved, five lane Class III Major Arterial, the road internal to the petition area, 49th Court, is only a narrow strip paved dead end neighborhood road. It is not improved to urban standards for drainage, snow storage and visitor parking capabilities. The only access in and out of the petition area is 49th Court to Lake Otis Parkway, at an unsignalized intersection.

Although new development may lead to better and safe circulation with a connection to Laurel Street, density should be limited to avoid impacting neighborhood streets with the associated increase in traffic.

Policy 34: Transit-Supportive Development Corridors as identified on the Land Use Policy Map, shall be characterized as follows:

- a) Average residential densities equal to or greater than 8 du/acre occur within up to ¼-mile of the major street at the center of the corridor.
- b) New commercial development within these corridors is oriented to the street with parking on the side or rear of the building when possible.

- c) A goal for bus service within these corridors is 15-minute headways during peak hours and 30-minute headways during non-peak periods.
- d) A pedestrian-oriented environment is created, including: expanded sidewalks, crosswalks, street furniture, bus shelters and landscaping.
- e) Additional traffic lanes are not considered along these corridors unless there is no feasible alternative to solve a significant congestion problem.

See discussion under Policies 9, 30, and general *Anchorage 2020* discussion, above.

Policy 37: Design, construct and maintain roadways/rights-of-way to accommodate pedestrians, bicyclists, transit users, the disabled, automobiles, and trucks where appropriate.

Sufficient infrastructure is in place for Lake Otis Parkway to accommodate these needs. However, as mentioned above, there is insufficient infrastructure for 49th Court to accommodate any of the items in this Policy. It is also an approximately two block long road, which dead-ends at petition site parcels with no on-street turnaround.

Along with *Anchorage 2020* Policy numbers 9, 30, 34 and 37, which guide this Policy area, there are also other Policies that are related directly to this proposal.

Policy 1: The Land Use Policy Map shall guide land use decisions until such time as other strategies are adopted that provide more specific guidance.

This rezoning request is adjacent to a Transit Supportive Development Corridor, and those related policies shall guide development in these areas. *Anchorage 2020* calls for specific District Plans to be created to guide the development of Transit Supportive Development Corridors. However, no District Plans have been adopted that include the petition area. This is an older, established single family and duplex neighborhood, with some remaining larger parcels which are vacant or unsubdivided.

Policies

4-7:

These policies all relate to the necessity of rezonings and uses to be consistent with adopted area plans and *Anchorage 2020*, for zoning map updates as required for plan implementations, and to ensure avoidance of incompatible uses. Until new plans are adopted, AMC 21.05.080 B. and C. guides the Commission to rely

on zoning decisions on the adopted 1982 Anchorage Comprehensive Plan. The 1982 Plan calls for this area to develop at a density of 7-10 DUA. The current zoning allows for this density, which is also consistent with the goal of average Corridor density of 8 DUA for a Transit Supportive Development Corridor. The petition area includes two larger parcels which are capable of being subdivided into additional parcels for duplex use, provided that additional infrastructure to support secondary road access (Laurel Street ROW) and utility connections.

- | | |
|---|--|
| 4 | The zoning map shall ultimately be amended to be consistent with the adopted Neighborhood or District Plan Maps. |
| 5 | Rezoning and variances shall be compatible in scale with adjacent uses and consistent with the Goals and Policies of ANCHORAGE 2020 . |
| 6 | Areas designated for specific uses on the Zoning Map shall be protected from encroachment by incompatible land uses. |
| 7 | Avoid incompatible uses adjoining one another. |

Policies 4-7, noted above, place a strong emphasis on the issue of area compatibility and plan consistency. Policy 5 is the principle Policy of *Anchorage 2020* relating to this proposed rezoning.

In reviewing the word "compatible," AMC Title 21 does not have a codified definition for these terms. For the purposes of land use decisions, A Planners Dictionary (© April 2004 by the American Planning Association), provides further clarification of this term.

Compatibility: The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include [the following]: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

In review of this definition, the Department determines that in effect, this standard refers to whether or not the proposed is compatible in scope with the surrounding developments through allowed density and site design features that either a) are similar in character (building height and bulk) or b) have different characteristics of design which are visibly different to the surrounding developments through landscaping/buffering, etc, and do not create further substantial negative impacts on surrounding developments.

The Department acknowledges the benefits of limited increases in density in the petition area. However, this must be balanced with the concerns regarding compatibility with the existing developed single family and duplex neighborhood lying east of the Laurel Street ROW. The petition site is one of several areas that have been studied with the current Title 21 re-write process that seems to merit special treatment in terms of adding some limited flexibility in density for the purposes of enhancing in-fill capabilities, but with additional site design controls and density limitations.

This rewrite has found that there are certain areas within the Municipality which may well need special attention regarding redevelopment and infill, especially older, smaller established duplex neighborhoods, which have an older housing stock mixed with some vacant larger parcels. These are neighborhood like the petition area, which also have limited access and infrastructure and are surrounded by already developed areas. The Department finds that with some limited density incentives coupled with design standards, infill and redevelopment of these sites could be occur and still fit within the existing duplex character of the area.

AMC 21.05.080.C. provides zoning map amendments shall conform to the land use classification maps, except where the approving authority finds one of the following: Existing uses that do not conform to the land use classification maps are integrated compatibly into the area;

The existing zoning currently conforms to the land use classification maps. See discussion under Policies 4-7 above.

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

The petitioner proposes increasing the density from the existing permitted 7-10 DUA to a DUA of 31.27.

If the requested R-3 SL zoning were approved, the allowable density for the petition area would be, in all practicality, effectively tripled. The Department finds that the existing infrastructure would be unlikely to be able to handle this additional density and especially vehicular trips. East 49th Court would in all likelihood need to be upgraded, and a second connection made out of the subdivision. The Fire code requires a minimum of two access points in and out of a new development with more than 30 dwelling units. This would by necessity require construction of the adjacent Laurel Street ROW, to allow for connection to E. 50th Avenue and its signalized intersection at Lake Otis. However, it is important to note that not only is E. 49th Court a narrow strip-paved road, but so are all the roads in the general area, including E. 50th. At the time this report was written,

the only comment provided regarding road issues was from the Right-of-Way Division, which stated that:

There is no existing cul de sac at the east end of East 49th Court. No storm drain system exists in East 49th Court right of way. Laurel Street to the east of Lot 52 has no utilities or storm drain system in the right of way, nor is the road built, making access to a high density development inadequate. Infrastructure, public access improvements and possibly dedication of right of way or Public Use Easements(s) will be required to access and develop these lots.

If a rezoning is to be approved, the Department recommends a special limitation incorporating the proposed R-2F district density and design standards in order to ensure any potential future redevelopment of the site will comply with additional infrastructure needs for traffic purposes, as well as the Policies of *Anchorage 2020* discussed above. It is important to note that in residential districts of a higher density than the existing R-2A, more than one principal structure may be built on any one lot or tract *without* subdividing. Only permits are required. Due to the fact that this area has minimal urban infrastructure existing, and is a pocket in the middle of single-family/duplex use zoning, density and site development structure limitations would be necessary to also ensure adequate buffering and mitigation of traffic impacts on the surrounding area.

The proposed use does not conflict with the Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Zoning map amendments at a boundary between land use categories shall be subject to design standards that will make the zoning map amendment compatible with land uses in the adjacent land use category.

See discussion of Comprehensive Plan Policies above. The Department does not support this request as proposed by the petitioner. The existing zoning is consistent with the *Anchorage 2020 Comprehensive Plan* and would support an average of eight DUA, where appropriate due to traffic and fire constraints. This recommended minimum 8 DUA is to average along the Corridor, not just for one site. The existing 6-10 DUA provides for this. To allow up a density increase to 20-36 DUA within the midst of the 6-10 DUA in an established neighborhood could be considered inconsistent with Policies 7 and 49. These Policies call for the avoidance of incompatible uses adjoining one another, and to consider the character of adjacent development. Such an increase in permitted residential density make a rezone to R-3 incompatible with the scale and intensity of the surrounding neighborhood. However, the Department would support an increase in density to approximately 15 DUA when coupled with maximum structure design of four-plex buildings with lot size limitations. See discussion above under Recommendation Synopsis.

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

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

Environment

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

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

Land Use Patterns

See earlier discussion. This property is surrounded by R-2A zoned and mostly developed lots. This is an older, established single family and duplex neighborhood. The Department does recognize the benefit of new development, and believes it would need to be done at somewhat greater density. However, this would have to occur with standards that adequately allow mitigation of the additional density into the established surrounding neighborhood.

Public Services and Facilities

Roads: The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA). The roads in the general area are narrow, strip paved roads not constructed to urban standards. There is minimal infrastructure for on-street parking, drainage and snow storage in the area.

Utilities: Public water and sewer mains are located within the E. 49th Court ROW. The application states that this site can be readily absorbed into the existing capacity of public services and infrastructure. And that infill development will increase the assessed value to support the existing installed public service and infrastructure. However, there is minimal infrastructure for drainage in the area, and this would need to be extended for the petition area.

Schools: The petition site is located in the attendance boundaries for Tudor Elementary, Wendler Middle School and East High. The application states that the development style would not likely add to the

school age burden. However, that would depend upon the style of development proposed. There is no development plan proposed with this request, and the properties involved in the request are not all under the same ownership to effectuate a unified development plan. The residential density, if the rezoning was approved, would jump from 6-10 DUA to 20-36 DUA, effectively doubling or tripling the density. The model for generating potential school impacts depends upon development type, and a redevelopment plan is unknown at this time.

Parks: The 1997 Areawide Trails Plan indicates an existing multi-use paved trail along the east side of Lake Otis and a planned bicycle route on the west side. There is an existing sidewalk along the west side, currently. There is also a paved multi-use trail along the Campbell Creek corridor to the north of the petition site. Rezoning to R-3 will not impact the park and/or trail systems. The Campbell Creek corridor provides an established, enhanced park area, approximately one block north of the petition site, which combines both a developed park/play area for active use for children and adults, as well as a more passive area with trails along the creek corridor.

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

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

The growth allocation in *Anchorage 2020* covers a 20-year period. Overall, growth is allocated relatively evenly among the five subareas. Zoning changes and increased housing density, especially in areas targeted for mixed-use redevelopment, are needed to meet future housing demands. But, at anticipated growth rates, the scale of residential land use change is relatively modest and changes will occur gradually.

The petition site is located within the Central subarea. This is an area of diverse land uses, with access to north-south transportation corridors. It has successful single and multi-family subdivisions, plus examples of incompatible mixed uses and scattered small residential pockets. The growth allocation assumes: infill development of remaining residentially-zoned parcels; multi-family housing development along transit corridors; redevelopment of mobile home parks; and conversion of some under-used industrial tracts along the Campbell Creek greenbelt for residential use.

Anchorage 2020 studies show a population growth through 2020 of 13,000-18,200 for the Central subarea. This compares to the same amount for the Northeast subarea, 15,400-19,800 for the Northwest subarea, 12,400-18,600 for the Southeast subarea, and 11,200-16,800 for the Southwest subarea. The Housing Subarea Allocation shows an allocation of 5,000-7,000 new units for the Central subarea. This compares to the same amount for the Northeast subarea, 7,000-9,000 for the Northwest subarea, and 4,000-6,000 each for the Southeast and Southwest subareas.

The application did not provide a comprehensive analysis of 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 application states that the supply of similarly zoned R-3 land in the economically relevant area will not be upset or over supplied in any manner by the requested rezoning. It provides an assessment that "The tangible evidence of the relevant markets' demand and need for R-3 land is clearly provided by the successful Weidner Properties multi family project, "The Highlands" completed within the past few years just north of Lake Otis and Dowling." The application also notes that there is a substantial amount of unused R-2M and R-2A property in the area, especially in the surrounding neighborhood, in many small lot configurations. The application further states that the fact that these undeveloped parcels remain undeveloped is further proof of inappropriate zoning.

Although there are vacant parcels within the neighborhood surrounding the petition area (bounded by Lake Otis to the west, East 52nd to the south, Campbell Creek to the north and Campbell Creek park to the east), there is no evidence that they are undeveloped due to the zoning. In fact, development of the area has been on-going for many years. There are some newer units that have developed on the lots further to the east adjacent to the park area. In actuality, it can be construed more easily, by viewing utility infrastructure information and by visits to the area, that the lack of infrastructure and need for upgraded roads and drainage to handle further development is more likely attributable to the slower pace of development of some of the vacant parcels.

Also of note is that the vacant parcels in the area are owned by separate owners, and are not large parcels that are adjacent to one another to assist in facilitating a developer in purchasing and assembling lots for development. Similarly, the petition area is not all owned by one owner or one corporation. Instead, they are owned separately. The three parcels on which the nonconforming 8-plex sits is owned by the petitioner on the application, and the other two lots are each under separate ownership, developed with a single family home, with one appearing to be owner-occupied.

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.

The application does not provide timing for development. All of the petition lots are developed currently.

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.

See the discussion above regarding *Anchorage 2020*. This is an existing, primarily developed, R-2A single-family/duplex district with minimum infrastructure for roads, vehicular and pedestrian access, on-street parking, snow storage, and drainage. Those items are substandard for urban needs, and would not support multiple family development in the petition area without substantial upgrading of infrastructure. However, any increase in density to support off-setting costs of such infrastructure must be mitigated with standards to support integration of such density into the existing established neighborhood.

RECOMMENDATION:

The Department does not support the R-3 SL as proposed by the petitioner, but does offer an alternative R-3 SL option which supports the need for a higher density while mitigating the impacts on the surrounding single family/duplex residential neighborhood. Thus, the Department recommends the following special limitations for consideration by the Commission:

1. **Purpose**

This R-3 SL zoning district is intended primarily for a mixed-density residential area that allows for a variety of single-family, two-family, and low-density multifamily dwellings. It permits the establishment of three- and four-dwelling multifamily structures, subject to site plan review to ensure compatibility with a predominantly single-family environment and the enhancement of overall neighborhood quality. This district is intended to be applied to the existing area of East 49th Court as a transition between single- and two-family areas and higher density mixed residential or multifamily areas.

2. **District-Specific Standards**

- Multifamily buildings shall contain no more than four dwelling units.
- In order to create neighborhood compatibility and retain a predominantly single-family environment, buildings with three or four dwelling units shall maintain detached single-family style architectural features by complying with the single-family design standards:
 - a. Each residence need not have its own entrance.

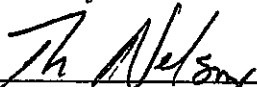
- b. No more than forty percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

3. The following development standards shall apply:


Development Standards								
Use	Min. lot area	Min. lot width	Max lot coverage	Front setback	Side setback	Rear setback	Max # of principal structures on one lot	Max. Height
Dwelling, single-family detached	6,000 min. 12,000 max.	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	3,000	24 (30 on corner lots)	60	20		10	1	
Dwelling, multiple-family (up to 4 units permitted)	8,500 for 3 units; 11,000 for 4 units	50	40	20	10	10	1	
All other uses	10,000	70	40	20	10	10	1	

- 4. Planned Unit Developments.** An alternative housing development design may be proposed through AMC 21.50.130 Conditional Use Standards – Planned unit developments. However, the maximum number of dwelling units shall not exceed sixteen dwelling units per acre.

Reviewed by:


Tom Nelson
Director

Prepared by:


Argela C. Chambers, AICP
Senior Planner

(Case # 2007-087, Tax ID No's. 008-071-10, -11, 19, -20, 97)

**Amended Submittal
EAST 49TH COURT
Application to Re-Zone**

Case Number: 2007-087



Site from Intersection, Lake Otis Parkway and East 49th Court

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Amended Narrative Report

AMENDED NARRATIVE REPORT SUPPORTING ZONING AMENDMENT APPLICATION

Submitted By: Pura Vida LLC, Mr. Richard Michael, General Manager

Pertaining to: Lots 49A, 49B, 49C, 45 and 52; all within T 13 N R 3W Section 33

Address: 2300 E 49th Court and 2402 E 49th Court
Generally located south of the SE corner of Tudor and Lake Otis

Prepared By: Steve Agni, Development Managers Inc. (Petitioner's Representative)
Office no: 248-8302; fax 248-8305; email: akstevea@alaska.net

INTRODUCTION

This property submitted for a zoning map amendment consists of five legal parcels totaling about 125,000 square feet, almost three acres. The Property is presently zoned "R-2A" and is proposed for amendment to R-3 SL.

This Property on 49th Court is located on the Lake Otis Transit Supportive Development Corridor immediately south of the University/Medical Employment Center. An aerial photo is attached here as Exhibit A along with an excerpt of the existing zoning map.

The Property is served by all public utilities and is not impacted by wetlands jurisdiction, avalanche or seismic hazard or other physical development limitations. The property is presently underutilized and presents an excellent opportunity for medium density infill and redevelopment as encouraged in the Anchorage 2020 Comprehensive Plan. This Application for Zoning Map Amendment (the "Rezoning") fulfills the goals and policies on the Anchorage 2020 Comprehensive Plan (the "Comp. Plan") and should be approved.

DISCUSSION

A. Conformity to Comprehensive Plan

Fundamental to this and any rezone is underlying need for or demand that pushes and encourages a change in the nature or intensity of land use. As noted in the Comp. Plan Population section, the proportion of empty nesters and seniors is the fastest growing component of Anchorage's population. This growth in seniors and the overall aging of the population is creating a greater need for medium to high density multi-family housing as opposed to traditional single family housing. Demand for this housing or dwelling type is most pronounced in city sectors like the "Central Sector" where the rezone property is located. Increasing the demand for this dwelling style in the Central Sector is the need for the services provided in the medical/health care industry located in the Central sector, Anchorage's "U-Med" district within one half mile of the property. Additionally a large percentage of the persons employed in the "U-Med" district are lower to mid range service and support workers who need and can only afford mid range housing costs. Therefore the demand for attached or medium density multi-family housing is increasing in areas proximate to Anchorage's U-Med center like the Property proposed here.

Amended Narrative Report

The rezone Property submitted here is ideally located to fill the increased demand for medium density attached housing in the Central District. As explained in Chapter 4 of the Comp. Plan "Preferred Development Scenarios" seven key issues are discussed which will guide development under the Comp. Plan. On page 49 of the Plan it is noted that intensive development is encouraged along the Transit Supportive Development corridors. As noted above this Property is directly on the Lake Otis corridor. The Comp. Plan also notes on page 49 of the discussion of Preferred Development Scenarios that infill and redevelopment of older neighborhoods is a process to be encouraged. And, "neighborhoods in and around... the University Medical district are targeted for public/private re-investment"

The Comp Plan elaborates further on the benefits of encouraging distinct employment centers in the implementation of the Land Use Policy Map on page 50 and following. The "U-Med" district next to this Property is clearly recognized as a main employment center. In the discussion of redevelopment it is noted:

Medium to high density residential mixed use areas have been designated near the major employment centers. The intent is to create more opportunities for people to live close to work.

This Property is ideally located to provide the medium density housing proximate to Anchorage's key employment center U-Med District as contemplated in the comprehensive plan. Accompanying this memo is a Site plan and proposed Special Limitations to the R-3 zoning classification that substantiates the intent and quality of the development. Clearly, this Project and this Application for Zoning Map Amendment (the "Rezoning") fulfills the goals and policies on the Anchorage 2020 Comprehensive Plan (the "Comp. Plan") and should be approved.

B. Conditions of Approval

1. The effect of allowing R-3 development on the Property will be to encourage the goals and policies of the Comp Plan without any adverse impacts on the neighborhood. As recognized in the Comp Plan a greater proportion of the occupants of medium density attached dwellings will be "empty nesters" and older adults who are beyond the child rearing years. Therefore allowing for medium density development with greater dwelling unit density will not add to the school age population.

As this is a classic "infill" site in an area already substantially developed there will be no extended burden for police, fire and emergency services. Furthermore the location on the Lake Otis Transit Development Corridor is a perfect location to take advantage of public and other private group transport methods that will reduce road borne vehicle traffic. It is also safe to say that the proximity of this site to the "U-Med" employment centers (under 1 mile) will encourage pedestrian and bicycle travel to places of employment.

Amended Narrative Report

Attached as Table One is a vehicle trip generation forecast based on survey data collected and presented in the *Anchorage Household Travel Data Survey*, prepared by "Nustats" September 2002. Table One clearly shows that the proposed project authorized by the zoning amendment will not generate a flow of traffic sufficient to adversely impact Lake Otis Parkway, a major urban Arterial. The daily and peak trips reach a hourly maximum during the evening commute period of about seventy trips per hour arriving and departing total. This modest traffic movement may easily be handled by Lake Otis and does not warrant the need for a second vehicle access on the undeveloped Laurel Street right of way. The project proponents recommend that this portion of Laurel Street be improved with a trail link and as a secondary emergency vehicle access route. In sum this Property is a classic infill site that will efficiently add to the housing stock and assessed valuation without any meaningful burden on municipal services or the local environment.

The cumulative effects of any adverse impacts generated by the Property are also minimal due to its minimal size, slightly under two acres. The property is served by a short "Cul-de-sac" 49th court, directly connecting to Lake Otis Boulevard, a major arterial road. Therefore there exists no possibility for the generation of through traffic onto local streets that might not be suited to the traffic. Furthermore the improvements of the new Bragaw extension to Dowling will free up tremendous capacity on Lake Otis to ensure the efficient operation and future capacity on that important major arterial road. Finally the abutting property that might be developed to a similar density is limited to a little over one acre. See Zoning map. This re-zoning will not provide the stimulus for greater development in quantity or quality that could individually or in a contributing manner have a detrimental affect on the surrounding neighborhood or property. In fact it will likely encourage reinvestment in nearby properties.

2. The Supply of Land similarly zoned R-3 in the economically relevant area will not be upset or over supplied in any manner by the rezoning requested here. Considered quantitatively, the limited size of the Parcel (about) creates a miniscule adjustment to the numerator of R-3 land measure against the denominator of all land in the District. Measured, the "Central District". And when considered more empirically by examination of the zoning map one can readily see that there is not meaningful undeveloped R-3 property in the area. In fact the closest R-3 land about one hundred yards south on Lake Otis between Glenridge and E. 53rd Court has been developed with multi-family units since the mid 70's. Another nearby R-3 tract is developed with a significant Church and associated structures, the Saint Mary's Church Subdivision at the corner of Lake Otis and Tudor. The tangible evidence of the relevant markets' demand and need for R-3 land is clearly provided by the successful Weidner Properties multi family project, "The Highlands" completed within the past few years just north of Lake Otis and Dowling. That project consisting of fifteen buildings of over 120 units was developed on about three acres of shares a single access with other multi-family property on 56th avenue.

A review of the zoning map reveals a substantial unused inventory of R-2M and R-2A many in small lot configurations. See for example "Wentworth Subdivision" between 42nd and 43rd Avenues.

Amended Narrative Report

This pattern of underutilized R-2A and R-2M land is also demonstrated in the area to the East of the Property between Laurel and Piper. Given that this area immediately south of Tudor first developed in the early 1970's the fact that significant numbers of R-2A and R-2M lots remain vacant provides dramatic tangible evidence that the current zoning is not appropriate. Much of the vacant R-2A land is in larger one acre tracts that have never developed. Given the need for R-3 land, proven by the new development there-on, keeping this land in a fallow R-2A designation makes no sense from a Comp Plan and public policy standpoint.

3. The Timing of Development does not raise any issues of public concern or impact. As noted above there exists all public utilities and the development style would not likely add to the school age burden. This "infill" site can be readily absorbed into the existing capacity of public services and infra-structure. In fact sites like this Property should be encourage for infill style development to increase the assessed value of the City to support the existing installed public services and infrastructure! In short this rezone and the infill development it will spur will add greater marginal tax revenue to the given level of public services required because the public services are already in place in the relevant District or geographic area.

4. The effect of this Rezoning on the land uses and densities allowed versus what is contemplated in the Comp Plan is completely consistent with the Comp. Plan. As pointed out in the new "2020 Comp Plan", the Land Use Concept Plan is presented in three planning maps with related text that addresses the major land use policies of the community. The Land Use Policy map establishes a hierarchy (a priority) of Uses that guide land use decisions such as use type and intensity, including:

Major Employment Centers such as the U-Med District relevant here. The plan states:
Residential redevelopment near these sites will be at medium to high density.

Transit Supportive Development Corridors such as Lake Otis Boulevard adjacent to the Property will provide "more transit services, more walk able streets and develop(s)
more concentrated residential and commercial development in selected areas."

Infill or Redevelopment. The plan states:

"This issue becomes a priority focus to meet projected growth by encouraging more intensive development where appropriate". And continues: "Neighborhoods and sub areas in and around Downtown/Midtown and the *University-Medical District are target for public/private reinvestment.*

Natural Open Space The Comp Plan formalizes the importance of retaining protect and integrating natural open spaces into the urban living environment.

See discussion Comp Plan page 49. This Property is nearby but does not actually abut the Campbell Creek Green belt. Its location is perfect to allow for the pedestrian enjoyment of these resources without impacting them with development imposed directly adjacent to them.

Amended Narrative Report

Conclusion.

The Rezoning application submitted provides an ideal example of beneficial infill development that can be spurred by an increase in density authorized under a "mid density" R-3 zoning status.

Adjacent to a Transit Supportive Development Corridor, Lake Otis Boulevard the Property will provide opportunity for residents to travel to without resorting to individual automobiles and to live proximate to the Major Employment Center, the "U-Med" district. The relatively small scale of the Property in an area that is manifesting demand for R-3 style dwelling ensures that there will be no over supply or allocation of this dwelling type to the detriment of other owners and the community. Finally the location proximate to but not directly adjacent the superb Campbell creek Green Belt Parkway and Park Tracts provides an ideal opportunity for residents to utilize these public resources without the need to resort to automobile travel, all as encourage in the Anchorage 2020 comprehensive plan.

For all of these reasons and those elaborated during testimony the Applicant believes the Rezoning to be in conformance with the Comprehensive Plan and to have merit. Accompanying this memo is a Site plan and proposed Special Limitations to the R-3 zoning classification that substantiates the intent and quality of the development proposed. However if upon staff review or during public hearing other limitations or amendments are identified that would be beneficial to the Property and the neighborhood, the Applicant will consider all suggestions presented in good faith.

Respectfully Submitted:

Steve Agni
Development Managers Inc.
Representative of Applicant: PURA Vida LLC, Owner

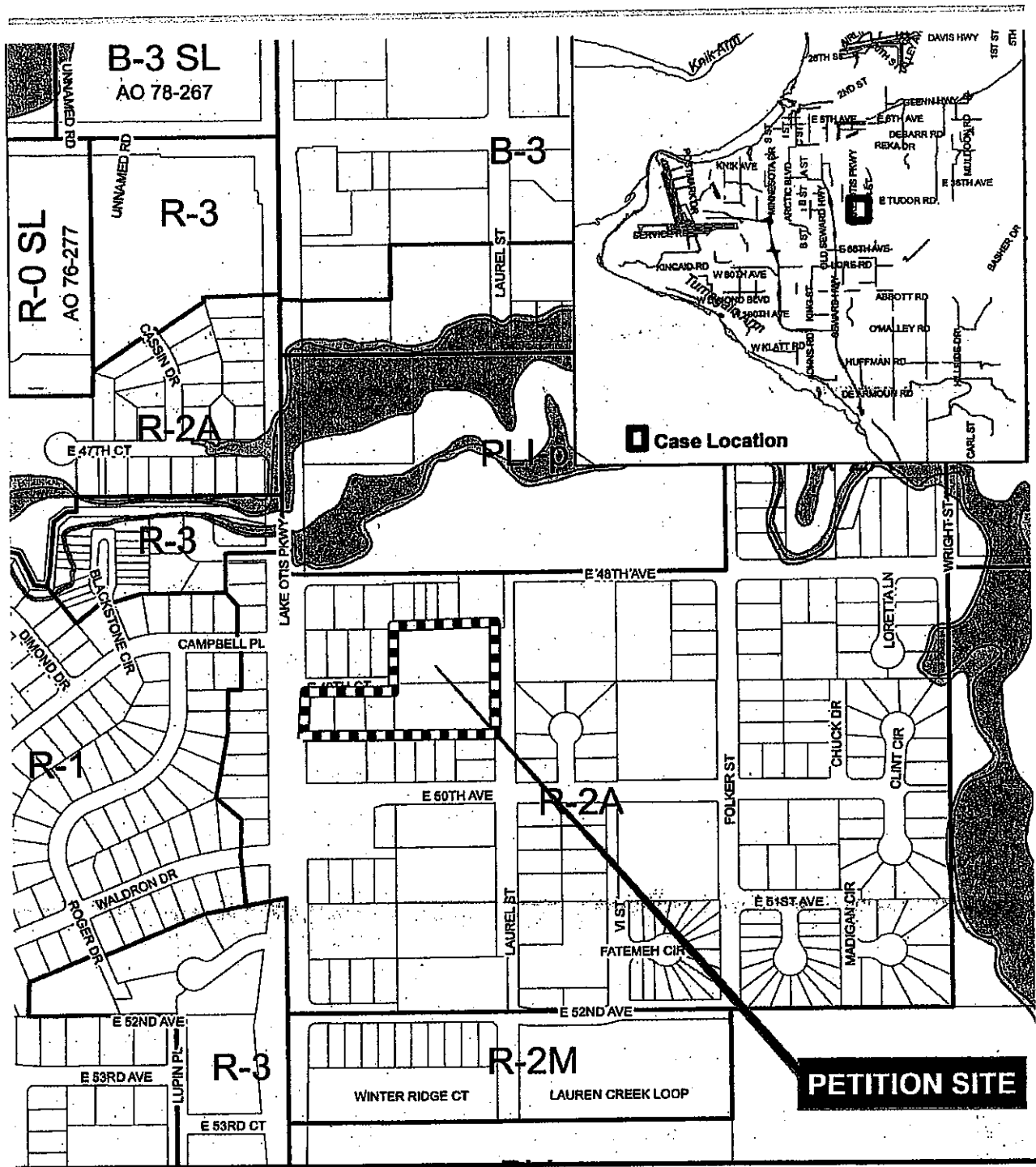
Proposed Special Limitations

PROPOSED SPECIAL LIMITATIONS FOR REZONE APPLICATION CASE NO. 2007-087

1. Dwelling Unit density shall not exceed ninety six units total.
2. Vehicle Parking in enclosed buildings (including the residential structures) shall be provided at a ratio of not less than one space per dwelling unit.
3. The primary exterior walls of all buildings shall be separated from adjacent buildings (measured at ground level) by not less than twenty feet.
4. Buildings shall not exceed thirty five feet in height as measured pursuant to Title 21 Section _____. (thirty five feet measured from the mid point the roof)
5 feet half buried parking level + 9 + 9 + 8 = 31 + 4 roof pitch = 35.
5. No single building shall have a "foot print" or ground coverage area in excess of Nine Thousand square feet. (I measured the larger building to have ground floor area of 8900 square feet)

End of "SL's"

Petition Site Map



Municipality of Anchorage
Planning Department

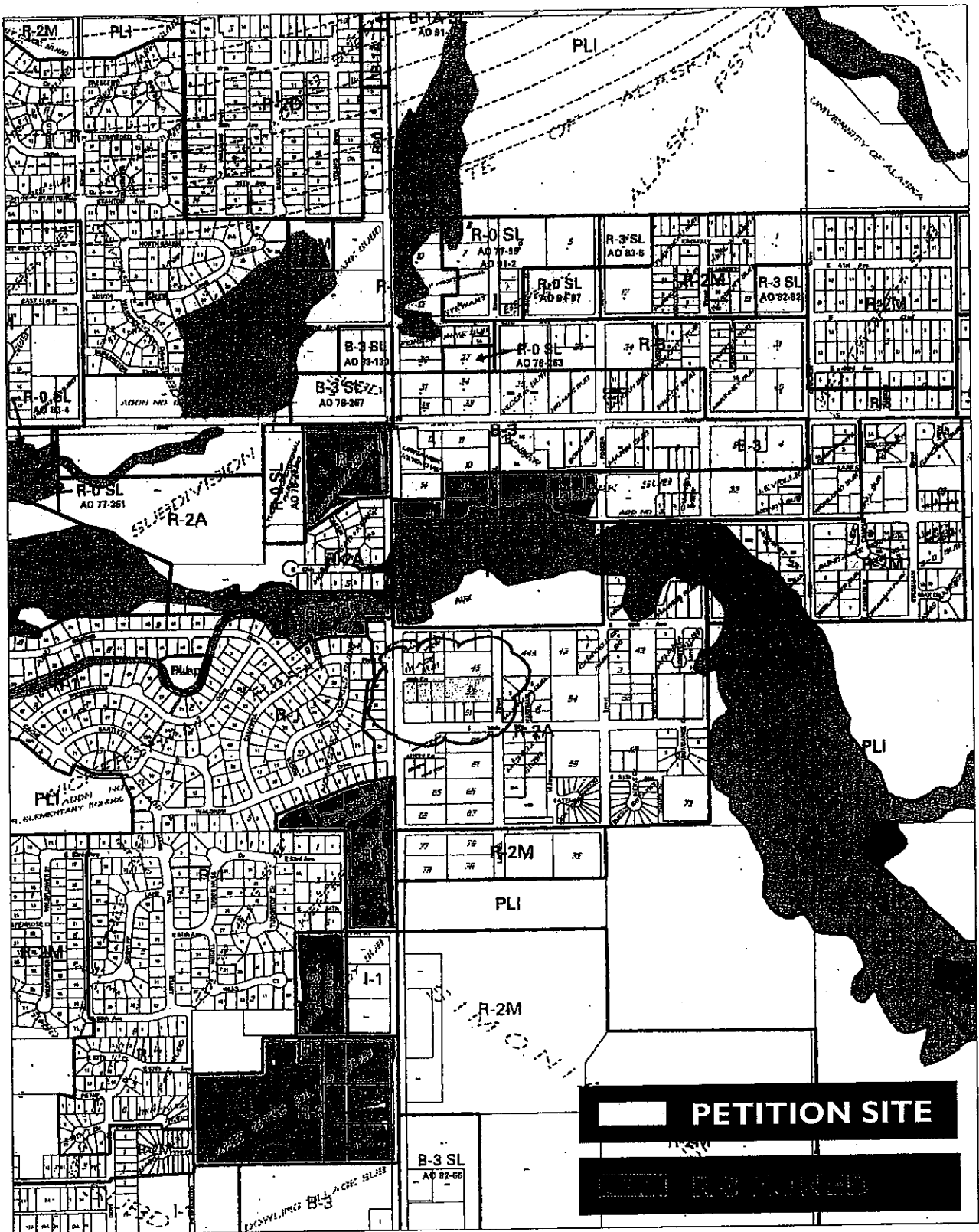
Date: May 29, 2007

Flood Limits
 100 Year
 600 Year
 Floodway



111

Municipal Zoning Map



East 49th Court Properties



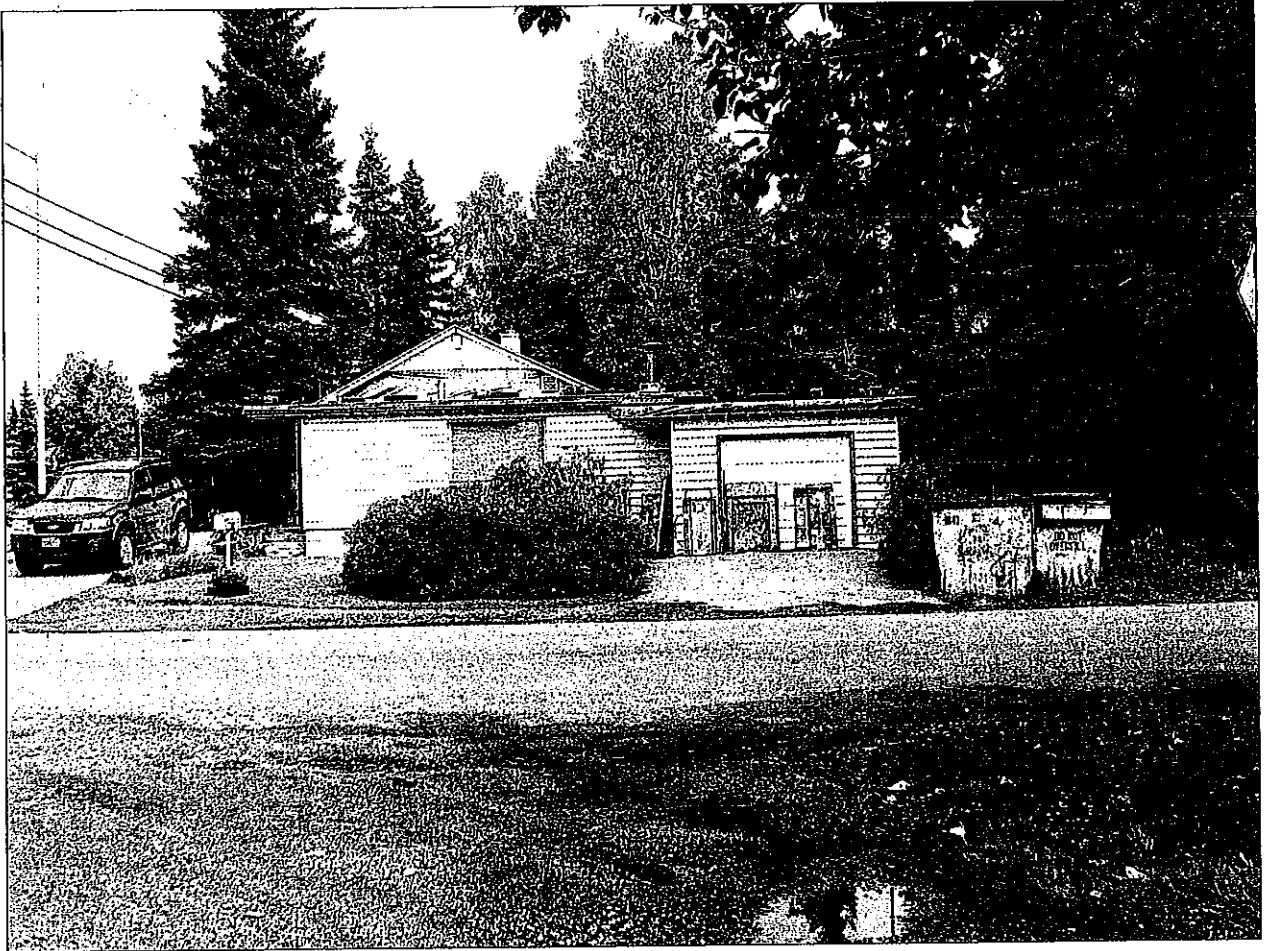
East 49th Court Entrance from Lake Otis Parkway

East 49th Court Properties



2300 East 49th Court
Lots 49AB&C
Non-conforming 8-plex
Part of Rezone Petition
To be removed during Site Development

East 49th Court Properties



Home on East 49th Court

East 49th Court Properties



Duplexes on East 49th Court

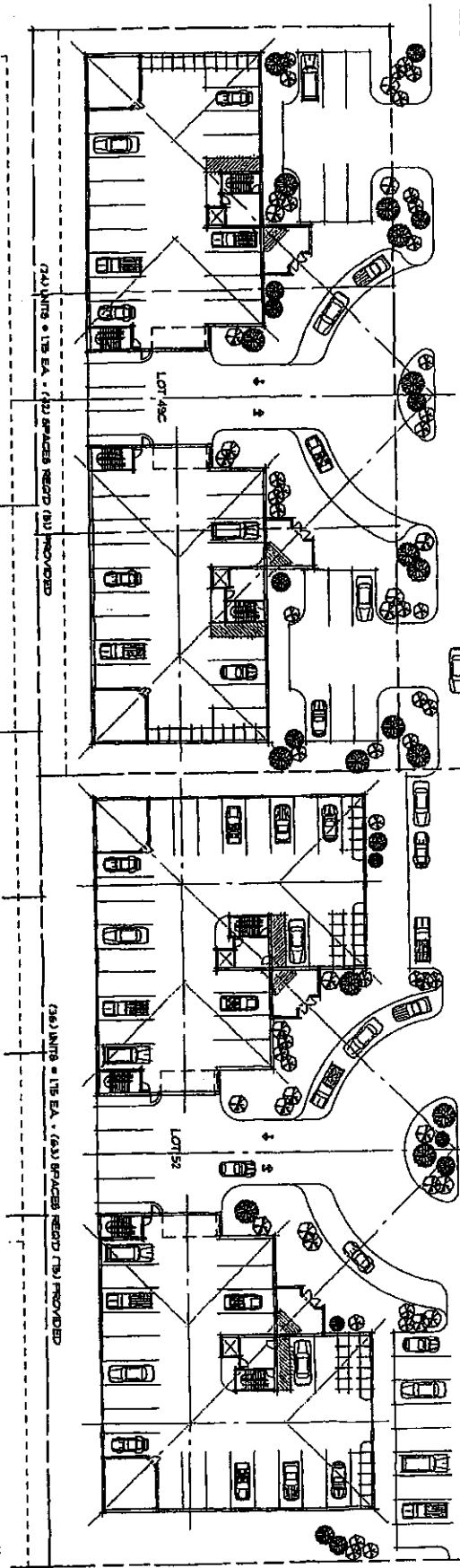
East 49th Court Properties



Home on East 49th Court
Lot 45
Part of Rezone Petition
To be removed during Site Development

1

PROPOSED SITE PLAN - BASEMENT LEVEL



49th COURT

LAUREL RIGHT OF WAY

LOT COVERAGE	SQUARE FOOTAGE
LOT 45	AREA: 48,353 • PROPOSED BLDG: 9,859 X 73 • 18,435 • LOT COVERAGE: 39.1%
LOT 49C	AREA: 31,706 • PROPOSED BLDG: 15,011 X 73 • 15,202 • LOT COVERAGE: 35.1%
LOT 52	AREA: 48,316 • PROPOSED BLDG: 9,859 X 73 • 18,435 • LOT COVERAGE: 39.6%

(34) UNITS • 175 EA. • (63) SPACES REQ'D (75) PROVIDED

LAUREL RIGHT OF WAY

NAME: JACOB'S DESIGN MARK

DATE: 04.2007

SCALE: 1" = 40'-0"

P1

IVY & CO.

ARCHITECTS

49th COURT MULTI

ANCHORAGE, ALASKA

PROPOSED CONCEPT FOR:

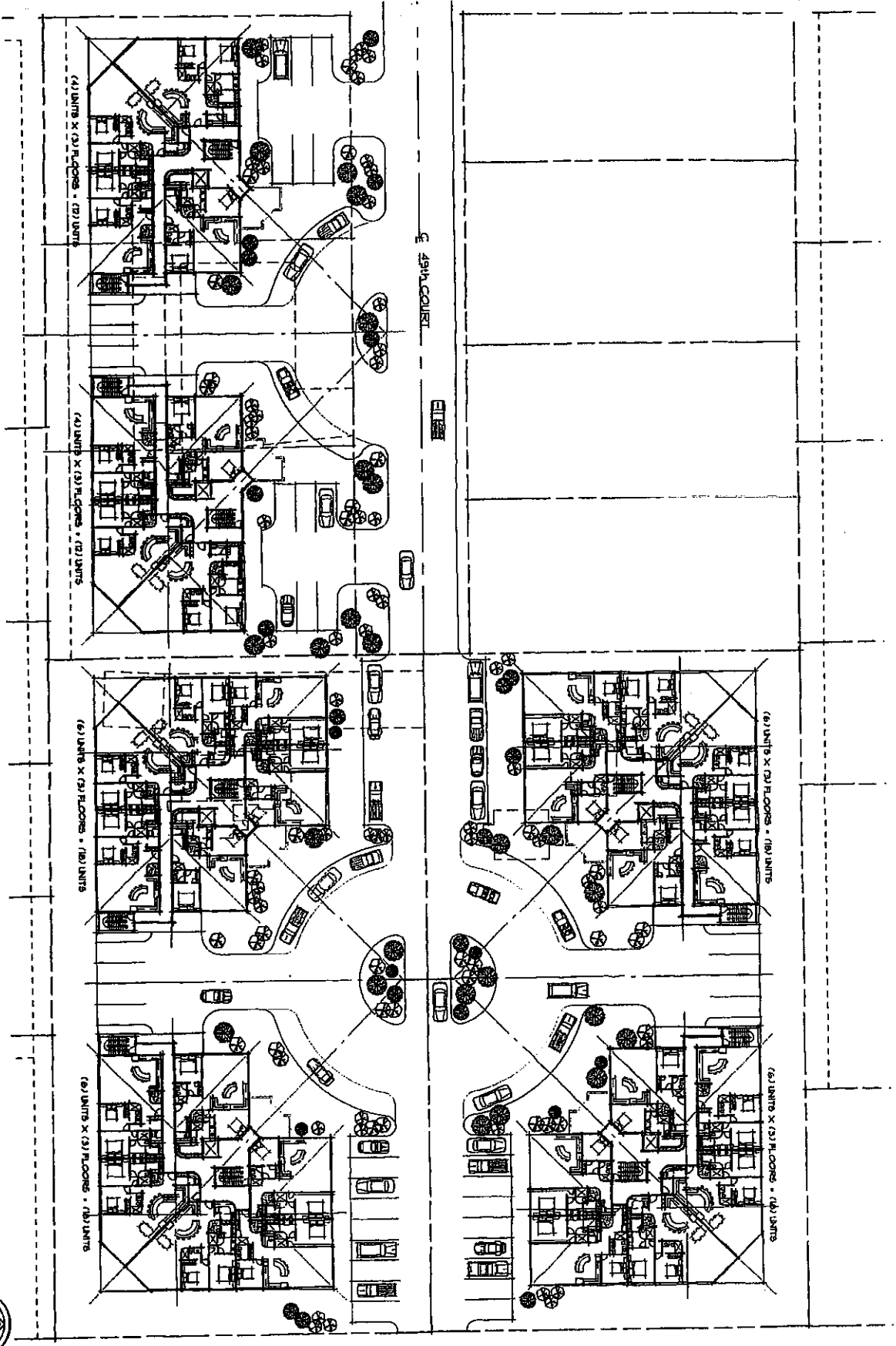
49th COURT MULTI

ANCHORAGE, ALASKA



1

PROPOSED SITE PLAN - MAIN LEVEL



E LAUREL RIGHT OF WAY

P2

IVY & CO.
ARCHITECTS

200 N. 1ST AVE.
ANCHORAGE, AK 99501

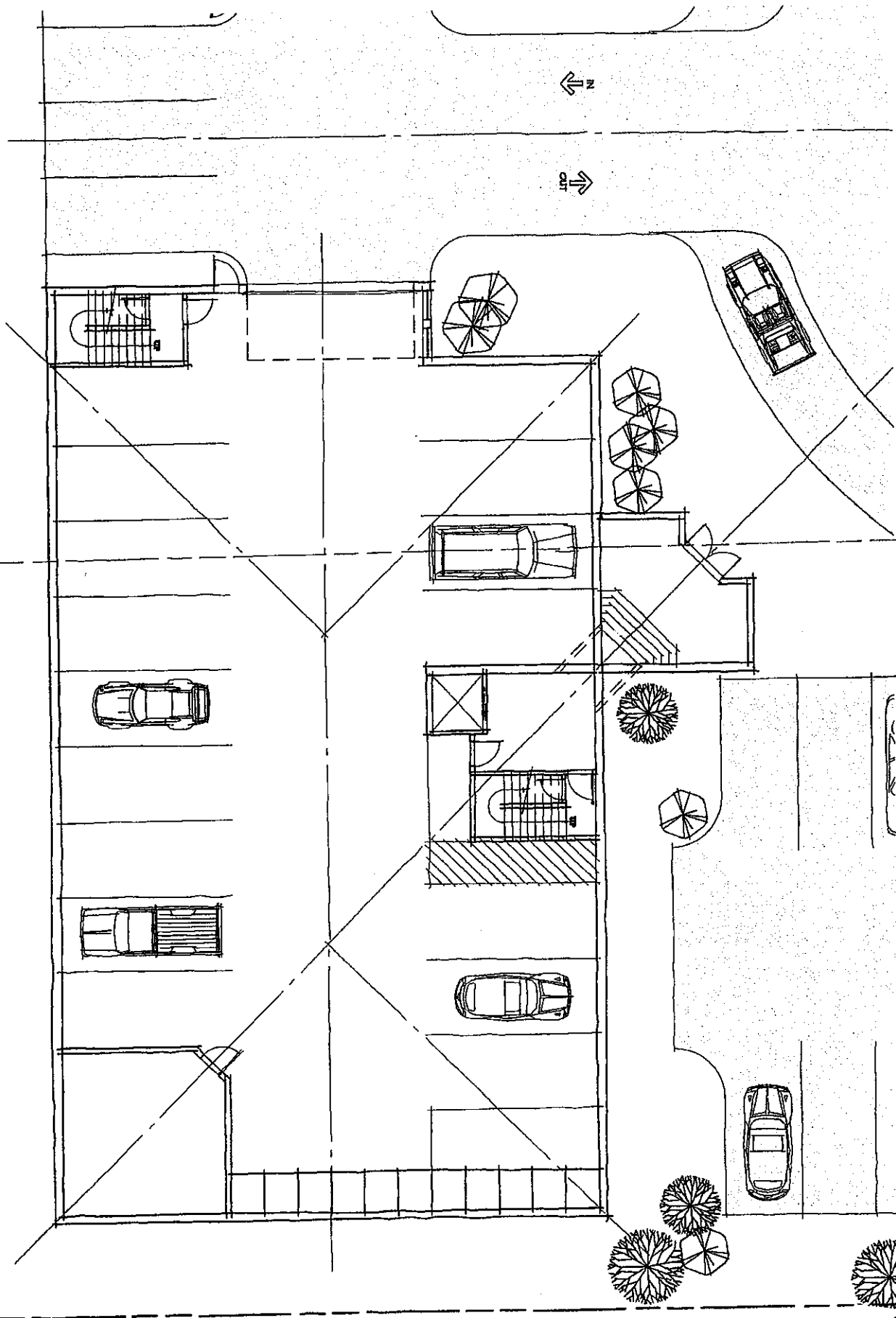
TEL: 273-1111
FAX: 273-1112

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1

PROPOSED PARKING PLAN - BASEMENT LEVEL LOTS 49C (16) HEATED PARKING SPACES EACH BUILDING



IVY & CO.
ARCHITECTS

DESIGN: JACOB
CONCEPT: MARK
DATE: 07/16
PROJECT: 49C

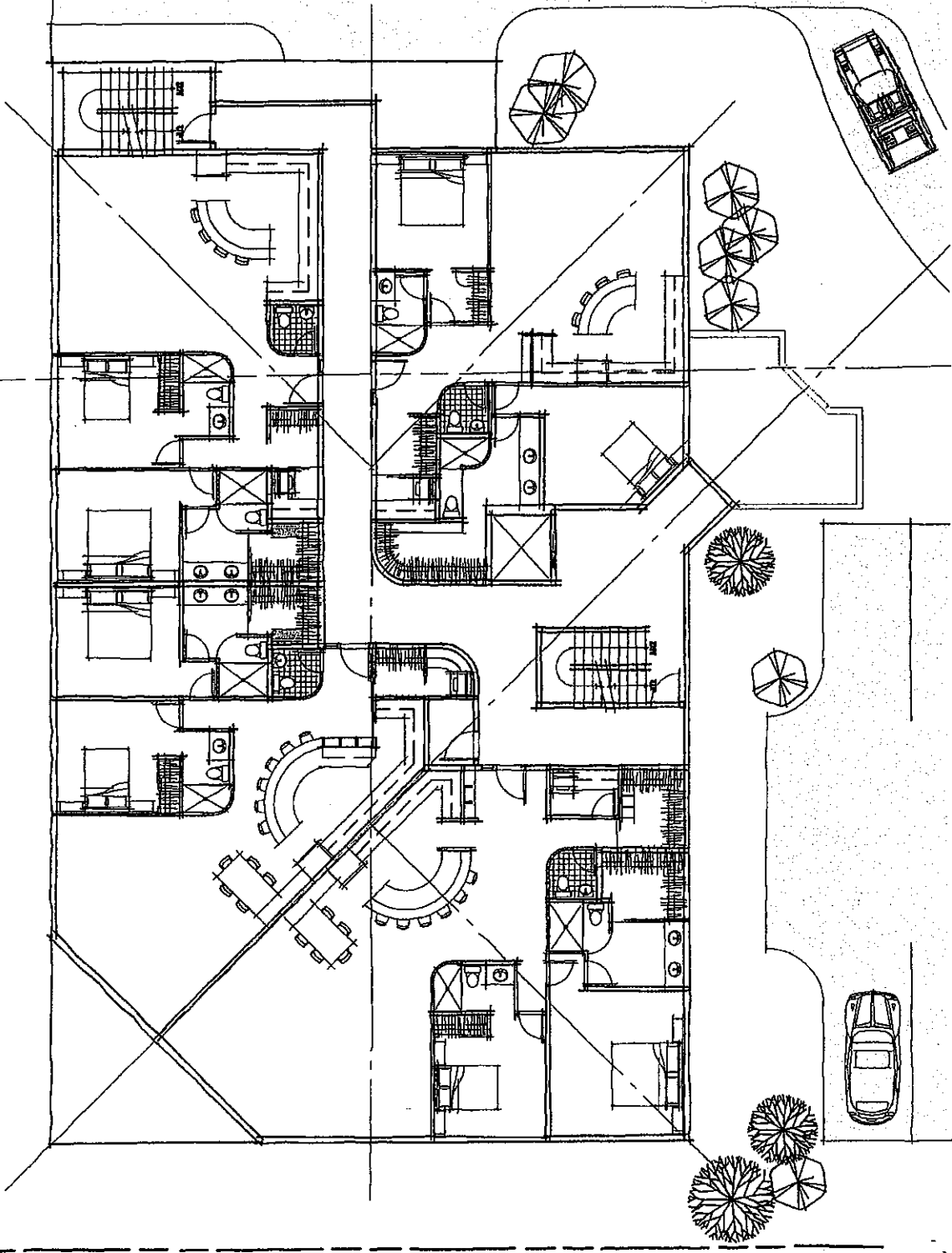
P3

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1

PROPOSED LIVING LEVELS - LOT 49C



P4	IVY & CO	<small>ARCHITECTS</small>
	DESIGN	
	DRAWN	
	CHECKED	
	DATE	

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA

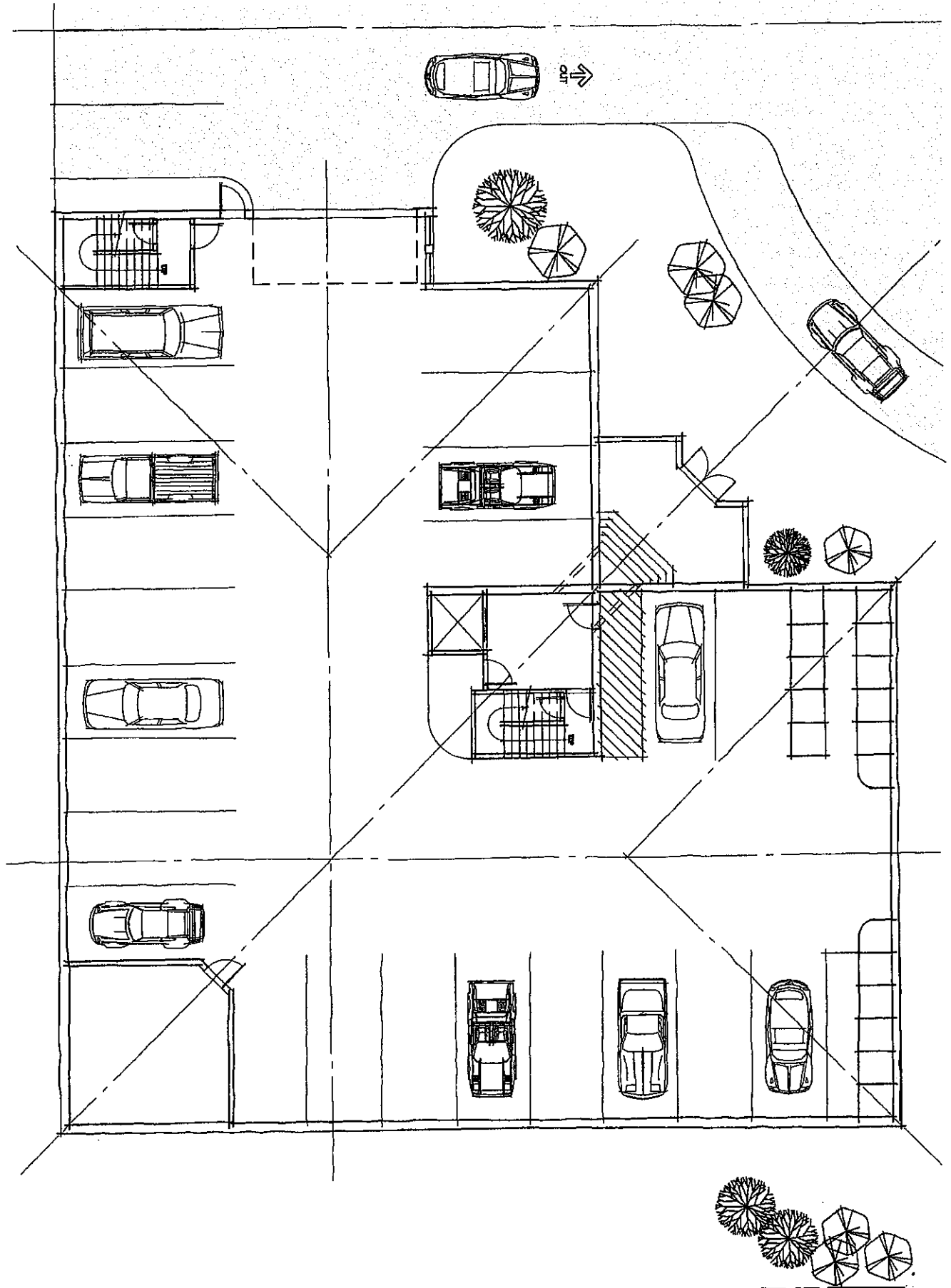


1

PROPOSED PARKING PLAN - BASEMENT LEVEL LOTS 45 & 52

23) HEATED PARKING SPACES EACH BUILDING

NORTH



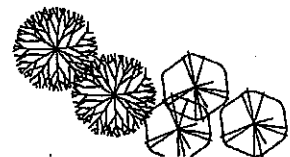
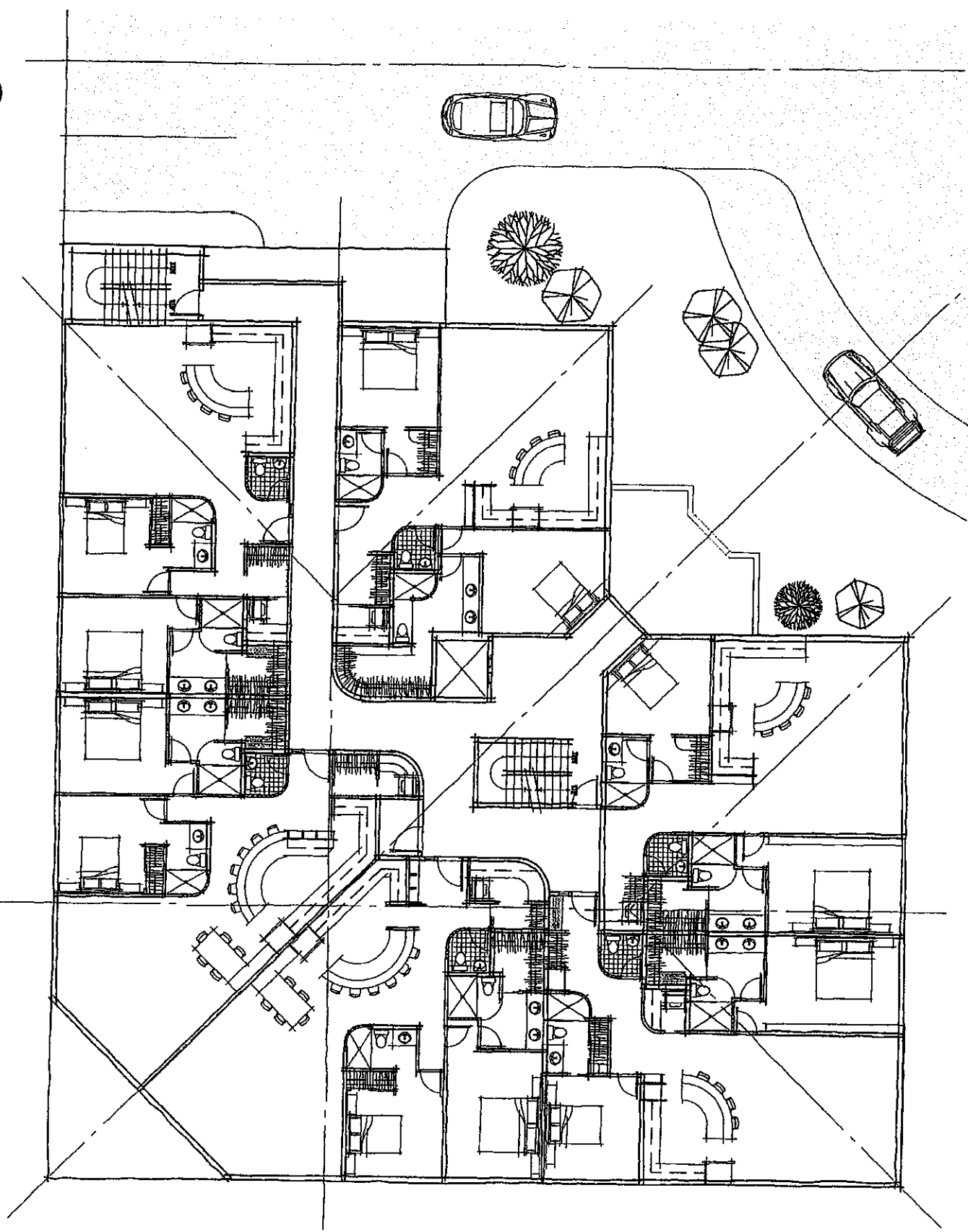
<p>P5</p>	<p>IVY & CO. ARCHITECTS</p>	<p>DATE: 04.2007</p>
	<p>DESIGN: JACOBUS</p>	<p>SCALE: 1/8" = 1'-0"</p>
	<p>CHECKED: TAYLOR</p>	<p>DATE: 04.2007</p>
	<p>APP. NO. 0716</p>	<p>PROJECT NO.</p>
	<p>DATE: 04.2007</p>	<p>PROJECT NO.</p>

PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



1

PROPOSED LIVING LEVELS - LOTS 45 & 52



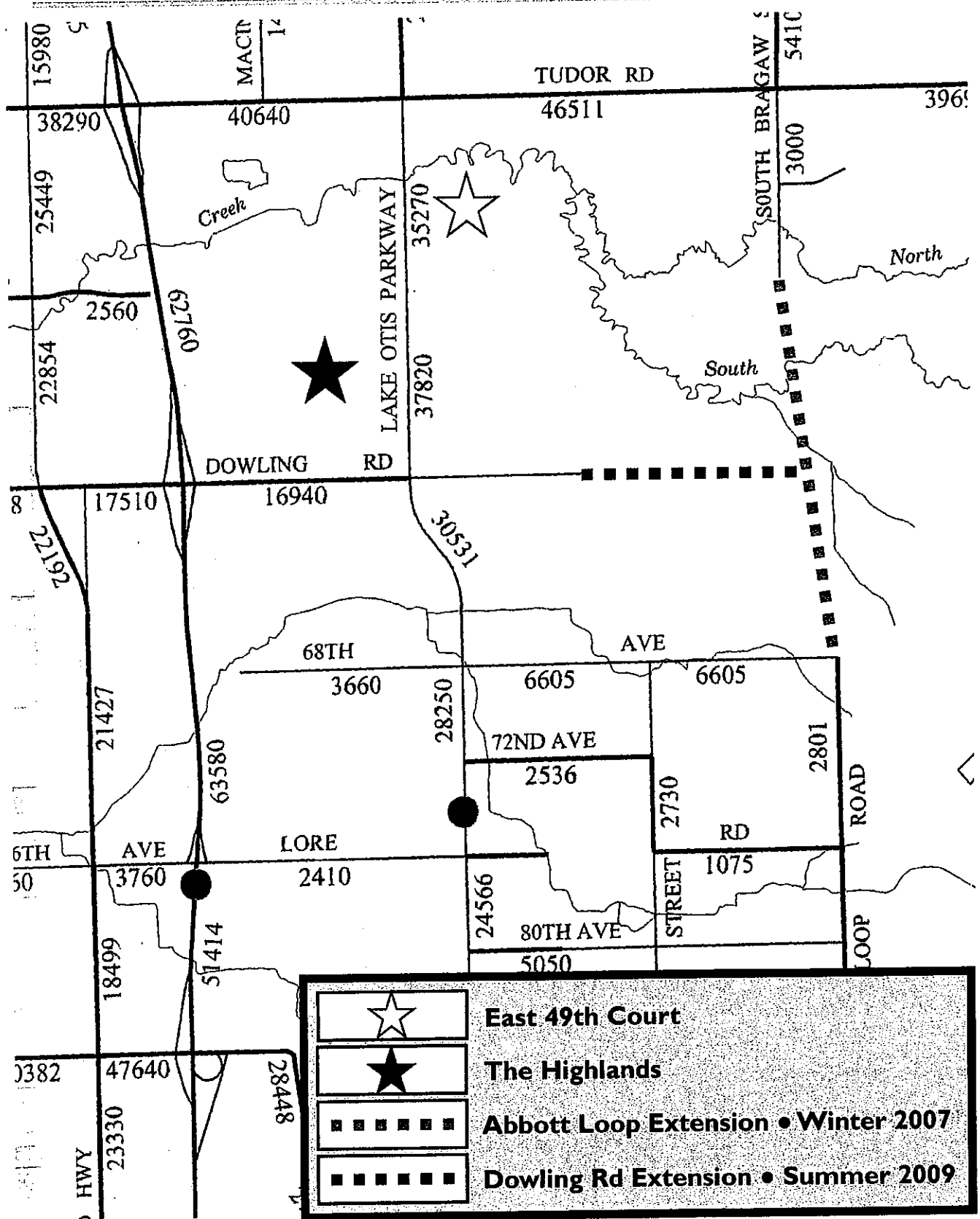
123

P6	DESIGN	IVY & CO.
	CHECKED	ARCHITECTS
	DATE	
	BY	
	FOR	

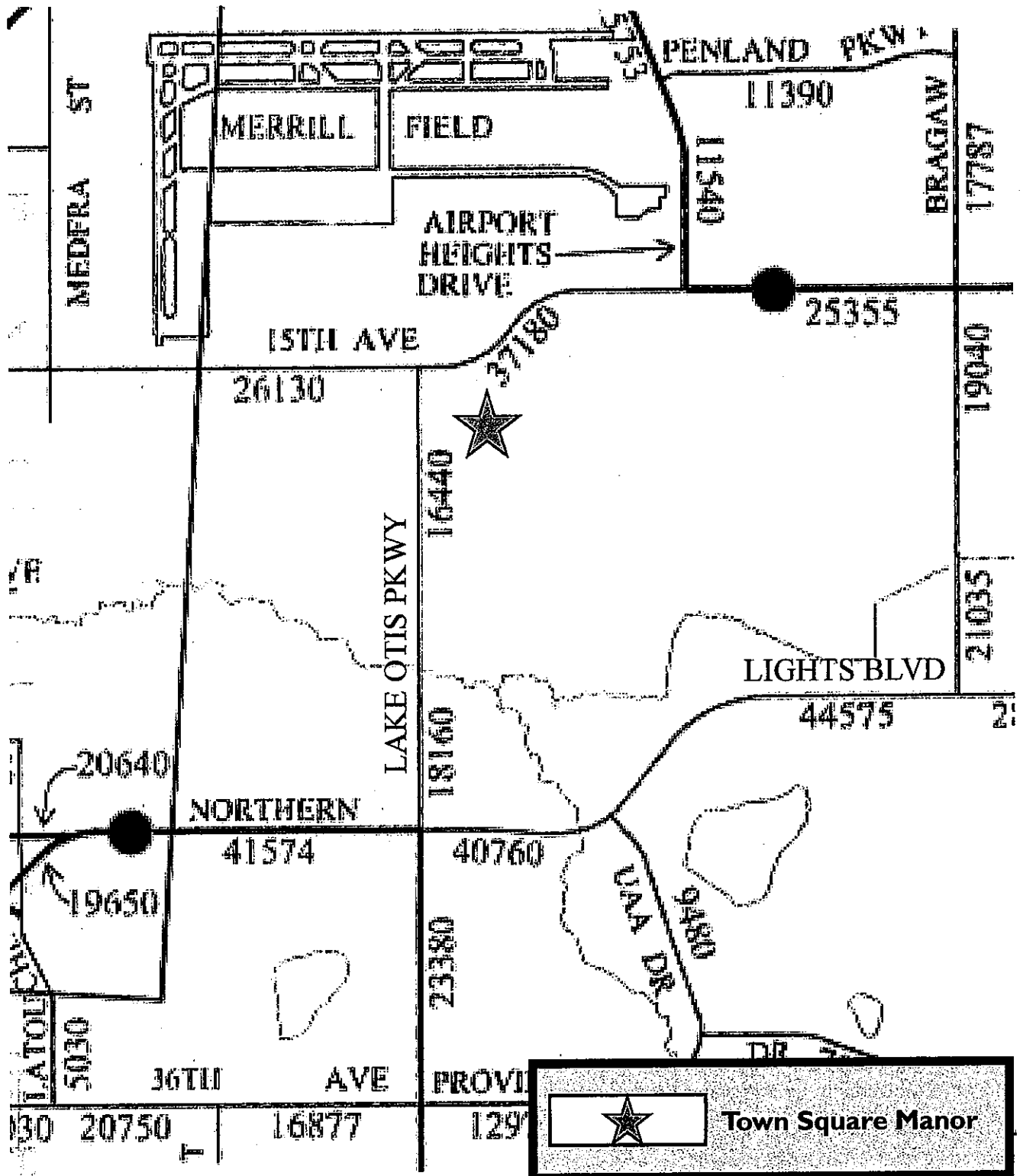
PROPOSED CONCEPT FOR:
49th COURT MULTI
ANCHORAGE, ALASKA



Traffic Counts



Traffic Counts



Steve Agni Traffic Analysis

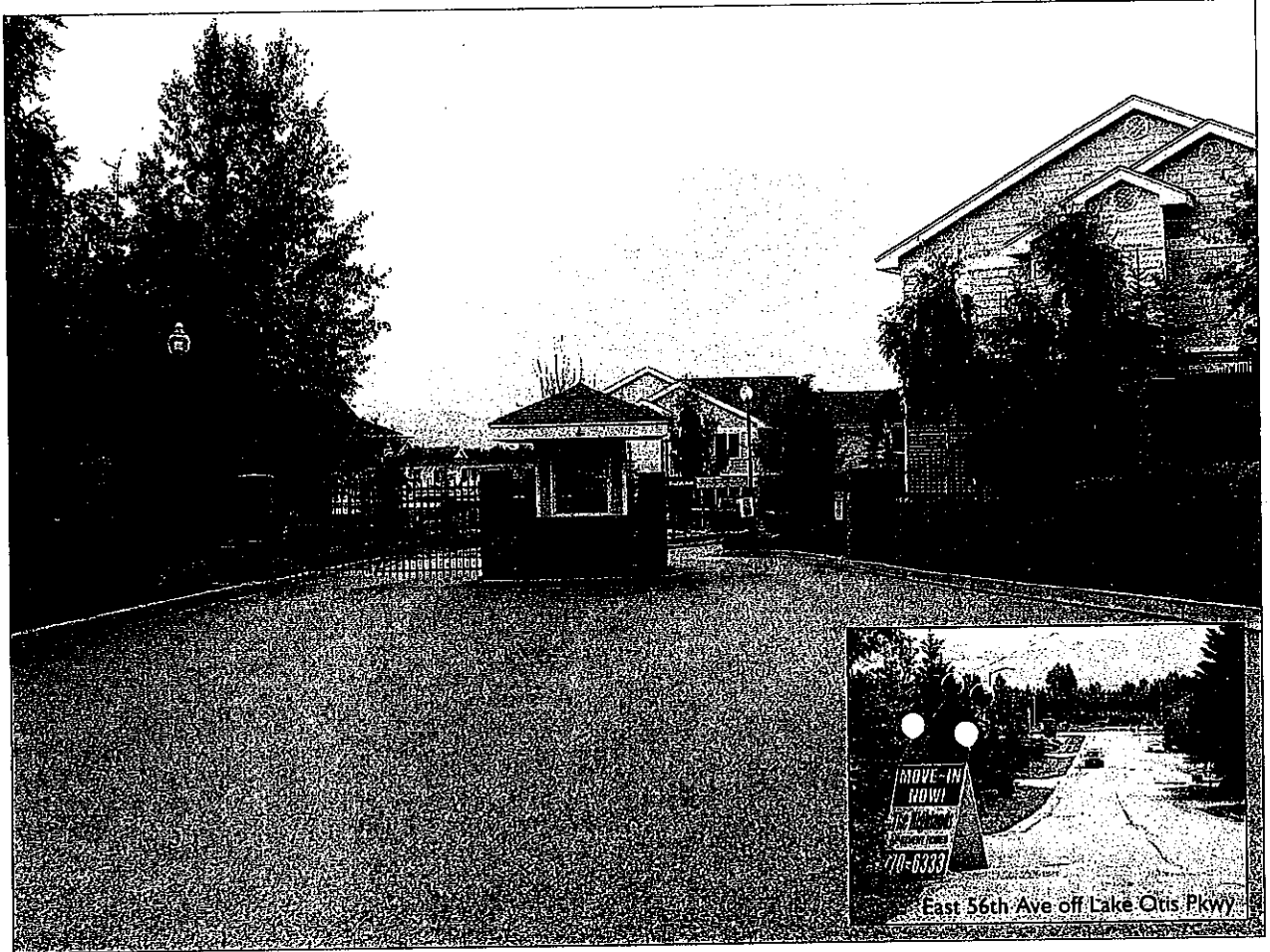
49th Court Project Trip Generation Analysis

No. of Dwelling Units	96					
Average Household Size	2.25					
Trips Per Individual	4.1					
Trips Per Unit/Day	9.225					
Total Dwelling Units	96					
Total Trips/Day	885.6					
Transit Trips Per Day	4.60%	40.7376				
Non Vehicle/Pedestrian	5.9%	52.2504				
Net Vehicle Trips/Day		793				
Vehicle trip Distribution						
Graveyard	Depart for Work & School	Mid-day	Return from Work & School	Swing & Late Shift		
No. Trips	44	134	236	224	155	793
Percent	5.60%	16.90%	29.80%	28.20%	19.50%	100.00%
	12:00am to 7:00am	7:00am to 9:00am	9:00am to 3:00pm	3:00pm to 6:00pm	6:00pm to 12:00am	
Trips/hr	6.340896	66.98	39.366396	74.51	25.75989	
Trips/min	0.1056816	1.12	0.6561066	1.2	0.4293315	

All trip generation data and ratios derived from the Anchorage Household Travel Data Survey, prepared by "Nustats" 9/2002

Note "Mid Day" Trips frequently involve destinations that do NOT include residence as point of destination or departure.

Similar Projects



The Highlands

Entrance off of East 56th Avenue and Lake Otis Parkway

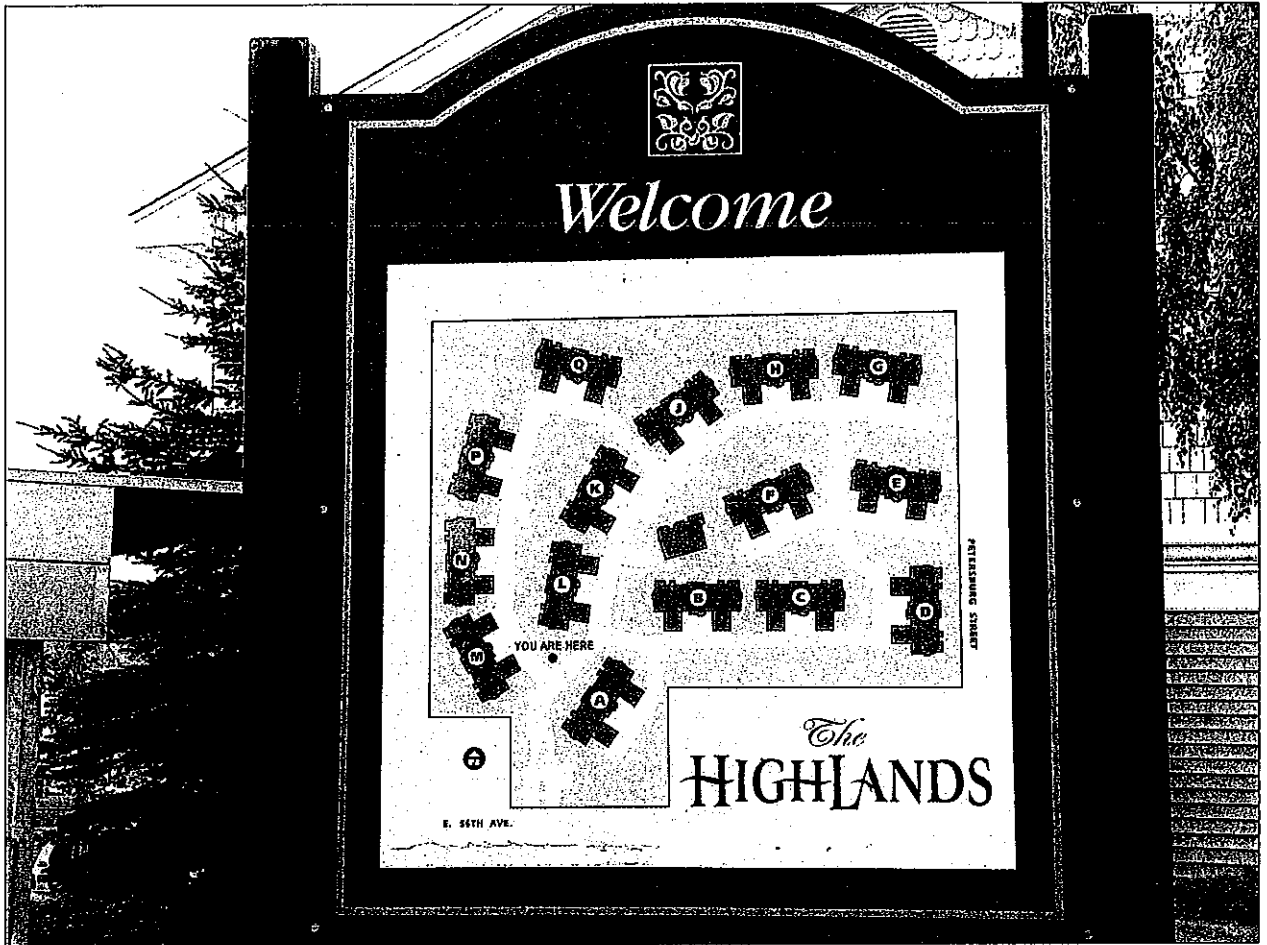
150 Units

One Ingress/Egress

Built 2002

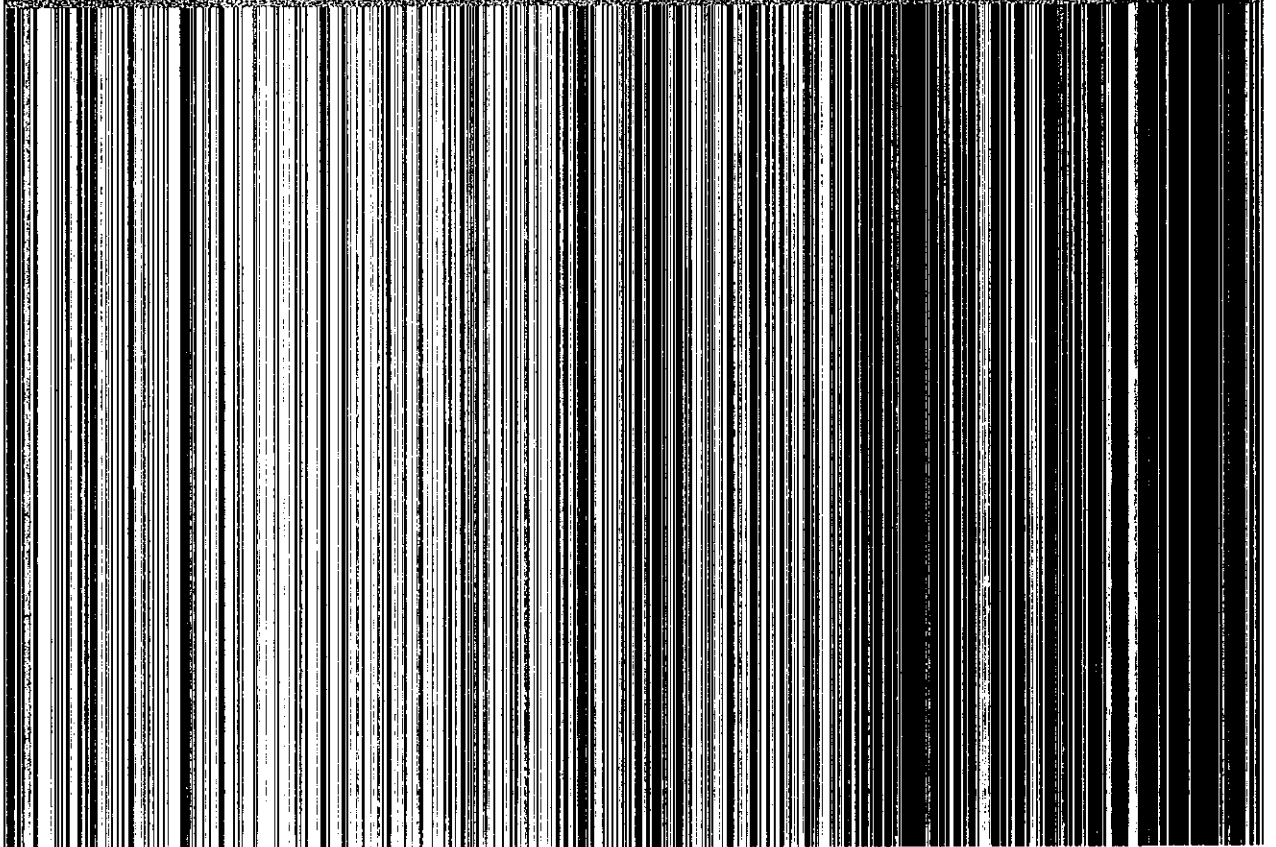
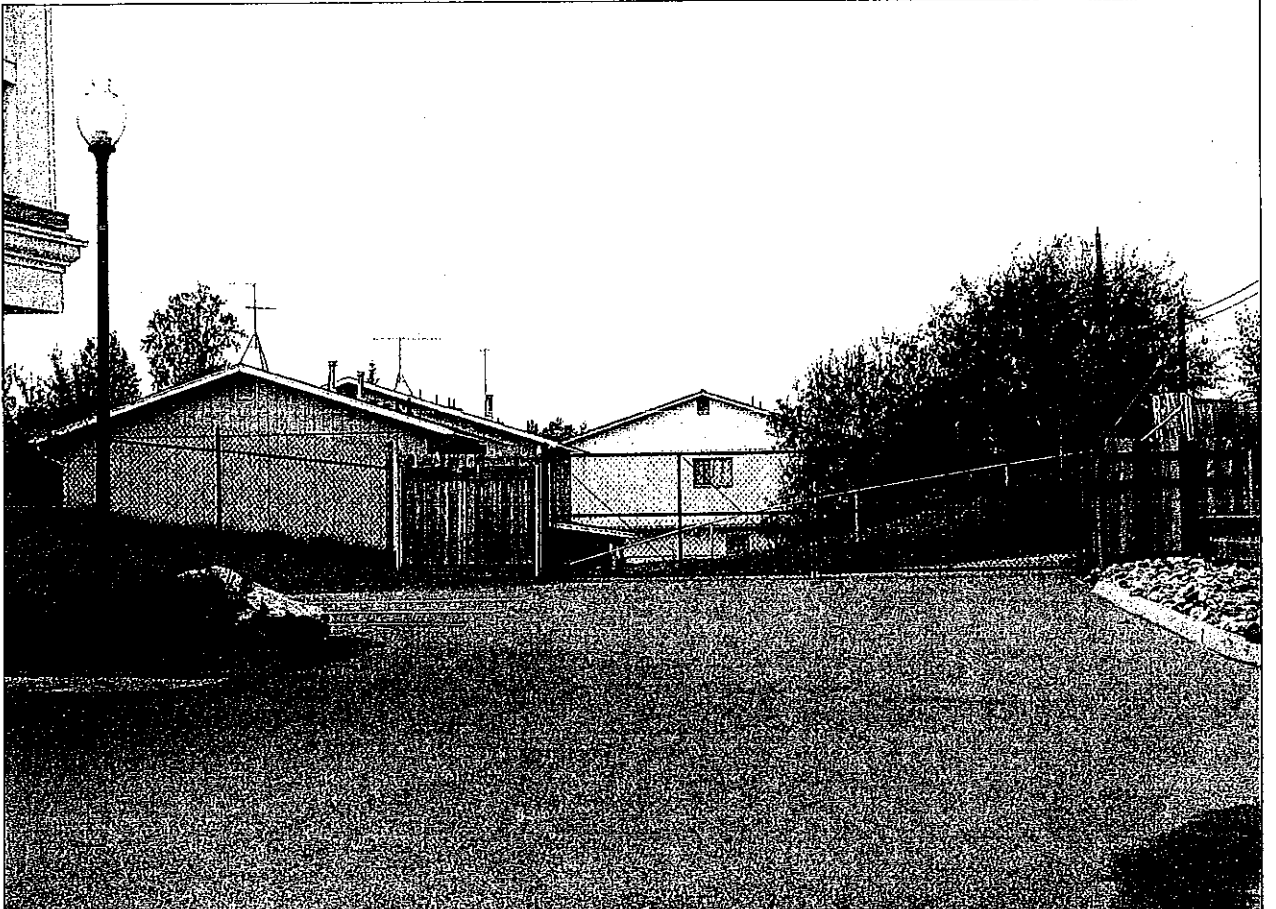
Zoned R3

Similar Projects



The Highlands
Layout Map

Similar Projects



11001 O'Malley Centre Dr.
Suite 204
Anchorage, Alaska 99515
(907) 248-8300 (FAX) 248-8305

December 17, 2007

Municipal Planning Department
Att: Angela Chambers
P.O. Box 196650
Anchorage Alaska 99519-6650

Re: 2007-087

Dear Ms. Chambers,

Please find the enclosed copy of the letter to the Municipal Clerk, to be forwarded to the Anchorage Assembly for their consideration of the above referenced case. Please advise me if we have not produced this request in the proper format or content.

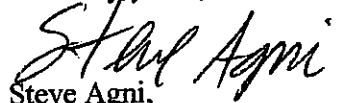
In our brief discussion you stated that the Case Record will be prepared for submittal to the Assembly by the Planning & Zoning Commission staff. In order for us to contribute to the Case Record prior to submittal of the packet for appeal we are requesting the following actions:

- A copy of the Planning & Zoning Commissions meeting minutes (i.e. transcripts) for both sessions pertaining to case 2007-087.
- Access to the entire packet that represents the Case Record before it is forwarded to the Assembly.

Given the present calendar period with the Holidays and other interruptions of the ordinary work week I know there will be less time available to complete that record. Therefore, I would appreciate knowing in advance when you can reasonably expect to have the above requests available.

Thank you for your attention to these matters. If there are any questions or concerns regarding our requests please do not hesitate to contact me.

Sincerely yours,


Steve Agni,
Development Mangers Inc.

Representative of Petitioner:
Pura Vida LLC

**DEVELOPMENT
MANAGERS INC.**

001

11001 O'Malley Centre Dr.
Suite 204
Anchorage, Alaska 99515
(907) 248-8300 (FAX) 248-8305

Municipal Clerk
Municipality of Anchorage
632 W. 6th Avenue, Suite 250
Anchorage Alaska 99501

Re: 2007-087
Rezoning Application Pura Vida LLC

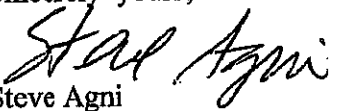
Dear Sir or Madam,

Please accept this letter as a request to submit an ordinance for consideration by the Municipal Assembly to approve the rezoning request submitted by Pura Vida LLC, Planning Case no. 2007-087. This case was denied by the Commission in its meeting conducted December 3, 2007.

A copy of the letter from the Planning Department- informing Pura Vida of its right to submit this request is included here for your record. The Planning Department has informed us that they will prepare the record of the case for the Assembly in accord with their usual procedure. The proposed ordinance authorizing the re-zoning will be submitted by a member of the Assembly for that body's consideration.

If you have any questions on this request please do not hesitate to call 248-8302.

Sincerely -yours,


Steve Agni
Development Managers Inc.

Representative for Petitioner:
Pura Vida LLC

Cc: Pura Vida LLL
MOA Planning; Att: Angela Chambers

**DEVELOPMENT
MANAGERS INC.**

002



Municipality of Anchorage

P.O. Box 196650 * Anchorage, Alaska 99519-6650 * Telephone: (907) 343-7900
Physical Address: 4700 Elmore Road * Anchorage, Alaska 99507 * www.muni.org/planning

Planning Department

Mayor Mark Begich

December 07, 2007

Pura Vida LLC
Attn: Richard Michael
520 E 4th Avenue #203
Anchorage, AK 99501

Re: 2007-087 Rezoning to R-3 Multiple-family residential district

Dear Applicant:

On December 03, 2007, the Planning and Zoning Commission DENIED your petition. We will prepare written findings on your case for Commission approval at a subsequent meeting.

Please be advised this decision is final unless you file a written statement with the Municipal Clerk's office requesting an ordinance be forwarded on to the Municipal Assembly for consideration.

If you have any questions on this action of the Commission, please call 343-7943 and ask to speak to the planner in charge of your case.

Sincerely,

Department of Planning
Zoning and Platting Section

cc: Development Managers

Steve Agni
11001 O'Malley Centre Dr #204
Anchorage, AK 99515

003