

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Community Development
Department, Planning
Division
For reading: January 11, 2011

CLERK'S OFFICE

APPROVED

Anchorage, Alaska

Date: 2-15-11 AO 2011-5

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING OF APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS
3 AND INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS
4 TO R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED
5 WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558
6 LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY 7012,
7 LOT 2, LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US
8 SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E,
9 S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN
10 SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33 (PTN),
11 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA; US
12 SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M.,
13 ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N, R3E, S.M.,
14 ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA.

15
16 (Portage Valley Community Council) (Planning and Zoning Commission Case 2010-048)

17
18 THE ANCHORAGE ASSEMBLY ORDAINS:

19
20 **Section 1.** The zoning map shall be amended by designating the following
21 described property as R-11 (Turnagain Arm) District:

22
23 US Survey 12192 located within Section 30, T9N, R3E, S.M., Alaska; US
24 Survey 11558 located within Section 29, T9N, R2E, S.M., Alaska; US
25 Survey 7012, Lot 2, located within Section 29, T9N, R3E, S.M., Alaska;
26 US Survey 7012, Lots 14 & 20, located within Section 32, T9N, R3E, S.M.,
27 Alaska; US Survey 7012, Lots 12 & 12A, located within Section 4, T8N,
28 R3W, S.M., Alaska; US Survey 7012, Lots 32, 33 (Ptn), 33 (Rem), located
29 within Section 9, T8N, R3E, S.M., Alaska; US Survey 7012, Lot 34,
30 located within Section 8, T8N, R3E, S.M., Alaska; US Survey 3295 located
31 within Section 21, T9N, R3E, S.M., Alaska, generally located in the vicinity
32 of Portage, Alaska, containing approximately 568 acres, as shown on
33 Exhibit A.

34
35 **Section 2.** This ordinance shall become effective immediately upon passage
36 and approval. The Director of the Planning Department shall change the zoning
37 map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 15th
day of February 2011.

Dick 2
Chair

ATTEST:

Barbara S. Jovine

(Tax Identification Numbers: 090-231-02, 090-211-02, 090-211-01, 090-181-01,
090-181-02, 090-161-03, 090-161-04, 090-141-01, 090-121-02, 090-121-01,
090-111-01, 090-191-01)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2011-5

Title: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS AND INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS TO R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558 LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY 7012, LOT 2, LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33 (PTN), 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA; US SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M., ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N, R3E, S.M., ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA.
(PZC Case No. 2010-048)

Sponsor: Mayor

Preparing Agency: Community Development Department/Planning Division

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY11	FY12	FY13	FY14	FY15	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant overall impact on the public sector. The rezone provides landowners with more flexibility, which usually means less code enforcement.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this ordinance should have no significant overall impact on the private sector. The rezone is an implementation action from the Turnagain Arm Comprehensive Plan. It is intended to provide more landowner development flexibility and bring existing developments into consistency with the proper zoning for the area. It is seen as a positive change for the area, relative to the private sector.

Prepared by: Thede Tobish

Telephone: 343-7918



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 27-2011

Meeting Date: January 11, 2011

From: MAYOR

Subject: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS AND INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS TO R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558 LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY 7012, LOT 2, LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33 (PTN), 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA; US SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M., ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N, R3E, S.M., ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA.

Background

The Assembly is being asked to review and approve an areawide rezoning for a suite of parcels in the Portage area (Exhibit A, Map). This is a "housekeeping" request by the Municipality of Anchorage to rezone 12 parcels in the Portage area from PLI (Public Lands and Institutions), W (Watershed), and T (Transition) zoning to R-11 (Turnagain Arm). This action is necessary to make Portage area zoning consistent with land use designations in the *Turnagain Arm Comprehensive Plan*.

Action

The Assembly adopted a *Turnagain Arm Comprehensive Plan* revision on December 1, 2009, which included new land use designations for the Portage area. Because of unique and traditional land uses, the extreme rural nature of

1 this section of Portage, and the intent of land owners to retain these conditions,
2 the Assembly endorsed and approved these new land use designations. During
3 the plan revision, it came to the attention of municipal staff that many Portage
4 parcels retained their original zoning classifications, which meant that these
5 traditional homestead and residential land uses did not conform to the area's
6 zoning.

7
8 R-11 is the zoning district for all Turnagain Arm area properties (outside
9 Girdwood Valley) that are not owned by a government entity. The majority of
10 government parcels, especially those of the U.S. Forest Service, are zoned PLI,
11 and in some cases T. Other government land is zoned W (Watershed) if there
12 are significant watershed issues on the property. Some of the private parcels in
13 the Portage area were (incorrectly) zoned W.

14
15 The area was first zoned in 1969 as Unrestricted, when the Greater Anchorage
16 Area Borough took over planning powers for Portage. In 1983, the Turnagain
17 Arm area was zoned through an areawide rezoning (AO 83-213). It was at that
18 time that the subject lots were zoned PLI, T and W, but not zoned R-11. This
19 was due to the government ownership of the properties at that time and/or
20 incomplete land ownership records. At some point after zoning, but prior to the
21 1987 *Turnagain Arm Comprehensive Plan* designation of the majority of these
22 parcels as residential, most of the properties were sold into private ownership.

23
24 The R-11 district (AMC 21.40.117) states that: "*The permitted uses and*
25 *densities are to generally conform to the policies, land use patterns and*
26 *residential densities of the adopted Turnagain Arm Comprehensive Plan.*" This
27 rezoning properly designates the subject lots as R-11 and brings the area into
28 consistency with the way zoning is applied throughout Turnagain Arm. R-11
29 properly reflects the *Turnagain Arm Comprehensive Plan's* historical intent for
30 development flexibility, be it commercial, residential, industrial, or institutional

31
32 The Planning and Zoning Commission held a public hearing on this areawide
33 rezoning and recommended approval to the Assembly. (Attached are Exhibit B,
34 Planning and Zoning Commission Resolution No. 2010-036, and Exhibit C, the
35 staff packet for Case No. 2010-048.)

36
37 Based on this public process and the findings of the Planning and Zoning
38 Commission, staff recommends approval of this Portage rezoning.

39
40 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**
41 **AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF**
42 **APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS AND**
43 **INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS TO**
44 **R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED**

1 **WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558**
2 **LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY**
3 **7012, LOT 2, LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US**
4 **SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E,**
5 **S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN**
6 **SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33**
7 **(PTN), 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA;**
8 **US SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M.,**
9 **ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N. R3E, S.M.,**
10 **ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA.**
11

12 Prepared by: Thede Tobish, Senior Planner, Planning Division

13 Approved by: Jerry T. Weaver, Jr., Director
14 Community Development Department

15 Concur: Dennis A. Wheeler, Municipal Attorney

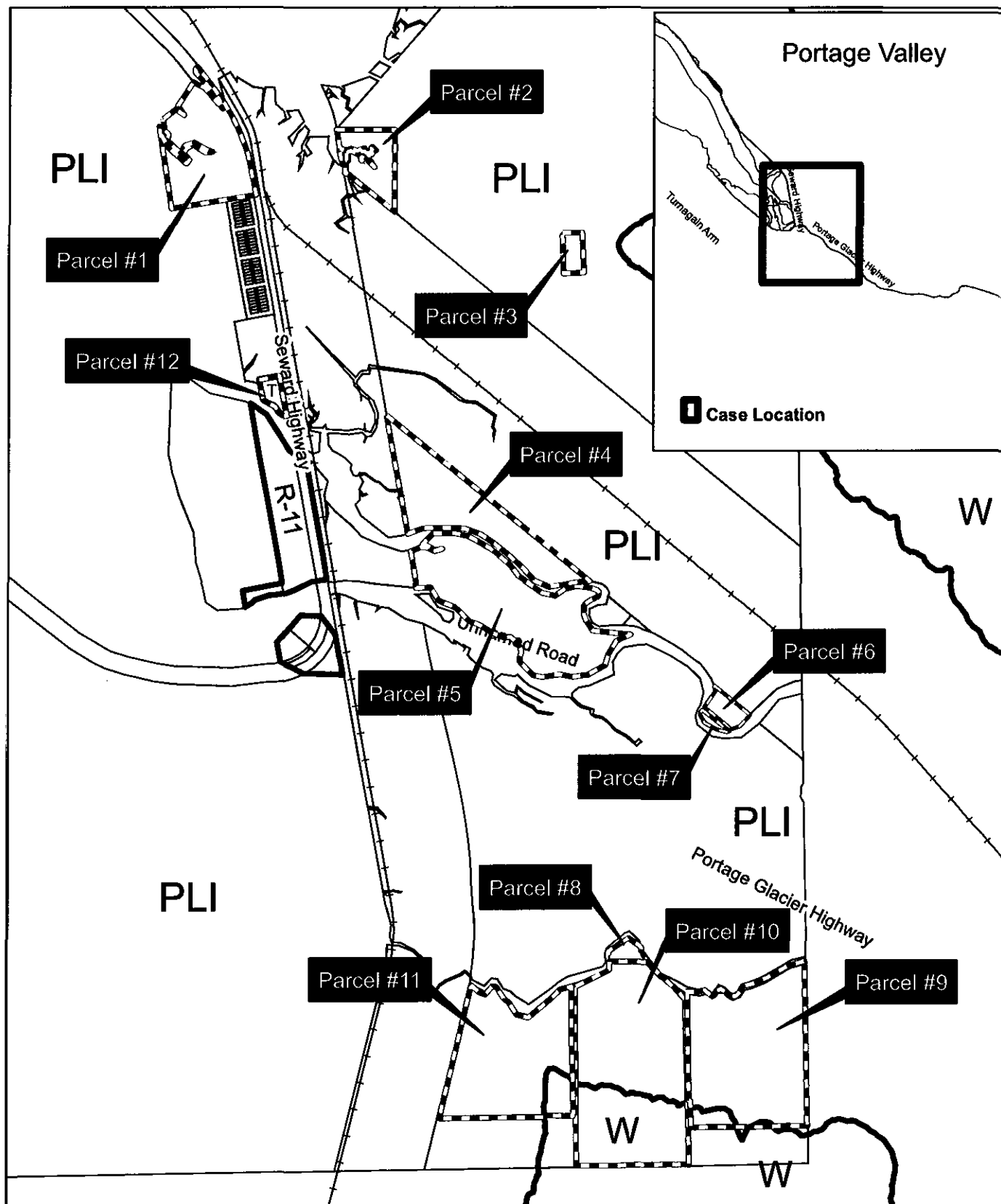
16 Concur: George J. Vakalis, Municipal Manager

17 Respectfully submitted: Daniel A. Sullivan, Mayor
18
19

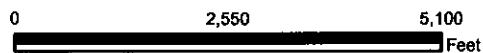
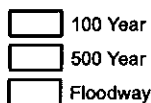
20 Attachments: Exhibit A: Vicinity and Parcels Map

21 Exhibit B: Planning and Zoning Commission Resolution No. 2010-036

22 Exhibit C: Planning and Zoning Commission 9/13/10 Staff Packet



Flood Limits



**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2010-036**

A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST TO REZONE APPROXIMATELY 568 ACRES (12 PARCELS) IN THE PORTAGE AREA FROM PLI (PUBLIC LANDS AND INSTITUTIONS), T (TRANSITION DISTRICT), AND W (WATERSHED DISTRICT TO R-11 (TURNAGAIN ARM DISTRICT) FOR: PARCEL #1, US SURVEY 12192, T9N, R3E, SECTION 30; PARCEL #2, US SURVEY 11558, T9N, R2E, SECTION 29; PARCEL #3, US SURVEY 7012, LOT 2, T9N, R3E, SECTION 29; PARCELS #4 & #5, US SURVEY 7012, LOTS 14 & 20, T9N, R3E, SECTION 32; PARCELS #6 & #7, US SURVEY 7012, LOTS 12 & 12A, T8N, R3W, SECTION 4; PARCELS #8, #9, & #10, US SURVEY 7012, LOTS 32, 33 PTN & 33 REM, T8N, R3E, SECTION 9; PARCEL #11, US SURVEY 7012, LOT 34, T8N, R3E, SECTION 8; AND PARCEL #12, US SURVEY 3295, T9N, R3E, SECTION 21, ALL LOCATED IN S.M., ALASKA.

(Case 2010-048; Tax I.D. Nos. 090-231-02; 090-211-02; 090-211-01; 090-181-01; 090-181-02; 090-161-03; 090-161-04; 090-141-01; 090-121-02; 090-121-01; 090-111-01; 090-191-01)

WHEREAS, a full revision of the *Turnagain Arm Comprehensive Plan* was adopted by the Anchorage Assembly on December 1, 2009; and

WHEREAS, the *Turnagain Arm Comprehensive Plan* assigned land use designations for several parcels in the Portage area that had not been given land use designations in previous versions of the Plan; and

WHEREAS, these new land use designations include Single-family Residential at 1 dwelling unit per 5 acres and at 1 dwelling unit per 2.5 acres, Turnagain Mixed Use, and Rural Homestead; and

WHEREAS, during the *Turnagain Arm Comprehensive Plan* revision, it came to light that several privately owned parcels in Portage retained PLI (Public Lands and Institution), T (Transition), and W (Watershed) zoning from a 1983 areawide rezoning, which meant that the area's traditional homestead and rural land uses did not conform to the area's current zoning; and

WHEREAS, R-11 is the zoning district for all Turnagain Arm parcels (outside Girdwood) not in government ownership and land uses in the R-11 district are governed by the *Turnagain Arm Comprehensive Plan* land use map; and

WHEREAS, the Planning Department is acting as the sponsor for this Portage area rezoning in order to properly designate these lots as R-11 for conformance with the Plan's land use designations and to provide the landowners with the flexibility afforded by this zoning district; and

WHEREAS, the *Turnagain Arm Comprehensive Plan* identifies this rezoning as a direct implementation action for the reasons stated above and for the Plan's Goals 2 and 3 and their policies; and

WHEREAS, Goal 2 is to balance economic development with community character and rural quality of life; and

WHEREAS, the Policy for Goal 2 is to ensure that zoning and platting decisions in Turnagain Arm are guided by the Plan—specifically its maps and the identified goals, policies, objectives, and strategies; and

WHEREAS, Goal 3 is to promote community growth that sustains and supports diverse land uses consistent with community values; and

WHEREAS, the Policy for Goal 3 is to preserve existing large-lot rural residential development; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on May 3 and continued on June 7, at which time the Commission requested staff to schedule a third public hearing to include the acreage designated W (Watershed) at the back section of three (3) lots already in the original rezone; and

WHEREAS, the Planning Department restructured the rezone to include that acreage rather than split the rezone into two actions; and

WHEREAS, notices were posted and published, property owners were notified, and a public hearing was held before the Planning and Zoning Commission on September 13, 2010.

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

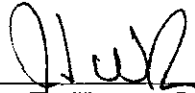
- A. The Commission makes the following findings of fact:
1. The application received considerable interest and general support from Portage area landowners.
 2. The rezone is necessary to bring these parcels into consistency with the new *Turnagain Arm Comprehensive Plan*, which directly ties the R-11 zoning to the Plan's land use designations.
 3. The rezone provides the landowners with more flexibility and permitted uses to develop their areas consistent with the traditional homestead nature of the area.
 4. The rezone is consistent with historical rezoning actions in Turnagain Arm where the *Turnagain Arm Comprehensive Plan* is the basis for the area's zoning.
 5. The Commission recommended approval of the R-11 zoning by a unanimous vote of those present: 7-aye, 0-nay.

- B. The Commission recommends to the Anchorage Assembly that the subject parcels be rezoned to R-11 with the following condition:


The public record and Anchorage Assembly packet also include the public testimony from the two earlier public hearings on May 3, 2010 and June 7, 2010 regarding Planning and Zoning Case No. 2010-048.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 13th day of September, 2010.

ADOPTED by the Anchorage Planning and Zoning Commission this 11th day of October, 2010.



Jerry T. Weaver, Jr.
Secretary



Toni M. Jones
Chair

(Case 2010-048)

(090-231-02; 090-211-02; 090-211-01; 090-181-01; 090-181-02; 090-161-03; 090-161-04;
090-141-01; 090-121-02; 090-121-01; 090-111-01; 090-191-01)

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading:

Anchorage, Alaska
AO 2010-_____

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
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16 (Portage Valley Community Council) (Planning and Zoning Commission Case 2010-048)
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18 THE ANCHORAGE ASSEMBLY ORDAINS:
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21 described property as R-11 (Turnagain Arm) District:
22

23 US Survey 12192 located within Section 30, T9N, R3E, S.M., Alaska; US
24 Survey 11558 located within Section 29, T9N, R2E, S.M., Alaska; US
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27 Alaska; US Survey 7012, Lots 12 & 12A, located within Section 4, T8N,
28 R3W, S.M., Alaska; US Survey 7012, Lots 32, 33 (Ptn), 33 (Rem), located
29 within Section 9, T8N, R3E, S.M., Alaska; US Survey 7012, Lot 34,
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31 within Section 21, T9N. R3E, S.M., Alaska, generally located in the vicinity
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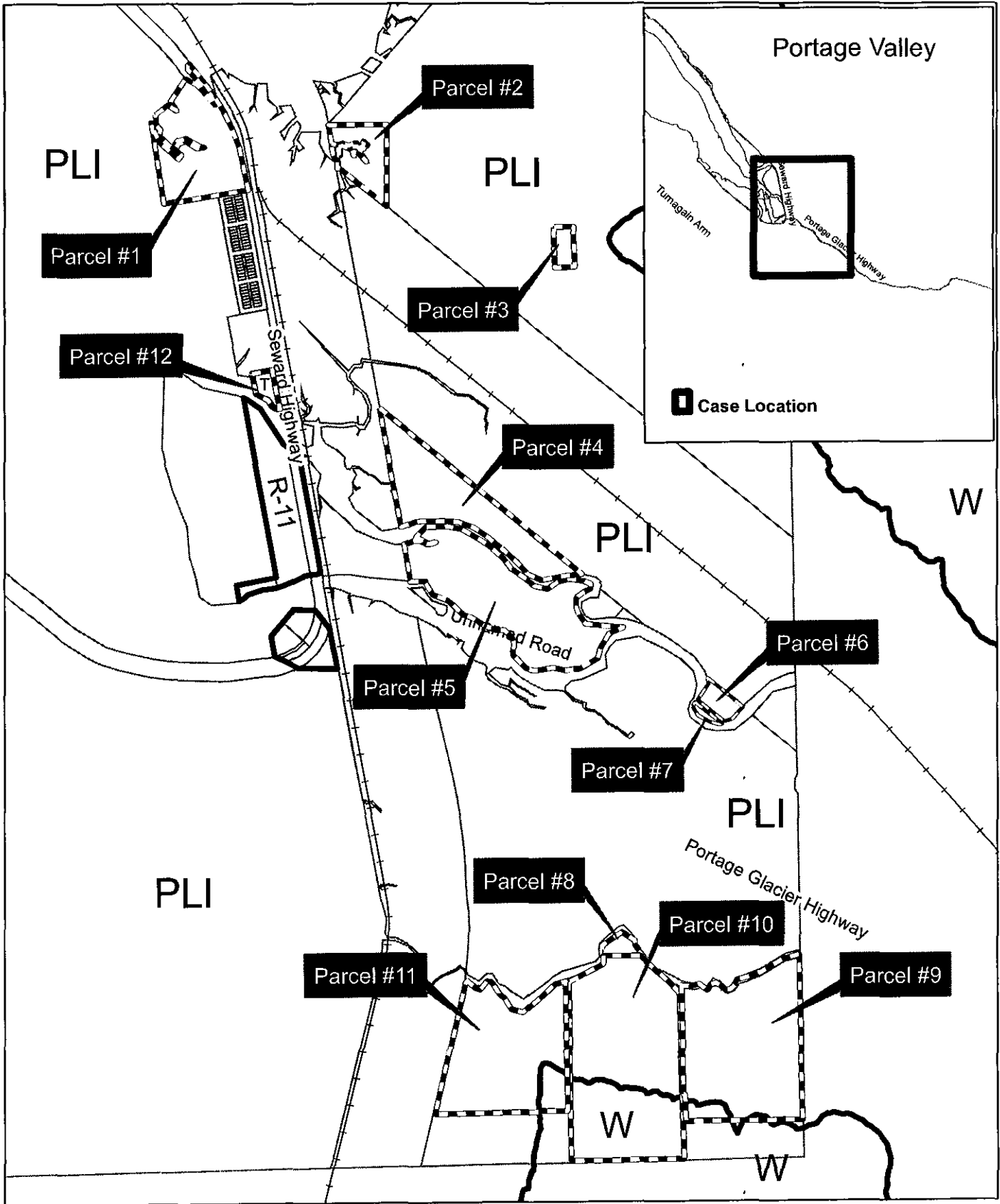
35 **Section 2.** This ordinance shall become effective immediately upon passage
36 and approval. The Director of the Planning Department shall change the zoning
37 map accordingly.

1 PASSED AND APPROVED by the Anchorage Assembly this _____
2 day of _____ 2010.
3
4
5
6

7 _____
8 Chair
9

10 ATTEST:
11
12
13
14 _____
15
16
17

18 (Tax Identification Numbers: 090-231-02, 090-211-02, 090-211-01, 090-181-01,
19 090-181-02, 090-161-03, 090-161-04, 090-141-01, 090-121-02, 090-121-01,
20 090-111-01, 090-191-01)



**PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING**

DATE: September 13, 2010

CASE NO.: 2010-048

APPLICANT: Municipality of Anchorage, Planning Department

REQUEST: A request to rezone approximately 568 acres (12 parcels) in the Portage Valley area from PLI (Public Lands and Institutions), W (Watershed), and T (Transition district) to R-11 (Turnagain Arm district).

LOCATION: Twelve (12) parcels located in the Portage area.

Legal Descriptions: A request to rezone approximately 568 acres (12 parcels) in the Portage Valley area from PLI (Public Lands and Institutions), T (Transition district), and W (Watershed district) to R-11 (Turnagain Arm district). Legal Descriptions: Parcel #1, US Survey 12192, T9N, R3E, Section 30; Parcel #2, US Survey 11558, T9N, R2E, Section 29; Parcel #3, US Survey 7012, Lot 2, T9N, R3E, Section 29; Parcels #4 & #5, US Survey 7012, Lots 14 & 20, T9N, R3E, Section 32; Parcels #6 & #7, US Survey 7012, Lots 12 & 12A, T8N, R3W, Section 4; Parcels #8, #9, & #10, US Survey 7012, Lots 32, 33 PTN & 33 REM, T8N, R3E, Section 9; Parcel #11, US Survey 7012, Lot 34, T8N, R3E, Section 8; and Parcel #12, US Survey 3295, T9N, R3E, Section 21, all located in S.M., Alaska.

SITE ADDRESS: N/A

COMMUNITY COUNCIL: Portage Valley

TAX NUMBERS: 090-231-02; 090-211-01 & 02; 090-181-01 & 02; 090-161-03 & 04; 090-141-01; 090-121-01 & 02; 090-111-01; and 090-191-01

ATTACHMENTS:

1. Maps
2. Application with Proposed Ordinance
3. Comments Received
4. Posting Affidavit
5. Turnagain Arm Comprehensive Plan Information – Land Use Plan Maps

RECOMMENDATION SUMMARY: Approval.

SITE:

Acres: ~568 Acres
Vegetation: Mostly natural vegetation
Zoning: PLI/W/T
Topography: Varied, mostly flat, some steep slopes
Existing Use: Vacant land; some existing rental cabins as residential
Soils: Glacial tills and gravels; no public water or sewer available

COMPREHENSIVE PLAN:

Classification: Turnagain Mixed Use, Residential & Rural Homestead (from 2010
Turnagain Arm Comprehensive Plan)
Density: Varies by parcel size; limited to one unit per parcel

APPLICABLE LAND USE REGULATIONS:

	Current PLI Zoning	Current T Zoning	Proposed R-11 Zoning
Height limitation:	Unrestricted/FAA	Unrestricted/FAA	35 feet
Minimum lot size:	15,000 SF/100 feet	None	108,150 SF/100 feet
Lot coverage:	Unrestricted	None	30%
Density/acre:	Residential prohibited except housing for the elderly	Residential prohibited	1 unit per parcel
Yards			
Front	25 feet or that of the abutting district if residential, whichever is greater	None	20 feet
Side & Rear	25-foot side and 30-foot rear, or that of the abutting district if residential, whichever is greater	None	5-foot side 10-foot rear

	Current PLI Zoning	Current T Zoning	Proposed R-11 Zoning
Landscaping			
Visual Enhancement	Visual Enhancement shall be planted along each lot line adjoining a right of way designated for collector or greater	Not addressed	Minimize clearing or retain vegetation in all areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations.

NOTE: Land use regulations for W (Watershed) District restrict uses to those that preserve and protect potable water sources.

SURROUNDING AREA:

	North	East	South	West
Zoning:	PLI and R-11	PLI and W	PLI and W	PLI and R-11
Land Use:	Vacant, Single Family, BLM ownership	Vacant, BLM ownership	Vacant, BLM ownership	Seward Highway; Vacant, BLM ownership

SITE DESCRIPTION, HISTORY, AND PROPOSAL:

This is a housekeeping request by the Municipality of Anchorage to rezone 12 parcels in the Portage area from PLI (Public Lands and Institutions), W (Watershed), and T (Transition) zoning to R-11 (Turnagain Arm). This case follows on and updates an earlier request and public hearings on May 3 and June 7, 2010, with the same subject properties. The current request includes acreage at the back sections of three lots, which was originally zoned W (Watershed) and not included in the original rezone. At the June 7 continued public hearing for the original case 2010-048, the Commission agreed with a landowner that the sections of the three parcels with W zoning should be included in the rezone action. Rather than split the rezone into two actions and at the Commission's request, the Planning Department restructured this rezone to include that acreage.

The recently adopted *Turnagain Arm Comprehensive Plan* determined the land use designations for these areas. This rezone does not address land use. R-11 is the zoning district for all Turnagain Arm area properties that are not owned by a government entity. The majority of government parcels, especially those of the U.S. Forest Service, are zoned PLI, and in some cases T. Other government land is zoned W (Watershed) if there are significant watershed issues on the property. Some of the private parcels in the Portage area were (incorrectly) zoned W.

The R-11 district (AMC 21.40.117) states that, "*The permitted uses and densities are to generally conform to the policies, land use patterns and residential densities of the adopted*

Turnagain Arm Comprehensive Plan." This relationship that ties zoning to the *Comprehensive Plan's* land use designations is unique in Title 21 and was intended to maximize flexibility to reflect changing patterns and private interests in Turnagain Arm. A Chapter 4, Goal 3 strategy in the new *Turnagain Arm Comprehensive Plan*, specifically states, "*Use this Plan's policies and maps to guide zoning and platting decisions.*" Language in the R-11 section further clarifies this by explaining, "*Flexible controls are required to deal with anticipated growth, since development patterns and densities are uncertain. Community concern has centered upon the need to provide flexibility in the design and planning of land uses while providing control over major developmental activities and their impact.*" In a section of the Municipality that includes three distinct communities with very different development styles, lot sizes, and uses, this flexibility remains essential.

On December 1, 2009, the Assembly adopted the *Turnagain Arm Comprehensive Plan* revision. The Plan described and adopted new land use designations for the Portage area. Because of unique and traditional land uses, the extreme rural nature of this section of Portage, and the intent of land owners to retain these conditions, the Assembly endorsed and approved these new land use designations. During the plan revision, it came to the attention of municipal staff that many Portage parcels retained their original PLI zoning, which means that these traditional homestead and residential land uses do not conform to the area's zoning.

The area was first zoned in 1969 as Unrestricted, when the Greater Anchorage Area Borough took over planning powers for the area. In 1983, via AO 83-213, the Turnagain Arm area was zoned through an areawide rezoning. It was at that time that the subject lots were zoned PLI, T and W, and not zoned R-11. This was due to the government ownership of some of the properties at that time and/or incomplete land ownership records. At some point after zoning, but prior to the 1987 *Turnagain Arm Comprehensive Plan* designation of the majority of these parcels as residential, most of the properties were sold into private ownership.

In 1979, the first *Turnagain Arm Comprehensive Plan* was adopted. This plan did not cover the petition area or Portage at all. In 1987 a new *Turnagain Arm Comprehensive Plan* was adopted, which included the petition area and subsequently designated many of the Portage area parcels as single-family residential with a density of 1 dwelling unit per 5 acres. Other Portage parcels were designated for commercial land use. However, this plan did not give land use designations for all lots, and it did not depict several private parcels. Thus, in light of the history of land ownership and land use designations presented in the revisions to the *Turnagain Arm Comprehensive Plan*, the Department is processing this areawide rezoning.

Three of the 12 lots are split-lot zoned as both R-11 and W. The south edges of these three lots include mountainside slopes, which may prove difficult to develop. The mountainside areas are important to the Portage watershed but because these areas are in private ownership, it is appropriate to include these areas in the rezone to R-11.

The Department is recommending a rezoning to R-11, which requires land uses to conform to the designations in the *Turnagain Arm Comprehensive Plan*. Eight of the 12 parcels are designated Rural Homestead in the *Comprehensive Plan*, which permits traditional homestead activities including land clearing, agriculture-type uses, cultivation, and a single-family home. Future subdivision of these lands or deviations from the stated land uses would require a conditional use approval. Two of the lots are designated for single-family residential use at 1 dwelling unit per 5 acres, similar to other parcels in the area. The two other lots that border the Seward Highway are designated as Turnagain Mixed Use. Residential and commercial developments in the R-11 district require a land use permit, which would be routed to both Flood

Plain and Storm Water Divisions for review. Municipal land use permit applications require proof of legal access to a subject site.

This rezoning proposal is intended to properly designate the lots as R-11 for a uniform and compatible land use designation for the privately owned area. It brings the area into consistency with the way zoning is applied throughout Turnagain Arm. The Municipality encourages R-11 zoning as the appropriate zoning district for all privately owned parcels in the Turnagain Arm area (outside of Girdwood). R-11 properly reflects the *Turnagain Arm Comprehensive Plan's* historical intent for development flexibility, be it commercial, residential, industrial, or institutional.

COMMUNITY COMMENTS:

Thirty-three (33) public hearing notices were mailed out for each of the two advertising actions for this case, which included property owners of 50 parcels within the area. As of the time this staff report was written, one comment was received from the mailout for this current action. Also, five review agencies responded with no objections to the rezoning.

Previous responses to the original public notice for May 3's meeting are included in the packet. The following summarizes the array of comments from the original hearing of the case.

One public hearing notice comment requested that the Planning Department consider allowing residential densities of one unit per 2.5 acres instead of one unit per 5 acres, as so designated for Portage in the *Comprehensive Plan*. This rezoning action does not address residential densities. New residential development at a density that differs from the *Comprehensive Plan* designation can be requested via a conditional use application.

The Alaska Railroad Corporation submitted comments reiterating its longstanding concern about trespass issues across its right-of-way to these Portage area parcels. The only physical access to some of these parcels is across Alaska Railroad land, and there are no permits. The Railroad is concerned that the rezoning might increase the continued trespass use across the railroad corridor. While this very real concern remains a problem in Portage, the Municipality already requires proof of legal access to any new development that requires a land use permit. No land use permit is issued by the Building Safety Division unless the applicant provides proof of legal access, whether it be from the State of Alaska for a Department of Transportation or Tidelands permit, the Alaska Railroad for a crossing permit, or even the U.S. Forest Service. The Municipality agrees that access to private lots in the Portage area is a major issue, but this rezoning action does not change the problem, nor does it offer a mechanism to address it. The *Comprehensive Plan* spoke to these access problems and the Municipality is committed to contributing to the resolution of this issue.

On March 22, 2010, staff attended a Portage Valley Community Council meeting to provide background and explanations about the rezoning action. No written response has been received to date from the Portage Valley Community Council. In addition, prior to the public hearing notice mailout, separate letters with more specific information about the rezoning were mailed to each owner of the 12 petition sites. Staff also fielded some telephone calls about the rezoning from landowners or nearby landowners.

FINDINGS:

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

A. Conformance to the Comprehensive Plan.

The new *Turnagain Arm Comprehensive Plan* designates the petition lots as Residential, with a requirement of single family at a density of 1 dwelling unit per 5.0 acres, Rural Homestead, and Turnagain Mixed Use (formerly Commercial). The *Comprehensive Plan* includes the following definitions for these later, new use categories:

Rural Homestead

"This category is assigned to eight mostly large, unimproved tracts in Portage Valley that have been in family ownerships and were established under the federal Homestead Act. The existing and current long-term intent of these lands is maintenance of traditional homestead uses, which included some level of land clearing, agriculture type uses, site improvements and a residential home. Permitted land uses on these tracts include a single family residential home and cultivation type activities. Prohibited uses are those that are noxious, injurious, or hazardous, as defined in Title 21 and any use or structure that is likely to be otherwise incompatible with the goals and objectives of this Plan. All land uses outside of those identified herein are subject to the Conditional Use approval process and other requirements in this Plan and Title 21. Future subdivision of these homesteads into other land uses, including more traditional residential lots with roads and utilities requires a master plan, as required by this Plan and Title 21."

Turnagain Mixed Use

"This category provides for a range of land uses and activities as permitted primary uses, including commercial activities that are seasonal and related to visitor services... TMU replaces the commercial category used in the 1987 Plan...The TMU category also supports more traditional commercial uses similar to existing uses such as convenience stores and service stations." Single family homes remain a permitted use in this district.

This request brings existing and future planned land uses into conformance with the *Turnagain Arm Comprehensive Plan's* new land use designations. New development proposals that conform to the land use designations would be permitted uses. Without the rezoning, such development would not be permitted or would require conditional use approvals.

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, regardless of zoning are subject to AMC 15.70 Noise Ordinance. The abutting land is mostly vacant.

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

Wetlands/Soils: Some of these parcels are subject to U.S. Army Corps of Engineers review for wetlands and a Coastal Zone Management Plan consistency determination for new development. If issued, these permits would require assurances that the significant environmental and construction problems associated with the development of these lots can be resolved. This would be required regardless of zoning.

Land Use Patterns

Land use is already established in the *Comprehensive Plan*. This rezone makes development on these parcels possible. The subject properties border PLI government and/or Alaska Railroad lands in all directions. Some areas of Turnagain Mixed Use areas zoned R-11 and/or W and T are near several subject parcels. This rezone is compatible with the surrounding area, as it provides an opportunity for limited residential development, highway-related commercial uses, or rural homestead activities, provided that U.S. Army Corps of Engineers and floodplain concerns can be resolved for wetlands, floodplains, and coastal zone issues. Some of the parcels will require access permission from the State of Alaska, the Alaska Railroad, and possibly the U.S. Forest Service.

Transportation/Drainage

Public access to all of these parcels remains an issue. The parcels currently have limited or poorly improved known physical or legal access. The nearest public road is the Seward Highway (owned by the State), which abuts some of the lots the petition area. Some lots have physical but not legal access across Alaska Railroad lands, while others have unimproved access across government lands from the state-owned Portage Road. In similar rezones in the past, the State Department of Transportation and Public Facilities (ADOT&PF) noted that it has no objection to the rezoning, but has access concerns. ADOT&PF has stated that individual driveway access could not be accommodated on the Seward Highway. They request there be an internal circulation plan to access all lots before accessing the Seward Highway, and that road access would require ADOT&PF approval. This recommendation was included in the new *Turnagain Arm Comprehensive Plan*. The Alaska Railroad has similar outstanding concerns that landowners of these lots trespass across the Railroad right-of-way.

The Municipal Traffic Department had no comment on this request.

Public Services and Facilities

Roads: See above comments.

Utilities: Main power grid lines about the Seward Highway parcels. It is not clear if distribution lines exist for electricity to the Portage Road lots.

Schools: There is no change in the impact to the affected schools as a result of a change in zoning to R-11 as the area has been relatively undeveloped and done so in typically low rural densities. If all 12 parcels were to be developed, it would be very low in density and only allow one single-family residence per lot.

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

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

There is a significant amount of R-11 zoned property in the Turnagain Arm area, as essentially all privately owned lots are so designated. There are a few R-11 zoned parcels to the north of the petition area. This rezoning is essential to designate these privately owned lots to properly reflect the intent and land use designations of the *Turnagain Arm Comprehensive Plan*.

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.

No known development is planned for the parcels, although there is some interest in initiating access for future development on one of the highway parcels. This site is intended for Turnagain Mixed Use development provided that permitting through the U.S. Army Corps of Engineers and floodplain issues can be resolved. This individual is waiting for this rezone to begin the development process.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

The proposed rezoning would clarify the intent of the use areas on the zoning map, as intended by the recently updated *Turnagain Arm Comprehensive Plan*. It will bring all the lots into *Plan* conformity and allow for permitted uses instead of conditional use approvals or outright prohibitions, as required by the current PLI zoning.

DISCUSSION:

The petition lots did not receive land use designations in the 1979 or 1987 *Turnagain Arm Comprehensive Plans*. The lots were never rezoned from PLI or W after adoption of the plan to achieve this effect. The rezoning is intended to bring the properties into conformance with the *Turnagain Arm Comprehensive Plan*. All sites would comply with land use designations in the Comprehensive Plan. The two petition sites with a residential land use designation will be required to comply with the Comprehensive Plan's density requirement of 1 dwelling unit maximum per 5 acres. Any U.S. Army Corps of Engineers and Municipal floodplain requirements apply regardless of zoning.

RECOMMENDATION:

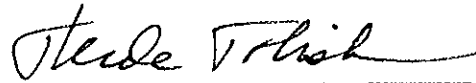
The Department finds that the requested rezoning from PLI, W, and T to R-11 for the petition sites meets with the standards of the *Turnagain Arm Comprehensive Plan* and recommends **APPROVAL** of the rezoning.

Reviewed by:



Jerry T. Weaver, Jr.
Planning Director

Prepared by:



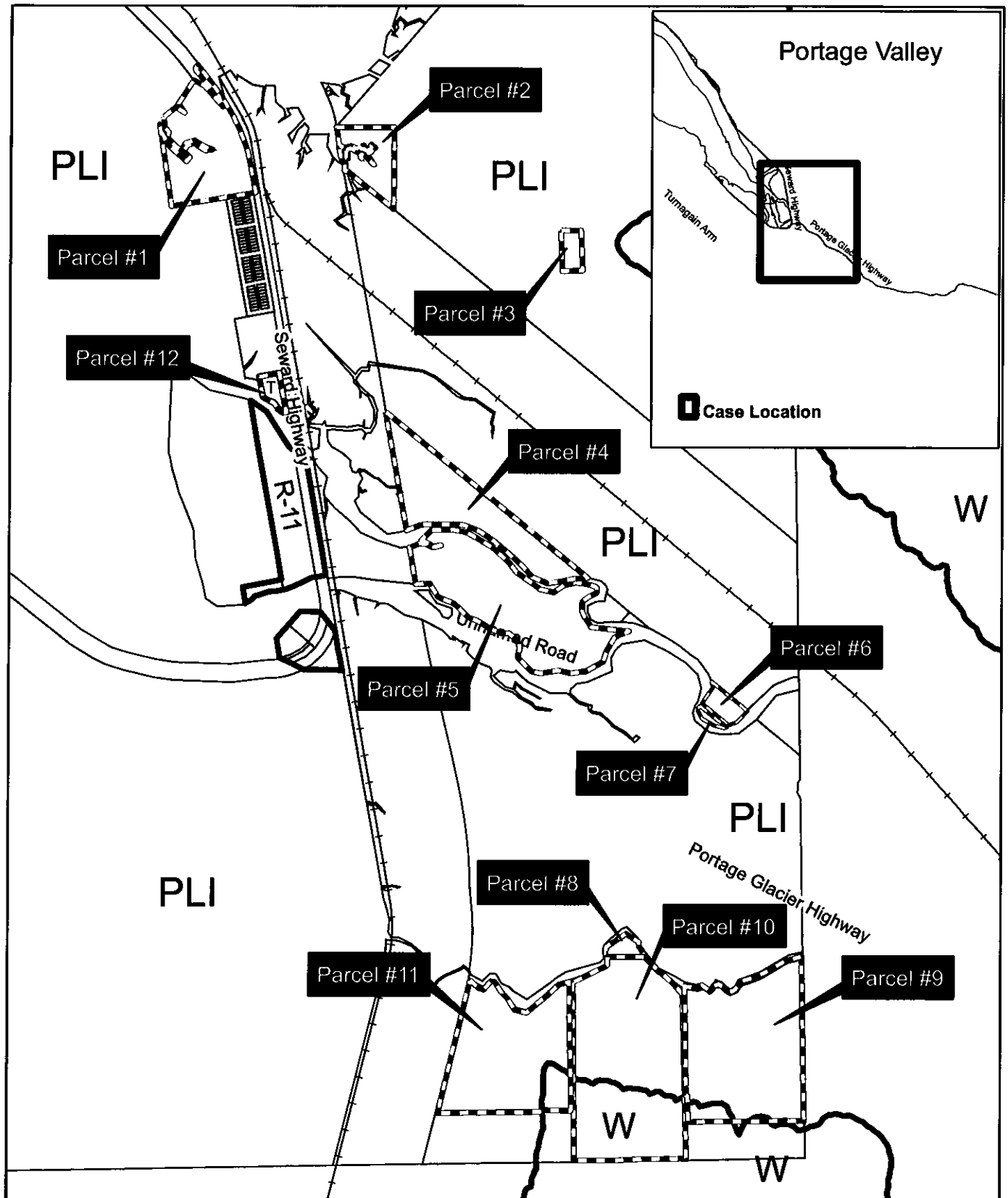
Thede Tobish
Senior Planner

(Case 2010-048, Tax ID 090-231-02; 090-211-01 & 02; 090-181-01 & 02; 090-161-03 & 04; 090-141-01; 090-121-01 & 02; 090-111-01; and 090-191-01)

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Maps

2010-048



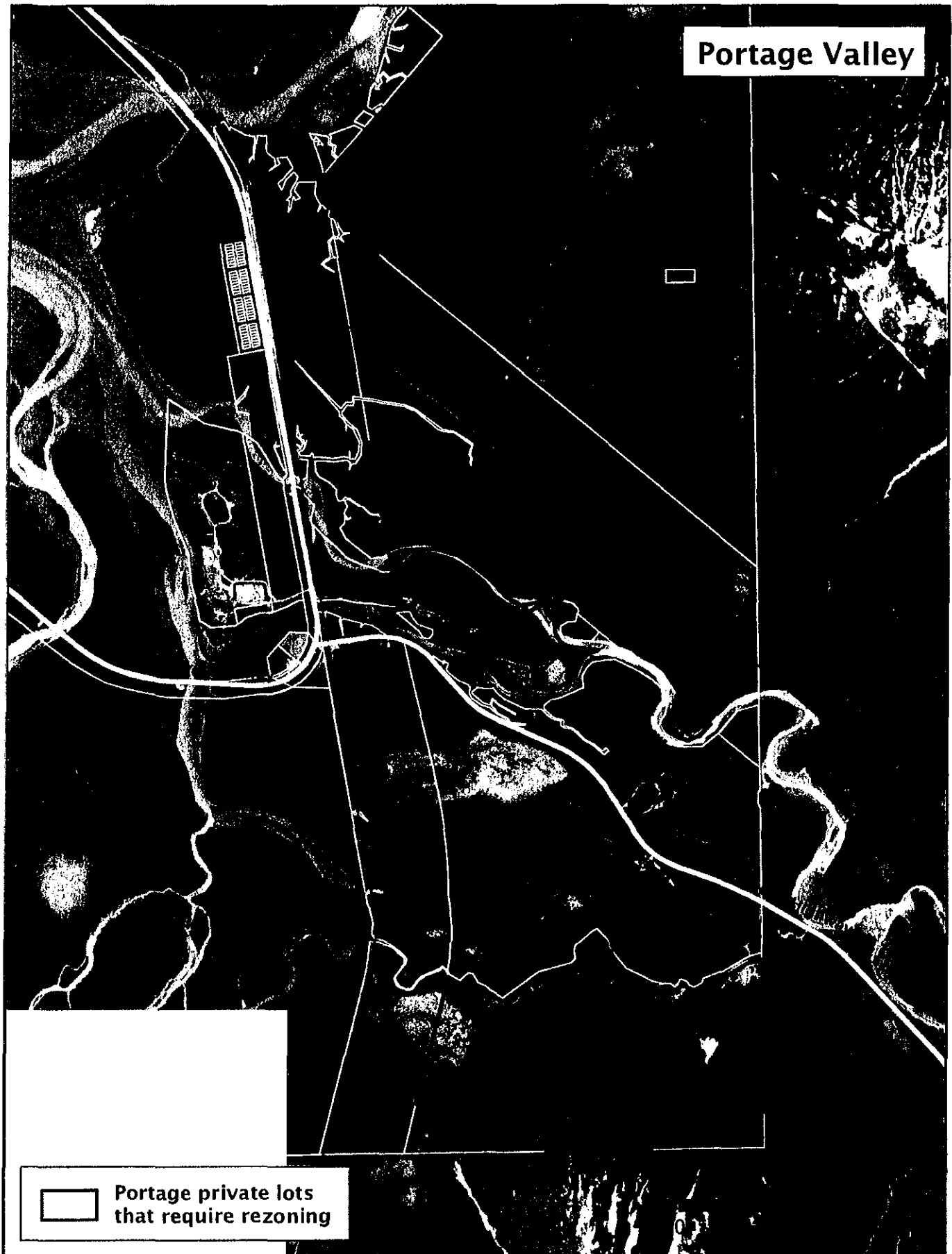
Municipality of Anchorage
Planning Department
Date: July 8, 2010

Flood Limits
100 Year
500 Year
Floodway

0 2,550 5,100 Feet



Portage Valley



Portage private lots
that require rezoning

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Application

Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Municipality of Anchorage	Name (last name first)
Mailing Address PO Box 196650	Mailing Address
Anchorage AK 99519-6650	
Contact Phone: Day:907.343.7921 Night:	Contact Phone: Day: Night:
FAX: 907.343.4220	FAX:
E-mail:chambersac@muni.org	E-mail:

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

PROPERTY INFORMATION
Property Tax #(000-000-00-000): SEE BELOW
Site Street Address: SEE ATTACHED
Current legal description: (use additional sheet if necessary) SEE ATTACHED
Existing Zoning: PLI Acreage: 568 (approx) Grid #:See Attached (8 grids)

PROPOSED ZONING
R-11/Turnagain Arm

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

--	--

Date Signature (Agents must provide written proof of authorization)

Accepted by:	Poster & Affidavit:	Fee	Case Number
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COMPREHENSIVE PLAN INFORMATIONAnchorage 2020 Urban/Rural Services: ☐ Urban ☐ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

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

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

Eagle River-Chugiak-Peters Creek Land Use Classification:

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

Girdwood- Turnagain Arm

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

ENVIRONMENTAL INFORMATION (All or portion of site affected)

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

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

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

APPLICATION ATTACHMENTS

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

APPLICATION CHECKLIST

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

STANDARDS FOR ZONING MAP AMENDMENTS

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

A. Conformance to Comprehensive Plan.

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

This request is necessary so that all the subject parcels conform to the Land Use Plan map of the recently approved Turnagain Arm Comprehensive Plan.

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

Current zoning does not permit residential or commercial development. The recently approved *Turnagain Arm Comprehensive Plan* for this area calls for three specific land uses: Turnagain Mixed Use; Rural Homestead; Single-family Residential Development at 1 dwelling unit per 5 acres and 1 dwelling unit per 2.5 acres. Many of the subject parcels are vacant while some are occupied with residential structures and other accessory minor improvements. The rezoning does not alter the area's development patterns. It facilitates the *Comprehensive Plan's* intended land use patterns.

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

NA

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

The proposed residential densities and other specified land uses reflect those identified in the Portage land use plan section of the *Turnagain Arm Comprehensive Plan*. These land uses are specifically applied to the Portage area because of existing conditions and traditional land uses. For Turnagain Arm, the land use plan designations implement the zoning standards.

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

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

a. Environment:

Some of these parcels contain intertidal and floodplain wetlands that require additional delineation and possible permits prior to development. The MOA zoning and floodplain regulations and state and federal permits, as well as Comprehensive Plan policies regulate development. Some steep slopes exist at the uphill side of the three large Portage Valley homesteads.

b. Transportation:

Few of these parcels include formal or legal public access and most will require State of Alaska access permits of the Seward or Portage Highways.

c. Public Services and Facilities:

No existing public services or facilities.

d. Land Use Patterns;

Surrounding area is mostly PLI or W. Most of the surrounding land is under federal or State of Alaska ownership (National Forest; State Tidelands, Alaska Railroad, Dept of Transportation.

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

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

Closest R-11 land is along the Seward Highway. Subject parcels are surrounded by Alaska Railroad Land designated for Industrial/transportation uses and US Forest Service lands. Petitioner parcels are privately owned and need to be rezoned from PLI and W to R-11 to reflect and conform to the *Turnagain Arm Comprehensive Plan* land uses. Areas zoned W were incorrectly considered public lands. The W district is generally not intended for private parcels.

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

No known development planned. Potential site preparation at one parcel is possible once the rezoning action is complete.

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

This action will properly zone the parcels to directly reflect the intent of the Portage land use plan in the recently approved *Turnagain Arm Comprehensive Plan*.

ADDITIONAL INFORMATION:

This rezone request constitutes a resubmission of Case 2010-48, to include additional portions of three of the original subject parcels in Portage Valley that were originally zoned Watershed (W) District. The Commission requested that the Planning Department include these W areas in the areawide rezoning to R-11 so that the entirety of all parcels conform to the Portage land use designations in the *Turnagain Arm Comprehensive Plan*. The Commission did not take final action on the original Case 2010-48 request. This application replaces that original submission from the May 3, 2010 public hearing.

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading:

Anchorage, Alaska
AO 2010-____

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE
2 REZONING OF APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS
3 AND INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS
4 TO R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED
5 WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558
6 LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY 7012,
7 LOT 2 LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US
8 SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E,
9 S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN
10 SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33 (PTN),
11 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA; US
12 SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M.,
13 ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N. R3E, S.M.,
14 ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA.

15
16 (Portage Valley Community Council) (Planning and Zoning Commission Case 2010-048)

17
18 THE ANCHORAGE ASSEMBLY ORDAINS:

19
20 **Section 1.** The zoning map shall be amended by designating the following
21 described property as R-11 (Turnagain Arm) District:

22
23 US Survey 12192 Located Within Section 30, T9N, R3E, S.M., Alaska; US
24 Survey 11558 Located within Section 29, T9N, R2E, S.M., Alaska; US
25 Survey 7012, Lot 2 Located within Section 29, T9N, R3E, S.M., Alaska;
26 US Survey 7012, Lots 14 & 20, Located within Section 32, T9N, R3E,
27 S.M., Alaska; US Survey 7012, Lots 12 & 12A, Located within Section 4,
28 T8N, R3W, S.M., Alaska; US Survey 7012, Lots 32, 33 (Ptn), 33 (Rem),
29 Located within Section 9, T8N, R3E, S.M., Alaska; US Survey 7012, Lot
30 34, Located within Section 8, T8N, R3E, S.M., Alaska; US Survey 3295
31 Located within Section 21, T9N. R3E, S.M., Alaska, Generally located in
32 the vicinity of Portage, Alaska, containing approximately 568 acres, as
33 shown on Exhibit A.

34
35 **Section 2.** This ordinance shall become effective immediately upon passage
36 and approval. The Director of the Planning Department shall change the zoning
37 map accordingly.

1 PASSED AND APPROVED by the Anchorage Assembly this _____
2 day of _____ 2010.
3
4
5
6

7 _____
8 Chair
9

10 ATTEST:
11
12
13
14 _____
15
16
17

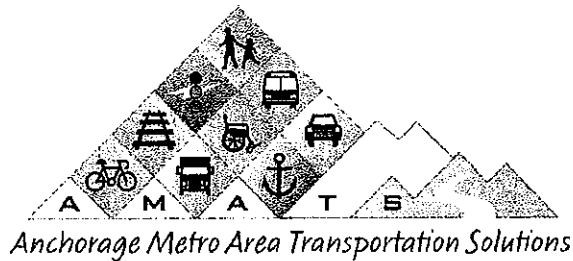
18 (Tax Identification Numbers: 090-231-02, 090-211-02, 090-211-01, 090-181-01,
19 090-181-02, 090-161-03, 090-161-04, 090-141-01, 090-121-02, 090-121-01,
20 090-111-01, 090-191-01)

Comments Received

September 13, 2010 Packet Comments

June 7, 2010 Meeting Comment

May 3, 2010 Packet Comments



MUNICIPALITY OF ANCHORAGE
Traffic Department
Transportation Planning Division
Planning & Development Center, 4700 Elmore Road
P.O. Box 196650, Anchorage, AK 99519-6650
voice (907) 343-7994, facsimile (907) 343-7998
e-mail: BrewerTM@muni.org

RECEIVED

TO: Planning Department
FROM: Teresa Brewer, Associate Planner
DATE: 3 August, 2010
RE: Rezoning from PLI & T to R-11 (567.92 acres), Case No. 2010-048, Agency review comments

AUG 03 2010

~~Municipality of Anchorage~~
~~Transportation Planning Division~~

1. Rezoning from PLI & T to R-11, Case No. 2010-048
 - A. No objection to the rezoning. Transportation Planning staff recommends coordination with the Alaska Railroad and ADOT&PF notifying them of the nearby proposed rezoning.

Gollihugh, Danielle S.

From: Staff, Alton R.

Sent: Thursday, August 05, 2010 11:43 AM

To: McLaughlin, Francis D.; Stewart, Gloria I.; Gollihugh, Danielle S.

Subject: Platting and Zoning Comments

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

S11812
S11820-1
S11821-1
S11822-1
S11824-1
S11825-1
S11826-1
S11827-1

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

2010 - 024
035-1
048
087
091
094
097
099
100
101
102
103

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3600 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507
907-343-8230



MUNICIPALITY OF ANCHORAGE

Development Services Department

Right of Way Division

Phone: (907) 343-8240 Fax: (907) 343-8250



DATE: August 14, 2010
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *LF*
FROM: Lynn McGee, Senior Plan Reviewer *LM*
SUBJ: Comments on Planning and Zoning Commission case(s) for September 13, 2010.

RECEIVED

AUG 17 2010

Municipality of Anchorage
Zoning Division

Right of Way Division has reviewed the following case(s) due August 16, 2010.

- 10-048** Various US Surveys in the Portage Valley Area, grids SE6525, 6526, 6527, 6726, 6828, 7027, 7028, & 6625
(Rezoning Request, PLI +T to R-11 Turnagain Arm District)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 10-094** Section 9, T12N R3W Lot 32, grid 2235
(Rezoning Request, R-1 to PLI)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 10-100** NACLA, Lots 2, 3A & 4A, grid 2232
(Amending Master Plan PLI, Alaska Pacific University)
Right of Way Division has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

DATE: August 17, 2010
TO: Angela Chambers, Acting Division Manager, Zoning and Planning Division
FROM: Leland R. Coop, Associate Traffic Engineer
SUBJECT: Traffic Engineering Comments for September 3, 2010 Planning and Zoning Commission

2010-094 Rezone from R-1 to PLI, Fred and Janet Wolfley

The Traffic Department has no objection to the rezone; however if current use ever changes, an analysis will be required to ensure there will be no impacts to the surrounding road system by the new use.

2010-100 APU Master Plan Amendment and Parking Variance

Traffic has the following comments:

1. The maximum number of students which would be able to fill the existing facilities should be included in the report. This will help determine if there is room for growth with the existing facilities which may affect required number of parking spaces required.
2. The report states there are currently 923 spaces available but the parking variance is for 867. The report should explain why the variance is not for the 923 currently available.
3. Any new construction would require a case by case analysis of parking needs and may require additional parking to be provided.
4. While 1:450 parking spaces per square feet is used for current calculations, this ratio may be different for future needs and analysis.

2010-048 Rezoning to R-11 Turnagain Arm District

Traffic has no comment.

**Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY**

M E M O R A N D U M

RECEIVED

AUG 18 2010

DATE: August 16, 2010
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Paul Hatcher, Engineering Technician III, AWWU *PH*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing September 13, 2010
Agency Comments due August 16, 2010

AWWU has reviewed the materials and has the following comments.

10-048 **12 PRIVATELY OWNED PARCELS WITHIN POTTER VALLEY, Rezoning to R-11 Turnagain Arm district, Grid SE6525, 6526, 6527, 6625, 6726, 6828, 7028, 7027**

1. Parcels located outside AWWU's service area.
2. AWWU has no objection to this rezoning.

10-094 **T12N, R3W, SEC 9 LT 32, Rezoning to PLI Public lands & institutions district, Grid SW2235**

1. AWWU water is available to this parcel.
2. AWWU sanitary sewer is available to this parcel.
3. AWWU has no objection to this variance.

10-100 **ALASKA PACIFIC UNIVERSITY REVISED MASTER PLAN, Amending a Master Plan PLI Public lands & institutions district, Grid SW1636, 1736**

1. AWWU water is available to these parcels.
2. AWWU sanitary sewer is available to these parcels.
3. AWWU has no objection to this Master Plan.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail paul.hatcher@awwu.biz.

STATE OF ALASKA

SEAN PARNELL, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

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

RECEIVED

CENTRAL REGION - PLANNING

AUG 18 2010

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

August 16, 2010

RE: MOA Zoning Review


Angela Chambers, AICP
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Ms. Chambers:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, reviewed the following applications and has no comments:

2010-048; Turnagain Arm Rezoning of PLU
2010-094; Rezoning of Lot 32, Section 9, PLI
2010-101; Downtown JC Penny Parking Structure Sign Variance
2010-102; Variance for Encroachment – South of O'Malley Road

Sincerely,



Mark Parmelee
Area Planner

/aj

MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.
Development Services Division

Private Development

Comments to Miscellaneous Planning and Zoning Applications

DATE: August 23, 2010

RECEIVED

TO: Angela Chambers, Manager, Zoning and Platting

AUG 24 2010

FROM: Sharen Walsh, P.E.
Private Development Plan Review Engineer

MUNICIPALITY OF ANCHORAGE
Zoning Division

SUBJECT: Comments for Planning & Zoning Commission Public Hearing date:
September 13, 2010

Case 2010-048 – Rezoning to R-11 Turnagain Arm District

Private Development has no objection to the proposed rezoning.

Case 2010-094 – Rezoning to PLI Public Lands and Institutions District

Private Development has no objection to the proposed rezoning.

Case 2010-100 – Amending a Master Plan PLI Public Lands and Institutions district

Section 2.3.4 – **Parking** – Private Development has an active subdivision agreement for improvements to the sidewalk and lighting system along the south side of University Lake Drive. This includes a requirement to install a temporary paved turnaround just past the entrance to the new hotel. The turnaround was constructed in 2009, though it has not yet been accepted for maintenance by the Municipality. It's primary purpose is to accommodate emergency and maintenance vehicles. It is signed as a fire lane and is legally off-limits for parking. Unfortunately, drivers of vehicles accessing the off-leash dog park just beyond the turnaround continually park within it. This has proven to be a chronic problem – preventing the intended use, jeopardizing emergency service response and limiting the ability of street maintenance crews to provide adequate snow removal. The plan should recognize and discuss this problem.

LAWRENCE V. ALBERT
ATTORNEY AT LAW
P. O. BOX 200934
ANCHORAGE, ALASKA 99520
TELEPHONE (907) 243-2172
FAX (907) 243-5476

6/7/2010
Laid on the
table at the
meeting

June 7, 2010

Municipality of Anchorage
Planning & Zoning Commission
P. O. Box 196650
Anchorage, Alaska 99519-6650

Re: Public Hearing on Rezoning Turnagain Arm Property--
Planning & Zoning Commission Case 2010-048
Property Owner: Joseph & Paul Malone (Lot 33, U.S Survey 7012)

Dear Commission Members:

This letter follows an earlier letter written on May 3, 2010, concerning the public hearing on Planning & Zoning Commission Case No. 2010-48. This case requests a rezoning of 12 parcels in the Portage area following the Assembly's adoption of Turnagain Arm Comprehensive Plan on December 1, 2010. The adopted plan was not available for public consideration at the Commission's hearing on May 3, 2010.

Since the rezoning action purports to follow the adopted plan and the public lacked an opportunity to consider same, the Commission allowed the matter to be continued to today's meeting. This letter addresses the single issue of Watershed Zoning classification for the southern portion of the Malones property, which is Lot 33, U.S. Survey 7012. This property is identified as Parcel # 8 and 10 in the map accompanying public notice of the proposed action.

The rezoning action does not affect the Watershed zoning for the Malones' property but instead the balance of the property. The Watershed zoning for the property was authorized in AO 83-213. In pertinent part, this ordinance states that all land within Townships 8 through 11 North for which a use district had not been previously established on the Municipality's zoning maps "and which is owned by the United States, the State of Alaska or the Municipality of Anchorage: 1 Above 500 feet in elevation is designated W (watershed District)."

The 1983 zoning action was followed by the Municipality's adoption of the Turnagain Arm Comprehensive Plan in 1987. That plan does not encompass the Portage Valley nor the Malones property in particular. To the extent the plan addresses Portage it

MOA PLANNING & ZONING COMMISSION

Re: Public Hearing on Portage Rezoning-Case 2010-048

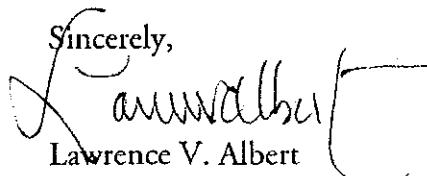
concerns a few parcels on the seaward side of the Seward Highway at or near the intersection with the Portage Glacier Road. The 1987 plan does not review zoning classifications in the 1983 ordinance nor is the Watershed District mentioned. The 1987 plan discusses land use classifications adopted therein including "Environmental Reserves." Again, however, no such land use is attached to parcels in the Portage Valley because these were excluded from the plan.

The 2009 adopted plan adopts a land use category of "Rural Homestead" for the homesteads in the Portage Valley. The plan text describing this category does not address existing zoning nor the Watershed District classification in particular. Also, the "Portage Land Use Plan Map" on page 70 does not show any watershed category for any of the large homestead parcels; instead these are uniformly mapped as "Rural Homestead."

Based upon this record, the Malones contend the rezoning action is inconsistent with the 2009 comprehensive plan. The Watershed District classification should be removed and the entirety of the Malones property, along with other similarly situated property, should be zoned as R-11 under the existing zoning ordinance.¹ The historical antecedent for the Watershed District relates to public rather than private property. Clearly, the economic and other attributes attaching to private property are different from public property.

It is axiomatic in the planning process that implementing ordinances, regulations and other land use actions shall be consistent with the official comprehensive plan. See AS 29.40.040(a). The Malones respectfully submit that the proposed rezoning action fails to meet this requirement.

Sincerely,



Lawrence V. Albert
Attorney at Law

cc: Paul and Joe Malone

¹ The Planning Department has held out that the existing R-11 district shall be superceded by the new Turnagain Arm District, once the Title 21 land use regulations become effective. However, this representation is not included in the Planning Staff Analysis for Case 2010-048.

LAWRENCE V. ALBERT

ATTORNEY AT LAW

P. O. BOX 200934

ANCHORAGE, ALASKA 99520

TELEPHONE (907) 243-2172

FAX (907) 243-5476

May 3, 2010

Municipality of Anchorage
Planning & Zoning Commission
P. O. Box 196650
Anchorage, Alaska 99519-6650

Re: Public Hearing on Turnagain Arm Zoning District
Property Owner: Joseph & Paul Malone (Lot 33, U.S Survey 7012)

Dear Commission Members:

This statement is submitted on behalf of Joseph and Paul Malone, co-owners of a homestead comprising 139 acres of land lying on the south side of Portage Valley and abutting upon the Chugach National Forest (including forested slopes thereof). This property is legally described as Lot 33, U.S. Survey 7012. It consists of bottom land, wetland, and forested slope. I have known the Malones along with the original homesteader, Robert Skille, for almost 30 years.

The property presently has one cabin and is not permanently occupied. The Portage Land Use Plan Map in the *Turnagain Arm Plan 2009--Public Hearing Draft* ("Plan") depicts this property as single family residential with a density of one dwelling per five acres. This land use classification was changed after public hearing on the draft Plan so that the finally approved Plan shows Rural Homestead as the allowed land use.¹

The property has road access through an easement across the adjacent homestead to the east (Lot 32, U.S. Survey 7012), a bridge crossing an unnamed tributary to Portage Creek and a right-of-way crossing USFS land connecting to the Portage Glacier Highway to the north. Accordingly, the draft Plan is mistaken in describing the "three large homestead parcels" as lacking road access.

¹ The Assembly approved the final Plan in December 2009, however, this document is not presently available for public reference. Personal communication with Thede Tobish, MOA Senior Planner, May 3, 2010.

MOA PLANNING & ZONING COMMISSION
Re: Public Hearing on Turnagain Arm Zoning District

The Turnagain Arm Zoning District (Case No. 2010-048) proposes to implement the Plan. The TA District includes permitted and conditional land uses. In the instance of the Malones' property (Parcels # 8, 10), the TA District would permit residential use only due to the Plan's land use classification. However, the owners understand and the Municipal Planning Department has evidently held out, that TA zoning is intended to reflect the status quo for the Portage Valley. The status quo for the Portage Valley is not strictly residential, but also commercial land use. The draft Plan recognizes the trend for Portage Valley is towards a mix of commercial with residential land use.

The Malones may be interested in either commercial gravel extraction and/or timber harvesting. Both of these resources are present on the property. Gravel has been historically extracted in the Portage Valley for the last 40 years, and continues to be extracted, by DOTPF among others. The Malones wish to verify with the Municipality that gravel extraction is a conditionally allowed use for the proposed TA District. Commercial use is already occurring on the homestead to the east (Lot 32, U.S. Survey 7012), including gravel extraction and an RV park.

The southern portion of the Malones' property is zoned W (Watershed District) according to the proposed zoning map accompanying Case 2010-048. The boundary for this mapped classification presumably reflects the forested slope which comprises the southern portion of the Lot 33, U.S. Survey 2012. The Watershed Zoning District is set forth in AMC 21.40.230. The tenor of this classification is conservation use according to its statement of intent: "Agricultural, residential, commercial industrial or other urban uses are incompatible with the concept of watershed conservation."

The Watershed District establishes permitted uses, conditional uses and prohibited uses. The conditional uses are not enumerated in AMC 21.40.230, but this ordinance instead references AMC Ch. 21.67 regarding conditional uses generally. The prohibited use provision includes tree removal or clearing by mechanical means, which sounds like timber harvesting, unless a person obtains a permit issued by the Municipality. AMC 21.40.230(E)(5).

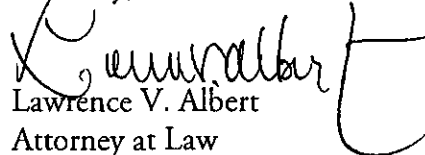
The Malones express concern that zoning of portion of their property in the Watershed District amounts to a prohibition of any economic use absent conditional use permission under AMC Ch. 21.67 and AMC 21.40.230. Further, the terms of the Watershed District ordinance appear to be arbitrary and capricious in prohibiting timber harvesting as an extractive use while expressly permitting placer mining, which is also an extractive use of property.

MOA PLANNING & ZONING COMMISSION
Re: Public Hearing on Turnagain Arm Zoning District

The Municipality is placed on notice that a prospective denial of a conditional use permit for timber harvesting on that portion of the Malones' property pursuant to the Watershed zoning amounts to a taking or damage of their property under the Alaska Constitution, and the Alaska Supreme Court has recognized that the damage provision in the Alaska Constitution is broader than the U.S. Constitution.

The Malones do not believe that a site specific master plan, as proposed in the draft Plan, is necessary to effectuate plan policies but instead amounts to excessive regulation where the conditional use permit procedure should suffice. Similarly, a "coordinated, detailed master development plan for the Portage area" is unnecessary absent a major, i.e. multi-million dollar development project. These statements are made in context of the zoning district's statement of purpose that the "permitted uses and densities within the TA district are to conform to the land use plan map, policies . . . of the adopted [plan]."

Sincerely,


Lawrence V. Albert
Attorney at Law

cc: Joseph and Paul Malone
Assemblyman Chris Birch



RECEIVED

APR 20 2010

PLANNING DEPARTMENT

Patrick Kelly, P.L.S.
Real Estate Office
Telephone: (907) 265-2411
Fax Number: (907) 265-2450
E-mail: kellyp@akrr.com

Tuesday, April 13, 2010

Mr. Thede Tobish
Municipality of Anchorage
Planning Department
P.O. Box 196650
Anchorage, Alaska 99519-6650

Re: Case No. 2010-048 – Rezoning to R-11 Turnagain Arm district.

Dear Mr. Tobish;

The Alaska Railroad Corporation (ARRC) appreciates the opportunity to participate in this public process and provide comments and concerns applicable to this proposed rezone. This review has been coordinated internally and this will be the only response from the Alaska Railroad Corporation.

The ARRC is concerned that rezoning said lots will increase safety related incidents in the railroad corridor adjacent to the subject rezone. There is a long history of safety related problems with access to private lands along the railroad corridor and in particular with trespass across the Alaska railroad corridor in this area. The only public access to some of the subject lots is by the Twentymile River. The remaining lots do not have either legal and/or physical access. A rezone to R-11 will provide for increased opportunity to commercially develop these lots. The ARRC supports commercial development only when the required public access supports the development through the zoning process as intended.

The ARRC will look to the Municipality of Anchorage to be responsible for a crossing to provide the required access. What is the planned access for these lots that will ensure safe access across the ARRC's corridor? Without any identified access, the Municipality, as rezone petitioner and approving agency, will increase the continued use of the railroad corridor by non-motorized and motorized traffic, creating additional safety problems for the public and the state owned railroad.

We suggest the Municipality of Anchorage and the ARRC meet and develop a plan for access prior to any rezone approval. Please contact me at 265-2411 if I may be of further assistance.

Respectfully submitted,

Patrick Kelly
Land Services, Real Estate Office, ARRC

Cc: Karen Morrissey, Director, Real Estate, ARRC
Micheal Fretwell, Manager, Land Service, ARRC

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



090-181-02-000
TOMINGAS HENRY
PO BOX 111321
ANCHORAGE, AK 99511

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APR 19 2010

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING - 2010-048 Monday, May 03, 2010

Planning Dept Case Number: 2010-048

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

CASE: 2010-048
PETITIONER: Municipality of Anchorage
REQUEST: Rezoning to R-11 Turnagain Arm district
TOTAL AREA: 557.6 acres
SITE ADDRESS: N/A
CURRENT ZONE: PLI (Public Lands & Institutions) & T (Transition)
COM COUNCIL(S): 1---Portage Valley

LEGAL/DETAILS:

A request to rezone approximately 510 acres (12 parcels) in the Portage Valley area from PLI (Public Lands and Institutions) and T (Transition district) to R-11 (Turnagain Arm district). Legal Descriptions: Parcel #1, US Survey 12192, T9N, R3E, Section 30; Parcel #2, US Survey 11558, T9N, R2E, Section 29; Parcel #3, US Survey 7012, Lot 2, T9N, R3E, Section 29; Parcels #4 & #5, US Survey 7012, Lots 14 & 20, T9N, R3E, Section 32; Parcels #6 & #7, US Survey 7012, Lots 12 & 12A, T8N, R3W, Section 4; Parcels #8, #9 & #10, US Survey 7012, Lots 32, 33 PTN & 33-REM, T8N, R3E, Section 9; Parcel #11, US Survey 7012, Lot 34, T8N, R3E, Section 8; and Parcel #12, US Survey 3295, T9N, R3E, Section 21, all located in S.M. Alaska

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, May 03, 2010 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

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

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

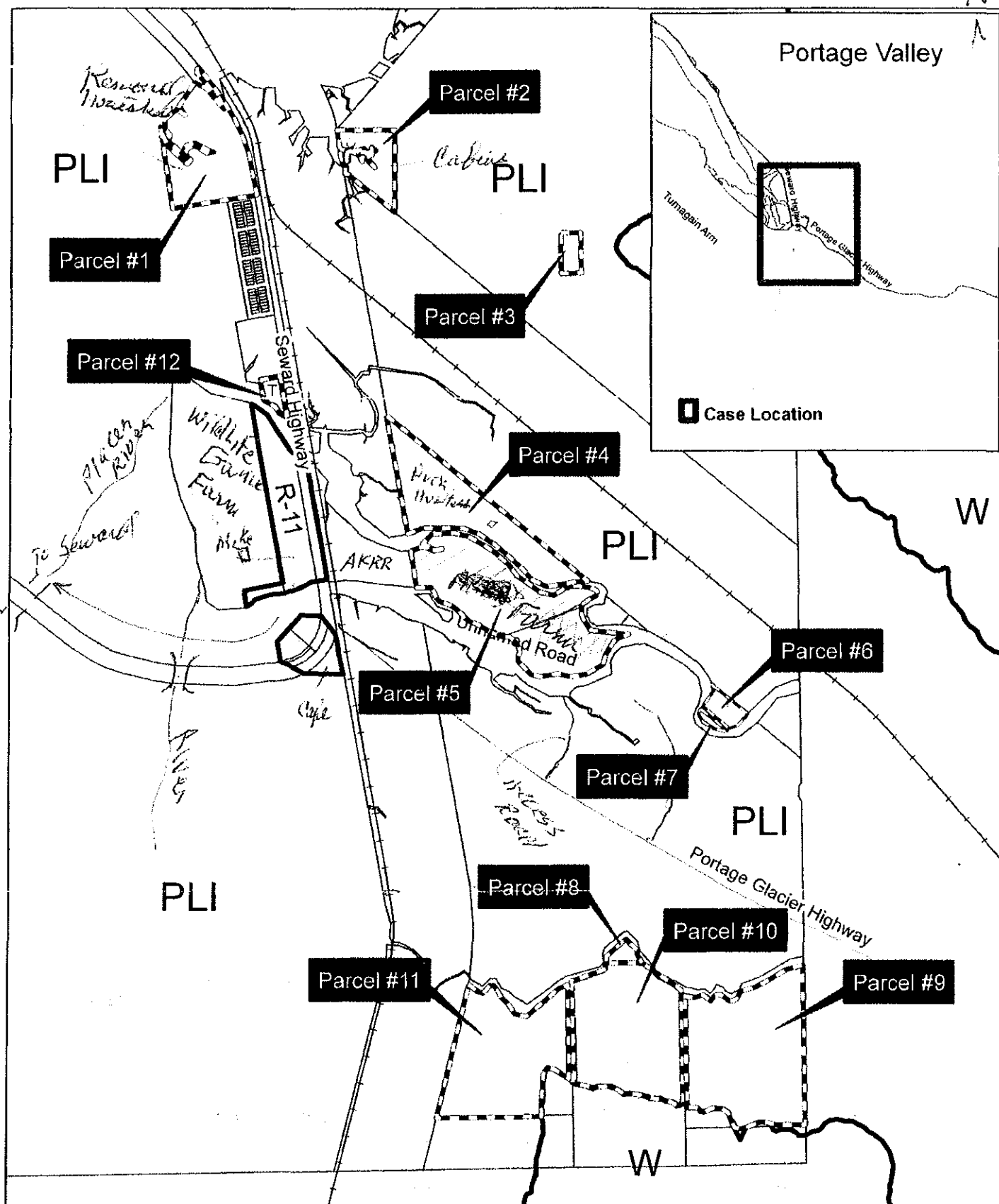
Name: HENRY TOMINGAS

Address: Box 1370 Girdwood, AK 99587

Legal Description: Parcel #5

Comments: I cannot attend your meeting since I will be meeting with the USCG in Seattle. I would be interested in scheduling a meeting with persons who can answer some questions - I am well aware of what R-11 is being offered to the public for 15 yrs. and is a very good name 1968. who requested rezoning? The R-11 on the property along the Highway does not include all of the Wildlife Conservation Facility Land - which has several other parcels - why? The current use of Parcel #5 is complex including farming, equine facilities, cabin rentals, airstrip, boat launch, storage and storage for Ocean Explorers, eco-tourism, private parties & festivals and office facilities. This 90 acres is in fact a small Alaska community and a working homestead with all the rights of that homestead. This does not intend that there are the only uses. This property is home to multiple businesses and intends to grow as such primarily eco-tourism facilities, Bird sanctuary which may be in the institution category - marine science center.

2010-048



Turnagain Arm Plan

From: W Redmond [silvertip05@gmail.com]
Sent: Saturday, April 17, 2010 6:07 AM
To: Turnagain Arm Plan
Subject: Case no. 2010-048. Rezoning in Portage Alaska.

MOA Planning & Zoning

4-15-10

RE: Case no. 2010-048. Rezoning in Portage Alaska.

I have wrote before objecting to the 5 acre per dwelling requirement in the Turnagain Arm Comp Plan and I just want to reiterate my objection to that requirement. Its great that the MOA planning department wants to preserve the recreational quality of our area, but there are a lot of us who have been down there for a long time that don't really consider our area just Anchorage's recreational play ground.

In talking to Thede Tobish, senior planner for the MOA, I asked him about this issue and he said that if a person wanted to subdivide into lots smaller than 5 acres, they could address that when they subdivided. The problem with that is once the requirement is established, any attempt to subdivide below 5 acres will be like pulling teeth. It will never happen. Just like in Indian and Bird it is pretty much set in stone now that you cannot subdivide below 2.5 acres and it won't happen in Portage either.

Most people understand that there has to be a minimum lot size, but 5 acres per dwelling is completely unnecessary. 2.5 acres per dwelling similar to Indian and Birdcreek is plenty big enough for any kind of water well or sewer system separation, development, or privacy issues. And its not going to affect the recreational quality of the area especially since there is very limited private property available in Portage or the entire MOA. And for that matter the whole state is locked up into one big recreational area 1/5th the size of the whole United States so I think that we ought not to get to anal about developing the one little corridor in this State that we humans are allowed to exist in.

Sincerely Bill Redmond



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division
Phone: (907) 343-8240 Fax: (907) 343-8250



DATE: April 6, 2010
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor
FROM: Lynn McGee, Senior Plan Reviewer
SUBJ: Comments on Planning and Zoning Commission case(s) for May 3, 2010.

Right of Way Division has reviewed the following case(s) due April 5, 2010.

- 10-002 Section 32, T13N R3W, grid 1932**
(Site Plan Review, Large Retail/Commercial Establishment)
Right of Way Division will have comments in the design plan review process.
Review time 15 minutes.
- 10-048 Various US Surveys in the Portage Valley Area, grids SE6525, 6526, 6527, 6726, 6828, 7027, 7028, & 6625**
(Rezoning Request, PLI +T to R-11 Turnagain Arm District)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 10-049 East 32nd Avenue, East of Muldoon Road, grid 1641**
(Site Plan Review, Design Study Report for a Public Roadway.)
Clarify why there is no dedicated right of way for the North ½ of East 32nd Avenue for the section east of the Totem Subdivision parcel
We must determine how the road is allowed to encroach onto private property or whether easements exist.
Review time 30 minutes.
- 10-050 Amendment to the Hillside Wastewater Management Plan, grid 2434**
Right of Way Division has no comments at this time.
Review time 15 minutes.
- 10-055 M E A, Lot 1, grid NW0252**
(Amending a Conditional Use for a Utility Substation)
Right of Way Division has no comments at this time.
Review time 15 minutes.
- S-11143-3 The Terraces, Phase 3A, grid 2634**
(Time extension for Plat)

Outside of these comments, PM&E has no objection to this site plan. However, the petitioner is alerted to the requirement to coordinate submission of a drainage analysis and calculations to PM&E under the land use permit process.

Case 2010-048 – Rezoning to R-11 Turnagain Arm District

PM&E has no objection to the proposed rezone.

Case 2010-058 – Amending a conditional use for a natural resource extraction

PM&E has no objection to the proposed amendment to the conditional use.



DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SEAN PARNELL, GOVERNOR

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

March 25, 2010
RE: MOA Zoning Review

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

RECEIVED

APR 06 2010

Municipality of Anchorage
Zoning Division

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, reviewed the following applications and has no comments:

2010-002; Alaska Industrial Hardware Establishment – Revised
2010-048; Turnagain Arm District Rezoning

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Parmelee".

Mark Parmelee
Area Planner

/aj



FLOOD HAZARD REVIEW SHEET

Date: 04/02/2010

Case: 2010-048

Flood Hazard Zone: X/A

Map Number: 0761D

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

☐ Flood Hazard requests that the following be added as a condition of approval:

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

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

☒ Other: I have no objection to the re-zone request

☐ I have no comments on this case.

Reviewer: Jeffrey Urbanus, CFM


Gollihugh, Danielle S.

From: Staff, Alton R.
Sent: Friday, April 02, 2010 1:30 PM
To: McLaughlin, Francis D.; Gollihugh, Danielle S.; Stewart, Gloria I.
Subject: Platting and Zoning Comments

The Public Transportation Department has no comment on the following short plats:

S11143-3
S11557-3
S11628-4
S11728-1
S11796-1
S11799-1
S11800-1
S11801-1
S11802-1
S11803-1
S11804-1
S11805-1
S11806-1

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

Case No.	2010-	002
		037
		047
		
		049
		050

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3600 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507
907-343-8230



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

MAR 30 2010

DATE: March 24, 2010

Municipality of Anchorage
Zoning Division

TO: Angela Chambers, Acting Division Manager, Zoning and Platting Division

FROM: Mada Angell, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Comments for May 3, 2010 Planning & Zoning Commission

S-11143-3 The Terraces, Phase 3A; Southeast corner of Lake Otis Parkway and East 112th Avenue

Traffic Engineering has no objection to a Time Extension.

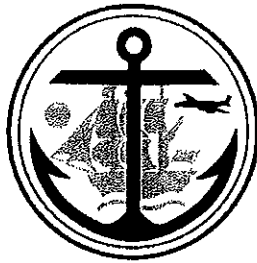
2010-002 Portions of Section 32; Site Plan Review for Anchorage Industrial Hardware, corner of Seward Highway and 56th Avenue

- Free standing sign at the corner of Seward Highway and 56th Avenue must be out of the AASHTO Sight distance Triangle. Place the AASHTO Sight Distance Triangle on the drawing to accurately place sign.
- Ingress/egress at Seward Highway should be moved 70-80 feet south. A driveway to the south of center would allow for smoother vehicular access into the parking area. A centered driveway that directs traffic towards the main entrance of the building is more likely to create vehicle queuing and pedestrian conflicts.
- If the ingress/egress at Seward Highway does not move south then barrier curb end-caps are required to be placed at the inside end of each center-west-side parking aisles. End caps will maintain adequate queuing space from the Seward Highway into the parking area at the main entrance to the building.
- Design and placement of the ingress/egress at Seward Highway must be approved by State DOT. Seward Highway is State owned right of way.

2010-048 Portage Valley; Rezone from PLI & T to R-11/Turnagain Arm

Traffic Engineering has no objection to a rezone.

Posting Affidavit



AFFIDAVIT OF POSTING

Case Number: 2010-48

I, Thede Tobish, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezoning. The notice was posted on 19 August 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 2^d day of September, 2010.

Thede Tobish
Signature

LEGAL DESCRIPTION

Tract or Lot: Adjacent to, @ Access to Lots 32, 33, 34
Block:
Subdivision: US Survey 7012 T8N, R3E, Section 8+9



AFFIDAVIT OF POSTING

Case Number: 2010-48

I, Theda Tobish, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezoning. The notice was posted on 19 August 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 19th day of September, 2010.

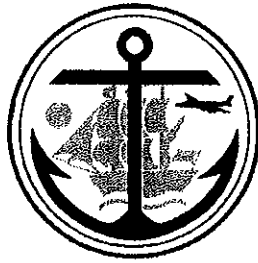
Theda Tobish
Signature

LEGAL DESCRIPTION

Tract or Lot: Adjacent to

Block:

Subdivision: US Survey 12192, T9N, R3E, Section 30



AFFIDAVIT OF POSTING

Case Number: 2010-48

I, Thede Tobish, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezone. The notice was posted on 19 Aug 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 2^d day of September, 2010.

Thede Tobish
Signature

LEGAL DESCRIPTION

Tract or Lot: Adjacent to, @ access to Lots 14 + 20 +
Block:
Subdivision: US Survey 7012, T9N R3E Section 32



AFFIDAVIT OF POSTING

Case Number: 2010-48

I, Thede Tobish, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezoning. The notice was posted on 19 Aug 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 2^d day of September, 2010.

Thede Tobish
Signature

LEGAL DESCRIPTION

Tract or Lot: (Adjacent to)

Block:

Subdivision: US Survey 3295 T9N R3E. Section 21



AFFIDAVIT OF POSTING

Case Number: 2010 48

I, Thede Tebich, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezone. The notice was posted on 19 Aug 2010 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 21 day of September, 2010.

Thede Tebich
Signature

LEGAL DESCRIPTION

Tract or Lot: Adjacent to, @ across to Lots 32, 33, 34
Block:
Subdivision: US Survey 7012 T&N R3E Section 8 & 9

Turnagain Arm
Comprehensive Plan
Information

1987 Land Use Plan Map




2010 Land Use Plan Map



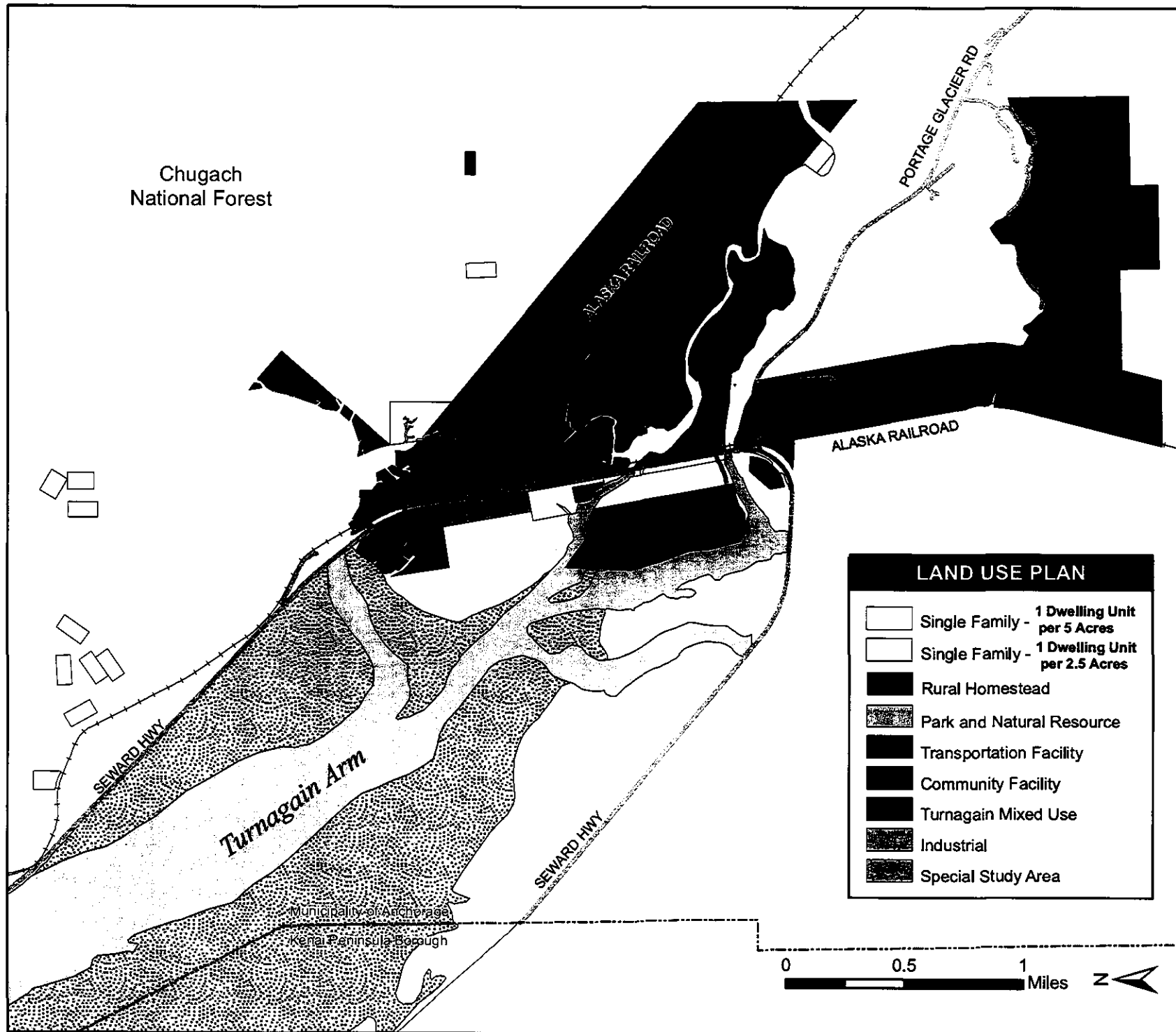
1987 Turnagain Arm Comprehensive Plan

Portage/Twenty Mile River

Land Use Plan

-  Environmental Reserve
-  Residential
single family with 1 dwelling unit per 5.0 acres
-  Commercial





**Portage
Land Use Plan Map**

Content ID: 009728**Type:** Ordinance - AO

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 568 ACRES, FROM PLI (PUBLIC LANDS AND INSTITUTIONS), W (WATERSHED), AND T (TRANSITION) DISTRICTS TO R-11 (TURNAGAIN ARM) DISTRICT, FOR US SURVEY 12192 LOCATED WITHIN SECTION 30, T9N, R3E, S.M., ALASKA; US SURVEY 11558 LOCATED WITHIN SECTION 29, T9N, R2E, S.M., ALASKA; US SURVEY 7012, LOT 2, LOCATED WITHIN SECTION 29, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 14 & 20, LOCATED WITHIN SECTION 32, T9N, R3E, S.M., ALASKA; US SURVEY 7012, LOTS 12 & 12A, LOCATED WITHIN SECTION 4, T8N, R3W, S.M., ALASKA; US SURVEY 7012, LOTS 32, 33 (PTN), 33 (REM), LOCATED WITHIN SECTION 9, T8N, R3E, S.M., ALASKA; US SURVEY 7012, LOT 34, LOCATED WITHIN SECTION 8, T8N, R3E, S.M., ALASKA; US SURVEY 3295 LOCATED WITHIN SECTION 21, T9N, R3E, S.M., ALASKA, GENERALLY LOCATED IN THE VICINITY OF PORTAGE, ALASKA (Portage Valley Community Council) (Planning and Zoning Commission Case 2010-048)

Author: perrysu**Initiating Dept:** Planning**Description:** Portage Valley Rezone to R-11 for 12 parcels**Keywords:** Portage Valley Rezone**Date Prepared:** 12/17/10 3:32 PM**Director Name:** Jerry T. Weaver, Jr.**Assembly Meeting Date:** 1/11/11**Public Hearing Date:** 2/15/11

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
Clerk_Admin_SubWorkflow	12/29/10 10:28 PM	Exit	Joy Maglaqui	Public	009728
MuniManager_SubWorkflow	12/29/10 10:28 PM	Approve	Joy Maglaqui	Public	009728
Legal_SubWorkflow	12/28/10 11:50 AM	Approve	Rhonda Westover	Public	009728
Finance_SubWorkflow	12/27/10 3:55 PM	Approve	Lucinda Mahoney	Public	009728
OMB_SubWorkflow	12/23/10 11:14 AM	Approve	Marilyn T. Banzhaf	Public	009728
Commun_Dev_SubWorkflow	12/17/10 4:27 PM	Approve	Jerry Weaver Jr.	Public	009728
Planning_SubWorkflow	12/17/10 4:27 PM	Approve	Jerry Weaver Jr.	Public	009728
AllOrdinanceWorkflow	12/17/10 3:42 PM	Checkin	Susan Perry	Public	009728

CONSENT AGENDA - INTRODUCTION