

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 7-26-11

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Community Development  
Department  
For reading: June 14, 2011

**Anchorage, Alaska  
AO 2011-71**

**AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING OF APPROXIMATELY 0.79 ACRES FROM R-2M (MULTIPLE-FAMILY  
RESIDENTIAL) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT, FOR JOHN  
WELLS SUBDIVISION, BLOCK 5, LOTS 9, 10, 11 AND 12, GENERALLY  
LOCATED EAST OF TOLOFF STREET, NORTH OF EAST 86TH COURT, AND  
WEST OF WANIGAN STREET.**

(Abbott Loop Community Council) (Planning and Zoning Commission Case 2010-132)

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** The zoning map shall be amended by designating the following  
described property as I-1 (Light Industrial) District:

John Wells Subdivision, Block 5, Lots 9, 10, 11 and 12, consisting of  
approximately 0.79 acres, generally located east of Toloff Street, north  
of East 86<sup>th</sup> Court, and west of Wanigan Street.

**Section 2.** This zoning map amendment described in Section 1 above is subject to  
the following effective clauses:


A. The rezoning shall become effective upon resolution with the Planning  
Division, Project Management and Engineering Division, the Traffic  
Division, and the Fire Department of:

- i. Recording a common access agreement for all four lots to  
access Toloff Street and build the access.
- ii. Construction of the common access driveway onto Toloff Street.
- iii. Recording an 18-foot wide public use easement where the lots  
abut 86<sup>th</sup> Court.
- iv. Construction to peripheral half street standards of applicable  
sections of Toloff Street and/or 86<sup>th</sup> Court per AMC 21.85.070  
(Access streets, peripheral streets and half streets).
- v. ~~Removing the existing residential structure.~~

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

PASSED AND APPROVED by the Anchorage Assembly this 26<sup>th</sup> day of July, 2011.

ATTEST:

  
Chair

  
Municipal Clerk

(Case 2010-132; Tax I.D. No. 014-261-44)

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

AO Number: 2011-71

Title: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 0.79 ACRES FROM R-2M (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT, FOR JOHN WELLS SUBDIVISION, BLOCK 5, LOTS 9, 10, 11 AND 12, GENERALLY LOCATED EAST OF TOLOFF STREET, NORTH OF EAST 86TH COURT, AND WEST OF WANIGAN STREET.

Sponsor:

Preparing Agency: Community Development Department

Others Impacted:

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

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this rezone should have no significant impact on the public sector. No additional public improvements are required.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of this rezone should have no significant impacts on the private sector.

Prepared by: Angela C. Chambers

Telephone: 343-7940



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 351-2011

Meeting Date: June 14, 2011

From: MAYOR

Subject: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 0.79 ACRES FROM R-2M (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT, FOR JOHN WELLS SUBDIVISION, BLOCK 5, LOTS 9, 10, 11 AND 12, GENERALLY LOCATED EAST OF TOLOFF STREET, NORTH OF EAST 86TH COURT, AND WEST OF WANIGAN STREET.

1 On December 6, 2010, the Planning and Zoning Commission recommended  
2 approval to rezone the subject property from R-2M to I-1 to allow industrial uses.  
3 The petitioners are Piero and Kathy DeMarzo.  
4

5 The *Anchorage 2020 Comprehensive Plan* calls for the petition site to be  
6 *Commercial/Industrial*. The area around the petition site is a mix of industrial,  
7 commercial, and residential uses. The property to the north and west is zoned I-2.  
8 The property to the south is zoned I-1, and the property to the east is zoned R-2M.  
9 Public water and sewer are more than a block away, which makes residential  
10 development not feasible. It appears that the highest and best use for the petition  
11 site is industrial.  
12

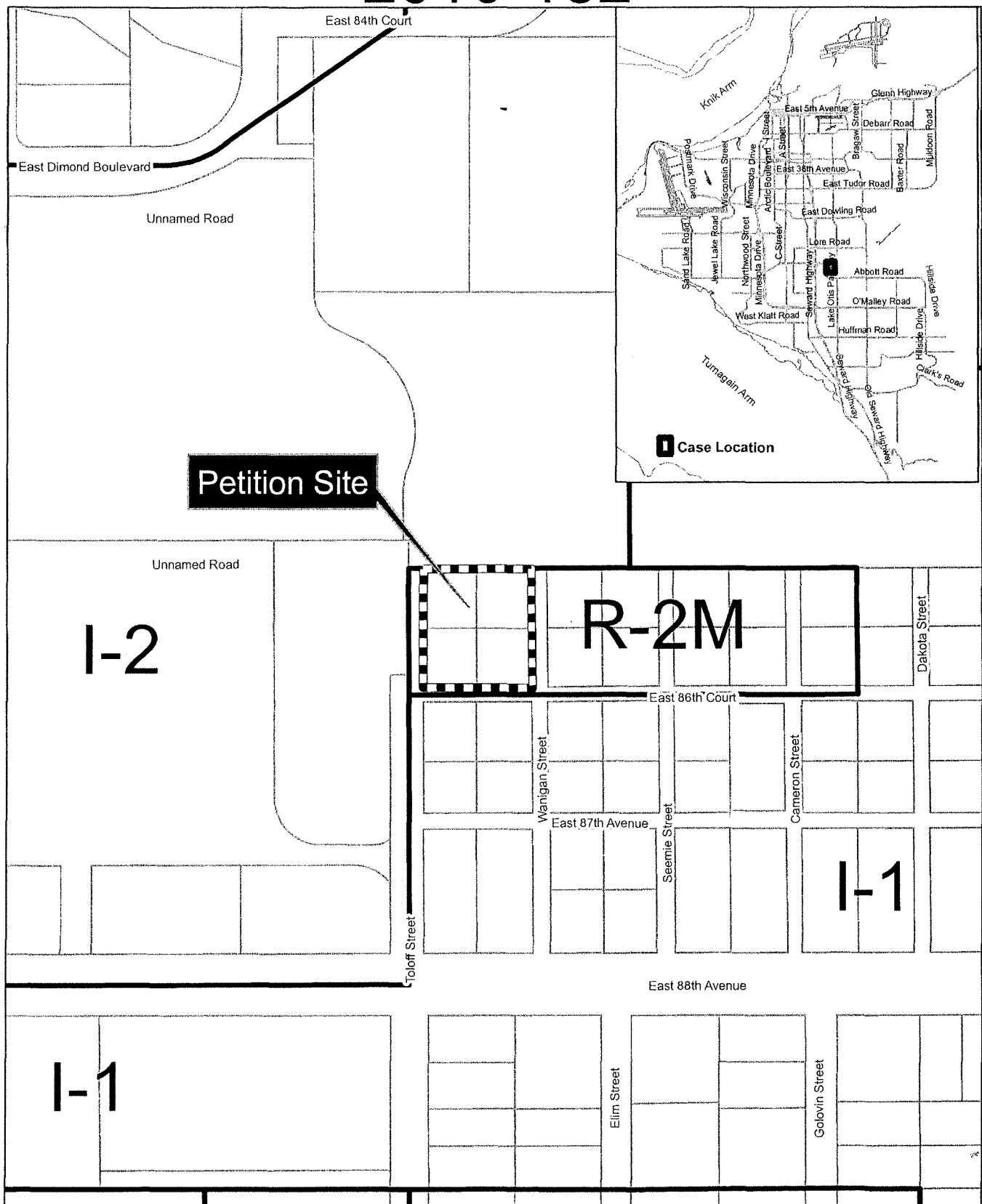
13 This rezoning generally meets the rezoning standards of AMC 21.20.090.  
14

15 The Planning and Zoning Commission recommended APPROVAL of the rezone to  
16 I-1 for the subject property by a vote of seven yeas and zero nays, subject to an  
17 effective clause to resolve common access, access construction, and removal of  
18 the existing residential structure.  
19

20 **THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ZONING MAP**  
21 **AMENDMENT, PROVIDING FOR THE REZONING OF APPROXIMATELY 0.79**  
22 **ACRES FROM R-2M (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT TO I-1**  
23 **(LIGHT INDUSTRIAL) DISTRICT, FOR JOHN WELLS SUBDIVISION, BLOCK 5,**  
24 **LOTS 9, 10, 11 AND 12, GENERALLY LOCATED EAST OF TOLOFF STREET,**  
25 **NORTH OF EAST 86TH COURT, AND WEST OF WANIGAN STREET.**  
26  
27

1 Prepared by: Angela C. Chambers, AICP, Current Planning Section  
2 Supervisor, Planning Division  
3 Approved by: Jerry T. Weaver Jr., Director,  
4 Community Development Department  
5 Concur: Dennis A. Wheeler, Municipal Attorney  
6 Concur: George J. Vakalis, Municipal Manager  
7 Respectfully submitted, Daniel A. Sullivan, Mayor  
8  
9

(Case 2010-132; Tax I.D. No. 014-261-44)



**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2010-045**

A RESOLUTION APPROVING A REZONING FROM R-2M (MULTI-FAMILY RESIDENTIAL) DISTRICT TO I-1 (LIGHT INDUSTRIAL) DISTRICT FOR JOHN WELLS SUBDIVISION, BLOCK 5, LOTS 9, 10, 11, AND 12, PER PLAT P-267E, LOCATED WITHIN SECTION 8, T12N, R3W, S.M., ALASKA, CONTAINING APPROXIMATELY 0.79 ACRES, GENERALLY LOCATED EAST OF TOLOFF STREET, NORTH OF EAST 86<sup>TH</sup> COURT, AND WEST OF WANIGAN STREET, IN SOUTH ANCHORAGE.

(Case 2010-132; Tax I.D. No. 014-261-44)

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WHEREAS, a request has been received from Piero and Kathy Demarzo to rezone R-2M (Multi-family residential) district to I-1 (Light industrial) district for John Wells Subdivision, Block 5, Lots 9, 10, 11, and 12, per Plat P-267E, Located within Section 8, T12N, R3W, S.M., Alaska, containing approximately 0.79 acres, generally located east of Toloff Street, north of East 86<sup>th</sup> Court, and west of Wanigan Street, in South Anchorage.

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on December 6, 2010.

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

- A. The Commission makes the following findings of fact:
1. This is a request to rezone the subject property from R-2M (Multi-family residential) to I-1 (Light-industrial).
  2. The area is a mix of industrial, commercial, and residential uses. Industrial uses have occurred on the property for some time and the Commission would not be aware of them, unless a complaint was made. This rezone has an overall benefit to the public.
  3. The proposed rezoning is in compliance with the *Anchorage 2020 Comprehensive Plan* and zoning standards of AMC 21.20.090 Zoning Standards for Approval.
  4. This case may have raised concerns of spot zoning because the subject property is so small and the owners will benefit from the rezone, however, staff has pointed out that there is

I-2 and I-1 zoned property surrounding the property on three sides.

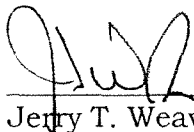
5. The Comprehensive Plan calls for this property to be zoned "Commercial/Industrial." Rezoning to I-1 appears to have a public benefit and comply with the Comprehensive Plan.
  6. Policy #7 states: "Avoid incompatible uses adjoining one another." This issue is being addressed through by AMC 21.40.200.G (Minimum yard requirements) and AMC 21.40.200.M (Landscaping), which provides yard setbacks and buffer landscaping. Staff has assured the Commission that these requirements will be taken care of during the commercial driveway permit process. Existing zoning district regulations will mitigate negative impacts from industrial uses adjoining residential uses.
  7. Rezoning property from multi-family residential to industrial is of concern to the Commission; however, it appears that the highest and best use for this property in this location is industrial. Public water and sewer are more than a block away, which makes residential development not feasible.
  8. The Commission is concerned about not requiring the lots to be resubdivided into 1 tract.
  9. The Commission recommended approval of the request by a unanimous vote: 7-yea, 0-nea.
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to I-1, with the following effective clauses.
1. The rezoning shall become effective upon resolution with the Planning Division, Project Management and Engineering, the Traffic Department, and the Fire Department of:
    - a. Recording a common access agreement for all 4 lots to access Toloff Street and build the access.
    - b. Construction of the common access driveway onto Toloff Street,




- c. Recording an 18 foot wide public use easement where the lots abut East 86<sup>th</sup> Court.
- d. Construction to peripheral ½ street standards of applicable sections of Toloff Street and/or East 86<sup>th</sup> Court per AMC 21.85.070 (Access streets, peripheral streets and half streets).
- e. Residential structures are prohibited.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 6th day of December, 2010.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 3<sup>rd</sup> day of January, 2011. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to Anchorage Municipal Code 21.30.030.



Jerry T. Weaver, Jr.  
Secretary



Arthur D. Isham  
Chair

(Case 2010-132; Tax I.D. No. 014-261-44)

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to come back to the Commission with a separated addition of whatever they would like to come up with regarding the validity of the study, the plat overlays, and that sort of thing. Bring forward her language, bring forward their language, and then the Commission can go from there.

COMMISSIONER PHELPS thought what they were proposing was just to do track changes, and so COMMISSIONER PEASE would see her language there, and the parts modified would be identified. COMMISSIONER PEASE indicated that would be fine.

ACTING CHAIR ISHAM summarized that the Commission has postponed COMMISSIONER PEASE'S motion, which included 4 or 5 items. Then, COMMISSIONERS PHELPS and YOSHIMURA have something additional to add to that at some point in time, and that will be done the next time the Commission convenes as a friendly amendment to the items that COMMISSIONER PEASE has put together. The Commission will have to deal with this sequentially with either friendly amendments or amendments to COMMISSIONER PEASE'S proposal, and then deal with the basic proposal.

In response to ACTING CHAIR ISHAM, MS. UNDERWOOD indicated this could be done before the next meeting as no involvement was required from Staff. ACTING CHAIR ISHAM indicated the Commission would need the transcript in order for the Commissioners to review this, and staff would need to distribute it to the Commissioners.

This item is postponed to the next meeting.

**3. CASE: 2010-132**

**PETITIONER: Piero J. & Kathy DeMarzo**

**REQUEST: Rezoning to I-1 Light industrial district**

The property consists of four, 8,550 square foot lots, located east of Toloff Street and north of 86<sup>th</sup> Avenue, John Wells Subdivision, Block 5, Lots 9-12. The property is part of a small, residual residential zone, surrounded on three sides by industrial or commercial zones and uses, however there are also residential uses adjacent to the subject property and in the R-2M district. The petitioner requests to rezone his property from R-2M (Multi-family residential) to I-1 (Light industrial).

FRANCIS MCLAUGHLIN presented the staff report and revised Department recommendations on behalf of the Municipality of Anchorage's Planning Department. The Department recommended approval subject to an effective clause.

ACTING CHAIR ISHAM opened the public hearing.

PIERO DEMARZO provided a presentation in support of his rezone request.

There was no public testimony, and no rebuttal testimony. ACTING CHAIR ISHAM closed the public hearing.

COMMISSIONER PHELPS moved for approval in Case 2010-132, the rezoning of 4 lots, which total approximately 0.8 acres located at 2237 East 86<sup>th</sup> Court, John Wells Subdivision, Block 5, Lots 9-12, from R-2M, multiple family residential to I-1 subject to staff recommendations laid on the table for the Commission with the addition of the prohibition on residential structures on the lot as a new item (e) to the effective clause. COMMISSIONER PEASE seconded.

In speaking to his motion, COMMISSIONER PHELPS found the area is currently a mix between commercial, residential and industrial with a variety of uses, and the tendency in this area is for the land use to be more towards commercial/industrial, or at least that has been the pattern for the last 5 to 10 years. He noted that perhaps more importantly, the Comprehensive Plan establishes the basis for the rezoning, and the Plan in this particular case identifies the area as being commercial/industrial so this rezoning request is consistent with the Comprehensive Plan. For those reasons, he believes this rezone to be appropriate. He further noted the other thing to be aware of is that the current use has existed there for some period of time, and that use has only come as being an issue as a result of a zoning complaint, and if it were not for that particular complaint, the Commission would probably not even be dealing with this issue. He believes this particular rezoning is in the overall public interest, is consistent with the Comprehensive Plan and will provide public benefits.

In response to MR. MCLAUGHLIN, COMMISSIONER PHELPS clarified that what he said was there were a series of effective clauses, and he would add a new item (e) to the effective clauses.

COMMISSIONER PEASE found that this case might have raised concerns with regard to spot zoning because of the very small size of the properties, and the fact that the benefits appear to accrue primarily to the owners more so than to the neighbors, certainly the residential neighbors who have complaints, however, Staff has pointed out there is I-1 land surrounding this subject parcel on three sides, and furthermore, the Comprehensive Plan calls for this to be commercial and industrial. On that basis, rezoning to industrial does appear to have some public benefits and follows the public plan. She noted there is also the concern of whether Policy 7 of the Comprehensive Plan, which says to avoid incompatible uses adjoining one another, but she thinks this is being dealt with through the application of Title 21, setbacks and landscape requirements, AMC 21.40.210(F) and 21.40.045(G), will require some setback and some degree of screening structure along the residential property boundary. She noted, however, that Staff has assured the Commission those will be installed as part of the commercial driveway permit along with any requirements on lighting that may be applicable when industrial adjoins residential. She noted it is a transition, but she thinks there are assurances through Code that there will be mitigation of the adjoining uses.

COMMISSIONER YOSHIMURA is going to support the motion from R-2M to I-1 even though she always has serious reservations about the loss of higher density residential property in the

Anchorage Bowl, particularly in southeast Anchorage where there seems to be growing demand and need for it. However, she recognizes this is probably the highest and best use for this property in this particular location, and especially given the fact that the water and sewer extensions are so far away that it is not possible at this particular point in time for development along that block of R-2M. She did note that she is very disappointed in Staff's recommendations not to require that these lot lines be erased because this is basically a commercial use, and the entire property is going to be used for one use. It is economically linked as Staff has so stated, and she understand that \$15,000 might be a lot of money for the petitioner at this particular point in time, but that is no reason to violate what she believes is good public policy.

COMMISSIONER PARKS will be supporting the motion with some reluctance. He knows this property and the area very well, and it is primarily being used as I-1. However, he too has some concerns about taking four lots and making it one use, and not requiring the applicant to move the lot lines only because he knows that at some point in time that will have to be addressed. He noted the chances of taking an I-1 piece of property at 8,500 square foot and doing anything with it in this community are slim to none. He does believe at some point in time, the water and sewer will be moved into those streets, but he thinks for this particular case, it is appropriate for the Commission to approve the rezone.

AYE: Parks, Pease, Phelps, Isham, Yoshimura, Pruhs, Wilson  
NAY: None

**PASSED**

*COMMISSIONER PHELPS left the meeting at 9:49 p.m.*

**4. CASE: 2010-133**  
**PETITIONER: Chugach Electric Association, Inc.**  
**REQUEST: Zoning conditional use for a utility substation**

This is a request for a zoning conditional use for a utility substation, which is reviewed under the general standards of AMC 21.50.020. This review is to determine the appropriateness and compatibility with the surrounding area for an electrical substation at this location. The site is located at 105 Gold Avenue, Lots 17, 18, 19, 20 and 21, Block 3, Girdwood Original townsite Subdivision.

The CEA electric substation dates to at least September 1982, and probably to the 1960's. Regardless, it predates zoning (December 1983) so, the substation is a legal, nonconforming use and structure on lots 17 and 18. Because a


**MUNICIPALITY OF ANCHORAGE**


**MEMORANDUM**

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DATE: December 6, 2010

TO: Planning and Zoning Commission

Thru:  Angela C. Chambers, Administrator, Zoning and Platting Section

FROM:  Francis McLaughlin, Senior Planner

SUBJECT: 2010-132 John Wells Subdivision, Block 5, Lots 9 - 12

The purpose of this memo is to amend the Department's recommendations for case 2010-132 John Wells Subdivision, Block 5, Lots 9 - 12. The petitioner requests to rezone his property from R-2M (Multi-family residential) to I-1 (Light industrial). Changes to the Department's recommendations are shown in bold italics.

Since these four properties are economically linked and will be used for light industrial purposes, there needs to be a recorded common access agreement through all four lots to the street. The properties border Toloff Street, East 86<sup>th</sup> Court, and Wanigan Street. The Traffic Department and other agencies have determined that Toloff Street is the appropriate access point to the site.

East 86<sup>th</sup> Court has only 24 feet of right of way width. The petitioner should be required to provide a public use easement to of 18 feet so that there is a total of 30 feet for street construction. The Traffic Department may require improvements to Toloff Street and East 86<sup>th</sup> Court where abutting the site.

**DEPARTMENT RECOMMENDATION:**

The Department recommends approval of the rezone to I-1 (Light industrial) district, subject to the following effective clause:

1. The rezoning shall become effective upon resolution with the Planning Division, Project Management and Engineering, the Traffic Department, and the Fire Department of:
  - a. ~~a common access agreement for all four lots,~~ ***Recording a common access agreement for all 4 lots to access Toloff Street and build the access.***
  - b. Construction of the common access driveway onto Toloff Street,
  - c. ~~construction of a second access point,~~

- d. ~~dedication of an 18 foot wide public use easement to Toloff Street,~~  
***Recording an 18 foot wide public use easement where the lots abut 86<sup>th</sup> Court.***
- e. Construction to ***peripheral*** ½ street standards of applicable sections of Toloff Street and/or 86<sup>th</sup> Court per AMC 21.85.070 (Access streets, peripheral streets and half streets).

**DEPARTMENT of COMMUNITY DEVELOPMENT**  
**PLANNING DIVISION ANALYSIS**  
**REZONING**

**DATE:** December 6, 2010

**CASE NO.:** 2010-132

**APPLICANT:** Piero and Kathy DeMarzo, owners

**REQUEST:** Rezoning of four lots totaling approximately 0.8 acres (34,200 square feet) from R-2M (Multiple family residential) to I-1 (Light industrial).

**LOCATION:** John Wells SD, Block 5, Lots 9-12

**SITE ADDRESS:** 2237 E. 86<sup>th</sup> Court

**COMMUNITY COUNCIL:** Abbott Loop

**TAX NUMBER:** 014-261-44

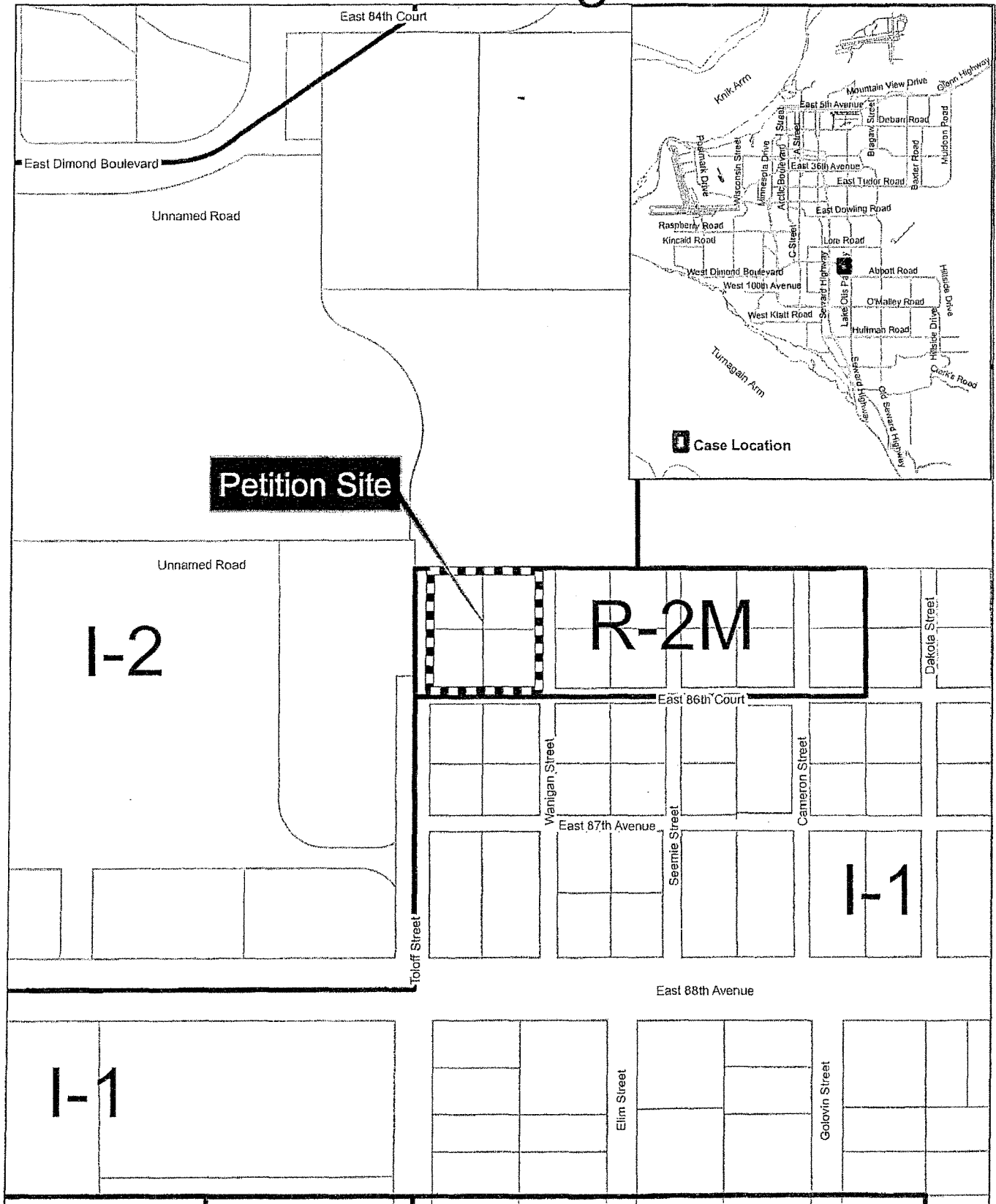
**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:** The Department supports the rezone request because the proposed Comprehensive Plan Land Use Map indicates this property and the adjacent area as Light Industrial.

The use of the subject lot for heavy equipment storage has been illegal since it began, due to the current R-2M zoning. The purpose of this rezone request to I-1 is to make the use of heavy equipment storage legal. The requested rezoning is not consistent with several current Comprehensive Plan policies. The subject property is part a single family subdivision,

# Zoning



Municipality of Anchorage  
Planning Department  
October 6, 2010

**Flood Limits**  
 100 Year  
 500 Year  
 Floodway

0 250 500 Feet



011



zoned R-2M, to the east and is adjacent to other single family uses on I-1 property. This case results from a neighborhood complaint.

**DISCUSSION:**

This application is for Lots 9, 10, 11 and 12 to be rezoned from R-2M to I-1 so that the owners may store heavy equipment associated with their business.

The owner-applicants purchased the lots in June 2009 and there was a complaint about illegal storage first reported in July 2009.

**AMC 21.40.200 I-1 light industrial district.**

The following statement of intent and use regulations shall apply in the I-1 district:

- A. Intent. The I-1 district is intended primarily for urban and suburban light manufacturing, processing, storage, wholesale and distribution operations, but also permits limited commercial uses. Regulations are intended to allow efficient use of the land while at the same time making the district attractive and compatible for a variety of uses.

For a list of uses in the current Title 21, see the pages at the end of this report.

**SITE:**

Acres:	34, 200 square feet
Zoning:	R-2M on the subject property; I-2 to the west, commercial; I-1 to the south, single family residential; I-2 to the north, outdoor storage; and R-2M to the east, residential.
Topography:	Level
Existing Use:	Single family home and outdoor storage of heavy equipment.
Soils:	Well and septic are used on the property.

**COMPREHENSIVE PLAN:**

Classification: The Anchorage 2020 Plan indicates the area is residential with a projected density up to 16 units per acre. The proposed land use map indicates light industrial.

Density: Low to medium

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	I-2	R-2M	I-1	I-2
Land Use:	Outdoor storage	Single family	Single family	Commercial

**PROPERTY HISTORY**

5-17-73	Rezoning	Areawide zoning R-2
6-23-53	Plat	P-267 E John Wells' 1952 Addition SD
1960	PA Records	House on lot 12
1965	PA Records	Garage on lot 11

**I-1 Applicable Zoning Regulations:**

Height limitation:	Unrestricted except exceeding 35 ft must increase yard setback 1ft for 1.5 ft height
Minimum lot size:	Width – 50 feet Area – 6,000 square feet
Yard setbacks:	
Front	10 ft
Side	None except where abutting residential
Rear	None except where abutting residential
Lot Coverage:	Unrestricted

Landscaping	Buffer or a screening structure and visual enhancement adjoining a residential district. Visual enhancement along right-of-way designated as collector or greater capacity.
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**SITE DESCRIPTION AND PROPOSAL:**

The property consists of four, 8,550 square foot lots located east of Toloff Street and north of 86<sup>th</sup> Avenue. The property is part a small, residual residential zone, surrounded on three sides by industrial or commercial zones and uses, however there are also residential uses adjacent to the subject property and throughout this R-2M district.

The lot is level, has limited access to public streets, and is on water well and septic. There is an occupied single family home on lot 12. The house has some violations under current code, but is legally nonconforming as it was built before zoning. Lot 9 has a garage and sheds, but no principal permitted structure. There are some setback violations, but these predate zoning so are legally nonconforming. Lots 10 and 11 appear to be vacant, but are used for illegal parking and storage of construction related equipment.

The owners purchased the property in June 2009. As long ago as July 2009, there has been illegal vehicle and equipment storage on the property. The rezone to I-1 will allow the vehicle and equipment storage.

**The following policy from the comprehensive plan is applicable.**

**Policy 31 Provide safe and efficient freight routes that minimize impacts on neighborhoods.**

The applicant will be required to remove an illegal driveway on 86<sup>th</sup> Avenue. A new driveway will be required to connect to Toloff and this will keep truck traffic out of the neighborhood.

**FINDINGS:**

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

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

The standard is partially met.

The area is shown in the 1982 Plan as low to medium density, 3 to 6 units per acre, residential. There is no designation in the 2020 Plan. The proposed Plan calls for the uses in this area to be commercial/industrial.

**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.

The Standard is partially met.

Environment and Land Use Patterns

There are no known streams or wetlands near the property. Public water and sewer are available from the north, but do not currently serve the subject property. There are no existing or planned trails on the property.

The current land use pattern is mixed: commercial, industrial, and low density residential. The wider neighborhood is decidedly commercial and industrial, but there are single family homes present.

Transportation/Drainage

Drainage has not been addressed. This is often an issue because the use involves outdoor storage of various motor vehicles.

Transportation is not an issue at this time, the public will not generally visit this site. The owners plan to use the property for their equipment storage. The applicant will be required to construct a commercial driveway to Toloff Street. The Fire Department will comment on the adequacy of access.

Public Services and Facilities

Public utilities are not available at the site, and will not be needed based on the proposed uses.

Special Limitations

The applicant has not offered any special limitations.

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 great deal of I-1 and I-2 land in the area, but most of it is in use and probably not available to the applicant.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

Public utilities are not in place. The applicant needs to construct a new driveway and the site needs to be paved. The vehicle storage use is already occurring.

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 rezoning will remove 32,000 square feet from the residential category.

COMMUNITY AND COMMUNITY COUNCIL COMMENTS.

On November 10, 2010, there were 69 public hearing notices mailed. As of November 24, no responses had been returned.

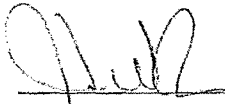
**DEPARTMENT RECOMMENDATION:**

The proposed I-1 rezoning of the approximately 32,000 square feet is substantially in conformance with the intent of the proposed Comprehensive Plan Land Use Map. The Department recommends approval.


Should the Commission find that the standards for a zoning map amendment have been met, the Department recommends the rezone subject to the following effective clause:

1. The rezoning shall become effective upon resolution with the Planning Division, Project Management and Engineering, the Traffic Department, and the Fire Department of:
  - a. a common access agreement for all four lots,
  - b. construction of the common access driveway onto Toloff Street,
  - c. construction of a second access point,
  - d. dedication of an 18 foot wide public use easement to Toloff Street,
  - e. construction to  $\frac{1}{2}$  street standards of applicable sections of Toloff Street and/or 86<sup>th</sup> Court.

Reviewed by:

  
Jerry T. Weaver, Jr.  
Director

Prepared by:

  
Alfred Barrett  
Senior Planner

(Case No. 2010-132) (Tax Parcel # 014-261-44)

CURRENT TITLE 21 USES UNDER I-1

Permitted principal uses and structures. Permitted principal uses and structures are as follows:

1. Commercial uses:
  - a. Wholesaling and distribution operations.
  - b. Mercantile establishments.
  - c. General merchandise and dry goods stores.
  - d. Wholesale fur dealers, repair and storage.
  - e. Wholesale and retail furniture and home furnishing stores.
  - f. Wholesale and retail radio and television stores.
  - g. Wholesale and retail household appliance stores.
  - h. Wholesale, industrial and retail hardware stores.
  - i. Drugstores and pharmaceutical supply houses.
  - j. Retail food stores and liquor stores. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
  - k. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
  - l. Merchandise vending machines sales and service.
  - m. Wholesale and retail camera and photographic supply houses.
  - n. Barbershops and beauty shops.
  - o. Shoe repair shops.
  - p. Small appliance repair shops.
  - q. Insurance and real estate offices.
  - r. Banking and financial institutions.
  - s. Business and professional offices.
  - t. Business service establishments, including commercial and job printing.
  - u. Off-street parking lots, garages.
  - v. Taxicab stands and dispatching offices.
  - w. Employment agencies.
  - x. Retail or wholesale sales and showrooms.
  - y. Laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like.
  - z. Plumbing and heating service and equipment dealers.
  - aa. Paint, glass and wallpaper stores.
  - bb. Electrical or electronic appliances, parts and equipment.
  - cc. Direct selling organizations.
  - dd. Gasoline service stations.
  - ee. Aircraft and marine parts and equipment stores.
  - ff. Antique and secondhand stores, including auctions, and pawnshops.
  - gg. Farm equipment and garden supply stores.
  - hh. Automotive accessories, parts and equipment stores.
  - ii. Automobile display lots, new and used.

- jj. Mobile home display lots, new and used.
- kk. Aircraft and boat display lots, new and used.
- ll. Motorcycle and snow machine display lots, new and used.
- mm. Automobile, truck and trailer rental agencies.
- nn. Lumberyards and builders' supply and storage.
- oo. Fuel dealers.
- pp. Plant nurseries.
- qq. Automobile carwashes.
- rr. Bus terminals and air passenger terminals.
- ss. Amusement arcades, billiard parlors and bowling alleys. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
- tt. Frozen food lockers.
- uu. Funeral services, including crematoriums.
- vv. Private clubs and lodges. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- ww. Veterinarian clinics and boarding kennels, provided that such activity shall be conducted within a completely enclosed building, except that outdoor exercise yards accessory to such uses may be permitted.
- xx. Motion picture theaters.
- yy. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- zz. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
- aaa. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.
- bbb. Radio and television studios.
- ccc. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.
- ddd. Large retail establishment, subject to public hearing site plan review.
- eee. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

2. Industrial uses:

- a. Airplane, automobile or truck assembly, remodeling or repair.
- b. Beverage manufacture, including breweries.
- c. Boatbuilding.
- d. Cabinet shops.
- e. Cleaning, laundry or dyeing plants.



- f. Machine or blacksmith shops.
- g. Manufacture, service or repair of light consumer goods such as appliances, batteries, furniture, garments or tires.
- h. Metalworking or welding shops.
- i. Motor freight terminals.
- j. Paint shops.
- k. Steel fabrication shops or yards.
- l. Vocational or trade schools.
- m. Utility installations.
- n. Warehousing, provided, however, that:
  - (1) Any open storage or repair yard, excluding yards for orderly display of new or reconditioned heavy equipment, shall be entirely enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block or other appropriate construction approved by the administrative official. The fence shall be maintained in a sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title.
  - (2) No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, safety or welfare.
- o. Self-storage facility.
- p. Vehicle storage.
- q. Taxidermy and fur processing/dressing of raw hides and skins ("fur on"), conducted wholly within an enclosed building that has been issued a permit from AWWU for disposal of processing effluent into the municipal sewer system, if applicable, or permitted by the Department of Health and Human Services (DHHS) or the State of Alaska Department of Environmental Conservation (DEC), if sewer is not available.

C. Permitted accessory uses and structures. Permitted accessory uses and structures are as follows:

- 1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
- 2. In the same structure with a permitted principal use, one dwelling unit may be occupied as an accessory use.
- 3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

D. Conditional uses. Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

- 1. Mobile home parks on sites of at least ten acres in area.
- 2. Airstrips and heliports.
- 3. Planned unit developments.
- 4. Natural resource extraction on tracts of not less than five acres.
- 5. Camper parks.

6. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
7. Motels, hotels and lodging.
8. Impound yards.
9. Correctional community residential centers.
10. Motorized sports on parcels with a minimum of 20 acres, maximum engine size of 250 cc's for wheeled vehicles and 550 cc's for snow machines, hours of operation shall be 7:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday.
11. Public, private and parochial academic schools.
12. Business colleges and universities.
13. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
14. Dormitories.
15. Child care centers and child care homes.
16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
17. Severe alcohol dependent housing.

E. Prohibited uses and structures. The following uses and structures are prohibited:

1. Dwellings, except as permitted under subsection C of this section as permitted accessory uses and structures, and under subsection D of this section as conditional uses.
2. Junkyards.
3. Manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine or varnish, charcoal or distilled products.
4. Manufacture, service or repair of railroad equipment.
5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
6. Asphalt batching plants and hot-mix plants.

# 2

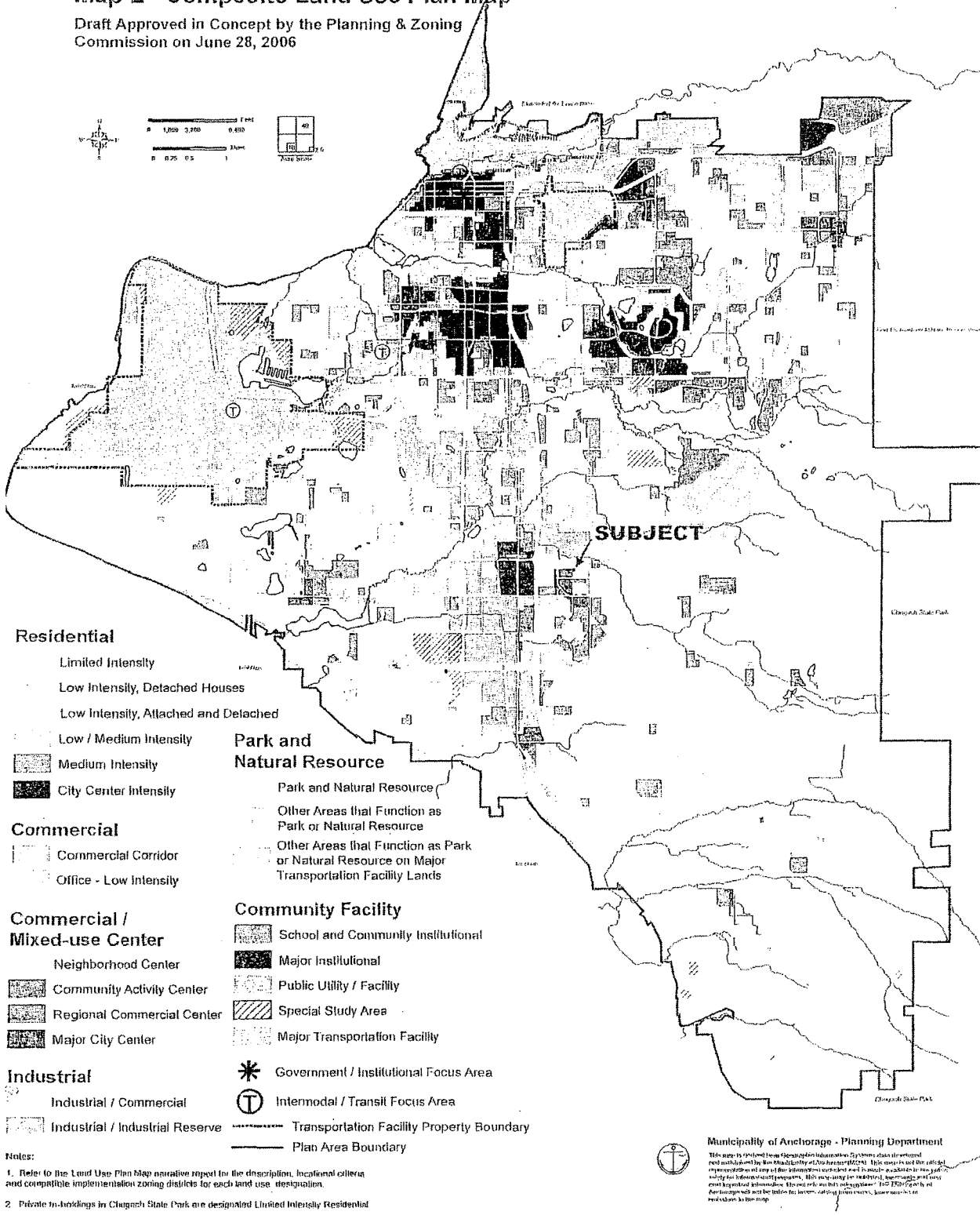
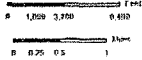
HISTORICAL MAPS  
AND  
AS-BUILTS



Municipality of Anchorage  
Anchorage Bowl Comprehensive Plan - Land Use Plan Map

# Map E - Composite Land Use Plan Map

Draft Approved in Concept by the Planning & Zoning  
Commission on June 28, 2006



## Residential

- Limited Intensity
- Low Intensity, Detached Houses
- Low Intensity, Attached and Detached
- Low / Medium Intensity
- Medium Intensity
- City Center Intensity

## Commercial

- Commercial Corridor
- Office - Low Intensity

## Commercial / Mixed-use Center

- Neighborhood Center
- Community Activity Center
- Regional Commercial Center
- Major City Center

## Industrial

- Industrial / Commercial
- Industrial / Industrial Reserve

## Park and Natural Resource

- Park and Natural Resource
- Other Areas that Function as Park or Natural Resource
- Other Areas that Function as Park or Natural Resource on Major Transportation Facility Lands

## Community Facility

- School and Community Institutional
- Major Institutional
- Public Utility / Facility
- Special Study Area
- Major Transportation Facility

- \* Government / Institutional Focus Area

- ⊕ Intermodal / Transit Focus Area

- Transportation Facility Property Boundary
- Plan Area Boundary

### Notes:

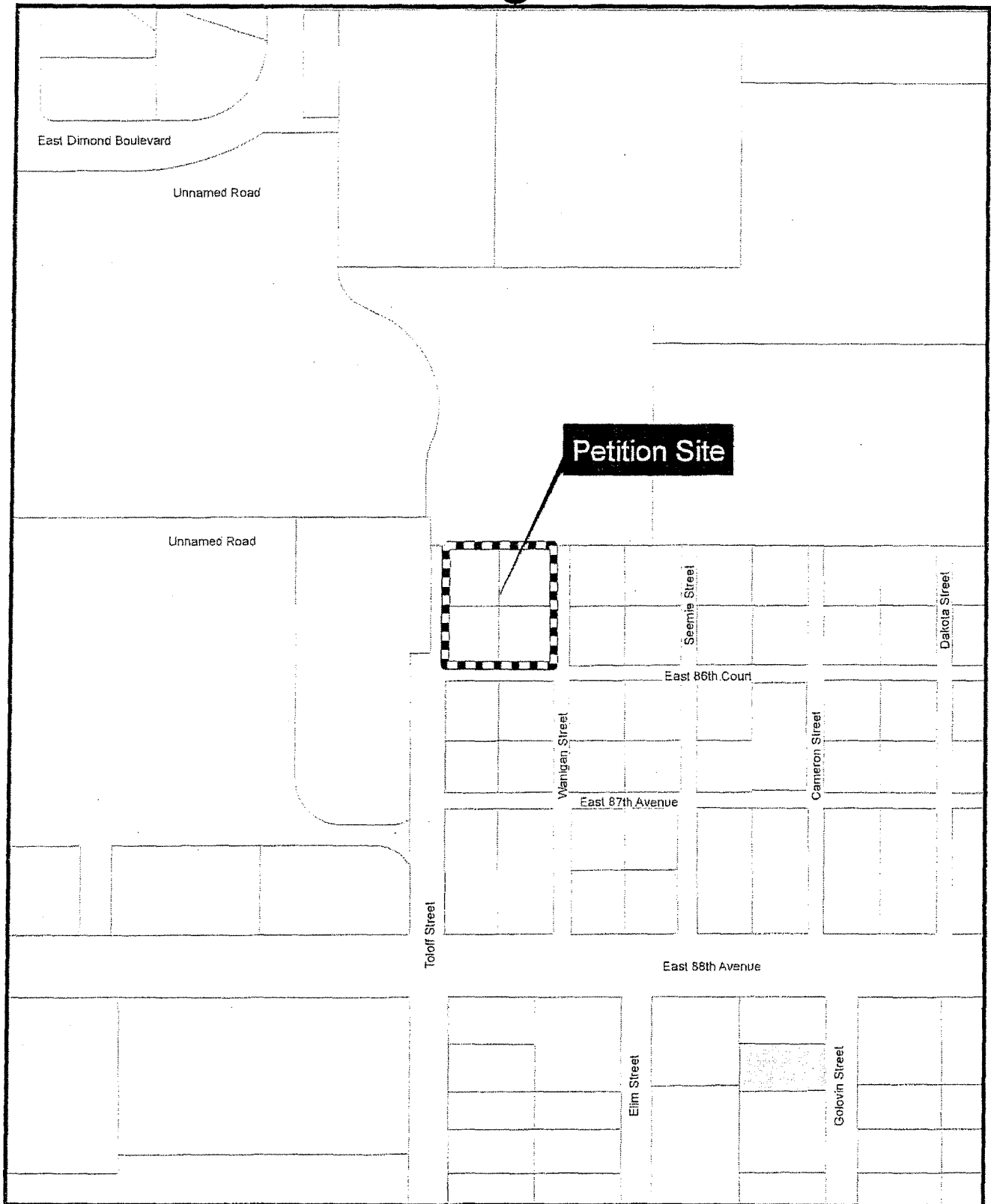
1. Refer to the Land Use Plan Map narrative report for the description, locational criteria and compatible implementation zoning districts for each land use designation.
2. Private in-buildings in Chugach State Park are designated Limited Intensity Residential.






### Municipality of Anchorage - Planning Department

This map is prepared from the planning information systems data developed and maintained by the Municipality of Anchorage (2006). This map is not the official representation of any of the information contained and is made available for informational purposes only. The Municipality of Anchorage does not warrant the accuracy or completeness of the information contained herein. The Municipality of Anchorage does not assume any liability for any errors or omissions in this map.

# Housing Stock



Municipality of Anchorage  
Planning Department  
Date: October 7, 2010

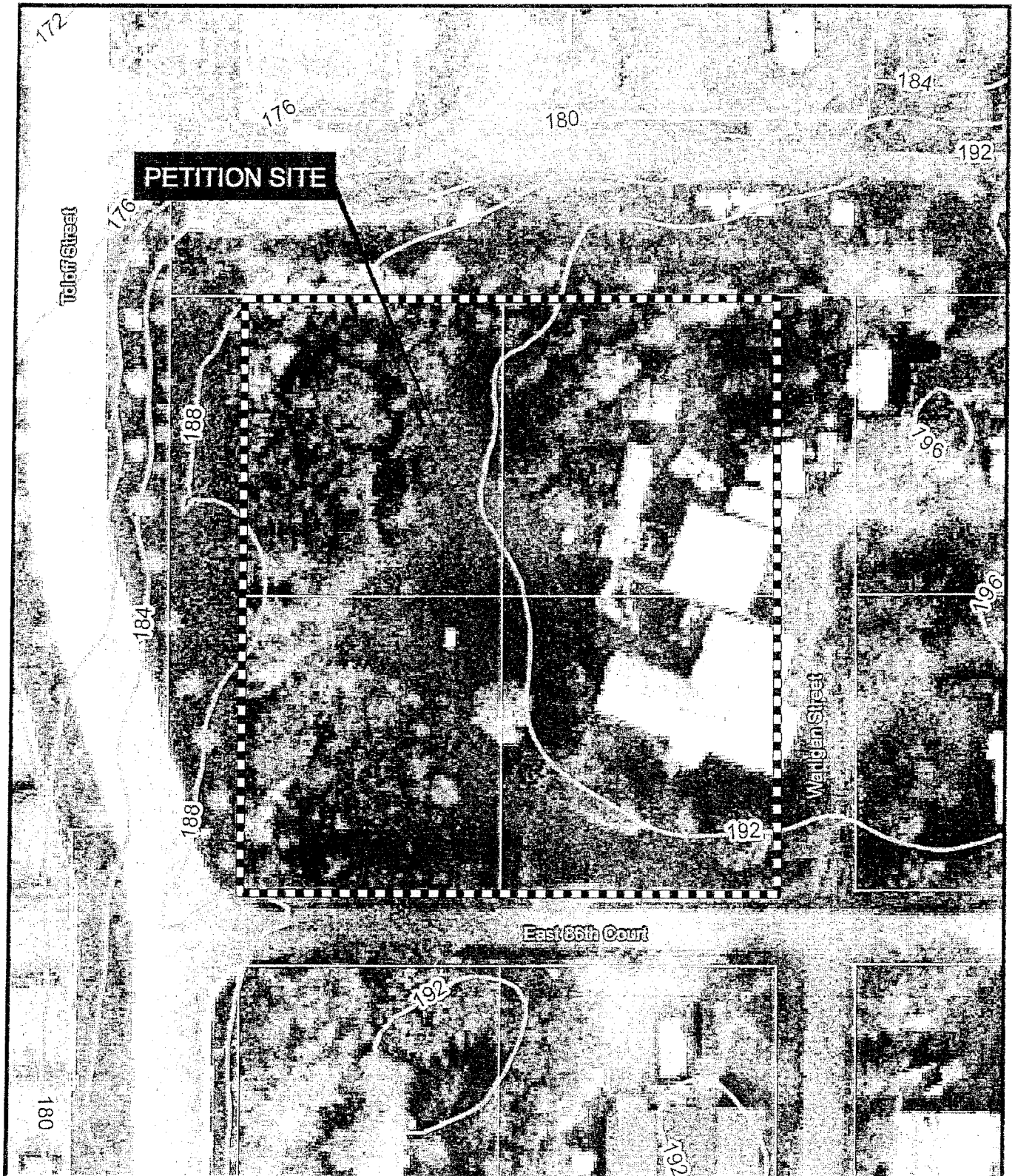
 Mobile Home Park  
 Multi-Family  
 Single Family

0 250 500 Feet



024

# Aerial / Contour



Municipality of Anchorage  
Planning Department  
October 5, 2010

0 75 150 Feet

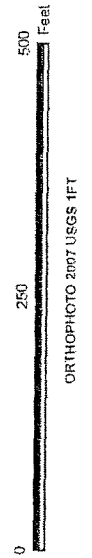
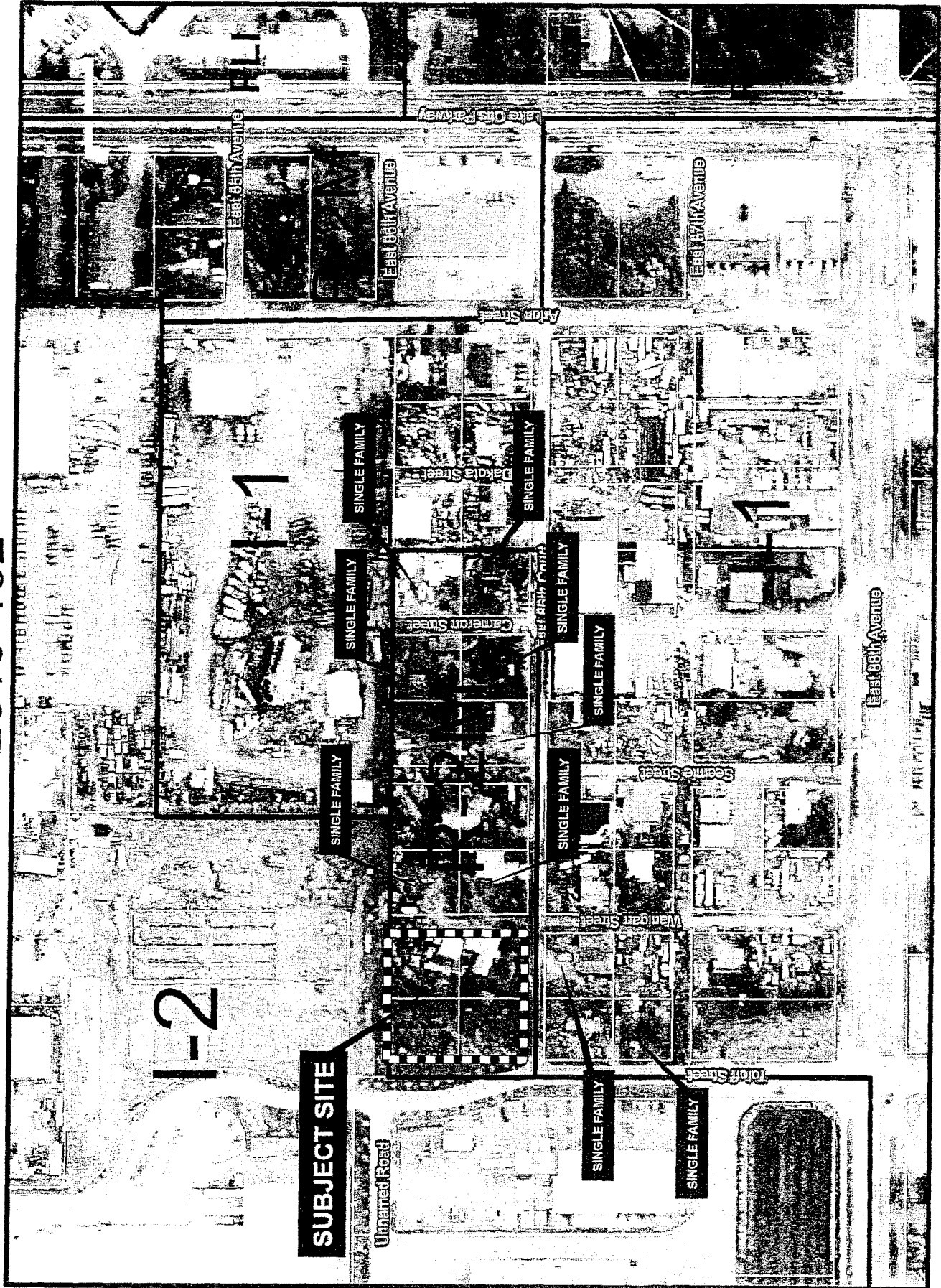
ORTHOPHOTO 2007 USGS 1FT

Elevation  
4' Contours



025

2010-132



Municipality of Anchorage  
Planning Department  
November 9, 2010  
Photo Date 2006





Drive way on  
86<sup>th</sup> (to be  
removed)

31/10/2010 11:37





31/10/2010 11:36

Driveway on 86th

028



Driveway 86M

31/10/2010 11:39

029



East property  
boundary

31/10/2010 11:38



view north on  
Rt 66. Illegal  
storage on right

E 86<sup>th</sup> St

31/10/2010 11:36

031



F 86  
WANGAU

31/10/2010 11:38

032

# REVISED, JOHN WELLS' 1952 ADDITION

LOCATED IN SEC. 8, T12N-R3W, S.M. ALASKA

SHOWING ADDITION OF BLOCK 5, EXTENSION OF BLOCK 1, EXTENSION OF PANCHOTT TRACT, REVISION LOT 15 BLOCK 4, & LOCATION TRACT "A"

NOV. 15, 1952  
REVISED JUNE 22, 1953  
ADDING LOT 5(1-7) BLOCK 1

ANCHORAGE PRECINCT  
Anchorage, Alaska  
FILED FOR RECORD 1953

SURVEYED & DRAWN BY:  
JENNIFER H. JOHNSON  
REGISTERED LAND  
ALASKA NO. 268-S

SURVEYOR

JUN 23 1953

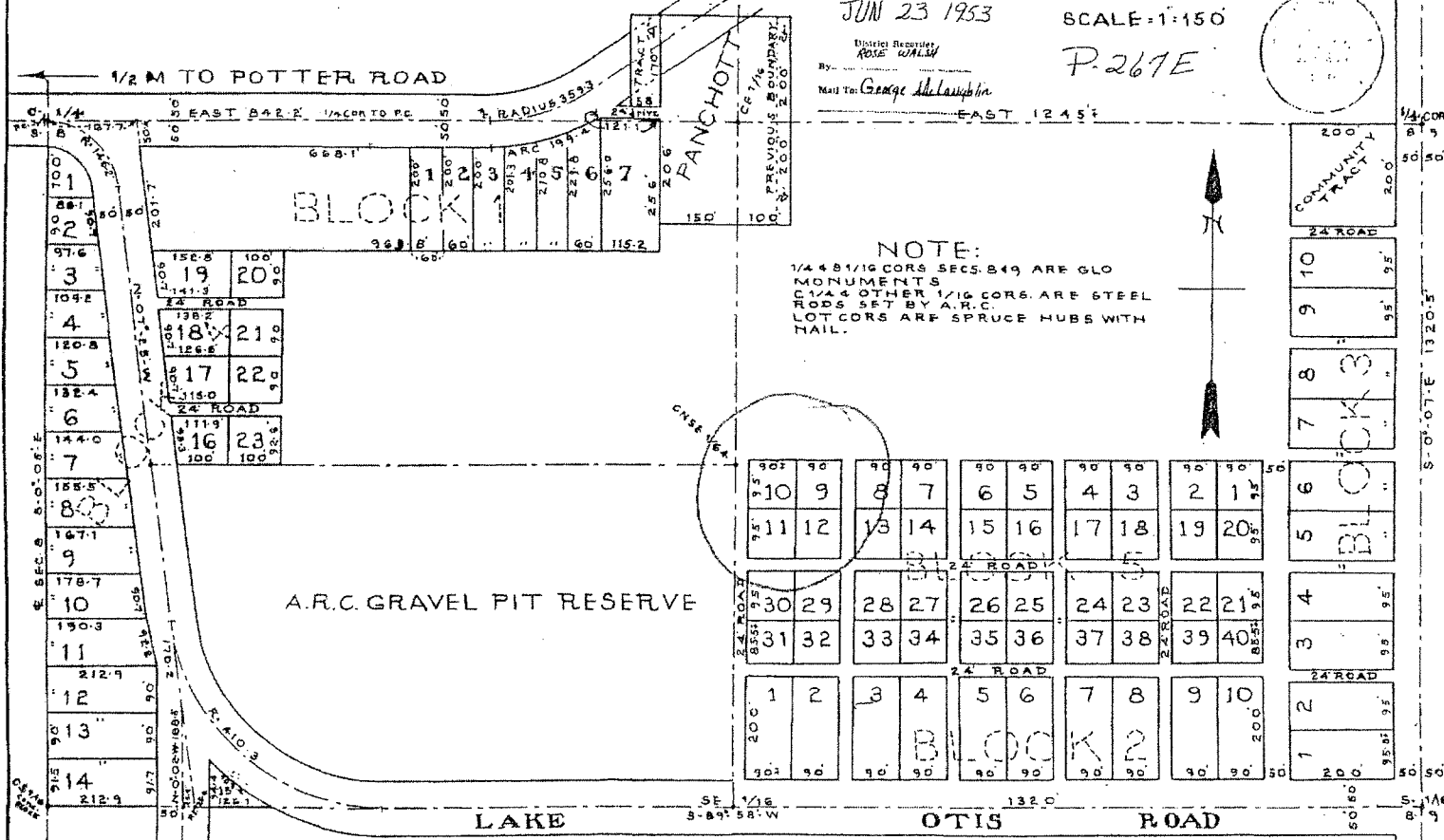
SCALE 1"=150'

By: District Registrar  
ROSE WALSH

Noted By: George McLaughlin

P-267E

EAST 124.5'



2/6/64

ROAD				
	95'	90'	90	90
	10	9	8	
	95'	11	12	13
	95'	30	29	28

# 3

DEPARTMENTAL

COMMENTS



# Hand It to the Inspector Report

Report date: 10/27/2010 10:30:22AM

Case #: LUE103531

Case Date: 6/29/10

Address: 2237 E 86TH CT, Anchorage

Location:

Legal Description: JOHN WELLS 1952 ADDITION BLK 5 LT 9  
THRU 12 G:2333

Agency: Land Use  
Status: Open  
Priority: Low

## Complaint Description:

Using R2M lots as storage yard for commercial equipment

## Contacts:

Contact Type	Name	Phone
Complainant	[REDACTED]	[REDACTED]
Owner	DEMARZO PIERO J & KATHY	
Staff Assigned to Case	Allan Shayer	(907)343-7578

## Hearings Completed:

Hearing Type	Docket #	Hearing Date	Result
--------------	----------	--------------	--------

## Inspections:

Inspector / Inspection Type	Result	Inspected on
Travis Just / LUE-Initial Inspection	Inspection Failed	06/25/2010
Allan Shayer / Response Compliance Inspection	Inspection Failed	09/30/2010
Travis Just / Response Compliance Inspection		

## Log Entries:

- | Date  | Log Type                   | Employee    |
|---|----------------------------|-------------|
| <input type="checkbox"/> 06/29/2010   | Notice of Violation Issued | Travis Just |
| <p>Site visited on 6-25-10 and all trash has been removed. I was at this property in July 2009 after receiving a complaint that KAT Services was storing their commercial equipment on these R2M zoned lots. At that time there was an open driveway permit and only a few commercial items were stored which would be associated with the open permit. At this time it appears lots 10 and 11 have been fully cleared and covered with gravel and there are numerous KAT Services vehicles and equipment being stored. I spoke with the owner, Piero Demarzo (868-8000), during my first contact on 6-22-10 who stated he had spoken with someone in the Planning Department regarding a Rezone as I had suggested to him last year. Piero stated it was going to cost him around \$5,000 to do this so he was using the lot for storage until he could raise the money. I advised Piero this wasn't acceptable and he could not use the R2M lots for a commercial purpose until they were rezoned. I spoke with Mike Walters (MOA ROW) who advised the driveway in which he was permitted to build hasn't been completed and the current work isn't up to standards as well. On my 2nd visit on 6-25-10 I left a message at KAT services requesting Piero contact me. As of today, 6-29-10, I have not been contacted. NOV for using the R2M lots commercially sent via mail. (tmj)</p> |                            |             |
| <input type="checkbox"/> 07/06/2010   | Activity Log Entry         | Travis Just |

Received an email from Francis McLaughlin (Planning Dept.) advising he was working with the owner regarding a rezone.(tmj)

□ 09/30/2010

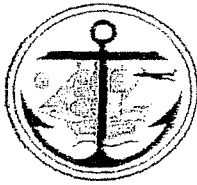
Allan Shayer

Site inspection. Photos. R2M property being used for storage/warehousing with no structure or approved principle use. Commercial vehicles, trailers, grill and furniture on site. I called Mr.Demarzo and explained the violations. I told him I would send a NOV with 10 days to resolve the violation. If he chose to re-plat I would hold in abeyance enforcement action as the administrative procedure took place so long as all paper work and fees were paid within the time frame in the NOV. (AS)

□ 10/07/2010

Allan Shayer

On 10-6-10 Ms Anni-Parham, project manager for Kat Corp. called asking for information on the case and who to contact for rezoning. I directed her to Francis McLaughlin in the Planning Dept.([projectsupervisor@katcorporation.com](mailto:projectsupervisor@katcorporation.com) 886-8000). I also emailed her a copy of the Final NOV, grid map and 100 scale map. (AS)



# MUNICIPALITY OF ANCHORAGE

Development Services Division

Right of Way Section

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



RECEIVED

NOV 4 5 2010

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

**DATE:** November 4, 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 December 6, 2010.

Right of Way Division has reviewed the following case(s) due November 8, 2010.

- 10-128 Independence Park, Block 4, Lot 5A, grid 2433**  
**(Conditional Use for Natural Resource Extraction)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 10-132 John Wells Addition Block 5, Lots 9-12, grid 2333**  
**(Rezoning Request, R-2M to I-1)**  
Right of Way Division has no record of the owner(s) applying for ROW  
Encroachment Permits for the structures in the rights of way.  
Review time 15 minutes.
- 10-133 Girdwood Original Townsite, Block 3, Lots 17-21, grid 5112**  
**(Conditional Use for Utility Substation)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 10-134 Alaska Industrial Lots 4-6, grid 1235**  
**(Conditional Use for Correctional Community Residential Center)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 10-135 Family Service Center, Tract 2, grid 2633**  
**(Conditional Use for a Youth Rehabilitative Facility)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 10-141 Ordinance Amendment**  
**(Title 21 for AMCR 21.20 Regulations Governing Land Use Fees)**  
Title 21.20.040 has no storm water plan review fees.  
Review time 15 minutes.

SEAN PARNELL, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

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

November 3, 2010

RECEIVED

RE: MOA Zoning Review

NOV 04 2010

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

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:

- 2010-127; Conditional Use Permit – Alcohol- The Summit-11001 O'Malley
- 2010-128; Natural Resource Extraction – Independence Park tract 5A block 4
- 2010-132; Rezoning to I-1 Light Industrial District – John Wells Add. Block 5 lots 9-12
- 2010-133; Conditional Use - Utility Substation-Girdwood Original Town site BLK 3  
lots 17-21
- 2010-134; Conditional Use - Correctional Community Residential Center Alaska  
Industrial Sub. Lots 4, 5, 6
- 2010-135; Conditional Use - Youth Habilitative Care Facility - Family Services Center  
Sub. Tr 2
- 2010-136; Site plan & landscape review for public roadway - E. Northern Lights Sound  
Barrier

Sincerely,

  
Mark Parmelee  
Area Planner

/as

*"Providing for the safe movement of people and goods and the delivery of state services."*

039

Stewart, Gloria I.

---

From: Staff, Alton R.  
Sent: Friday, October 29, 2010 11:44 AM  
To: McLaughlin, Francis D.; Stewart, Gloria I.; Graves, Jill A.  
Subject: RE: Zoning Cases - Amended per your request

RECEIVED

OCT 29 2010

MUNICIPALITY OF ANCHORAGE  
PLANNING DIVISION

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

2010-128

2010-132

2010-133

2010-134

2010-135

2010-136

2010-137

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

040

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

OCT 28 2010

MUNICIPALITY OF ANCHORAGE  
PLANNING DIVISION

DATE: October 26, 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 December 6, 2010  
Agency Comments due November 8, 2010

AWWU has reviewed the materials and has the following comments.

**10-128 INDEPENDENCE PARK BLK 4 TR 5A, Zoning conditional use for a natural resource extraction, Grid SW2433**

1. AWWU water and sanitary sewer located in Sentry Drive and Lake Otis Parkway are available to this parcel.
2. AWWU has no objection to this conditional use.

**10-132 JOHN WELLS 1952 ADDITION BLK 5 LT 9 THRU 12, Rezoning to I-1 Light industrial district, Grid SW2333**

1. AWWU water and sanitary sewer currently not available to these parcels.
2. AWWU has no objection to this rezoning.

**10-133 GIRDWOOD ORIGINAL TOWNSITE BLK 3 LTS 17 -21, Zoning conditional use for a utility substation, Grid SE5112**

1. AWWU water not available to these parcels.
2. AWWU sanitary sewer main located in Old West Street and Gold Avenue are available to these parcels.
3. AWWU has no objection to this conditional use.

**10-134 ALASKA INDUSTRIAL BLK 2 LTS 4-6, Zoning conditional use for correctional community residential center, Grid SW1235**

1. AWWU water and sanitary sewer located in Mountain View Drive is available to these parcels.
2. AWWU has no objection to this conditional use.

# 4

## APPLICATION

# Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*		REPRESENTATIVE (IF ANY)	
Name (last name first) DeMarzo, Piero J. & Kathy		Name (last name first)	
Mailing Address 2112 Casey Cusak Loop		Mailing Address	
Anchorage, AK 99575			
Contact Phone: Day: 240-9538 Night:		Contact Phone: Day: Night:	
FAX: 646-2340		FAX:	
E-mail: piero@katcorporation.com			

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

PROPERTY INFORMATION		
Property Tax #(000-000-00-000): 014-261-44-000		
Site Street Address: 2237 E. 86 <sup>th</sup> Court, Anchorage, AK 99518		
Current legal description: (use additional sheet if necessary) John Wells Addition, Block 5, Lots 9-12		
plot P 267E		
Existing Zoning: R2M	Acreage:	Grid # SW2333

PROPOSED ZONING
I1 - Light Industrial

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.

*Kathy Demarzo*

10/8/10

Date Signature

(Agents must provide written proof of authorization)

Accepted by:	Poster & Affidavit	Fee	Case Number 2010-132
--------------	--------------------	-----	----------------------



Application for Zoning Map Amendment continued

**COMPREHENSIVE PLAN INFORMATION**

Anchorage 2020 Urban/Rural Services:    Urban                  Rural			
Anchorage 2020 West Anchorage Planning Area:    Inside                  Outside			
Anchorage 2020 Major Urban Elements: Site is within or abuts:			
Major Employment Center	Redevelopment/Mixed Use Area	Town Center	
Neighborhood Commercial Center	Industrial Center		
Transit - Supportive Development Corridor			
Eagle River-Chugiak-Peters Creek Land Use Classification:			
Commercial	Industrial	Parks/opens space	Public Land Institutions
Marginal land	Alpine/Slope Affected		Special Study
Residential at	dwelling units per acre		
Girdwood- Turnagain Arm			
Commercial	Industrial	Parks/opens space	Public Land Institutions
Marginal land	Alpine/Slope Affected		Special Study
Residential at	dwelling units per acre		

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

Wetland Classification:	None	"C"	"B"	"A"
Avalanche Zone:	None	Blue Zone	Red 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 : LUE 103531 (See Attached)	
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 use is compatible because of the diversity of uses within the surrounding neighborhood or general area:
  - 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 standard and site planning; or
  - c. The proposed use does not conflict with applicable Comprehensive Plan goal and policies.

The Comprehensive Development Plan identifies our property as commercial/industrial. Anchorage 2020 does not identify the property on the land use policy map. Industrial zoned properties are located north, west, and south of the property. We are seeking a rezone to make this property the same.

2. If the proposed zoning map amendment does not conform to the generalized residential intensity (density), explain how rezoning does not alter the plan for the surrounding

We intend to use the property for light industrial - vehicle storage.

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 you development plans under this rezoning?

As soon as rezoning is approved and all necessary permits are obtained.

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 is a small area of property. The surrounding areas are already being used as industrial. Rezoning of the property would bring it into conformance with The Comprehensive Plan.

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:

Surrounding areas are currently being used for industrial

b. Transportation:

Toloff Circle will be our access road and is a fully built street.

c. Public Services and Facilities:

No new services or facilities will be needed.

d. Land Use Patterns:

Property is surrounded on 3 sides by industrially zoned properties.

2. Quantify the amount of undeveloped (vacant) land in the general area having the same 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?

There is a demand for more light industrial zoned property in Anchorage and in this sub-area for the Anchorage Bowl. There are no vacant industrial properties available for use in the area.

neighborhood or general area, utilizing one of the following criteria:

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,

N/A

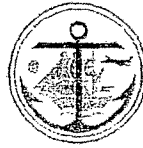
b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

This is a small island of residential zoned properties. It is surrounded by industrial zoned districts and most of this island is already being used for industrial purposes.

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.

Properties to the north and west are zoned for I-2. Property to the south is zoned I-1. It is appropriate to request rezoning of this property to I-1 which is consistent with the surrounding area.

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Development Services Division

Phone: 907-343-8301  
Fax: 907-343-8200

*Mayor Dan Sullivan*

## FINAL NOTICE OF VIOLATION DO NOT DISREGARD THIS NOTICE

October 1, 2010

Piero J. and Kathy Demarzo  
2112 Casey Cusack Loop  
Anchorage, AK 99515

RE: LUE: 103531

Dear Piero J. Demarzo,

Thank you for speaking with me on the telephone yesterday. Our continuing investigation of your properties at John Wells 1952 Addition Subdivision, Lots 10 (zoned R2M) has found them to be maintained and operated as outdoor storage yards. Maintaining an outdoor storage yard consisting of commercial and non commercial vehicles, trailers, commercial equipment, furniture, grill and miscellaneous junk and auto parts is not a permitted principal, accessory or conditional use in the R-2M district. This is in violation of Anchorage Municipal Ordinance (AMC) 21.40.015.B.

During our phone conversation you told me you would apply for and pay any required fees for an application to re-zone these properties within 10 days. Enforcement action will be held in abeyance during the rezone application.

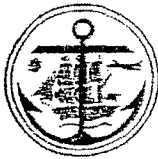
Failure to correct the violation could result in administrative actions outlined in AMC Title 14, Administrative Enforcement, including fines which can range from \$50.00 to \$300.00 per day for each day the violation exists on your property. You may also be subject to action under AMC 21.25 that could result in fines of up to \$250.00 for each day the violation continues.

To obtain any further information, please contact me at 343-7578, or at my e-mail address: shayera@muni.org.

Thank you for your cooperation.

Sincerely,

Allan Shayer  
Land Use Enforcement Officer



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927

Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • [www.muni.org/planning](http://www.muni.org/planning)

Mayor Mark Begich

Planning Department

March 30, 2004

Scott Byron  
2237 E. 86<sup>th</sup> Court  
Anchorage, Ak 99507

PARCEL# 014-261-44  
REFERENCE # 010918  
GRID: SW 2333

Re: Nonconforming Status Determination

Dear Mr. Byron,

We have received your request for a nonconforming determination regarding the property described and located as follows:

- Legal Description: John Wells, block 5, lots 9, 10, 11 & 12
- Site Address: 2237 E. 86
- Tax Code: 014-261-44
- Grid: 2333

This determination is based on information provided by you and information obtained from records available in our office:

- Plat P267E creating this lot was filed on June 23, 1953.
- Municipal property appraisal records reveal a single-family dwelling existed in 1960 on lot 12, an 8,550 square foot lot.
- Municipal property appraisal records reveal a garage existed in 1965 on lot 11, an 8,550 square foot lot.
- The lot was zoned R-2 Two-Family Residential District May 17, 1973.
- An aerial photo, taken by AeroMap and dated May 30, 1973, appears to show the following:
  - The house as it exists on the submitted asbuilt;
  - The garage, greenhouse, and two sheds as they exist on the submitted asbuilt.
- The lot is currently zoned R-2M Multiple-Family Residential District, with the following requirements:
  - Front yard – 20 feet;
  - Side yard – 5 feet;
  - Rear yard – 10 feet.

*Community, Security, Prosperity*

- Per Anchorage Municipal Code (AMC) 21.45.120, "in the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage". Prevailing yard pattern is determined by applying the definitions of front yard and lot width and depth found in AMC 21.35.020.B and 21.75.035.B.
- In the case of a corner lot in a R-2M Multiple-Family Residential District the following applies:
  - Primary front yard - 20 feet;
  - Secondary front yard - 10 feet;
  - Side yards - 5 feet;
  - Rear yard - none.
- In the case of lot 12, the southern property line abuts the primary front yard, the eastern property line abuts the secondary front yard, and the northern and western property lines abut the side yards.
- In the case of lot 11, the southern property line abuts the primary front yard, the western property line abuts the secondary front yard, and the northern and eastern property lines abut the side yards.
- An as-built survey dated June 4, 1996, recertified August 21, 1996 by S & S Engineering shows the following:
  - Lot 12:
    - The house encroaches approximately 10.0 feet into the required secondary front yard along the eastern property line;
    - The fence along the eastern property line encroaches into the Wanigan Street Right-of-Way;
    - The concrete walkway along the eastern property line encroaches into the Wanigan Street Right-of-Way;
    - A BBQ, approximately 4' x 4', encroaches approximately 5.0 feet into the required side yard setback along the northern property line;
    - A gravel driveway exists on both lots 9 and 12;
  - Lot 9:
    - There is no legal principal use or structure on the lot;
    - The garage encroaches approximately 5.0 feet into the required side yard setback along the southern property line;
    - The shed sitting adjacent to the eastern property line encroaches approximately 7.0 feet into the required front yard setback;
    - A gravel driveway exists on both lots 9 and 12;
  - Lot 10:
    - A concrete block foundation that does not appear to have any violations to Anchorage Municipal Code (AMC) Title 21 exists on the lot;
    - The fence along the western property line encroaches into the Toloff Street Right-of-Way;



o Lot 11:

- This appears to be a vacant lot;
- The fence along the western property line encroaches into the Toloff Street Right-of-Way.

Lot 12

The above information indicates the construction of the house was before the date of restrictive zoning; therefore the structure is classified as a legal Nonconforming Structure in regards to the 10.0 foot encroachment into the required secondary front yard, and is regulated by AMC 21.55.040.

The encroachment of the fence and concrete walkway on the eastern side of the lot into the road right-of-way requires an encroachment permit from the Right-of-Way Permitting Section, Development Services Department, with the Municipality of Anchorage to legally remain. Application for the encroachment permit may be made at 4700 South Bragaw Street, 343-8240.

The encroachment of the BBQ onto the adjoining lot along the northern property line is a civil matter, and not an issue with Land Use Enforcement.

The requirement for paving was not in effect until 1981, therefore the gravel drive is a nonconforming characteristic of use, and is governed by AMC 21.55.100.

The gravel drive currently is shared by both lots 9 & 12. There was no evidence found of a joint access or parking agreement between the two lots.

Lot 9

The above information indicates the construction of the garage and the shed was before the date of restrictive zoning; therefore the structures classified as legally Nonconforming Structures in regards to the encroachments into the required yard setbacks, and are regulated by AMC 21.55.040.

The above information indicates the construction of the accessory buildings was before the date of restrictive zoning; therefore the structures are classified as legally Nonconforming Uses of Structures, and are regulated by AMC 21.55.050.

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Lot 10

The encroachment of the fence on the western side of the lot into the road right-of-way requires an encroachment permit from the Right-of-Way Permitting Section, Development Services Department, with the Municipality of Anchorage to legally remain. Application for the encroachment permit may be made at 4700 South Bragaw Street, 343-8240.

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The Municipal Code is now available online at <http://www.muni.org> if you would like to look at the above-mentioned sections. If I may be of further assistance please call me at 343-8335 or fax 343-8437.

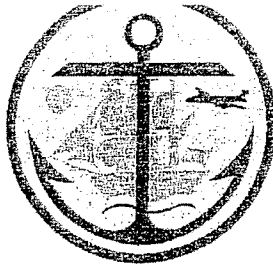
Regards,



Teresa E. Deitz  
Land Use Enforcement Officer

5

**POSTING  
AFFIDAVIT**



RECEIVED

OCT 25 2010

MUNICIPALITY OF ANCHORAGE  
PLATTING DIVISION

# AFFIDAVIT OF POSTING

Case Number: 2010-132

I, Piero DeMarzo, 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 to I-1. The notice was posted on 10-16-10 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 22<sup>nd</sup> day of OCTOBER, 2010.

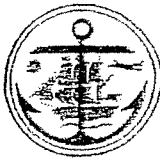
Piero DeMarzo  
Signature

## LEGAL DESCRIPTION

Tract or Lot 9-12  
Block 5  
Subdivision John Wells Addn

# 6

## HISTORICAL INFORMATION



# Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927  
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Mayor Mark Begich

Planning Department

March 30, 2004

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*Community, Security, Prosperity*

- 058

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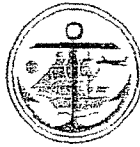
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Regards,



Teresa E. Deitz  
Land Use Enforcement Officer

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Development Services Division

Phone: 907-343-8301  
Fax: 907-343-8200

*Mayor Dan Sullivan*

## FINAL NOTICE OF VIOLATION DO NOT DISREGARD THIS NOTICE

October 1, 2010

Piero J. and Kathy Demarzo  
2112 Casey Cusack Loop  
Anchorage, AK 99515

RE: LUE: 103531

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Thank you for your cooperation.

Sincerely,

Allan Shayer  
Land Use Enforcement Officer

# PARCEL INFORMATION

## OWNER

DEMARZO PIERO J & KATHY

2112 CASEY CUSACK LP

ANCHORAGE AK 99515 2811

Deed 2009 0036127

CHANGES: Deed Date Jun 01, 2009

Name Date Jul 07, 2009

Address Date Jul 07, 2009

## PARCEL

Parcel ID 014-261-44-000

Status

Renumber ID 014-261-30-00000

Site Addr 2237 86TH CT

Comm Concl ABBOTT LOOP

Comments PLAT P-267E

#

01

## TAX INFO

2010 Tax 5,244.69 Balance 0.00 District 003

## LEGAL

JOHN WELLS 1952 ADDITION

BLK 5 LT 9 THRU 12

Unit SQFT 34,200

Plat 000000

Zone R2M Grid SW2333

## HISTORY

	Year	Building	Land	Total
Assmt Final	2008	126,000	221,600	347,600
Assmt Final	2009	124,200	241,200	365,400
Assmt Final	2010	115,600	229,900	345,500
Exemptions				0
State Credit				0
Tax Final				345,500

## PROPERTY INFO

#	Type	Land Use
01	RESIDENTIAL	SINGLE FAMILY

## SALES DATA

Mon	Year	Price	Source	Type
06	2009	350,000	OTHER	LAND & BLDG

# LAND & COMMON PARCEL INFORMATION

## APPRAISAL INFORMATION

Legal JOHN WELLS 1952 ADDITION  
BLK 5 LT 9 THRU 12

Parcel 014-261-44-000

# 01 of 01

Owner DEMARZO PIERO J & KATHY

Site Addr 2237 86TH CT

2112 CASEY CUSACK LP  
ANCHORAGE AK 99515

## LAND INFORMATION

Land Use SINGLE FAMILY  
Class RESIDENTIAL  
Living Units 001  
Community Council 001 ABBOTT LOOP  
Entry: Year/Quality 08 2009 LAND ONLY  
07 200E EXT OWNR/O  
Access Quality GOOD  
Access Type  
Leasehold (Y=Leasehold  
Drainage GOOD  
Front Traffic LOW  
Street DIRT  
Topography EVEN HILLY  
Utilities PRIVATE WATER SEPTIC SYSTEM  
Wellsite N  
Wet Land

## CONDOMINIUM INFORMATION

Common Area 0  
Undivided Interest 0.00

# RESIDENTIAL INVENTORY

## APPRAISAL INFORMATION

Legal JOHN WELLS 1952 ADDITION  
 Site Addr 2237 86TH CT  
 Property Info # Descr SINGLE FAMILY

Parcel 014-261-44-000 # 01 of 01

Owner DEMARZO PIERO J & KATHY

# 01

## RESIDENTIAL STRUCTURE INFORMATION

Style RANCH  
 Exterior Walls ALUM/METAL  
 Year Built 1960  
 Remodeled  
 Effective Year Built 1960  
 Heat Type CENTRAL  
 Heat System HOT WATER  
 Fuel Heat Type NATURAL GAS  
 Extra Value 0  
 0  
 Grade AVERAGE  
 Cost&Design Factor  
 Condition POOR

Story Height 1.0  
 Total Rooms 05  
 Bed Rooms 02  
 Recreation Rooms 0  
 Full Baths 1  
 Half Baths 0  
 Additional Fixtures 0  
 Fireplace Stacks 0  
 Openings 0  
 Free Standing 0  
 E-Z Set Fireplace 1

## AREA

1st Floor 1552  
 2nd Floor 0000  
 3rd Floor 0000  
 Half Floor 0000  
 Attic Area 0000  
 Recroom Area 000000  
 Basement 0000  
 Finished Basement 000000  
 Basement Garage 0  
 Total Living Area 1,552

## CONDOMINIUM INFO

Condo Style  
 Condo Level 00

## ADDITIONS

Basement	1st Floor	2nd Floor	3rd Floor	Area
	ENCLOSED PORCH			0049
	ENCLOSED PORCH			0032

## OTHER BUILDINGS & YARD IMPROVEMENTS

Type	Qty	Yr Built	Size	Grade	Condition
STORAGE SHED -FRAME	01	1965	000216	AVERAGE	AVERAGE
DETACHED GARAGE	01	1965	000480	AVERAGE	AVERAGE

# BUILDING PERMIT INFORMATION

## APPRAISAL INFORMATION

Legal JOHN WELLS 1952 ADDITION  
BLK 5 LT 9 THRU 12

Parcel 014-261-44-000

# 01 of 01

# 01

Owner DEMARZO PIERO J & KATHY

Prop Info # SINGLE FAMILY  
Site Addr 2237 86TH CT

2112 CASEY CUSACK LP  
ANCHORAGE AK 99515

## BUILDING PERMITS

Permit # DET040042

Class Type A

Class Use DETERMINATIONS

Date Mar 25, 2004

Address 2237 86TH CT

Cond Occ/Occ 00000000 I 00000000

Certification

Contract Type OWNER

Name SECORA ELLA P &

E-mail

Phone ( ) -

Fax ( ) -

Address 2237 E 86TH COURT

City/State/Zip ANCHORAGE

AK 99507-3503

Project

Sewer / Water PRIVATE I PRIVATE

Work Type ADMIN

Work Request for Nonconforming Determination

Description

## CASES

Case Number

# of Parcels

Hearing Date

## PERMIT COMMENT

# OWNER HISTORY

## APPRAISAL INFORMATION

Legal JOHN WELLS 1952 ADDITION  
BLK 5 LT 9 THRU 12  
Property Info # Descr SINGLE FAMILY

Parcel 014-261-44-000

# 01 of 01

01

#

Site Address 2237 86TH CT

**Current** 06/01/09

DEMARZO PIERO J & KATHY

2112 CASEY CUSACK LP  
ANCHORAGE

AK 99515 2811

**3rd**

0000 0000 //

**Prev**

2004 0031 05/03/04  
BYRON SCOTT K 50% &  
SCALIS MARGO B 50%

2237 E 86TH CT  
ANCHORAGE

AK 99507

**4th**

0000 0000 //

**2nd**

3647 0000 06/13/00  
SECORA ELLA P &  
BYRON SIGURDUR SCOTT

2237 E 86TH COURT  
ANCHORAGE

AK 99507

**5th**

0000 0000 //