

Submitted by: Assembly Chair Ossiander  
and Mayor Sullivan

Prepared by: Real Estate Department/  
Heritage Land Bank

For reading: October 11, 2011

CLERK'S OFFICE

APPROVED

10-25-11

Date:

ANCHORAGE, ALASKA

AO No. 2011-104

1 AN ORDINANCE AMENDING SECTION 6 OF ASSEMBLY ORDINANCE 2009-104,  
2 WHICH ADOPTED THE CHUGIAK-EAGLE RIVER SITE SPECIFIC LAND USE  
3 PLAN, TO ELIMINATE THE REZONE REQUIREMENTS FOR PROPERTIES  
4 IDENTIFIED AS MULDROW STREET WEST AND MULDROW STREET EAST.

5  
6 THE ANCHORAGE ASSEMBLY ORDAINS:

7  
8 **Section 1.** Section 6 of AO 2009-104 is amended to read as follows (*the*  
9 *remainder of the ordinance is not affected and therefore not set out*):

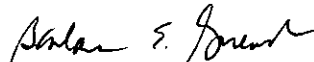
10  
11 The Municipality shall zone the properties with the recommended zoning  
12 identified in Appendix B to the Chugiak-Eagle River Site-specific Land Use  
13 Plan, dated January 2009, incorporated by reference in Section 1 of this AO  
14 2009-104, prior to Heritage Land Bank disposal of the property, except for  
15 the three properties identified as: Muldrow Street West, Muldrow Street East,  
16 and Carol Creek A. Rural Residential. Prior to Heritage Land Bank disposal,  
17 the property identified as [THE THREE PROPERTIES IDENTIFIED AS MULDROW  
18 STREET WEST, MULDROW STREET EAST, AND] Carol Creek A. Rural  
19 Residential, shall be rezoned to R-7SL with a minimum lot size of 40,000  
20 square feet, to effectuate the intent of the plan. The recommended, but not  
21 required, zoning for Muldrow Street West and Muldrow Street East shall be  
22 R-7SL, with a minimum lot size of 40,000 square feet and may be  
23 accomplished after Heritage Land Bank disposal.

24  
25 **Section 2.** This ordinance shall be effective immediately upon passage and  
26 approval by the Assembly.

27  
28 PASSED AND APPROVED by the Anchorage Assembly this 25<sup>th</sup> day of  
29 October, 2011.

30  
31   
32 Chair of the Assembly

33  
34 ATTEST:

35   
36 \_\_\_\_\_  
37 Municipal Clerk

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

AO Number: 2011-104 Title: **AN ORDINANCE AMENDING SECTION 6 OF ASSEMBLY ORDINANCE 2009-104, WHICH AMENDED THE CHUGIAK-EAGLE RIVER SITE SPECIFIC LAND USE PLAN, TO ELIMINATE THE REZONE REQUIREMENTS FOR PROPERTIES IDENTIFIED AS MULDROW STREET WEST AND MULDROW STREET EAST.**

Sponsor: MAYOR  
 Preparing Agency: Real Estate Department/Heritage Land Bank  
 Others Impacted:

**CHANGES IN EXPENDITURES AND REVENUES:** (Thousands of Dollars)

	FY11	FY12	FY13	FY14	FY15
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Service					
5000 Capital Outlay					
<b>TOTAL DIRECT COST</b>	0	0	0	0	0
6000 IGCs	0	0	0	0	0
<b>FUNCTION COST:</b>	0	0	0	0	0
<b>REVENUES:</b>	0	0	0	0	0
<b>CAPITAL:</b>	0	0	0	0	0
<b>POSITIONS: FT/PT and Temp.</b>	0	0	0	0	0

**PUBLIC SECTOR ECONOMIC EFFECTS:** Will facilitate the conveyance of excess public lands to the private sector to generate income for the municipality and potentially enlarge the tax base.

**PRIVATE SECTOR ECONOMIC EFFECTS:** This action would facilitate the speedy conveyance of excess public land to the private sector for development.

Prepared by: **Tammy R Oswald**  
 Real Estate Dept, Director

Telephone: **343-7986**

# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 560-2011

Meeting Date: October 11, 2011

1 **From:** ASSEMBLY CHAIR OSSIANDER AND MAYOR SULLIVAN  
2

3 **Subject:** AN ORDINANCE AMENDING SECTION 6 OF ASSEMBLY  
4 ORDINANCE 2009-104, WHICH ADOPTED THE CHUGIAK-EAGLE  
5 RIVER SITE SPECIFIC LAND USE PLAN, TO ELIMINATE THE  
6 REZONE REQUIREMENTS FOR PROPERTIES IDENTIFIED AS  
7 MULDROW STREET WEST AND MULDROW STREET EAST.  
8

9 The Heritage Land Bank (HLB) is requesting the Anchorage Municipal Assembly  
10 amend Section 6 of AO 2009-104, an ordinance amending the Chugiak-Eagle  
11 River-Eklutna element of the Municipality of Anchorage (MOA) Comprehensive  
12 Plan, to delete additional requirements regarding the disposal of municipal land  
13 added to the plan pursuant to AO 2009-104 (attached, without appendices, as  
14 **Appendix A**).  
15

16 The Chugiak Eagle River Site-Specific Land Use Plan (CERSUP) amended the  
17 Anchorage Comprehensive Plan by assigning and amending land use  
18 classifications on four tracts of land totaling approximately 145 acres. The Chugiak-  
19 Eagle River-Eklutna element of the Comprehensive Plan was amended to adopt  
20 CERSUP, with amendments added by the Planning and Zoning Commission and  
21 the Assembly to AO 2009-104 on September 15, 2009.  
22

23 The pertinent properties are referred to in the CERSUP as Muldrow Street West  
24 and Muldrow Street East, two parcels totaling about 10.05 acres. As a result of the  
25 planning process, it was ordained that these properties be zoned R-7SL with a  
26 minimum lot size of 40,000 square feet, requiring rezoning of each parcel prior to  
27 development. The properties are currently in the HLB inventory and are proposed  
28 to be sold to generate municipal income.  
29

30 A rezoning action must first be heard by the Planning and Zoning Commission and  
31 then by the Assembly. Pursuant to AMCR 21.20.002, rezoning of these two parcels  
32 would cost MOA \$14,800. The process would take a minimum estimated three to  
33 six months. Rezoning prior to HLB disposal would not only delay the sale of the  
34 property but would require a significant expenditure of staff time and funding.  
35

36 It is HLB's recommendation to allow disposal of property without undertaking  
37 rezoning, leaving rezoning action to the purchaser as it is more efficient and cost-  
38 effective to leave zoning actions to the buyer who will ultimately develop the land.  
39 Since there may be a substantial lapse of time between purchase and development,  
40 there is great potential for changes in municipal requirements in the interim, which  
41 would necessitate yet another zoning action before development can occur.  
42 Rezoning by the MOA prior to sale, and passing the expense on to the buyer, is  
43 likely to negatively affect marketability.

44 Before any development could occur, the land must have the appropriate zoning

1 consistent with the Comprehensive Plan. Pursuant to AO 2009-104, CERSUP, now  
2 incorporated into the Comprehensive Plan, recommends that the zoning for these  
3 two parcels be R-7SL with a minimum lot size of 40,000 square feet.

4  
5 In order to allow HLB to place the properties on the market sooner and to save MOA  
6 the up-front rezoning expense, the amendment proposed herein would delete the  
7 requirement that the Muldrow Street West and Muldrow Street East properties be  
8 rezoned prior to sale by MOA, while retaining a recommended zoning of R-7SL with  
9 a minimum lot size of 40,000 square feet.

10  
11 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
12 **AMENDING SECTION 6 OF ASSEMBLY ORDINANCE 2009-104, WHICH**  
13 **ADOPTED THE CHUGIAK-EAGLE RIVER SITE SPECIFIC LAND USE PLAN, TO**  
14 **ELIMINATE THE REZONE REQUIREMENTS FOR PROPERTIES IDENTIFIED AS**  
15 **MULDROW STREET WEST AND MULDROW STREET EAST.**

16  
17 Prepared by: Real Estate Department  
18 Approved: Tammy R. Oswald, Executive Director,  
19 Real Estate Dept.  
20 Concur: Dennis A. Wheeler, Municipal Attorney  
21 Concur: George J. Vakalis, Municipal Manager  
22 Respectfully submitted: Debbie Ossiander, Assembly Chair and Daniel A.  
23 Sullivan, Mayor

24  
25 Appendix A: AO 2009-104

ANCHORAGE, ALASKA  
AO No. 2009-104

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION  
2 21.05.030C., THE CHUGIAK-EAGLE RIVER-EKLUTNA PORTION OF THE  
3 MUNICIPALITY OF ANCHORAGE COMPREHENSIVE PLAN, TO ADOPT THE  
4 CHUGIAK-EAGLE RIVER SITE SPECIFIC LAND USE PLAN.  
5  
6

7 THE ANCHORAGE ASSEMBLY ORDAINS:  
8

9 **Section 1.** The Chugiak-Eagle River-Eklutna element of the Municipality of Anchorage  
10 Comprehensive Plan is amended to adopt the Chugiak-Eagle River Site-Specific Land Use  
11 Plan, dated January 2009, incorporated by reference herein and submitted to the Anchorage  
12 Assembly herewith, and further incorporating the revisions to the plan as recommended by the  
13 Planning and Zoning Commission in Resolution No. 2009-026 (**Appendix B**), **except as**  
14 **provided herein.**  
15

16 **Section 2.** The adoption of the Chugiak-Eagle River Site Specific Land Use Study as an  
17 element of the Chugiak-Eagle River-Eklutna Comprehensive Plan satisfies the requirement  
18 that Heritage Land Bank disposals require a site specific land use study per Anchorage  
19 Municipal Code 25.40.025C.  
20

21 **Section 3.** Anchorage Municipal Code subsection 21.05.030C. is amended to read as  
22 follows (*the remainder of the section is not affected, and therefore not set out*):  
23

24 **21.05.030 Elements**  
25

26 The comprehensive plan consists of the following elements, which are  
27 incorporated into this chapter by reference. While they may be valid planning  
28 tools, plans or other elements that are not listed below or incorporated into the  
29 comprehensive plan elsewhere in this Code are not official elements of the  
30 comprehensive plan. If elements of the comprehensive plan conflict, the  
31 element most recently adopted shall govern.  
32

33 \*\*\* \*\*

34 C. *Chugiak, Eagle River, Eklutna*  
35

- 36 1. Chugiak-Eagle River Comprehensive Plan, January 1993;  
37 amended by Alternative 1 of HLB Parcel 1-085 Land Use  
38 Study, May 1996; amended by Chugiak-Eagle River  
39 Comprehensive Plan Update, April 2006; amended by  
40 Chugiak-Eagle River Site Specific Land Use Plan, January  
41 2009 (AO No. 79-136, AO No. 92-133; AO No. 96-86, AO No.  
42 2006-93(S-1); AO No. 2006-93(S-1), § 2, 12-12-06).  
43

44 \*\*\* \*\*

(AO No. 18-75; AO No. 82-49; AO No. 85-165; AO No. 2000-119(S), § 4, 2-20-01; AO No. 2001-124(S), § 2, 2-20-01; AO No. 2002-68, § 1, 4-23-02; AO No. 2002-119, § 1, 9-10-02; AO No. 2003-74, § 1, 5-20-03; AO No. 2003-129, § 2, 10-21-03; AO No. 2005-115, § 3, 10-25-05; AO No. 2006-93(S-1), § 2, 12-12-06; AO No. 2007-107, § 2, 8-28-07; AO No. 2008-74, § 2, 6-24-08).

**Section 4.** AO 2006-172 (Title 21 Amendment), adopting Anchorage Municipal Code section 21.01.080B.1, Table 21.01-1 Comprehensive Plan Elements, is amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 92-133; 1-12-93	AO 96-86; 6-25-96 – amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 06-93(S-1); 12-12-06 AO 09-(insert no.) : (insert effective date of this ordinance) – Chugiak Eagle River Site Specific Land Use Plan

**Section 5.** Upon passage and approval of this ordinance, the Land Use Plan map of the Chugiak-Eagle River Comprehensive Plan, as amended, shall be revised to incorporate land use classifications as specified in the Chugiak-Eagle River Site Specific Land Use Plan, January 2009, adopted by section 1 above.

**Section 6.** The Municipality shall zone the properties with the recommended zoning identified in Appendix B to the Chugiak-Eagle River Site-Specific Land Use Plan, dated January 2009, incorporated by reference in Section 1 of this AO 2009-104, prior to Heritage Land Bank disposal of the property, except for the three properties identified as: Muldrow Street West, Muldrow Street East, and Carol Creek A. Rural Residential. Prior to Heritage Land Bank disposal, the three properties identified as Muldrow Street West, Muldrow Street East, and Carol Creek A. Rural Residential, shall be rezoned to R-7SL with a minimum lot size of 40,000 square feet, to effectuate the intent of the plan.

**Section 7 [6].** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 15<sup>th</sup> day of September, 2009.

  
Chair of the Assembly

ATTEST:

  
Municipal Clerk