

ALASKA

2016-006303-0

Recording District 301 ANCHORAGE
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NOTE

Send original recorded document to:

Municipality of Anchorage
Current Planning Section
Planning Division
PO Box 196650
Anchorage, AK 99519-6650

THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR ANCHORAGE RECORDING DISTRICT DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

NOTICE OF ZONING ACTION


This notice announces that a conditional use to allow a natural resource extraction has been duly approved by the Planning and Zoning Commission of the Municipal Planning Department providing for the development of the herein described property in accordance with the provisions of the Anchorage Municipal Code of Ordinances and the terms and conditions of the conditional use approval as set forth in the Municipal zoning file 2014-0195. Under the provisions of the specified ordinance the subsequent development of the subject property shall be in accordance with the terms of the approved conditional use or any subsequent amendments hereto.

LEGAL: Checkpoint Subdivision, Tract A, S.M., Anchorage Recording District, Anchorage, Alaska. Generally located south of Boundary Avenue, east of Newell Street, and west of Whisperwood Park Drive.

PETITIONER: Spinell Homes, Inc.

REQUEST: Conditional Use for a temporary natural resource extraction in accordance with AMC 21.05.060B.6. and AMC 21.50.070.

ATTACHMENT: Copy of the Municipality of Anchorage, Planning and Zoning Commission Resolution No. 2015-030.



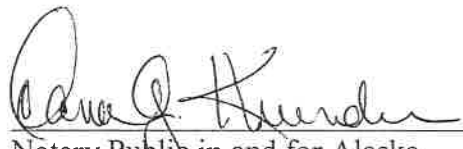
Director
Municipality of Anchorage
Planning Department

STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the 17th day of Feb, 2016 before me, the undersigned, a Notary Public in and for Alaska, personally appeared David Whitfield, to me known to be the duly appointed representative of the Director of the Planning Department and acknowledged to me that he had in his official capacity aforesaid executed the forgoing instrument as an act and deed of the Municipality of Anchorage for the uses and purposes therein stated.

WITNESS my hand and notarial seal on the 17th day of Feb, 2016 in this certificate first above written.





Notary Public in and for Alaska
My Commission expires: Mar. 10, 2019



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2015-030

A RESOLUTION APPROVING A CONDITIONAL USE TO ALLOW A NATURAL RESOURCE EXTRACTION PER AMC 21.05.060B.6. IN THE R-3 AND R-4 DISTRICTS, LOCATED IN CHECKPOINT SUBDIVISION, TRACT A, GENERALLY LOCATED SOUTH OF BOUNDARY AVENUE BETWEEN TURPIN STREET AND BONIFACE PARKWAY.

(Case 2014-0195; Parcel ID No. 006-421-18)

WHEREAS, a request was received from American Landscaping and Spinell Homes for a conditional use for a natural resource extraction in a R-3 (mixed residential) district and R-4 (multifamily residential) district; and

WHEREAS, this request was processed under the "new" Title 21; and

WHEREAS, public hearing notices were mailed, published, and posted, and a public hearing was held on July 6, 2015.

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

A. The Commission makes the following findings of fact:

1. The petitioners' request is to excavate and process the existing peat and organic material on the southern portion of Tract A into planting soil. A screening plant will be set up for processing materials on the northern portion of Tract A. Peat will also be brought in from other sites for processing. The materials will be run through the screening plant, mixed with imported sand and other soil constituents, and loaded onto trucks for delivery to purchasers on an as-needed basis.
2. The peat extraction and screening is an interim activity on the property. Once the extraction activities are complete, future residential development is planned. This activity may continue while Tract A is being developed for building sites.
3. The natural resource extraction meets standard 21.05.060B.6. and is supported by staff testimony. The restrictions placed on the operation are adequate to maintain a dust and noise free environment for the adjacent properties.

B. The Commission APPROVES the conditional use, subject to the following conditions:

1. A notice of zoning action, including a copy of the approved Commission resolution for this case, shall be filed with the State Recorder's Office and proof of such shall be submitted to the Planning Division.



2. This approval is subject to compliance with all standards for conditional uses and the petitioner's application and submittals. All construction shall substantially conform to the following submitted plans on file at the Planning Division, except as amended:
 - a. Checkpoint Subdivision Tract A; A Natural Resource Extraction Plan dated 4/23/2015; prepared by S4 Group.
 - b. Checkpoint Subdivision, Planting Plan, sheet L101 dated 4/23/2015 prepared by Corvus Design.
 - c. Plans shall be amended to show direct access to Newell Street rather than direct access from Boundary Avenue.
3. This approval is valid until October 31, 2018. Prior to that date, the petitioner may apply for a time extension which shall be a public hearing.
4. Resolve the need for a drainage plan and a plan for the treatment of stormwater runoff to Municipal Development Services Division, Private Development Section and Street Maintenance Section for review and approval and compliance with generally accepted sound engineering principles.
5. Provide a noise study and mitigation plan approved by DHHS.
6. Provide a dust control plan approved by DHHS.
7. Provide the following required information to the Current Planning Section:
 - a. A more specific estimate of the quantity of materials to be removed from the site, with supporting calculations conforming to generally accepted engineering principles.
 - b. A restoration/revegetation plan, showing how the site will be stabilized prior to housing construction.
 - c. Existing and proposed contours for the southern half of the site.
 - d. Information regarding overburden and debris disposition.
 - e. An erosion and sediment control plan.
 - f. A waste disposal plan.



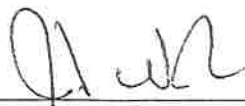
- g. Missing information regarding the community meeting, as required by AMC 21.03.020C.6., as noted on page 3 of this report.
- 8. Resolve issues with the Street Maintenance Section.
- 9. Operational hours for all work, including excavation, processing, hauling, and maintenance, shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday. No operations will be permitted on Saturday and Sunday or state and federal holidays.
- 10. The operation of the site shall include the following:
 - a. The telephone number of the contractor selected to perform the work, as well as a contact telephone number for the owners, shall be placed on site. The sign shall be of sufficient size to be visible from the adjacent roadways and the view of the sign shall be unobstructed by equipment, machinery, vegetation and the like.
 - b. Access roads shall be maintained in a clean and dust/dirt free condition. On-site personnel shall have total authority to direct road clean-up and maintenance operations as needed. On-site personnel shall have the authority to call a sweeper, water truck and motor grader, as necessary, and to respond to specific site conditions or complaints.
 - c. Circulation roads within the excavation area shall be maintained to minimize materials carried onto the adjacent roads and properties. Installation of a truck wash, shaker boards, or other method of truck cleaning shall be prepared and implemented to prevent tracking of materials onto adjacent roads.
 - d. The owners shall identify contact people to respond to public inquiries. The telephone numbers of the contact people shall be provided to the Current Planning Section, Chair of the Northeast Community Council, and the Manager, Land Use Enforcement. All three entities shall be notified of any change in the contact personnel or business telephone number(s).
- 11. Direct access to Boundary Drive is contingent upon the removal of Plat Note 1 and obtaining a permit from ADOT for access from Boundary Avenue, and access to Newell Street is contingent upon receiving a driveway permit from the MOA. Provide a copy of the permit to the Planning Division.
- 12. Ensure compliance with water quality requirements with Watershed Management Services.



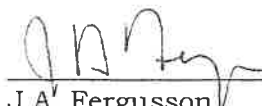
13. Prior to beginning extraction activities, a 6' tall chain link fence shall be installed enclosing Tract A for the duration of the peat extraction and processing operation to prevent casual access to the site.
14. Provide a haul route plan to the Traffic Division.
15. Install L3 screening landscaping between the operations area and adjacent residential zones prior to extraction activities. Provide a landscape plan to the Planning Division for approval prior to installation.
16. Submit two copies of the final scaled site plan, as amended by this conditional use, to include, but not limited to:
 - a. The excavation area boundaries.
 - b. Traffic access points, including gates and fencing.
 - c. Location of truck wash, shaker boards, cleaning areas, etc.
 - d. Show location and detail of safety fencing.
 - e. Clearly delineate any areas of existing vegetation to be preserved and indicate how these areas will be cordoned to prevent inadvertent removal or damage.
17. Any placement of fill will require a grading permit from Building Safety.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission on the 6th day of July, 2015.

ADOPTED by the Anchorage Planning and Zoning Commission this 10th day of August, 2015. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty days to the Board of Adjustment pursuant to Anchorage Municipal Code section 21.03.050.



Jerry T. Weaver, Jr.
Secretary



J.A. Fergusson
Chair

(Case 2014-0195; Parcel ID No. 006-421-18)

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