

# Planning and Zoning Commission

November 18, 2024

Case #: **2024-0124**

Case Title: **Review and Recommendation on AO 2024-99,  
Text Amendments to AMC 21.03.160,  
to Prohibit the Inclusion of Special Limitations  
in Approving an Amendment to the Zoning Map**

Agenda Item #: **G.1.**      Supplementary Packet #: **1**

☒ Comments submitted after the packet was finalized

☐ Additional information:

☐ Other:

Sent by email:   **X**   yes                 no

## Mckenna-Foster, Daniel R.

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**From:** Kimmel, Corliss A.  
**Sent:** Thursday, November 14, 2024 10:21 AM  
**To:** Yelle, Ryan J; Perry, Susan; Mckenna-Foster, Daniel R.  
**Subject:** FW: Comments PZC CASE NO: 2024-0124 Regarding elimination of SLs

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**From:** John Weddleton <john@weddleton.com>  
**Sent:** Thursday, November 14, 2024 10:19 AM  
**To:** Kimmel, Corliss A. <corliss.kimmel@anchorageak.gov>; Blake, Lori A. <lori.blake@anchorageak.gov>  
**Subject:** Comments PZC CASE NO: 2024-0124 Regarding elimination of SLs

### [EXTERNAL EMAIL]

Good morning,

A case in support of retaining the use of Special Limitations follows. Thanks for your consideration.

John Weddleton  
907-770-0685

Generally, Special Limitations allow a way towards more intensive use of land in Anchorage. SLs are a useful tool that should be retained.

Issues raised by the Assembly sponsors:

1. Does an SL restrict use of a parcel or allow more intensive use?
2. Is it hard to discover what an SL is for a property?
3. Are there alternatives that are better than using SLs?

1. Does an SL restrict use of a parcel or allow more intensive use?

The Assembly's AM states:

"... widespread use of SLs over decades has had significant negative impacts on several property owners' ability to build projects, and the continued use of this practice is directly contrary to our goals to facilitate more housing development in the city."

and

"While the municipality can place nuanced rules and limitations on individual properties, it must be balanced against the principle that regulation must not be arbitrary and capricious: that properties with similar characteristics, with the same zoning rules applied to them, should have essentially similar entitlement to by right or conditional uses."

Requirements in code can be seen as a negative impact of a property owner's ability to build a project. In terms of SLs, it can be the opposite. A typical rezone is a request to be able to do more with a parcel by

rezoning it. It is often a context relevant feature of the parcel that an SL can address that allows the rezone to be approved in line with the comprehensive plan and the surrounding neighborhood. Without the rezone, the parcel would typically have *less* ability to develop. Without the SL, there would be no rezone.

It's important to keep sight of the starting point. The initial zoning is logically more restrictive than the new zoning even with the SL. With this perspective, it is hard to see a rezone from R-1 to R-3SL as more restrictive. The SL should be seen as allowing a change to more intense development. Since a property owner could reject a rezone, if an SL decreased the use of a property from its original zoning, it's hard to imagine a property owner who would accept the rezone.

The purposes for SLs show in 21.03.160.G.1 and 2 support their continued use. These show the usefulness of SLs where those purposes include 'conforming to the comprehensive plan, further the goals of the comprehensive plan, mitigate adverse effects ...' These point to the importance of SLs in creating an opportunity to rezone to a higher intensity district.

## 2. Is it hard to discover what an SL is for a property?

The Assembly's AM states:

"The fact that SLs are individually defined in ordinances, not in code, also means they are opaque to the property owner, and are often only discovered through a development application and review process.' P.4

This is an odd complaint. Current code specifies 'A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL" and the number of the ordinance applying the special limitations shall be printed on the zoning map.' Anyone buying a piece of property would look at the zoning and can easily find the AO that has the special limitation. Any property with an SL is clearly shown in the zoning.

Rather than toss a useful tool for allowing more development in Anchorage, figure out what trouble people have learning what the SL is and fix that. Our Assessor can add the relevant AO number to the public info in CAMA.

## 3. Are there alternatives that are better than using SLs?

In Exhibit A The 'Existing Planning Regulatory Tools to Modify Zoning Entitlements' do not cleanly address limitations that reflect the context of some rezones. They would be add-on actions alongside a rezone.

The Assembly's AM states:

"Because they are created in an ordinance, special limitations can be, and have been, removed by ordinance: one example is an SL on an Eagle River property's legal access points to existing roads, which was removed in 2016 from the property by Assembly Ordinance (AO 2016-119).' The memorandum described the alternative option for the property owner, a new rezone application to remove the SL, as "unnecessary and burdensome." P.4

Should the context or comprehensive plan change and make an SL no longer relevant, changing it through an ordinance is reasonable.

Special Limitations offer a flexible and collaborative tool to gain more use of scarce land in Anchorage. Shortcomings regarding any difficulty in determining what the SL can be fixed by following code and using our flexible new CAMA system. Without SLs, we would have fewer rezones to higher intensity use. SLs should remain a tool in the box.