

# Application for Conditional Use

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



PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first) American Landscaping	Spinell Homes	Name (last name first) S4 Group	
Mailing Address 1313 Laona Cir.	1900 W Northern Lights	Mailing Address 124 E 7th Avenue	
Anchorage, AK 99518	Anchorage, AK 99517	Anchorage, AK 99501	
Contact Phone – Day 563-3804	Evening 343-1600	Contact Phone – Day 306-8104	Evening
Fax		Fax	
E-mail americanland@alaska.net	andre@spinellhomes.com	E-mail Tom@S4AK.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):	006-421-18-000	
Site Street Address:	WHISPERWOOD PARK DRIVE ANCHORAGE, AK	
Current legal description: (use additional sheet if necessary)	TRACT A, CHECKPOINT SUBDIVISION, AS PER PLAT 2012-96. RECORDS OF THE ANCHORAGE RECORDING DISTRICT.	
Zoning: R4, R3	Acreage: 16.2 Acres	Grid #: SW1238

CONDITIONAL USE APPROVAL REQUESTED	
Use:	NATURAL RESOURCE EXTRACTION
<input checked="" type="checkbox"/> New conditional use	<input type="checkbox"/> Amendment to approved conditional use Original Case #:

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit 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 conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Planning and Zoning Commission for administrative reasons.

Signature  Owner  Representative  Date 11/6/14  
 (Representatives must provide written proof of authorization)

THOMAS DREYER  
 Print Name

Accepted by: <u>Smo</u>	Poster & Affidavit: <u>4+1</u>	Fee: <u>\$9,900.00</u>	Case Number: <u>2014-0195</u>	Requested Meeting Date: <u>1-12-15 P2C</u>
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Land Surveying  
Land Development Consultants  
Subdivision Specialists  
Construction Surveying

124 E 7th Avenue, Anchorage, Alaska 99501 www.S4AK.com 907-306-8104

November 6, 2014

Attachment 'A'  
Narrative  
Checkpoint Natural Resources Extraction  
Conditional Use Permit Application  
(New Code)

**The Project:** A natural resource extraction operation to excavate the overburden and peat and other soils, and receive from other sites in Anchorage, materials to screen and load onto trucks for delivery. The site's legal description is Tract 'A' Checkpoint Subdivision, generally located south of Boundary Avenue, north of Honeysuckle Avenue, East of Newell Street, and west of Mac Arthur Place and west of Shageluk Street.

**Planning Objectives:** The planning objective is to remove the peat from the site, preparing the site for future developments as permitted by the underlying zoning, and to process material from other sites in Anchorage during the time frame that Tract A Checkpoint is being developed.

**Facility Operations:** The operations will consist of the excavation of materials such as peat and other soils, from their current locations, stockpiling the materials, then screening and processing the material for loading onto trucks for delivery.

**Construction & Operations Schedule:** The peat removal operations schedule is from 7:00 am to 7:00 pm, 7 days a week.

**Final Ownership:** The NRE permit does not change the ownership of the parcels.

**Gross & Net Density:** This application is only for a temporary natural resources extraction conditional use permit, there is no affect on densities.

**Community Participation:** As per new code Title 21, we held a community meeting on June 29, 2014 at 6:00 PM, in the location that the Northeast Community Council usually holds their monthly meetings, the Boys & Girls Club located at 1251 Muldoon Road, Suite 153. We mailed out approx. 1,000 mailers, the mailing list was provided by the MOA Planning Department. One member of the CC board, Mr. David Ulmer, attended the meeting. We presented the case to him and took questions afterward. My Ulmer asked to what depth we were excavating, and we responded that the depth is

dependent on how deep the peat is, but we are expecting the depth to be between 2 feet and 8 feet. Mr. Ulmer also asked how long the excavation would go on for, and we responded that it would most likely take between two and five years, depending on the economy. Mr. Ulmer stated that he was fine with the Conditional Use Permit, but of course there was not enough attendees for a vote. We offered to Mr. Ulmer that we would be more than willing to give another presentation to the CC board if they so desired. The meeting adjourned at 6:40 pm.

***General Conditional Use Standards (AMC 21.03.080.D)***

***1. The proposed use is consistent with the Comprehensive Plan and all applicable provisions of this title and applicable state and federal regulations;***

Response: This NRE is consistent with the Comprehensive Plan, and the East Anchorage District Plan, dated March, 2014. (Public Hearing Draft) The EADP went before the Planning & Zoning Commission on August 4, 2014. (PZC Case No. 2015-0064.) The plan was approved with modification as per P&Z Resolution No 2014-044. The EADP is on the Assembly agenda for introduction on November 4th, 2014

. The 2020 Anchorage Bowl Comprehensive Plan, on page 65, states: "*Encourage an adequate supply of quality, affordable housing that meets the diverse needs of Anchorage residents and that integrates with other housing to balance neighborhoods.*" This NRE permit is the first step for the proper development of this parcel of land. Removing the peat and other soils will provide the first step in the future development plans of higher density housing as the underlying zoning permits.

***2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district specific standards set forth in chapter 21.04:***

Response: Natural resource extraction is a use specified in this zoning district as a conditional use, as per Title 21.05-1, Table of Allowed Uses. (Page 5-15) It should be noted that the area north of Whisperwood Park Drive is zoned R-4, and the area south of Whisperwood Park Drive is zoned R-3. Both the R-3 & R-4 zoning districts allow NRE through the Conditional Use process. This NRE is a temporary use, and does not affect the long-term intents and purposes of the zoning code. While the NRE is being completed, the site will be developed within Title 21 zoning regulations.

***3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;***

Natural resource extraction specific standards are listed in Title 21.05.060.B.6. (Page 5-81.) In subsection a, the definition of natural resource extraction states; "*The development of extraction of organic and/or inorganic material from it's natural occurrence's on affected land. This use includes placer mining operations in which rock*

*byproducts is removed from the premises. This use also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of a subdivision agreement is not included."*

Response: It is expected the amount of material for extraction will be from 60,000 to 200,000 cubic yards.

Subsection b. lists use specific standards for natural resource extraction; (Only the pertinent ones are listed here.)

***b.i. "Limit on Site Size. Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more."***

Response: The Checkpoint site is 16 acres.

b.ii deals with placer mining and is not applicable to this site.

b.iii deals with the use and handling of explosives, and since no explosives will be utilized, is not applicable to this site.

***b.iv. Screening. At a minimum, L3 screening landscaping is required where adjacent to residential zones. The planning and zoning commission, through the conditional use review, may require additional screening."***

Response: L3 screening, as per title 21.07-1, (page 7-63.) is required to be 30 feet wide, except as allowed by the Optional Design Standards. Along the north side of the property is an existing 30' highway screening easement, where, except for the proposed two access driveways, the existing vegetation will remain. Along the west property line is Newell Street, an unimproved 40' public road easement, 30' of existing vegetation will remain along this border. Along the easterly boundary lines lie areas that are being currently developed with duplexes and multi-family residential houses. The area south of Whisperwood Park Drive is being built with duplex style houses, and the area along the eastern boundary north of Whisperwood Park Drive has been approved for development by the Platting Board and the engineering plans have been submitted for approval to the MOA Public Works Department.

***b.v. Required Submittals. In addition to the general submittal requirements applicable to all site plans specified in the Title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of public works for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES)***

**permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.**

Response: As of date, the user's guide has not been completed. This site plan will be subject to all of the applicable review agencies as listed above.

**b.vi. Standards for Approval. In addition to the conditional use standards of approval at 21.03.080.D., the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards;**

**A. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free.**

Response: The two access points for Checkpoint will be directly to Boundary Avenue. Water trucks will be utilized to keep dust at a minimum.

**B. The extraction will not pose a hazard to the public health and safety.**

Response: All OSHA safety standards will be strictly enforced and maintained on-site.

**C. The extraction operation will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land use.**

Response: Noise will be kept to a minimum and at specific hours of operation as approved. Dust will be kept at a minimum with the use of a water truck, surface water runoff will be strictly regulated as per public works standards and by the submittal and approval of a SWWWP, traffic will not be on the residential streets, access is as shown on the site plan directly from Boundary Avenue, with a temporary access shown to the south while extraction operations are being completed on southern half of Tract A.

**D. The restoration plan for the site ensures that, after excavation operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to the pre-excavation contours, or as appropriate for the future use of the land.**

Response: This NRE will leave the site in a condition that is appropriate for the future use of the land. The final use of the land will be for development as per the underlying zoning. The intent is to remove all of the soils not suitable for future development.

**E. The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.**

Response: This refers to any future laws that may be passed as per AMC chapter 3.40. At this date, there are no known to us any added laws to the regulation of natural resource extraction conditional use permits.

***4. The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts;***

Response: The Checkpoint site is 16 acres in size and is more or less rectangular in shape. The location is well suited for a natural resource extraction by being adjacent to Boundary Avenue, an access road to the Glenn Highway, allowing a smooth flow into and out of the site without going through any developed residential areas. The topography is, in general, flat and uneventful. Some areas in the northern half of Tract A have some piles of material of about twenty feet in height.

***5. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;***

Response: This Checkpoint NRE permit is temporary in nature and will not alter the character of the surrounding area. The NRE will simply prepare the site for a future residential development.

***6. The proposed use is compatible with the uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts.);***

Response: This Checkpoint NRE permit is compatible with the adjacent properties. This NRE is temporary, the final use of the land will be by future approved developments as per the underlying zoning.

***7. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible;***

Response: There is no significant adverse impact by the approval of this NRE permit. This is an NRE application merely for the removal of the peat on this site, and for processing material from other sites around Anchorage and other soils in preparation for future development projects.

***8. The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity,***

***off-site parking impacts, transit availability, impact on pedestrian, bicycle, and transit circulation, and safety for all modes;***

Response: This temporary Checkpoint NRE permit is perfectly located with respect to the transportation system. The only offsite truck access allowed is directly to Boundary Avenue, the access road that runs parallel to the Glenn Highway.

***9. The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services;***

Response: The Checkpoint site is currently served by public water supplies, public sewer systems, fire hydrants, and lies within the police protection boundary.

In summary, this NRE CUP would be in effect while the parcel is being developed and then expire when subdivision construction is complete on Tract A. It is estimated the development of the property, depending on the economy, will take place over the next five years.

Thank you,



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Tom Dreyer, PLS  
petitioner's representative