

See AO 2005-44(S)

Submitted by: Chair of the Assembly at  
the Request of Assemblymember Fairclough

For Reading: March 8, 2005

Anchorage, Alaska  
AO No. 2005- 44

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
2 REZONING OF DEBORAH SUBDIVISION BLOCK 10, LOTS 1, 2, 3, 4, 5 AND 10,  
3 AND A PORTION OF A RELINQUISHED RIGHT OF WAY (TRACT A) FROM R-1A  
4 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 SL (GENERAL BUSINESS  
5 DISTRICT WITH SPECIAL LIMITATIONS), GENERALLY LOCATED EAST OF OLD  
6 GLENN HIGHWAY AND NORTH OF JUANITA LOOP.

7  
8 (Eagle River Community Council) (Planning and Zoning Commission Case 2004-163)

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10 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

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12 **Section 1.** The zoning map shall be amended by designating the following described  
13 property as B-3 SL (General Business District with Special Limitations) zone:

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15 Deborah Subdivision, Block 10, Lots 1, 2, 3, 4, 5 and 10, and a portion of a  
16 relinquished right of way (Tract A) consisting of approximately 2.01 acres as shown  
17 on Exhibit A.

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19 **Section 2.** This zoning map amendment is subject to the following special limitations:

- 20  
21 A. All State, Federal and Municipal permits must be in place before any work can  
22 occur within 25 feet of the stream banks, and silt fencing shall be installed along the  
23 banks of the stream prior to any earthwork activities.  
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25 B. Access to this property shall be limited to the Old Glenn Highway subject to the  
26 State issuing a driveway permit. Should a permit be denied by the State, access to  
27 the property shall be limited to two driveways along North Juanita Loop within the  
28 first 200 feet as measured from the southwest corner of the property.  
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30 C. The landscape requirement along the east property line shall conform to the  
31 "screening landscape" standards.  
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33 D. The properties shall be platted into one tract.  
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35 E. Accessory Uses:

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1. Those accessory uses permitted in the underlying zoning district.

**F. Conditional Uses:**

1. Those conditional uses permitted in the underlying zoning district.

**G. Permitted Uses:**

1. Those principal uses permitted in the underlying zoning district, except those as prohibited uses herein this ordinance.

**H. The following uses are prohibited:**

- a. antennas without tower structures Type 1, 2, 3, and 4, community interest, and local interest towers as specified in the supplementary district regulations
- b. public, private and parochial academic schools
- c. non-licensed night clubs that conform to the requirements of section 21.45.245
- d. utility substations
- e. heliports
- f. marquees, overpasses, and similar substantial projections into the public airspace, together with any signs to be mounted thereon.
- g. drive-in theaters
- h. camper parks
- i. quasi-institutional housing
- j. correctional community residential centers

**Section 3.** This ordinance shall become effective within 10 days after the Director of the Planning Department 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 Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

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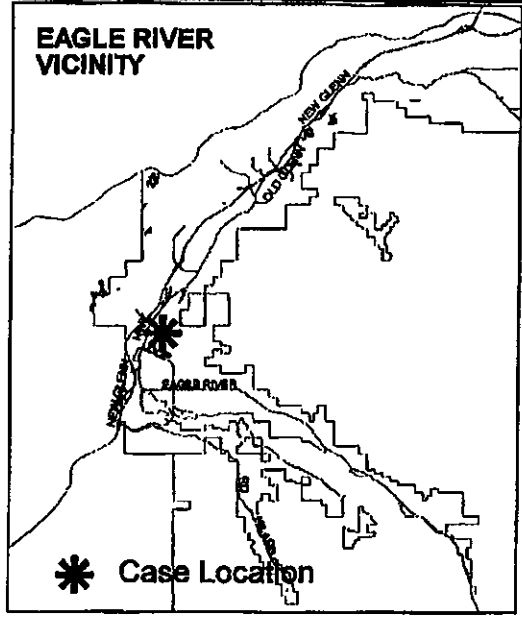
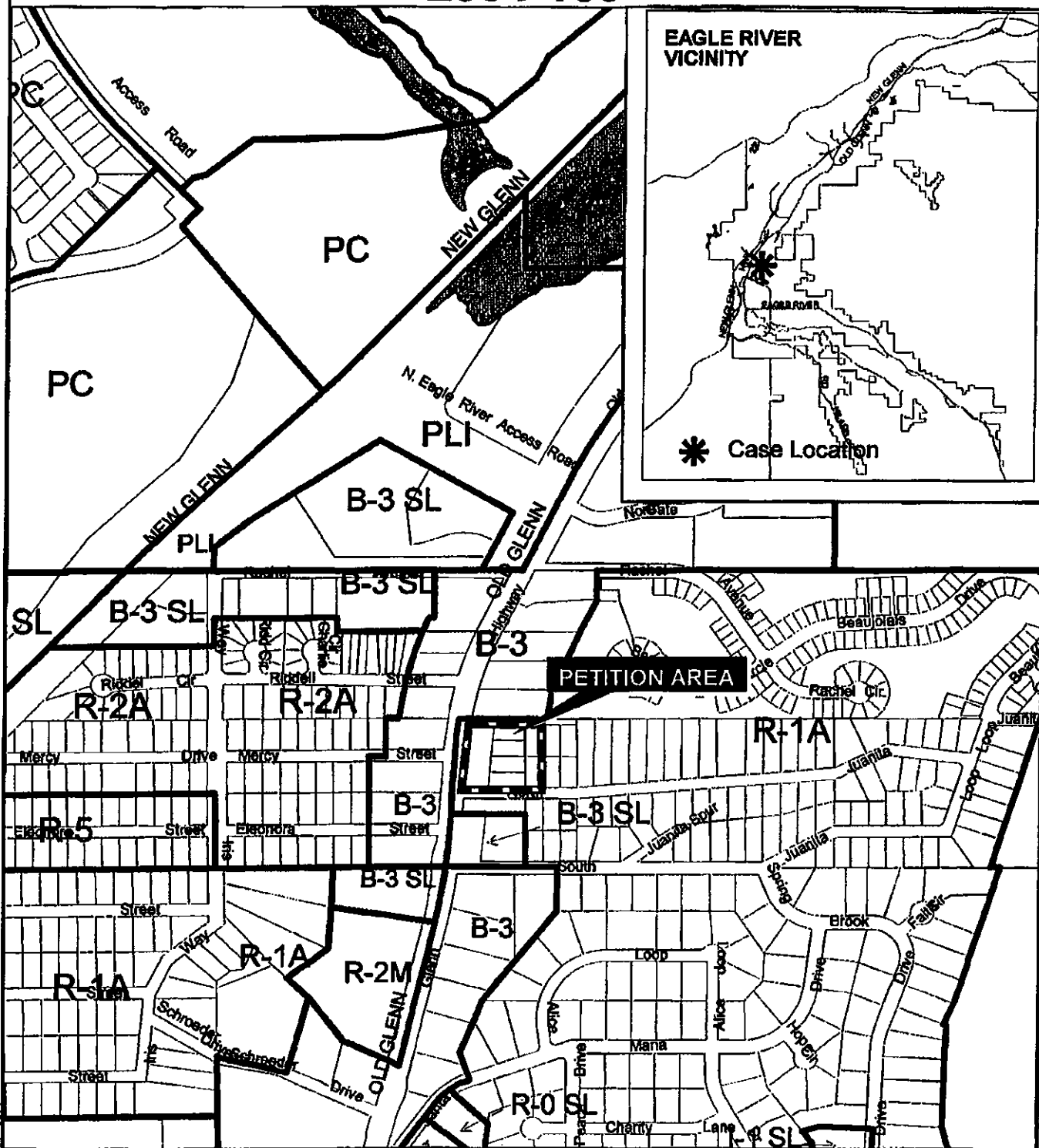
ATTEST:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Municipal Clerk

# REZONING 2004-163




# EXHIBIT A



Municipality of Anchorage  
Planning Department



Date: SEPTEMBER 09, 2004

- Flood Limits**
-  100 Year Floodplain
  -  500 Year Floodplain
  -  Floodway



0 500 1000 Feet

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-075**

**A RESOLUTION DENYING A REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO B-3 SL (GENERAL BUSINESS WITH SPECIAL LIMITATIONS) FOR A RELINQUISHED RIGHT-OF-WAY PARCEL AND BLOCK D, LOTS 1, 2, 3, 4, 5 AND 10 DEBORA SUBDIVISION, GENERALLY LOCATED AT 12907 OLD GLENN HIGHWAY.**

**(Case 2004-163, Tax I.D. No. 050-032-17, -18, -19, -20, -21, -22, -25)**

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**WHEREAS, a request has been received from Lex Griffith to rezone 2.01 acres of land from R-1A to B-3 for a relinquished right-of-way parcel and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, generally located at 12907 Old Glenn Highway, and**

**WHEREAS, notices were published, posted and 147 public hearing notices were mailed and a public hearing was held on November 1, 2004.**

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

- A. The Commission makes the following findings of fact:**
- 1. This application is essentially the same as the previous case 2003-094, resolution 2003-053; and the circumstances and unresolved issues continue to indicate the request should be denied.**
  - 2. There is, at this time, no proposed use on the property. The fact that no use is proposed to the property, even though that is not a requirement of a rezone application, prevents the Planning and Zoning Commission from exercising its responsibility to ensure that the rezoning does not create incompatible adjoining land uses. The 1993 Chugiak-Eagle River Plan designates frontage along Old Glenn Highway as commercial, but does not specify how far commercial depth extends from the highway and the Plan does not represent an entitlement. The 1979 version of the plan indicates commercial depth is limited to one lot. Title 21 defines strip commercial as having a maximum lot depth of 200 feet. The area along the highway is generally developed as commercial. The subject lots are adjacent to single family residential development.**
  - 3. There is B-3 zoned property in the area and some is vacant. The proposal is not consistent with the comprehensive plan and not compatible with the nearby residential uses.**
  - 4. As in the previous application, the proposal is not consistent with the comprehensive plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development.**
  - 5. General commercial zoning (B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend**


approximately 350 feet into the residential area. A rezone would intrude on the residential area and mix commercial and residential traffic. Therefore, driveway location remains a major unresolved issue and must be resolved with the State.

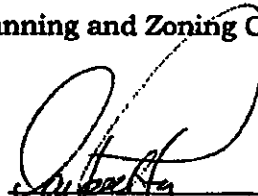
6. The applicant continues to have unresolved issues such as adjacent incompatible uses, mixing of residential and commercial uses and driveway access, and future impact to the creek.

7. The Commission denied the request 0 - aye, 8 - nay.

B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for a relinquished right of way parcel, NE ¼ of the SE ¼ of the NW ¼, Section 1, T14N, R2W, S.M., and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, Eagle River.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 1<sup>st</sup> day of November 2004.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
Don Poulton  
Chair

(2004-163)  
(050-032-17, -18, -19, -20, -21, -22, -25)

ab

**PLANNING AND ZONING COMMISSION MEETING**

**Assembly Chambers  
Z.J. Loussac Library  
3600 Denali Street  
Anchorage, Alaska**

**MINUTES OF  
November 1, 2004  
6:30 PM**

*A work session on the Proposed MOA 2005 Capital Improvement Budget/2005-2010 Capital Improvement Program was conducted at 5:30 p.m.*

**A. ROLL CALL**

Present Don Poulton, Chair  
Johnny Gibbons  
Greg Jones, Vice Chair  
Nancy Pease  
Jim Lottsfeldt  
Bill Wielechowski  
Art Isham

Excused Toni Jones

Unexcused Megan Simonian

Staff Cathy Hammond  
Mary Autor  
Angela Chambers  
JoAnn Contreras

CHAIR POULTON explained that municipal regulations state that any action by the Commission require a favorable vote of a majority of the fully constituted Commission, except when others may be excused due to conflicts voiced during disclosure. Therefore, an affirmative vote by 5 of the 7 members present at this meeting is necessary for the approval of any action. If this caused concern, petitioners could request postponement.

**B. MINUTES**

COMMISSIONER G. JONES moved for approval of the minutes of September 13, 2004 and September 20, 2004.

COMMISSIONER LOTTSELDT seconded.

5.

**2004-163 Lex Griffith.** A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

COMMISSIONER G. JONES disclosed that he owns real estate in the general vicinity of this rezone and to the north that is zoned B-3SL. CHAIR POULTON asked whether Mr. Jones would benefit from this rezoning. COMMISSIONER G. JONES replied in the negative. CHAIR POULTON directed Mr. Jones to participate.

Staff member MS. AUTOR stated 147 public hearing notices were mailed, there were 6 responses in opposition, and no response was received from the community council. This is a rezone from R-1A to B-3SL that the Commission saw in 2003 and denied. The applicant requested a hearing with the Assembly, which was denied, but the Assembly wanted the Commission to rehear the matter to address certain issues. The Old Glenn Highway is controlled by the State and Juanita Loop is controlled by the Municipality. The Municipality does not approve access onto Juanita Loop and the petitioner has been trying to resolve access onto the highway with the State. During the 2002 review there was discussion of a creek that crosses this property. The petitioner previously proposed relocating it, but is now proposing to leave it as is with a 25-foot setback, as required. Four special limitations are proposed, including a site plan review before development, prohibiting 10 uses, driveway restriction on Juanita Loop, and screening landscaping. The rezone would require a replat. The Department supports the rezoning and finds it is consistent with the 1993 Chugiak/Eagle River Comprehensive Plan; furthermore, it is included in the Eagle River Central Business District Revitalization Plan. Approval would require that the petitioner submit for an administrative site plan review and adhere to AMC 21.15.030.C.2.b.1 through 6 regarding site lighting, be consistent with the Eagle River CDB Revitalization Plan regarding vehicle and pedestrian circulation and trails, and provide a 30-foot wide area of transition and buffering along the eastern boundary and 20-feet along the south boundary. There is a list of 22 prohibited uses also recommended by the Department.

COMMISSIONER PEASE asked for comment on access concerns. MS. AUTOR explained that the Municipality controls Juanita Loop, which is constructed as a residential roadway and it is not built to handle more traffic. There would also be a conflict by mixing commercial traffic with



residential traffic. She indicated that if at least one access can be achieved onto the Old Glenn, that is the Department's preference.

The public hearing was opened.

DEE HIGH, representing the petitioner, stated the Commission denied this rezoning when it was previously requested and the petitioner has attempted to resolve issues since that time. The petitioner has asked Assembly representatives from Eagle River to help where possible and Assemblymember Anna Fairclough scheduled a meeting with the neighborhood to help identify and address issues. The petitioner has also met with staff at various municipal departments in order to identify issues of concern. The issues raised and remanded back to the Commission were access to the Old Glenn Highway, stream relocation, the use of the site for a car lot, area lighting from commercial uses interfering with residential uses, impacts and buffering to residential neighborhoods, and some possible special limitations related to permitted uses in the B-3 zone. The petitioner has addressed visual impacts to the neighborhood with landscaping on the east side (a 30-foot buffer with fencing) and the south side along Juanita Loop. The petitioner has done work on driveway access, but the State cannot assess traffic impacts without a well defined plan. The petitioner submitted a specific plan but both the State and Traffic Engineering agreed that access should be off of Juanita Loop, so the State would not allow access onto the Old Glenn. If a site plan shows the need for access onto the Old Glenn and the problems with access onto the Old Glenn are mitigated, that can be done. The fall back position is a 25-foot access to the north of the property that could be used. Staff has assured him that a culvert could be installed to cross the stream so the full site can be developed. A site plan review is crucial to assure there is a public process and so it is clear that the petitioner has tried to eliminate as much of an impact to the adjacent neighborhood as possible. A total of 22 permitted uses under the B-3 are going to be prohibited. The petitioner agrees with the Staff recommendations except he would like the buffer along Juanita Loop reduced to the buffer landscaping requirement of 10 feet.

COMMISSIONER ISHAM presumed it would not be possible to traverse the stream on the property. MR. HIGH indicated he has been told by Staff that it would be possible to cross the stream. There is a public access along the north of the property from which there could be access across one point of the stream. COMMISSIONER ISHAM asked if a survey has been done of how much B-3 land is available in Eagle River. MR. HIGH stated on page 23 of the packet is a map showing the B-3 property, but the two lots shown as vacant to the south of the petition site he believed would be incorporated into commercial development. The parcel to the north is noted as vacant, but it is part of a car lot that is owned by the petitioner. He stated that he has asked and been told that B-3 area is hard to secure.

COMMISSIONER PEASE asked whether the 25-foot easement along the north of the property is an adequate width for development of an access, particularly as it would be access to Tract B of Brandywine Subdivision. She wondered why that had not been pursued as a primary access. MR. HIGH explained there is not access up to Brandywine Subdivision due to a contour difference.

COMMISSIONER PEASE asked why, given that there is an easement, it was not pursued as the primary access. MR. HIGH stated that before he was aware the creek could be crossed, he went to the State with two proposals to get access onto the Old Glenn. He did not pursue the other access because he did not believe it would work for any development.

COMMISSIONER LOTTSFELDT cited Assemblymember Fairclough's motion that directs the Commission to discuss limiting uses. He asked what is the planned use of the property. MR. HIGH explained that the petitioner originally needed to relocate his business and had found this parcel for that purpose. Since that time, the petitioner has signed a long-term lease on another location. In working with Staff, he attempted to identify permitted B-3 uses that would not be appropriate next to a residential use. The petitioner's intent is to refinance this property, as it will not be used for his car lot, but he has no plans for it at this time.

COMMISSIONER PEASE asked if the ADOT denied access via the proposed driveway or generally to the Old Glenn. MR. HIGH explained ADOT's denial was specific to the driveway; they asked that a specific proposal be brought back to them for analysis and decision. COMMISSIONER PEASE asked if the denial was based on the distance from the driveway to Juanita Loop or the lack of a proposed use. MR. HIGH replied that the proposed use was the car lot and the State and Municipality determined that access to the Old Glenn was not needed for that use. Without an access to the Old Glenn, the lots to the east of the petition area would have no access at all; so he wished to pursue that access and thought it could be obtained. He noted that he had suggested the Commission approve this rezoning subject to the driveway coming off of the Old Glenn and, if that should not be possible, then access would be limited to the first 200 feet of North Juanita Loop.

MARTIN WEINSTEIN, homeowner on North Juanita Loop, stated the frontage of the petition site abuts the Old Glenn, but most of the area requested for rezoning extends 300 feet into the residential area on North Juanita Loop. For that reason, this proposed rezone request is incompatible with the residential community, which is the finding that was made by this Commission in its last decision. The Commission concluded in Finding 3 of its Resolution 2003-053 that the proposal is not consistent with the Comprehensive Plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development. Finding 4 concluded that general commercial zoning

(B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend approximately 350 feet into the residential area. The facts are still the same and the findings are still the same. He urged the Commission to make these same findings. He stated the question of whether or not there is adequate B-3 property also arose at the last hearing and the Commission found that there is adequate B-3 property and some is vacant. It went on to conclude that the proposal is not consistent with the comprehensive plan and not compatible with nearby residential uses. Finding 6 was that the applicant has major unresolved issues such as driveway access and creek location which render this proposal inappropriate or at best, premature; it appeared the issue of driveway access has still not been resolved.

CARL ADRIAN, homeowner on North Juanita Loop, opposed this request for the reasons it was denied previously. He stated that the value of a use such as a car lot is low compared with residential uses. He estimated that residential development could be accomplished on this property at a value of \$1 million. The basis of his objection is the safety of children in the area, increased commercialization, the uncertainty of use of the property, and the creek problem that still exists. He stated there is a duck pond across the street from the petition site that is well used. The continued use of close in housing to the commercial area is one requirement that the city is trying to encourage, but this proposal would remove residential areas away from commercial development in Eagle River. He would like to see these residential lots remain as they allow easy access to commercial uses.

COMMISSIONER WIELECHOWSKI asked if this is the same property that was requested for rezoning previously. MR. ADRIAN was not certain whether the petitioner had eliminated some lots from the previous proposal.

GARY MORGAN, resident on North Juanita Loop, stated he appeared before the Commission at the previous hearing and was opposed then, as he is now. He stated he did not return a public hearing notice by mail. His concerns remain the same as he had when the property was previously requested for rezoning. There is no stated use for the property, which was concerning to him. He was also concerned with the fact the petitioner purchased this land with an R-1 zoning; he did not think it was legitimate to attempt to rezone the property to B-3. He noted that this property is in a residential neighborhood and North Juanita Loop could not sustain the traffic that would be generated by a commercial use. He thought this proposal was substantially the same as the previous request, other than it does not identify the use of a car lot.

In rebuttal, MR. HIGH stated when Assemblyperson Fairclough agreed to take on this issue, she felt strongly that this property would be rezoned to commercial at some point in time. She wanted to achieve the rezoning while there is a willing developer that is sensitive to the community. She was unable to obtain any compromises from the neighborhood, therefore, her remand included items for

the Commission to address. He stated that this proposal goes into the residential neighborhood only 75 feet, but 330 feet from the road. In general, this proposal matches what already exists in this area. On the north side, the commercial goes back 305 feet and on the south side, except a small strip of R-1, it goes back 75 feet less than 330 feet (255 feet). He thought that it would be possible to secure an access permit from ADOT. The petitioner did buy this property as R-1, but he did do research before making his purchase and always intended to rezone to B-3.

COMMISSIONER PEASE asked for Staff comment on the inherent contradiction of the Comprehensive Plan directive to conserve residential land for housing versus the Chugiak/Eagle River Comprehensive Plan designation of the Old Glenn as a commercial zone. MS. AUTOR stated Anchorage 2020 only governs the Anchorage Bowl.

The public hearing was closed.

COMMISSIONER LOTTSELDT moved for approval of the rezoning from R-1A to B-3SL subject to Staff conditions for special limitations a through c and prohibited uses, including a prohibition on car lots.

COMMISSIONER GIBBONS seconded.

COMMISSIONER LOTTSELDT opposed his motion, believing the Commission is charged with balancing the impacts of a rezoning to a neighborhood with the benefit to the community. Without knowing what use would exist on this property, it is impossible to balance this request with the needs of the community. He believed that property is zoned as it is until there are compelling reasons to change that zoning.

COMMISSIONER WIELECHOWSKI noted that this request is very similar to the one that was before the Commission last year, at which time Commissioner Coffey cited extensively from the Chugiak/Eagle River Comprehensive Plan regarding the need to protect residential neighborhoods from incompatible land uses on adjoining tracts, the need to promote continued use, expansion, and development within established industrial areas determined to be suitable, and discouraging existing strip commercial development and adding new strip commercial development. These concerns remain at this point in time.

COMMISSIONER GIBBONS was concerned that the proposed rezoning would only financially benefit the landowner and it is spot zoning. He stated the lack of a planned use does not allow him to adequately assess the effect of the land use patterns created by the rezoning.

**CHAIR POULTON** also did not support the motion, primarily because this is not a changed request. He referred to **Planning and Zoning Commission Resolution 2003-053** and indicated the findings in that resolution still apply.

**AYE:** None

**NAY:** Isham, Pease, Gibbons, Poulton, G. Jones, Lottsfeldt, Wielechowski

**FAILED**

MUNICIPALITY OF ANCHORAGE



REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2004-163 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON November 1, 2004 FOR THE FOLLOWING REASONS:

SEE ATTACHMENT 'A'

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2004 NOV 10 PM 12:11  
MUNICIPALITY OF ANCHORAGE

SIGNED: *Lex Griffith*  
Lex Griffith

ADDRESS: 13031 Old Seward Highway PHONE: 622-7275

FEE: Paid by Check: # \_\_\_\_\_ Cash \_\_\_\_\_  
Receipt # \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

\* Rezoning (Petitioner or anyone objecting to decision)  
\* Ordinance Amendments - changes to Title 21 regarding text (petitioner or anyone objecting to decision).

**ATTACHMENT 'A'**  
**Request for Public Hearing**

On March 16, 2004, the Assembly remanded case 2003-094 back to the Planning Commission to consider the following issues:

1. Access to the Old Glenn Highway and keeping any access at least 70 feet away from existing stop signs on the frontage road.
2. Buffering of residential properties
3. Protection of the Creek by placing it underground or placing creek easements
4. Limiting uses of the property
5. Area Lighting
6. Provide consistency with the Eagle River Comprehensive Plan

Working closely with planning staff, we revised our request to rezone this property and addressed the issues of incompatible uses, buffering to residential areas, access, creek protection, land use, and compliance with the Eagle River Comprehensive Plan. Staff found the proposed rezone was consistent with the Eagle River Comprehensive Plan and recommended approval of the rezone application with special limitations (see case 2004-163).

The following are some of the Special Limitations which we proposed as part of our application.

**C. Proposed Special Limitations:**

1. All State, Federal, and Municipal permits must be in place before any work can occur within 25' of the stream's banks; and silt fencing shall be installed along the banks of the stream prior to any earthwork activities.
2. Access to this property shall be limited to the Old Glenn Highway subject to the State issuing a driveway permit. Should a permit be denied by the State, access to the property shall be limited to two driveways along North Juanita within the first 200 feet as measure from the south west property corner.
3. The landscape requirement along the east property line shall conform to the "Screening Landscape" standards.
4. The properties shall be platted into one Tract.
5. The following uses shall not be permitted on the property:
  - 5.1.1. Antennas without tower structures, Type 1, 2, 3, and 4, community interest and local interest towers as specified in Supplementary District Regulations.
  - 5.1.2. Public, private, and parochial academic schools.

5.1.3. Non-licensed night clubs that conform to the requirements of Section 21.45.245.

5.1.4. Utility Substations

5.1.5. Heliports

5.1.6. Marquees, overpasses and similar substantial projections into public air space, together with any signs to be mounted there on.

5.1.7. Drive-in Theaters

5.1.8. Camper Parks

5.1.9. Quasi-Institutional Housing

5.1.10. Correctional Community Residential Centers

There were about 10 more uses proposed by Staff which was acceptable to the applicant for inclusion with the above restricted uses.

The amount of usable, undeveloped B-3 property in this immediate area is limited. There is not enough adequate B-3 property to meet the growing needs of Eagle River. This re-zone will provide another two acres of B-3 property.

Rezoning to B-3 does not prohibit residential housing from being built on this property. The current zoning allows for 7 single family residential homes. B-3 zoning allows for multi-family at a minimum density of 12 units per acre, for a total of 24 units. Though is it more likely that this property will be developed as commercial property, B-3 zoning does not automatically prohibit multifamily housing which could also act as a buffer to the neighborhood.

We believe it to be in the best interest of the public and the residential neighbors to have this property rezoned under the conditions and special limitation proposed by this Owner. It addresses the issues raised by the public and provides the Assembly the opportunity to bring this property into conformance with the Eagle River Comprehensive plan, the Eagle River CBD Revitalization Plan, and to control the development of the property in a way that protects the interest of the public, the community and the neighbors through the use of special limitations.





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**MUNICIPALITY OF ANCHORAGE  
ANCHORAGE ASSEMBLY**

Assembly Chambers, Z. J. Loussac Library  
3600 Denali Street, Anchorage, Alaska

Minutes for Regular Meeting of March 16, 2004

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1. **CALL TO ORDER**

The Assembly Meeting was called to order by Chair Traini at 5:00 p.m. in the Assembly Chambers of the Loussac Library, Room 108, 3600 Denali Street in Anchorage, Alaska.

2. **ROLL CALL** A Quorum was achieved with Assemblymembers present.

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**PRESENT:** Alan Tesche, Brian Whittle, Melinda Taylor, Fay Von Gemmingen, Dick Traini, Anna Fairclough, Doug Van Etten, Dan Kendall, Janice Shamburg and Dick Tremaine, with Dan Sullivan arriving shortly after roll call.

**ABSENT:** None.

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3. **PLEDGE OF ALLEGIANCE**

The pledge was led by Boy Scout Troop Number 25, with members Toby Troxler, Jordan Bobby and Brian Kersey. To Chair Traini, Troop Leader, Ron Kersey responded they were working on a citizenship badge and were sponsored by The Church of Jesus Christ of Latter Day Saints, Centennial Park.

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4. **MINUTES OF PREVIOUS MEETING**

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4. A. Regular Meeting -- January 20, 2004

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Mr. Tesche moved,  
Mr. Sullivan seconded,  
and this was passed unanimously,

to approve the Regular Meeting Minutes  
of January 20, 2004.

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5. **MAYOR'S REPORT**

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Mayor Begich announced plans of refunding bonds worth \$224 million dollars. He explained the effect would be a potential savings to the MOA of about \$700,000 per year, based on the refunding. He stated he was grateful for the support from the Assembly, with this time-sensitive action. He explained with the market changes they had chosen to refund these bonds because the market and timing allowed a savings. Chair Traini added that the total savings was in the amount of \$11 million, which equaled about \$700,000 of savings. To Mr. Tesche, the Mayor responded that the savings generated from the bond refunding would not be reappropriated, that it was required to be given directly to the taxpayers, other than paying for the debt service costs of the action.

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To Ms. Von Gemmingen, the Mayor responded they had just completed their Employees of the Year Banquet and Awards Ceremony. This year this ceremony was televised and it was a wonderful opportunity to recognize Municipal Employees for their hard work and dedication.

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6. **ASSEMBLY CHAIR'S REPORT**

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Chair Traini announced that he had just returned from a National League of Cities, Board of Directors Meeting. He would be preparing packets for Assemblymembers summarizing the National League of Cities' positions on issues and their priorities of future lobbying efforts for the coming year.

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7. **COMMITTEE REPORTS** None.

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8. **ADDENDUM TO AGENDA**

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Chair Traini read the Addendum Items. He accepted additional Items Laid on the Table and assigned 9.A.2, 9.F.13 and 14.H as their Agenda placement. He then called for a motion to incorporate the Addendum into the Regular Agenda.

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Mr. Tesche moved,  
Ms. Taylor seconded,  
and this motion was passed,

to approve the inclusion of the Addendum into the  
Regular Agenda.

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**AYES:** Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamburg, Van Etten, Kendall, Tremaine and Sullivan.

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**NAYES:** None.

11.D.

Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department. (Postponed from 10-21-03; Carried Over FROM 11-18-03; Postponed from 12-2-03 & 12-16-03; Carried Over from 2-3-04; Postponed from 2-17-04)

Chair Traini read this memorandum title and explained that this item had been postponed and carried over numerous times, and would die from lack of action if action was not taken that evening.

Ms. Fairclough moved, to accept AIM 94-2003.  
Mr. Tesche seconded.

Ms. Fairclough proposed to amend this AIM and remand the case to the Planning Commission with instructions to consider the following issues, as well as other issues that the Planning Commission may identify when deliberating on this matter. She explained that the community surrounding this development was highly opposed to a used cars sales lot. She said the considerations included in her amendment would allow the Planning and Zoning Commission to review and improve this case. She stated she would not be moving consideration of the body to approve the rezone because there were too many unresolved issues. To Mr. Tesche, Ms. Fairclough stated that the developer concurred on all items but did not think he had heard of her last consideration, concerning the fee. Mr. Tesche stated he would be supporting this memorandum, as amended.

To Mr. Sullivan's question, Ms. Fairclough responded that she had been advised by the Assembly Counsel and the Planning Department's Mr. Weaver that this was the process.

Ms. Fairclough moved,  
Mr. Tesche seconded,  
and this motion was approved,

to amend AIM 94-2003 by considering changing conditions involved with: 1) access to the Old Glenn Highway; 2) buffering to residential; 3) creek undergrounding/creek easement setbacks; 4) limiting uses of the property; 5) lighting; 6) access to Old Glenn Highway needs to be at least 70 ft. away from existing stop signs on the frontage property; 7) Comp Plan consistency; and 8) the only fee the developer should be required to pay is \$525.00 for a rehearing fee; and to remand case number 2003-94 (sic) AIM 94-2003 to the Planning Commission for consideration of the issues, including recommendations.

Ms. Fairclough moved,  
Mr. Tesche seconded,  
and this motion was passed,

to accept AIM 94-2003, as amended.

AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shemberg, Van Etten, Kendall, Tremaine and Sullivan.  
NAYES: None.

MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEETING

Assembly Chambers, Lousseac Library  
3600 Denali Street, Room 108

Minutes for Regular Meeting of February 17, 2004

1. CALL TO ORDER

The Assembly Meeting was called to order by Chair Traini at 5:04 p.m. in Assembly Chambers of the Lousseac Library, 3600 Denali Street, Anchorage, Alaska.

2. ROLL CALL A Quorum was achieved with Assemblymembers present.

PRESENT: Allan Tesche, Brian Whittle, Melinda Taylor, Fay Von Gemmingen, Dick Traini, Anna Fairclough, Doug Van Etten, Dan Kendall, Janice Sharnberg, Dick Tremaine and Dan Sullivan.

ABSENT: None.

3. PLEDGE OF ALLEGANCE Ms. Taylor led the pledge.

4. MINUTES OF PREVIOUS MEETING None.

5. MAYOR'S REPORT None.

6. ASSEMBLY CHAIR'S REPORT None.

7. COMMITTEE REPORTS None.

8. ADDENDUM TO AGENDA

Chair Traini read the Addendum items. He then called for additional Addendum Items, and there being none he called for a motion to incorporate the Addendum items into the Regular Agenda.

Mr. Tesche moved, to approve the inclusion of the Addendum Items into the  
Ms. Taylor seconded, Regular Agenda.  
and this motion was passed.

AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Sharnberg, Van Etten, Kendall, Tremaine and Sullivan.

NAYES: None.

Chair Traini called for a motion on the Consent Agenda. Mr. Tremaine moved to approve and it was seconded by Mr. Tesche. The Chair then read the Consent Agenda items and called for Assemblymembers to request items be pulled and be moved to the Regular Agenda for discussion.

9. CONSENT AGENDA

9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS None.

9.B. RESOLUTIONS FOR ACTION - OTHER

9.B.1. Resolution No. AR 2004-22, a resolution of the Anchorage Municipal Assembly and Mayor Mark Begich to name the Lousseac Library Ice Sculpture Fountain the "Kay Linton Ice Sculpture Fountain" in honor of her outstanding contributions and dedication to community service. (Postponed from 1-20-04)

Ms. Von Gemmingen requested this item be pulled for review on the Regular Agenda. (See item 10.B.1)

9.B.2. Resolution No. AR 2004-40, a resolution of the Municipality of Anchorage appropriating \$100,000 from the State of Alaska, Department of Environmental Conservation under the Prevention and Emergency Response Program, to the State Categorical Grants (231) Fund to expand the response capabilities to the Anchorage Hazardous Materials (HAZMAT) Response Team, Anchorage Fire Department.  
a. Assembly Memorandum No. AM 164-2004.

9.B.3. Resolution No. AR 2004-41, a resolution of the Municipality of Anchorage appropriating \$3,000 as a grant from the Anchorage Republicans Women's Club to the Miscellaneous Grants Fund (281) for the Anchorage Police Department to provide for the purchase of additional defibrillators, Anchorage Police Department.  
a. Assembly Memorandum No. AM 165-2004.

Mr. Sullivan requested this item be pulled for review on the Regular Agenda. (See item 10.B.3)

9.B.4. Resolution No. AR 2004-42, a resolution of the Municipality of Anchorage appropriating \$26,500 from the Alaska Division of Homeland Security to the State Categorical Grants Fund (231) for the development of the Community Emergency Response Teams (CERTS) through the Office of the Municipal Manager on behalf of the MOA Office of Emergency Management.  
a. Assembly Memorandum No. AM 168-2004.

11.C.

Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.  
(Postponed from 10-21-03; Carried Over from 11-18-03; Postponed from 12-2-03 and 12-16-03; Carried Over from 2-3-04) (Postponed until March 16, 2004)

Chair Traini read this informational memorandum title and opened Public Hearing.

CARL ADRIAN testified that Planning and Zoning had denied request for this rezone and he hoped the Assembly understood this and would deny this rezoning. He explained the petitioner had wished to have a car lot and wanted the property rezoned from the R1 into business zoning. He stated there were many reasons why the rezone was not a good idea, including the existence of a creek on the property, which could cause flooding if the lot was paved. There was currently a vacant car sales lot right across the street and there was belief there was no need for another one. With an additional car lot the property values would remain lower than comparable, surrounding lots. Mr. Adrian stated this car lot had not been supported by the community and urged the Assembly to deny the rezoning. To Mr. Kendall's question, Mr. Adrian responded that he was a property owner next to the proposed rezone.

Ms. Fairclough told Mr. Adrian that it would be to his advantage to attend the area Homeowners' Association meetings and get informed of the bigger issues. She explained that the Eagle River Comprehensive Plan was going to be rewritten and that property in this area would be reviewed for rezoning to B-3 during that process.

Ms. Fairclough moved,  
Mr. Sullivan seconded,  
and this motion was passed,

to postpone AIM 94-2003 until March 16, 2004.

AYES: Tesche, Whittle, Von Gemmingen, Taylor, Traini, Fairclough, Shamberg, Van Etten, Kendall,  
Tremaine and Sullivan.  
NAYES: None.

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**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEETING**

Assembly Chambers, Loussac Library  
3600 Denali Street, Room 108

Minutes for Regular Meeting of February 3, 2004

**1. CALL TO ORDER**

The Assembly Meeting was called to order by Chair Trainl at 5:00 p.m. in the Assembly Chambers of the Loussac Library, Room 108, 3600 Denali Street in Anchorage, Alaska.

**2. ROLL CALL** A Quorum was achieved with Assemblymembers present.

**PRESENT:** Allan Tesche, Brian Whittle, Fay Von Gemmingen, Dick Trainl, Anna Fairclough, Doug Van Eiten, Dan Kendall, Janice Shamberg, Dick Tremaine and Dan Sullivan.  
**ABSENT:** Melinda Taylor, excused.

**3. PLEDGE OF ALLEGIANCE** Mr. Kendall led the pledge.

**4. MINUTES OF PREVIOUS MEETING**

**A. Regular Meeting – October 7, 2003**

Mr. Tesche moved, to approve Minutes for Regular Meeting of October 7, 2003.  
Ms. Von Gemmingen seconded,  
and this motion was passed unanimously,

**B. Special Meeting – October 28, 2003**

Ms. Fairclough moved, to approve Minutes for Special Meeting of October 28, 2003.  
Mr. Tesche seconded,  
and this motion was passed unanimously,

**C. Regular Meeting – November 4, 2003**

Mr. Tesche moved, to approve Minutes for Regular Meeting of November 4, 2003.  
Mr. Tremaine seconded,  
and this motion was passed unanimously,

**D. Special Meeting – November 15, 2003**

Ms. Fairclough moved, to approve Minutes for Special Meeting of November 15, 2003.  
Mr. Sullivan seconded,  
and this motion was passed unanimously,

**E. Regular Meeting – November 18, 2003**

Mr. Tesche moved to approve the Minutes of November 18<sup>th</sup>, seconded by Ms. Von Gemmingen. Ms. Von Gemmingen requested an amendment for Minutes of November 18<sup>th</sup>, on Page 1, Line 74, to show that the Executive Directors of the Alaska Municipal League would be meeting in Anchorage in 2006. This motion was seconded by Ms. Fairclough and was passed unanimously.

Mr. Tesche moved, to approve Minutes for Regular Meeting of November 18, 2003, as amended.  
Ms. Von Gemmingen seconded,  
and this motion was passed unanimously,

**F. Regular Meeting – January 6, 2004**

Mr. Tesche moved to approve the Minutes of January 6<sup>th</sup>, seconded by Ms. Fairclough. Mr. Kendall requested the Minutes show his absence of January 6, 2004 as approved. There were no objections and Chair Trainl asked for the necessary corrections to show his absence as excused.

Mr. Tesche moved, to approve the Minutes of Regular Meeting of January 6, 2004, as amended.  
Ms. Fairclough seconded,  
and there were no objections,

**5. MAYOR'S REPORT**

Municipal Manager Denis LeBlanc announced that the Mayor had been selected to attend a Conference of Mayors' Institute on City Design, in Charleston, South Carolina, with travel costs paid for by the Institute. Each mayor was requested to present a design or redevelopment challenge to a group of leading experts in architecture, urban

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11.C.

information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.  
*(Postponed from 10-21-03; Carried Over from 11-18-03; Postponed from 12-2-03 and 12-16-03)  
(Carried Over to 2-17-04)*

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3 **MUNICIPALITY OF ANCHORAGE**  
4 **ASSEMBLY MEETING**

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6 **Assembly Chambers, Z. J. Loussac Library**  
7 **3600 Denali Street, Room 108**

8  
9 **Minutes for Regular Meeting of December 16, 2003**  
10 **Carried Over to December 17, 2003, as amended**  
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16  
17 **1. CALL TO ORDER**

18  
19 The meeting of December 16, 2003 was convened by Assembly Chair Dick Traini at 5:00 p.m. and the meeting  
20 continued on December 17, 2003, beginning at 5:05 p.m. Both meetings were held in the Assembly Chambers of the  
21 Loussac Library, Room 108, 3600 Denali Street, in Anchorage, Alaska.  
22

23 **2. ROLL CALL**

24  
25 A Quorum was achieved, with all Assemblymembers present for each evening; with the exception of Mr. Tesche  
26 arriving after roll call was completed on December 17, 2003, and Ms. Fairclough was excused from the meeting early  
27 on December 17<sup>th</sup>.  
28

29 **PRESENT:** Dan Sullivan, Dick Tremaine, Janice Shamburg, Dan Kendall, Doug Van Eiten, Arna Fairclough,  
30 Dick Traini, Fay Von Gemmingen, Melinda Taylor, Brian Whittle and Allan Tesche.

31 **ABSENT:** None.  
32

33 **3. PLEDGE OF ALLEGIANCE** The pledge was led by Ms. Von Gemmingen.  
34

35 **4. MINUTES OF PREVIOUS MEETING**

36 A. Meeting Minutes – October 21, 2003  
37

38 Mr. Tesche moved, to approve the Minutes of the Regular Assembly  
39 Ms. Taylor seconded, Meeting of October 21, 2003.  
40 and this motion passed unanimously.  
41

42 **5. MAYOR'S REPORT**

43  
44 Mayor Begich reported that he and the Administration were part of a ceremony today with the Secretary of Veterans  
45 Affairs, who announced that Anchorage would host the National Veterans' Wheelchair competition in July 2006. He  
46 explained this was the single largest wheelchair competition in the world, with over 500 participants. The Mayor and  
47 Secretary discussed the concept of a Veterans' Campus. They would bring all of the Veterans' facilities into one  
48 campus, instead of being spread throughout the city. He stated there were about 30,000 veterans in the Municipality.  
49

50 Mayor Begich also reported on legislation for firefighters that was recently passed by the President, modeled after the  
51 Cops Program. The intent of this six-year program was to educate 75,000 new firefighters in the area of enforcement.  
52 Mayor Begich requested Assembly support for Administration proposals on this issue.  
53

54 The Mayor reported that the Municipality had raised \$31,000 from the private sector to purchase 1200 carbon  
55 monoxide detectors for moderate to low income individuals and families. He thanked the Red Cross for their  
56 assistance with the distribution of these CO detectors and Federal Express for supplying the shipping of those  
57 detectors from California.  
58

59 The Mayor requested that an Executive Session be scheduled for the evening, for discussion of labor issues.  
60

61 Mr. Sullivan congratulated the Mayor on his work with the carbon monoxide detectors.  
62

63 **6. ASSEMBLY CHAIR'S REPORT**

64  
65 Chair Traini thanked Senator Gary Wilkins and Senator Ethan Berkowitz for their attendance of the evening's meeting.  
66

67 **7. COMMITTEE REPORTS**

68  
69 Mr. Tesche recommended when they consider appropriations for the new COPS grants or firefighters proposals, that  
70 everyone keep in mind the federal money would eventually run out, and the MOA would have to eventually layoff those  
71 positions. The Mayor stated that Alaska was a first responder for the Homeland Security Division and now had federal  
72 requirements that would be continually funded in part by the federal government.  
73

74 Ms. Von Gemmingen recently returned from the National League of Cities meeting in Nashville. The partnerships  
75 between city and state and federal governments was a key topic. Ms. Von Gemmingen announced that Chair Traini  
76 had been elected to the Board of Directors of the National League of Cities.  
77



11.B.

information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business District) for a relinquished right of way parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning Department.  
(Postponed from 10-21-03; Carried Over from 11-18-03; Postponed from 12-2-03)

Ms. Fairclough moved,  
Ms. Tremaine seconded,

to postpone AIM 94-2003 until February 3, 2004.

Ms. Fairclough explained she wanted to postpone this item because she was planning to meet with the homeowners associated with this bill.

and this motion was passed,

AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Sharnberg, Van Eiten, Kendall, Tremaine and Sullivan.

NAYES: None.

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**MUNICIPALITY OF ANCHORAGE  
ASSEMBLY MEETING**

**Assembly Chambers, Loussac Library  
3600 Denali Street, Room 108**

**Minutes for Regular Meeting of December 2, 2003**

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1. **CALL TO ORDER**

The Assembly Meeting was called to order by Chair Traini at 5:02 p.m. in Assembly Hall of the Loussac Library, 3600 Denali Street, Anchorage, Alaska.

2. **ROLL CALL.** A Quorum was achieved with Assemblymembers present.

**PRESENT:** Janice Sharnberg, Dan Kendall, Doug Van Etten, Dick Traini, Fay Von Gemmingen, Brian Whittle and Allen Tesche; Dick Tremaine, Anna Fairclough and Melinda Taylor arrived shortly after the meeting had been called to order.

**ABSENT:** Dan Sullivan, excused.

3. **PLEDGE OF ALLEGIANCE** Mr. Whittle led the pledge.

4. **MINUTES OF PREVIOUS MEETING** None.

5. **MAYOR'S REPORT** None.

6. **ASSEMBLY CHAIR'S REPORT** None.

7. **COMMITTEE REPORTS** None.

8. **ADDENDUM TO AGENDA**

Chair Traini read the Addendum items. He then called for a motion to incorporate Addendum items into the Regular Agenda.

Mr. Tesche moved, to incorporate the Addendum items into the  
Ms. Taylor seconded, Regular Agenda.  
and this motion passed,

**AYES:** Tremaine, Sharnberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

**NAYES:** None.

**ABSENT:** Sullivan, excused.

Chair Traini asked if there were any additional items to add to the Addendum.

Chair Traini called for any additional items to be added to the Agenda. He asked for objections to the incorporation of the Addendum items into the Agenda. There being none, he announced approval of the Agenda document with the inclusion of the Addendum. He then called for a motion on the Consent Agenda.

Ms. Fairclough moved, to approve the Consent Agenda, as amended.  
Mr. Tesche seconded,  
and this motion was passed,

**AYES:** Tremaine, Sharnberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

**NAYES:** None.

**ABSENT:** Sullivan, excused.

Chair Traini called for Assemblymembers to request items be pulled from the Agenda for discussion. Chair Traini announced the unanimous approval of the amended Consent Agenda, with the exception of the pulled items and proceeded into discussion of those items.

9. **CONSENT AGENDA**

9.A. **RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

9.A.1. **Resolution No. AR 2003-378**, a resolution of the Anchorage Municipal Assembly recognizing and honoring Detective Joseph Hoffbeck for his 20 years of service with the Anchorage Police Department, Mayor Begloh; Assemblymembers Fairclough, Kendall, Sharnberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle.

9.A.2. **Resolution No. AR 2003-380**, a resolution of the Anchorage Municipal Assembly thanking Senator Lisa Murkowski and the Congressional Delegation for their efforts in making Anchorage a safer, better place to live, for working to represent the people of Alaska, and for

1 NAYES: Kendall.  
2 ABSENT: Sullivan, excused.

3  
4 Mr. Tesche moved, to approve immediate reconsideration on  
5 Mr. Tremaine seconded, AO 2003-139(S).  
6 and this motion failed.

7  
8 Mr. Tesche urged a NO-vote.

9  
10 AYES: Kendall.  
11 NAYES: Tremaine, Van Ethen, Shamburg, Fairclough, Traini, Von Gemmingen, Taylor, Whittle and  
12 Tesche.  
13 ABSENT: Sullivan, excused.

14  
15 Chair Traini announced that AO 2003-139(S) would not be reconsidered before the Assembly.

16  
17 Chair Traini called for a motion on AM 956-2003, an explanation memorandum accompanying AO 2003-139(S).

18  
19 Mr. Tesche moved, to approve AM 956-2003.  
20 Mr. Tremaine seconded,  
21 and this motion passed,

22  
23 AYES: Tremaine, Shamburg, Kendall, Van Ethen, Fairclough, Traini, Von Gemmingen, Taylor, Whittle  
24 and Tesche.  
25 NAYES: None.  
26 ABSENT: Sullivan, excused.

27  
28 Chair Traini welcomed an unscheduled appearance of Boy Scout Troop #266. The Scouts introduced  
29 themselves with their rank, and included Matt Ecamason (Life Scout), Jacob Ewing (Eagle Scout) and Chris  
30 (Eagle Scout). They said they were working on their Scout's Badge involving Citizenship in the Community and  
31 Duty to God, and they were interested in watching the city's budget process.

32  
33 11.D. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission  
34 recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A  
35 (Single Family Residential) to B-3 (General Business District) for a relinquished right of way  
36 parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at  
37 12907 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094),  
38 Planning Department.  
39 (Clerk's note: Postponed from 10-21-03; Carried over from 11-18-03)

40  
41 Chair Traini read AIM 94-2003 and called for a motion.

42  
43 Mr. Tesche moved, to approve AIM 94-2003.  
44 Ms. Fairclough seconded,

45  
46 Mr. Tesche stated this memorandum was previously discussed by the Assembly and he voiced his concern  
47 about the process of introduction of this legislation. He recalled the applicant had applied for rezoning for a  
48 piece of property, presented that application to the Planning and Zoning Commission, which had recommended  
49 against the matter. He recalled this legislation had been previously presented to the Assembly as an attached  
50 informational memorandum, as he described as "slipping it in." He stated that presenting it, clearly itemized in  
51 the Agenda, was the proper method of introduction.

52  
53 Mr. Tesche questioned the applicant's wish for rezoning, and why the applicant had not received a hearing in  
54 front of the Assembly to present his/her case.

55  
56 Mr. Weaver stated this new policy of procedure was implemented a year ago with the Planning and Zoning  
57 Commission. Assembly Attorney, Mr. Michael Gatti, stated that the current Code provision was provided when  
58 the Planning and Zoning Commission denied the rezoning application and it was not forwarded to the Assembly,  
59 except upon the request of the applicant.

60  
61 Mr. Tesche recommended postponing consideration of this matter until the next Regular Assembly Meeting, so  
62 the wish of the applicant could be made clear.

63  
64 Mr. Tesche moved, to postpone AIM 94-2003 until December 16, 2003.  
65 Ms. Fairclough seconded,  
66 and this motion passed,

67  
68 AYES: Kendall, Van Ethen, Shamburg, Traini, Von Gemmingen, Taylor, Whittle and Tesche.  
69 NAYES: Tremaine.  
70 ABSENT: Sullivan, excused, and Fairclough temporarily out of room.

71  
72 Mr. Tremaine cited Code, and interpreted it to mean that the decision of the Planning and Zoning Commission,  
73 when reviewing an application was final, unless the applicant filed a written statement within twenty days to the  
74 Municipal Clerk, requesting changes. He pointed out the Administration would be liable if they had not provided  
75 the document and the opportunity for an appeal, to the applicant.

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2 Chair Traini concluded that this issue could be postponed until the next Assembly Meeting, to allow the  
3 Administration time to find that document.

4  
5 Mayor Begich stated the Administration's stand would remain in opposition to the rezoning request.

6  
7 **12. APPEARANCE REQUESTS** None.

8  
9 **13. CONTINUED PUBLIC HEARINGS**

10 13.A Ordinance No. AO 2003-151, an ordinance of the Anchorage Municipal Assembly amending  
11 Anchorage Municipal Code Section 21.10.030, Board of Adjustment, to make a corrective  
12 amendment to delete the phrase "to serve in the absence of the three sitting members,"  
13 Assemblymember Tesche.  
14 Assembly Memorandum No. AM 854-2003. (Clerk's note: Carried Over from 11-18-03)

15  
16 Chair Traini opened Public Hearing on this item. With no one to testify, Chair Traini closed Public Hearing and  
17 called for a motion.

18  
19 Mr. Tesche moved, to approve AO 2003-151.  
20 Ms. Taylor seconded,  
21 and this motion passed unanimously.

22  
23 AYES: Tremaine, Shamberg, Kendall, Van Etten, Fairclough, Traini, Von Gemmingen, Taylor, Whittle  
24 and Tesche.

25 NAYES: None.

26 ABSENT: Sullivan, excused.

27  
28 13.B. Ordinance No. AO 2003-142, an ordinance of the Anchorage Municipal Assembly amending the  
29 zoning map and providing for the rezoning of approximately 14 acres from PLI (Public Lands  
30 and Institutions) to B-3 SL (General Business District) with Special Limitations for Tract E,  
31 Mental Health Trust Land Subdivision; generally located at the southeast corner of Lake Otis  
32 Parkway and Providence Drive (University Area Community Council) (Planning and Zoning  
33 Commission Case 2003-072), Planning Department.  
34 1. Assembly Memorandum No. AM 789-2003.  
35 (Clerk's note: Carried Over from 11-18-03)

36  
37 Chair Traini opened Public Hearing on this item.

38  
39 TIM POTTER, with Dowd Engineering, stated this ordinance was the product of much work and was being  
40 resolved with the highest standards of design and development, within the guidelines and limitations set by the  
41 MOA. He stated this proposed ordinance implements the 2020 Plan and that the Planning and Zoning  
42 Commission supported AO 2003-142. Mr. Potter said that he and his staff had attended local area community  
43 council meetings to explain the project, gather input and identify some of the concerns of the residents in the  
44 area. Because this area was unique, not falling into the normally prescribed description of mix use, they had  
45 crafted a B-3 SL zoning.

46  
47 Mr. Potter responded to Mr. Tremaine that he did not want to comment on the exact width of the tree-buffer on  
48 the map size of the buffer, but did cite the Planning and Zoning Commission's requirement of minimum building  
49 set-back of twenty feet from the property line on Providence Drive to maintain the standards of set-backs along  
50 the parkway. Mr. Potter, his staff and the P&Z wanted the structures fairly close to Lake Otis, and chose a ten-  
51 foot building set-back for that corridor. To Mr. Tremaine's question concerning that area being in a 100-year  
52 flood plain, Mr. Potter responded that as soon as they completed a design project they would pursue the  
53 sequence of procedures, including presentations to the Site Plan Review Process for Public Hearing, Building  
54 Permit Review Process and a Grading Plan to get the permitting for the 100-year flood plain. Mr. Tremaine  
55 stated that the property was currently valued at \$2 million and currently no property taxes were being paid. Mr.  
56 Potter said that with the new B-3 SL zoning the current owner would not have to pay taxes but if the land was  
57 leased, the lessees would pay property taxes.

58  
59 Mr. Tesche, referred to Page 4, Item G.2 of the ordinance, relating to a traffic impact study. Mr. Potter  
60 responded that when a site plan was developed and approved by the Planning and Zoning Commission, a TIA  
61 would be submitted. Their draft traffic impact analysis had been completed and reviewed by the State of Alaska  
62 DOT and the MOA Traffic Engineering Department and they were currently responding to comments from those  
63 agencies. Mr. Potter gave the reminder that the process of traffic impact studies was continual and it was  
64 important to understand that it would be continuing to change. Mr. Potter noted that the Assembly had  
65 accommodated the plan to continue Laurel Street from 40<sup>th</sup> to Providence Drive. To Mr. Tesche's question, Mr.  
66 Potter responded that he would not object to a floor amendment to G.2, clarifying that before grading and  
67 excavation permits were issued, that the Planning and Zoning Commission should first have received and  
68 approved a TIA for the project, if there were no time restrictions set.

69  
70 Mr. Potter responded to Mr. Van Etten's question, that the extension of Laurel Road from 40<sup>th</sup> to Providence  
71 would have to be completed within two years of the time the petitioner accepted it's rezoning, and there were no  
72 time limitations set for its development. Mr. Potter stated that Laurel was not predicted to become a major traffic  
73 carrier, but more of a convenience route.

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**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEETING**

Assembly Chambers, Z. J. Lousac Library  
3600 Denali Street

Minutes for Regular Meeting of November 18, 2003, Amended

1. **CALL TO ORDER**

The meeting was convened at 5:00 p.m. by Assembly Chair Dick Traini on November 18, 2003, in the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

2. **ROLL CALL** A Quorum was achieved with Assemblymembers present.

**PRESENT:** Allan Tesche, Brian Whittle, Melinda Taylor, Fay Von Gemmingen, Dick Traini, Doug Van Ethen, Anna Fairclough, Janice Sharnberg, Dick Tremaine and Dan Sullivan; Dan Kendall arrived shortly after the meeting was called to order.

**ABSENT:** None.

3. **PLEDGE OF ALLEGIANCE** Ms. Taylor led the pledge.

4. **MINUTES OF PREVIOUS MEETING**

4.A. Meeting Minutes of November 7, 2003.

Mr. Tesche moved, to approve the Minutes of the Special Assembly Meeting of November 7, 2003.  
Ms. Taylor seconded,  
and this motion passed,

**AYES:** Sullivan, Tremaine, Kendall, Sharnberg, Fairclough, Van Ethen, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

**NAYES:** None.

5. **MAYOR'S REPORT**

Mayor Begich reported on his recent trip, partnered with Anchorage Economic Development Corporation, to Seattle and San Francisco. The Mayor met with numerous reporters to promote Anchorage opportunities for Seattle based businesses and travelers. He discussed a successful community program, the Delancy Place, dealing with homeless issues and programs of rehabilitation from alcohol and drug abuse, privately funded and self funded. The Mayor was interested in introducing this to Alaska in association with Cook Inlet Tribal Council. He met with the Seattle Chamber of Commerce, Alaska Committee, which expressed interest in a trade mission to Alaska in early 2004. Mayor Begich met with Seattle's Mayor Nichols, to promote Alaska and reestablishing the state's relationships with Seattle, centered on economic development.

Ms. Von Gemmingen asked about the Alaska Committee of the Seattle Chamber of Commerce and suggested that the Anchorage Chamber of Commerce communicate with them. Responding to Ms. Von Gemmingen's question, Mayor Begich stated that he talked with the Alaska Committee about tourism and transportation. He said the Alaska Committee was the single largest committee of the Seattle Chamber.

Mr. Tremaine stated that he and Mr. Tesche had been working with persons from the Seattle Chamber and other national agencies and assembly groups, forming (through the National League of Cities) the Central Cities Committee. At this national meeting in Nashville, they planned to push the agenda to increase federal funding for Anchorage and Alaska, specifically addressing transportation and building infrastructures to promote economic development. To Mr. Tremaine's question, Mayor Begich responded that he had spoken with Seattle's Mayor Nichols and with the Alaska Committee, specifically discussing roads, bridges, ports, waterways and ferries and ferry terminals. Mayor Begich responded that he felt that the issue of transportation would be a top item of interest for the nation.

Mr. Tesche stated that when Mr. James Posey, Director of Municipal Light and Power, received an award from IBEW, for ML&P. Mr. Tesche had impounded the trophy (*a lamp*) to share with the Assembly and audience. Mr. Tesche said Mr. Posey spoke of the new technology that would one day be available to the MOA.

6. **ASSEMBLY CHAIR'S REPORT**

Chair Traini read a letter from Mr. Jim Cooper, new President of the Alaska Municipal League, honoring Ms. Von Gemmingen, the outgoing president of AML, for her various accomplishments, her leadership qualities, her dedication to Alaska and the Municipality of Anchorage over the past eleven and one-half years. Chair Traini offered his congratulations and praised her for her efforts.

1  
2 Mr. Sullivan moved,  
3 Mr. Tesche seconded,  
4 and this motion was passed,  
5  
6  
7

to amend AO 2003-138 (amended), by changing on  
Page 1, Lines 33 and 34, appropriated Fund No. 562,  
concerning Solid Waste Disposal, from \$14,787,230 to  
\$14,892,447, and Fund No. 570, concerning the Port of  
Anchorage, from \$9,726,109 to \$7,868,845.

8 AYES: Sullivan, Shamberg, Fairclough, Kendall, Traini, Von Gemmingen, Taylor, Whittle and Tesche.

9 NAYES: None.

10 ABSENT: Van Eiten and Tremaine, temporarily gone from room.

11  
12 11.E. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission  
13 recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A  
14 (Single Family Residential) to B-3 (General Business District) for a relinquished right of way  
15 parcel and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907  
16 Old Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-094), Planning  
17 Department. (Postponed From 10-21-03.)  
18

19 Chair Traini announced that this Item 11.E, No. AIM 94-2003 would be postponed until the next Assembly Meeting  
20 of December 2, 2003.

21  
22 12. APPEARANCE REQUESTS None.

23  
24 13. CONTINUED PUBLIC HEARINGS None.

25  
26 14. NEW PUBLIC HEARINGS

27 14.A. Ordinance No. AO 2003-152, an ordinance amending Anchorage Municipal Code Chapters 6.70,  
28 9.28, 9.30, 11.10, 11.60, 11.70, 12.20, 14.60, 17.70, 19.20, 23.10, 23.10.tables 3A-3M, 24.30,  
29 25.60 and Anchorage Municipal Code of Regulations Chapters 9.30, 15.05, 21.20, 21.60, 21.67  
30 and 25.10, to establish or increase fees, fines and/or penalties in an effort to improve cost  
31 recovery and reduce or eliminate taxpayer subsidy of municipal programs in the departments and  
32 divisions of Development Services, Finance, Treasury, Property Assessment, Health & Human  
33 Services, Law, Merrill Field, Planning, Police, Project Management & Engineering, Public  
34 Transportation, Transportation Inspection, Economic & Community Development, Parks &  
35 Recreation, and Anchorage Museum, Legal Department.

36 14.A.1. Ordinance No. AO 2003-152(S), an ordinance amending Anchorage Municipal Code Chapters  
37 6.70, 9.28, 9.30, 11.10, 11.60, 11.70, 12.20, 14.60, 17.70, 19.20, 23.10, 23.10. Tables 3A-3M,  
38 24.30, 25.60 and Anchorage Municipal Code of Regulations Chapters 9.30, 15.05, 21.20, 21.60,  
39 21.67 and 25.10, to establish or increase fees, fines and/or penalties in an effort to improve cost  
40 recovery and reduce or eliminate taxpayer subsidy of municipal programs in the departments and  
41 divisions of Development Services, Finance, Treasury, Property Assessment, Health & Human  
42 Services, Law, Merrill Field, Planning, Police, Project Management & Engineering, Public  
43 Transportation, Transportation Inspection, Economic & Community Development, Parks &  
44 Recreation and Anchorage Museum, Legal Department.

45 2. Assembly Memorandum No. AM 865-2003.

46  
47 Chair Traini opened Public Hearing on this item No. AO 2003-152(S). The following persons offered public  
48 testimony:  
49

50 CAROL JENSEN urged the Assembly to strike the section to remove all changes to animal fees and fines. She  
51 spoke against the 500% increase of platting fees, saying the fees would hurt the entrepreneurs who wanted to  
52 improve or expand their small businesses. Ms. Shamberg responded to Ms. Jensen by saying the increased  
53 costs of platting should not be the burden of the new property owner, but rather should be distributed, and asked  
54 Ms. Jensen where she thought the additional needed cuts could be. Ms. Jensen responded by saying she had  
55 many good ideas for proposed cuts, and had outlined many of those in a budget letter, distributed to  
56 Assemblymembers.  
57

58 JOSEPH PITCHLER spoke in support of the proposed increased rates for rides with the People Mover. He had  
59 ridden the bus system in Anchorage for the past 10 years and thought it was about time to increase bus rates, the  
60 Sullivan Arena and parking fees. He also spoke in favor of increases to property taxes and library fees.  
61

62 MITCH BROWN suggested the MOA could make more sacrifices to fix the budget, even if it meant laying off  
63 employees. He suggested not to nickel-and-dime the budget to death, but instead do major cutting. He explained  
64 that his life-style was never to live beyond his means and he questioned the \$12 million subsidizing for the MOA  
65 People Mover bus system.  
66

67 Mr. Traini called for additional public testimony, and there being none, he closed Public Hearing. He called for a  
68 motion and opened discussion on AO 2003-152(S).  
69

70 Mr. Tesche moved, to approve AO 2003-152(S).  
71 Ms. Von Gemmingen seconded,  
72

73 Mr. Traini requested that he and Mr. Tesche trade chairs, to allow Mr. Traini an opportunity to make proposals of  
74 amendments to Section 8, of AO 2003-152(S). Mr. Traini offered several amendments for changes to the Fees

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**ANCHORAGE MUNICIPAL ASSEMBLY  
ASSEMBLY MEETING**

**Assembly Chambers, Loussac Library  
3600 Denali Street, Room 108**

**Minutes for Regular Meeting of October 21, 2003**

**1. CALL TO ORDER**

The meeting was convened at 6:00 p.m. by Assembly Chair Dick Traini at the Assembly Chambers, 3600 Denali Street, Anchorage, Alaska.

**2. ROLL CALL** A Quorum was achieved with Assemblymembers present.

**PRESENT:** Dan Sullivan, Fay Von Gemmingen, Melinda Taylor, Doug Van Etten, Dick Traini, Anna Fairclough, Allen Tesche, Janice Shamberg, Dick Tremaine, Dan Kendall and Brian Whittle.

**ABSENT:** None.

**3. PLEDGE OF ALLEGIANCE** Ms. Fairclough led the pledge.

**4. MINUTES OF PREVIOUS MEETING** None.

**5. MAYOR'S REPORT**

Mayor Begich stated that on October 20, 2003 they held a Parks and Recreation Meeting, discussing the topic of user fee increases. He stated there were many ideas generated by Parks & Recreation users on how to meet the fee increases.

Mayor Begich mentioned that Don Alspach had been appointed Planning Director for six months. He stated that Sue Fison was retiring and this was the last Assembly Meeting she would be attending in the capacity of Director of the Planning Department. He asked her to summarize the new public notification system. Ms. Fison explained that the email notification system ([www.muni.org/planning](http://www.muni.org/planning)) was a planning alert system that would activate within 24-hours after a case was filed, notifying homeowners of development changes within close proximity of their property.

Ms. Fairclough mentioned her gratitude to Ms. Fison for all of the work she had accomplished while with the MOA.

**6. ASSEMBLY CHAIRS' REPORT**

Chair Traini stated that the Administration would like to change the date of the Public Hearing for AR 2003-328, a resolution concerning the Special Assessment District No. 1P97, from November 18, 2003 to December 16, 2003.

Mr. Tesche, the sponsor of AO 2003-136, an ordinance creating the North Ship Creek Development and Safety Commission, asked for the Public Hearing to be delayed until November 4, 2003.

Ms. Fairclough, the sponsor of AO 2003-86, requested this ordinance on instituting a city sales tax be postponed indefinitely.

**7. COMMITTEE REPORTS**

Mr. Kendall stated that the Fire Lake Community Council held their first organizational meeting last night and their next one would be November 17, 2003. He stated he would like to postpone the associated ordinance, AO 2003-144, until December. It was scheduled for December 16, 2003.

**8. ADDENDUM TO AGENDA**

Chair Traini read the Addendum Items and called for a motion to incorporate them into the Regular Agenda.

Mr. Tesche moved, to incorporate the Addendum Items into the Regular  
Ms. Von Gemmingen seconded, Agenda.  
and this motion passed without objection.

**9. CONSENT AGENDA**

**9.A. RESOLUTIONS FOR ACTION - PROCLAMATIONS AND RECOGNITIONS**

**9.A.1. Resolution No. AR 2003-328**, a resolution of the Anchorage Municipal Assembly recognizing and honoring Susan Fison for her 16 years of service with the Municipality of Anchorage, Mayor Begich; Assemblymembers Fairclough, Kendall, Shamberg, Sullivan, Taylor, Tesche, Traini, Tremaine, Van Etten, Von Gemmingen and Whittle. (Addendum)

1 Mr. Kendall seconded,  
2 and this motion passed.

3  
4 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Sharnberg, Van Etten, Kendall,  
5 Tremaine and Sullivan.  
6 NAYES: None.

7  
8 Mr. Tremaine stated that he had looked over the contract with Ward North and the company appeared to be out-of-  
9 compliance.

10  
11 Mr. Lance Smith, Director of Trafficking, stated that the MOA had given them 30 days to bring the department into  
12 compliance. He had scheduled the audit for Ward North, after noticing some problems developing. He explained  
13 the contract called for a level of experience, and the company had experienced a high level of turn-over in the past  
14 year and currently did not have the proper expertise.

15  
16 To Ms. Von Gemmingen question, Mr. Smith responded that he was interested in an additional, follow-up audit.  
17 Ms. Von Gemmingen, the Head of the Audit Committee, stated they were planning a meeting later on during this  
18 month to discuss this issue and she would put it on their Agenda.

19  
20 10.E.2. Information Memorandum No. AIM 94-2003, transmittal of the Planning and Zoning Commission  
21 recommendation of denial for a rezoning application request to rezone 2.01 acres from R-1A  
22 (Single family residential) to B-3 (General) business district) for a relinquished right of way parcel  
23 and Lots 1, 2, 3, 4, 5 and 10, Block D, Deborah Subdivision, generally located at 12907 Old  
24 Glenn Highway, Eagle River (Planning and Zoning Commission Case 2003-084), Planning Department.

25  
26 Mr. Kendall moved, to approve AIM 94-2003.  
27 Ms. Fairclough seconded,

28  
29 Mr. Tesche questioned the method by which this matter had become before the Assembly. Mr. Tesche suggested  
30 the informational memorandum should come to the Assembly as a motion to introduce a rezoning ordinance. Mr.  
31 Tesche stated his concern was strictly with the procedure of introduction.

32  
33 Mr. Kendall moved, to postpone AIM 94-2003 until November 18, 2003.  
34 Ms. Fairclough seconded,  
35 and this motion passed,

36  
37 AYES: Tesche, Whittle, Taylor, Von Gemmingen, Traini, Fairclough, Sharnberg, Van Etten, Kendall,  
38 Tremaine and Sullivan.  
39 NAYES: None.

40  
41 Mr. Kendall stated he also had questions on the procedure of this Agenda item. He proposed to postpone further  
42 action to allow time to confer with Legal concerning submission procedure.

43  
44 Ms. Fairclough requested that the MOA Legal Department address the appropriate Code citation for an issue that  
45 was denied by the P&Z. She requested additional public testimony. She suggested if this item were heard again  
46 in November that it would be appropriate to notify homeowners who had previously testified in opposition.

47  
48 Mr. Sullivan asked if the petitioner was planning to pursue this issue. Mr. Kendall acknowledged that the petitioner  
49 was pursuing this issue, and it was his intention to follow through.

50  
51 Mr. Boness stated that submitting an informational memorandum to deny a zoning change would require an  
52 ordinance to approve the zoning change. The procedure that had been followed in the past, when the  
53 Administration was not recommending a zoning change, had been to bring the matter before the Assembly through  
54 an AIM, attaching an ordinance. If an Assemblymember wanted to support the zoning change, an  
55 Assemblymember could push the adoption of an ordinance. The Code required a zoning change be done through  
56 an ordinance.

57  
58 10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION

59 10.F.1. Ordinance No. AQ 2003-145, an ordinance of the Municipality of Anchorage, Alaska, authorizing  
60 and providing for the borrowing from the State of Alaska Clean Water Fund of an aggregate  
61 amount not to exceed \$8,450,000 for the purpose of financing a portion of the costs of various  
62 AWWU sewer improvement projects in the Municipality, and providing for related matters,  
63 Anchorage Water & Wastewater Utility.

64 a. Assembly Memorandum No. AM 800-2003.  
65 (Clerk's note: Public Hearing was scheduled for 11-4-03)

66 10.F.2. Ordinance No. AQ 2003-146, an ordinance of the Municipality of Anchorage, Alaska, authorizing  
67 and providing for the borrowing from the State of Alaska Drinking Water Fund of an aggregate  
68 amount not to exceed \$14,935,300 for the purpose of financing a portion of the costs of various  
69 water capital improvement projects in the Municipality, and providing for related matters,  
70 Anchorage Water & Wastewater Utility.

71 a. Assembly Memorandum No. AM 801-2003.  
72 (Clerk's note: Public Hearing was scheduled for 11-4-03)

73 10.F.3. Ordinance No. AQ 2003-148, an ordinance amending the zoning map and providing for the  
74 rezoning from R-3 (Multiple Family Residential) to B-3S SL (General Business with Special  
75 Limitations), for Lintner Subdivision, Lots 21, 22, 23, 24 and 25, generally located on the south



**PLANNING DEPARTMENT**  
**PLANNING STAFF ANALYSIS**  
**REZONING**

**DATE:** November 1, 2004

**CASE NO.:** 2004-163

**APPLICANT:** Lex Griffith

**PETITIONER'S REPRESENTATIVE:** DHI Consulting Engineers

**REQUEST:** Rezoning from R-1A (Single family residential) to B-3SL (general business with special limitations)

**LOCATION:** East side of Old Glenn Highway and north of North Juanita Loop

**SITE ADDRESS:** 12907 Old Glenn Highway

**COMMUNITY COUNCIL:** Eagle River

**TAX NUMBER:** 050-032-17, -18, -19, -20, -21, -22, -25

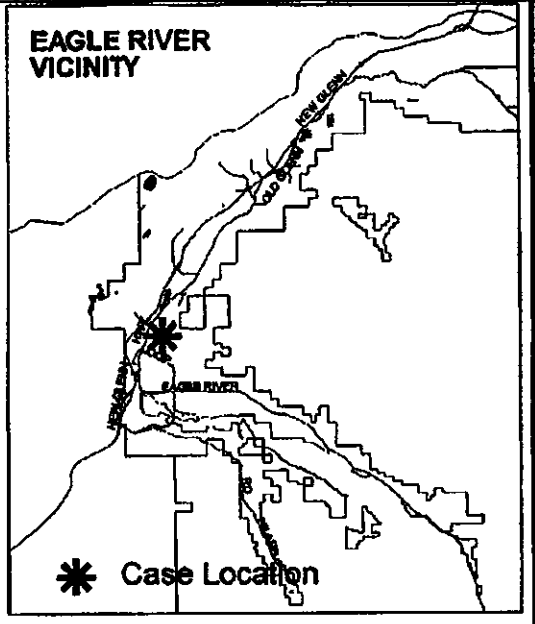
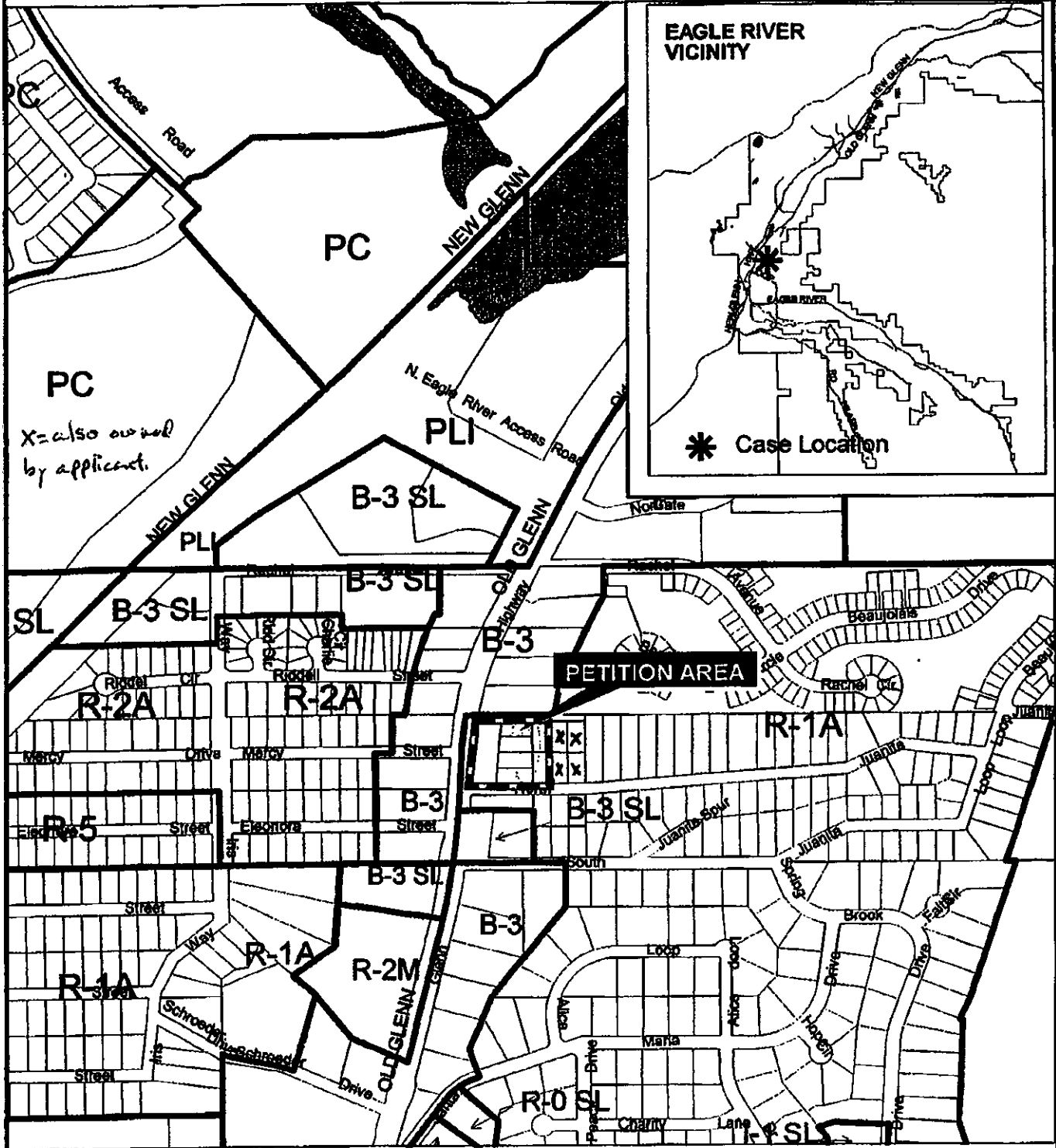
**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:**

**APPROVAL WITH SPECIAL LIMITATIONS**

# REZONING 2004-163



Municipality of Anchorage  
Planning Department



- Flood Limits
- 100 Year Floodplain
  - 500 Year Floodplain
  - Floodway

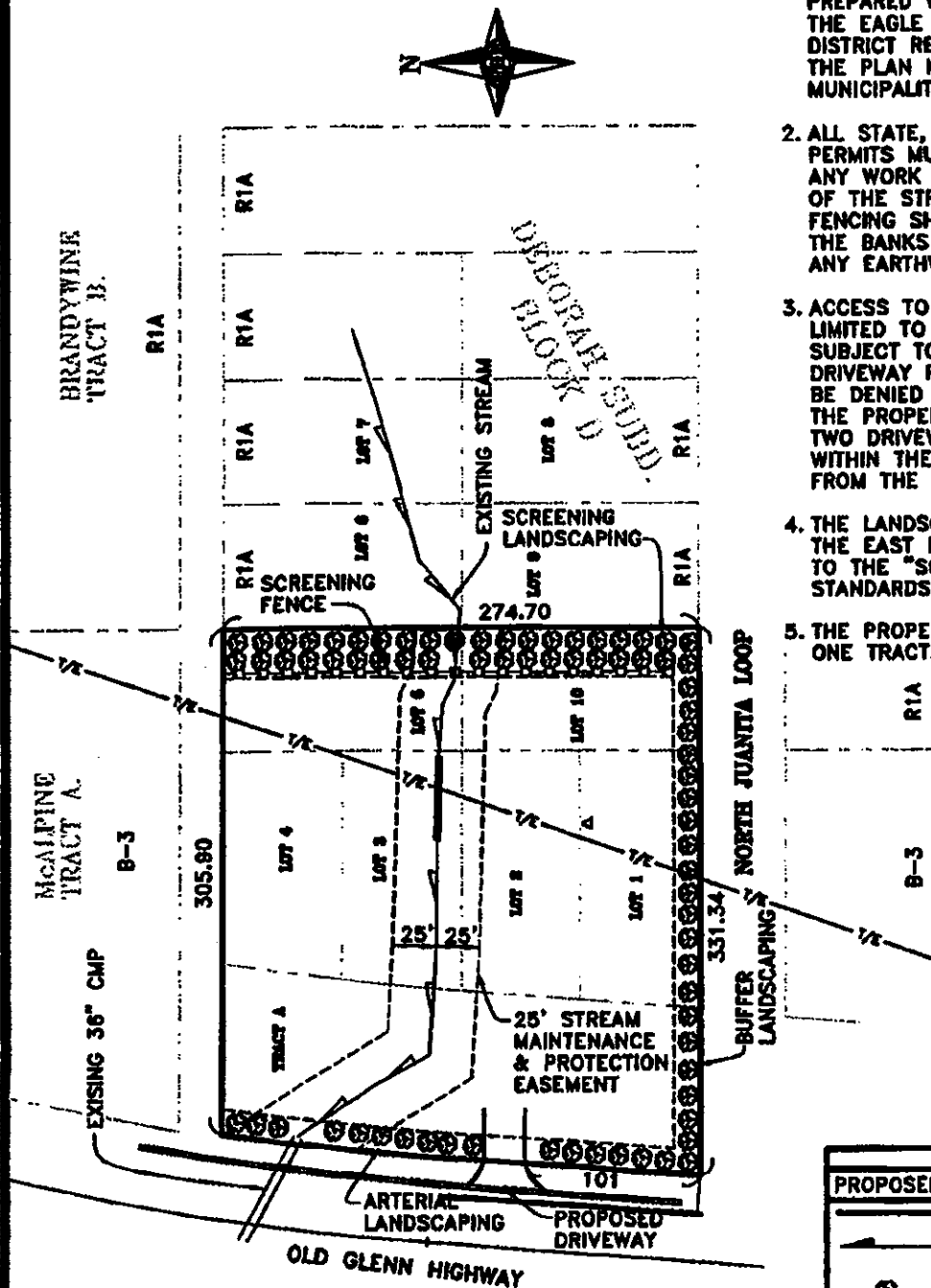


Date: SEPTEMBER 09, 2004

Proposal

**SPECIAL LIMITATIONS:**

1. PRIOR TO DEVELOPMENT OF THIS PROPERTY, A SITE PLAN SHALL BE PREPARED WHICH IS CONSISTENT WITH THE EAGLE RIVER CENTRAL BUSINESS DISTRICT REVITALIZATION PLAN AND THE PLAN MUST BE APPROVED BY THE MUNICIPALITY OF ANCHORAGE.
2. ALL STATE, FEDERAL, AND MUNICIPAL PERMITS MUST BE IN PLACE BEFORE ANY WORK CAN OCCUR WITHIN 25' OF THE STREAM'S BANKS; AND SILT FENCING SHALL BE INSTALLED ALONG THE BANKS OF THE STREAM PRIOR TO ANY EARTHWORK ACTIVITIES.
3. ACCESS TO THIS PROPERTY SHALL BE LIMITED TO THE OLD GLENN HIGHWAY SUBJECT TO THE STATE ISSUING A DRIVEWAY PERMIT. SHOULD A PERMIT BE DENIED BY THE STATE, ACCESS TO THE PROPERTY SHALL BE LIMITED TO TWO DRIVEWAYS ALONG NORTH JUANITA WITHIN THE FIRST 200 FEET AS MEASURED FROM THE SOUTH WEST PROPERTY CORNER.
4. THE LANDSCAPE REQUIREMENTS ALONG THE EAST PROPERTY LINE SHALL CONFORM TO THE "SCREENING LANDSCAPE" STANDARDS.
5. THE PROPERTIES SHALL BE PLATTED INTO ONE TRACT.



LEGEND		
PROPOSED	EXISTING	DESCRIPTION
		PROPERTY LINE
		DRAINAGE CHANNEL
		LANDSCAPING



**DHI CONSULTING ENGINEERS**  
 Telephone: (907)344-1388 Fax: (907)344-1383  
 200 E. DEBORAH - SUITE 8-800, ANCHORAGE, ALASKA 99515

**PROPOSED REZONE TO B-3**

LEGAL: LOTS 1,2,3,4,5,10 & PORTION OF RELINQUISHED R.O.W. (TRACT A) DEBORAH SUBD., BLOCK D

SEC.1, N.W.1/4, T14N, R2W,S.M.

2 OF 235

SCALE: 1"=100'	GRID: 50511 (NW 352)	DATE: 6/10/04
W.O. 02539	COMP. FILE: 559COD5C	ZONING: R/A

**SITE:**

Acres: 2.01

Vegetation: Lot is undeveloped, partially cleared and contains some natural vegetation along Carol Creek branch.

Zoning: R-1A

Topography: Level

Existing Use: Vacant

Soils: Public water and sewer available.

**COMPREHENSIVE PLAN:**

Classification: The first 200 feet of depth of the property is designated commercial, the next 150 feet of depth is designated low to medium density (3-6 dua) residential.

Density: Low to medium

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	B-3	R-1A	R-1A	B-3
Land Use:	Vacant, then car lot	Vacant, then SF	Vacant and SF	Vacant and Office Bldg.

**PROPERTY HISTORY**

08-12-53 Plat Debora Subdivision Block D, Lots 1 through 10; the lot fronting Old Glenn in the current application is relinquished right of way.

03-12-85 Zoning AO 85-13 Arcawide zoning R-1A.

11-19-85 Rezone Case 85-086 rezone from R-1A to B-3 was approved by the Commission, but never became effective and lapsed.

07-03 Rezone Case 03-094 rezone to B-3, denied by

Commission, applicant requested public hearing with Assembly, assembly declined to hear, but sent back to address issues and reschedule with Commission.

**Applicable Zoning Regulations:**

TABLE I SUMMARY COMPARISON OF R-1A and E-3		
	R-1A	E-3
Intent:	Intended as urban and suburban single family residential areas with low population densities. Structures and uses required to serve governmental, educational, religious, noncommercial, recreational and other needs of such areas are permitted within the district or are permissible as conditional uses subject to restrictions intended to preserve and protect the single family residential character.	The E-3 district is intended to for general commercial uses in areas exposed to heavy automobile traffic.
Permitted Uses and permitted accessory uses	Single family dwellings only a single principal structure per lot or tract. Public, private, parochial academic elementary schools. High schools if on a	Business, business services, office, multi family at a density of not less than 12 units per acre, dwellings in commercial structures of not less

<b>TABLE SUMMARY COMPARISON OF R-1A and B-3</b>		
	<p>class I street, parks/playgrounds, municipal buildings in keeping with the character and requirements of the district, public branch libraries, family residential care, churches, antennas without towers type 1, 2, 3 and type 4 tower structures and antennas.</p> <p>Home occupations, noncommercial greenhouses family care, bed and breakfast.</p>	<p>than 5,000 square feet, parks, playgrounds, governmental buildings and uses, churches, family residential care, day care and 24 hour child care, roominghouses, antennas without tower structures type 1, 2, 3 and type 4 as specified in the supplementary district regulations, public, private and parochial academic schools, business colleges and universities, unlicensed nightclubs; uses and structures customarily and clearly incidental to permitted principal uses and structures.</p>

<b>TABLE  SUMMARY COMPARISON OF R-1A and B-3</b>		
<p><b>Conditional Uses:</b></p>	<p>Commercial greenhouses, airstrips, utility substations, nursing homes, art schools, music schools, natural resource extraction on 5 acre minimum, QI houses, day care, snow disposal.</p>	<p>heliports, snow disposal, quasi-institutional houses, alcohol sales per AMC 21.50.160, CCRC's, camper parks, utility substations.</p>
<p><b>Prohibited Uses</b></p>	<p>Storage or use of mobile homes, any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, etc.</p>	<p>The outdoor storage or display of any scrap, junk, salvaged or second hand materials, or any salvage yard or salvage operation. Any use which causes or may reasonably be expected to cause excessive noise, vibration, dust, particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond the lot line on which it is located.</p>
<p><b>Height limitation:</b></p>	<p>Principal structure 30 ft., detached garage 20 ft., accessory buildings 12 ft.</p>	<p>Unrestricted (except per FAA regulations)</p>
<p><b>Minimum lot</b></p>		

TABLE II SUMMARY COMPARISON OF R-1A and B-3		
size:	8,400 square feet	Residential per 21.40.060F All other including residential when associated with other uses Width - 50 feet Area - 6,000 square feet
Yards:		
Front	20 feet	Residential per 21.40.060G all other - ten feet
Side	5 feet	Residential per 21.40.060G All other - 10 feet adjacent to residential otherwise none; provided that all buildings shall have a wall on the lot line or be set back 10 feet.
Rear	10 feet	15 feet adjacent to a residential district, otherwise none
Lot Coverage:	30 percent	Residential per 21.40.060H; all other uses unrestricted
Landscaping	No requirement except for conditional uses.	Buffer landscaping along each lot line adjoining a residential district. Arterial landscaping along collector or arterial streets.



TABLE SUMMARY COMPARISON OF R-1A and B-3		
	R-1A	B-3
		Visual enhancement landscaping for all areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations and along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.

**SITE DESCRIPTION AND PROPOSAL:**

A similar application was submitted last year and heard by the Commission in July 2003. The staff had recommended approval, but for a smaller portion of the property and with several special limitations to mitigate traffic and perceived neighborhood incompatibility issues. The owner/applicant did not agree with the staff recommendation and did not offer any special limitations of his own. The Commission did not agree with the staff recommendation either and denied the request outright citing partial inconsistency with the comprehensive plan, the comp plan is not an entitlement, incompatibility of uses, traffic impacts, and an adequate amount of vacant B-3 property in the area.

The owner petitioned the Municipal Clerk to have the application scheduled as a public hearing with the Assembly, but the Assembly declined to hear the item. Assemblywoman Anna Fairclough met with the owner and the neighbors to discuss various issues and requested the owner the address those issues and resubmit to the Planning and Zoning Commission. A copy of her motion is included in the package.

The applicant owns eleven lots at Old Glenn Highway and North Juanita Loop, all zoned R-1A. The seven western most lots are the subject of this application, see map page 3. The site is level, mostly cleared and vacant. Carol Creek runs east-west across the property. The applicant is proposing to protect the creek. There is no current driveway cut on the Old Glenn; the road is State owned and maintained. Current access is from North Juanita. The applicant is attempting to obtain driveway access on Old Glenn, and will eliminate any Juanita access if successful. The property is served by public water and sewer. There is single family residential development east of the subject property along North Juanita Loop.

The applicant has spent a good portion of the past year attempting to get a State driveway permit, but it does not appear as though AK-DOT will support a driveway access on Old Glenn. However, the applicant should pursue this option and appeal any negative decision. At this point in time, the easy answer would be for the applicant to have driveway access to Juanita. This is a fall back position for the applicant and if it becomes a fact, he would keep the driveway as close to Old Glenn as possible and not greater than 200 feet away. Municipal Traffic and Planning Departments will not support a driveway on Juanita as it would mix commercial and residential traffic. Zoning staff would prefer a driveway on Old Glenn and shared with adjacent property to the north.

One of last year's issues the applicant has addressed is relocation of Carol Creek. The applicant will no longer seek Corps of Engineer and Muni permits to relocate the creek. He will leave it as is and the creek will have the standard 25 foot protective buffer. We have not received Corps comments; Muni environmental reviewers do not support relocating the creek channel.

The applicant is not proposing any use of the property at this time and no development plan has been submitted nor is one required. He does expect some type of commercial development within the next five years. The applicant has proposed several special limitations, notably, site plan review prior to any development, ten use prohibitions, driveway location restrictions on Juanita, and screening landscaping. The property will require a re-plat.

In 1985 a previous owner applied for a rezone, from R-1A to B-3, for lots 1 through 10. The Planning and Zoning Commission recommended approval, but the rezone was never enacted. From the microfiche record it does not appear that the application was ever scheduled before the Assembly. The rationale behind the approval recommendation in 1985 relied mainly on two points, 1) consistency with the comprehensive plan; 2) an elevation break of 20 feet separating the residential area to the east from the property to be rezoned.

The proposal is still partially consistent with the comprehensive plan, but the natural bluff topographic separation has been graded flat at this location; the area is level with very little grade change, so there is no natural feature forming a barrier for the separation of incompatible uses. Neighborhood intrusion is a real concern.

**FINDINGS:**

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

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

The standard is partially met.

The 1993 Chugiak – Eagle River Comprehensive Plan designates the area as commercial along the Old Glenn Highway. There is no reference as to how far from the Old Glenn the commercial designation should extend. In the 1979 comprehensive plan the commercial designation was given the vague depth of one lot from the Old Glenn. If the rezoning is approved as submitted, the commercial designation would extend approximately 350 feet from the Old Glenn.

The property is included in the Eagle River CBD Revitalization Plan area, but the property is at the north end of the plan area and there are not many specifics. Reconstruction of the Old Glenn has addressed traffic and pedestrian movement in this area. This area of North Eagle River is not considered to be an area to which pedestrians are drawn however traffic circulation is important due to adjacent residential uses. Design issues are concerned with placing sidewalks at the edge of right of way and as far from vehicle lanes as possible. There is an existing trail, newly re-built by AK-DOT, in this area of the Old Glenn.

Staff opinion is that a rezone of this size is consistent with the current B-3 and strip development in the area.

At this time, other issues remain: driveway location(s), buffering/incompatibility of uses, and uses for lots owned by the applicant and adjacent to the rezoning property, but not part of this application.

**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.

#### Environment and Land Use Patterns

The Standard is partially met.

In this area of Eagle River, the land use pattern fronting the Old Glenn Highway is decidedly commercial. North Juanita Loop is currently a residential street; there is no commercial access along Juanita. The change in zoning district will not change the land use pattern in the area. As it appears driveway access will need to be off North Juanita, there is the issue of traffic intrusion into the neighborhood. There is a platted but unused easement on the north property line of the subject lots. It may be possible to use this easement as driveway access for the property.

Public water and sewer are currently available. All uses are subject to AMC Noise and Air Quality ordinances

#### Transportation

This Standard has not been fully addressed at this time.

Neighborhood intrusion would be lessened if the subject property can be accessed from a driveway other than off North Juanita Loop. A new driveway on the Old Glenn Highway will be difficult to obtain. There is a

1953 platted road easement on the north side of the property that may be useable. Access will require a valid driveway permit and ADOT&PF approval. There is also a possibility of shared driveway access with property to the north.

### Public Services and Facilities

This Standard is met.

Public water and sewer are available at the petition site. Easements are located on the property.

There is a paved multi-use trail on the front of the property along the Old Glenn Highway. The State has recently upgraded and re-built the street and sidewalk in this area.

### Special Limitations

Special Limitations have been offered by the applicant, see the narrative included with the application, section 4 of the package.

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 vacant and developed B-3 property in the area. The proposal is not consistent with several goals and objectives of the comprehensive plan, however these issues can be addressed with a site plan. Those goals include:

- separation of incompatible uses - III.A.1.d.,
- appropriate infill - III.A.2.c.,
- the protection and preservation of neighborhoods and residential uses - III.B.2. and III.B.c.1. and 2,
- and strip development - III.D.2.c.

The proposal would be consistent with goals and policies promoting commercial and economic development: I.2.

Also, as there is no current development plan, special attention should be paid to policy/strategy III.D.3.b. – development plans for small neighborhood serving commercial areas.

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.

Services currently exist. The applicant owns the car lot business two lots to the north. Services can be readily extended to this property upon final approval. Development is anticipated within five years.

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 B-3 district allows multi-family at a density of 12 units per acre although no residential component is proposed. The loss of R-1A zoning would represent a loss of residential density. However, commercial development is appropriate along the Old Glenn Highway, with appropriate traffic access and buffering. Another compatible use would be residential at a higher density than R-1A. Higher density residential would provide a transition from the highway into the single family neighborhood.

#### **COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

On October 8, 2004 a total of 147 public hearing notices were mailed. As of the time this report was written, no responses had been received.

#### **DEPARTMENT RECOMMENDATION:**

The Department concludes that the proposed rezoning is in conformance with the Comprehensive Plan and recommends approval of the rezone request.

Should the Commission recommend approval, staff recommends the following special limitations and prohibited uses:

#### **Special Limitations**

Prior to development the owner shall submit for an administrative site plan review. The site plan shall adhere to the following provisions:

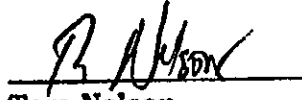
- a. The site plan shall include the requirement of AMC 21.15.030 C.2.b.1 through 6, as well as site lighting.
- b. The site plan shall be consistent with the Eagle River CBD Revitalization Plan regarding vehicle and pedestrian circulation and trails.
- c. There shall be 30 foot wide area of transition and buffering landscaping along the eastern property boundary and 20 foot wide buffer landscaping along the south boundary.

### **Prohibited Uses**

The following are prohibited in addition to those stated in AMC 21.40.180E:

1. Antennas without tower structures, Type 1, 2, 3 and 4 community interest and local interest towers as specified in the Supplementary District Regulations of AMC 21.45.
2. Public, private and parochial academic schools.
3. Non-licensed night clubs that conform to the requirements of AMC 21.45.245.
4. Utility substations.
5. Heliports.
6. Marquees, overpasses and similar substantial projections into public air space, together with any signs to be mounted thereon.
7. Drive-in theaters.
8. Camper parks.
9. Quasi-Institutional housing.
10. Correctional community residential centers.
11. Taxi cab stands.
12. Automotive repair services and garages.
13. Automotive truck and trailer rental agencies.
14. Bus terminals.
15. Fuel dealers.
16. Drive thru facilities.
17. Gasoline service stations.
18. Automobile display lots.
19. Mobile home display lots.
20. Motorcycle and snow machine display lots.
21. Parking lots.
22. Private clubs and lodges with alcohol sales or services.

Reviewed by:



Tom Nelson  
Director

Prepared by:

  
Alfred Barrett  
Senior Planner

(Case No. 2004-163) (Tax Parcel #050-032-17, -18, -19, -20, -21, -22, -25)

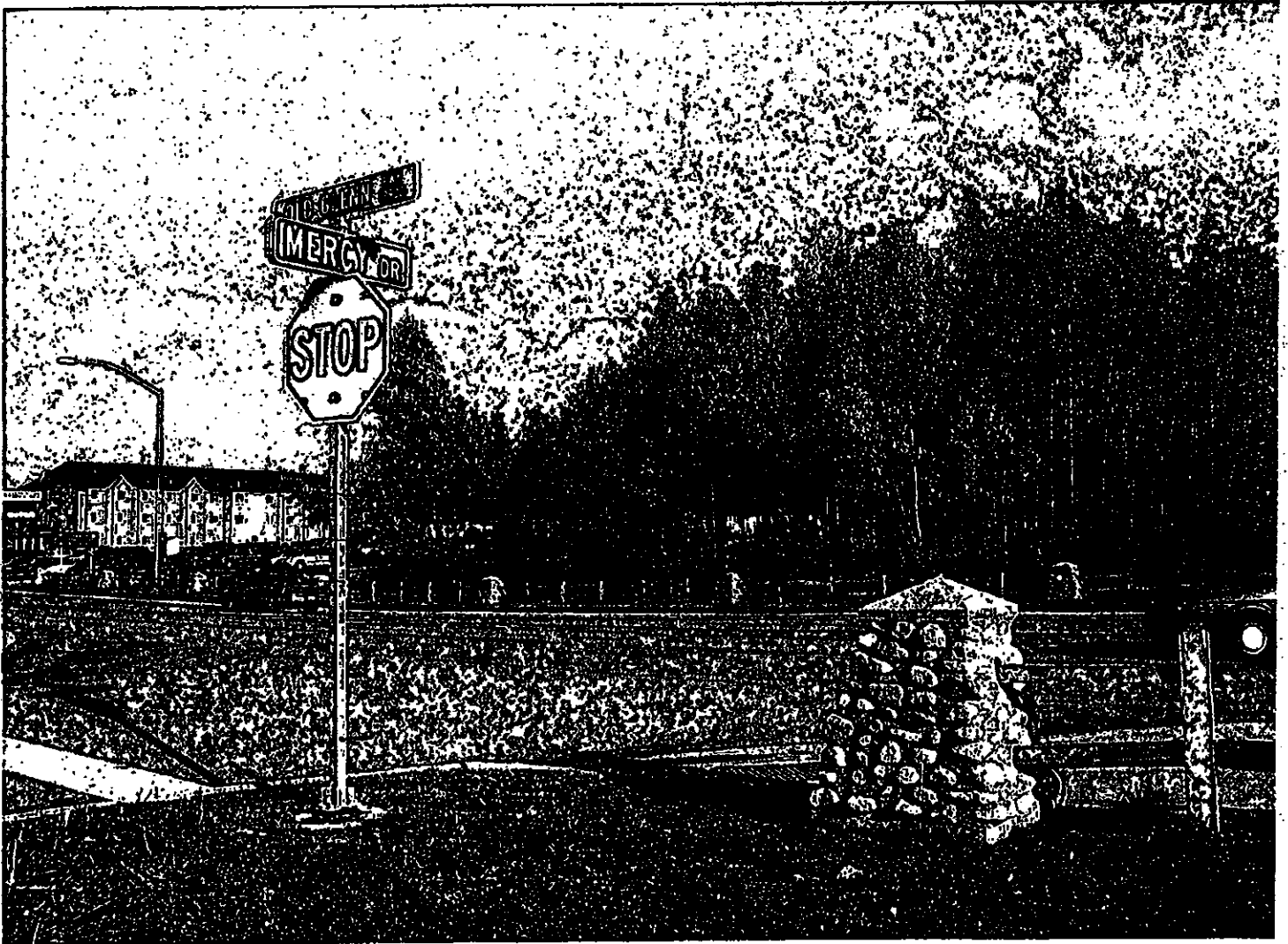




View west  
Juanita on left



subject from Old Glenn



motel car lot vacant lot subject



vacant lot

subject  
creek under Old Glenn

← N



car lot

vacant lot

subject

← N

# 2

## **HISTORICAL MAPS AND AS-BUILTS**

**Parcels—Multiple Layers**

Mon Oct 11, 10:10:48, 2024

Map: Parcels—Multiple Layers



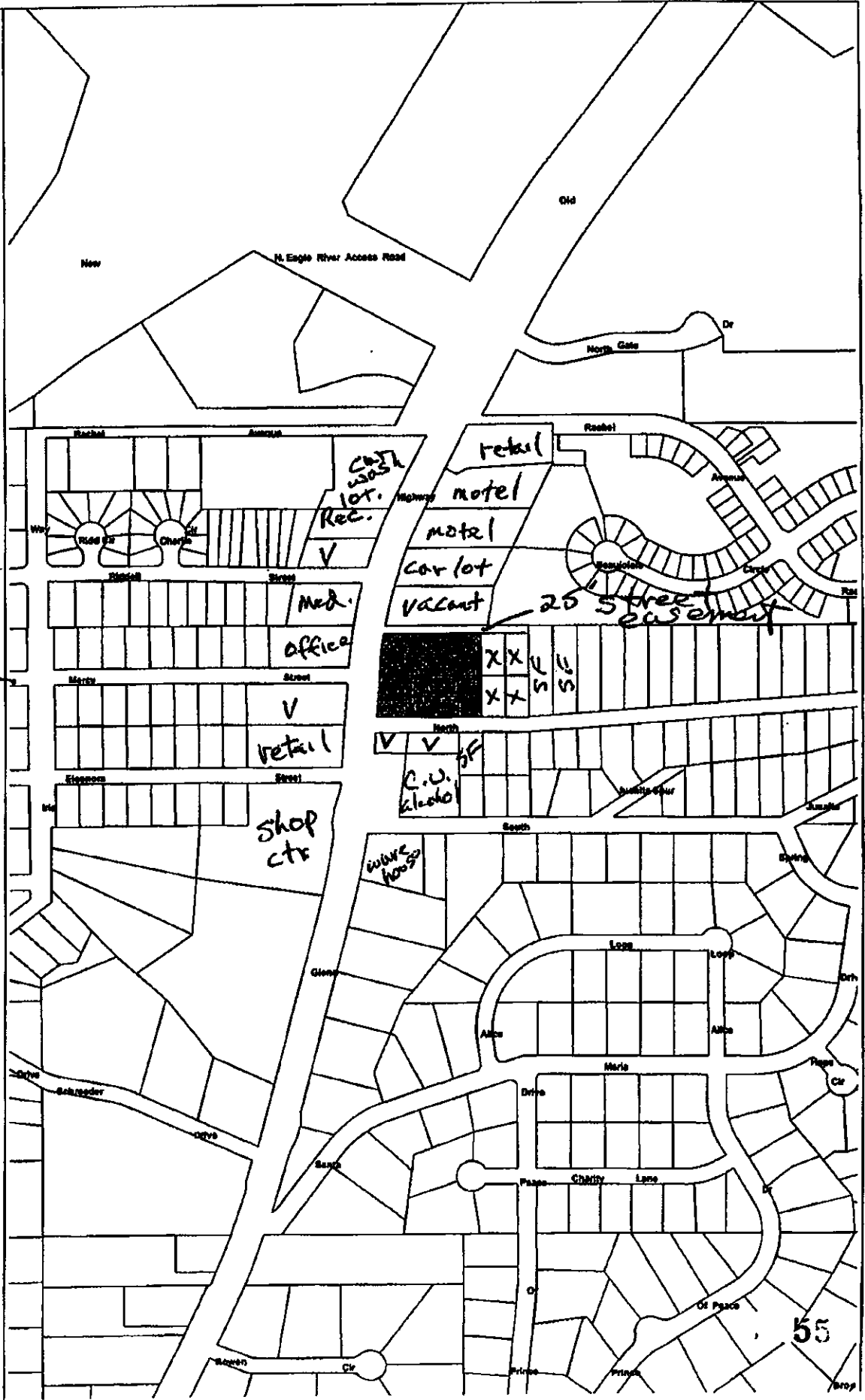
Scale 1:5000

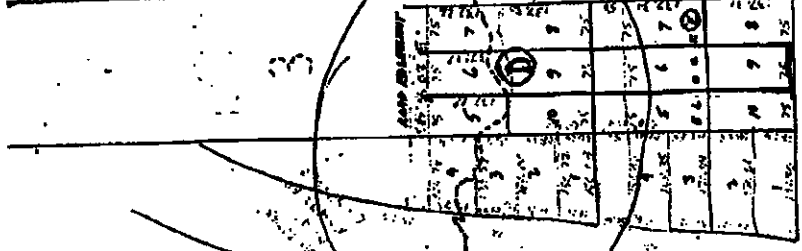
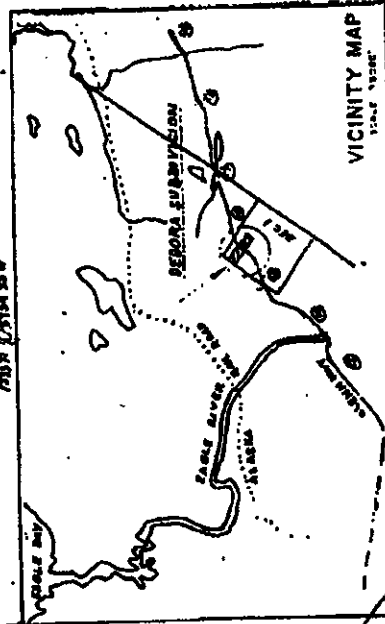
**Legend:**

Txt STRNAMES

□ PARCELS

Shaded = rezoned  
X = owned by applicant, not part of rezoned





**DEBORA SUBDIVISION**  
LOCATED  
IN THE 1/2 OF LOT 38 LOT 4, SECTION 18, R2W, S18N  
A DEVELOPMENT BY ERNINE HETT  
SCALE 1:5100 AUGUST 12, 1953  
RUTLEDGE-JONKSTON-TRYCK  
ENGINEERS-SURVEYORS

*Note taken from original plat*

P-349

SECTION

SECTION

P-349



**Parcels--Multiple Layers**

Was Oct 10, 2008, 2008

Map: Parcels--Multiple Layers

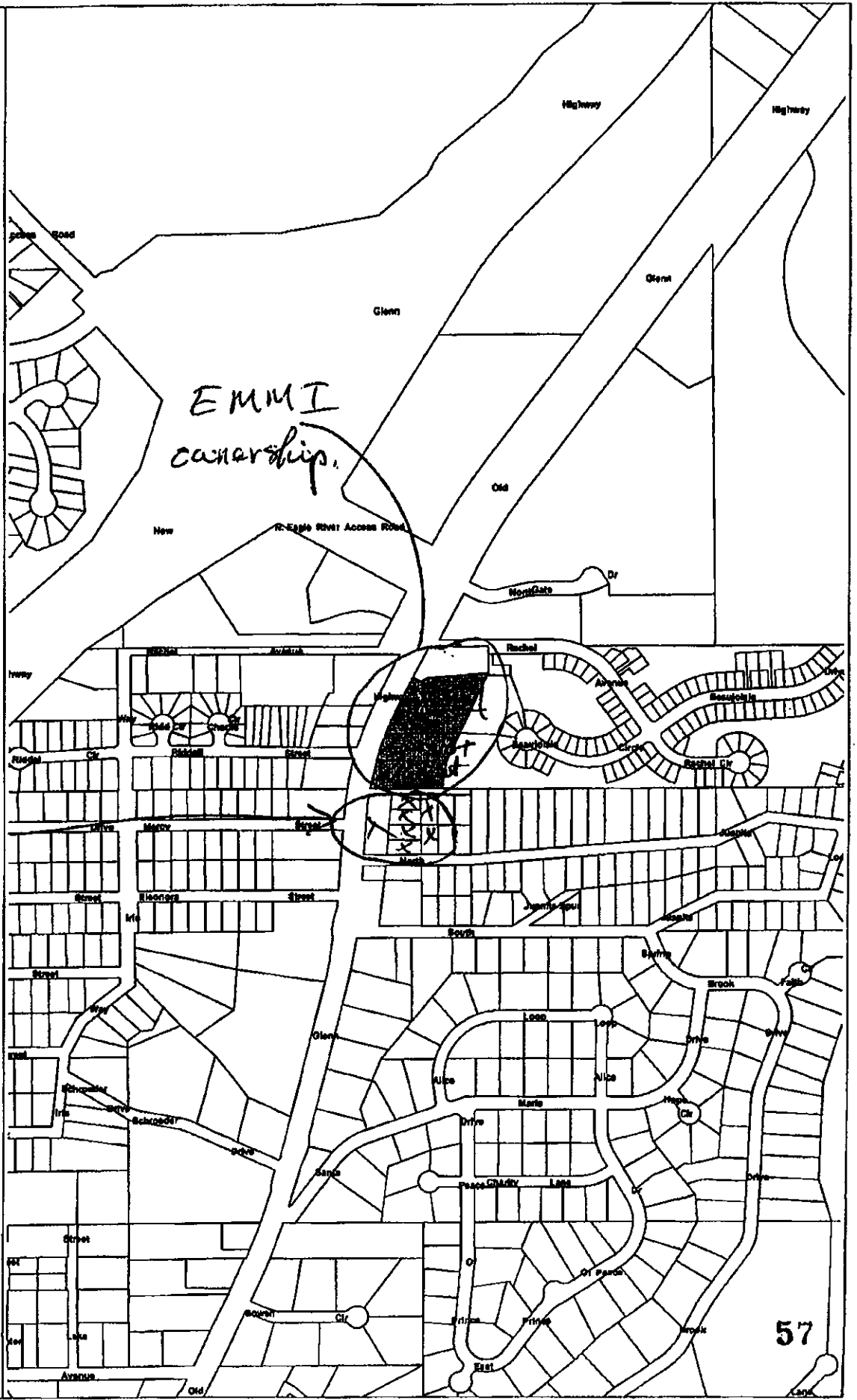


Scale 1:7000

**Legend:**

Txt STRNAMES

□ PARCELS



EMMI  
canarship.

re zoning

57

# 3

**DEPARTMENTAL**

**COMMENTS**

the Division recommends that a special limitation should be added which prohibits uses involving drive-up windows, queuing of vehicular traffic, or outdoor display of products.

**2004-163 Rezoning to B-3 General business district**

The *Chugiak-Eagle River Comprehensive Plan* designates the general corridor containing the petition site for commercial development. The primary issues associated with this rezoning are the potential adverse impacts of commercial development on an adjoining residential neighborhood (including vehicular access to and from the site, noise, and lighting, and the extent to which site planning can address and mitigate these impacts.

The petitioner's application includes proposed B-3 special limitations, which include a site plan requirement which is consistent with the *Eagle River Central District Revitalization Plan*; the preservation of a stream protection setback for Carol Creek (which is already required by Title 21); screening landscaping to separate the commercial use from abutting residential development to the east; proposed driveway access to the Old Glenn Highway or, if that is denied by the State, driveways in the mostly westerly 200 feet of North Juanita Street; and, a proposed list of uses that would be prohibited on this site.

Given that the *Chugiak-Eagle River Comprehensive Plan* generally designates the Old Glenn Highway corridor for commercial development, the Division supports the proposed rezoning if the special limitations include a requirement for a site plan which adequately addresses vehicular access and circulation to avoid using a residential street (North Juanita Street) unless there are no feasible alternatives; screening landscaping on the site's eastern boundary and at least buffer landscaping on the south boundary; and, site lighting with full cut-off fixtures to minimize or eliminate light trespass onto adjacent residential neighborhoods.

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-8900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

September 24, 2004

RE: Zoning Case Review

RECEIVED

SEP 28 2004

Mr. Jerry Weaver, Platting Officer  
Community Planning & Development  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

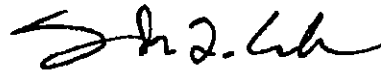
- 2004-139 19827 Old Cranberry Chugiak T15N R1W Sec 8 Lot 177/Variance encroachment side yard set back
- 2004-147 McKay Subd Lots A&B 323/337 E 4<sup>th</sup> Ave/Zoning: a commercial PUD
- 2004-154 Spruce Meadows Phase #2 Blk 2 Lot 56 2859 Kristen Cir/Variance: deck encroachment into side yard set back
- 2004-156 Tudor Centre Blk 1 Lot 1A 4341 Tudor Centre Dr/Variance: Parking
- 2004-157 Arlon Subd Lot 3A/Rezone: B-3SL
- 2004-158 Skyview Estates Lot 9 & 10/2621 & 2641 Mona Ave/Rezone: R1SL
- 2004-159 Ordinance amending Title 21 for tax exempt charitable organizations

Comments:

2004-163 Debora Subd Lot 1-5, 10 & Portion of Old Glenn Hwy/Rezone B-3: The Department denied access to the Old Glenn Highway from this property. The applicant did not appeal the Department's action, so direct vehicular access to the Old Glenn Highway is prohibited. Alternative access is available via N. Juanita Street.

Thank you for the opportunity to comment. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook  
Area Planner

/eh

cc: Scott Thomas, P.E., Regional Traffic Engineer  
Lyndia Hummel, Right of Way Agent

FAXED  
9.24.04

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



# MUNICIPALITY OF ANCHORAGE

Development Services Department  
Right of Way Division



14-13

## MEMORANDUM

**DATE:** October 3, 2004

**TO:** Planning Department, Zoning and Platting Division

**THRU:** Jack L. Frost, Jr., Right of Way Supervisor *JL*

**FROM:** Lynn McGee, Senior Plan Reviewer *LM*

**SUBJ:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of November 1, 2004.

RECEIVED

OCT 04 2004

RECEIVED  
OCT 04 2004

Right of Way has reviewed the following case(s) due October 4, 2004.

- 04-070 Ordinance Amendment  
(Title 21 for Utilities Under AMC 21.90)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**
- 04-157 Arlon, Lot 3A, grid 2333  
(Rezoning Request, R-OSL to B-3SL)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**
- 04-158 Skyview Estates, Lots 9 & 10, grid 2634  
(Rezoning Request, R-6 to R-1SL)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**
- 04-159 Ordinance Amendment  
(Title 21 for Tax Exempt Charitable Organizations)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**
- 04-163 Debora, Block D, Lots 1, 2, 3, 4, 5, 10, and Relinquished Portion of Old Glenn  
Highway (NE4 SE4 NW4) Section 1, T14N R2W, grid NW0352  
(Rezoning Request, R-1A to B-3)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**
- 04-164 Ordinance Amendment  
(Title 21 for AMC 21.55 Nonconforming Uses)  
Right of Way Division has no comments at this time.  
Review time 15 minutes.**



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



**MEMORANDUM**

**RECEIVED**

**SEP 15 2004**

**DATE:** September 13, 2004  
**TO:** Jerry T. Weaver, Platting Supervisor, Planning Department  
**THROUGH:** Leland R. Coop, Associate Traffic Engineer  
**FROM:** Mada Angell, Assistant Traffic Engineer  
**SUBJECT:** Comments, Planning & Zoning Commission November 1, 2004

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING & ZONING DIVISION**

**04-157** Arlon; Rezone from R-O SL to B-3 SL; Grid 2333

Traffic has no comment.

**04-158** Skyview Estates Lots 9 & 10; Rezone from R-6 to R-1SL; Grid 2634

Traffic has no comment.

**04-159** An Ordinance amending Title 21; tax exempt charitable organizations

Traffic has no comment.

**04-163** Debora, Lot 1, 2, 3, 4, 5 & 10 Block D; Rezone from R-1A to B-3; Grid NW 352

Traffic has no comment.

**04-164** Ordinance amending Title 21 for nonconforming uses

Traffic has no comment.

**04-070** Ordinance amending Title 21 for utilities ordinance

Traffic has no comment.

MUNICIPALITY OF ANCHORAGE  
Anchorage Water & Wastewater Utility

RECEIVED

MEMORANDUM

SEP 13 2004

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

DATE: September 10, 2004  
TO: Zoning and Platting Division, OPDPW  
FROM: Hallie Stewart, Engineering Technician, AWWU *H Stewart*  
SUBJECT: Planning & Zoning Commission Hearing November 1, 2004  
AGENCY COMMENTS DUE October 4, 2004

AWWU has reviewed the case material and has the following comments.

**04-070 Title 21 (amendment)**

1. AWWU has no comments on the ordinance to amend ordinances on overhead electric.

**04-157 Arlon, Lot 3A (rezone) Grid 2333**

1. AWWU water and sanitary sewer mains are available to the referenced lot.
2. AWWU has no comments on the rezone.

**04-158 Skyview Estates, Lots 9 & 10 (rezone) Grid 2634**

1. AWWU has no objection to the proposed rezone.

**04-159 Title 21 (amendment)**

1. AWWU has no comments on the amendment.

**04-163 Debora, Block D, Lots 1, 2, 3, 4, 5 & 10 (rezone) Grid NW352**

1. AWWU has no comments on the rezone.

If you have any questions, please call me at 343-8009 or the AWWU Planning Section at 564-2739.

**RECEIVED**  
SEP 13 2004  
MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION



## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 9-10-04

Case: 2004-163

Flood Hazard Zone: C

Map Number: 0105

Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

A Flood Hazard permit is required for any construction in the floodplain.

I have no comments on this case.

Reviewer: Jack Puff



Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

FIRST CLASS MAIL

000-000-00-000

147

MAILED  
OCT 07 2004

**NOTICE OF PUBLIC HEARING - - Monday, November 01, 2004**

**Planning Dept Case Number: 2004-163**

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

**CASE:** 2004-163  
**PETITIONER:** Lex Griffith  
**REQUEST:** Rezoning to B-3SL General business district with special limitations  
**TOTAL AREA:** 2.020 acres  
**SITE ADDRESS:** 12907 OLD GLENN HWY  
**CURRENT ZONE:** R-1A One-family residential district  
**COM COUNCIL(S):** 1—Eagle River

**LEGAL/DETAILS:** A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, November 01, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

REZONING/RESIDENTS-PLANNING COMMISSION

# 4

## APPLICATION

# Application for Zoning Map Amendment

City of Anchorage  
 Planning Department  
 1000 W. 12th Ave.  
 Anchorage, AK 99511-0001

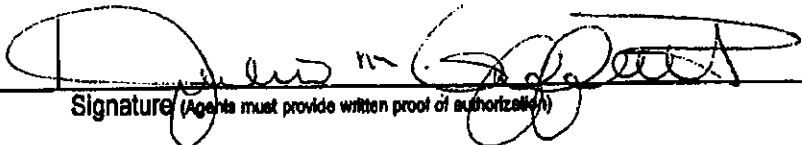
Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) <b>Griffith, Lex</b>	Name (last name first) <b>DHI Consulting Engineers</b>
Mailing Address <b>13031 Old Glenn Hwy Eagle River, AK 99577</b>	Mailing Address <b>800 E. Dimond Blvd., Ste 3-545 Anchorage, AK 99515</b>
Contact Phone: Day: <b>622-7275</b> Night <b>same</b>	Contact Phone: Day: <b>344-1385</b> Night <b>same</b>
FAX: <b>622-7277</b>	FAX: <b>344-1383</b>
E-mail: <b>n/a</b>	E-mail: <b>dhiconsulting@msn.com</b>

\*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): <b>050-032-18-000, 050-032-19-000, 050-032-20-000</b>
Site Street Address: <b>050-032-21-000, 050-22-32-000, 050-32-25-000, 050-032-17-000</b>
Current legal description: (use additional sheet if necessary)
<ul style="list-style-type: none"> <li>1. Lot 1 Block D Debora Subdivision</li> <li>2. Lot 2 Block D Debora Subdivision</li> <li>3. Lot 3 Block D Debora Subdivision</li> <li>4. Lot 4 Block D Debora Subdivision</li> <li>5. Lot 5 Block D Debora Subdivision</li> <li>6. Lot 10 Block D Debora Subdivision</li> <li>7. Relinquished Portion of Old Glenn Highway (NE4 SE4 NW4) Section 1, T14N, R2W, S.M.</li> </ul>
Zoning: <b>RIA</b>   Acreage: <b>2.015</b>   Grid # <b>NW 352</b>

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.

Date: **7/9/04** Signature: 

(Agents must provide written proof of authorization)

Accepted by: <b>AB</b>	Power of Attorney: <b>AD-3</b>	Fee: <b>750</b>	Case Number: <b>2004-163</b>
------------------------	--------------------------------	-----------------	------------------------------

**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: None
- Preliminary Plat  Final Plat - Case Number(s): None
- Conditional Use - Case Number(s): None
- Zoning variance - Case Number(s): None
- Land Use Enforcement Action for None
- Building or Land Use Permit for None
- Wetland permit:  Army Corp of Engineers  Municipality of Anchorage

**APPLICATION ATTACHMENTS**

- Required:  Area to be rezoned location map  Signatures of other petitioners (if any)
- Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.
- Optional:  Draft Assembly ordinance to effect rezoning.
- 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.



Municipality of Anchorage  
 Department of Community Planning and Development  
 P.O. Box 196650  
 Anchorage, Alaska 99519-6650

## 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 zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:
  - 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 standards and site planning; or
  - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

Please See Attachment 'A'

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2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:

- 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.

Please See Attachment 'A'

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- 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.

Please See Attachment 'A'

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- 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.

Please See Attachment 'A'

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- B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

## Re-zone Application Attachment 'A'

### A. Conformance to Eagle River Comprehensive Plan:

- 1) This area along the Old Glenn Highway (See Figure 1) is designated as Commercial Use in the 1993 Eagle River Comprehensive Plan. The proposed change to B-3 zoning is consistent with the Eagle River Plan, in that the permitted uses as defined by B-3 zoning are compatible to and are consistent with current uses in the general area.

The proposed re-zone will extend about 350' from the Old Glenn Highway. This depth is consistent with the depth of the B-3 Lot to the north and is consistent with the depth of B-3 zoning in the general area along the Old Glenn Highway (See Figure 2). The 1993 Comprehensive Plan does not limit the depth of commercial lots along the Old Glenn Highway. In addition, the existing topography, stream and proposed screening landscaping area all reduce the usable area of the property. Any reduction in the depth of the re-zone area will make the remaining area difficult to develop (See Existing Site Conditions - Sheet 1).

The zoning has the potential of negative impacts to the residential neighborhood which is adjacent to the east boundary of the proposed re-zone area. Those impacts are increased traffic at the intersection of North Juanita Street and the Old Glenn Highway, visual impacts associated with commercial business adjacent to residential areas, (such as lighting) and environmental impacts relative to the stream that runs through the property and undesirable businesses next to residential homes. These concerns can be addressed with "Special Limitations" as noted in Sections B & C of this application.

The proposed re-zone to B-3 is consistent with the current uses along the Old Glenn Highway.

- 2) The proposed change to B-3 zoning complies with the general intensity (density) Eagle River Comprehensive Plan. B-3 zoning allows for multi-family at a minimum density of 12 units per acre. However, commercial development will be the most likely use of this property. Any negative impacts to adjacent residential areas can be mitigated through "Special Limitations". B-3 zoning is an acceptable zoning adjacent to residential lots.

### B. Factors Affecting the Public Interest:

#### Environment:

These lots have been cleared of trees and brush and there is a scattering of some small second growth alders and birch trees. The new Owner has removed the trash and debris that has been dumped on the property over the years.

The south fork of Carol Creek runs east to west through the center of the property. This channel carries intermittent run off from properties to the east and is protected per AMC 21.45.210. This stream needs to be protected against potential degradation. We recommend a comprehensive site plan be prepared and approved by the Municipality before any buildings are approved for construction. As a condition of site plan approval, we recommend a "Special Limitation" requiring that all Municipal, State and Federal permits be obtained before any work occurs within 25' of the stream; and that a silt fence be installed along the banks of the stream to prevent silt or other debris from reaching the stream, prior to any earthwork activities.

#### **Transportation:**

The property is serviced by the Old Glenn Highway to the west and by North Juanita Street to the south. There is a 25' undeveloped public Right of Way to the north. The B-3 designation will have some impact on traffic as it effects North Juanita and the Old Glenn Highway.

In an effort to lessen the traffic impact, the Owner applied to the State of Alaska for a driveway permit on the Old Glenn Highway. The State (with the concurrence of the MOA Traffic Department believe access to the property should be from North Juanita as such, the application was denied. We recommend limiting access to the property via the Old Glenn Highway, subject to the State issuing a driveway permit. Should the State continue to refuse to issue a driveway permit, access to the property shall be limited to the first 200' of the property along North Juanita Street as measured from the southwest property corner.

#### **Public Services and Facilities:**

Currently the property is serviced by public water, sanitary sewer, storm drain, power, and telephone. Sanitary sewer is available on the north, west, and south sides of the property, water is available on the west and south sides. Power is available from overhead running through the property. Storm Drain services the property from the west. The existing public facilities appears to have been adequately sized to service the property.

#### **Land Use Patterns:**

The proposed development and land use classification is consistent with the adjacent properties and the area in general. Adjacent properties to the west, north and south are zoned B-3 (See Figure 2). The current land use pattern is commercial business along the Old Glenn Highway with residential abutting the commercial boundary to the east. The change in zoning will not change the land use patterns for the area.

To reduce impact to the adjacent residential properties to the east, we recommend a "Special Limitation" increasing the landscape requirement from Buffer to Screening Landscape along the east property line. Screening Landscape requires a wider planting area which provides more screening between properties of different use. In addition, we recommend limiting some of the approved uses for B-3 zoned property. They have been listed in Section C.f. of this application.

There is a paved multi-use trail along the Old Glenn Highway.

- B.2. The amount of usable, undeveloped B-3 property in this immediate area is very limited and there is not enough adequate B-3 property to meet the growing needs of Eagle River area. This re-zone will provide another two acres of B-3 property.

The economics of land along the Old Glenn Highway are such that the development of this property as single family residential is very unlikely. Re-zoning to B-3 will allow the property to be developed at its best and highest use.

The re-zone to B-3 can be made more compatible with the goals of the Comprehensive Plan by the application of Special Limitations proposed by the applicant.

- B.3. There are no plans to develop the property at the current time. Based on supply and demand, we would estimate that some type of commercial development to occur within the next 5 years.

- B.4. The proposed re-zone does not alter the use as indicated in the Eagle River Comprehensive Plan. It actually brings this property more into conformance with the Comprehensive Plan.

The current zoning allows for single family residential and the proposed change will result in a loss of 7 (R-1A) lots. B-3 zoning does allow for multi-family at a minimum density of 12 units per acre, though is it more likely that this property will be developed as commercial which is appropriate along the Old Glenn Highway.

**C. Proposed Special Limitations:**

The proposed site plan (Sheet 2) shows the proposed re-zone area with the Special Limitations

- A. Prior to development of this property, a Site Plan shall be prepared which is consistent with the Eagle River Central Business District Revitalization Plan and the plan must be approved by the Municipality of Anchorage.



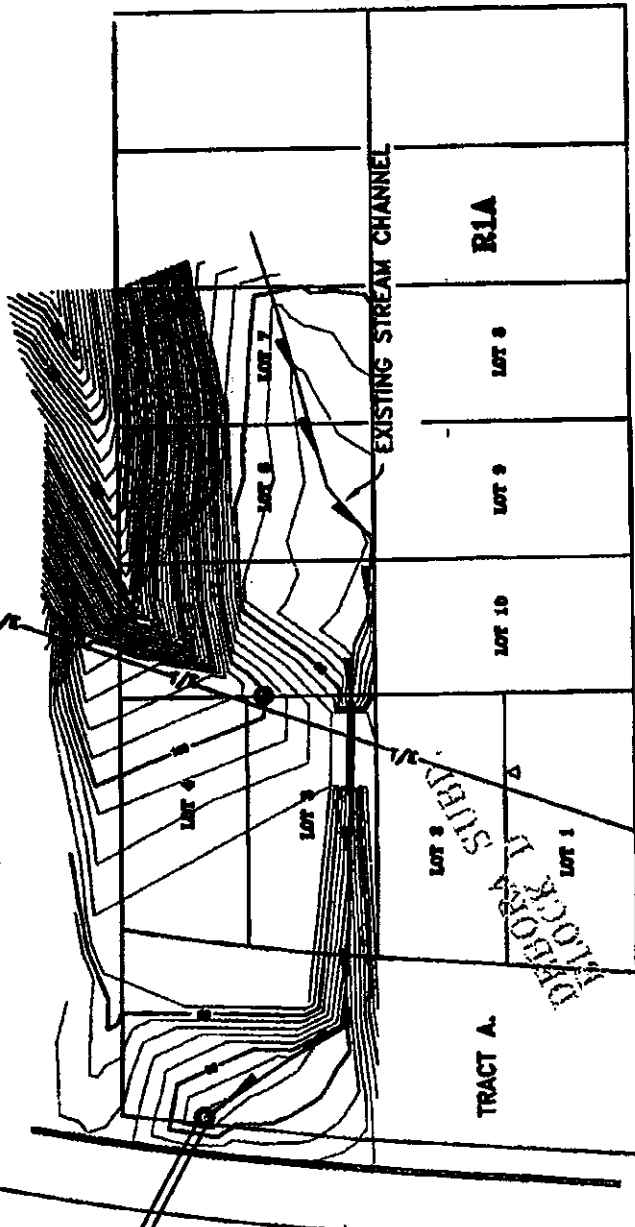
- B.** All State, Federal, and Municipal permits must be in place before any work can occur within the 25' of the stream's banks; and silt fencing shall be installed along the banks of the stream prior to any earthwork activities.
- C.** Access to this property shall be limited to the Old Glenn Highway subject to the State issuing a driveway permit. Should a permit be denied by the State, access to the property shall be limited to two driveways along North Juanita within the first 200 feet as measure from the south west property corner. ↙
- D.** The landscape requirement along the east property line shall conform to the "Screening Landscape" standards.
- E.** The properties shall be platted into one Tract.
- F.** The following uses shall not be permitted on the property:
- a) Antennas without tower structures, Type 1, 2, 3, and 4, community interest and local interest towers as specified in Supplementary District Regulations.
  - b) Public, private, and parochial academic schools.
  - c) Non-licensed night clubs that conform to the requirements of Section 21.45.245.
  - d) Utility Substations
  - e) Heliports
  - f) Marquees, overpasses and similar substantial projections into public air space, together with any signs to be mounted there on.
  - g) Drive-in Theaters
  - h) Camper Parks
  - i) Quasi-Institutional Housing
  - j) Correctional Community Residential Centers



**R1A**  
BRANDYWINE  
TRACT E.

**B-S**  
MCALPINE  
TRACT A.

**B-S**  
DEBORAH  
SUBD.



EXISTING STREAM CHANNEL

NORTH JUANTA LOOP

OLD GLENN HIGHWAY

**R1A**

**B-S**

TRACT A.

DEBORAH SUBD. BLOCK D  
LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9 LOT 10

LEGEND	
EXISTING	DESCRIPTION
	PROPERTY LINE
	STREAM CHANNEL
	TELEPHONE ELECTRIC



**DHI CONSULTING ENGINEERS**  
 Telephone (907)344-1286 Fax (907)344-1283  
 888 E. DENARD • SUITE 2-040, ANCHORAGE, ALASKA 99518

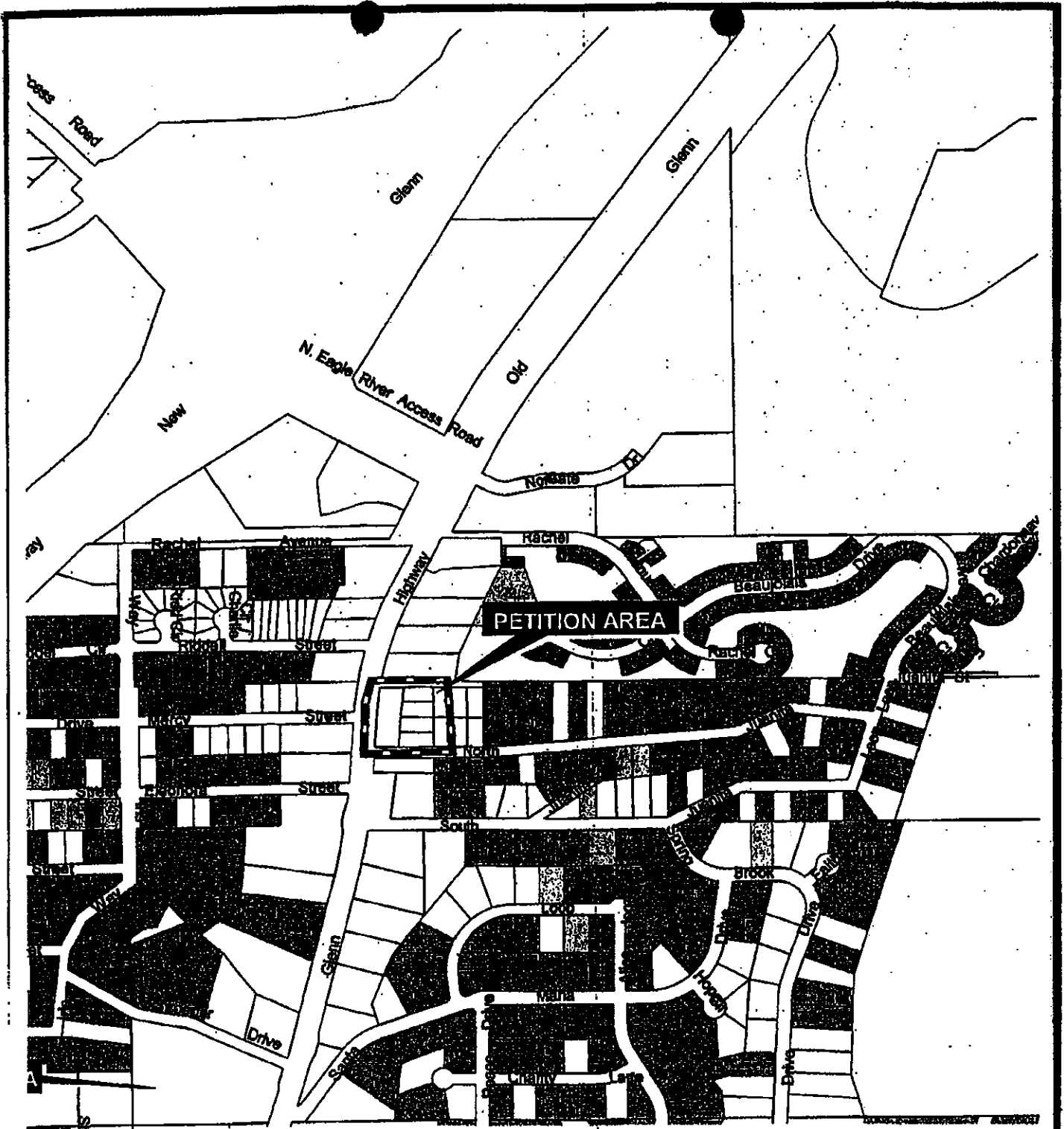
**EXISTING SITE CONDITIONS**

LEGAL: LOTS 1,2,3,4,5,10 & PORTION  
 OF RELINGUISHED R.O.W. (TRACT A)  
 DEBORAH SUBD., BLOCK D

SEC.1, N.W.1/4, T14N, R2W,S.M.

SCALE: NTS GRID: 50511 (NW 352) DATE: 4/17/03  
 W.O. 02559 COMP. FILE: 558CD02C

1  
OF  
72



**DHI CONSULTING ENGINEERS**

CIVIL • SURVEYING • PLANNING

Telephone: (907)344-1585 Fax: (907)344-1585

600 E. DEMOND • SUITE 8-545, ANCHORAGE, ALASKA 99515

**DEBORA SUBDIVISION REZONE**

**PETITION AREA**

**FIGURE 1 75**

W.O. 02559

COMP. FILE \*

SCALE NTS

DATE 8-6-04

AO 99-2  
Development Area L

EAGLE RIVER VICINITY

PC  
AO 94-235S-1  
AO 2000-143(S-2)

\* Case Location

B-3

PLI

B-3 SL  
AO 94-233(S-1)(AA)

PETITION AREA

B-3 SL  
AO 94-233(S-1)(AA)

R-2A

R-1A

B-3  
Street

B-3 SL  
AO 83-82

B-3 SL  
AO 85-100

R-1A

R-2M

B-3

R-10 SL  
AO 85-60

DEBORA SUBDIVISION REZONE  
AREA ZONING MAP  
FIGURE 2 76



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W.O. 02559

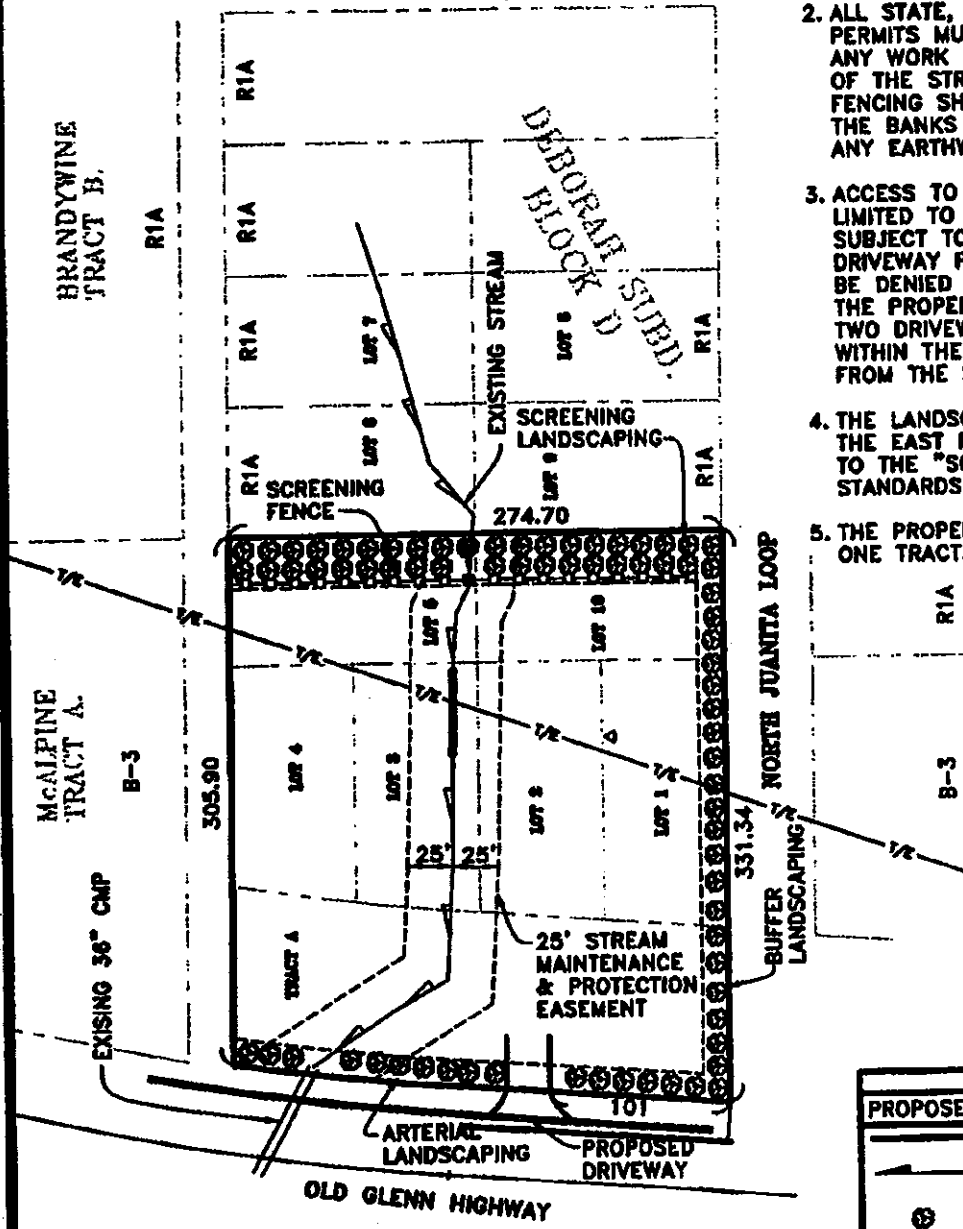
COMP. FILE \*

SCALE NTS

DATE 8-6-04

**SPECIAL LIMITATIONS:**

1. PRIOR TO DEVELOPMENT OF THIS PROPERTY, A SITE PLAN SHALL BE PREPARED WHICH IS CONSISTENT WITH THE EAGLE RIVER CENTRAL BUSINESS DISTRICT REVITALIZATION PLAN AND THE PLAN MUST BE APPROVED BY THE MUNICIPALITY OF ANCHORAGE.
2. ALL STATE, FEDERAL, AND MUNICIPAL PERMITS MUST BE IN PLACE BEFORE ANY WORK CAN OCCUR WITHIN 25' OF THE STREAM'S BANKS; AND SILT FENCING SHALL BE INSTALLED ALONG THE BANKS OF THE STREAM PRIOR TO ANY EARTHWORK ACTIVITIES.
3. ACCESS TO THIS PROPERTY SHALL BE LIMITED TO THE OLD GLENN HIGHWAY SUBJECT TO THE STATE ISSUING A DRIVEWAY PERMIT. SHOULD A PERMIT BE DENIED BY THE STATE, ACCESS TO THE PROPERTY SHALL BE LIMITED TO TWO DRIVEWAYS ALONG NORTH JUANITA WITHIN THE FIRST 200 FEET AS MEASURED FROM THE SOUTH WEST PROPERTY CORNER.
4. THE LANDSCAPE REQUIREMENTS ALONG THE EAST PROPERTY LINE SHALL CONFORM TO THE "SCREENING LANDSCAPE" STANDARDS.
5. THE PROPERTIES SHALL BE PLATTED INTO ONE TRACT.



LEGEND		
PROPOSED	EXISTING	DESCRIPTION
		PROPERTY LINE
		DRAINAGE CHANNEL
		LANDSCAPING



**DHI CONSULTING ENGINEERS**  
 Telephone: (907)244-1288 Fax: (907)244-1283  
 200 E. BEAR - SUITE 2-204, ANCHORAGE, ALASKA 99518

**PROPOSED REZONE TO B-3**

LEGAL: LOTS 1,2,3,4,5,10 & PORTION OF RELINGUISHED R.O.W. (TRACT A) DEBORAH SUBD., BLOCK D

SEC.1, N.W.1/4, T14N, R2W,S.M.

2 / OF 277

SCALE: 1"=100' GRID: 50511 (NW 352) DATE: 6/10/04  
 W.O. 02539 COMP. FILE: 558CDD5C ZONING: R/A

**5**

**POSTING**

**AFFIDAVIT**

# 6

## **HISTORICAL INFORMATION**

03-094

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1386	
CONNECTION TEL		93441383
SUBADDRESS		
CONNECTION ID		
ST. TIME	03/19 16:36	
USAGE T	00'28	
PGS. SENT	1	
RESULT	OK	

3/16/04  
IID  
ATM 94-2003  
(Deworth)

MOTION  
March 2, 2004  
/16  
Anna Fairclough

I move to remand case number 2003-094 to the Planning Commission with instructions to consider the following issues, as well as other issues that the Planning Commission may identify when deliberating on this matter:

- access to the Old Glenn Hwy
- buffering to residential
- creek undergrounding/creek easement setbacks
- limiting uses of the property
- lighting
- access to Old Glenn needs to be at least 70 ft. away from existing stop signs on the frontage property
- Comp Plan consistency

I further move that the only fee that the developer should be required to pay is the \$525 rehearing fee.

The rehearing



**Barrett, Al W. (Zoning)**

---

**From:** DHI Consulting Engineers [dhiconsulting@msn.com]  
**Sent:** Friday, March 19, 2004 10:00 AM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** Re: Lex Griffith rezone

Could I get a copy of what Anna said when she remanded the case back to P&Z. I'm surprised and a little concerned about what is meant by limiting "uses". Are we talking about limiting "permitted uses" as currently outlined in Title 21? Has there been specific "permitted uses" discussed that someone wants eliminated?

In my reading of the concerns raised by the Commission; and the discussion Anna had with the neighbors at the public meeting, they did not include limiting "permitted uses" of the property. They discussed restrictions or conditions covering access, buffer landscaping, etc.

Are we sure that when she used the word "use" she was talking about "Permitted Uses" as opposed to say limiting the use of the property such that it does not create a traffic problem, etc?

----- Original Message -----

**From:** Barrett, Al W. (Zoning)  
**To:** DHI Consulting Engineers  
**Sent:** Thursday, March 18, 2004 9:12 AM  
**Subject:** RE: Lex Griffith rezone

I'm confident the road issue can be worked out. The "use" issue is more complicated and important because one of Ms. Fairclough's remand conditions is that P&Z consider limiting uses. So if Mr Griffith doesn't list car lot as one of his uses now, he might not get it later.

Alfred Barrett  
Senior Planner  
Planning & Zoning Division  
phone (907) 343-7936  
fax (907) 343-7927  
barrettaw@ci.anchorage.ak.us

-----Original Message-----

**From:** DHI Consulting Engineers [mailto:dhiconsulting@msn.com]  
**Sent:** Thursday, March 18, 2004 9:08 AM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** Re: Lex Griffith rezone

I'll get you copies of our latest drawing. One of the major issues discussed at our meeting with the neighborhood was that the MOA would stipulate access to the property from Juanita. If we agree with this, then it is important that ADOPT be on board with allowing a driveway on the Old Glenn. Having them there would be a good idea.

I think at this time, I would like to suggest to my client that we drop the concept of a car lot. I understand that having a purpose is not necessary and that this was a hindrance in some people's mind the last time we submitted. In your opinion, how important is it that we state a specific "use" for the property at the time we resubmit?

Dee

----- Original Message -----  
From: Barrett, Al W. (Zoning)  
To: DHI Consulting Engineers  
Sent: Thursday, March 18, 2004 8:45 AM  
Subject: RE: Lex Griffith rezone

Dee,  
Since the practical effect of this is that we are starting over, we should begin with a preapplication meeting, as you suggest. If you could drop off eight copies of what you have, I'll route it to the people who will attend the preapp, give them a chance to put some thoughts together and we can meet about a week after that. I especially want AK-DOT at the meeting and it will take a week to get them there.  
Al

Alfred Barrett  
Senior Planner  
Platting & Zoning Division  
phone (907) 343-7936  
fax (907) 343-7927  
barrettaw@ci.anchorage.ak.us

-----Original Message-----  
From: DHI Consulting Engineers [mailto:dhiconsulting@msn.com]  
Sent: Thursday, March 18, 2004 8:38 AM  
To: Barrett, Al W. (Zoning)  
Subject: Re: Lex Griffith rezone

Thank you.

I would like to meet with you to see if our new plan would be more acceptable to the Commission. I can show you the latest layout we work out with input from Ms. Fairclough. The neighborhood is not on board at this time and I'm not sure I can get them on board as they are set against any rezone.

When would be a good time?

Dee

----- Original Message -----  
From: Barrett, Al W. (Zoning)  
To: DHI Consulting Engineers  
Sent: Thursday, March 18, 2004 7:37 AM  
Subject: Lex Griffith rezone

Dee,

The Assembly has remanded this case back to the Planning & Zoning Commission for further consideration. If Mr. Griffith wishes to pursue this, there is a \$750 fee for a new public hearing. I think it would be on the June 7 agenda.

Alfred Barrett  
Senior Planner  
Platting & Zoning Division

Final 7-7-03

6. **2003-094 Lex Griffith.** A request to rezone approximately 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business). Debora Subdivision, Block D, Lots 1-5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 a Portion of the Old Glenn Highway -Relinquished. 12907, 12917, 12929, 12939 Old Glenn Highway and 17205 N Juanita Loop.

Staff member AL BARRETT distributed color photographs of the petition site. He stated 199 public hearing notices were mailed, 7 were returned in opposition and 0 were returned in support. The community council for this area is not meeting over the summer and did not supply a response. He has encouraged the residents to contact the executive committee of the council in order to call a short notice meeting. Staff recommends modified approval of the request that would allow rezoning of Lots 1, 2, 3 and 4 and deny rezoning of Lots 5 and 10. There are four parcels to the east also zoned R-1A that are owned by the applicant, but are not included in this request. To the east of those is a long thin parcel on which the first home has been built. This is an issue of neighborhood intrusion associated with size of lots. The request is partially consistent with the Chugiak/Eagle River Comprehensive Plan, which designates this area as commercial. In that 1993 Plan there is no reference to the depth of the areas along the Glenn Highway to which the designation for commercial use applies. In the 1979 Plan, there is reference to commercial use being one lot deep. That is difficult to work with in this proposal because there is a relinquished property. Two major issues remain with regard to design: driveway locations and the location of Carol Creek. ADOT does not favor allowing a driveway onto the Glenn Highway. The Corps of Engineers has not commented on the creek, but the Municipality's position is to leave it in its location with a 25-foot setback on either side, which will make the property difficult to work with. As conditioned, Staff believes the property can be made compatible with surrounding uses.

COMMISSIONER COFFEY asked if there would be no direct access from any of these properties to the Old Glenn Highway, rather they would use North Juanita Loop and then access the highway. MR. BARRETT stated to the north of the relinquished parcel and Lots 4 and 5 there is a long, thin sliver of land that is from the original

1953 plat and it is a 25-foot road easement that would allow access for the parcels.

CHAIR PENNEY asked if in condition 3 Staff was recommending the landscaping be located inside or outside of the fencing requirement. MR. BARRETT agreed that the landscaping should be located outside of the fence. CHAIR PENNEY asked if the use of full cut-off lighting fixtures, etc. would be addressed by the Platting Authority. MR. BARRETT indicated this is a short plat and he would prefer that issue be dealt with through a site plan review before this body.

COMMISSIONER KLEIN assumed that the petitioner would be permitted to erect a 45-foot tall pole sign under the sign ordinance. He asked if it would be appropriate to add a condition limiting the height of signage. MR. BARRETT did not object to this recommendation, but he believed the issue is covered by the site plan review requirement, which refers to the Eagle River Revitalization Plan that recommends monument signs only.

The public hearing was opened.

DEE HIGH, representing the petitioner, reviewed the history of this property. The petitioner owns the Park and Sell immediately to the north of the petition site. That use is located on a single lot that is zoned B-3. He does not own the lot, but he does own the business. The intent is for him to move his business to a property he owns. He hoped to gain additional property for the expansion of his business and to do more visual enhancement than is allowed on the lease lot. He explained Lots 5 and 10 are important to the petitioner's plans. In the 1979 Plan the criteria of one lot commercial depth was vague and it was dropped in the 1993 Plan. There would be a 150-foot buffer between the end of the commercial property and the neighbor to the east. The sizes of the properties to the north and to the south of the petition site are larger than the petitioner's proposal. In 1995, this and four lots to the east were approved for a rezone. There was not a follow through to the Assembly. If for some reason the creek is not moved additional depth is needed to make the lot size at least equal to what the petitioner has now. A power line runs on the east sides of Lots 1 through 4. The building will have to be moved to the east. He asked that Lots 5 and 10 be included in the rezone. He noted that the B-3 zoning requires landscaping, but the petitioner has agreed to a fence. He asked that condition 3 be amended to require a 10-foot setback rather than a 30-foot setback. The petitioner

owns the abutting lots and there are no current homeowners on those lots. He suggested that visual enhancement be added along North Juanita Loop. He asked to amend condition 5 to add "and the petitioner shall enter into a subdivision agreement."

COMMISSIONER KLEIN asked if Staff would agree to modify condition 5. MR. BARRETT stated the procedure is a short plat, which involves a 40-day period. He agreed with the petitioner's requested change to condition 5.

COMMISSIONER STARR asked the status of discussions with ADOT regarding access to the Old Glenn Highway. MR. HIGH stated no application has been submitted to them. He stated ADOT has taken a stance in recent years that there would be no driveways off of State-owned roads. However, he has never been unable to secure a permit for such an access.

CARLA HUNTINGTON, 19-year resident on North Juanita Loop, stated she did not receive notice of this hearing, although she lives nearby. She stated the neighborhood is quiet and very residential in nature. The road is barely 1.5 lanes and it has no curb, no gutter, and no sidewalk. At the bottom of the loop near the petition site she has to regularly stop her car and chase kids out of the road. There are small front yards and no sidewalks on this portion of the road, so there are often children in the road. She anticipated a safety hazard created by people test driving cars up and down Juanita Loop. She stated that allowing any driveway onto Juanita Loop contradicts any type of neighborhood plan. If the fence has a gap sufficient for two driveways, functionally speaking there is no fence. There is a house across the street and they will have no buffer. Her concerns were also with regard to noise, runoff to the creek, commercial lighting, a feeling of transient use, and possible future use of a commercially zoned site. She did not think the rezoning should be permitted in this utterly residential neighborhood.

ROBERT WARREN, resident on North Juanita Loop, displayed a photograph contained in the packet and indicated he lives behind that house shown in the photograph. He stated the notice of public hearing was standing on the petition site for one day and was on the ground the rest of the time. He stated the area in question is not large. He explained he has a 3-year old and a 7-year old that he tries to keep out of the road, but the yards are not big. He did not want people taking test drives down his road. He noted when the Fred Meyer was first opened he saw a Mustang for sale doing doughnuts in the parking lot. He stated that

installing a fence would restrict the vision of people pulling out of the lot so they could not see children on bicycles. In 1995 when this rezoning was approved, there were not as many houses on this street or children in the area.

CHAIR PENNEY asked if locating access at the north side of the property would resolve some of Mr. Warren's concerns. MR. WARREN indicated that would be less distasteful to him, but he would oppose it out of concern that people will take test drives down Juanita Loop in any case.

JERRY FULMER stated he has an 11-year old, 9-year old, 7-year old, and 4-year old that play on this street. He has lived in Eagle River 30 years and finally found a house on a half-acre lot with a creek in the back yard. He expected that houses would be developed on the petition site and he did not anticipate a rezoning for a commercial use. He noted there would also be air pollution concerns with vehicles being run in the winter so they can be test driven.

CARL ADRIAN stated he resides on a property 600 feet from the Glenn Highway. If the proposed use is allowed, it would be 150 feet from his home. There have been numerous problems exiting from Juanita Loop onto the Old Glenn Highway; his neighbor was almost killed and is still impaired because of the dangerous situation at that intersection created by a grade and curve on the road. He stated there are children playing in the street. He did not favor the rezoning request. He noted that he previously lived in a house on Patterson Street in Anchorage and that street has become a highway, despite the 35 mph posted speed limit. He envisioned a massive parking area on the petition site with lights and horns in the future, if this rezoning is allowed. He also felt this was spot zoning, something the Alaska Supreme Court has ruled is illegal. He stated he also sells real estate and he sold four lots on this street, all but one of which are now built upon.

MILDRED BRAZIL asked how a creek might be moved, as the petitioner's representative indicated. She noted the creek goes halfway down the block and in the winter her driveway is glaciated. If the creek is re-routed, it would cause more glaciation on the road. There is a conduit that runs under the creek and the petitioner filled the top of the creek on June 11, 2003. She thought that if the site takes access onto the Old Glenn Highway, people would turn right, go to Beaujolais, then come to Juanita Loop.

**GARY MORGAN** stated he owns property on Juanita Loop and is presently living in Fairbanks. He explained he would be coming to his property on Juanita Loop to retire. He stated he did not receive a public notice of this meeting. He stated he drove 7.5 hours today from Fairbanks to testify at this hearing because of his concern with this issue. He explained he searched a long time to find a property that: 1) he could afford; 2) had utility access; and 3) is in a residential neighborhood. He found a place on North Juanita Loop that fulfilled all his criteria and that had a creek for his children. He noted there are fish in this creek. He questioned how that creek might be moved. He noted that he chose this property because he did not believe the area would be congested. He objected to the rezoning, feeling it would negatively impact the neighborhood. Children will ride their bikes in the street and there is already a problem with people coming down the hill on Juanita Loop at excessive speeds. The proposal would exacerbate an already bad traffic problem.

Planning Director **SUSAN FISON** was concerned that three people close to this property had indicated they did not receive mail notification of this hearing. She asked that they check with Mr. Barrett to ensure that there was not a notification problem. **CHAIR PENNEY** asked that individuals supply their names to Mr. Barrett.

**CURLEN FAIRBANKS**, resident across from the petition site, felt the rezoning would impact his neighborhood. He stated he rented on Juanita Loop from 1991 through 1998 when he built a home. He stated he also did not receive a public hearing notice. He saw the posted notice and called. He remarked that on page 6 of the packet his lot is indicated to be vacant. He agreed with other points made in testimony offered by his neighbors.

In rebuttal, **MR. HIGH** stated he hoped the concerns expressed by neighbors could be addressed during site plan review. He stated that 40 days is highly unrealistic for the processing of a short plat. In his experience, it is closer to a year before those are finalized and filed. He stated there is no question that if there is a car lot on this property there will be additional traffic on Juanita. He suggested there be provisions for signage that would direct traffic to go to the Old Glenn Highway to test drive. The petitioner would prefer to have a driveway onto the Old Glenn Highway. The Corps of Engineers has been involved in this creek since the beginning of this process. Initial application has been submitted under a nationwide permit. That permit will not be issued until five municipal departments have concurred in its issuance. He stated Lots 5

and 10 are needed because without them there would not be sufficient area for the use, particularly in light of the power line. He reiterated that the commercial properties to the north and south have much greater depths than those being proposed on this site. He thought that installation of barriers to protect the neighborhood is a mitigation measure that could be dealt with during site plan review.

CHAIR PENNEY asked what would be done assuming the creek cannot be moved. MR. HIGH stated there is an existing culvert where the power line runs through the property. CHAIR PENNEY asked if access could be limited to either the Old Glenn Highway or the easement to the north. MR. HIGH felt either would be workable.

COMMISSIONER STARR asked if the petitioner had submitted a posting affidavit. MR. HIGH replied that the petitioner indicated the number of days the sign was blown down by wind. The property was posted for the length of time required.

MR. BARRETT stated an affidavit was faxed on June 27<sup>th</sup> that indicates the sign blew down, it was reposted on June 23<sup>rd</sup>, and it was up for 28 days. He noted that the comment of spot zoning is not applicable in this case as this rezoning is at least partially consistent with the Chugiak/Eagle River Comprehensive Plan. He invited members of the public to review the master mailing list. He indicated that landscaping on North Juanita Loop is required by code. The creek was placed in a culvert prior to the petitioner owning the site. It is an illegal culvert. In the last couple of months fresh fill has been placed in and around the culvert. He could not find a permit for that and that would have also required a variance.

COMMISSIONER KLEIN noted in rezoning requests to B-3 there is commonly a requirement for a traffic impact analysis (TIA). This proposal is basically for surface parking and a constant flow of cars and he asked why a TIA would not be required. MR. HIGH stated that the TIAs in which he has been involved have a 100 vehicle per hour threshold. He stated a TIA could be done, if Staff felt it was important. The traffic from this lot does not approach 100 vehicles per hour. MR. BARRETT stated this issue was discussed at length with Traffic Engineering. The level of traffic generation did not meet the threshold, so they did not request a TIA. They are concerned with possible subsequent development, such as a large office use, that would generate more traffic.

The public hearing was closed.



**COMMISSIONER KLEIN moved for approval of a rezone from R-1A to B-3 subject to Staff conditions 1 through 6.**

**COMMISSIONER POULTON seconded.**

**COMMISSIONER KLEIN did not support the motion, noting that the entire neighborhood objects to this request. He did not believe a rezone is an entitlement. This is not a site plan review, it is a rezone request, and the neighbors have brought up numerous concerns that should be addressed.**

**COMMISSIONER COFFEY cited pages 24-26 of the packet containing a Staff analysis regarding the Chugiak/Eagle River Comprehensive Plan policy. Page 25 says "protect residential neighborhoods from incompatible land uses on adjoining tracts." The plan further states, "promote continued use, expansion and development within established and industrial areas determined to be suitable." It also states, "Discourage the expansion of existing strip commercial development and the addition of new strip commercial development, and encourage a more clustered pattern of commercial activity." Page 26 states that existing and future commercial and industrial areas should have "adequate and efficient access to major transportation systems without reliance on residential streets" and "commercial development shall be concentrated at strategic locations such as major intersections rather than being allowed to expand along major arterials." The proximity of the property to the Glenn Highway speaks for B-3, but nothing else does. He was most troubled that traffic impact on residential streets would be significant and he could not see any way to avoid that. He also agreed with Staff that Lots 5 and 10 should not be rezoned. While recognizing this might cause difficulty for the petitioner, this is a residential area and intrusion into it is not appropriate. Zoning to the south and east is R-1 and R-1A and to the west is B-3. The B-3 to the west is vacant and the Plan encourages the use of existing B-3 property. The petitioner's business is currently located on B-3 property to the north.**

**COMMISSIONER JONES concurred with Mr. Coffey's comments and added that much of the testimony and information in the packet speaks to the proposed use as a car lot. When rezoning requests are considered, it is important to consider any and all potential uses that could occur in the zoning district. Many other uses could potentially occur in this zoning district.**

**COMMISSIONER STARR** also did not support the motion. He appreciated the comments offered by the area residents. He noted there is sufficient B-3 available in the area. Encroaching into residential areas and reducing residential density is contrary to what is needed in the area. The depth of the other B-3 properties in the area he believed is driven by the terrain of those lots. He felt that traffic concerns were legitimate. He noted this area is undergoing massive traffic enhancements.

**AYE: None**

**NAY: Jones, Starr, Poulton, Penney, Coffey, Knepper, Klein**

**FAILED**

03-094

FILE COPY

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-053**

A RESOLUTION DENYING A REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) FOR A RELINQUISHED RIGHT-OF-WAY PARCEL AND BLOCK D, LOTS 1, 2, 3, 4, 5 AND 10 DEBORA SUBDIVISION, GENERALLY LOCATED AT 12907 OLD GLENN HIGHWAY.

(Case 2003-094, Tax I.D. No. 050-032-17, -18, -19, -20, -21, -22, -25)

WHEREAS, a request has been received from Lex Griffith to rezone 2.01 acres of land from R-1A to B-3 for a relinquished right-of-way parcel and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, generally located at 12907 Old Glenn Highway, and

WHEREAS, notices were published, posted and 199 public hearing notices were mailed and a public hearing was held on July 7, 2003.

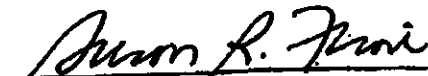
NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

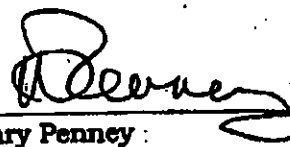
A. The Commission makes the following findings of fact:

1. The 1993 Chugiak-Eagle River Plan designates frontage along Old Glenn Highway as commercial, but does not specify how far commercial depth extends from the highway. The 1979 version of the plan indicates commercial depth is limited to one lot. Title 21 defines strip commercial as having a maximum lot depth of 200 feet. The area along the highway is generally developed as commercial. The subject lots are near a single family residential development.
2. There is adequate B-3 zoned property in the area and some is vacant. The proposal is not consistent with the comprehensive plan and not compatible with the nearby residential uses.
3. The proposal is not consistent with the comprehensive plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development.
4. General commercial zoning (B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend approximately 350 feet into the residential area.
5. The applicant wishes to construct a park and sell lot (automobile sales) which would add traffic to the residential area.
6. The applicant has major unresolved issues such as driveway access and creek location which render this proposal inappropriate or at best, premature.

B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for a relinquished right of way parcel, NE ¼ of the SE ¼ of the NW ¼, Section 1, T14N, R2W, S.M., and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, Eagle River.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 7th day of July 2003, 2003.

  
\_\_\_\_\_  
Susan R. Fison  
Secretary

  
\_\_\_\_\_  
Henry Penney  
Chair

(2003-094)  
(050-032-17, -18, -19, -20, -21, -22, -25)

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
November 1, 2004**

**SUPPLEMENTAL INFORMATION**

**G.5. Case 2004-163  
Rezone to B3-SL**

Double-sided

**Long, Patty R.**

---

**From:** Staff, Alton R.  
**Sent:** Thursday, October 14, 2004 4:03 PM  
**To:** Pierce, Eileen A; Long, Patty R.  
**Cc:** Taylor, Gary A.  
**Subject:** Plat Comments/ Zoning Comments

The Public Transportation Department has no comment on the following plats:

S10933-5  
S11106-2  
S11302-1  
S11308-1  
S11310-1  
S11311-1  
S11312-1  
S11313-1  
S11314-1  
S11315-1  
S11316-1  
S11317-1  
S11813-2

Zoning case # 2004-166 our bus stops are located on Penland and on Northway. We do not drive up to this major retail location.

No comment on the following zoning cases:

2004-157  
2004-158  
2004-159  
2004-163  
2004-166  
2004-070  
2004-171  
2004-172  
2004-175

Thank you for the opportunity to review.

**Alton Staff**  
Operations Supervisor  
People Mover  
907-343-8230



# Municipal Light and Power

## ENGINEERING DIVISION

### MEMORANDUM

**DATE:** October 14, 2004  
**TO:** Department of Planning  
**FROM:** Charlene Carter, Senior Office Associate  
**SUBJECT:** Platting and Zoning Requests

RECEIVED

OCT 14 2004

Municipal Light & Power Engineering has reviewed the referenced request for zoning and platting comments.

Case No. 2004-157	No Comment	Out of our Service Area
Case No. 2004-158	No Comment	Out of our Service Area
Case No. 2004-159	No Comment	
Case No. 2004-163	No Comment	Out of our Service Area
Case No. 2004-172	No Comment	Out of our Service Area
Case No. 2004-175	No Comment	

the Division recommends that a special limitation should be added which prohibits uses involving drive-up windows, queuing of vehicular traffic, or outdoor display of products.

**2004-163 Rezoning to B-3 General business district**

The *Chugiak-Eagle River Comprehensive Plan* designates the general corridor containing the petition site for commercial development. The primary issues associated with this rezoning are the potential adverse impacts of commercial development on an adjoining residential neighborhood (including vehicular access to and from the site, noise, and lighting, and the extent to which site planning can address and mitigate these impacts.

The petitioner's application includes proposed B-3 special limitations, which include a site plan requirement which is consistent with the *Eagle River Central District Revitalization Plan*; the preservation of a stream protection setback for Carol Creek (which is already required by Title 21); screening landscaping to separate the commercial use from abutting residential development to the east; proposed driveway access to the Old Glenn Highway or, if that is denied by the State, driveways in the mostly westerly 200 feet of North Juanita Street; and, a proposed list of uses that would be prohibited on this site.

Given that the *Chugiak-Eagle River Comprehensive Plan* generally designates the Old Glenn Highway corridor for commercial development, the Division supports the proposed rezoning if the special limitations include a requirement for a site plan which adequately addresses vehicular access and circulation to avoid using a residential street (North Juanita Street) unless there are no feasible alternatives; screening landscaping on the site's eastern boundary and at least buffer landscaping on the south boundary; and, site lighting with full cut-off fixtures to minimize or eliminate light trespass onto adjacent residential neighborhoods.





Corporate Development  
2550 Denali Street, Suite 1000  
Anchorage, AK 99503-2737

Date: Oct. 19, 2004

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

NAME: Al Banet  
FIRM: Anchorage Planning Department  
FAX NO.: 343-7927  
FROM: Martin Weinstein  
FIRM: GCI  
FAX: (907) 868-5676

We are transmitting 5 pages (including this cover page). If you do not received all the pages, please call (907) 868-5628.

**MESSAGE:**

AL, attached is Carl Redman and  
my letter opposing Mr. Gullik's request  
for a rezone in Case No. 2004-163.  
Thank you,  
M. Weinstein

The information contained in this facsimile transmittal is confidential, may be subject to the attorney-client privilege and is intended only for the use of the recipient named above. If the reader of this information is not the intended recipient, or the employee or agent responsible for delivery of this information to the intended recipient, you are hereby notified that this is not a waiver of privilege and any dissemination, distribution or copying of this information is strictly prohibited. If you have received this information in error, please notify the sender immediately by telephone and return the original information to the sender, by U.S. mail at GCI, 2550 Denali Street, Suite 1000, Anchorage, Alaska 99503-2781.

**LETTER OPPOSING REZONE REQUEST  
CASE NO. 2004-163**

October 19, 2004

**FAX: 343-7927**  
Planning and Zoning Commission  
Planning Department  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Dear Members:

Mr. Carl Adrian and I are writing to oppose Mr. Lex Griffith's request to rezone the parcels of land located in Debra Subdivision No. 3, which are the subject of Case No. 2004-163, to B-3. These parcels are located on the corner of North Juanita Loop and the Old Glenn and extend significantly into the residential community on North Juanita. It is important that the Commission understand and appreciate the very significant incursion of these parcels into the neighborhood on North Juanita. There are residential homes located next to and across the street from these parcels.

Mr Griffith's request to covert these parcels from their present status of R-1 to B-3 has a history of community opposition. Last year, he requested a re-zone for the parcels to extend his used car lot, which is located on the Old Glenn adjacent to these lots. The residents of North Juanita Loop, in force, opposed his request, and the P&Z unanimously denied it. In that denial, the P&Z made some critical findings that are just as pertinent today:

- "There is adequate B-3 zoned property in the area and some is vacant. The proposal [Griffith's rezone request of last year] is not consistent with the comprehensive plan and not compatible with the nearby residential users."
- "The proposal is not consistent with the comprehensive plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development."
- "General commercial zoning (B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend approximately 350 feet into the residential area."
- "The applicant has major unresolved issues such as driveway access and creek location which render this proposal inappropriate, or at best, premature."

Planning and Zoning Commission Resolution dated July 7, 2003 from Case No. 2003-094, a copy attached.

The residential concerns that arose last year when Mr. Griffith requested a rezone are still present. The findings by the P&Z of last year are still pertinent. The only difference this year in Mr. Griffith's request is that he has not disclosed the particular business development he has in mind for the land (assuming he has one in mind). If his request were granted, he or a subsequent transferee could seek to place any sort of general business development (a gas station, a high-rise apartment building, a factory, etc...) on these parcels. This possibility is even more frightening than what we confronted last year with respect to Mr. Griffith's rezone request, where we at least knew and could respond to Mr. Griffith's proposed use of the land. A subsequent site plan review, as Griffith proposes, provides little comfort to the residents. Once the property is converted to B-3, the residents will have a very difficult time subsequently limiting or conditioning the use of these parcels after B-3 has been granted.

Mr. Griffith's rezone request was inappropriate last year and is improper this year for the same reasons the P&Z found last year. The fact is there is no compelling reason to grant this request. There is abundant B-3 property in Eagle River. Moreover, Mr. Griffith purchased these parcels with full knowledge of their zoning status. He should and could develop these parcels consistent with their residential zoning status. This, indeed, is the best and highest use of this land. The City certainly will derive far more tax revenue if residential homes were built on these parcels. Residential development of these parcels, by far, represents the most reasonable and sensible use of this land. We urge the P&Z to remain consistent with their prior findings and deny Mr. Griffith's rezone request.

Yours truly,

Carl Adrian (25 year resident of Alaska)  
Owner of home on North Juanita Loop

Carl Adrian by mmw

Martin M. Weinstein  
Owner of home on North Juanita

Martin Weinstein

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-053**

**A RESOLUTION DENYING A REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) FOR A RELINQUISHED RIGHT-OF-WAY PARCEL AND BLOCK D, LOTS 1, 2, 3, 4, 5 AND 10 DEBORA SUBDIVISION, GENERALLY LOCATED AT 12907 OLD GLENN HIGHWAY.**

**(Case 2003-094, Tax I.D. No. 050-032-17, -18, -19, -20, -21, -22, -25)**

WHEREAS, a request has been received from Lex Griffith to rezone 2.01 acres of land from R-1A to B-3 for a relinquished right-of-way parcel and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, generally located at 12907 Old Glenn Highway, and

WHEREAS, notices were published, posted and 199 public hearing notices were mailed and a public hearing was held on July 7, 2003.

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


A. The Commission makes the following findings of fact:

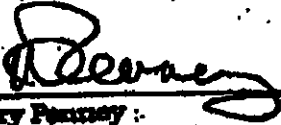
1. The 1993 Chugach-Eagle River Plan designates frontage along Old Glenn Highway as commercial, but does not specify how far commercial depth extends from the highway. The 1979 version of the plan indicates commercial depth is limited to one lot. Title 21 defines strip commercial as having a maximum lot depth of 200 feet. The area along the highway is generally developed as commercial. The subject lots are near a single family residential development.
2. There is adequate B-3 zoned property in the area and some is vacant. The proposal is not consistent with the comprehensive plan and not compatible with the nearby residential uses.
3. The proposal is not consistent with the comprehensive plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development.
4. General commercial zoning (B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend approximately 350 feet into the residential area.
5. The applicant wishes to construct a park and sell lot (automobile sales) which would add traffic to the residential area.
6. The applicant has major unresolved issues such as driveway access and creek location which render this proposal inappropriate or at best, premature.

Planning and Zoning Commission  
Resolution 2003-093  
Page 2

B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for a relinquished right of way parcel, NE ¼ of the SE ¼ of the NW ¼, Section 1, T14N, R2W, S.M., and Block D, Lots 1, 2, 3, 4, 5 and 10 Debra Subdivision, Eagle River.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 7th day of July 2003, 2003.

  
Susan R. Fleen  
Secretary

  
Henry Penney  
Chair

(2003-094)  
(050-032-17, -18, -19, -20, -21, -22, -25)

Municipality of Anchorage  
P. O. Box 198650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

RESORTE  
FIRST CLASS



FIRST CLASS MAIL

050-031-26-000  
BALLARD DON J & EDRIE E  
17242 N JUANITA LOOP  
EAGLE RIVER, AK 99577

RECEIVED

OCT 14 2004

MUNICIPALITY OF ANCHORAGE  
COMMUNITY DEVELOPMENT DEPARTMENT

**NOTICE OF PUBLIC HEARING** Monday, November 01, 2004

Planning Dept Case Number: 2004-163

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2004-163  
PETITIONER: Lex Griffith  
REQUEST: Rezoning to B-3SL General business district with special limitations  
TOTAL AREA: 2.020 acres  
SITE ADDRESS: 12907 OLD GLENN HWY  
CURRENT ZONE: R-1A One-family residential district  
COM COUNCIL(S): 1--Eagle River

LEGAL/DETAILS: A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, November 01, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 198650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

Name: DAN J. & EDRIE E. BALLARD  
Address: 17242 N. JUANITA LP RD. EAGLE RIVER AK 99577  
Legal Description: DEBORA #3 LT 38

Comments: DUE TO MEDICAL REASONS I MAY BE UNABLE TO ATTEND THIS MEETING. I DO NOT SUPPORT THE ABOVE BEING REZONED FROM R-1A TO B-3SL. THIS IS MR. GRIFFITH'S 3RD ATTEMPT TO HAVE THIS DONE. I DO NOT WISH TO LIVE NEXT TO A USED CAR LOT WITH BRIGHT LIGHT SHIELDS IN MY WINDOWS AT NIGHT. THIS WOULD MAKE JUANITA LOOP AT TEST TRACK FOR CARS AND WE HAVE MANY SMALL CHILDREN WHO PLAY REZONING/RESIDENTS-PLANNING COMMISSION ON THIS ROAD. 3. I FEEL YOU WOULD 2004-163 BE REDUCING THE RESALE VALUE OF MY PROPERTY.

# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

**\*\* These comments were submitted by citizens and are part of the public record for the cases \*\***

**Questions?** If you have questions regarding a case, please contact Zoning at 907-343-7943 or Platting & Variances at 907-343-7942.

1. Select a Case:

### 2. View Comments:

**Case Num:** 2004-163  
Rezoning to B-3SL General business district with special limitations

**Site Address:** 12907 OLD GLENN HWY  
**Location:** A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

[Details](#) | [Staff Report](#) | [submit a comment](#)

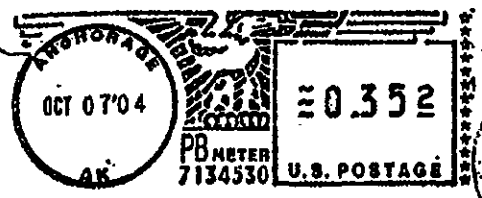
## Public Comments

**10/21/04**  
david meyer  
po box 671874  
chjugiak ak 99567  
i live just down the street from this property at 17416 n juanita lp and i do not want a this property rezoned in any way other then the way it is now if they want make money then build new homes the way the property is zoned we do not need a bunch of cars running up and done the stree with all the kids we have it the area that play around and close to the street these people should understand that there is a lot of property that is already zoned fpr what they i say don` t bring on our street! thanks dave

**10/20/04**  
Kerwin Fairbanks  
17206 N Juanita Lp  
Eagle River AK 99577  
Sorry I cant be present I'll be out of country till 11/7. I do not support this rezone request. The property should remain R1. I live directly across from petition area on BLK E LOT 5 and look forward to seeing single family homes across the street. This request for rezoning could have major traffic problems, disrupt fish bearing stream, excessive lighting, lower property values for R1 lots on Juanita Lp and for what Mr Griffiths personal gain. Please leave zoning as is. Thank you Fairbanks Family

Municipality of Anchorage  
P. O. Box 198650  
Anchorage, Alaska 99519-8650  
(907) 343-7943

RESORTE  
FIRST CLASS



FIRST CLASS MAIL

050-031-32-000  
MEYER DAVID R  
PO BOX 671874  
CHUGIAK, AK 99567

RECEIVED

OCT 20 2004

**NOTICE OF PUBLIC HEARING** Monday, November 01, 2004

Planning Dept Case Number: 2004-163

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

**CASE:** 2004-163  
**PETITIONER:** Lex Griffith  
**REQUEST:** Rezoning to B-3SL General business district with special limitations  
**TOTAL AREA:** 2.020 acres  
**SITE ADDRESS:** 12907 OLD GLENN HWY  
**CURRENT ZONE:** R-1A. One-family residential district  
**COM COUNCIL(S):** 1—Eagle River

**LEGAL/DETAILS:** A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, November 01, 2004 in the Assembly Hall of the Z. J. Lussac Library, 3800 Denali Street, Anchorage, Alaska:

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 198650, Anchorage, Alaska 99519-8650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: David R. Meyer  
Address: 17416 N. Juanita Loop, Eagle River  
Legal Description: Debra 3, lot 32

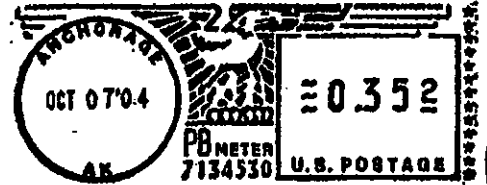
Comments: I bought my property in 1996 because of the present zoning. I do not want this area rezoned as B-3SL, we do not need more traffic in the neighborhood, more car lots and more noise. I feel there is plenty of other property in Eagle River that would be more suitable for something like that.  
I am 100% AGAINST this. I do not want those bright lights and everything else that goes along with a busy car lot! I DO NOT WANT THIS.

REZONING/RESIDENTS-PLANNING COMMISSION  
2004-163



Municipality of Anchorage  
P. O. Box 198850  
Anchorage, Alaska 99519-8850  
(907) 343-7943

PRESORTED  
FIRST CLASS



FIRST CLASS MAIL

050-031-24-000  
FAIRBANKS DENNIS & LINDA  
LIVING TRUST  
FAIRBANKS D P & L R TRUSTEES  
10228 GEORGE PLACE  
EAGLE RIVER, AK 99577

OCT 21 2004

**NOTICE OF PUBLIC HEARING** Monday, November 01, 2004

Planning Dept Case Number: 2004-163

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2004-163  
PETITIONER: Lex Griffith  
REQUEST: Rezoning to B-3SL General business district with special limitations  
TOTAL AREA: 2.020 acres  
SITE ADDRESS: 12907 OLD GLENN HWY  
CURRENT ZONE: R-1A One-family residential district  
COM COUNCIL(S): 1--Eagle River

LEGAL/DETAILS: A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D; Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

The Planning and Zoning Commission will hold a public hearing on the above matter at 8:30 p.m., Monday, November 01, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 198850, Anchorage, Alaska 99519-8850. For more information call 343-7943; FAX 343-7927. Case information may be viewed at www.muni.org by selecting Departments/Planning/Zoning and Platting Cases.

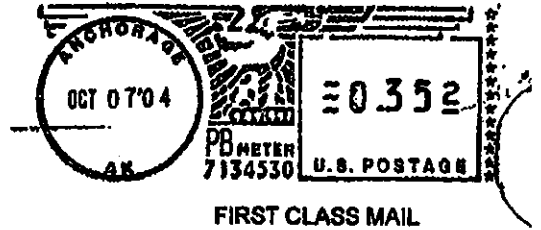
Name: Linda Fairbanks  
Address: 10226 George Pl. Eagle River AK 99577  
Legal Description: Lot 6 BIK E Debora

Comments: I oppose the rezoning of residential lots to business in a neighborhood of all single family homes. It was zoned R-1A it should stay R-1A Residential lots are hard enough to find in the E.R. area. When we purchased our property the neighborhood was zoned R-1A. RESIDENTIAL - I do not want a commercial property with all the additional traffic + bright lights in my front yard. The lots don't really have frontage on the Old Glenn Hwy - they should not be rezoned to B-3SL. Zoning was originally put in place to protect homeowners when purchasing their property from unknowns, such as this.

REZONING/RESIDENTS-PLANNING COMMISSION  
2004-163

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7843

REGISTERED  
FIRST CLASS



050-031-23-000  
FAIRBANKS KERWIN J  
17206 N JUANITA LOOP  
EAGLE RIVER, AK 99577

OCT 21 2004

**NOTICE OF PUBLIC HEARING** Monday, November 01, 2004

Planning Dept Case Number: 2004-163

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

**CASE:** 2004-163  
**PETITIONER:** Lex Griffith  
**REQUEST:** Rezoning to B-3SL General business district with special limitations  
**TOTAL AREA:** 2.020 acres  
**SITE ADDRESS:** 12907 OLD GLENN HWY  
**CURRENT ZONE:** R-1A One-family residential district  
**COM COUNCIL(S):** 1--Eagle River

**LEGAL/DETAILS:** A request to rezone approximately 2.02 acres from R-1A (Single Family Residential) to B-3SL (General Business with Special Limitations). Debora Subdivision, Block D, Lots 1, 2, 3, 4, 5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 Portion, S.M., AK. Located at the northeast corner of the Old Glenn Highway and North Juanita Loop.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, November 01, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7843; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Zoning and Platting Cases.

Name: Kerwin Fairbanks  
Address: 17206 N. Juanita Lp  
Legal Description: Blk E Lot 5  
Comments:

*I do not support any form of rezoning from R1. I live directly across the street from this request. I would like to see single family homes on these lots. A business on these lots could cause many problems including traffic, fish bearing stream, excessive lighting and lower property values for R1 lots on Juanita Lp.*

REZONING/RESIDENTS-PLANNING COMMISSION  
2004-163

# Letter of Transmittal

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## DHI Consulting Engineers

800 E. Dimond Blvd, Ste 3-5  
Anchorage, AK 99515  
Phone: (907) 344-1385 Fax: (907) 344-1383

October 22, 2004

W.O.#: 02559

Project: Eagle River Park and Sell

Client: MOA- Planning & Zoning

**To:**

MOA- Planning & Zoning  
PO Box 196650  
Anchorage, AK 99519-6650  
Ph: Fax: 343-7927

ATTN: Al Barrett

RE: Eagle River Park and Sell

Mr. Barrett

Attached is the original "Affidavit of Posting" for Rezone case 3004-163 for Mr. Griffit. All signs were posted October 9, 2004.

These items are being delivered vi Courier.

Copies	Revision Date	Sheets	Type	Descriptio
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**Remarks**

Sincerely,  
DHI Consulting Engineers



Dee High

Enclosure

cc:



1000.1

# AFFIDAVIT OF POSTING

Case Number: 2004-163

I, J Lex Griffith, 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 Re-zoning. The notice was posted on Oct. 09, 2004 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 10th day of October, 2004

J. Lex Griffith  
Signature

## LEGAL DESCRIPTION

Tract or Lot 1-5 & 10 & Tract A  
Block D  
Subdivision Deborah

03-094

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1386	
CONNECTION TEL		93441383
SUBADDRESS		
CONNECTION ID		
ST. TIME	03/19 16:36	
USAGE T	00'28	
PGS. SENT	1	
RESULT	OK	

IID  
ATM 94-2003  
(D. Fairclough)  
3/16/04

MOTION  
March 2, 2004  
/6  
Anna Fairclough

I move to remand case number 2003-094 to the Planning Commission with instructions to consider the following issues, as well as other issues that the Planning Commission may identify when deliberating on this matter:

- access to the Old Glenn Hwy
- buffering to residential
- creek undergrounding/creek easement setbacks
- limiting uses of the property
- lighting
- access to Old Glenn needs to be at least 70 ft. away from existing stop signs on the frontage property
- Comp Plan consistency

I further move that the only fee that the developer should be required to pay is the \$525 rehearing fee.

The rehearing  
is \$525

**Barrett, Al W. (Zoning)**

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**From:** DHI Consulting Engineers [dhiconsulting@msn.com]  
**Sent:** Friday, March 19, 2004 10:00 AM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** Re: Lex Griffith rezone

Could I get a copy of what Anna said when she remanded the case back to P&Z. I'm surprised and a little concerned about what is meant by limiting "uses". Are we talking about limiting "permitted uses" as currently outlined in Title 21? Has there been specific "permitted uses" discussed that someone wants eliminated?

In my reading of the concerns raised by the Commission; and the discussion Anna had with the neighbors at the public meeting, they did not include limiting "permitted uses" of the property. They discussed restrictions or conditions covering access, buffer landscaping, etc.

Are we sure that when she used the word "use" she was talking about "Permitted Uses" as opposed to say limiting the use of the property such that it does not create a traffic problem, etc?

----- Original Message -----

**From:** Barrett, Al W. (Zoning)  
**To:** DHI Consulting Engineers  
**Sent:** Thursday, March 18, 2004 9:12 AM  
**Subject:** RE: Lex Griffith rezone

I'm confident the road issue can be worked out. The "use" issue is more complicated and important because one of Ms. Fairclough's remand conditions is that PnZ consider limiting uses. So if Mr Griffith doesn't list car lot as one of his uses now, he might not get it later.

Alfred Barrett  
Senior Planner  
Planning & Zoning Division  
phone (907) 343-7936  
fax (907) 343-7927  
barrettaw@ci.anchororage.ak.us

-----Original Message-----

**From:** DHI Consulting Engineers [mailto:dhiconsulting@msn.com]  
**Sent:** Thursday, March 18, 2004 9:08 AM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** Re: Lex Griffith rezone

I'll get you copies of our latest drawing. One of the major issues discuss at our meeting with the neighborhood was that the MOA would stipulate access to the property from Juanita. If we agree with this, then it is important that ADOPT be on board with allowing a driveway on the Old Glenn. Having them their would be a good idea.

I think at this time, I would like to suggest to my client that we drop the concept of a car lot. I understand that having a purpose is not necessary and that this was a hindrance in some peoples mind the last time we submitted. In your opinion, how important is it that we state a specific "use" for the property at the time we resubmit?

Dee

--- Original Message ---  
From: Barrett, Al W. (Zoning)  
To: DHI Consulting Engineers  
Sent: Thursday, March 18, 2004 8:45 AM  
Subject: RE: Lex Griffith rezone

Dee,  
Since the practical effect of this is that we are starting over, we should begin with a preapplication meeting, as you suggest. If you could drop off eight copies of what you have, I'll route it to the people who will attend the preapp, give them a chance to put some thoughts together and we can meet about a week after that. I especially want AK-DOT at the meeting and it will take a week to get them there.  
Al

Alfred Barrett  
Senior Planner  
Platting & Zoning Division  
phone (907) 343-7936  
fax (907) 343-7927  
barrettaw@ci.anchorage.ak.us

---Original Message---  
From: DHI Consulting Engineers [mailto:dhiconsulting@msn.com]  
Sent: Thursday, March 18, 2004 8:38 AM  
To: Barrett, Al W. (Zoning)  
Subject: Re: Lex Griffith rezone

Thank you.

I would like to meet with you to see if our new plan would be more acceptable to the Commission. I can show you the latest layout we work out with input from Ms. Fairclough. The neighborhood is not on board at this time and I'm not sure I can get them on board as they are set against any rezone.

When would be a good time?

Dee

--- Original Message ---  
From: Barrett, Al W. (Zoning)  
To: DHI Consulting Engineers  
Sent: Thursday, March 18, 2004 7:37 AM  
Subject: Lex Griffith rezone

Dee,

The Assembly has remanded this case back to the Planning & Zoning Commission for further consideration. If Mr. Griffith wishes to pursue this, there is a \$750 fee for a new public hearing. I think it would be on the June 7 agenda.

Alfred Barrett

Senior Planner

Platting & Zoning Division

6. **2003-094 Lex Griffith.** A request to rezone approximately 2.01 acres from R-1A (Single Family Residential) to B-3 (General Business). Debora Subdivision, Block D, Lots 1-5, 10 and T14N R2W Section 1, NE4SE4NW4NW4 a Portion of the Old Glenn Highway -Relinquished. 12907, 12917, 12929, 12939 Old Glenn Highway and 17205 N Juanita Loop.

Staff member AL BARRETT distributed color photographs of the petition site. He stated 199 public hearing notices were mailed, 7 were returned in opposition and 0 were returned in support. The community council for this area is not meeting over the summer and did not supply a response. He has encouraged the residents to contact the executive committee of the council in order to call a short notice meeting. Staff recommends modified approval of the request that would allow rezoning of Lots 1, 2, 3 and 4 and deny rezoning of Lots 5 and 10. There are four parcels to the east also zoned R-1A that are owned by the applicant, but are not included in this request. To the east of those is a long thin parcel on which the first home has been built. This is an issue of neighborhood intrusion associated with size of lots. The request is partially consistent with the Chugiak/Eagle River Comprehensive Plan, which designates this area as commercial. In that 1993 Plan there is no reference to the depth of the areas along the Glenn Highway to which the designation for commercial use applies. In the 1979 Plan, there is reference to commercial use being one lot deep. That is difficult to work with in this proposal because there is a relinquished property. Two major issues remain with regard to design: driveway locations and the location of Carol Creek. ADOT does not favor allowing a driveway onto the Glenn Highway. The Corps of Engineers has not commented on the creek, but the Municipality's position is to leave it in its location with a 25-foot setback on either side, which will make the property difficult to work with. As conditioned, Staff believes the property can be made compatible with surrounding uses.

COMMISSIONER COFFEY asked if there would be no direct access from any of these properties to the Old Glenn Highway, rather they would use North Juanita Loop and then access the highway. MR. BARRETT stated to the north of the relinquished parcel and Lots 4 and 5 there is a long, thin sliver of land that is from the original



1953 plat and it is a 25-foot road easement that would allow access for the parcels.

CHAIR PENNEY asked if in condition 3 Staff was recommending the landscaping be located inside or outside of the fencing requirement. MR. BARRETT agreed that the landscaping should be located outside of the fence. CHAIR PENNEY asked if the use of full cut-off lighting fixtures, etc. would be addressed by the Platting Authority. MR. BARRETT indicated this is a short plat and he would prefer that issue be dealt with through a site plan review before this body.

COMMISSIONER KLEIN assumed that the petitioner would be permitted to erect a 45-foot tall pole sign under the sign ordinance. He asked if it would be appropriate to add a condition limiting the height of signage. MR. BARRETT did not object to this recommendation, but he believed the issue is covered by the site plan review requirement, which refers to the Eagle River Revitalization Plan that recommends monument signs only.

The public hearing was opened.

DEE HIGH, representing the petitioner, reviewed the history of this property. The petitioner owns the Park and Sell immediately to the north of the petition site. That use is located on a single lot that is zoned B-3. He does not own the lot, but he does own the business. The intent is for him to move his business to a property he owns. He hoped to gain additional property for the expansion of his business and to do more visual enhancement than is allowed on the lease lot. He explained Lots 5 and 10 are important to the petitioner's plans. In the 1979 Plan the criteria of one lot commercial depth was vague and it was dropped in the 1993 Plan. There would be a 150-foot buffer between the end of the commercial property and the neighbor to the east. The sizes of the properties to the north and to the south of the petition site are larger than the petitioner's proposal. In 1995, this and four lots to the east were approved for a rezone. There was not a follow through to the Assembly. If for some reason the creek is not moved additional depth is needed to make the lot size at least equal to what the petitioner has now. A power line runs on the east sides of Lots 1 through 4. The building will have to be moved to the east. He asked that Lots 5 and 10 be included in the rezone. He noted that the B-3 zoning requires landscaping, but the petitioner has agreed to a fence. He asked that condition 3 be amended to require a 10-foot setback rather than a 30-foot setback. The petitioner

owns the abutting lots and there are no current homeowners on those lots. He suggested that visual enhancement be added along North Juanita Loop. He asked to amend condition 5 to add "and the petitioner shall enter into a subdivision agreement."

COMMISSIONER KLEIN asked if Staff would agree to modify condition 5. MR. BARRETT stated the procedure is a short plat, which involves a 40-day period. He agreed with the petitioner's requested change to condition 5.

COMMISSIONER STARR asked the status of discussions with ADOT regarding access to the Old Glenn Highway. MR. HIGH stated no application has been submitted to them. He stated ADOT has taken a stance in recent years that there would be no driveways off of State-owned roads. However, he has never been unable to secure a permit for such an access.

CARLA HUNTINGTON, 19-year resident on North Juanita Loop, stated she did not receive notice of this hearing, although she lives nearby. She stated the neighborhood is quiet and very residential in nature. The road is barely 1.5 lanes and it has no curb, no gutter, and no sidewalk. At the bottom of the loop near the petition site she has to regularly stop her car and chase kids out of the road. There are small front yards and no sidewalks on this portion of the road, so there are often children in the road. She anticipated a safety hazard created by people test driving cars up and down Juanita Loop. She stated that allowing any driveway onto Juanita Loop contradicts any type of neighborhood plan. If the fence has a gap sufficient for two driveways, functionally speaking there is no fence. There is a house across the street and they will have no buffer. Her concerns were also with regard to noise, runoff to the creek, commercial lighting, a feeling of transient use, and possible future use of a commercially zoned site. She did not think the rezoning should be permitted in this utterly residential neighborhood.

ROBERT WARREN, resident on North Juanita Loop, displayed a photograph contained in the packet and indicated he lives behind that house shown in the photograph. He stated the notice of public hearing was standing on the petition site for one day and was on the ground the rest of the time. He stated the area in question is not large. He explained he has a 3-year old and a 7-year old that he tries to keep out of the road, but the yards are not big. He did not want people taking test drives down his road. He noted when the Fred Meyer was first opened he saw a Mustang for sale doing doughnuts in the parking lot. He stated that

installing a fence would restrict the vision of people pulling out of the lot so they could not see children on bicycles. In 1995 when this rezoning was approved, there were not as many houses on this street or children in the area.

CHAIR PENNEY asked if locating access at the north side of the property would resolve some of Mr. Warren's concerns. MR. WARREN indicated that would be less distasteful to him, but he would oppose it out of concern that people will take test drives down Juanita Loop in any case.

JERRY FULMER stated he has an 11-year old, 9-year old, 7-year old, and 4-year old that play on this street. He has lived in Eagle River 30 years and finally found a house on a half-acre lot with a creek in the back yard. He expected that houses would be developed on the petition site and he did not anticipate a rezoning for a commercial use. He noted there would also be air pollution concerns with vehicles being run in the winter so they can be test driven.

CARL ADRIAN stated he resides on a property 600 feet from the Glenn Highway. If the proposed use is allowed, it would be 150 feet from his home. There have been numerous problems exiting from Juanita Loop onto the Old Glenn Highway; his neighbor was almost killed and is still impaired because of the dangerous situation at that intersection created by a grade and curve on the road. He stated there are children playing in the street. He did not favor the rezoning request. He noted that he previously lived in a house on Patterson Street in Anchorage and that street has become a highway, despite the 35 mph posted speed limit. He envisioned a massive parking area on the petition site with lights and horns in the future, if this rezoning is allowed. He also felt this was spot zoning, something the Alaska Supreme Court has ruled is illegal. He stated he also sells real estate and he sold four lots on this street, all but one of which are now built upon.

MILDRED BRAZIL asked how a creek might be moved, as the petitioner's representative indicated. She noted the creek goes halfway down the block and in the winter her driveway is glaciated. If the creek is re-routed, it would cause more glaciation on the road. There is a conduit that runs under the creek and the petitioner filled the top of the creek on June 11, 2003. She thought that if the site takes access onto the Old Glenn Highway, people would turn right, go to Beaujolais, then come to Juanita Loop.

GARY MORGAN stated he owns property on Juanita Loop and is presently living in Fairbanks. He explained he would be coming to his property on Juanita Loop to retire. He stated he did not receive a public notice of this meeting. He stated he drove 7.5 hours today from Fairbanks to testify at this hearing because of his concern with this issue. He explained he searched a long time to find a property that: 1) he could afford; 2) had utility access; and 3) is in a residential neighborhood. He found a place on North Juanita Loop that fulfilled all his criteria and that had a creek for his children. He noted there are fish in this creek. He questioned how that creek might be moved. He noted that he chose this property because he did not believe the area would be congested. He objected to the rezoning, feeling it would negatively impact the neighborhood. Children will ride their bikes in the street and there is already a problem with people coming down the hill on Juanita Loop at excessive speeds. The proposal would exacerbate an already bad traffic problem.

Planning Director SUSAN FISON was concerned that three people close to this property had indicated they did not receive mail notification of this hearing. She asked that they check with Mr. Barrett to ensure that there was not a notification problem. CHAIR PENNEY asked that individuals supply their names to Mr. Barrett.

CURLEN FAIRBANKS, resident across from the petition site, felt the rezoning would impact his neighborhood. He stated he rented on Juanita Loop from 1991 through 1998 when he built a home. He stated he also did not receive a public hearing notice. He saw the posted notice and called. He remarked that on page 6 of the packet his lot is indicated to be vacant. He agreed with other points made in testimony offered by his neighbors.

In rebuttal, MR. HIGH stated he hoped the concerns expressed by neighbors could be addressed during site plan review. He stated that 40 days is highly unrealistic for the processing of a short plat. In his experience, it is closer to a year before those are finalized and filed. He stated there is no question that if there is a car lot on this property there will be additional traffic on Juanita. He suggested there be provisions for signage that would direct traffic to go to the Old Glenn Highway to test drive. The petitioner would prefer to have a driveway onto the Old Glenn Highway. The Corps of Engineers has been involved in this creek since the beginning of this process. Initial application has been submitted under a nationwide permit. That permit will not be issued until five municipal departments have concurred in its issuance. He stated Lots 5

and 10 are needed because without them there would not be sufficient area for the use, particularly in light of the power line. He reiterated that the commercial properties to the north and south have much greater depths than those being proposed on this site. He thought that installation of barriers to protect the neighborhood is a mitigation measure that could be dealt with during site plan review.

CHAIR PENNEY asked what would be done assuming the creek cannot be moved. MR. HIGH stated there is an existing culvert where the power line runs through the property. CHAIR PENNEY asked if access could be limited to either the Old Glenn Highway or the easement to the north. MR. HIGH felt either would be workable.

COMMISSIONER STARR asked if the petitioner had submitted a posting affidavit. MR. HIGH replied that the petitioner indicated the number of days the sign was blown down by wind. The property was posted for the length of time required.

MR. BARRETT stated an affidavit was faxed on June 27<sup>th</sup> that indicates the sign blew down, it was reposted on June 23<sup>rd</sup>, and it was up for 28 days. He noted that the comment of spot zoning is not applicable in this case as this rezoning is at least partially consistent with the Chugiak/Eagle River Comprehensive Plan. He invited members of the public to review the master mailing list. He indicated that landscaping on North Juanita Loop is required by code. The creek was placed in a culvert prior to the petitioner owning the site. It is an illegal culvert. In the last couple of months fresh fill has been placed in and around the culvert. He could not find a permit for that and that would have also required a variance.

COMMISSIONER KLEIN noted in rezoning requests to B-3 there is commonly a requirement for a traffic impact analysis (TIA). This proposal is basically for surface parking and a constant flow of cars and he asked why a TIA would not be required. MR. HIGH stated that the TIAs in which he has been involved have a 100 vehicle per hour threshold. He stated a TIA could be done, if Staff felt it was important. The traffic from this lot does not approach 100 vehicles per hour. MR. BARRETT stated this issue was discussed at length with Traffic Engineering. The level of traffic generation did not meet the threshold, so they did not request a TIA. They are concerned with possible subsequent development, such as a large office use, that would generate more traffic.

The public hearing was closed.

**COMMISSIONER KLEIN moved for approval of a rezone from R-1A to B-3 subject to Staff conditions 1 through 6.**

**COMMISSIONER POULTON seconded.**

**COMMISSIONER KLEIN did not support the motion, noting that the entire neighborhood objects to this request. He did not believe a rezone is an entitlement. This is not a site plan review, it is a rezone request, and the neighbors have brought up numerous concerns that should be addressed.**

**COMMISSIONER COFFEY cited pages 24-26 of the packet containing a Staff analysis regarding the Chugiak/Eagle River Comprehensive Plan policy. Page 25 says "protect residential neighborhoods from incompatible land uses on adjoining tracts." The plan further states, "promote continued use, expansion and development within established and industrial areas determined to be suitable." It also states, "Discourage the expansion of existing strip commercial development and the addition of new strip commercial development, and encourage a more clustered pattern of commercial activity." Page 26 states that existing and future commercial and industrial areas should have "adequate and efficient access to major transportation systems without reliance on residential streets" and "commercial development shall be concentrated at strategic locations such as major intersections rather than being allowed to expand along major arterials." The proximity of the property to the Glenn Highway speaks for B-3, but nothing else does. He was most troubled that traffic impact on residential streets would be significant and he could not see any way to avoid that. He also agreed with Staff that Lots 5 and 10 should not be rezoned. While recognizing this might cause difficulty for the petitioner, this is a residential area and intrusion into it is not appropriate. Zoning to the south and east is R-1 and R-1A and to the west is B-3. The B-3 to the west is vacant and the Plan encourages the use of existing B-3 property. The petitioner's business is currently located on B-3 property to the north.**

**COMMISSIONER JONES concurred with Mr. Coffey's comments and added that much of the testimony and information in the packet speaks to the proposed use as a car lot. When rezoning requests are considered, it is important to consider any and all potential uses that could occur in the zoning district. Many other uses could potentially occur in this zoning district.**

COMMISSIONER STARR also did not support the motion. He appreciated the comments offered by the area residents. He noted there is sufficient B-3 available in the area. Encroaching into residential areas and reducing residential density is contrary to what is needed in the area. The depth of the other B-3 properties in the area he believed is driven by the terrain of those lots. He felt that traffic concerns were legitimate. He noted this area is undergoing massive traffic enhancements.

AYE: None

NAY: Jones, Starr, Poulton, Penney, Coffey, Knepper, Klein

**FAILED**

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2003-053**

A RESOLUTION DENYING A REZONING FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS) FOR A RELINQUISHED RIGHT-OF-WAY PARCEL AND BLOCK D, LOTS 1, 2, 3, 4, 5 AND 10 DEBORA SUBDIVISION, GENERALLY LOCATED AT 12907 OLD GLENN HIGHWAY.

(Case 2003-094, Tax I.D. No. 050-032-17, -18, -19, -20, -21, -22, -25)

WHEREAS, a request has been received from Lex Griffith to rezone 2.01 acres of land from R-1A to B-3 for a relinquished right-of-way parcel and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, generally located at 12907 Old Glenn Highway, and

WHEREAS, notices were published, posted and 199 public hearing notices were mailed and a public hearing was held on July 7, 2003.

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

A. The Commission makes the following findings of fact:

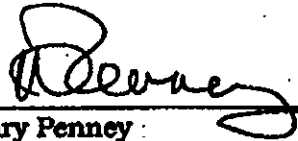
1. The 1993 Chugiak-Eagle River Plan designates frontage along Old Glenn Highway as commercial, but does not specify how far commercial depth extends from the highway. The 1979 version of the plan indicates commercial depth is limited to one lot. Title 21 defines strip commercial as having a maximum lot depth of 200 feet. The area along the highway is generally developed as commercial. The subject lots are near a single family residential development.
2. There is adequate B-3 zoned property in the area and some is vacant. The proposal is not consistent with the comprehensive plan and not compatible with the nearby residential uses.
3. The proposal is not consistent with the comprehensive plan goals of separation of incompatible land uses, protect natural amenities, protect residential neighborhoods from incompatible uses on adjoining tracts, discourage expansion of new strip commercial development, and locational standards for future commercial development.
4. General commercial zoning (B-3) is incompatible with the residential neighborhood along North Juanita Loop. The area to be rezoned would extend approximately 350 feet into the residential area.
5. The applicant wishes to construct a park and sell lot (automobile sales) which would add traffic to the residential area.
6. The applicant has major unresolved issues such as driveway access and creek location which render this proposal inappropriate or at best, premature.



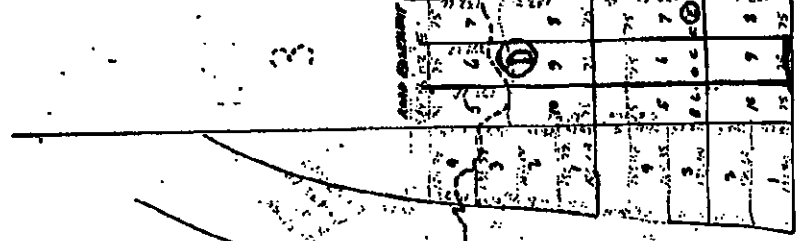
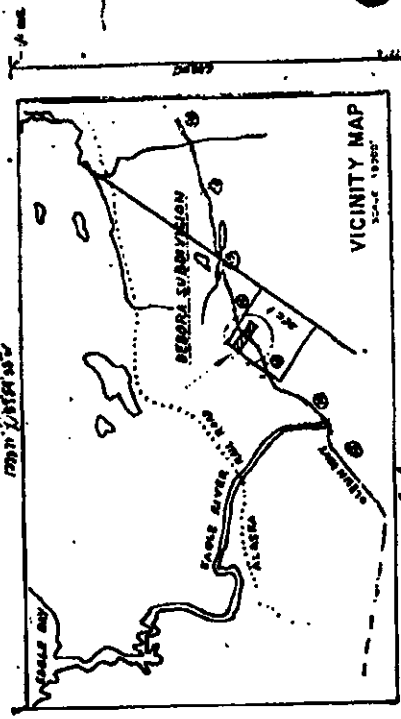
- B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for a relinquished right of way parcel, NE ¼ of the SE ¼ of the NW ¼, Section 1, T14N, R2W, S.M., and Block D, Lots 1, 2, 3, 4, 5 and 10 Debora Subdivision, Eagle River.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 7th day of July 2003, 2003.

  
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Susan R. Fison  
Secretary

  
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Henry Penney  
Chair

(2003-094)  
(050-032-17, -18, -19, -20, -21, -22, -25)

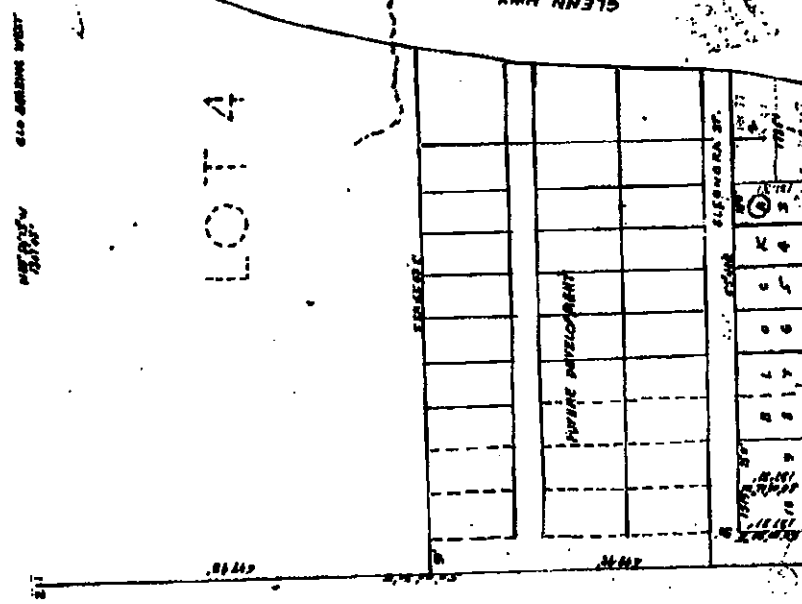


P-349

DEBORA SUBDIVISION  
LOCATED  
IN THE S1/2 OF LOT 39 LOT 4, SECTION 14, RANGE 2N, S. 14E  
A DEVELOPMENT BY ERMINE HEY

SCALE 1:2500 AUGUST 12, 1983  
RUTLEDGE-JOHNSTON-TRYCK  
ENGINEERS-SURVEYORS

*State Section from original plat*



P-349

**Parcels - Multiple Layers**

Mon Oct 11, 10:19:10, 2004

Map: Parcels-Multiple Layers



Scale 1:5000

**Legend:**

Txt STRNAMES

□ PARCELS

Shaded = rezone  
X = owned by applicant, not part of rezone

