

CLERK'S OFFICE
APPROVED

Date: 10-25-05

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: September 27, 2005

Anchorage, Alaska
No. AO 2005-133

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 3.1 ACRES FROM R-6 (SUBURBAN RESIDENTIAL, LARGE LOT DISTRICT) TO R-1SL (SINGLE FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR A PORTION OF TRACT E, THE TERRACES SUBDIVISION; GENERALLY LOCATED AT LAKE OTIS BOULEVARD AND CANGE STREET, SOUTH OF EAST 112TH AVENUE.

(Huffman-O'Malley and Abbott Loop Community Councils)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as R-1 SL (Single Family Residential District with Special Limitations):

That 3.1 acre area within Tract E, The Terraces Subdivision, as shown on Exhibit A.

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

All the Special Limitations of Section 2 in Anchorage Ordinance 2003-7.

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.

1
2
3
4
5

PASSED AND APPROVED by the Anchorage Assembly this
25th day of October 2005.

ATTEST:

Anna L. Fairclough
Chair

Bala S M

Municipal Clerk

(Planning Case Number 2005-095)
(Tax Identification 015-271-82)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005-133

Title: Planning and Zoning Commission recommendation for a rezoning from R-6 (Single Family Residential District, Large Lot) to R-1 SL (Single Family Residential District with Special Limitations)

Sponsor:
 Preparing Agency:
 Others Impacted:

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

	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>
Operating Expenditures				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others				
Less: 7000 Charges to Others				
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impact on the public sector. A rezone from R-6 to R-1 SL will allow a net increase of eight units. It will also result in a 100 foot wide undeveloped buffer area on the east edge of the property.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector. If approved, the owner will be able to replat which will allow him eight more lots. In return, he will dedicate the R-6 property to be a permanent buffer strip.

Property Appraisal notes:

Property Appraisal foresees no significant impacts to value as the property is already valued in relation to R-1 sales due to the availability of public sewer and water and due to current land use in the surrounding area.

Prepared by: Jerry T. Weaver Jr. Telephone: 343-7939

Validated by OMB: _____ Date: _____

Approved by: _____ Date: _____
 (Director, Preparing Agency)

Concurred by: _____ Date: _____
 (Director, Impacted Agency)

Approved by: _____ Date: _____
 (Municipal Manager)



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 690 -2005

Meeting Date: September 27, 2005

From: Mayor

Subject: Planning and Zoning Commission recommendation of approval for a rezoning of approximately 3.1 acres from R-6 (Suburban Residential District, large lot) to R-1 SL (Single Family Residential with Special Limitations) for a portion of Tract E, Terraces Subdivision; generally located between Lake Otis Boulevard and Cange Street, south of 112th Avenue.

1
2 Kaylen LeBaron has made application to rezone a 3.1 acre portion of Tract E from
3 R-6 to R-1 SL. The property is near the eastern edge of the former Pioneer/Tulin
4 Gravel Pit as show on Exhibit A.

5
6 The 3.1 acre area was part of the 2003 rezoning for the entire 75-acre gravel pit as
7 shown on Exhibit B, and was originally proposed to be rezoned from R-6 to R-7 and
8 R-1 SL. The applicant's initial proposal had R-7 sized lots buffering the proposed
9 R-1 SL lots, and the existing R-6 lots to the east of Cange Street. However, the
10 applicant presented a revised drawing to the Municipal Assembly, March 4, 2003,
11 which altered the original proposal of R-7 and R-1 to R-6 on the east boundary of the
12 rezone request

13
14 On August 17, 2004, the Planning Department tried to correct the boundary and
15 zoning discrepancy with an AIM which was rejected. Since then, the applicant took
16 this current rezoning proposal to the Cange Street neighborhood and they agreed to
17 the change which is depicted in Exhibit A.

18
19 The 3.1 acres will allow seventeen new R-1 SL lots. The remaining current R-6
20 zoning area will be reduced proportionally in depth. The R-6 area will be dedicated
21 to the Cange Street Homeowners Association, will never developed and remain as a
22 100-foot wide buffer for the private airstrip to the east. The loss of the R-6 property
23 to the Cange Street Association, combined with the seventeen new R-1 SL lots,
24 results in a net gain of eight lots over what was previously approved March 4, 2003.
25 The special limitations for the area will have the same special limitations that apply
26 to the remainder of the present R-1 SL area to the west.
27

1 The application was heard by the Planning and Zoning Commission on August 1,
2 2005, and recommends approval of the request. The rezone is consistent with the
3 Comprehensive Plan, and the new R-1 SL area is compatible with the surrounding
4 area.

5
6 The Planning and Zoning Commission recommended rezoning to R-1 SL. The
7 Commission found that this site is identified in the *Anchorage 2020 Anchorage Bowl*
8 *Comprehensive Plan* as appropriate for this use, and the density is compatible with
9 what exists in the area.

10
11 The Planning and Zoning Commission recommended approval of the rezone by a
12 vote of 7 ayes and 0 nays.

13
14 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
15 COMMISSION RECOMMENDATION FOR THE REZONING REQUEST.

16
17 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

18 Concur: Tom Nelson, Director, Planning Department

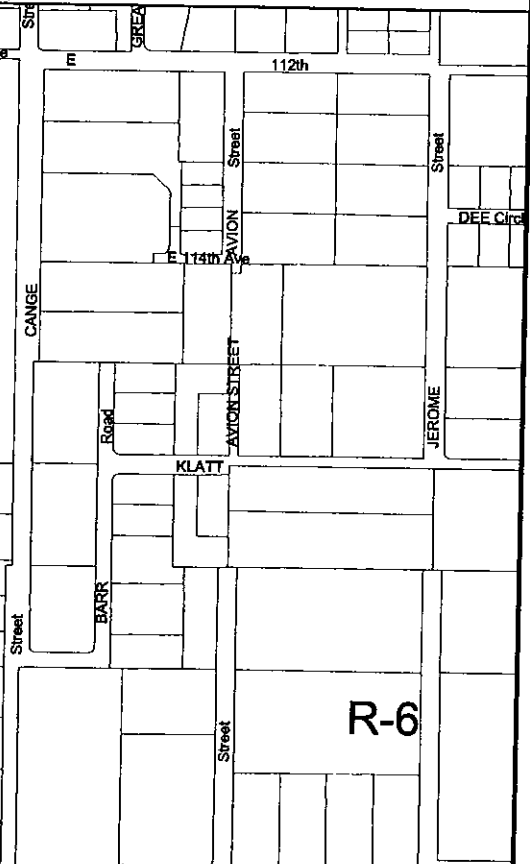
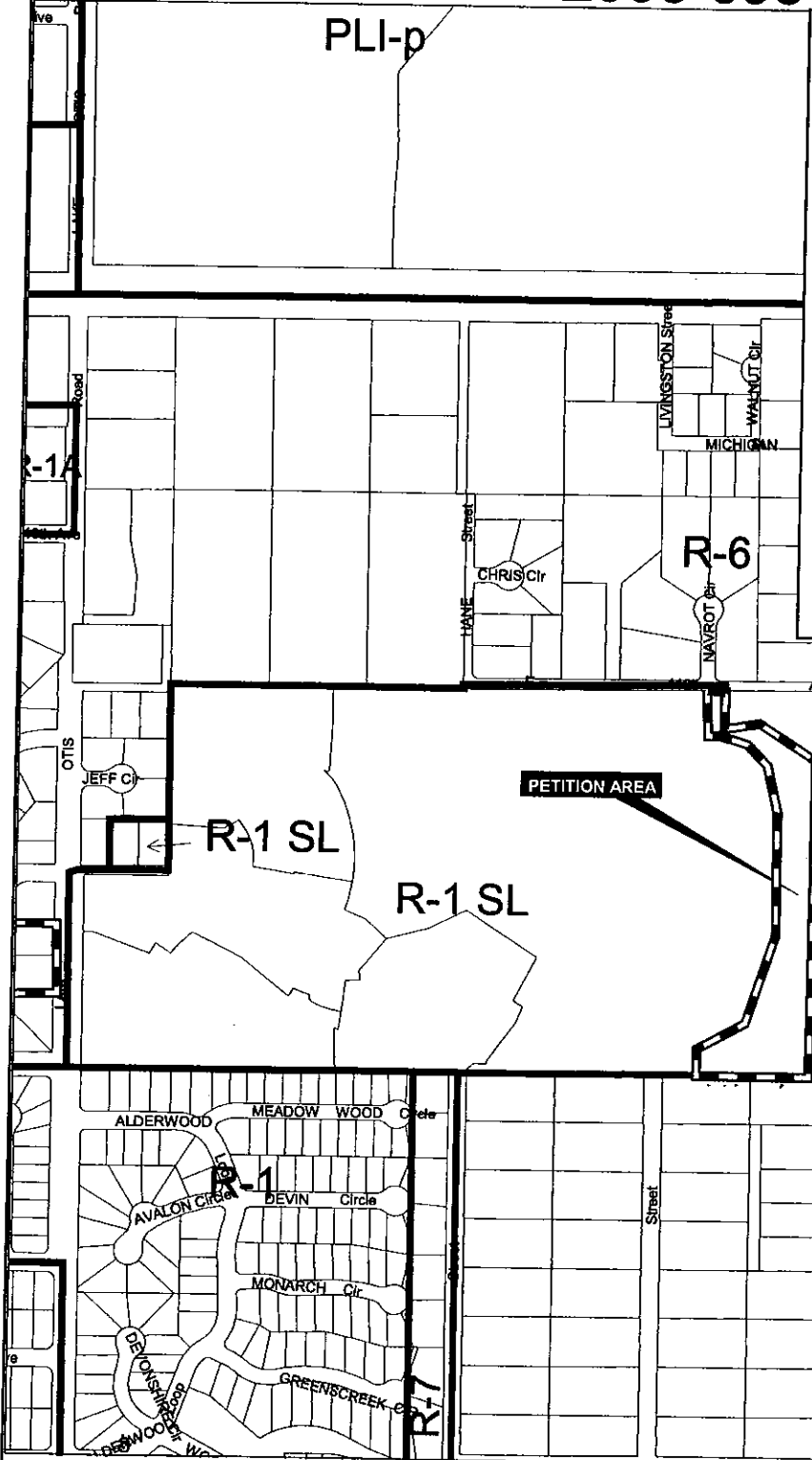
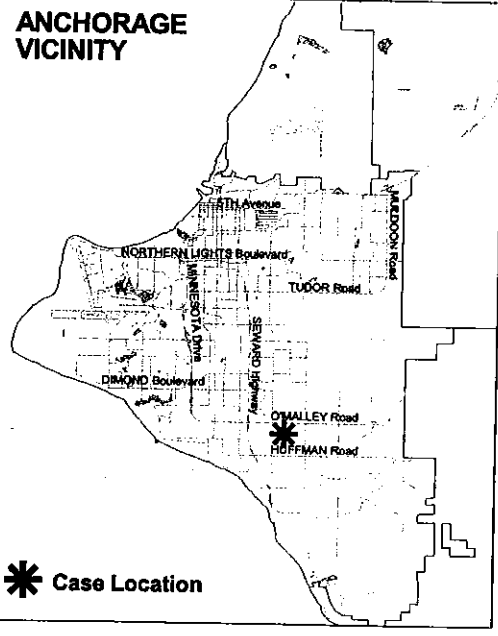
19 Concur: Mary Jane Michael, Executive Director, Office of Economic and
20 Community Development

21 Concur: Denis C. LeBlanc, Municipal Manager




22 Respectfully submitted, Mark Begich, Mayor
23
24

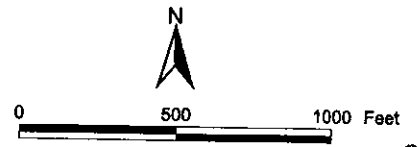
REZONE 2005-095

EXHIBIT A



Municipality of Anchorage
Planning Department

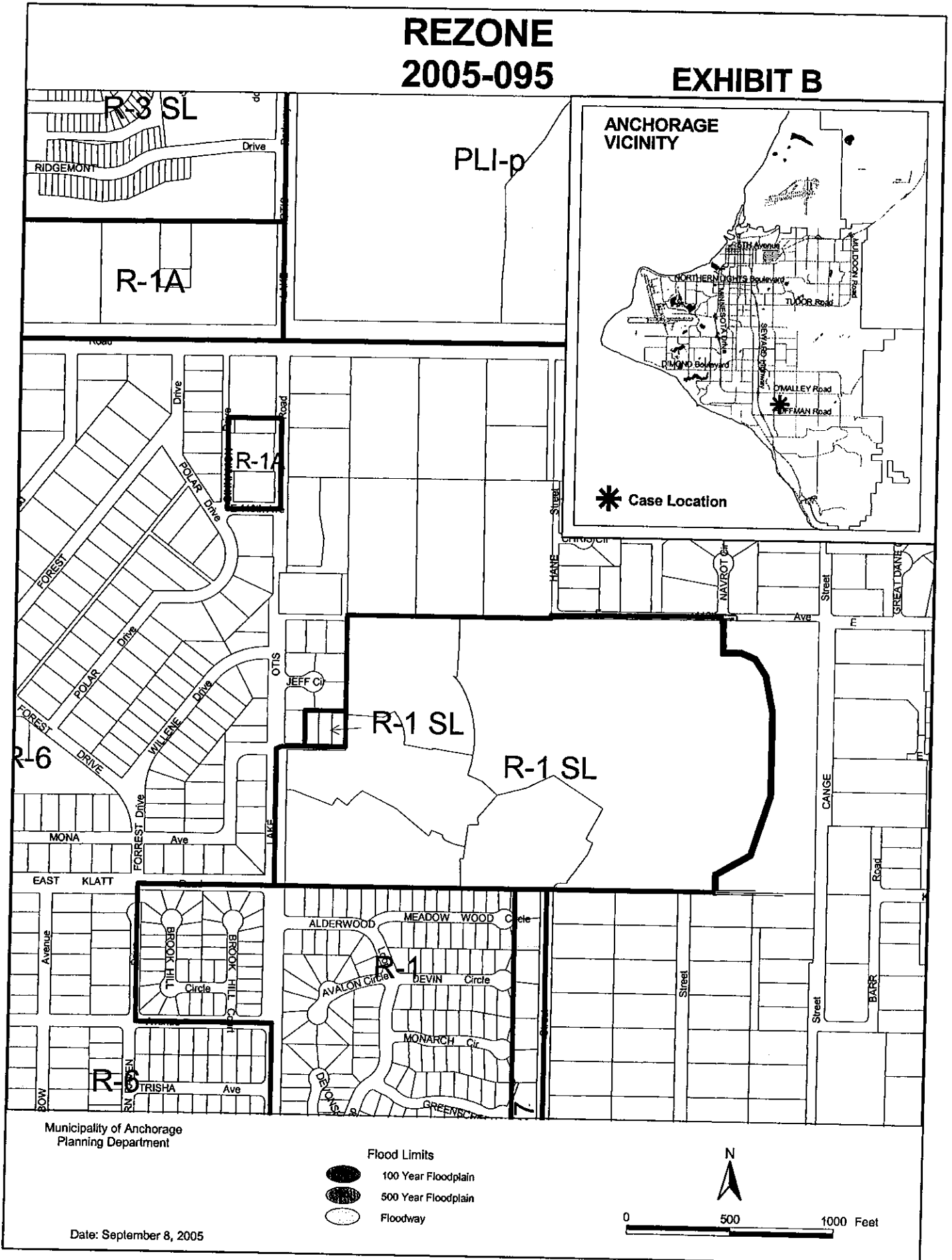
- Flood Limits**
-  100 Year Floodplain
 -  500 Year Floodplain
 -  Floodway



Date: June 28, 2005

REZONE 2005-095

EXHIBIT B



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-042

A RESOLUTION APPROVING A REZONING FROM R-6(SUBURBAN RESIDENTIAL DISTRICT, LARGE LOT) TO R-1SL (SINGLE FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR TERRACES SUBDIVISION, TRACT E , GENERALLY LOCATED ON THE EAST SIDE OF LAKE OTIS PARKWAY AND THE WEST SIDE OF CANGE STREET, BETWEEN HUFFMAN ROAD AND O'MALLEY ROAD.

(Case 2005-095, Tax I.D. No. 015-271-82)

WHEREAS, a request has been received from Kaylen LeBaron to rezone approximately 3.1 acres from R-6 (Suburban residential district, large lot) to R-1 SL (Single family residential district with Special Limitations) for Tract E, Terraces Subdivision, generally located on the east side of Lake Otis Parkway and the west side of Cange Street, between Huffman Road and O'Malley Road, and

WHEREAS, notices were published, posted and 96 public hearing notices were mailed and a public hearing was held on August 1, 2005.

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

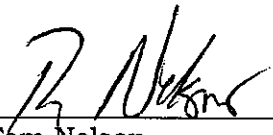
A. The Commission makes the following findings of fact:

1. The subject property was replatted and rezoned in 2003. A portion of the property on the east side of the tract, about 180 feet wide and running parallel to Cange Street, was accidentally omitted from the petition when it was presented to the Assembly.
2. This proposal will correct that omission and has been reviewed with adjacent property owners. In exchange for a net increase of eight units in the tract, a 100 foot wide buffer with no structures allowed, will be dedicated to the adjacent property owners. This makes the application partly a new zoning case and partly a housekeeping issue.
3. The rezoned portion of the property will have the same special limitations as the remainder of the Terraces, AO 2003-7. The replat will resolve any split lot zoning on R-1SL - R-6 boundary.
4. The proposal remains consistent with *Anchorage 2020*, specifically policies 3, 5, 7, 8, 14, 41 and 52 through 55. The net gain of eight units did not change the traffic analysis and no comments were received from the Traffic Department.
5. The proposed undeveloped, 100 foot wide buffer will lessen impacts to the surrounding properties and the proposed density is still well below what the zoning district would allow.
6. The Commission finds that this request conforms to the Anchorage 2020 Comprehensive Plan. The Commission noted that the split zoning would

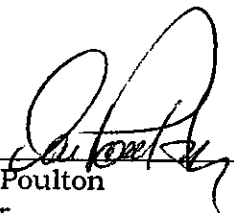
present difficulties for approximately 17 lots along the east side of the property.

7. The Commission recommended approval of the request by a vote of 7-aye, 0-nay.
- B. The Commission recommends the above rezoning be APPROVED by the Anchorage Assembly subject to the following special limitation:
1. All conditions of AO 2003-7 apply to this 3.1-acre property.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 1st day of August 2005.



Tom Nelson
Secretary



Don Foulton
Chair

(Case 2005-095, Tax I.D. No. 015-271-82)

ab

*Final
file copy*

**PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska**

**MINUTES OF
August 1, 2005
6:30 PM**

A. ROLL CALL

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

Excused Shaun Debenham

Unexcused Megan Simonian

Staff Angela Chambers
Al Barrett
Doug Lesh

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 ISHAM moved for approval of the minutes of July 11, 2005 and June 20, 2005. COMMISSIONER G. JONES seconded.

AYE: Isham, T. Jones, Gibbons, Poulton, G. Jones, Wielechowski
NAY: None
ABSTAIN: Pease

PASSED

2. **2005-095** Kaylen D. LeBaron. A request to rezone approximately 3.10 acres from R-6 to R-1SL. The Terraces, Tract E. Located on (NHN) Cange Street.

Staff member AL BARRETT stated 96 public hearing notice were mailed, no response was received from the community council, 3 responses were received in opposition and 1 was received in support. This case is partially a new rezoning request and partially housekeeping. When this property was rezoned in 2003, an eastern portion running parallel to Cange Street was to be rezoned from R-6 to R-7 with 20,000 square foot (SF) lot size requirements. When this case went to the Assembly the R-7 was inadvertently omitted from the request and that property remained R-6. The petitioner went to the Assembly in August 2005 under an AIM asking to change the zoning as an omission, but because of the long history on this property, the Assembly declined to do so. The applicant has been working with the adjacent property owners and the decision has been made to leave the property R-6 for an approximately 100-foot width along Cange Street and rezone the remaining 80 feet to R-1SL with the boundaries adjusted to fit the plat for The Terraces Subdivision. The properties running parallel to Cange Street would be R-6, but would no longer be under the control of The Terraces. A recorded instrument would convey that property as a permanent 100-foot wide buffer strip to the property owners and the aircraft owners association along Cange Street. Staff recommended approval of the rezoning request. The entire subdivision property could accommodate approximately 330 units and, as platted would accommodate, 235 units, under this request there would be a net gain of 8 R-1SL units, or a new total of 243 units, which is 94 fewer than could ultimately be accommodated on the property. The Department supported the proposed rezoning, finding that it meets the Comprehensive Policies 3 and 8 dealing with increasing the number of dwelling units and higher densities in urban areas. Policies 5 and 7 are still met, the net change in 8 dwelling units is not out of character or scale with the area. Because there will be a sizeable buffer no the north, east, and south sides of the property, there will be adequate separation between the new R-1SL and the surrounding R-6 and R-7 properties. Policies 14, 41, 52-55 are met by the previous rezoning in 2003 and remain met with this proposal. The applicant has offered that, if this property is rezoned, the special limitations under AO 2003-7 will apply.

COMMISSIONER PEASE asked if the 100-foot buffer strip would go to a homeowners association or a group of properties immediately adjacent to the subdivision. She also asked if this is intended to be a long-term buffer and is there a condition that it remain an open space buffer once ownership is transferred. MR. BARRETT replied that in the article of conveyance on page 52 of the packet it is item 3 "Developer agrees to create and dedicate on the amended plat and final plat a tract of

undeveloped R-7 land approximately 100 feet width along the entire eastern boundary of the property comprised of the subject lots adjacent and parallel to the Cange Street right-of-way." He believed it was long-term and the property would be conveyed to an association; the property is not literally adjacent to the other R-6 and R-7 properties because it is across Cange Street. COMMISSIONER PEASE asked what is meant by "conveyance of the tract will be at the developer's election." MR. BARRETT understood the timing is at the developer's discretion, but he further understood that the adjoining property owners have agreed to that.

The public hearing was opened.

TONY HOFFMAN, representing the petitioner, remarked that this is a complex case, however, this proposal is a simple matter of changing the density within an existing R-1SL with the slight addition of the buffer, which was the result of a meeting between the homeowners and the developer. AO 2003-7 was approved and this action merely increases the density by 8 houses. The Assembly felt it was best to bring this forward as a rezone, rather than approving it through an AIM.

COMMISSIONER PEASE asked what is the time frame for conveyance of the 100-foot buffer and would there be any concern with placing a time frame on that. MR. HOFFMAN replied that he did not think this was the appropriate forum to address this matter, which is a private issue between the developer and the homeowners that is agreed in a settlement agreement.

COMMISSIONER G. JONES asked about the level of compromise this proposal represents. He asked what was the developer's initial position from which he compromised. MR. HOFFMAN replied that the neighbors were concerned with safety and the height of houses. The proposal does not change the zoning it simply allows 8 more houses while the developer is giving up the R-6 land.

DICK TREMAINE stated he was intimately involved in this rezone process for six years. He stated this is a new rezone process, not the clarification of an error. He cited the Assembly's decision on the rezoning, explaining that the subdivision shown on page 85 (and page 78) of the packet was presented to the Assembly and after discussion the subdivision shown on page 77 was approved. He noted that the agreement that has been referenced occurred in December 2003/January 2004 prior to the AIM coming to the Assembly in August 2004. The only letter in support is from Mr. Hultquist, developer of the Sand Lake gravel pit, supporting the developer of this gravel pit. It was he and one other member of the homeowners association who in January 2004 agreed to the 50-foot limit and for the tract to come forward. The agreement was based on R-7, not R-6, so he assumed the agreement was moot. Originally this proposal was contested by over 50% of the people who bordered the gravel pit, not only those people who live along Cange Street, some of whom do not border the gravel pit. He was not

sure that the abutting property owners had been notified of this proposal. The community council has not had an opportunity to meet. He felt the Commission should reject the petitioner's request.

COMMISSIONER G. JONES asked whether Mr. Tremaine understood that if the zoning is left as it exists the zoning boundary encroaches into the back of the platted lots. MR. TREMAINE replied that is the case with the new proposed platting, but page 77 shows there would be no encroachment. COMMISSIONER G. JONES stated the map on page 43 of the packet shows the "petition area" with replatted lots. He asked which plat exists today. MS. CHAMBERS replied that the proposed change affects 17 lots. There is a tract plat with a final plat in on the first phases on the west along Lake Otis. The plat is such that modifications can be made to the back of the property without requiring plat approval. She understood an agreement was reached with parties to the east of Cange Street to create a different type of buffer. She stated that any rezone is a new action before the Commission and the Assembly. Staff has informed the petitioner that either the plat has to be amended to reflect the zoning boundaries or there would need to be a rezoning. COMMISSIONER G. JONES asked if there would, in fact, be split lot zoning if all the approved plats were recorded today. MS. CHAMBERS replied that there would be 17 lots with split lot zoning under the current proposed plat.

COMMISSIONER WIELECHOWSKI asked whether this change does or does not comply with Anchorage 2020. MR. TREMAINE was not convinced that it complies with legal requirements for notice. He did not feel this rezone complied with procedure. He stated in terms of buffer, which is required as part of the Hillside Wastewater Management Plan, which is a component of the Comprehensive Plan Anchorage 2020, this buffer is probably not sufficiently wide. There is a buffer, but part of the question is whether the buffer is sufficient. The compromise reached was after Anchorage 2020 was in place, and this proposal is not that compromise.

CHAIR POULTON asked if this proposal complies with Anchorage 2020. COMMISSIONER WIELECHOWSKI asked that Staff also indicate whether this proposal complies with Title 21 and please address the notice issue. MS. CHAMBERS stated the Department has found that this request complies with Anchorage 2020; the Hillside District Plan is being undertaken to determine the urban/rural boundaries. This proposal began as planned community with mixed density and mixed use to promote Anchorage 2020 policies, which calls for increased densities in certain areas. There was an extensive process involving this property. The existing situation would result in 17 split lot zoned lots. If the rezoning was not approved, a replat would be required, resulting in a somewhat smaller buffer against Cange Street. However, the transition and buffering standards have been met. These lots would not be developed as was possible previously. MR. BARRETT stated that on 112th Avenue and along Cange Street the public hearing signs were lost; the neighbors reported this occurred and the

applicant replaced the signs on that same day. In the past, the municipal attorney's office has advised that when signs are removed, blown down, vandalized, so long as they are replaced in a timely fashion, the notice is satisfactory. COMMISSIONER WIELECHOWSKI asked if the location of the signs met municipal requirements and were the mailed notices adequate. MR. BARRETT replied that the mailed notices were adequate. The posted signs were visible from Lake Otis Parkway and Cange Street and none was required along 112th Avenue.

COMMISSIONER PEASE asked if the Assembly approved in 2003 the plat on page 77 or 78 of the packet. MR. TREMAINE replied that in 2004 the Assembly revisited its decision and approved the plat shown on page 77.

In rebuttal, TOM DREYER, representing the petitioner, stated there was approval for 5 or 6 houses long the Cange Street elevation as R-6 lots. Under the agreement, the petitioner agreed to go over 10 feet then cut down at 2:1 and have 100 feet not developable and the houses built below that street in the R-1 had to have roofs 15 feet below the elevation of Cange Street. On the northeast corner will be one R-6 lot for one single-family house. The trade-off was agreed between the airport owners group and the petitioner over a span of time. He thought the agreement would benefit everyone. He noted that this request has been submitted as a rezone and he felt the original disparity in AO 2003-7 is immaterial.

COMMISSIONER G. JONES understood that the Assembly approved the plat shown on page 77 of the packet, which shows 6 R-6 lots facing east on Cange Street. He assumed those lots would have been regraded to be buildable from Cange Street; there are also lots in the lower area. The compromise shown on page 43 of the packet is one corner lot on Cange Street and two long rectangular tracts facing Cange Street and now the lower lots are shorter and there are no lots facing onto Cange Street other than the one. MR. DREYER confirmed that this was correct. COMMISSIONER G. JONES asked where are the 8 additional lots. MR. DREYER replied that page 77 shows a 180 feet deep R-6 area and with the compromise to not build on top of that area, that strip was narrowed from 180 feet to 100 feet, allowing a gain of lots in the lower area. Now the subdivision is "longer" from east to west.

COMMISSIONER PEASE asked if there is a net gain if the R-6 lots are lost to development because of the creation of a buffer. MR. BARRETT thought the net gain was 8 units with the loss of R-6 and the gain of R-1SL. MR. DREYER replied this is correct. COMMISSIONER PEASE asked what as the width of the road that separated the development from Cange Street in the original development. She asked why there are no longer pedestrian connections to Cange Street. COMMISSIONER G. JONES noted that what Ms. Pease thought was a road is a buffer. MR. DREYER stated that pedestrian easements were required through the platting and the rezone. COMMISSIONER PEASE did not

believe the current proposal provides pedestrian connection to Cange Street. MR. DREYER stated page 44 shows an access strip between two lots leading to Cange Street. COMMISSIONER PEASE did not see an easement leading to Cange Street. MR. DREYER stated the area shown with hatched lines is a greenbelt area. COMMISSIONER PEASE noted that the greenbelt no longer touches Cange Street. COMMISSIONER G. JONES understood there is pedestrian access south into the greenbelt and the greenbelt at the southeast corner leads to Cange Street.

The public hearing was closed.

COMMISSIONER G. JONES moved for approval of the rezone of 3.1 acres from R-6 to R-1SL as shown in the petitioner's attachments and subject to a special limitation "All conditions of AO 2003-7 apply to this 3.1-acre property."
COMMISSIONER GIBBONS seconded.

COMMISSIONER G. JONES agreed with the characterization that this action is partially new and partially housekeeping in nature. This is ultimately a compromise between the developer and the neighborhood that seems to work, based on the lack of public comment this evening. This proposal lessens the impact on the R-6 neighborhood along Cange Street and the developer adds units to the subdivision for a total density that is still below what the zoning would allow. He felt the proposal was clearly supported by Anchorage 2020.

AYE: Isham, T. Jones, Gibbons, Pease, G. Jones, Poulton, Wielechowski
NAY: None

PASSED

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT
PLANNING STAFF ANALYSIS
REZONING

DATE: August 1, 2005

CASE NO.: 2005-095

APPLICANT: Kaylen D. LeBaron

REPRESENTATIVE: Lantech Inc., Tom Dreyer

REQUEST: Rezone approximately 3 acres from R-6 (Suburban Residential – Large Lot District) to R-1SL (Single-Family Residential District with Special Limitations)

LOCATION: A 3.1 acre portion of Tract E, The Terraces

SITE ADDRESS: N/A

COMMUNITY COUNCIL: 1) Huffman-O'Malley; 2) Abbott Loop

TAX NUMBER: 015-271-82

DEPARTMENT RECOMMENDATION: Approval

ATTACHMENTS:

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

SITE:

Acres: 3.1 acres

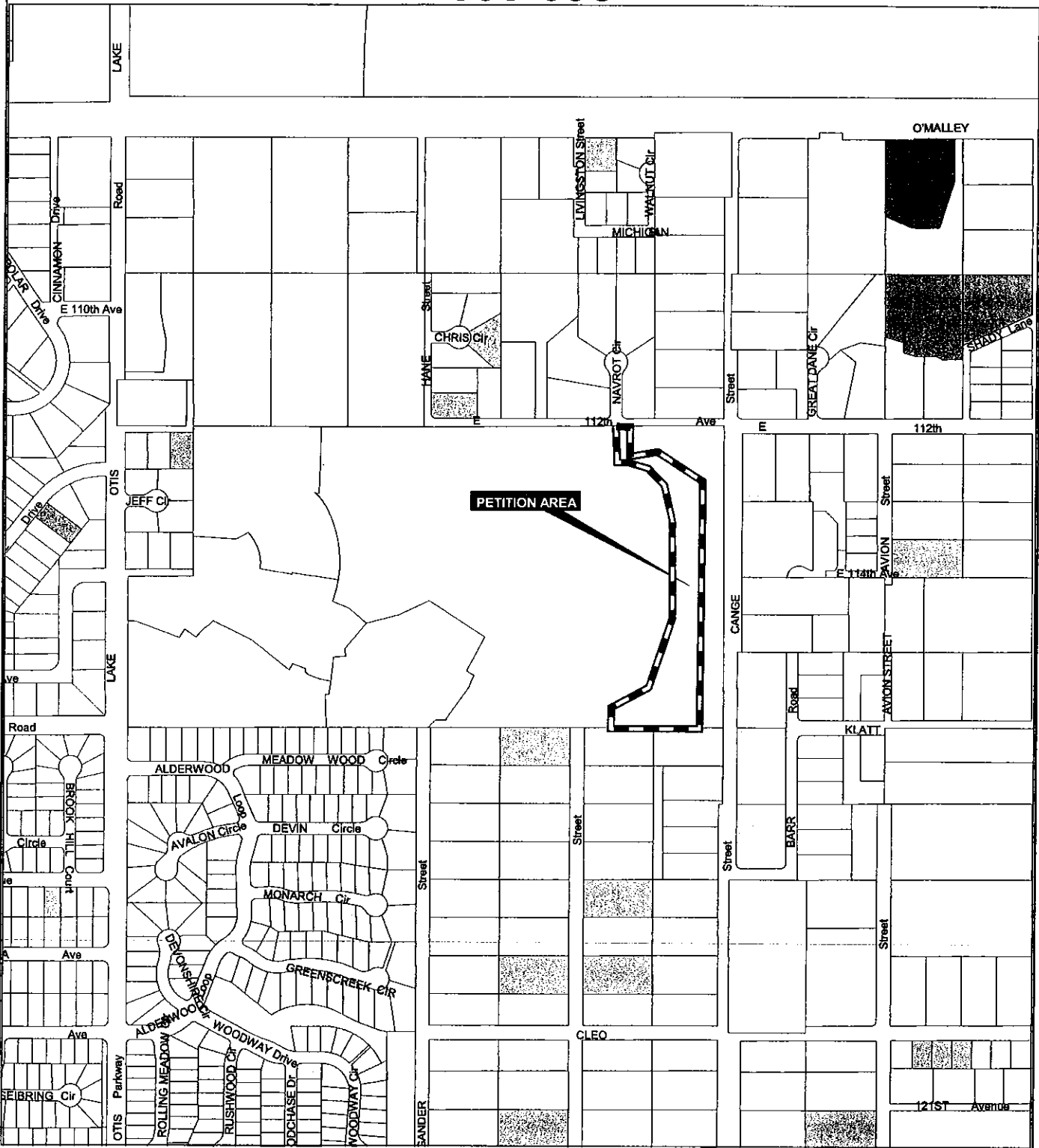
Vegetation: Cleared for development

Zoning: R-6

Topography: Sloped, 30 to 90 foot rise from the middle of the property to the east boundary

Existing Use: Subdivision under development

REZONE 2005-095



Municipality of Anchorage
Planning Department

-  Single Family Detached
-  Single Family Attached, Duplex
-  Mobile home
-  Multi - Family 3 & 4 Plex
-  Multi - Family 5+

Date: June 28, 2005


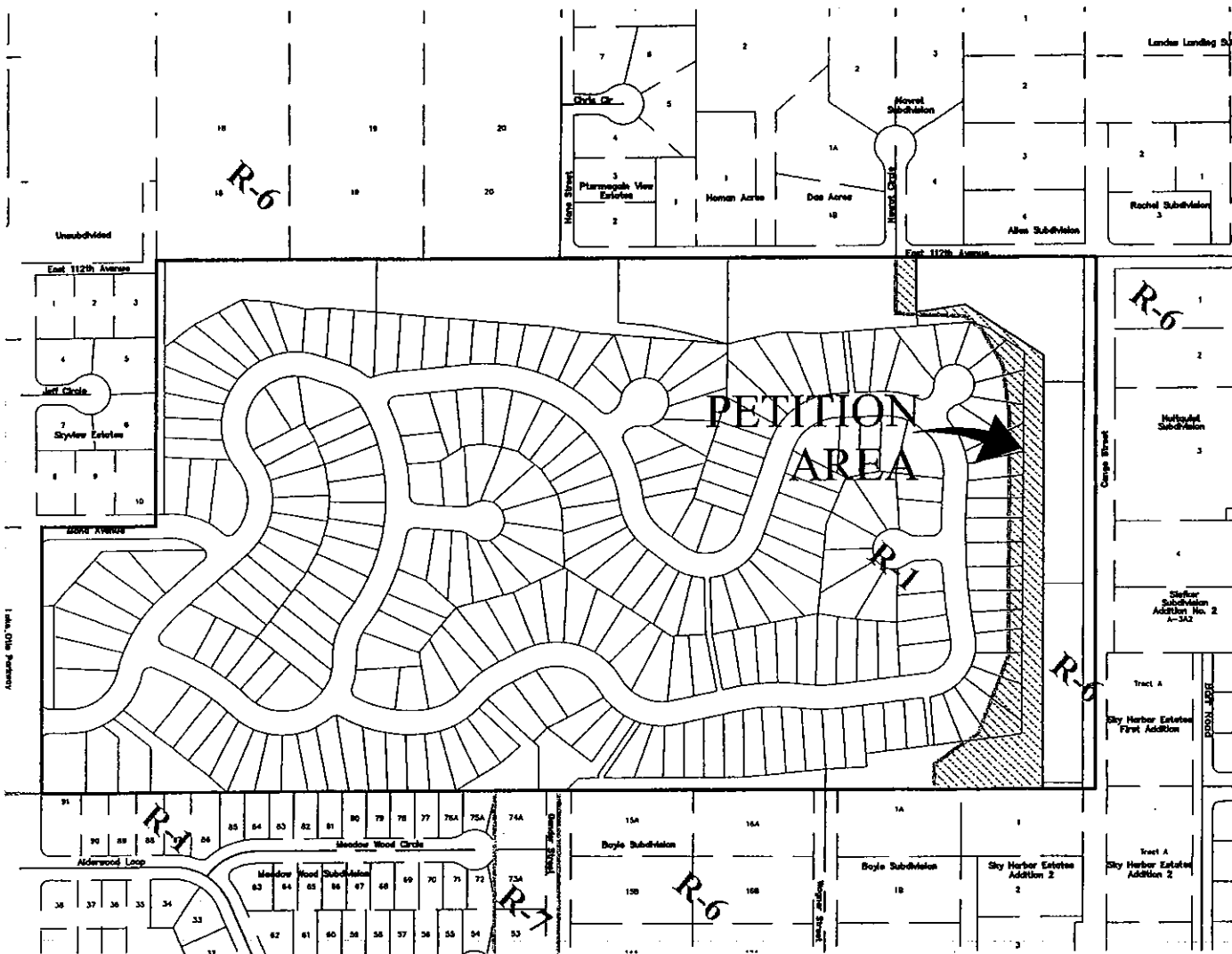

 0 500 1000 Feet
 Source: Housing Stock based on 1998 Land Use Inventory
 Planning Department, MOA

EXHIBIT B



Lantech

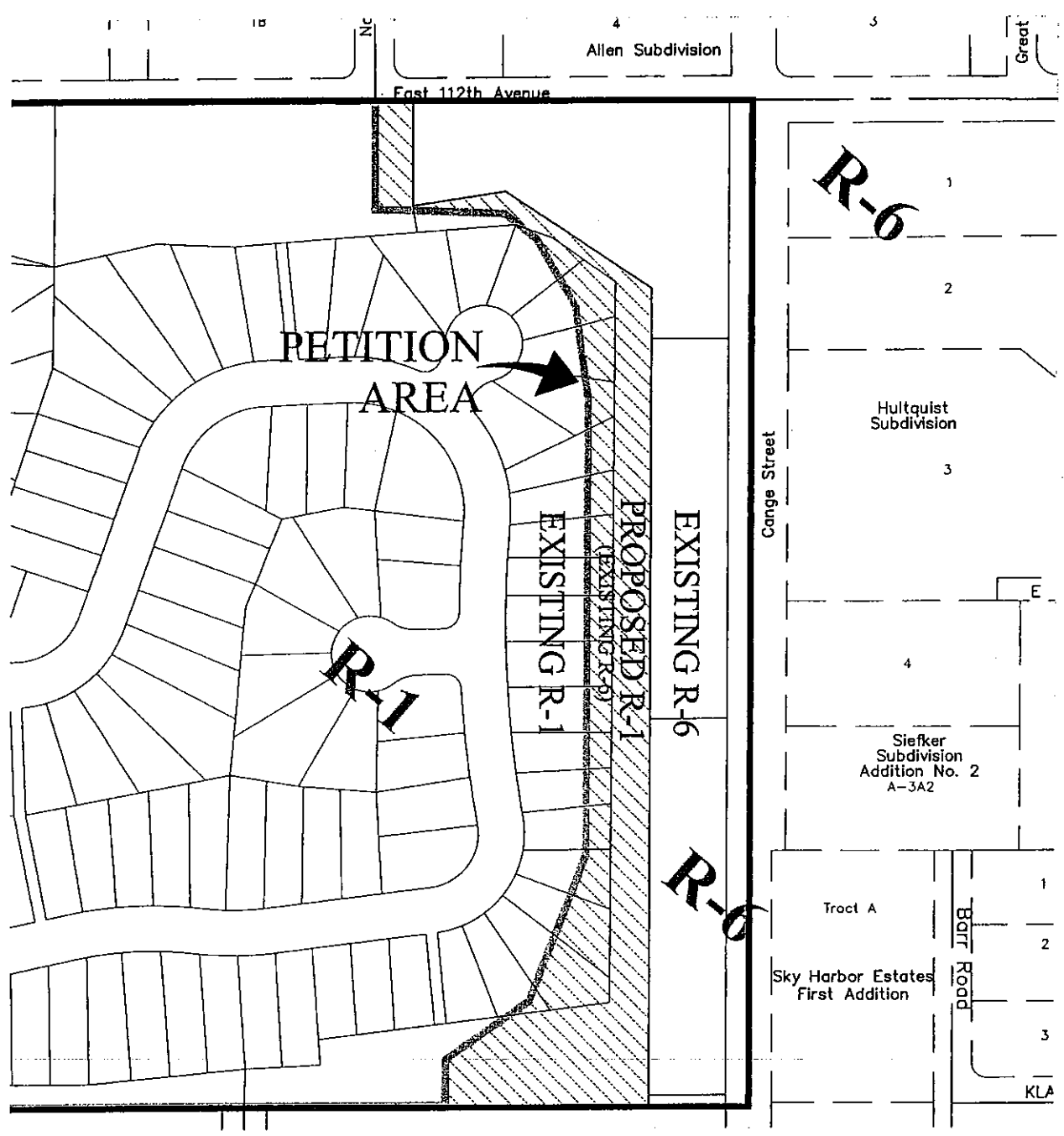
LAND & CONSTRUCTION SURVEYORS-PLANNERS-ENGINEERS
 440 WEST BENSON BLVD. # 103
 ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER: 2003-S-02	DATE: 5/24/2005	SCALE: 1"=400'	(fax) 561-6626
DRAWN BY: CB	CHECKED BY: TD	GRID NUMBER: 2634	BOOK/PAGE: N/A

Exhibit B Sheet 1 of 2
 THE TERRACES
 REZONING APPLICATION



Proposed R-1 (Existing R-6)



Lantech

LAND & CONSTRUCTION SURVEYORS--PLANNERS--ENGINEERS
 440 WEST BENSON BLVD. # 103
 ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER: 2003-S-02	DATE: 5/24/2005	SCALE: 1"=200'	(fax) 561-6626
DRAWN BY: CB	CHECKED BY: TD	GRID NUMBER: 2634	BOOK/PAGE: N/A

Exhibit B Sheet 2 of 2
 THE TERRACES
 REZONING APPLICATION
 PROPOSED Zoning

Soils: Public water and sewer available

COMPREHENSIVE PLAN:

Classification: Anchorage 2020 – N/A
1982 Plan – Residential

Density: Anchorage 2020 – N/A
1982 Plan - <1, however on the western-most 1/3 to 1/2, densities to 10 DU/AC may be allowed under controlled development requiring clustering of structures, internal circulation, water and sewerage availability, transition and buffering design, and site plan review.

COMPARISON OF R-6 WITH R-1 DISTRICTS

	R-6	R-1
Intent	Intended for those land areas where large lots or acreage development is desirable as an adjunct to the more typical urban and suburban residential zoning districts	Intended as an urban single-family residential area with low population densities. Structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of such areas are permitted within such districts or are permissible as conditional-uses subject to restrictions intended to preserve and protect their single-family residential character.
Lot size	1.25 acres	6,000 SF
Lot width	150 feet	50 feet

Yard Requirements Front Side Rear	R-6	R-1
	50 feet 25 feet 50 feet	20 feet 05 feet 10 feet
Lot Coverage	30%	30%
Structure Height	Unrestricted	30 feet

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-6	R-6	R-6/R-1	R-6
Land Use:	Single Family	Duplex/ Single Family	Single Family	Single Family

RELATED PROPERTY HISTORY:

1-31-74	Zoning	Assembly approved zoning of area to R-6, via GAAB ordinance 74-1, as a part of Area G-3 of the GAAB Areawide Rezoning.
Pre-1977	Use	Natural resource extraction existing on petition site, considered a legal nonconforming use.
1977	Zoning	AMC 21.55.090 enacted, which required gravel pits to obtain approval of a site restoration and redevelopment plan in order to continue operations, further requiring that operations be discontinued after the passage of a reasonable amortization period.

1984	Stipulated Agreement	Pioneer Sand and Gravel, operators of the gravel pit on the petition site, and MOA, entered into a stipulated agreement for amortization and restoration of the petition site, pending the outcome of specified actions. These actions have not yet been fully completed.
3-11-02	Rezoning	Planning and Zoning Commission recommended approval of the request for rezoning of petition site from R-6 to PC (Planned Community). Petitioner withdrew application on 7-21-2002, prior to hearing by the Assembly.
3-4-03	Rezoning	Assembly approval 75 acre rezone from R-6 to R-1SL and R-7 (actually R-6); AO 2003-7, copy attached.
8-17-04	Clarification	Presentation to Assembly to correct 1-28-03 R-6 and R-7 omission. Failed.
1-26-05	Plat	Tracts A through E, The Terraces SD

REQUEST:

The property as currently zoned and permitted could accommodate approximately 337 units. As currently platted the property will have a unit count of 235 units. If this rezoning is approved and replatted there will be a net gain of eight (8) units, for a new total of 243, 94 fewer units than the maximum allowed.

The most recent rezoning case for this property is Planning and Zoning Commission case 2002-176, AO 2003-7. It was approved by the Assembly March 4, 2003, but a small portion of the property was accidentally omitted from an exhibit during the Assembly presentation. The Terraces property is zoned R-1SL, except for approximately a 200 foot wide strip at the east end of the property. This strip is part of Tract E, adjacent to Cange Street, and is zoned R-6 (Suburban Residential – Large Lot District). The petitioner seeks to rezone a portion of this R-6 strip from R-

6 to R-1SL (Single-Family Residential District with Special Limitations). The Special Limitations will be the same as apply to the remainder of the property per AO 2003-7, including a height limitation for homes built in The Terraces Subdivision to be no higher than 15 feet below the elevation of Cange Street.

The eastern portion of Tract E was originally scheduled to be zoned R-7 (Intermediate rural residential district) as part of the rezoning case 2002-176. The R-7, 20,000 square foot lots were to act as a buffer between the higher density of the Terraces R-1SL area and the R-6 properties on the east side of Cange Street. This eastern side of the Terraces property is also the most steeply sloped and large lots would be appropriate.

When the rezone application reached the Assembly of March 4, 2003, the petitioners' representative inadvertently omitted an exhibit delineating the R-7 portion of the rezoning. Therefore, when the rezoning was approved, the eastern section of the property remained R-6. On August 17, 2004, the previously omitted of the R-7 portion of the rezone was placed before the Assembly as an Assembly Information Memorandum. The request was that the Assembly concur with the change from R-6 as clarification of an error. However, the Assembly denied the request and directed the item back to the Planning and Zoning Commission. That is the reason this application is before the Commission.

During this time, the applicant worked with homeowners on Cange Street and with the airstrip owner's association. A decision agreeable to these parties has been made. Instead of replatting and rezoning the eastern boundary of the property to large R-7 lots as originally proposed, the area will be rezoned to R-1SL. The other strip of the R-6 directly adjacent to Cange St., a minimum of 100 feet wide, will remain undeveloped and be given to the airstrip owners association. This is in a recorded document titled "Settlement and forbearance agreement" and is attached to this report.

BACKGROUND:

Site zoning history:

The petition site is a former gravel pit, now being developed as R-1SL.

The petition site was zoned R-6, along with much of the surrounding area, on 1-31-1974 as a part of area G-3 during the Areawide Rezoning.

The petition site is located within the Hillside Wastewater Management Plan area. The western approximate third of the site was included in the Plan at the time of original adoption. The remainder of the site was adopted into the area by AO 85-69 in 1985. This action requires the petition site to connect to public sewer when developed, and is recommended to develop at a minimum density of 3 dwelling units per acre (DUA).

In 2002, the petitioner applied for a rezoning of the petition site from R-6 to PC (Planned Community District). The proposal was approved by the Commission, but was withdrawn by the petitioner on July 21, 2002, directly prior to public hearings in front of the Assembly.

The property was rezoned to the current configuration on March 4, 2003, case 2002-176, AO 2003-7; see above under 'Request'.

SITE DESCRIPTION:

The petition site is located between Lake Otis Boulevard and Cange Street, south of O'Malley Road. The original site was 75-acres. This rezone is for a three acre portion of the property on the east side of the 75 acre site.

As noted above, this site has been used for natural resource extraction (gravel extraction) for many years, operating as Pioneer Pit. There are currently no gravel extraction operations on-site. The property is being filled and graded in preparation for road and home construction. Due to the gravel extraction operations, there are strong topography considerations on the site. There is an approximate 80-foot drop from the east side of the Terraces Subdivision to the middle of the property.

There is a private airstrip to the east of the petition site, abutting the east side of Cange Street. This airstrip is a legal nonconforming use.

Access to the subject property is currently from Lake Otis Parkway. The site is surrounded by residentially developed property, with R-1, R-6 and R-7 to the south, and R-6 to the east, north and west.

The petition site has been cleared as part of the Terraces Subdivision development. There may be some minor contamination on-site from the commercial operation vehicles that had been parked on the west side of the site along the gravel access drive into the site.

COMMUNITY COMMENTS:

On July 5, 2005, 96 public hearing notices (PHN) were mailed. At the time this report was written, one letter has been returned in objection. No response has been received from the Huffman-O'Malley or Abbott Loop Community Councils.

FINDINGS:

This analysis will address AMC 21.20.050 submission requirements generally, and 21.20.090 standards for approval.

AMC 21.20.050 Submission requirements generally.

This section states the general submittal requirements for a zoning map amendment. The petitioner has provided all items required by this section.

AMC 21.20.090 Standards for approval.

A. Conformity to comprehensive plan.

The Department finds that the proposed rezone concept meets the intent of Anchorage 2020 Anchorage Bowl Comprehensive Plan. This site is not in an area identified as a specific Policy area on the Anchorage 2020 Policy Area Map. However, this is a single-family residential development, and there are several Policies in the Plan that directly relate to residential development. These Policies are outlined below:

Policy 3 and Policy 8

3. *The Municipality shall employ development strategies for the Anchorage Bowl in order to accommodate approximately 31,600*

additional dwelling units by the year 2020 with the allocation of the dwelling units by planning sector as follows:

Central 5,000 – 7,000 Southeast 4,000 – 6,000

Northeast 5,000 – 7,000 Southwest 4,000 – 6,000

Northwest 7,000 - 9,000

8. *Urban residential density, defined as greater than 1 dwelling unit per acre, is the optimum standard in the urban services area; and rural density residential, defined as equal to or less than 1 primary dwelling unit per acre, is the optimum standard in the rural services area.*

The petition site is located in the southeast planning sector, which is intended to accommodate 4,000 – 6,000 additional dwelling units by the year 2020.

This proposed density is much higher than that allowed under the R-6 current zoning (60 dwelling units maximum possible under current zoning vs. approximately 323 possible, and 243 actually proposed if this rezoning and platting are approved), which will also strongly assist in reaching the necessary addition of residential units to the southwest area of the Anchorage Bowl.

The Department finds that this rezoning request meets the intent of these policies.

See discussion under subsection B.2 below for history of zoning in the area and the addition and impact of R-1 zoning and development in the area.

Policy 5 and Policy 7

5. *Rezoning and variances shall be compatible in scale with adjacent uses and consistent with the goals and policies of Anchorage 2020.*

7. *Avoid incompatible uses adjoining one another.*

See discussion of policies 3 and 8 above, and subsection B.2 below for compatibility in scale with adjacent uses, and consistency with the goals and policies of Anchorage 2020.

Although much of the petition site is bordered by R-6 zoned land, there is R-1 zoned property in the area. Although there are no codified standards in Title 21 to adopt in this rezoning for design compatibility, and the traditional rezoning process does not provide for design and streetscape standards, Title 21 does have provisions for transition and buffering standards (AMC 21.45.200).

The purpose of this section is to mitigate the impacts of not only nonresidential land uses upon residential uses, but also to mitigate the impacts of more intense residential land uses upon less intense residential uses, including but not limited to visual, noise, traffic and environmental impacts. In this case, the urban transition and buffering standards would apply. The authority acting upon a zoning map amendment may apply these standards where the authority finds that conformity to those standards will mitigate the probably visual, noise, traffic or environmental impacts of the more intense urban residential land use upon the less intense residential land use, mitigate other identifiable incompatibilities between land uses or residential densities, or protect a critical environmental or cultural feature identified for protection in a municipal plan adopted by the Assembly.

The Department finds that the designation of an R-1SL zoning for the petition site is appropriate, so long as the area to be designated R-6 or open space is designated along the boundaries of the petition site which abut R-6 properties. In order to meet policies 3 and 8 and the adoption of the entire site into the HWMP, urban densities... are needed in the southeastern planning area and recommended for the petition site. However, these densities can only be appropriately applied where infrastructure sufficient to handle urban densities exist. The petition area has sufficient infrastructure to support the number of dwelling units proposed for the petition site, and to support additional urban development in the area in the future. The TIA reviewed by the Traffic Department requires some additional improvements to turning lanes on Lake Otis and an un-gated secondary access to Cange Street that will ensure that this

specific development's traffic concerns and overall circulation for the area will be able to be supported through this development.

However, as much of the surrounding area remains in an R-6 designation, this development will need to ensure proper mitigation of the impacts of the R-1SL urban development against the existing R-6 abutting the site. The standards of AMC 21.45.200 require a transition space between the two densities. There are three methods found acceptable in Title 21, with the option for the Commission to approve an alternate form of space with a similar affect.

AMC 21.45.200 transition and buffering standards, once applied through a rezoning, is not subject to additional requirements under this section when the property is subdivided after the rezoning is adopted.

Policy 14

Conservation of residential lands for housing is a high community priority. New residential development at densities less than identified in the Neighborhood or District Plans is discouraged. No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan.

This policy is met. This property is currently in a residential designation, and the proposed rezoning will keep the property residential, while allowing a higher density to assist in compliance with Policy 3.

Policy 41

Land use regulations shall include new design requirements that are responsive to Anchorage's climate and natural setting.

As stated above, current land use regulations, as codified in Title 21, do not include additional design requirements or standards in response to the policies adopted by *Anchorage 2020*. The Department currently has contracts in the works for retail design standards, sign code, two Town Center plans which will incorporate commercial and residential design standards for those areas, as well as land clearing proposals. However, at this time, residential design

standards and requirements, especially in response to this policy, are not in the Department's work program for the next two years.

AMC 21.05.020 specifically states that the purpose of the comprehensive plan is to "set forth the goals, objectives and policies governing the future land use development of the municipality that guide the assembly in taking legislative action to implement the plan."

The Department finds that this request meets the requirements for a rezoning under AMC 21.20.090. The issue of the level of density has been mitigated, as required, under the standards contained in AMC 21.45.200 for transition and buffering standards.

Policy 52 – 55

52. *Site and design residential development to enhance the residential streetscape and diminish the prominence of garages and paved parking areas.*
53. *Design, construct, and maintain roads to retain or enhance scenic views and improve the general appearance of the road corridor.*
54. *Design and construct neighborhood roads and walkways to ensure safe pedestrian movement and neighborhood connectivity, and to discourage high-speed, cut-through traffic.*
55. *Provide pedestrian trail connections within and between residential subdivisions in new plats, including replats.*

Road standards include the requirements for sidewalks, and the design will take into account the need for safe pedestrian and road development, including traffic calming measures as determined appropriate by the Traffic Department and the Platting Board.

The internal roads will not obstruct scenic views from abutting properties. Structures within the Terraces cannot be higher than fifteen (15) feet *below* the elevation of Cange Street

Physical Planning noted that the creation of open spaces and parks are necessary for the quality of life that is important to Alaskans. They further noted that providing adequate open spaces and parks

also addresses safety concerns raised about children playing on the streets or on the nearby airport runway. A site plan is not required nor was submitted with this application. There are no requirements in Title 21 for a park in a development of this size. However, due to the increase in density in this area and the concerns regarding the runway, the subdivision review should look at and encourage designation of a usable area for park space, which may be able to be included in the open space area to be preserved along the north slope of the site.

B. Conditions of approval

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.

The special limitations proposed for this rezoning are the same as from the original case, PNZ case 2002-176, AO 2003-7.

2. The supply of land in the economically relevant area that is in the use district to be applied by the amendment or in similar use districts, in relation to the demand for that land.

The land immediately surrounding the site is primarily large lot single family, however, there is a significant grouping of R-1 zoned property abutting the petition site to the south, as well as other large groupings of small-lot single family and multi-family south, southwest and northwest of the site.

In the surrounding area, there are substantial areas of urban residential, primarily R-1, R-1 SL and R-1A zoned property, mainly located to the west and further south of the petition site.

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 subsection 2 of this subsection.

Development has begun with clearing, filling and grading. Due to the large acreage of the site, the development will likely occur in phases. All of the required public services are available to be or can readily be extended to the petition site at this time.

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.

Anchorage 2020 calls for the addition of 4,000-6,000 additional dwelling units in the southwest area of the Anchorage Bowl area by the year 2020 (Policy 3). This plan also calls for the conservation of residential lands for housing, (Policy 14). This site is currently in a residential zoning classification, and the R-1/R-6 designation will retain the principal use and feel of residential. This development will occur at a higher density than much of the surrounding area and much higher than that allowed under the R-6 current zoning (60 dwelling units maximum possible vs. approximately 323 possible), which will also strongly assist in reaching the necessary addition of residential units to the southwest area of the Anchorage Bowl.

Although there are concerns regarding the impact of higher density than currently allowed by the R-6 designation, the proposal retains R-6 lots and open space, and height limitations to mitigate the visual impacts and prevent urban size lots from directly abutting larger suburban lots. The Department finds that this, along with the drop in topography that visually separates this area from the surrounding larger lots, will properly mitigate the development against the surrounding R-6 lots.

DISCUSSION:

The R-1 zoning district is intended as urban single-family residential areas with low population densities. However, as the petition site abuts R-6 zoned and thus larger sized and lower density suburban lots along the north, east and a majority of the southern lot lines, the petitioner is proposing R-6 zoning and a 100 foot wide buffer strip on the eastern edge of the property. Previously, the R-7 (Intermediate Rural Residential) proposal was to abut the eastern R-6 lots.

The Terraces Subdivision as currently permitted could accommodate approximately 337 units. As currently platted, The Terraces will have a dwelling unit count of 235 units. If this application and the replat are approved, there will be 243 units. This will result in a net increase of eight units over the previous 235 units as approved in case 2002-176, but still 94 units below the maximum of 337. Also, the buffer strip on the east side of the property will be narrowed from 180 feet to 100 feet. It will be conveyed to the homeowners along Cange Street, see Settlement and forbearance agreement, item 3, attached. The Settlement Agreement was recorded January 13, 2004, but the date of conveyance is at the discretion of the developer.

The net increase of eight units is not enough to cause a traffic concern and the density is still well below what could have been permitted. The reduction of the buffer strip from 180 feet wide to 100 feet and the donation to the neighborhood seems to have met with neighborhood approval.

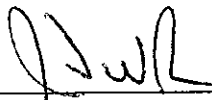
RECOMMENDATION:

It appears the rezoning generally meets the standards for zoning map amendments AMC 21.20.090, and Implementation of the Anchorage Bowl Comprehensive Development Plan Maps, AMC 21.05.080.

The Department recommends that the 3.1 acre portion be rezoned to R-1SL (Single-Family Residential, with special limitations), as shown on the petitioner's attachments, subject to the following special limitations:

1. All conditions of AO 2003-7 apply to this 3.1 acre property.

Reviewed by:



Tom Nelson,
Director

for

Prepared by:



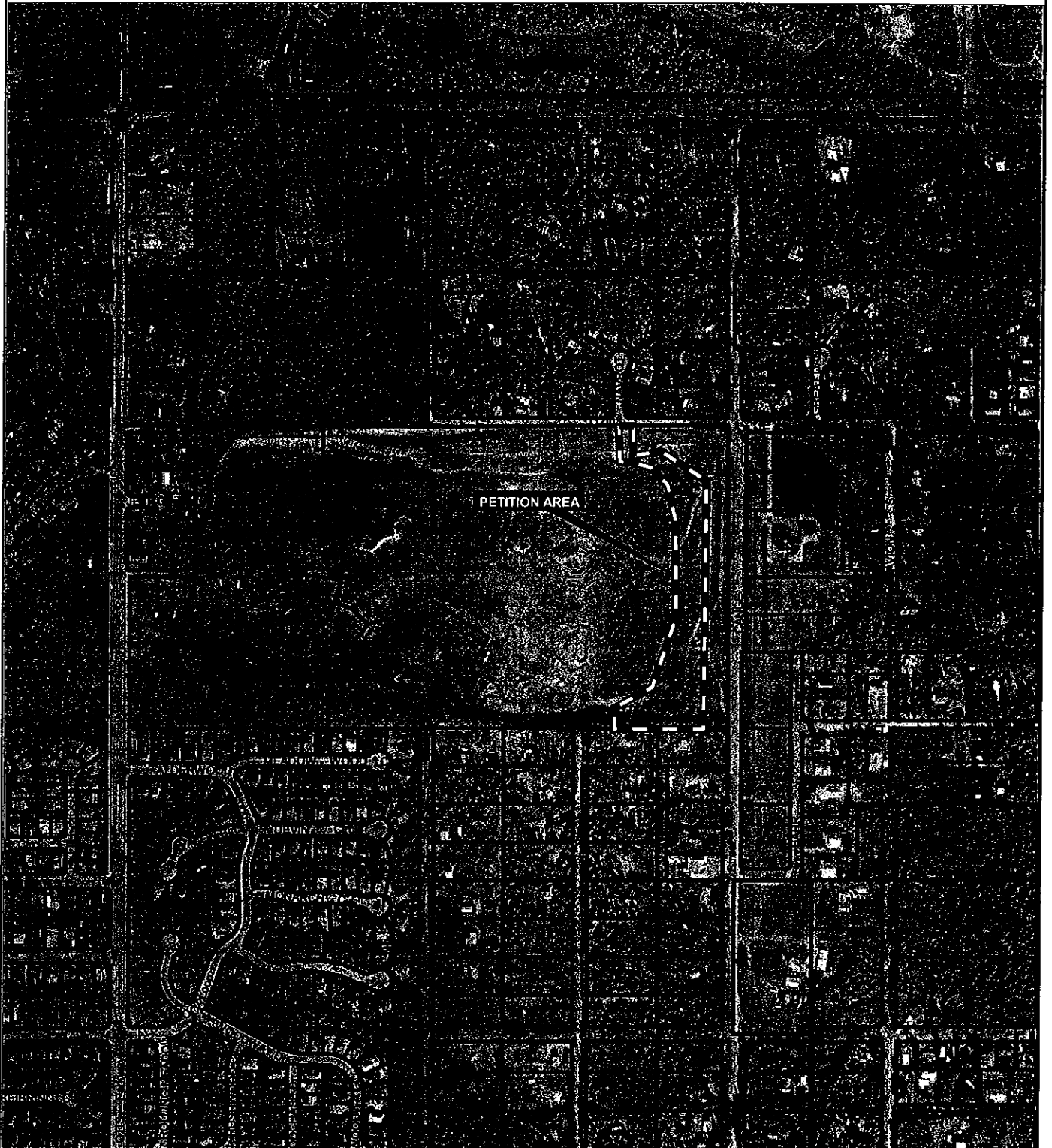
Alfred Barrett,
Senior Planner

(Case 2005-095; Tax ID #015-271-82)

2

HISTORICAL MAPS AND AS-BUILTS

REZONE 2005-095



Municipality of Anchorage
Planning Department

Date: June 28, 2005

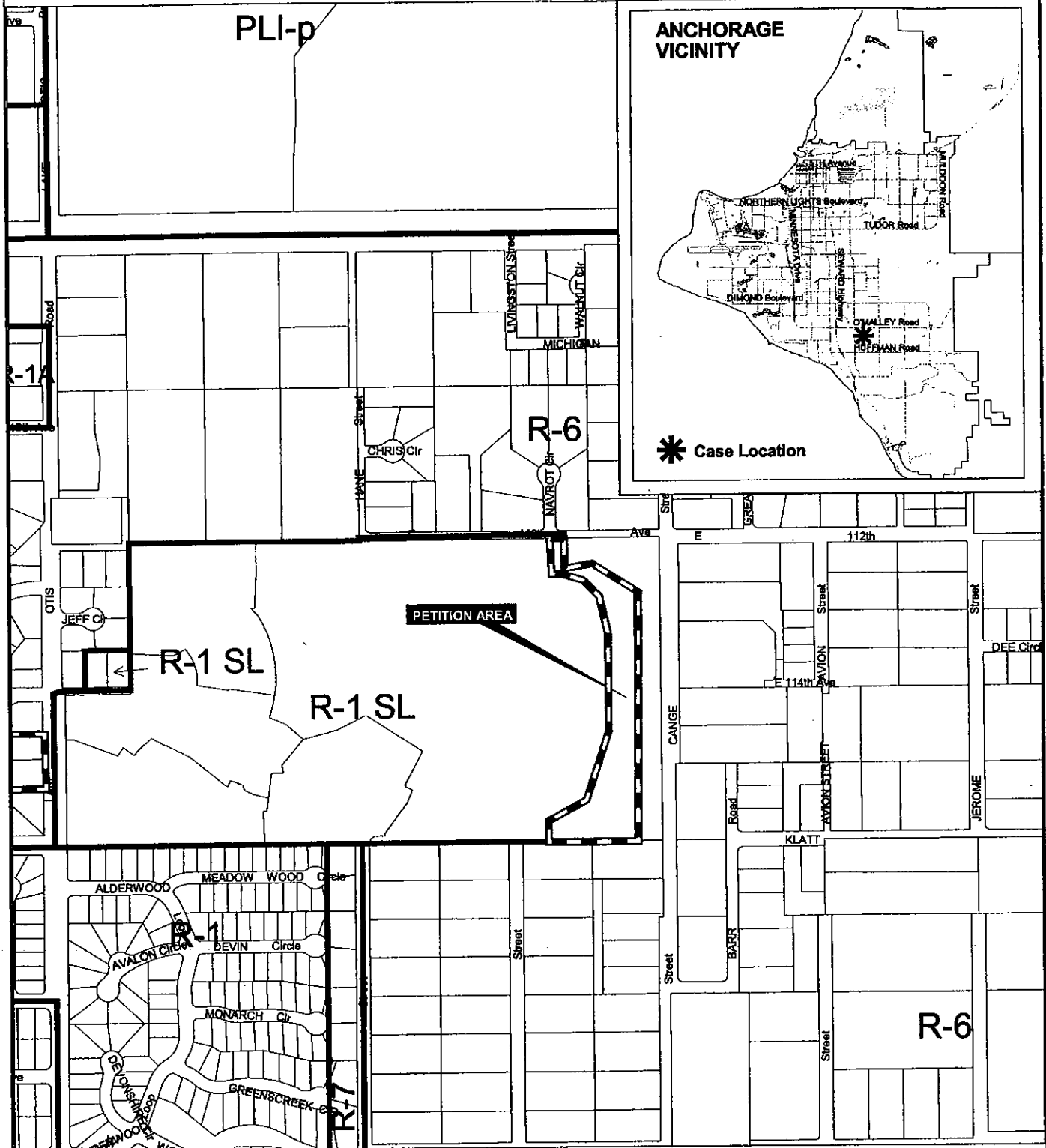


0 500 1000 Feet

Date of Aerial Photography: 2001

029

REZONE 2005-095



Municipality of Anchorage
Planning Department

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



0 500 1000 Feet

Date: June 28, 2005

Parcels--Multiple Layers

Tue Jun 26, 08:53:58, 2008

Map: Parcels--Multiple Layers



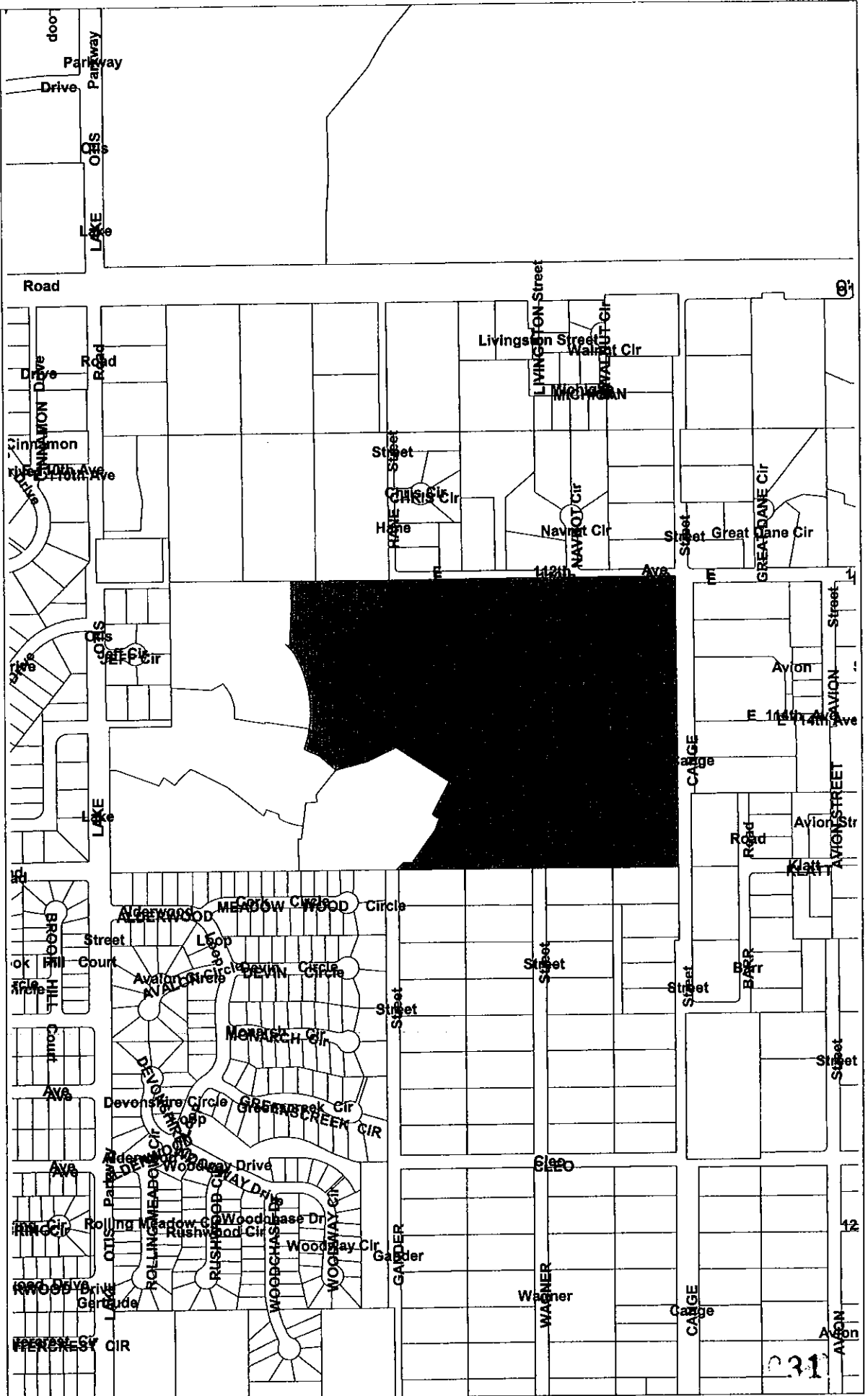
Scale 1:7000

Legend:

Txt STRNAME_UNI_DIR

Txt STRNAME_BI_DIR

□ PARCELS



3

DEPARTMENTAL

COMMENTS

MUNICIPALITY OF ANCHORAGE

RECEIVED


JUL 20 2005

MEMORANDUM

Municipality of Anchorage
Zoning Division

DATE: July 18, 2005

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department

THRU:  Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for the Planning and Zoning Commission to be heard
August 1, 2005

2005-095 **Rezoning to R-1SL (Single-family Residential District with special limitations)**

This Division has no objection to the proposed rezone.

2005-097 **Site Plan Review for a Storage Facility**

This Division has no objection to the proposed storage facility extension.

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 99519-6900
(907) 269-0520 (FAX 269-0521)
(TTY 269-0473)

RECEIVED

July 5, 2005

JUL 07 2005

RE: Zoning Case Review

Municipality of Anchorage
Zoning Division

Jerry Weaver, Platting Officer
Planning and 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:

- 2005-095 The Terraces Tract E/Rezone:R1SL
- 2005-097 Athenian Village Subd Tract G-1 4303 Florina St/Site plan review: storage facility
- 2005-101 2409 C St/ Bangkok Express to Simon's Taco Rico/Conditional use: alcohol
- 2005-102 Thomson Industrial Subd Tract A-2, A-3 and A-4/Variance: encroachment
- 2005-103 1911 E 5th Ave, The Setter to Fantasies Upper Deck/Conditional Use: alcohol
- 2005-113 South Addition Blk 10B Lots 5A & 6A 1001 E Street/Variance
- 2005-114 Wollever Subd Blk 1 Lot 2 12500 Toilsome Hill Dr/Variance: garage encroachment

Comments:

2005-112 Bayshore Administrative site plan for a public roadway: Bayshore Drive: 100th to Discovery Bay Drive: The applicant needs to submit detailed plans showing the Bayshore Drive and 100th Avenue intersection for an Access Road Review (ARR) with ADOT&PF. The applicant may contact Lynda Hummel, Right of Ways Agent at 269-0698 for an application and assistance. 100th Avenue is a state owned road and a permit must be obtained from ADOT&PF prior to construction.

2005-110 Near Twentymile River Sec 19 T9N R3E SM Sec 24 T9N R2E SM Rezone: R11 Turnagain: The Department has no objection to rezoning the area, but our concern is access. Individual driveway access could not be accommodated on the Seward Highway. We request there be an internal circulation plan to access all lots before accessing the Seward Highway. Road access to the Seward Highway would require ADOT&PF approval and an access road review for permitting. If there are questions, contact Lynda Hummel at 269-0698 our Right of Ways Agent for information and assistance with permitting and an access road review.

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

FAXED
7.5.05 1:35

Pierce, Eileen A

From: Staff, Alton R.
Sent: Friday, July 01, 2005 4:16 PM
To: Pierce, Eileen A; Stewart, Gloria I.
Cc: Taylor, Gary A.
Subject: Zoning and Plat Reviews

The Public Transportation Department has no comment on the following zoning cases:

2005-091

095

097

101

103

105

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

S10611-2

S11039-3

S11168-2

S11257-2

S11335-3

S11359-1

S11377-1

S11380-1

S11383-1

S11384-1

S11385-1

S11387-1

S11388-1

S11389-1

S11390-1

S11391-1

S11392-1

S11393-1

S11394-1

Thank you for the opportunity to review.

Alton Staff
Public Transportation Department – People Mover



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

RECEIVED

JUN 29 2005

Municipality of Anchorage
Zoning Division

DATE: June 29, 2005
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer
FROM: Mada Angell, Assistant Traffic Engineer
SUBJECT: Comments, August 1, 2005, Planning & Zoning Commission

05-095 The Terraces; Rezone R6-R1; Grid 2634

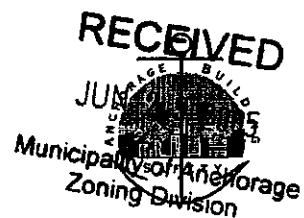
Traffic has no comment.

05-097 Athenian Village; Site Plan Review for a storage facility; Grid 1735

Petition might consider providing one or two required parking spaces away from the over-head doors on the first floor. This would allow* out-of-the-way parking for clients after unloading at the doors that provide access to the elevator and interior storage spaces.



Municipality of Anchorage
Development Services Department
Building Safety Division



MEMORANDUM

DATE: June 29, 2005
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM: *DR* Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due July 4, 2005

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

- 2005 – 091 Zoning conditional use for a bank/credit union
No objection
- 2005 – 092 Zoning conditional use for a charter school
No objection
- 2005 – 095 Rezoning to R-1SL One-family residential district with special limitations
No objection
- 2005 – 097 Site plan review for a storage facility
No objection



MUNICIPALITY OF ANCHORAGE
 Development Services Department
 Right of Way Division



RECEIVED

MEMORANDUM

JUN 28 2005

Municipality of Anchorage
 Zoning Division

DATE: June 28, 2005
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *LRF JLF*
FROM: Lynn McGee, Senior Plan Reviewer *LM*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of August 1, 2005.

Right of Way has reviewed the following case(s) due July 4, 2005.

**05-091 Regional Park #1, Lots D-5 & D-6, grid NW 0151
 (Conditional Use, Bank/Credit Union)**
 Right of Way Division has no comments at this time.
 Review time 15 minutes.

**05-092 Original Townsite, Block 17, Lot 1B, grid 1230
 (Conditional Use, Charter School)**
 Right of Way Division has no comments at this time.
 Review time 15 minutes.

**05-095 The Terraces, Tract E, grid 2634
 (Rezone Request from R-6 to R-1SL)**
 Right of Way Division has no comments at this time.
 Review time 15 minutes.

**05-097 Athenian Village, Tract G-1, grid 1735
 (Site Plan Review, Storage Building)**
 Right of Way Division has no comments at this time.
 Review time 15 minutes.

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

RECEIVED

JUN 22 2005

MEMORANDUM

Municipality of Anchorage
Zoning Division

DATE: June 22, 2005
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician, AWWU *H Stewart*
SUBJECT: Zoning Board public hearing of August 1, 2005
AGENCY COMMENTS DUE July 4, 2005

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

05-095 The Terraces, Tract E (rezone) Grid 2634

1. AWWU water and sanitary sewer mains are available for main extensions to the referenced tract.
2. AWWU has no objection to the proposed rezone.

05-097 Athenian Village, Tract G-1 (site plan review) Grid 1735

1. AWWU water and sanitary sewer mains are available to the referenced tract.
2. AWWU has no objection to the proposed site plan for a storage facility.

If you have any questions, please call me at 343-8009.

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

FIRST CLASS MAIL

000-000-00-000

*96 mailed
7/5/05*

NOTICE OF PUBLIC HEARING - - Monday, August 01, 2005

Planning Dept Case Number: 2005-095

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

CASE: 2005-095
PETITIONER: Kaylen D. LeBaron
REQUEST: Rezoning to R-1SL One-family residential district with special limitations
TOTAL AREA: 44.79 acres
SITE ADDRESS: NHN CANGE STREET
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1---Huffman OMalley 2---Abbott Loop

LEGAL/DETAILS: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, August 01, 2005 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 by selecting Departments/Planning/Zoning and Platting Cases.

Name: _____

Address: _____

Legal Description: _____

Comments: _____

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: [View Comments](#)

2. View Comments:

Case Num: 2005-095
 Rezoning to R-1SL One-family residential district with special limitations

Site Address: NHN CANGE STREET

Location: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

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

Public Comments

6/30/05
 Charles Jolin
 Why ask for our comments? You are going to give this scumbag what he wants no matter what we say. It's more tax revenue After all for the city.

[Zoning & Platting Cases On-line website](#)

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: [View Comments](#)

2. View Comments:

Case Num: 2005-095
 Rezoning to R-1SL One-family residential district with special limitations

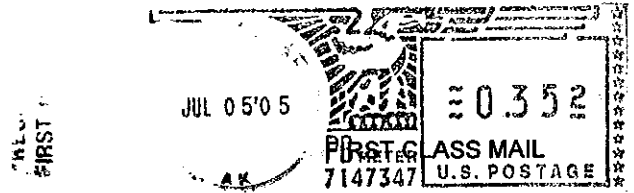
Site Address: NHN CANGE STREET
Location: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

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

Public Comments

7/9/05
 Ronn Lund
 The property requested for zone change is on the same elevation as all other Cange and surrounding neighborhood residences which are R-6. These are the only lots in the new subdivision which are at the higher elevation. As a result this 3.10 acres should be integrated with the neighborhood along Cange and adjacent areas and not the rest of the new subdivision. The R-6 zoning should remain in effect in order to keep the lot sizes compatible with the surrounding area.

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



015-271-57-000
MARKEL SAMUEL A & CAROLYN R
11150 CANGE STREET
ANCHORAGE, AK 99516

RECEIVED

JUL 19 2005

Municipality of Anchorage
Zoning Division

NOTICE OF PUBLIC HEARING - - Monday, August 01, 2005

Planning Dept Case Number: 2005-095

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

CASE: 2005-095
PETITIONER: Kaylen D. LeBaron
REQUEST: Rezoning to R-1SL One-family residential district with special limitations
TOTAL AREA: 44.79 acres
SITE ADDRESS: NHN CANGE STREET
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1--Huffman OMalley 2--Abbott Loop

LEGAL/DETAILS: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, August 01, 2005 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 by selecting Departments/Planning/Zoning and Platting Cases.

Name: Samuel + Carolyn Markel
Address: 11150 Cange St 99516
Legal Description: Allen lot 4

Comments: We are opposed to the rezone request being made by Kaylen LeBaron. The rest of the gravel pit was rezoned to R1 from R6 with the idea of this thin strip along Cange St was to remain R6 to blend in existing neighborhood + for safety in regards to this strip + poor traffic intersection at Cange and O'Malley. Please do not rezone just so Mr LeBaron can make more money.

REZONING/RESIDENTS-PLANNING COMMISSION
2005-095

Thank you, The Markel family 044

4

APPLICATION

Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first) LeBaron, Kaylen D.		Name (last name first) Lantech, Inc.	
Mailing Address 4970 Fairbanks St. Anchorage, Alaska 99503		Mailing Address 440 West Benson Blvd., Suite 103 Anchorage, Alaska 99503	
Contact Phone: Day: 727-7676	Night:	Contact Phone: Day: 562-5291	Night:
Fax:		Fax: 561-6626	
E-mail:		E-mail: tomdrever@lantechi.com	

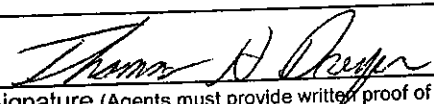
*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application

PROPERTY INFORMATION

Property Tax # (015-271-82-000-06):
 Site Street Address: NHN Cange Street
 Current Legal Description (use additional sheet if necessary)
 Tract E, The Terraces

Zoning: R-1SL & R-6 Acreage: 3.1 ac Grid #: SW2634

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.

6/1/2005	
Date	Signature (Agents must provide written proof of authorization)

Accepted by: <i>Ac</i>	Poster & Affidavit: <i>Ac</i>	Fee: \$6,000	Case Number: 2005-095
---------------------------	----------------------------------	-----------------	--------------------------

Application for Zoning Map Amendment continued

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/Open Space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre.

Girdwood-Turnagain Arm:

Commercial Industrial Parks/Open Space Public Land Institutions

Marginal land Alpine/Slope Affected Special Study

Residential at _____ dwelling units per acre.

ENVIRONMENTAL INFORMATION

Wetlands 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 the last 5 years for all or portion of site)

Rezoning Case Number: 2003-7

Preliminary Plat Final Plat Case Number(s): S-11143

Conditional Use Case Number(s): 2003-126

Zoning Variance Case Number(s):

Land Use Enforcement Action for:

Building of Land Use Permit for:

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 time frame for development.

Draft Assembly ordinance to effect rezoning.

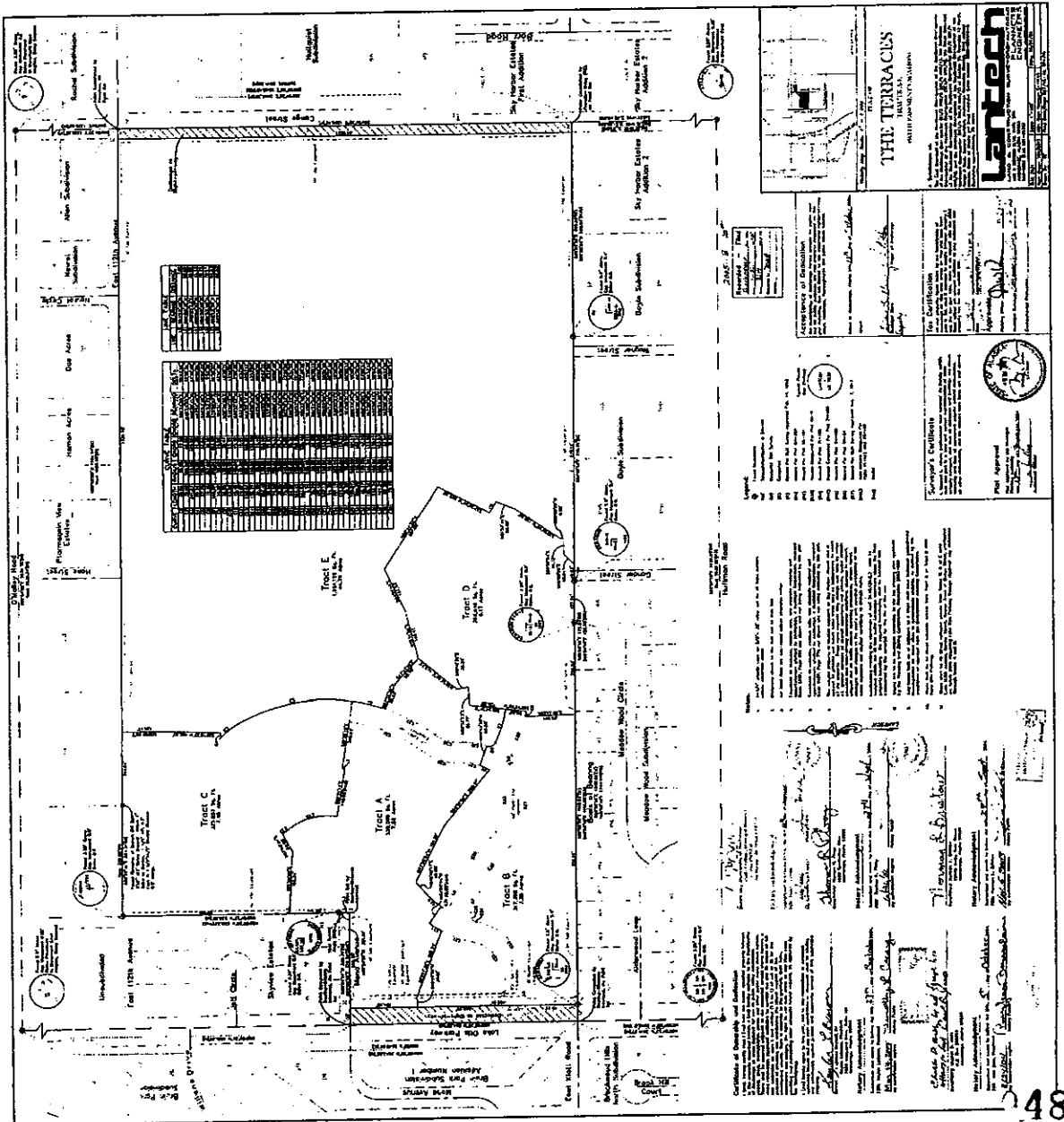
Optional: Building floor plans to scale Site plans to scale Building Elevations

Special limitations Traffic impact analysis Site soils analysis

Photographs

APPLICATION CHECKLIST

- 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.
- The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.



The Terraces, Tract 'E'

"ATTACHMENT A"

Introduction:

This Zoning Map Amendment Application (rezone) is an application to change approximately 3.1 acres from R-7 zoning to R-1~~SL~~-SL. The following special limitations are proposed:

Special Limitations:

The proposed special limitations for this proposal are the same as the Special limitations as per A.O. 2003-7, currently in effect in the area to the west of this parcel. The proposed ordinance would read exactly as A.O. 2003-7, enclosed herein attached as Exhibit 'C'. Of course, the legal description would be different, and read as follow:

An ordinance amending the zoning map and approving the rezoning of approximately 3.1 acres from R-6 to R-1 with special limitations for Tract E, The Terraces Subdivision, located within Section 21, T12N, R3W, S.M., Ak., generally located west of Cange Street, south of East 112th. Avenue, and north of Klatt Road,

History:

March 4, 2003: The Assembly approved a rezoning of the entire are known as The Terraces Subdivision. The underlying zoning was R-6. The new zoning as approved is mostly R-1SL, with a small portion along the eastern border as R-6. R-6 sized lots were approved for this area through the platting process. An appeal to this decision was brought forward by a group of homeowners residing along Cange Street to the east. Their main concern was access to Cange Street, which serves as an airstrip along the east side of the Cange Street right-

of-way. An agreement was negotiated whereby the developer of The Terraces agreed to, in summary, to not develop these lots, except for one at the northeast corner. The remaining tract of land will remain undevelopable, serving as a buffer from the higher density Terraces and the Cange Street properties to the east. In return for not developing these R-6 lots, The Terraces strip of R-6 would

then narrow from the previously approved 180' depth down to a 100' depth. This allowed the creation of more R-1SL lots to make up for the loss of the R-6 lots. The Terraces developer also agreed to not build higher than 15' below the elevation of Cange Street, thus preserving the view of the houses to the east of Cange Street. The exact verbage of this agreement is in a document titled; 'Settlement and Forbearance Agreement' recorded 1/13/2004, 2004-002616-0, and is attached herein as Exhibit 'D'.

August 17, 2004:

AIM 72-2004 was brought forward to the assembly as a 'Clarification of rezoning boundaries for A.O. 2003-7.' We felt at the time that the slight shifting due to this agreement was in everyones best interest, the neighbors, and the petitioners, and was minor enough in nature to not warrant, under the situation, a full rezoning. The planning department agreed, but the Assembly, being careful of the sometimes sensitive nature of rezonings, and not wanting to make a decision that could be successfully appealed, turned down our request and suggested that we pursue a full rezoning application. Hence this application.

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.*

The density established by A.O. 2003-7 is 337 dwelling units. The subdivision plats as preliminarily approved have a dwelling unit count of 235 single family lots, or 102 units less than currently allowed. This proposal will increase the total dwelling unit count by 8, or a total dwelling unit count for The Terraces of 243, still 94 units below the allowed amount. The proposed rezoning complies with and conforms with the Comprehensive Plan by utilizing all of the special limitations exhaustively debated and created by the Planning and Zoning Commission and The Assembly through Planning and Zoning Resolution 2003-

069 (Enclosed as Attachment 'E',) and by Assembly Ordinance 2003-7 (Attachment 'B'.)

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.*
- 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.*
- 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.*

For the same reasons as stated above in reference to question number 1, our proposed rezone is in compliance and conforms with the intent of the generalized intensity of the Comp Plan.

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

1. Describe the effect of development under the amendment and the cumulative effect of similar development on (a) the surrounding neighborhood, (b) the general area, and (c) the community with respect to the following (The discussion should include the degree to which proposed special limitations will mitigate any adverse effect.):

a. Environment;

Due to the minimal nature of this particular rezone this project will not have a negative effect on the environment over and above the surrounding developments.

b. Transportation;

Interior roads will be paved to Title 21 standards.

c. Public Services and Facilities;

The parcel will be serviced by public sewer, public water, and, gas, telephone and electricity.

c. Land Use Patterns;

This rezone will have a positive effect on land use patterns by; 1) Providing essentially a buffer zone between the R-6 to the east and the higher density to the west.

2. *Quantify the amount of undeveloped (vacant) land in the general area having the same zoning or similar zoning requested by this application. Explain why you feel the existing land is not sufficient or is not adequate to meet the need for land in this zoning category?*

This proposed rezoning request will have a miniscule affect on zoning district distribution patterns.

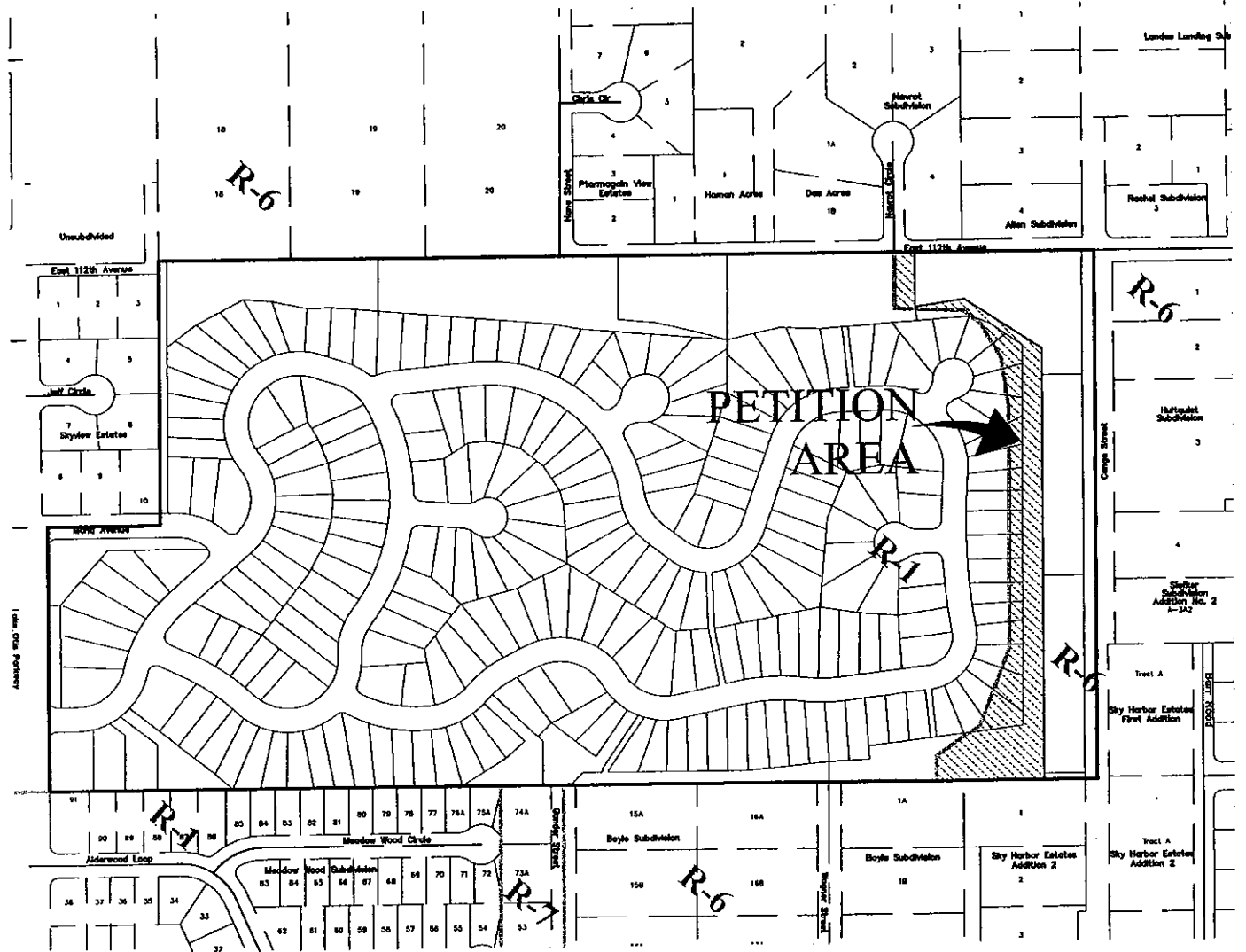
3. *When would development occur under the processed zoning? Are public services (i.e., water, sewer, street, electric, gas, etc.) available to the petition site? If not, when do you expect that it will be made available and how would this affect your development plans under this rezoning?*

The parcel will be developed in conjunction with The Terraces phasing plans. The first phases of The Terraces are in process now. It is expected that the area affected by this rezoning would come into play within the next few years, dependant on market conditions and absorption rates. All public services are available to this parcel.

4. *If the proposed rezoning alters the use of the property from that which is indicated in the applicable Comprehensive Plan, explain how the loss of land from this use category (i.e., residential, commercial, industrial) might be regained elsewhere in the community?*

As stated above, in essence, this rezoning does not effectively change the use or density of this parcel as envisioned by the Anchorage Comprehensive Plan or the 2020 Anchorage Bowl Comprehensive Plan.

EXHIBIT B



Lantech

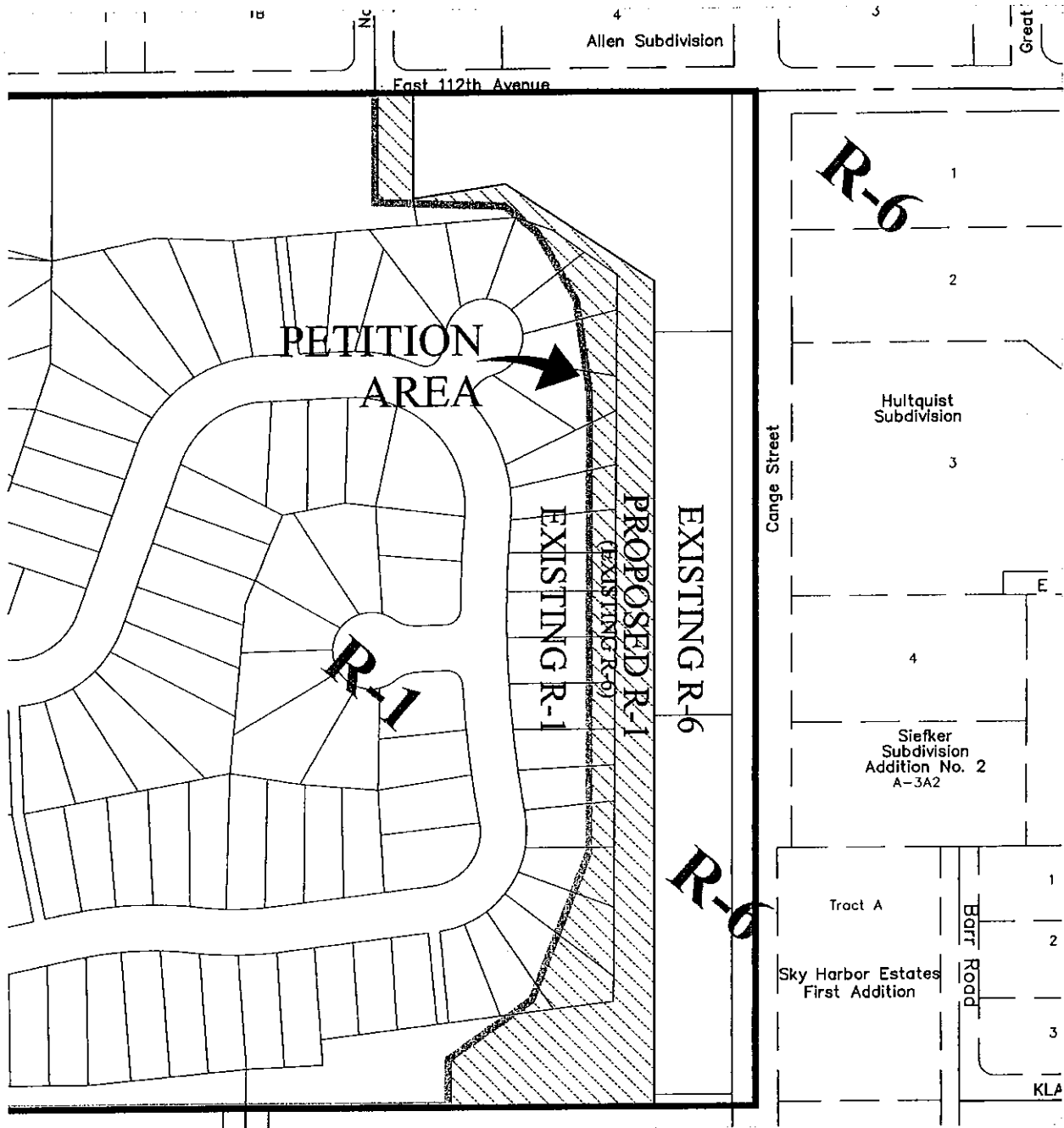
LAND & CONSTRUCTION SURVEYORS-PLANNERS-ENGINEERS
 440 WEST BENSON BLVD. # 103
 ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER: 2003-S-02	DATE: 5/24/2005	SCALE: 1" = 400'	(fax) 561-6626
DRAWN BY: CB	CHECKED BY: TD	GRID NUMBER: 2634	BOOK/PAGE: N/A

Exhibit B Sheet 1 of 2
 THE TERRACES
 REZONING APPLICATION



Proposed R-1 (Existing R-6)



Lantech

LAND & CONSTRUCTION SURVEYORS-PLANNERS-ENGINEERS
 440 WEST BENSON BLVD. # 103
 ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER: 2003-S-02	DATE: 5/24/2005	SCALE: 1" = 200'	(fax) 561-6626
DRAWN BY: CB	CHECKED BY: TD	GRID NUMBER: 2634	BOOK/PAGE: N/A

Exhibit B Sheet 2 of 2
 THE TERRACES
 REZONING APPLICATION
 PROPOSED Zoning

EXHIBIT C

Submitted by: Chairman of the Assembly
at the Request of the Mayor
Prepared by: Planning Department
For reading: January 28, 2003

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 2-4-03 ANCHORAGE, ALASKA
IMMEDIATE RECONSIDERATION AO 2003- 7
FAILED 3-4-083

1 AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
2 REZONING OF APPROXIMATELY 75 ACRES FROM R-6 (SUBURBAN
3 RESIDENTIAL - LARGE LOT) ZONING DISTRICT TO R-1 (SINGLE-FAMILY
4 RESIDENTIAL) WITH SPECIAL LIMITATIONS AND R-7 (INTERMEDIATE
5 RURAL RESIDENTIAL) WITH SPECIAL LIMITATIONS ZONING DISTRICTS
6 FOR THE E 1/2, NW 1/4, SW 1/4, NW 1/4, THE NE 1/4, SW 1/4, NW 1/4, THE S 1/2, SW 1/4,
7 NW 1/4, AND THE SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, GENERALLY
8 LOCATED ON THE SOUTH EAST CORNER OF LAKE OTIS PARKWAY AND
9 EAST 112TH AVENUE.

10 (Huffman/O'Malley Community Council) (Case 2002-176)

11 THE ANCHORAGE ASSEMBLY ORDAINS:

12
13 Section 1. The zoning map shall be amended by designating the following described
14 property as R-1 (Single-Family Residential) with Special Limitations and R-7
15 (Intermediate Rural Residential) with Special Limitations zone:

16
17 The East half of the Northwest quarter of the Southwest quarter of the Northwest
18 quarter (E 1/2, NW 1/4, SW 1/4, NW 1/4), the Northeast quarter of the Southwest quarter of
19 the Northwest quarter (NE 1/4, SW 1/4, NW 1/4), the South half of the Southwest quarter of
20 the Northwest quarter (S 1/2, SW 1/4, NW 1/4), and the Southeast quarter of the Northwest
21 quarter (SE 1/4, NW 1/4), Section 21, T12N, R3W, S.M., AK; consisting of 75 acres as
22 shown on Exhibit A.

23 Section 2. Special Limitations.

24 A. The zoning map amendment described in Section 1 above shall be subject to the
25 following special limitations regarding the following design standards:

26 I *Neighborhood parks.* The development shall feature one lot, of a
27 minimum size of 10,000 square feet, to be used for a neighborhood park,
28 to be located within the R-1 SL zoned area. This area will be under the
29 control and management of the Homeowner's Association. The uses
30 within the open space area will be a neighborhood park or other open
31 space uses as determined by the Homeowner's Association that reflect
32 parks or open space.

- 1 2. **Greenbelt areas.** Greenbelt areas provided at the periphery of the
2 development shall meet or exceed the Transition and Buffering
3 Standards for buffering adjacent to urban and rural residential lots in
4 AMC 21.45.200. This area will be under the control and management of
5 the Homeowner's Association. The uses within the open space area will
6 be trails and amenities such as lighting, landscaping and other uses as
7 determined by the Homeowner's Association that reflect open space.

- 8 3. **Private fences and walls bordering parks and open spaces.** Fences and
9 walls in private yards that border on parks or greenbelts shall be open
10 style fences (e.g. post and rail). Opaque fences and walls (e.g., privacy
11 fences) shall not be erected in yards bordering parks and open spaces.

- 12 4. **Short blocks and grid of streets.** Street block lengths between road
13 intersections shall be a maximum of 800 feet, where possible.

- 14 5. **Continubus network of pedestrian walks and paths.** A sidewalk or trail
15 shall be provided along the side of any roadway where front entrances to
16 residences front the street.

- 17 6. **Greenbelt trail connectivity.** Where possible, and at no more than a 700
18 foot distance, any pedestrian trails provided around the periphery of the
19 petition site shall connect to neighboring streets and subdivisions.

- 20 7. **Street design.** In addition to a minimum of two 12-foot wide travel lanes
21 and one 8-foot wide parking lane, all public rights-of-way shall have a
22 minimum of the following: a 5-foot wide sidewalk with a 3-foot to 5-foot
23 border area or grass strip provided between the street edge of the
24 sidewalk and the roadway curb face. Street edges shall be protected by
25 vertical curbs on the central boulevard. The preliminary plat may
26 propose narrower streets with wider sidewalk setbacks and swales to
27 provide Best Management Practices to address run-off. These standards
28 shall not apply where a greenbelt borders the street. Traffic calming
29 measures, as approved by the Traffic Department, shall be applied where
30 determined appropriate by the Traffic Engineer and Planning
31 Department.

- 32 8. **Mix of residential lot sizes in the R-1 SL district:** No more than 50% of
33 the individual private lots may have a lot area of less than 7,000 square
34 feet and lot width of less than 60 feet.

- 1 9. *Incentives for garage placement and design in the R-1 SL district.* Up to
2 75% of individual private lots may have a lot area of less than 7,000
3 square feet and a lot width of less than 60 feet, if the additional lots
4 (above that allowed in Subsection 8 above) reduce the visual prominence
5 of garage doors and paved parking through the following measures:
- 6 a. The width of the garage door on the dwelling unit shall comprise
7 less than half of the width of the front of the dwelling; and
- 8 b. The garage door wall is no closer to the street than the dwelling
9 unit's front door, or the front edge of a covered entry porch; and
- 10 c. Interior living areas both above and beside the garage are set back
11 no more than six feet from the street-facing garage, and feature
12 street-facing windows.
- 13 10. *Outdoor lighting.* The developer shall work with the Municipal Traffic
14 Engineer to provide fixtures and lighting levels that will avoid trespass
15 light, skyglow, or glare. Lighting fixtures shall incorporate full cut-off
16 fixtures as defined by the Illumination Engineering Society of North
17 America (IESNA), with flat lens fixtures.
- 18 11. *Slopes.* Working slopes within the pit at the exterior boundaries of
19 excavation established in the final site plan shall be no steeper than 1½:1.
20 Final restoration slopes within the pit shall be no steeper than 2:1.
- 21 12. *Pedestrian access.* A pedestrian access to Cange Road shall be provided.
- 22 13. SEE ATTACHMENT A AMENDMENTS

Section 3. Plat Notes.

A. SEE ATTACHMENT A AMENDMENTS

23 Any subsequent plats shall include language referencing the adjacent airport, to read:
24 "The subject property is located adjacent to Sky Harbor Airport, and is subject to
25 present and future airport noise which may be bothersome to users of the property.
26 These noise impacts may change over time by virtue of: greater numbers of aircraft
27 departures and arrivals; louder aircraft; seasonal and time-of-day operational variations;
28 changes in airport; aircraft and air traffic control operating procedures; airport layout
29 changes; and changes in the property owner's personal perceptions of the noise
30 exposure and his/her sensitivity to aircraft noise."

B. SEE ATTACHMENT A AMENDMENTS

Section 4. Effective Clause.

- 32 A. This rezoning shall not become effective until:

- 1 ① A final traffic impact analysis has been reviewed and accepted by the
- 2 Traffic Engineering Department. The proposed development shall
- 3 adhere to the requirements of the final approved traffic impact analysis.

- 4 ② The need and means, if any, for protection of any Bank Swallows is
- 5 resolved with the Planning Department and the appropriate State and
- 6 Federal wildlife protection agencies.

- 7 ③ A dust control plan has been reviewed and accepted by the Department
- 8 of Health and Human Services. The site development and all related
- 9 construction shall adhere to the requirements of this plan.

④ AND ⑤ SEE ATTACHMENT A AMENDMENTS

10 Section 5. Restoration Plans.

11 A. The plat to be submitted for development of the petition site, after it is

12 finalized and filed, will serve as the site restoration and redevelopment plan

13 for this natural resource extraction site, as required by AMC 21.55.090. All

14 rights to conduct the natural resource extraction operations on the petition

15 site are hereby extinguished. This restoration and redevelopment plan will

16 apply to both of the following portions of the petition site: a 70-acre non-

17 conforming natural resource extraction operation legally described as the

18 NE ¼, SW ¼, NW ¼, the S ½, SW ¼, NW ¼, and the SE ¼, NW ¼,

19 Section 21, T12N, R3W, S.M., AK, Section 21, T12N, R3W, S.M., AK,

20 via Planning and Zoning Commission Resolution 30-78A, including a five

21 acre tract not included in the above-noted resolution, but also used for

22 natural resource extraction, legally described as the E ½, NW ¼, SW ¼,

23 NW ¼, Section 21, T12N, R3W, S.M., AK. The Development Area plans,

24 approved under AMC 21.40.250.D, shall substantially conform to the

25 approved final Master Plan.

26 B. The petition site has been voluntarily brought forward to the Municipality

27 for abandonment of the natural resource extraction/gravel pit operations and

28 restoration of the site, in accordance with AMC 21.55.090. If the rezoning

29 does not become effective, and no final plat approved and filed, the petition

30 site must be restored through the existing restoration plan, as approved by

31 the Planning and Zoning Commission by Resolution 30-78A.

32 Section 6. The Director of the Planning Department shall change the zoning map

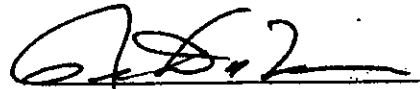
33 accordingly.

34 Section 7. This ordinance shall become effective within ten (10) days after the Planning

35 Director has received the written consent of the owners of the property within the area

2 described in Section 1 above to the special limitations contained herein. The rezone
 3 approval contained herein shall automatically expire and be null and void if the written
 4 consent is not received within one-hundred-and-twenty (120) days after the date on
 5 which this ordinance is passed and approved. In the event no special limitations are
 6 contained herein, this ordinance is effective immediately upon passage and approval.
 The Planning Director shall change the zoning map accordingly.

7 PASSED AND APPROVED by the Anchorage Assembly this 4th day of
 8 March 2003.



Chair

9
10
11
12
13
14
15
16
17
18
19
20

ATTEST


Municipal Clerk

(2002-176) (Tax ID. No. 015-271-02 and -03)

ATTACHMENT A AMENDMENTS
AMENDMENTS TO AO 2003-7 PIONEER GRAVEL PIT REZONE

Section 2. Special Limitations.

Add the following subsection:

13. *Dwelling units.* There shall be no more than one dwelling unit per lot. This means that, in addition to other restrictions, there shall be no cluster detached housing and no site condos.

Section 3. Plat Notes.

Renumber existing paragraph to A.

Add the following subsection:

- B. Any subsequent plats shall include language referencing air quality, to read: "The subject property is susceptible to present and future air quality degradation. This air quality degradation is caused by temperature inversions and/or still air conditions. These meteorological phenomena are known to trap emissions generated within and which flow into the subject property." This plat note may be removed during final subdivision platting if recommended by the Department of Health and Human Services

Section 4. Effective Clause.

Add the following subsections:

4. A geotechnical plan has be reviewed and approved by the Geotechnical Advisory Commission. This plan shall include minimum and recommended slope requirements and allowable minimum distance between slopes and dwelling units.
5. An air quality study has been conducted at the developer's expense and certified by the Department of Health and Human Services. The Department may recommendation recommend additional plat notes relating to air quality.



SETTLEMENT AND FORBEARANCE AGREEMENT

CC

This Settlement and Forbearance Agreement (hereinafter "Agreement") is made this 23rd day of December, 2003 by and between The Terraces Subdivision LLC and its sole member, Kaylen D. LeBaron, each of 4970 Fairbanks Street, Anchorage, Alaska 99503 (hereinafter collectively "Developer") and Sky Harbor Property Owners' Association, Inc., Sky Harbor Runway Association., c/o Greg Svendsen, President, of 3590 East Klatt Rd., Anchorage, AK 99516; Dave Hultquist, of 3420 East 112th Ave., Anchorage, AK 99516; Ward Hurlburt, of 11601 Barr Rd., Anchorage, AK 99516; Art Mathias, of 3900 Arctic Blvd., Suite 102, Anchorage, AK 99503; Jim Libby, of 11680 Cange Road, Anchorage, AK 99516; and Greg Svendsen, of 3590 East Klatt Rd., Anchorage, AK 99516 (hereinafter collectively "Appellants").

RECITALS

WHEREAS, Developer is attempting to develop a subdivision known as The Terraces Subdivision on real property described as follows:

The Southeast one-quarter of the Northwest one-quarter (SE 1/4 NW 1/4), and the South one-half of the Southwest one-quarter of the Northwest one-quarter (S 1/2 SW 1/4 NW 1/4), and the Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter (NE 1/4 SW 1/4 NW 1/4), Section 21, Township 12 North, Range 3 West, Seward Meridian, Anchorage Recording District, Third Judicial District, State of Alaska, and

The East one-half of the Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (E 1/2 NW 1/4 SW 1/4 NW 1/4) of Section 21, Township 12 North, Range 3 West, Seward Meridian, Anchorage Recording District, Third Judicial District, State of Alaska; and

WHEREAS, Developer has obtained approval of its Preliminary Plat of The Terraces Subdivision by the Planning and Zoning Commission under Planning Department File No. S-11143 on September 8, 2003 and Planning and Zoning Commission Resolution No. 2003-069 on October 6, 2003; and

WHEREAS, Appellants filed an appeal of the Preliminary Plat approval by the Planning and Zoning Commission and Resolution 2003-069 approving said subdivision, vacating certain easements, and granting variances, which appeal is presently pending before the Board of Adjustment; and

WHEREAS, Developer desires that Appellants withdraw their appeal for reasons which will facilitate the development of The Terraces Subdivision;

WHEREAS, Appellants are willing to withdraw their appeal subject to certain terms and conditions as hereinafter set forth,

NOW THEREFORE, in consideration of the foregoing recitals and the following covenants and conditions, the Developer and Appellants represent, warrant and agree as follows:

1. Developer will take all steps necessary to apply for and obtain an Amended Preliminary Plat and Final Plat of The Terraces Subdivision which redescribes Lots 2 through 6 of Block 5 as shown on the approved Preliminary Plat, a copy of which is attached hereto as Exhibit A (hereinafter, "the subject Lots").

2. Developer shall in the Amended Preliminary Plat and the Final Plat of the Terraces Subdivision illustrate the slope of the property presently encompassed by the subject Lots regraded to a 2 1/2 to one slope sloping downward and westward from Cange Street commencing as close to the western edge of the Cange Street right-of-way as may be permitted by the Municipality of Anchorage Planning Department.

3. Developer agrees to create and dedicate on the Amended Plat and Final Plat a Tract of undeveloped R-7 land approximately 100 feet in width along the entire eastern boundary of the property comprised by the subject Lots adjacent and parallel to the Cange Street right-of-way ("the Tract"). Conveyance of the Tract will be at Developer's election. The Amended Preliminary Plat and Final Plat of The Terraces Subdivision shall have no dedicated or authorized vehicle or pedestrian access to streets, lots, or other property of The Terraces Subdivision from either Cange Street or East 112th Avenue; provided, however, that Lot 1, Block 5 shall have its primary access from East 112th Avenue, ~~and secondary access from Cange Street.~~

Final grading and landscaping and use of "the tract" shall be subject to appellants approval

4. Developer agrees that the Amended Preliminary Plat and Final Plat of The Terraces Subdivision shall replot that remaining portion of the subject Lots which does not become the Tract into R-1 single family lots consistent with the average size of the remaining lots shown on the approved Preliminary Plat, and further, that a restrictive plat note and covenant which shall run with the land, shall restrict the roof height of homes constructed on the eastern most row of said reconfigured R-1 lots to a maximum elevation ~~no higher than~~ the elevation of Cange Street as it runs adjacent to said reconfigured R-1 lots. ~~Developer agrees to construct a ten (10) foot dirt berm, incorporating the existing berm, from the South lot line of Lot 1 along Cange Street South to the South boundary of Lot 6.~~

15' lower than

5. Developer shall cause the roof height restriction referenced above as a plat note and restrictive covenant to also be added to the deeds of record when conveyed by Developer to any purchaser. Said deed restriction shall be noted as a restrictive covenant to run with the land, and to appear in deeds to all subsequent grantees.

6. Developer shall cause a plat note to be added to the Amended Preliminary Plat and Final Plat of The Terraces Subdivision which shall require the owners of each of the eastern most lots described in Paragraph 4 above to install and maintain a six foot high cedar fence along the length of the East lot lines adjacent to the Tract referenced at Paragraph 3 hereof.



Appellants to be added
Kaylen
Am Plat
Am Plat
Am Plat
Kaylen
Kaylen
Kaylen
Kaylen
Kaylen
Kaylen

7. Developer shall cause each deed executed by Developer to each grantee of each and every lot within The Terraces Subdivision to contain a notation disclosing that an active runway is adjacent to the Eastern boundary of the subdivision on the East side of Cange Street.

8. Developer represents, warrants and agrees that this Agreement may be recorded, and that if Developer cannot or does not obtain an Amended Preliminary Plat and Final Plat consistent with the terms of this Agreement with respect to the subject Lots, no building structures of any type may be constructed on the Tract. This restriction on the construction of any structures on the Tract shall be considered a restrictive covenant, and shall run with the land to be enforceable against Developer and all subsequent grantees of the property comprising the Tract. However, this restrictive covenant shall cease to be of any further force and effect when the Final Plat of The Terraces Subdivision consistent with the terms of this Agreement relative to the Tract shall have been recorded. Appellants agree they shall then execute such releases, reconveyances or other instruments in recordable form as may be reasonably necessary to remove any liens, encumbrances or restrictions of this Agreement.

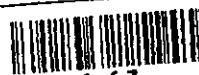
9. Developer acknowledges that this Agreement, and the restrictive covenants contained herein, shall be enforceable by an Appellant, or any member of the Appellant organizations, by way of preliminary and permanent injunctive relief which may be obtained to enjoin any construction on the Tract.

10. Appellants agree that upon complete execution and delivery of this Agreement by Developer to Appellants, Appellants shall promptly withdraw their above referenced appeal, and provide evidence of said withdrawal to Developer. Appellants further represent and warrant that they shall not individually or collectively refile any appeal, or directly or indirectly suggest, encourage, or support the filing of any other or additional appeal of any Amended Preliminary Plat or Final Plat that is consistent with the terms of this Agreement relative to the subject Lots and the Tract.

11. Developer warrants that The Terraces Subdivision LLC is the owner of the real property described in the Preliminary Plat of The Terraces Subdivision attached hereto as Exhibit A, and will remain the owner of said property at least until recording of a Notice of Agreement by Appellants.

12. Except to the extent additional rights and obligations are created pursuant to the terms of this Agreement, Developer individually and collectively and Appellants individually and collectively waive any and all rights and claims they may have against one another arising out of the development of The Terraces Subdivision to date, or the filing of the appeal referenced herein.

13. Appellants shall bear all costs of the appeal to date, the costs of withdrawing the same and the expense of preparation of this Agreement. Developer shall bear all costs associated with obtaining the Amended Preliminary Plat and Final Plat consistent with the terms of this



Agreement, and for the construction costs associated with implementing the revisions to the land comprising the subject Lots.

14. Should any term of this Agreement be unenforceable at law or equity, all other remaining terms and provisions shall be enforceable to the fullest extent permitted by law, consistent with the expressed intent of the parties hereto.

15. This Agreement will be construed under the laws of the State of Alaska, and venue for any action relating to this Agreement shall be in the Superior Court for the State of Alaska at Anchorage.

16. This Agreement may be executed in counterparts and by facsimile.

DEVELOPER:

THE TERRACES SUBDIVISION LLC

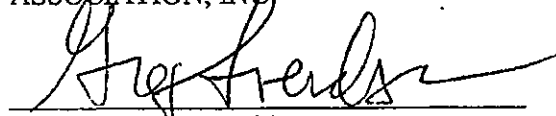
DATED: 12-19-03


Kaylen D. LeBaron, Member/Manager

APPELLANTS:

SKY HARBOR PROPERTY OWNERS'
ASSOCIATION, INC

DATED: 1-6-04

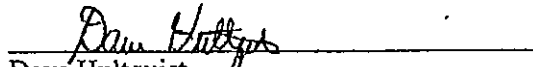

Greg Svendsen, President

SKY HARBOR RUNWAY
ASSOCIATION

DATED: 1-6-04


Greg Svendsen, President

DATED: 12/23/03


Dave Hultquist



DATED: 1-12-04

Ward Hurlburt
Ward Hurlburt

DATED: 1-6-04

Art Mathias
Art Mathias

DATED: 12-24-03

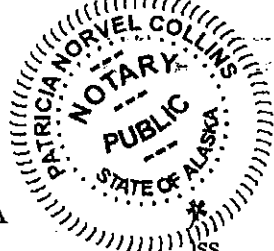
Jim Libby
Jim Libby

DATED: 1-6-04

Greg Svendsen
Greg Svendsen, Individually

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

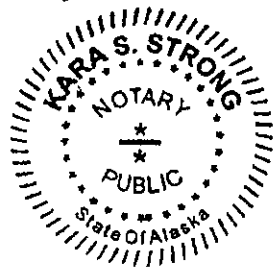
The foregoing instrument was acknowledged before me this 19th day of December, 2003, by KAYLEN D. LEBARON, Individually, and as Member/Manager of The Terraces Subdivision LLC an Alaskan limited liability company, on behalf of the company.



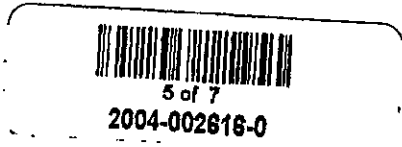
Patricia N. Collins
Notary Public in and for Alaska
My Commission expires: 3-19-2005

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

²⁰⁰⁴ The foregoing instrument was acknowledged before me this 6th day of ~~December~~ ^{JANUARY}, 2003, by GREG SVENDSEN, Individually, and as President of Sky Harbor Property Owners' Association, Inc. an Alaskan corporation, on behalf of the corporation.

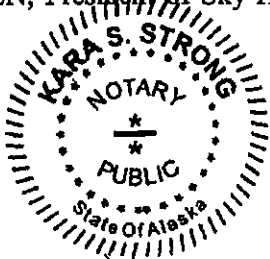


Kara S. Strong
Notary Public in and for Alaska
My Commission expires: 3-8-06



STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

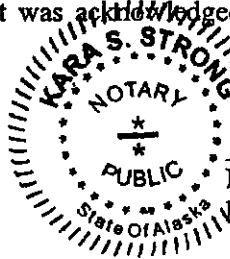
The foregoing instrument was acknowledged before me this 6th day of ~~December~~ ^{JANUARY}, 2004, by GREG SVENDSEN, President of Sky Harbor Runway Association, on behalf of the association.



Kara S Strong
Notary Public in and for Alaska
My Commission expires: 3-18-06

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 20th day of December, 2003, by DAVE HULTQUIST.

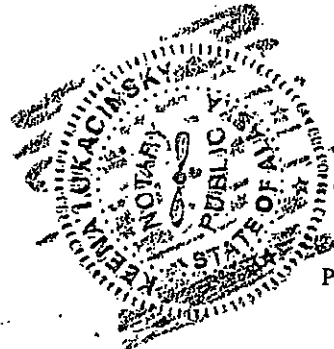


Kara S Strong
Notary Public in and for Alaska
My Commission expires: 3-18-06

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 10th day of ~~December~~ ^{January}, 2004, by WARD HURLBURT.

[Signature]
Notary Public in and for Alaska
My Commission expires: 10/1/07



SETTLEMENT AND FOREBEARANCE AGREEMENT

Page 6

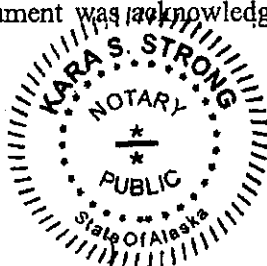


6 of 7
2004-002616-0

066

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

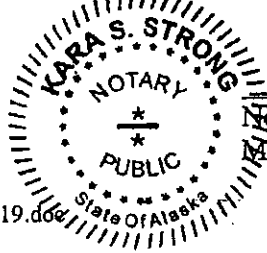
The foregoing instrument was acknowledged before me this 6th day of ~~December~~ ^{January}, 2003, by ART MATHIAS.



Kara S Strong
Notary Public in and for Alaska
My Commission expires: 3-18-06

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 6th day of December, 2003, by JIM LIBBY.



Kara S Strong
Notary Public in and for Alaska
My Commission expires: 3-18-06

pc G:\4096\18778\settlement agree.D19.doc

Return To:

LAW OFFICES OF
DAVID J. SCHMID
500 L Street, Suite 503
Anchorage, Alaska 99501

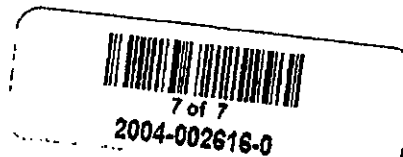


EXHIBIT E

MUNICIPALITY OF ANCHORAGE PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-084

A RESOLUTION APPROVING REZONING APPROXIMATELY 75 ACRES FROM R-6 (SUBURBAN RESIDENTIAL DISTRICT - LARGE LOT) TO R-1 SL (SINGLE FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) AND R-7 SL (INTERMEDIATE RURAL RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR A PORTION OF SECTION 21, T12N, R3W, S.M., AK; GENERALLY LOCATED ON THE SOUTHEAST CORNER OF LAKE OTIS PARKWAY AND EAST 112TH AVENUE.

(Case 2002-011; Tax ID. # 015-271-02 and -03)

WHEREAS, a petition has been received from Kaylen D. LeBaron, petitioner, and Robin Ward, representative, to rezone approximately 75 acres from R-6 (Suburban Residential District - Large Lot) to R-1 (Single Family Residential District) and R-7 (Intermediate Rural Residential District), for a portion of Section 21, T12N, R3W, S.M., AK; generally located on the southeast corner of Lake Otis Parkway and East 112th Avenue, and

WHEREAS, notices were published, posted and mailed and a public hearing was held and closed on October 7, 2002 and the case continued to December 2, 2002.

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

A. The Commission makes the following findings of fact:

- 1 This is a request to rezone a 75-acre parcel of land from R-6 to R-1 and R-7. The site is located on the southeast corner of Lake Otis Parkway and East 112th Avenue.
2. The petitioner seeks to rezone the petition site from R-6 (Suburban Residential - Large Lot District) to R-7 (Intermediate Rural Residential District) along the east and a portion of the south property lines, and R-1 (Single-Family Residential District) for the remainder of the petition site. This action will officially extinguish the operation of the gravel pit.
- 3 The petition site is located on the northeast corner of Lake Otis Boulevard and East Klatt Road, south of O'Malley Road. The site also abuts Cange Street to the east, which is strip paved, and 112th Avenue extended to the north. The site is a 75-acres, comprised of two unsubdivided parcels. The site is virtually rectangular, with a smaller extension on the southwest end, linking the site to Lake Otis Boulevard. The site is owned by the petitioner, Kaylen D. LeBaron.
- 4 The petition site is located within the Hillside Wastewater Management Plan area. It was adopted into the area by AO 85-69 in 1985. This action requires the petition site to connect to public sewer when developed, and recommended to develop at a minimum density of 3 dwelling units per acre (DUA).

5. The site has been used for natural resource extraction (gravel extraction) for many years, operating as Pioneer Pit. There are currently no gravel extraction operations on-site.
6. Due to the gravel extraction operations, there are strong topography considerations on the site. There is an approximate 30-foot drop from the south to the middle of the site, a 90-foot drop from the north to the middle of the site, an 80-foot drop from the east to the middle, and a 10-foot rise from the west to the middle of the site.
7. Access to the site is currently from Lake Otis Parkway. The site is surrounded by residentially developed property, with R-1, R-6 and R-7 to the south, and R-6 to the east, north and west. There is a private airstrip to the east of the petition site, abutting the east side of Cange Street.
8. The petition site is primarily unvegetated, with some brush and undergrowth along the south, west and east perimeter. There may be some minor contamination on-site from the commercial operation vehicles that had been parked on the west side of the site along the gravel access drive into the site. There has been substantial testimony and statements by neighbors of the pit regarding dust storms on the site during windy periods when the site is dry. There is also evidence of bank swallows on the site on a seasonal basis.
9. Earlier in the year 2002, the petitioner applied for a rezoning of the petition site from R-6 to PC (Planned Community District). This rezoning included a master plan for the petition site, which was approved by the Planning and Zoning Commission on March 11, 2002. This proposal as approved by the Commission included mixed densities, with multi-family development in the center of the site, and single family development on the perimeter. The center area was to be a condominium-type development, with R-7 style lots among the majority of the perimeter, and R-1 sized lots on the southwest.
10. The maximum density approved for the development by the Commission was 4.5 DUA. Although the Commission approved a maximum number of dwelling units per Development Area (five areas, with one to be open space) at a total of 427 units, the density cap of 4.5 DUA allowed only a total of 337.5 units. Thus, the total could not exceed that cap, with each area having a separate cap on the maximum number of units. Multi-family design and other standards were placed on the Commission recommendation for approval to ensure compatibility within the mixed-density development and to ensure that the conditions from the court stipulated order regarding amortization of the gravel pit were met. It was the intent of the Commission to allow approval of the restoration and redevelopment of the site through the specific development area plans. This rezoning to PC was withdrawn by the petitioner on July 21, 2002, directly prior to public hearings in front of the Assembly.
11. This new request to rezone the majority of the petition site to R-1 zoning district is as this district is intended as urban single-family residential areas with low population densities. However, as the petition site abuts R-6 zoned

and thus larger sized and lower density suburban lots along the north, east and a majority of the southern lot lines, the petitioner is also proposing R-7 (Intermediate Rural Residential) minimum 20,000 SF lots to abut the surrounding eastern and southern larger lots and an open space tract along the north to meet the transition buffering standards of AMC 21.45.200. The petitioner is also proposing to retain an open space tract along the north lot line along the steep slope that will need to be graded to a minimum 2:1 slope to comply with the gravel pit restoration.

12. This request will allow, at a maximum, approximately 323 units when necessary area for infrastructure and slope grading is removed.
13. Anchorage 2020 Anchorage Bowl Comprehensive Plan Policy Map does not address the petition site. As there is no residential intensity map, the 1982 comprehensive plan residential intensity plan is still in effect for the site. This plan states that although the eastern half is recommended for less than 1 DUA, for the approximate western half of this area densities to 10 DUA may be allowed under controlled development requiring clustering of structures, internal circulation, water and sewerage availability, transition and buffering design, and site plan review. Also, the entire petition site has been adopted into the HWMP, and has a recommended density of a minimum 3 DUA. As the HWMP amendment was adopted after the 1982 plan and takes precedence over the intensity map, and combined with the addition of sewerage and public improvements to the area, an R-1 density with R-7 buffering does comply with the comprehensive plan.
14. The Department finds that this proposed rezone concept meets the intent of Anchorage 2020 Anchorage Bowl Comprehensive Plan, as well as the requirements for rezoning to R-1 and R-7. This proposal has a strong potential for a positive addition to this area, and for redevelopment of the petition site from its current status as an unreclaimed gravel pit.
15. Although the requested R-1 zoning is not a large-lot designation, it remains a low density designation that has been proven through R-1 subdivisions to the south and north of the petition site to be able to fit into the surrounding area, especially with the increasing need for residential development by the Municipality, and with the included buffering by the R-7 lots and open space.
16. In response to concerns by the community and the Huffman-O'Malley Community Council, the petitioner has proposed, as special limitations, design standards for development for housing and roads, is conducting air quality and hydrology tests and analyses, and is donating a lot to the proposed homeowner's association for use as a park. The Department prepared a draft ordinance for this rezoning request, in order to clarify the proposed design standards and requirements, for use by the Commission.
17. The Commission asked if the Community Council's position is that things still need to be resolved, but was unclear what were the issues that remain

outstanding. The Community Council president replied that the best alternative is to find a financing method to make an alternate plan work. That plan would be ball fields in the back of the property, a school or church in the middle, and houses in the front only. The Commission asked if this is an idea or a real possibility, and the Council replied that it is an idea at this point that all parties have agreed to work on. The Commission further asked if the Council is in agreement with the petitioner's proposal, but is pursuing an alternative they find preferable. The Council replied that they did not believe there was a way to come to agreement between the neighborhood and the developer. All parties have discussed the alternate plan and have agreed to the neighborhood trying to find financing for the alternate plan.

The Commission noted that this area is being redeveloped from a gravel pit and, while it is inserted into an area of large lot and lower density development, it nonetheless has access to public sewer and water. To the south is adjacent R-1 development.

19. The Commission finds that, in order to carry out the intent of Anchorage 2020 to accommodate the projected required amount of housing in Anchorage, this is the type of redevelopment of under-used lands that must be considered and supported. The Commission further noted that the developer has made a considerable effort to accommodate the concerns of the neighborhood, most particularly eliminating access to Cange Road and eliminating the multi-family development.
20. The Commission finds that the petitioner had done a good job in attempting to address the concerns of the individuals who testified before the Commission and the Assembly. The Commission noted that there are no assurances that the 271-unit density shown in the concept plan will be achieved. So long as something similar to what has been represented is done in final, the Commission finds it acceptable.

The Commission approved an amendment to the motion for approval to provide a pedestrian access easement to Cange Road.

The Commission finds that this pedestrian access was important to this development. The Commission recognized that there had been concern voiced regarding the safety of individuals accessing this road and the airstrip adjacent to it, however, Anchorage 2020 calls for connectivity. The petitioner's plan originally showed a road connecting to Cange, which is no longer being provided. The Commission further finds that just because this is a small lot subdivision does not mean there would be a desire for residents to access surrounding developments, schools, bus stops, etc.

23. The Commission approved an amendment to Section 2.A.1 of the draft ordinance to insert in the first sentence after "one lot" the words "of a minimum size 10,000 square feet." The Commission finds that these lots could be relatively small and a one-quarter-acre lot is a minor amount of land

to provide for public infrastructure. The Commission finds that the original recommendation for the earlier PC zoning request of a minimum of 2,500 square feet was grossly inadequate.

24. The Commission approved an amendment to Section 2.A.6 of the draft ordinance to read "*Greenbelt trail connectivity*. Where possible, and at no more than 700 feet distance, any pedestrian trails provided around the periphery of the petition site shall connect to neighboring streets and subdivisions." The Commission finds that the petitioner has indicated it seems to make good planning sense to provide connectivity, particularly where there are dead-end streets.
 25. The Commission finds that this rezoning request was a more inferior development to the PC request originally proposed, however, it was necessary by demonstrated public opposition that a different solution be found. The Commission commended the petitioner for working with the neighborhood to develop an alternative, and stated that the density of the development is still quite high, but that is a goal in transit-related districts and in this area of Anchorage per Anchorage 2020.
 26. The motion to recommend approval to the Assembly to rezone the subject property to R-1 SL and R-7 SL was 7 in favor, 1 opposed.
- B. The Commission recommends the Assembly rezone the subject property to R-1 SL and R-7 SL, subject to the following:
- I. See attached draft ordinance.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 2nd day of December 2002.

Susan R. Fison
Director

Toni Jones
Chair

(Case 2002-011)
(Tax ID. 015-271-02 and -03)

acc



Authorization Certificate

Date: June 3, 2005

Current Project Legal: Tract E, The Terraces

Proposed Legal: Same

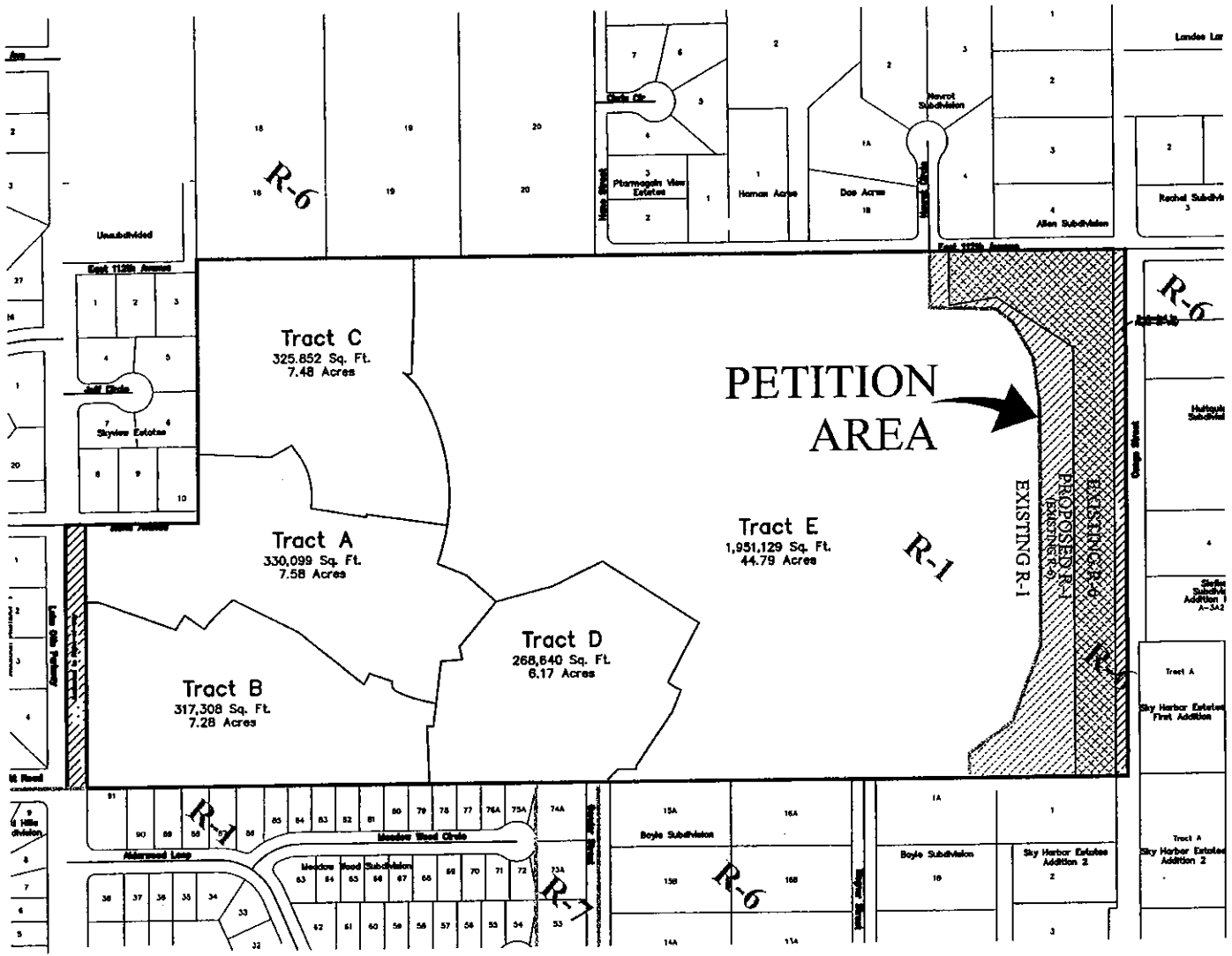
Type of Authorization: Subdivision Rezoning

Statement:

I hereby authorize Lantech Inc. and it's agents to represent me in the subdivision rezoning process of the above described property.

Thank you,


Petitioner – Kaylen LeBaron



Lantech

LAND & CONSTRUCTION SURVEYORS-PLANNERS-ENGINEERS
 440 WEST BENSON BLVD. # 103
 ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER:	DATE:	SCALE:	(fax) 561-6626
2003-S-02	6/3/2005	1" = 400'	
DRAWN BY:	CHECKED BY:	GRID NUMBER:	BOOK/PAGE:
CB	TD	2634	N/A

Exhibit C THE TERRACES REZONING APPLICATION

 Proposed R-1 (Existing R-6)

Alyeska Title Guaranty Agency
Certificate to Plat

Report Date: **May 31, 2005 at 8:00 A.M.**
Order No. **11506**

Certificate to Plat (Fee: \$250.00)
Assured: Lantech Inc. and the Municipality of Anchorage

Liability: \$ 250.00

The Fee Simple interest in the land described in this Report is owned, at the Report Date, by:

Lebaron Drywall, Inc., an Alaskan Corporation

The land referred to in this Certificate to Plat is described as follows:

Tract E, The Terraces Subdivision, according to the official plat thereof filed under Plat Number 2005-8, in the Anchorage Recording District, Third Judicial District, State of Alaska.

Alyeska Title Guaranty Agency, Inc.
Certificate to Plat

We find the following exceptions to title to be addressed in any Plat or Replat:

1. Reservations and exceptions as contained in the U.S. Patent.
2. Taxes due the Municipality for the year 2005 are a lien, but levy therefore has not been made.
3. Municipality of Anchorage Planning and Zoning Commission Resolution No. 30-78A, including the terms and provisions thereof, approving final site plans for an approved amortization permit on a non-conforming natural resource extraction operation, recorded August 23, 1978, Book 328 Page 470.
4. Settlement and Forbearance Agreement, including the terms and provisions thereof, by and between The Terraces Subdivision, LLC, Kaylen D. LeBaron, Sky Harbor Owners' Association, Inc., Sky Harbor Runway Association, Dave Hultquist, Ward Hurlburt, Art Mathias, Jim Libby, and Greg Svendsen, recorded January 13, 2004 as Instrument No. 2004-002616-0.
5. Notice of Subdivision Agreement, including the terms and provisions thereof, by and between the Municipality of Anchorage and Kaylen D. Lebaron, recorded July 08, 2004 as Instrument No. 2004-050273-0.

NOTE: This Agreement does not create a lien upon the property.

6. Sanitary Sewer Main Extension Agreement, including the terms and provisions thereof, by and between The Terraces Subdivision, LLC, and the Municipality of Anchorage, recorded August 04, 2004 as Instrument No. 2004-057981-0.

Assignment of Water Main/Sanitary Sewer Extension Agreement to Lebaron Drywall, Inc., recorded November 05, 2004 as Instrument No. 2004-083615-0, and recorded December 06, 2004 as Instrument No. 2004-090204-0.

7. Water Main Extension Agreement, including the terms and provisions thereof, by and between The Terraces Subdivision, LLC, and the Municipality of Anchorage, recorded August 04, 2004 as Instrument No. 2004-057982-0.

Assignment of Water Main/Sanitary Sewer Extension Agreement to Lebaron Drywall, Inc., recorded November 05, 2004 as Instrument No. 2004-083615-0, and recorded December 06, 2004 as Instrument No. 2004-090204-0.

8. Notice of Subdivision Agreement, including the terms and provisions thereof, by and between the Municipality of Anchorage and Lebaron Drywall, Inc., recorded September 22, 2004 as Instrument No. 2004-071630-0.


NOTE: This Agreement does not create a lien upon the property.

9. Deed of Trust to secure an indebtedness of the amount stated below and any other amounts payable under the terms thereof,

Amount : \$10,850,025.50
Trustor/Borrower : Lebaron Drywall, Inc., an Alaskan Corporation
Trustee : Alyeska Title Guaranty Agency, Inc.
Beneficiary/Lender : First National Bank Alaska
Dated : March 21, 2005
Recorded : March 22, 2005 as Instrument No. 2005-018187-0

(Affects this and other land)

NOTE: This report is to be used the purposes herein stated, and is not to be used as the basis for the closing of any transaction affecting title to the herein subject property. Liability herein is limited to the compensation received therefore.



Robyn Linxwiler, Authorized Signer

5

**POSTING
AFFIDAVIT**

RECEIVED

JUL 05 2005

PLANNING DEPARTMENT



AFFIDAVIT OF POSTING

CASE NUMBER: 05095

I, Nick Bennett 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 _____. The notice was posted on June 28, 2005, 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 30th day of June, 2005

Signature

LEGAL DESCRIPTION

Tract or Lot _____

Block _____

Subdivision The Terraces



6

HISTORICAL INFORMATION

Assembly
Aug 17, 04

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79

10.D.10. Assembly Memorandum No. AM 642-2004, Amendment No. 5 to Purchase Order 221723 with Aurora Transportation, Inc. for junk vehicle towing services for the Municipality of Anchorage, Anchorage Police Department (\$50,000). (*Addendum*)

Ms. Fairclough moved, to approve AM 642-2004.
Mr. Tremaine seconded,

Mr. Whittle reported that the Assembly had a recent meeting to discuss this topic. He requested an explanation from the Administration, of the addition of the \$50,000 and how long it would last for this service. Deputy Municipal Manager Michael Abbott responded this money was designed to maintain the towing services contract through the third year, when they would re-bid the contract.

To Ms. Fairclough, Mr. Abbott responded that the Municipality did tow abandoned vehicles in the rights-of-way, and that he would address the three abandoned vehicles that she had mentioned.

To Mr. Stout, Mr. Abbott responded the Municipality had a program, called "Rust in Peace," funded through the Community Development Block Grant, that allowed, with the property and vehicle owner's permission, removal of junk cars on private property.

Mr. Sullivan added that Health and Human Services could deem junk vehicles unsafe or a health risk and the Municipality could assume responsibility for their removal.

and this motion was passed unanimously.

AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
NAYES: None.

10.E. INFORMATION AND REPORTS

10.E.1. Information Memorandum No. AIM 72-2004, AO 2003-7; clarification of rezoning boundaries for AO 2003-7, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential - Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential - Large Lot), Planning Department.

Chair Traini read this memorandum title and called for a motion.

Mr. Tremaine moved, to accept AIM 72-2004.
Ms. Ossiander seconded,

Mr. Tremaine was concerned with reference on page two of this memorandum, allowing the Planning Department to change the zoning map to reflect the final boundary. He stated this particular parcel involved three acres or less, and thought a zoning map boundary change of a parcel that size should involve the public process. He recommended a NO-vote.

Deputy Municipal Manager Michael Abbott responded that if the Assembly chose to reject this item, they would redirect the issue to the property owner to seek the rezoning, as Mr. Tremaine had indicated.

To Mr. Sullivan, Mr. Abbott responded that the Zoning Official did have the authority to correct the mistakes or errors in a zoning map, but he did not know if this proposed change would be categorized by that authority. He thought it was a relatively minor issue and was consistent with a rezone that the Assembly had previously endorsed for this property. Mr. Abbott thought it would be possible to waive the fees. He recommended postponement until later in the evening, when the Administration would have legal alternatives for the Assembly to consider.

Mr. Coffey stated he had been on the Planning and Zoning Commission when this issue had been reviewed. He stated the neighbors of this property had agreed to revisions and thought the proposed revisions seemed adequate, and to reject this item would require the process to be repeated, which had already taken two years. He thought it may be considered a replatting issue, not a rezoning issue. He urged a YES-vote.

Ms. Shamberg thought the agreement with the neighbors was more of a facade than what it was in reality.

Mr. Tesche stated the Assembly had set precedence on dealing with issues like this one, and would not support it. He did not think the Assembly had a choice other than to reject this memorandum.

Mr. Tremaine referred to the Municipal Charter, which stated under Section 10, that rezoning required an ordinance. It was his opinion that a parcel of this size would not be considered a minor rezoning. He stated that the packet previously reviewed by the Assembly on this rezone had a petition of fifty percent of the neighbors opposing the rezone. He added that he had received calls from constituents who were upset that this issue would possibly be approved without Public Hearing. He called for a NO-vote.

To Ms. Fairclough, Municipal Attorney Fred Boness responded that an AIM (*Informational Memorandum*) was not the proper procedure for making a zoning change. Assembly Attorney Michael Gatti concurred.

Mr. Abbott stated that it was not the Administration's intention to break new ground, but rather to correct an existing problem. He agreed the AIM should be withdrawn.

Zoning Division Administrator Jerry Weaver agreed, and stated that he was uncomfortable with the AIM, as it was. He recommended that the owner conform to the boundaries as approved by the Assembly, as outlined in the revised Exhibit A.

082

1 and this motion failed.

2
3 AYES: Coffey.
4 NAYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander and Shamberg.

5
6 **10.F. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION**

7 10.F.15. Ordinance No. AO 2004-125, an ordinance amending Anchorage Municipal Code Chapters 3.30 and
8 3.70 regarding health and insurance benefits programs to add new definitions, to clarify availability
9 of programs to employees, and to clarify that only the Municipality's contribution to the cost of the
10 premium, not the coverage, terms or conditions of the programs, is subject to negotiation with unions,
11 Employee Relations. (~~Public Hearing set for 9-7-04~~) (Addendum)

12 a. Assembly Memorandum No. AM 649-2004.

13
14 Chair Traini read this ordinance title and called for a motion.

15 Ms. Fairclough moved, to postpone indefinitely AO 2004-125.
16 Mr. Tesche seconded,
17 Mr. Whittle was the concurring third,

18
19 Deputy Manager Michael Abbott stated it was their intention to have this ordinance postponed indefinitely.

20 AYES: Fairclough, Whittle, Tremaine, Sullivan, Traini, Tesche, Stout, Jennings, Ossiander, Shamberg and Coffey.
21 NAYES: None.

22
23 Ms. Fairclough moved, to Change the Order of the Day to take-up Item 11.B.
24 Mr. Tremaine seconded,
25 and this was unanimously approved,

26
27
28 **11. OLD BUSINESS AND UNFINISHED ACTION ON PUBLIC HEARING ITEMS**

29 11.A. Assembly Memorandum No. AM 598-2004, Coastal Impact Assistance Program (CIAP) grant
30 contribution of \$100,000 to Great Land Trust, Planning Department.
31 (~~Postponed from 8-3-04~~)

32
33 Chair Traini stated this item had been discussed at the previous Assembly Meeting and there was a motion to approve
34 on the floor from Ms. Ossiander and Mr. Tremaine. To Chair Traini, Ms. Ossiander responded that her questions from
35 the last meeting had been answered.

36 Ms. Ossiander moved, to approve AM 598-2004.
37 Mr. Tremaine seconded,
38 and this was unanimously passed,

39
40 11.B. Information Memorandum No. AIM 57-2004, transmittal of the Planning and Zoning Commission
41 record for the denial of a rezoning application to rezone approximately two acres from B-3 (General
42 Business District) to I-1 (Light Industrial), for the North 1/2 and South 1/2 of Lot 47 of Section 11,
43 T14N, R2W, S.M., Alaska, generally located at 16650 and 16670 Eagle River Road (Eagle River
44 Community Council) (Planning & Zoning Commission Case 2004-046), Planning Department.
45 (~~Postponed from 7-6-04 and 7-20-04~~)

46
47 Chair Traini read this informational memorandum title, briefly explained its history and called for a motion. Ms.
48 Fairclough urged a YES-vote.

49 Ms. Fairclough moved, to accept AIM 57-2004.
50 Mr. Tremaine seconded,

51
52 Ms. Fairclough stated that this item had been postponed several times because the developer wanted a rezone to his
53 property. The Planning and Zoning Commission turned it down, and this Assembly action simply was concurring with
54 that recommendation.

55 and this was approved unanimously,

56
57
58 **12. APPEARANCE REQUESTS**

59 12.A. Poli Gaiduk, Kathy Hartman & Carol Hartman, regarding construction.

60
61 POLI GAIDUK, KATHY HARTMAN and CAROL HARTMAN appeared before the Assembly to discuss the road
62 improvements on 5th Avenue, affecting their business property ingress and egress, accessing the state right-of-way.
63 Ms. Hartman thought that the Municipality of Anchorage and the State of Alaska were not working in cooperation with
64 businesses and felt economic hardships were not being considered. They had disregarded property owners, patrons
65 and neighboring property owners, and had ignored the historic aspect and values of the properties. Ms. Hartman
66 explained that their shared property was losing an established, curbed exit to their business parking lot. They were
67 concerned that the improvements would cut off the traffic flow, dramatically affecting their businesses, in particular the
68 coffee-esspresso stand in the parking lot, which depended upon traffic flow. She explained there were three curb-cut
69 entrances onto their shared business property, and it was their desire to have the middle, unused entrance eliminated
70 instead of the proposed heavily-used entrance. Ms. Fairclough summarized that there did not appear to be any history
71 of accidents involving the entrances to this business parking lot and that the coffee shop, owned by Ms. Gaiduk, had
72 existed for many years, prior to her purchase of the business and prior to the permitting. To Ms. Fairclough, Mayor
73 Begich responded that there was a process regarding the joint-use agreement on the parking and that the required
74 landscaping could be reconsidered by the Municipal Traffic Department. He thought the bigger problem would
75 concern Alaska Department of Transportation (DOT), and the Administration had limited capacity to negotiate DOT's
76 choice of traffic access points, especially on 5th and 6th Avenues. Ms. Fairclough requested that a letter from the
77
78
79

~~_____~~ **FAILED**

Terraces



**MUNICIPALITY OF ANCHORAGE
INFORMATION MEMORANDUM**

No. AIM 72-2004

Meeting Date: August 17, 2004

From: Mayor

Subject: AO 2003-007 Clarification of rezoning boundaries for AO 2003-7, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential – Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential – Large Lot)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

On March 4, 2003, the Assembly approved a rezone for the above noted parcel from R-6 to R-1 and R-6. The original request included an Exhibit 'A' showing R-1 zoning with R-7 zoning on the east side of the parcel. However, on the floor of the hearing, the petitioner's representative provided a new Exhibit 'A' which omitted the R-7 zoning, and instead provided a new concept design for subdivision development, leaving the eastern portion of the eastern corner areas R-6. This was a result of dialogue with adjacent property owners to alleviate their concerns of buffering and access on to adjacent Cange Road and the private airstrip to the east.

The Assembly approved the revised Exhibit 'A' during the March 4, 2003 hearing. The Zoning Division Administrator confirmed this revised Exhibit 'A' with the Assembly Chair, during the first part of 2004.

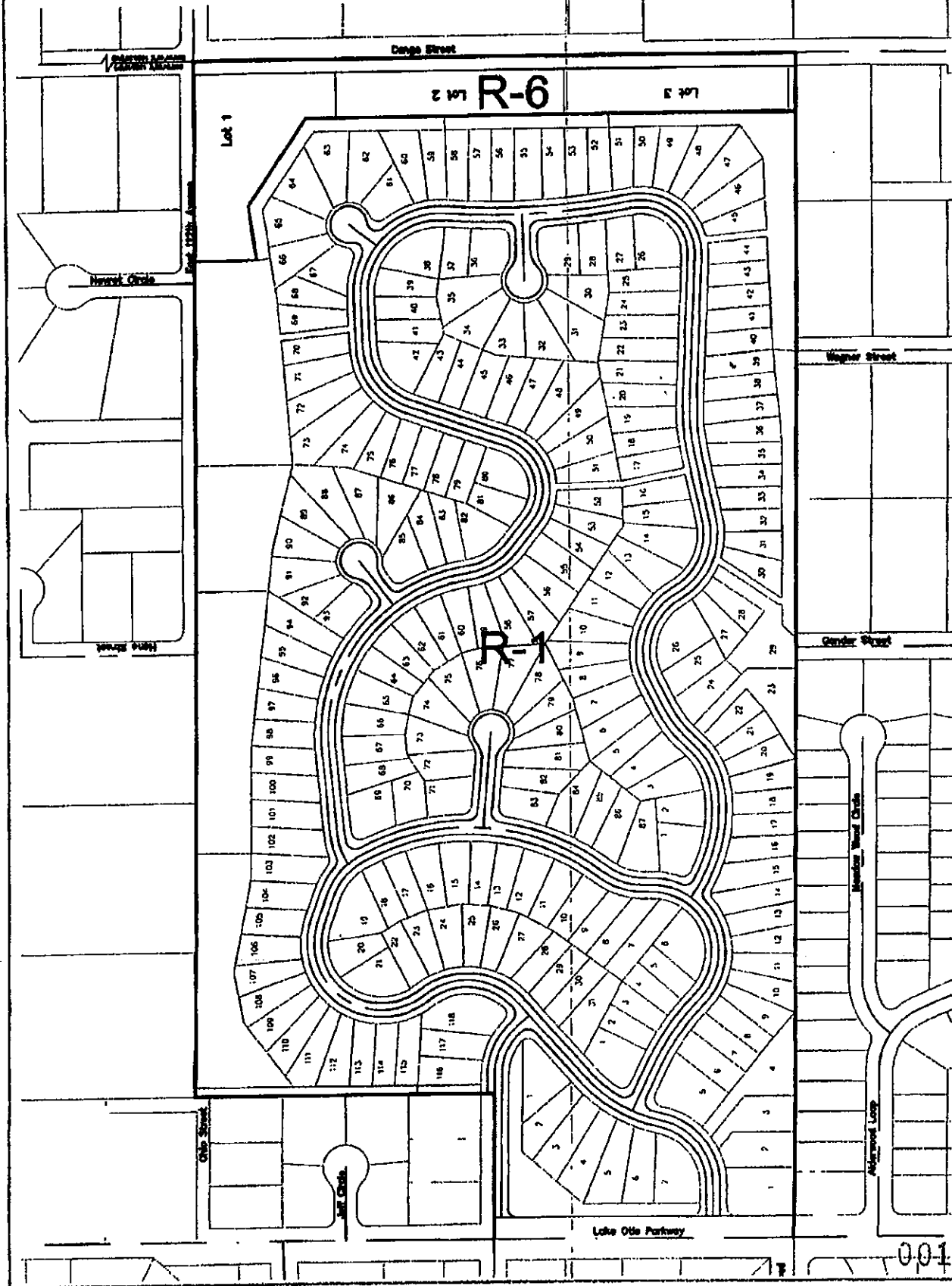
The final plat has been submitted to the Planning Department and shows a slight change in the configuration and number of R-6 lots on the east/southeast boundary of the revised and approved Exhibit 'A.' This slight difference was due to negotiations with the airstrip owners who lived just east of the petition site. The parties agreed to create fewer R-6 lots (three) with a slight R-6 boundary change. The applicant has proposed that two of the R-6 lots, Lots 2 and 3, will not be developed by turning ownership of those lots to the airstrip owner's organization as one large tract, leaving the one remaining R-6 lot at the northeast corner for development which will access Cange Street.

The Planning Department finds that this adjustment is very minor in square footage and alignment. The Planning Department also believes that it meets the intent of the original March 4, 2003 Assembly approval of the rezone. The tract reconfiguration serves to provide more buffer to the airstrip operations and will not be allowed to develop in the future.

1 Acceptance of this AIM will allow the Planning Department to change the Zoning map to
2 reflect the final zoning boundary configuration as shown by Exhibit A-1 dated July 22, 2004.
3
4 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department
5 Concur: Tom Nelson, Acting Director, Planning Department
6 Concur: Mary Jane Michaels, Executive Director, Office of Economic and
7 Community Development
8 Concur: Denis C. LeBlanc, Municipal Manager
9 Respectively Submitted: Mark Begich, Mayor

EXHIBIT A-1

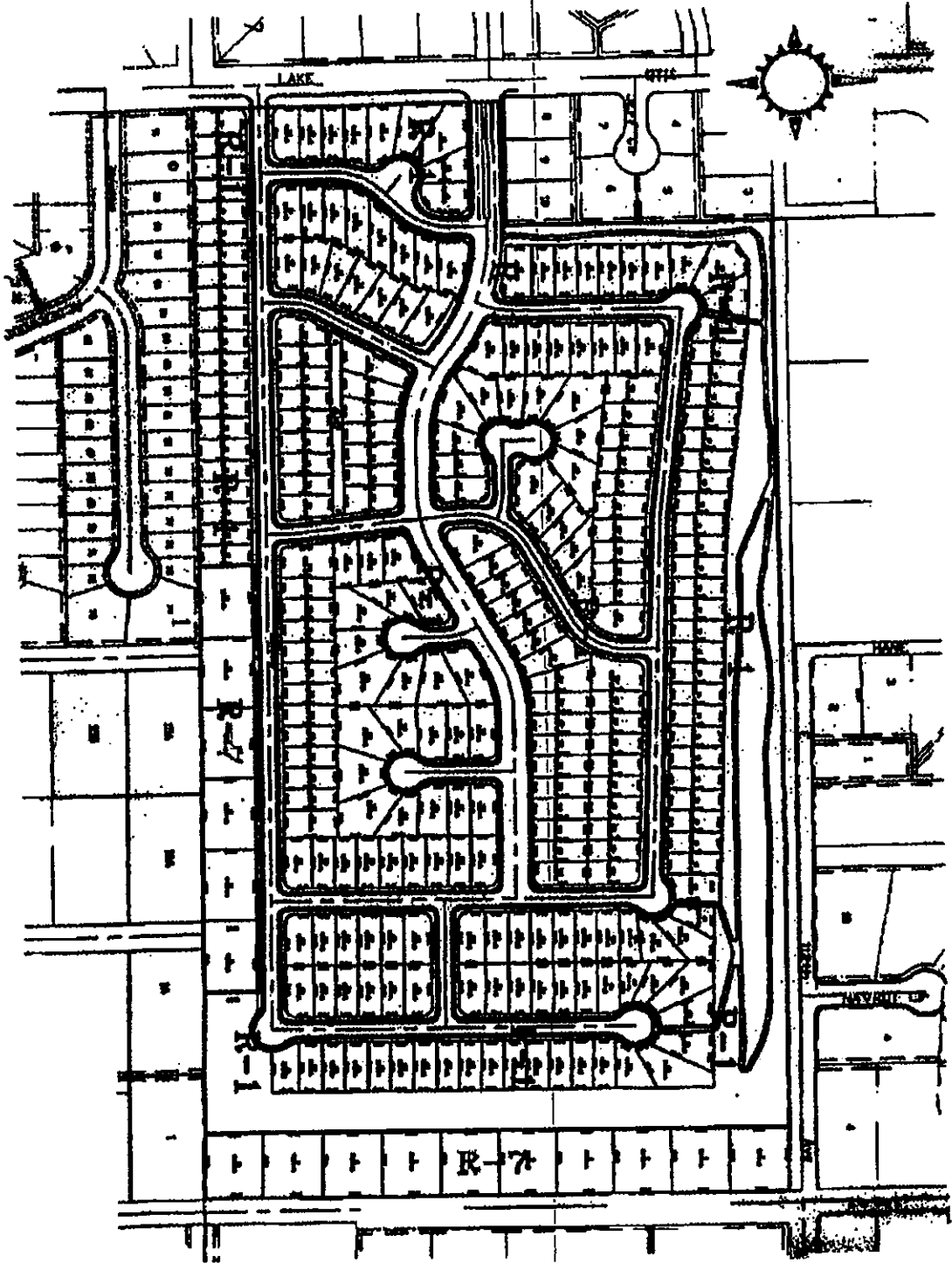
7.22.04



Lantech

EXHIBIT A

"Original"



Submitted by: Chairman of the Assembly
at the Request of the Mayor
Prepared by: Planning Department
For reading: January 28, 2003

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 2-4-03
IMMEDIATE RECONSIDERATION
FAILED 3-4-03

ANCHORAGE, ALASKA
AO 2003- 7

1 AN ORDINANCE AMENDING THE ZONING MAP AND APPROVING THE
2 REZONING OF APPROXIMATELY 75 ACRES FROM R-6 (SUBURBAN
3 RESIDENTIAL - LARGE LOT) ZONING DISTRICT TO R-1 (SINGLE-FAMILY
4 RESIDENTIAL) WITH SPECIAL LIMITATIONS AND R-7 (INTERMEDIATE
5 RURAL RESIDENTIAL) WITH SPECIAL LIMITATIONS ZONING DISTRICTS
6 FOR THE E 1/2, NW 1/4, SW 1/4, NW 1/4, THE NE 1/4, SW 1/4, NW 1/4, THE S 1/2, SW 1/4,
7 NW 1/4, AND THE SE 1/4, NW 1/4, Section 21, T12N, R3W, S.M., AK, GENERALLY
8 LOCATED ON THE SOUTH EAST CORNER OF LAKE OTIS PARKWAY AND
9 EAST 112TH AVENUE.

10 (Huffman/O'Malley Community Council) (Case 2002-176)

11 THE ANCHORAGE ASSEMBLY ORDAINS:

12
13 Section 1. The zoning map shall be amended by designating the following described
14 property as R-1 (Single-Family Residential) with Special Limitations and R-7
15 (Intermediate Rural Residential) with Special Limitations zone:

16
17 The East half of the Northwest quarter of the Southwest quarter of the Northwest
18 quarter (E 1/2, NW 1/4, SW 1/4, NW 1/4), the Northeast quarter of the Southwest quarter of
19 the Northwest quarter (NE 1/4, SW 1/4, NW 1/4), the South half of the Southwest quarter of
20 the Northwest quarter (S 1/2, SW 1/4, NW 1/4), and the Southeast quarter of the Northwest
21 quarter (SE 1/4, NW 1/4), Section 21, T12N, R3W, S.M., AK; consisting of 75 acres as
22 shown on Exhibit A.

23 Section 2. Special Limitations.

24 A. The zoning map amendment described in Section 1 above shall be subject to the
25 following special limitations regarding the following design standards:

26 *Neighborhood parks.* The development shall feature one lot, of a
27 minimum size of 10,000 square feet, to be used for a neighborhood park,
28 to be located within the R-1 SL zoned area. This area will be under the
29 control and management of the Homeowner's Association. The uses
30 within the open space area will be a neighborhood park or other open
31 space uses as determined by the Homeowner's Association that reflect
32 parks or open space.

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
2. ***Greenbelt areas.*** Greenbelt areas provided at the periphery of the development shall meet or exceed the Transition and Buffering Standards for buffering adjacent to urban and rural residential lots in AMC 21.45.200. This area will be under the control and management of the Homeowner's Association. The uses within the open space area will be trails and amenities such as lighting, landscaping and other uses as determined by the Homeowner's Association that reflect open space.
3. ***Private fences and walls bordering parks and open spaces.*** Fences and walls in private yards that border on parks or greenbelts shall be open style fences (e.g. post and rail). Opaque fences and walls (e.g., privacy fences) shall not be erected in yards bordering parks and open spaces.
4. ***Short blocks and grid of streets.*** Street block lengths between road intersections shall be a maximum of 800 feet, where possible.
5. ***Continuous network of pedestrian walks and paths.*** A sidewalk or trail shall be provided along the side of any roadway where front entrances to residences front the street.
6. ***Greenbelt trail connectivity.*** Where possible, and at no more than a 700 foot distance, any pedestrian trails provided around the periphery of the petition site shall connect to neighboring streets and subdivisions.
7. ***Street design.*** In addition to a minimum of two 12-foot wide travel lanes and one 8-foot wide parking lane, all public rights-of-way shall have a minimum of the following: a 5-foot wide sidewalk with a 3-foot to 5-foot border area or grass strip provided between the street edge of the sidewalk and the roadway curb face. Street edges shall be protected by vertical curbs on the central boulevard. The preliminary plat may propose narrower streets with wider sidewalk setbacks and swales to provide Best Management Practices to address run-off. These standards shall not apply where a greenbelt borders the street. Traffic calming measures, as approved by the Traffic Department, shall be applied where determined appropriate by the Traffic Engineer and Planning Department.
8. ***Mix of residential lot sizes in the R-1 SL district:*** No more than 50% of the individual private lots may have a lot area of less than 7,000 square feet and lot width of less than 60 feet.

- 1 9. *Incentives for garage placement and design in the R-1 SL district.* Up to
2 75% of individual private lots may have a lot area of less than 7,000
3 square feet and a lot width of less than 60 feet, if the additional lots
4 (above that allowed in Subsection 8 above) reduce the visual prominence
5 of garage doors and paved parking through the following measures:
- 6 a. The width of the garage door on the dwelling unit shall comprise
7 less than half of the width of the front of the dwelling; and
- 8 b. The garage door wall is no closer to the street than the dwelling
9 unit's front door, or the front edge of a covered entry porch; and
- 10 c. Interior living areas both above and beside the garage are set back
11 no more than six feet from the street-facing garage, and feature
12 street-facing windows.
- 13 10. *Outdoor lighting.* The developer shall work with the Municipal Traffic
14 Engineer to provide fixtures and lighting levels that will avoid trespass
15 light, skyglow, or glare. Lighting fixtures shall incorporate full cut-off
16 fixtures as defined by the Illumination Engineering Society of North
17 America (IESNA), with flat lens fixtures.
- 18 11. *Slopes.* Working slopes within the pit at the exterior boundaries of
19 excavation established in the final site plan shall be no steeper than 1½:1.
20 Final restoration slopes within the pit shall be no steeper than 2:1.
- 21 12. *Pedestrian access.* A pedestrian access to Cange Road shall be provided.

22 **13. SEE ATTACHMENT A AMENDMENTS**

23 **Section 3. Plat Notes.**

24 **A. SEE ATTACHMENT A AMENDMENTS**

25 Any subsequent plats shall include language referencing the adjacent airport, to read:
26 "The subject property is located adjacent to Sky Harbor Airport, and is subject to
27 present and future airport noise which may be bothersome to users of the property.
28 These noise impacts may change over time by virtue of: greater numbers of aircraft
29 departures and arrivals; louder aircraft; seasonal and time-of-day operational variations;
30 changes in airport; aircraft and air traffic control operating procedures; airport layout
changes; and changes in the property owner's personal perceptions of the noise
exposure and his/her sensitivity to aircraft noise."

31 **B. SEE ATTACHMENT A AMENDMENTS**

32 **Section 4. Effective Clause.**

A. This rezoning shall not become effective until:

- 1 1 A final traffic impact analysis has been reviewed and accepted by the
2 Traffic Engineering Department. The proposed development shall
3 adhere to the requirements of the final approved traffic impact analysis.
- 4 2. The need and means, if any, for protection of any Bank Swallows is
5 resolved with the Planning Department and the appropriate State and
6 Federal wildlife protection agencies.
- 7 3. A dust control plan has been reviewed and accepted by the Department
8 of Health and Human Services. The site development and all related
9 construction shall adhere to the requirements of this plan.

4. AND 5. SEE ATTACHMENT A AMENDMENTS

10: **Section 5. Restoration Plans.**

11. A. The plat to be submitted for development of the petition site, after it is
12 finalized and filed, will serve as the site restoration and redevelopment plan
13 for this natural resource extraction site, as required by AMC 21.55.090. All
14 rights to conduct the natural resource extraction operations on the petition
15 site are hereby extinguished. This restoration and redevelopment plan will
16 apply to both of the following portions of the petition site: a 70-acre non-
17 conforming natural resource extraction operation legally described as the
18 NE ¼, SW ¼, NW ¼, the S ½, SW ¼, NW ¼, and the SE ¼, NW ¼,
19 Section 21, T12N, R3W, S.M., AK, Section 21, T12N, R3W, S.M., AK,
20 via Planning and Zoning Commission Resolution 30-78A, including a five
21 acre tract not included in the above-noted resolution, but also used for
22 natural resource extraction, legally described as the E ½, NW ¼, SW ¼,
23 NW ¼, Section 21, T12N, R3W, S.M., AK. The Development Area plans,
24 approved under AMC 21.40.250.D, shall substantially conform to the
25 approved final Master Plan.

26 B. The petition site has been voluntarily brought forward to the Municipality
27 for abandonment of the natural resource extraction/gravel pit operations and
28 restoration of the site, in accordance with AMC 21.55.090. If the rezoning
29 does not become effective, and no final plat approved and filed, the petition
30 site must be restored through the existing restoration plan, as approved by
31 the Planning and Zoning Commission by Resolution 30-78A.

32 **Section 6.** The Director of the Planning Department shall change the zoning map
33 accordingly.

34 **Section 7.** This ordinance shall become effective within ten (10) days after the Planning
35 Director has received the written consent of the owners of the property within the area

2 described in Section 1 above to the special limitations contained herein. The rezone
3 approval contained herein shall automatically expire and be null and void if the written
4 consent is not received within one-hundred and twenty (120) days after the date on
5 which this ordinance is passed and approved. In the event no special limitations are
6 contained herein, this ordinance is effective immediately upon passage and approval.
The Planning Director shall change the zoning map accordingly.

7 PASSED AND APPROVED by the Anchorage Assembly this 4th day of
8 March 2003.

9
10
11
12
13
14
15
16
17
18
19
20



Chair

ATTEST


Municipal Clerk

(2002-176) (Tax ID. No. 015-271-02 and -03)

**ATTACHMENT A AMENDMENTS
AMENDMENTS TO AO 2003-7 PIONEER GRAVEL PIT REZONE**

Section 2. Special Limitations.

Add the following subsection:

- 13 Dwelling units.** There shall be no more than one dwelling unit per lot. This means that, in addition to other restrictions, there shall be no cluster detached housing and no site condos.

Section 3. Plat Notes.

Renumber existing paragraph to A.

Add the following subsection:

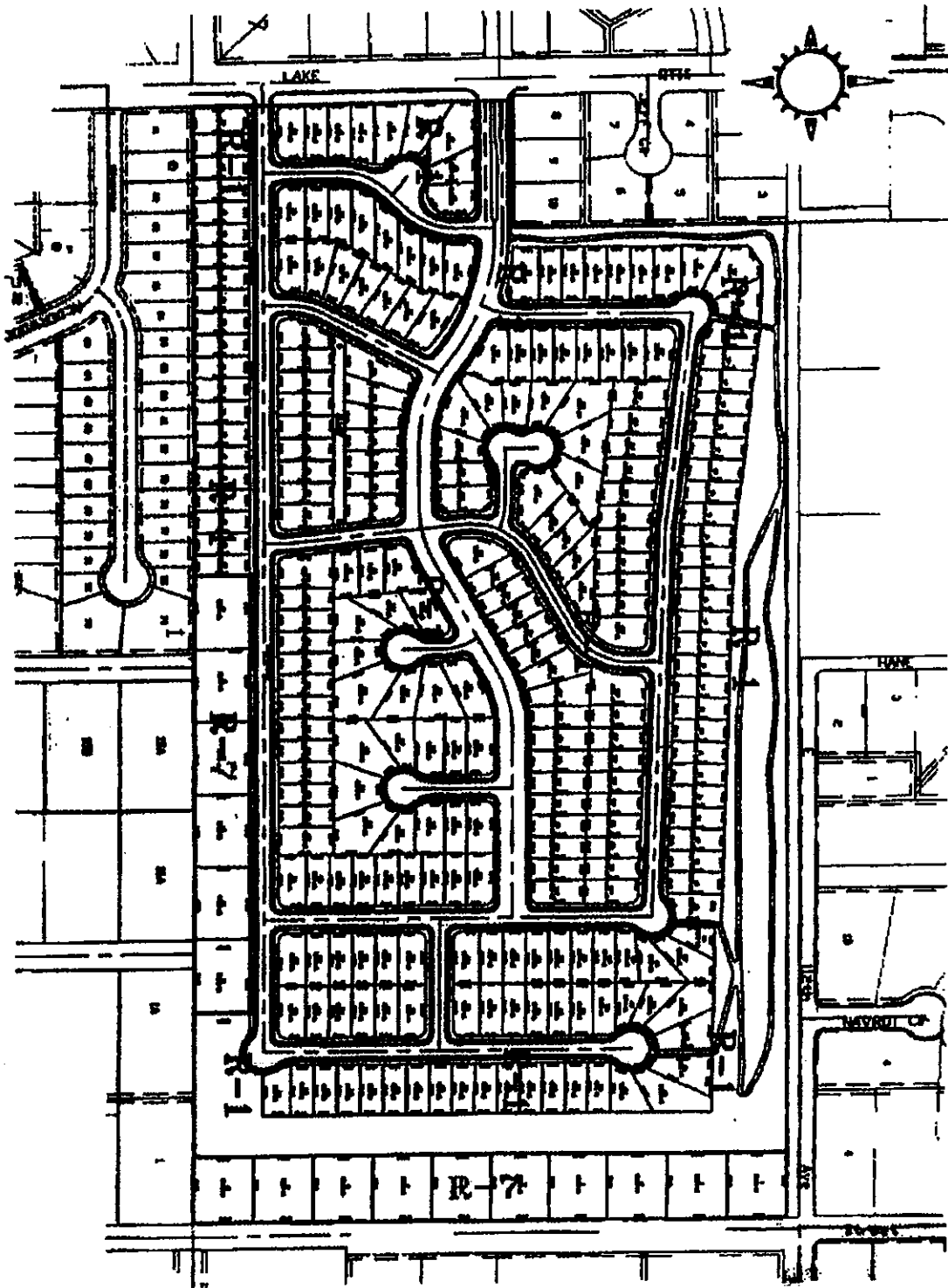
- B.** Any subsequent plats shall include language referencing air quality, to read: "The subject property is susceptible to present and future air quality degradation. This air quality degradation is caused by temperature inversions and/or still air conditions. These meteorological phenomena are known to trap emissions generated within and which flow into the subject property." This plat note may be removed during final subdivision platting if recommended by the Department of Health and Human Services

Section 4. Effective Clause.

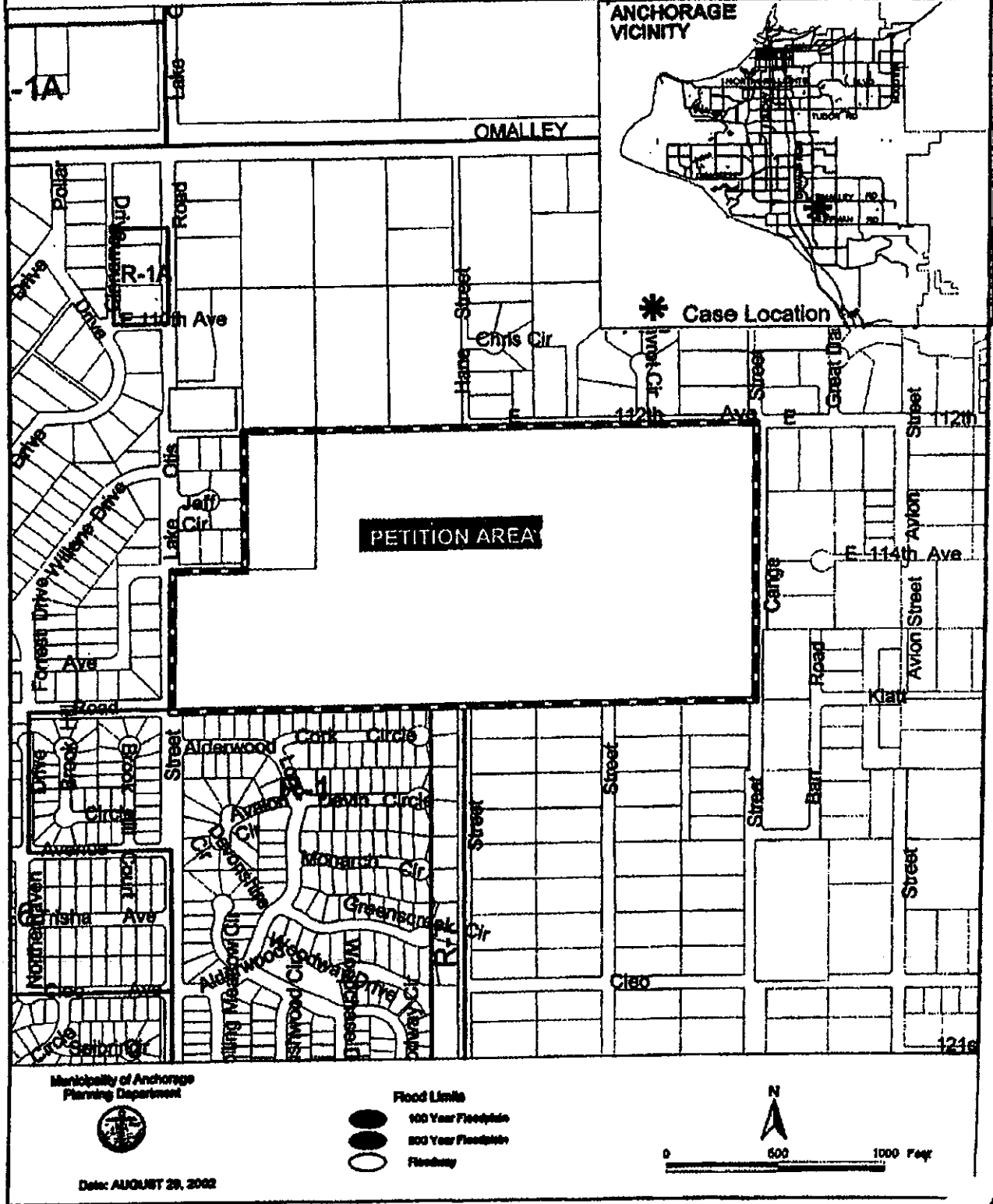
Add the following subsections:

- 4.** A geotechnical plan has be reviewed and approved by the Geotechnical Advisory Commission. This plan shall include minimum and recommended slope requirements and allowable minimum distance between slopes and dwelling units.
- 5.** An air quality study has been conducted at the developer's expense and certified by the Department of Health and Human Services. The Department may recommendation recommend additional plat notes relating to air quality.

EXHIBIT A



REZONING 2002-176



MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects – General Government

AO Number: 2003-7

Title: Rezoning of approximately 75 acres from R-6 to R-1 SL and R-7 SL for a portion of Section 21, T 12N, R 3W, S.M., AK

Sponsor: Kaylen LaBaron

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:	(In Thousands of Dollars)				
	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$	\$	\$	\$	\$
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$	\$	\$	\$	\$
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezoning should have no significant economic impact on the public sector. This 75-acre portion of Section 21, T12N, R3W, S.M., AK was previously zoned R-6, and this rezoning will provide for the ability to increase the density on the parcel from approximately 60 dwelling units to approximately 323 dwelling units. The surrounding area is zoned residential. There are adequate public facilities and services in this area for this level of residential density. All necessary utilities are currently available peripheral to this site, and the approved Traffic Impact Analysis stated that the roads which will be directly impacted, Lake Otis Parkway and Cange Road, are constructed to the appropriate Municipal standards to handle the estimated level of traffic. The petitioner has removed the original connection to Cange Road, which will need final approval from the Traffic Department. Any necessary on-site improvements will be the responsibility of the developer.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning will have an economic impact on the private sector. The new R-1 SL and R-7 SL zoned area will make this property more functional by allowing a higher density of residential development as recommended in the Anchorage 2020 Comprehensive Plan. The property will develop with associated design standards and a mix of lot sizes to ensure that the development style will mitigate the appearance and functionality with the surrounding residentially zoned areas. This rezoning will allow for private-sector development of approximately 323 dwelling units whereas only approximately 60 are allowed under the existing R-6 zoning. This development is proposed to be a mixture of large and smaller individually owned lots, which will add additional property to the tax rolls. Necessary utility infrastructure is already available peripherally to the site, but will require the developer to construct necessary improvements on-site.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator


Telephone: 343-7930

Validated by OMB: 

Date: 12-23-02

Approved by: 
(Director, Preparing Agency)

Date: 12-29-02

Concurred by: 
(Director, Impacted Agency)

Date: 12/23/02

Approved by: _____

Date: _____



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 47-2003

Meeting Date: January 28, 2003

From: Mayor

Subject: AO 2003- 7

Planning and Zoning Commission Recommendation on a Rezoning of Approximately 75 acres From R-6 to R-1 SL and R-7 SL for the E ½, NW ¼, SW ¼, NW ¼, the NE ¼, SW ¼, NW ¼, the S ½, SW ¼, NW ¼, and the SE ¼, NW ¼, Section 21, T12N, R3W, S.M., AK.

2 On December 2, 2002, the Planning and Zoning Commission approved the rezoning of
3 approximately 75 acres, located in for E ½, NW ¼, SW ¼, NW ¼, the NE ¼, SW ¼, NW ¼,
4 the S ½, SW ¼, NW ¼, and the SE ¼, NW ¼, Section 21, T12N, R3W, S.M., AK., from R-6
5 (Suburban Residential District – Large Lot) to R-1 SL (Single Family Residential District
6 with Special Limitations) and R-7 SL (Intermediate Rural Residential District with Special
7 Limitations).

8 The petition site is a former gravel pit, operating as a recognized non-conforming use. In
9 1977, the Municipality enacted AMC 21.55.090, which required the gravel pit owners to
10 obtain approval of a site restoration and redevelopment plan in order to continue operations.
11 It also required that operations be discontinued after the passage of a reasonable amortization
12 period. The Planning and Zoning Commission approved an amortization period of 10 years,
13 and approved site restoration plans to be enacted at the expiration of the amortization period.
14 This was appealed to the Board of Adjustment, which upheld the Commission's decision.
15 The operator at the time filed an appeal to the Superior Court. The Court's decision, through
16 a stipulated agreement between attorneys, was that the pit shall close after the latter of the
17 following occurs: either by December 31, 1988, or two years after several items occur,
18 including the construction of Lake Otis between Huffman and O'Malley, construction of a
19 lateral sewer to the property, and the filing of the last final plat necessary to subdivide the site
20 into lots for residential development.

21 All of these outstanding items have occurred with the exception of subdividing one last
22 parcel, Tract A-1A, Meadow Wood Subdivision. This Tract is to the south of the petition site
23 and is now under ownership by St Elizabeth Ann Seton Catholic Church which has a church
24 structure immediately contiguous to Tract A-1A, Meadow Wood Subdivision. The petitioner
25 in this rezoning is voluntarily closing the pit through this rezoning process.
26

27 With approval of the rezoning to R-1 SL and R-7 SL, the petitioner will submit an application
28 to plat the site which must mirror the requirements and design standards in the proposed
29

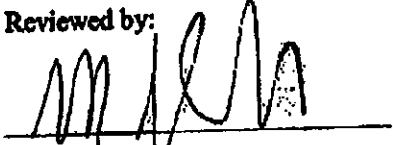
AO 2003-7

1 ordinance, and that the restoration plan shall be implemented in the platting process which
2 will create the development.

3
4 Approval of this ordinance is recommended.

5
6

Reviewed by:



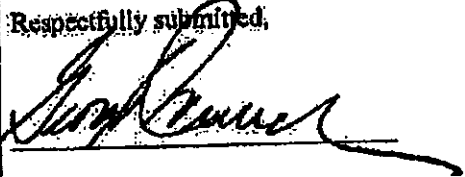
Harry J. Kielling, Jr.
Municipal Manager

Reviewed by:



Craig E. Campbell, Executive Director
Office of Planning, Development, and
Public Works

Respectfully submitted,



George P. Wuerch
Mayor

Prepared by:



Susan R. Fison, Director
Planning Department

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-084**

A RESOLUTION APPROVING REZONING APPROXIMATELY 75 ACRES FROM R-6 (SUBURBAN RESIDENTIAL DISTRICT - LARGE LOT) TO R-1 SL (SINGLE FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) AND R-7 SL (INTERMEDIATE RURAL RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR A PORTION OF SECTION 21, T12N, R3W, S.M., AK; GENERALLY LOCATED ON THE SOUTHEAST CORNER OF LAKE OTIS PARKWAY AND EAST 112TH AVENUE.

(Case 2002-011; Tax ID. # 015-271-02 and -03)

WHEREAS, a petition has been received from Kaylen D. LeBaron, petitioner, and Robin Ward, representative, to rezone approximately 75 acres from R-6 (Suburban Residential District - Large Lot) to R-1 (Single Family Residential District) and R-7 (Intermediate Rural Residential District), for a portion of Section 21, T12N, R3W, S.M., AK; generally located on the southeast corner of Lake Otis Parkway and East 112th Avenue, and

WHEREAS, notices were published, posted and mailed and a public hearing was held and closed on October 7, 2002 and the case continued to December 2, 2002.

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

A. The Commission makes the following findings of fact:

- 1 This is a request to rezone a 75-acre parcel of land from R-6 to R-1 and R-7. The site is located on the southeast corner of Lake Otis Parkway and East 112th Avenue.**
- 2. The petitioner seeks to rezone the petition site from R-6 (Suburban Residential - Large Lot District) to R-7 (Intermediate Rural Residential District) along the east and a portion of the south property lines, and R-1 (Single-Family Residential District) for the remainder of the petition site. This action will officially extinguish the operation of the gravel pit.**
- 3 The petition site is located on the northeast corner of Lake Otis Boulevard and East Klatt Road, south of O'Malley Road. The site also abuts Cange Street to the east, which is strip paved, and 112th Avenue extended to the north. The site is a 75-acres, comprised of two unsubdivided parcels. The site is virtually rectangular, with a smaller extension on the southwest end, linking the site to Lake Otis Boulevard. The site is owned by the petitioner, Kaylen D. LeBaron.**
- 4 The petition site is located within the Hillside Wastewater Management Plan area. It was adopted into the area by AO 85-69 in 1985. This action requires the petition site to connect to public sewer when developed, and recommended to develop at a minimum density of 3 dwelling units per acre (DUA).**

5. The site has been used for natural resource extraction (gravel extraction) for many years, operating as Pioneer Pit. There are currently no gravel extraction operations on-site.
6. Due to the gravel extraction operations, there are strong topography considerations on the site. There is an approximate 30-foot drop from the south to the middle of the site, a 90-foot drop from the north to the middle of the site, an 80-foot drop from the east to the middle, and a 10-foot rise from the west to the middle of the site.
7. Access to the site is currently from Lake Otis Parkway. The site is surrounded by residentially developed property, with R-1, R-6 and R-7 to the south, and R-6 to the east, north and west. There is a private airstrip to the east of the petition site, abutting the east side of Cange Street.
8. The petition site is primarily unvegetated, with some brush and undergrowth along the south, west and east perimeter. There may be some minor contamination on-site from the commercial operation vehicles that had been parked on the west side of the site along the gravel access drive into the site. There has been substantial testimony and statements by neighbors of the pit regarding dust storms on the site during windy periods when the site is dry. There is also evidence of bank swallows on the site on a seasonal basis.
9. Earlier in the year 2002, the petitioner applied for a rezoning of the petition site from R-6 to PC (Planned Community District). This rezoning included a master plan for the petition site, which was approved by the Planning and Zoning Commission on March 11, 2002. This proposal as approved by the Commission included mixed densities, with multi-family development in the center of the site, and single family development on the perimeter. The center area was to be a condominium-type development, with R-7 style lots among the majority of the perimeter, and R-1 sized lots on the southwest.
10. The maximum density approved for the development by the Commission was 4.5 DUA. Although the Commission approved a maximum number of dwelling units per Development Area (five areas, with one to be open space) at a total of 427 units, the density cap of 4.5 DUA allowed only a total of 337.5 units. Thus, the total could not exceed that cap, with each area having a separate cap on the maximum number of units. Multi-family design and other standards were placed on the Commission recommendation for approval to ensure compatibility within the mixed-density development and to ensure that the conditions from the court stipulated order regarding amortization of the gravel pit were met. It was the intent of the Commission to allow approval of the restoration and redevelopment of the site through the specific development area plans. This rezoning to PC was withdrawn by the petitioner on July 21, 2002, directly prior to public hearings in front of the Assembly.
11. This new request to rezone the majority of the petition site to R-1 zoning district is as this district is intended as urban single-family residential areas with low population densities. However, as the petition site abuts R-6 zoned

and thus larger sized and lower density suburban lots along the north, east and a majority of the southern lot lines, the petitioner is also proposing R-7 (Intermediate Rural Residential) minimum 20,000 SF lots to abut the surrounding eastern and southern larger lots and an open space tract along the north to meet the transition buffering standards of AMC 21.45.200. The petitioner is also proposing to retain an open space tract along the north lot line along the steep slope that will need to be graded to a minimum 2:1 slope to comply with the gravel pit restoration.

12. This request will allow, at a maximum, approximately 323 units when necessary area for infrastructure and slope grading is removed.
13. Anchorage 2020 Anchorage Bowl Comprehensive Plan Policy Map does not address the petition site. As there is no residential intensity map, the 1982 comprehensive plan residential intensity plan is still in effect for the site. This plan states that although the eastern half is recommended for less than 1 DUA, for the approximate western half of this area densities to 10 DUA may be allowed under controlled development requiring clustering of structures, internal circulation, water and sewerage availability, transition and buffering design, and site plan review. Also, the entire petition site has been adopted into the HWMP, and has a recommended density of a minimum 3 DUA. As the HWMP amendment was adopted after the 1982 plan and takes precedence over the intensity map, and combined with the addition of sewerage and public improvements to the area, an R-1 density with R-7 buffering does comply with the comprehensive plan.
14. The Department finds that this proposed rezone concept meets the intent of Anchorage 2020 Anchorage Bowl Comprehensive Plan, as well as the requirements for rezoning to R-1 and R-7. This proposal has a strong potential for a positive addition to this area, and for redevelopment of the petition site from its current status as an unreclaimed gravel pit.
15. Although the requested R-1 zoning is not a large-lot designation, it remains a low density designation that has been proven through R-1 subdivisions to the south and north of the petition site to be able to fit into the surrounding area, especially with the increasing need for residential development in the Municipality, and with the included buffering by the R-7 lots and open space.
16. In response to concerns by the community and the Huffman-O'Malley Community Council, the petitioner has proposed, as special limitations, design standards for development for housing and roads, is conducting air quality and hydrology tests and analyses, and is donating a lot to the proposed homeowner's association for use as a park. The Department prepared a draft ordinance for this rezoning request, in order to clarify the proposed design standards and requirements, for use by the Commission.
17. The Commission asked if the Community Council's position is that things still need to be resolved, but was unclear what were the issues that remain

outstanding. The Community Council president replied that the best alternative is to find a financing method to make an alternate plan work. That plan would be ball fields in the back of the property, a school or church in the middle, and houses in the front only. The Commission asked if this is an idea or a real possibility, and the Council replied that it is an idea at this point that all parties have agreed to work on. The Commission further asked if the Council is in agreement with the petitioner's proposal, but is pursuing an alternative they find preferable. The Council replied that they did not believe there was a way to come to agreement between the neighborhood and the developer. All parties have discussed the alternate plan and have agreed to the neighborhood trying to find financing for the alternate plan.

The Commission noted that this area is being redeveloped from a gravel pit and, while it is inserted into an area of large lot and lower density development, it nonetheless has access to public sewer and water. To the south is adjacent R-1 development.

19. The Commission finds that, in order to carry out the intent of Anchorage 2020 to accommodate the projected required amount of housing in Anchorage, this is the type of redevelopment of under-used lands that must be considered and supported. The Commission further noted that the developer has made a considerable effort to accommodate the concerns of the neighborhood, most particularly eliminating access to Cange Road and eliminating the multi-family development.
20. The Commission finds that the petitioner had done a good job in attempting to address the concerns of the individuals who testified before the Commission and the Assembly. The Commission noted that there are no assurances that the 271-unit density shown in the concept plan will be achieved. So long as something similar to what has been represented is done in final, the Commission finds it acceptable.

The Commission approved an amendment to the motion for approval to provide a pedestrian access easement to Cange Road.

The Commission finds that this pedestrian access was important to this development. The Commission recognized that there had been concern voiced regarding the safety of individuals accessing this road and the airstrip adjacent to it, however, Anchorage 2020 calls for connectivity. The petitioner's plan originally showed a road connecting to Cange, which is no longer being provided. The Commission further finds that just because this is a small lot subdivision does not mean there would be a desire for residents to access surrounding developments, schools, bus stops, etc.

23. The Commission approved an amendment to Section 2.A.1 of the draft ordinance to insert in the first sentence after "one lot" the words "of a minimum size 10,000 square feet." The Commission finds that these lots could be relatively small and a one-quarter-acre lot is a minor amount of land

to provide for public infrastructure. The Commission finds that the original recommendation for the earlier PC zoning request of a minimum of 2,500 square feet was grossly inadequate.

24. The Commission approved an amendment to Section 2.A.6 of the draft ordinance to read "*Greenbelt trail connectivity*. Where possible, and at no more than 700 feet distance, any pedestrian trails provided around the periphery of the petition site shall connect to neighboring streets and subdivisions." The Commission finds that the petitioner has indicated it seems to make good planning sense to provide connectivity, particularly where there are dead-end streets.
 25. The Commission finds that this rezoning request was a more inferior development to the PC request originally proposed, however, it was necessary by demonstrated public opposition that a different solution be found. The Commission commended the petitioner for working with the neighborhood to develop an alternative, and stated that the density of the development is still quite high, but that is a goal in transit-related districts and in this area of Anchorage per Anchorage 2020.
 26. The motion to recommend approval to the Assembly to rezone the subject property to R-1 SL and R-7 SL was 7 in favor, 1 opposed.
- B. The Commission recommends the Assembly rezone the subject property to R-1 SL and R-7 SL, subject to the following:
1. See attached draft ordinance.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 2nd day of December 2002.

Susan R. Fison
Director

Toni Jones
Chair

(Case 2002-011)
(Tax ID. 015-271-02 and -03)

acc

Content Information

Content ID : 002026

Type: InfoMemorandum - AIM

Title: Clarification of rezoning boundaries for AO 2003-007, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential – Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential – Large Lot)

Author: weaverjt

Initiating Dept: Planning

Review Depts: Legal

Description: Clarification of rezoning boundaries for AO 2003-007, Planning Case 2002-176, rezoning approximately 75 acres, from R-6 (Suburban Residential – Large Lot) to R-1 (Urban Residential) and R-6 (Suburban Residential – Large Lot)

Date Prepared: 7/23/04 9:37 AM

Director Name: Tom Nelson

Assembly 14

Meeting Date 8/1/04

MM/DD/YY:

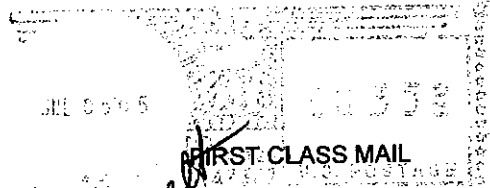
Workflow History

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllAIMSWorkflow	7/23/04 9:39 AM	Checkin	weaverjt	Public	002026
Planning_SubWorkflow	7/23/04 9:40 AM	Approve	weaverjt	Public	002026
ECD_SubWorkflow	7/29/04 10:40 AM	Approve	thomasm	Public	002026
Legal_SubWorkflow	8/5/04 10:03 AM	Approve	fehlenr1	Public	002026
MuniManager_SubWorkflow	8/5/04 6:45 PM	Approve	leblancdc	Public	002026
MuniMgrCoord_SubWorkflow	8/6/04 8:02 AM	Approve	katkusja	Public	002026

CONSENT AGENDA – INFORMATION & REPORTS

2004 AUG -6 AM 9:05
 106

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



015-271-70-000
BERTOLINI DANA PAUL &
CATHERINE P
3131 E 112TH AVENUE
ANCHORAGE, AK 99516

RECEIVED

JUL 28 2005

4700
BROOK
Planning
Cowan -

PLANNING DEPARTMENT

NOTICE OF PUBLIC HEARING -- Monday, August 01, 2005

Planning Dept Case Number: ~~2005-095~~ 2005-095

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

CASE: 2005-095
PETITIONER: Kaylen D. LeBaron
REQUEST: Rezoning to R-1SL One-family residential district with special limitations
TOTAL AREA: 44.79 acres
SITE ADDRESS: NHN CANGE STREET
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1--Huffman OMalley 2--Abbott Loop

LEGAL/DETAILS: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, August 01, 2005 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 by selecting Departments/Planning/Zoning and Platting Cases.

Name: DANA PAUL BERTOLINI
Address: 3131 E. 112 TH
Legal Description: LOT 13 DAS ACRES
Comments: I STRONGLY OBJECT TO THE REZONE!
ANY INCREASE IN DENSITY WOULD DRAMATICALLY
AFFECT THE VALUES AND CONTINUITY OF OTHER
HOUSES IMMEDIATELY EAST AND NORTH OF THIS
PROPERTY WHICH ARE ZONED R-6. PLEASE KEEP ALL
HOUSES ON CANGE A MINIMUM OF 1.25 ACRES EACH !!
REZONING/RESIDENTS--PLANNING COMMISSION
2005 085 (PLEASE SEE ATTACHED 107)

COMMENTS CONTINUED:

FURTHERMORE 112TH AVENUE IS NOT WIDE ENOUGH TO ACCOMMODATE THE TRAFFIC THAT A RE-ZONE TO R-1SL WOULD CREATE! (APPROX. 4 UNITS PER ACRE)

I HAVE NO OBJECTION TO KEEPING THIS PARCEL R-6 AND A CORRESPONDING DENSITY OF 1 RESIDENCE PER 1.25 ACRES. THIS PARCEL WOULD HAVE 2 LARGE LOTS AND 112TH AVENUE IS CAPABLE OF HAVING THAT INCREASE IN TRAFFIC.

IR PLANNING + ZONING APPROVES THIS RE-ZONE AGAINST ALL OBJECTIONS TRAFFIC FOR THIS PARCEL SHOULD BE DIRECTED TO CANBE ROAD AND NOT 112TH.

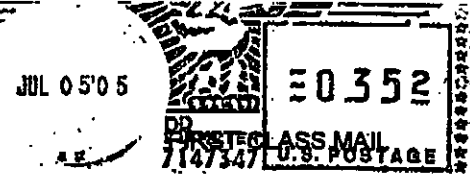
RESPECTFULLY SUBMITTED,

Dana Paul Bertolini

DANA PAUL BERTOLINI
3131 E. 112TH AVENUE

LOT 1B DAS ACRES

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



015-272-80-000
HULTQUIST DAVID D & LESA L
360 E 100TH AVENUE
ANCHORAGE, AK 99515

NOTICE OF PUBLIC HEARING -- Monday, August 01, 2005

Planning Dept Case Number: 2005-095

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

CASE: 2005-095
PETITIONER: Kaylen D. LeBaron
REQUEST: Rezoning to R-1SL One-family residential district with special limitations
TOTAL AREA: 44.79 acres
SITE ADDRESS: NHN CANGE STREET
CURRENT ZONE: R-6 Suburban residential district
COM COUNCIL(S): 1--Huffman OMalley 2--Abbott Loop

LEGAL/DETAILS: A request to rezone approximately 3.10 acres from R-6 (Suburban Residential) to R-1SL (Single Family Residential with Special Limitations). The Terraces, Tract E. Located on (NHN) Cange Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, August 01, 2005 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 by selecting Departments/Planning/Zoning and Platting Cases.

Name: Dave Hultquist
Address: 3420 E 112th Ave
Legal Description: Lot 3 Hultquist Subd.
Comments: I live on OMalley airstrip directly across Cange Rd. from the Petition area. Kaylen LeBaron worked with me and the Runway association to create a buffer area between our runway and his development. I am grateful to him for that and fully support his request for rezone

Dave Hultquist

REZONING/RESIDENTS-PLANNING COMMISSION
2005-095

Content Information**Content ID :** 003272**Type:** Ordinance - AO

Planning and Zoning Commission recommendation for a rezoning

Title: from R-6 (Single Family Residential District, Large Lot) to R-1 SL
(Single Family Residential District with Special Limitations)**Author:** weaverjt**Initiating Dept:** Planning

Planning and Zoning Commission recommendation for a rezoning

Description: from R-6 (Single Family Residential District, Large Lot) to R-1 SL
(Single Family Residential District with Special Limitations)**Date Prepared:** 9/9/05 3:36 PM**Director Name:** Tom Nelson**Assembly Meeting**
Date MM/DD/YY: 9/27/05**Public Hearing**
Date MM/DD/YY: 10/25/05**Workflow History**

Workflow Name	Action Date	Action	User	Security Group	Content ID
AllOrdinanceWorkflow	9/9/05 3:44 PM	Checkin	weaverjt	Public	003272
Planning_SubWorkflow	9/12/05 8:56 AM	Approve	nelsontp	Public	003272
ECD_SubWorkflow	9/12/05 9:16 AM	Approve	thomasm	Public	003272
OMB_SubWorkflow	9/14/05 7:34 AM	Approve	mitsonjl	Public	003272
Legal_SubWorkflow	9/14/05 3:44 PM	Approve	fehlenri	Public	003272
MuniManager_SubWorkflow	9/15/05 11:08 AM	Approve	leblancdc	Public	003272
MuniMgrCoord_SubWorkflow	9/16/05 8:20 AM	Approve	abbottmk	Public	003272

M.O.A.
2005 SEP 19 AM 11:51
CLERKS OFFICE