

Submitted by: Assemblymember Claman  
For reading: February 2, 2010

1 CLERK'S OFFICE

2 **APPROVED**

3 Date: 3-23-10 Anchorage, Alaska  
4 AO 2010-20

5 AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE  
6 ZONING MAP AND PROVIDING FOR THE REZONING OF THE NORTH  
7 2.145 ACRES +/- OF LOT 2A, RASPBERRY SUBDIVISION, FROM R-O SL  
8 (RESIDENTIAL-OFFICE DISTRICT WITH SPECIAL LIMITATIONS) TO  
9 B-1B SL (COMMUNITY BUSINESS DISTRICT WITH SPECIAL  
10 LIMITATIONS), AND TO REPEAL AO 2007-73 IN ITS ENTIRETY AS  
11 APPLIED TO THE NORTH HALF OF LOT 2A, RASPBERRY SUBDIVISION;  
12 GENERALLY LOCATED ONE LOT SOUTH OF RASPBERRY ROAD, AND  
13 ON THE WEST SIDE OF NORTHWOOD STREET.

14 (Sand Lake Community Council) (Planning and Zoning Commission Case 2009-131)

15  
16 **THE ANCHORAGE ASSEMBLY ORDAINS:**

17  
18 **Section 1.** The zoning map shall be amended by designating the following  
19 described property as B-1B SL (Community Business District with Special  
20 Limitations):

21  
22 The north half of Lot 2A, Raspberry Subdivision, generally located one lot  
23 south of Raspberry Road and on the west side of Northwood Street,  
24 consisting of approximately 2.145 acres +/- as shown on Exhibit "A"  
25 attached.

26  
27 **Section 2. Special Limitations**

28  
29 A. The property is subject to the following Special Limitations:

30  
31 1. Prohibited Uses:

- 32  
33 a. Package liquor stores  
34 b. Bars  
35 c. Video arcades  
36 d. Pool Halls  
37 e. Self service laundry/dry cleaning shops  
38 f. On-premise dry cleaning  
39 g. Any use involving alcohol  
40 h. Off street parking lots/structures  
41 i. Large retail establishments (20,000 square feet or greater)

- j. Hospitals
- k. Nursing homes

2. Design standards

- a. Lighting shall conform to Title 21 and any site lighting from the west property line shall be located to avoid offsite illumination and impact.
- b. Asphalt paving for a driveway, low shrubbery landscaping and lawn is allowed within the platted 44 foot building setback from the west property line.
- c. Building height shall not exceed 25 feet.

**Section 3. Effective Clause**

A. The property is subject to the following effective clause:

- 1. The B-1B SL zoning shall become effective upon a replat to establish the new zoning boundary recorded with the State District Recorder's Office.

**Section 4.** This ordinance shall become effective 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 by the Assembly. The Director of the Planning Department shall change the zoning map accordingly.

**Section 5.** Upon this ordinance becoming effective, AO 2007-73 shall be repealed in its entirety, as applied to the property described in Section 1 of this ordinance.

PASSED AND APPROVED by the Anchorage Assembly this 28<sup>th</sup> day of March 2010.

ATTEST:

Chair

*Dale S. Jones*  
Municipal Clerk

MUNICIPALITY OF ANCHORAGE

M.O.A.  
REZONINGS OR ORDINANCES AMENDMENTS  
\$960 2009 DEC 17 AM 8:35

CLERKS OFFICE

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2009-131 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON November 2, 2009 FOR THE FOLLOWING REASONS:

- 1) The majority of the Commission supported the rezoning due to its identification as a neighborhood commercial center. 4 commissioners approved. 1 commissioner was not in favor. She felt the community has a greater need for residential development. Debenham Properties believes that this denial by this commissioner was based on a personal prejudice because she is a residential developer.
- 2) The Sand Lake Community Council agreed to support the rezone via a resolution.
- 3) The Planning Department found that the Rezone meets all the criteria for a rezone.
- 4) Reasons 2 & 3 should have been sufficient for approval by the Commission if personal bias is left out of the deliberation as is required by rules governing the commission.

SIGNED: Robert L. Williams

ADDRESS: 2960 C street, suite 202 PHONE: 562-9330

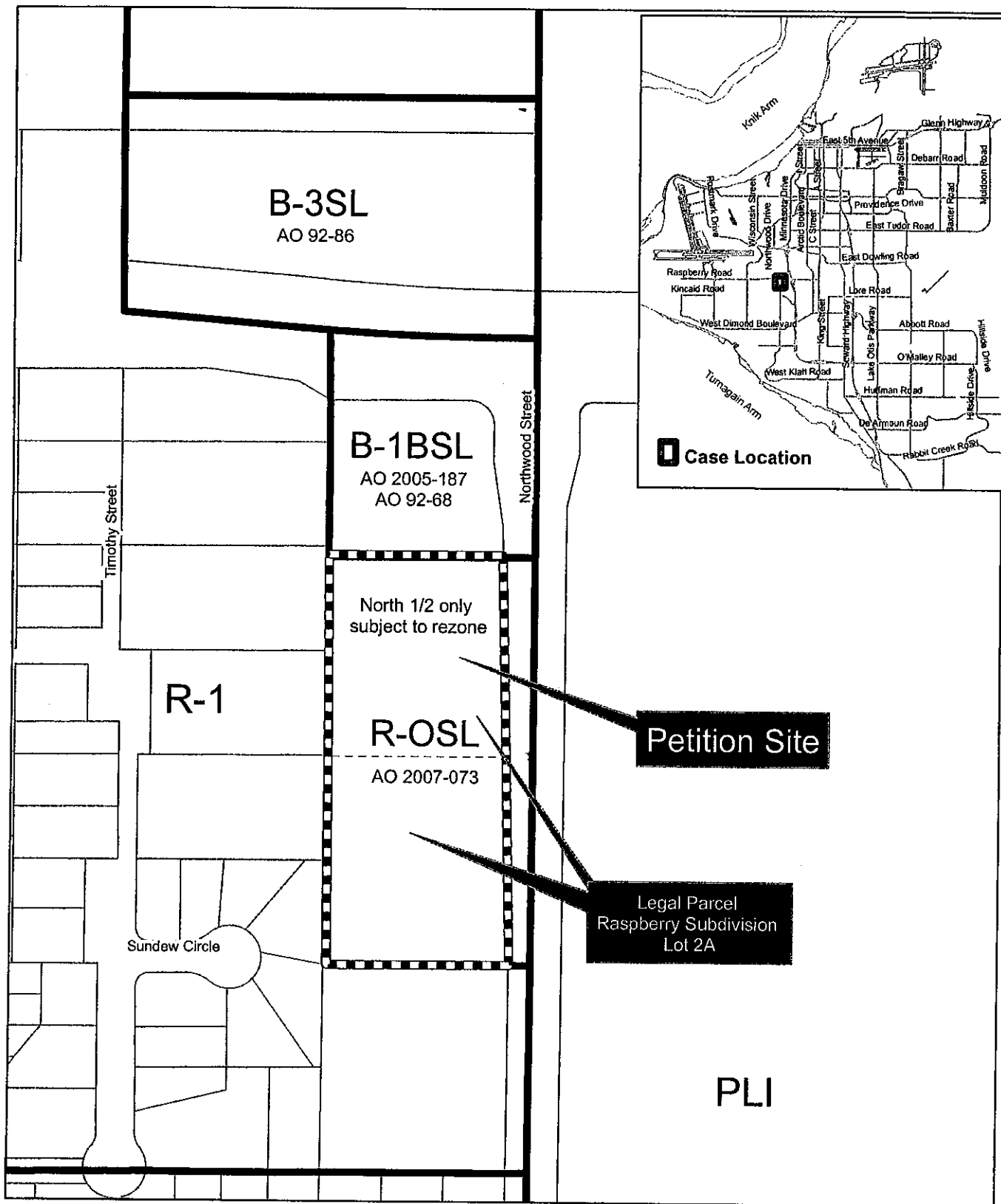
FEE: Paid by Check: # 2596 Cash \_\_\_\_\_  
Receipt # 361423

RECEIVED BY: Michelle DeLong

DATE RECEIVED: 12/16/09

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

see Attached



Municipality of Anchorage  
Planning Department  
Date: December 14, 2009

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2009-052**

A RESOLUTION RECOMMENDING DENIAL OF A REZONING FROM R-O SL (RESIDENTIAL OFFICE DISTRICT) TO B-1B SL (COMMUNITY BUSINESS DISTRICT) OF THE NORTH 2.145 ACRES +/- OF LOT 2A, RASPBERRY CENTER SUBDIVISION, GENERALLY LOCATED ONE LOT SOUTH OF RASPBERRY ROAD AND ON THE WEST SIDE OF NORTHWOOD STREET.

(Case 2009-131, Tax I.D. No. 012-135-04)

WHEREAS, a request has been received from Debenham Properties, LLC, to rezone 2.145 acres +/-, from R-O SL (Residential Office District) with special limitations to B-1B SL (Community Business District) with special limitations, for Lot 2A, Raspberry Center Subdivision, generally located one lot south of Raspberry Road and on the west side of Northwood Street; and

WHEREAS, notices were published, posted and fifty-nine (59) public hearing notices were mailed and a public hearing was held on November 2, 2009.

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

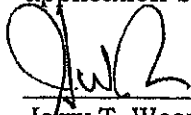
- A. The Commission makes the following findings of fact:
1. The petitioner was advised that of six Planning and Zoning Commission members at the public hearing, one member had a Conflict of Interest, leaving a "short" five member board. AMCR 21.10.203 requires a favorable vote of the majority of the full membership: five is a majority vote. The Chair offered the choice to postpone the public hearing or to proceed with the "short" board. The petitioner elected to proceed with the public hearing.
  2. Debenham Properties, LLC, represented by Shaun Debenham, is requesting to rezone the north half, or 2.145 acres, Lot 2A, Raspberry Subdivision to its previous zoning B-1B SL and to repeal AO 2007-73 in its entirety as applied to the proposed north half of Lot 2A. Future development is expected to include a mechanical car wash and a small retail center. Proposed special limitation prohibited certain uses, required site lighting to conform to Title 21 requirements and to avoid offsite illumination and impact to properties to the west, allow asphalt paving for a driveway, low shrubbery landscaping and lawn with the platted 44-foot building setback from the west property line; and restrict height to 35 feet. Zoning would become effective upon a replat to establish the new zoning boundary.
  3. Due to the economic downturn in 2008 and loss of financing they were unable to develop the property. Holiday Gas Station has

sued Debenham Properties over an issue involving placement of a driveway along the north half of the lot along the east lot line of Lot 2A. If the property remains R-O SL and the litigation is successful, a driveway, in addition to the platted setbacks and landscape easements, will make residential development impossible due to the small remaining building envelope. B-1B SL zoning could resolve the litigation and allow some commercial development on the north half of this property. The petitioner confirmed that the south half of the lot will be developed residentially.

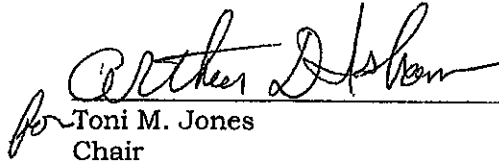
4. The land classification was commercial due to the Assembly approved B-1B SL zoning from 1991 to 2007, and the land. The property is classified as a Neighborhood Center under the draft Land Use Plan Map. B-1B is consistent with policies #1, #5 and #25.
  5. The petitioner met with the Sand Lake Community Council and presented their rezoning proposal. The Community Council did not oppose the rezone with the special limitations. Their concern was that future commercial uses that are conditional uses, like the car wash, would come back to the Council for comment. A letter would follow.
  6. An amendment was accepted by the petitioner to limit the height to 25 feet.
  7. The majority of the Commission supported the rezoning due to its identification as a neighborhood commercial center and the Assembly's past action to classify it as commercial. This allows a compromise, leaving the south half R-O with the opportunity to develop residentially, and the north half B-1B. The rezoning complied with the zoning standards of AMC 21.20.090. One member believed R-O was more appropriate as the community has a greater need for residential than commercial.
  8. AMCR 21.10:203 requires a favorable vote of the majority of the full membership: five is a majority vote. A motion to approve failed by a vote of four in favor and one opposed.
- B. The Commission recommends the DENIAL of the subject rezoning by the Anchorage Assembly for the north half of Lot 2A, Raspberry Center Subdivision.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of November, 2009.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 14<sup>th</sup> day of December, 2009. If the Planning and Zoning Commission recommends that the Assembly disapproves a zoning map amendment that action is final unless within 15 days of the Commission's written resolution recommending disapproval, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.



Jerry T. Weaver, Jr.  
Secretary

  
for Toni M. Jones  
Chair

(Case 2009-131, Tax I.D. No. 012-135-04)

(mpa)

**E. UNFINISHED BUSINESS AND ACTIONS OF PUBLIC HEARINGS**

1. **CASE: 2009-120**  
**PETITIONER: Municipality of Anchorage**  
**REQUEST: Element of the Comprehensive Plan Anchorage Bicycle Plan**

*This case was heard after the public hearing portion of the agenda.*

**G. PUBLIC HEARINGS**

1. **CASE: 2009-131**  
**PETITIONER: Sentec Surveying & Engineering LLC**  
**REQUEST: Rezoning to B-1BSL Community business district with special limitations**

COMMISSIONER DEAN was not present for this case having been previously excused by the Commission due to a conflict.

MARY AUTOR presented the staff report and recommendation on behalf of the Municipality of Anchorage. This is a request to rezone the north two acres of Lot 2A, Raspberry Subdivision (consisting of 4.29 acres) from R-O SL to B-1B with new special limitations, located one lot south of Raspberry Road and west on Northwood Street. Future development is expected to include a mechanical car wash and a small retail center. Public hearing notices were mailed, and two notices were returned objecting to the rezoning. She reviewed the zoning history of the project, surrounding area uses, and the recommended conditions to the proposed rezoning. She noted the draft land use plan shows the property as a neighborhood center, and the proposal is compatible in scale with adjacent uses. MS. AUTOR noted this rezoning would have an effective clause and would need to be replatted to establish a new zoning boundary. This proposal conforms with the current Comprehensive Plan and the Anchorage 2020 Plan. The Department found the standards for approving a zoning map amendment were met and supports the proposed rezoning to include an effective clause and special limitations.

SHAUN DEBENHAM, president of Debenham Properties, spoke in support of their project. He provided a brief history of Debenham Properties, and reviewed the property ownership and zoning history. Over a year ago, Debenham requested and was granted a rezone from B-1B to R-O SL with the intent of doing a residential development at this location. However, in 2008 the condominium market crashed, and the project was unable to proceed. In addition, Holiday Gas Station proposed constructing a driveway across this development to provide better access onto Northwood which would make the lot impossible for residential development, and has resulted in litigation with Holiday. MR. DEBENHAM explained the current proposal is to go back to the B-1B(SL). Their rationale is it allows Debenham to have a more manageable residential component of 2 acres on south side where they plan on going forward with a



residential development next year. It also allows Debenham to move forward with a more commercial type use on the northern half of the property, and provides a possible solution to litigation with Holiday Gas Station.

MR. DEBENHAM indicated he had discussed this project with the Sand Lake Community Council. He stated the Council supported the rezone, and expressed concern for the future car wash, but understood the car wash would have to come back before the Commission as a conditional use and they would be able to comment at that time.

Questions to the petitioner from the Commission followed. Discussion included the Holiday Gas Station operations, the petitioner's litigation with Holiday over the proposed driveway, and the affect the driveway would have on future development of the property. MR. DEBENHAM noted that between the platted easements and building setbacks a driveway across the property would result in an unbuildable building envelope and render the top 2 acres undevelopable. Additional issues discussed were the setback on the west side of the property, and the proposed 8 foot high fence separating the property from residential. In response to the Commission, MR. DEBENHAM stated they would be developing residential on the south half of the lot first, then perhaps the laser car wash, and the retail center would be last though nothing was really set. He also noted the condominium project is a smaller project than original proposed because of the condominium market crash. With regard to prohibited uses and structures listed as (a) through (k) on Page 14 of the staff report, MR. DEBENHAM indicated the petitioner had no objections to those conditions.

BRIAN YORK testified he is the property owner directly west of this rezone. He was concerned about the proposed car wash, and indicated Holiday Gas Station had tried to get a car wash at that location, and it did not go through. He felt the trees buffering the properties were a nice barrier, was concerned about the whether the trees would be taken down, and would like to this addressed. He understood development is coming, but would like to see people in the area more involved with the planning, and discussed concerns about the retail space.

MIKE REDDEN testified he has lived in the neighborhood since before Minnesota Bypass was constructed. He was concerned about the late hours of operations at the existing Holiday Gas Station. ACTING CHAIR ISHAM explained this was not an issue before the Commission. He was concerned about late hours if this case was approved. ACTING CHAIR ISHAM indicated this was not before the Commission, and would have to come before the Commission as a separate issue at which time MR. REDDEN would have an opportunity testify.

During rebuttal, MR. DEBENHAM reiterated his efforts to reach out to the Sand Lake Community Council who he felt supported the project. He also discussed his work with staff on the special limitations and felt he had done everything possible to work with all individuals. He stated this project meets the 2020 Plan and Land Use Plan Map.

In response to COMMISSIONER FREDRICK, MR. DEBENHAM indicated if the zoning returns to B-1B and height limitation was the deciding factor, he would be comfortable with a 25

foot height limitation. In response to the question on operating hours, MR. DEBENHAM indicated he would like to address this when a conditional use comes back for the laser car wash.

MR. DEBENHAM responded to questions from COMMISSIONER YOSHIMURA on the driveway litigation. He confirmed the driveway which is the subject of litigation is not in existence, and even if the rezone is approved, no development would occur until the litigation has been resolved. Further, he noted this rezone would offer an avenue for a resolution of the litigation because if the property is rezoned to commercial the proposed location of the driveway across the property is where it would probably be for a commercial development.

MR. DEBENHAM clarified for COMMISSIONER FREDRICK the existence of 20 foot tall evergreens in the building setback where the easement for utilities is located. He indicated he would like to leave as many trees as possible, but until it is developed and the location of utilities established, it is unknown. COMMISSIONER FREDRICK made a strong recommendation to MR. DEBENHAM to save whatever trees could be saved.

Commissioner Weddleton moved to approve in case of 2009-131 rezoning the north two acres of Lot 2A, Raspberry Center Subdivision, consisting of 4.29 acres, from R-OSL to B-1B with new special limitations. Commissioner Fredrick seconded.

In response to COMMISSIONER WEDDLETON's question about residential versus commercial being appropriate, MS. AUTOR reviewed some of the history associated with the zoning. She explained when this was last looked at the Commission did not restrict the uses to only residential. She explained the uses allow basically anything in the RO, including commercial and churches. When it moved on to the Assembly, her understanding was that the use of the property was appropriate as whatever was allowed under the RO, and the Assembly dropped the requirements for a site plan review, as well as specific uses and densities.

With regard to B-1B zoning, MS. AUTOR noted originally in 1991 the Assembly put a lot of restrictions on the type of uses and the hours of operation, but that was eliminated. She noted there was a lot of discussion about the different platted configurations of this land, and lot 1A, which is the corner lot, was platted out as it was in 2006. Also in 2006 the property was the subject of its own rezone to modify the B-1 SL limitations. She stated it did not preclude construction of the gas station in 2006, which was a permitted use, and that is how Holiday Gas Station is there today. She reiterated the hours were dropped, and did not know the reason for that, but that was the result.

MR. AUTOR clarified for the Commission that although the car wash was discussed in the staff report, approval of this rezone would not imply support of the laser car wash, nor does it imply that one would be proposed to be developed. Until the car wash comes forward as a conditional use, we do not if it will ever happen. She noted, in meantime, the B1-B uses that would be allowed would be uses under B-1B except for prohibited uses.

COMMISSIONER YOSHIMURA will not be supporting this motion. Although she respects Debenham Properties for the work they have done in the community, and has a great deal of empathy for the title issue relating to the driveway, she has to look at this in a broader perspective. She described the project as "sort of a commercial creeping" through a series of rezones that have taken place over many many years that ultimately results in the lack of an opportunity. This is not necessarily the necessity as far as the rezone requires or the RO, but the opportunity for the development of residential property in this area which she thinks the Community as a whole has a far greater need for than more commercial retail establishments which she feels Anchorage as a plethora of.

Responding to COMMISSIONER YOSHIMURA, ACTING CHAIR ISHAM indicated it would be possible for the Commission to postpone a decision on this case and continue to another time. He noted we would have to make sure the other Commissioners had access to the public testimony, listened to it, and were ready to make decisions. COMMISSIONER WEDDLETON suggested if that was COMMISSIONER YOSHIMURA's intent, she could make a motion to postpone which could be taken up right now.

Commissioner Yoshimura moved to postpone Case 2009-131 until the next available calendar date. Commissioner Morrison seconded.

COMMISSIONER YOSHIMURA spoke in support of her motion. She felt in order to do full service to MR. DEBENHAM's request as the petitioner that it would be appropriate for a full board or closer to a full board to be able to participate in this decision.

COMMISSIONER MORRISON agrees the Commission should postpone because he felt if only one vote out of this group stops this from going forward it would be very unfortunate. He would support the original motion and supports the Debenham project because he thinks it is a good balance and where they are going. He believes it would be unfortunate if Commission voted now on with its limited number of votes that would stop this project from going forward.

COMMISSIONER WEDDLETON will not support this motion because it does set a precedent. He noted the Commission gave the petitioner an opportunity to postpone on his own knowing there was a short board. COMMISSIONER WEDDLETON did not want to set a precedent where the Commission backs down instead of moving forward. He agreed with the other comments made by COMMISSIONER MORRISON.

ACTING CHAIR ISHAM agreed with COMMISSIONER WEDDLETON. The petitioner had an opportunity to ask for it to be heard at another time, and he took the chance. The Commission gave the opportunity, and it was at no penalty or cost to the petitioner for extending. He is opposed to hearing this case at another time.

AYE: Morrison, Fredrick, Yoshimura  
NAY: Isham, Weddleton

**FAILED**

COMMISSIONER FREDRICK proposed a friendly amendment that special imitation #4 should be changed from 35 feet to 25 feet as the maximum height. COMMISSIONER WEDDLETON concurred. *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON proposed a friendly amendment to add to the special limitations a time limit for commercial operations that they not operate regular hours between 11:00 p.m. and 6:00 a.m. He noted this parallels the 1990 zoning special limitations. COMMISSIONER FREDRICK did not concur. COMMISSIONER WEDDLETON withdrew the proposed amendment.

COMMISSIONER WEDDLETON shares the concern that regarding the loss of 96 units potentially of commercial condos here and I actually think the Sand Lake Community Council would probably prefer and would have more community support, but what compels me to support this motion is that the land use plan map does label it as neighborhood commercial center which would include a commercial center here, so I feel I am compelled to support it based on that.

COMMISSIONER MORRISON will be supporting this motion. He knows the area and thought this was a good compromise, and also knowing what it is like to have a piece of property and have things change around you and then having to adapt. I think this is good plan to try to change and adapt with the best solution for what is available there.

COMMISSIONER FREDRICK will be supporting the motion. He referenced the return to the B-1B SL business district for the north part of this lot and the remaining R-O SL part being residential which the Commission is not considering, and indicated it is an interesting transition area between the residential area to the west and the commercial industrial strip along Minnesota Drive. He noted it is some distance from there to any other small commercial area (a mile or more up to Four Corners). He thinks it is an area that can handle both, and perhaps should have some convenience commercial development as well as residential. For that reason, if rezoning is approved he would like a finding regarding the natural trees on the west border of the subject property, and would recommend in the strongest terms that those be preserved as a buffer between the commercially zoned property and the residential area, if at all possible, considering the fact there is a utility easement in there, and not all the trees may make it, but there should be an effort put forward to preserve as many as possible.

COMMISSIONER ISHAM emphasized this rezoning does support policies 1, 5 and 25 of the 2020 Plan.

AYE: Morrison, Fredrick, Isham, Weddleton  
NAY: Yoshimura

**FAILED**

**E. UNFINISHED BUSINESS AND ACTIONS OF PUBLIC HEARINGS**

1. **CASE: 2009-120**  
**PETITIONER: Municipality of Anchorage**  
**REQUEST: Element of the Comprehensive Plan Anchorage Bicycle Plan**

ACTING CHAIR ISHAM stated the public hearing on this case was closed, and the Commission would begin deliberations. Prior to deliberations, LORI SCHANCHE, Non-Motorized Transportation Coordinator for the Municipality, briefed the Commission on the documents provided by staff. Referring to the issue/response memorandum dated November 2, 2009, she indicated staff responded to a number of issues, tried to answer why this Plan is being done and who the Plan relates to, and responded to issues missed from the first public meeting and a few issues brought up in public testimony. She also advised the Commission that Anchorage was the recipient of a bronze designation from the League of American Cyclists in recognition as a bicycle friendly city. She indicated part of the reason for this award is because this Plan is being put together, and Anchorage has a lot of people supporting bicycling.

Commissioner Fredrick moved to go into a Committee of the Whole. Commissioner Weddleton seconded.

AYE: Morrison, Fredrick, Yoshimura, Isham, Weddleton, Dean  
NAY: None

**PASSED**

At 8:15 p.m. the Commission moved into a Committee of the Whole to review the issue/response on the Anchorage Bicycle Plan.

COMMISSIONER WEDDLETON reviewed the November 2, 2009 issue/response memorandum for the Anchorage Bicycle Plan to determine which issues were acceptable and which issues would be held for further discussion. He clarified he only pulled items when he disagreed with Staff's recommendation. If the Staff did not make changes, and the item was not pulled, then the Commission accepted Staff's recommendation of no change.

The review resulted in the following issues being pulled for further discussion: Item 15/Issue 77;

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2009-052**

A RESOLUTION RECOMMENDING DENIAL OF A REZONING FROM R-O SL (RESIDENTIAL OFFICE DISTRICT) TO B-1B SL (COMMUNITY BUSINESS DISTRICT) OF THE NORTH 2.145 ACRES +/- OF LOT 2A, RASPBERRY CENTER SUBDIVISION, GENERALLY LOCATED ONE LOT SOUTH OF RASPBERRY ROAD AND ON THE WEST SIDE OF NORTHWOOD STREET.

(Case 2009-131, Tax I.D. No. 012-135-04)

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WHEREAS, a request has been received from Debenham Properties, LLC, to rezone 2.145 acres +/- , from R-O SL (Residential Office District) with special limitations to B-1B SL (Community Business District) with special limitations, for Lot 2A, Raspberry Center Subdivision, generally located one lot south of Raspberry Road and on the west side of Northwood Street; and

WHEREAS, notices were published, posted and fifty-nine (59) public hearing notices were mailed and a public hearing was held on November 2, 2009.

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

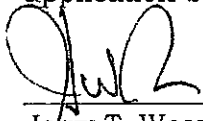
- A. The Commission makes the following findings of fact:
1. The petitioner was advised that of six Planning and Zoning Commission members at the public hearing, one member had a Conflict of Interest, leaving a "short" five member board. AMCR 21.10.203 requires a favorable vote of the majority of the full membership: five is a majority vote. The Chair offered the choice to postpone the public hearing or to proceed with the "short" board. The petitioner elected to proceed with the public hearing.
  2. Debenham Properties, LLC, represented by Shaun Debenham, is requesting to rezone the north half, or 2.145 acres, Lot 2A, Raspberry Subdivision to its previous zoning B-1B SL and to repeal AO 2007-73 in its entirety as applied to the proposed north half of Lot 2A. Future development is expected to include a mechanical car wash and a small retail center. Proposed special limitation prohibited certain uses, required site lighting to conform to Title 21 requirements and to avoid offsite illumination and impact to properties to the west, allow asphalt paving for a driveway, low shrubbery landscaping and lawn with the platted 44-foot building setback from the west property line; and restrict height to 35 feet. Zoning would become effective upon a replat to establish the new zoning boundary.
  3. Due to the economic downturn in 2008 and loss of financing they were unable to develop the property. Holiday Gas Station has

sued Debenham Properties over an issue involving placement of a driveway along the north half of the lot along the east lot line of Lot 2A. If the property remains R-O SL and the litigation is successful, a driveway, in addition to the platted setbacks and landscape easements, will make residential development impossible due to the small remaining building envelope. B-1B SL zoning could resolve the litigation and allow some commercial development on the north half of this property. The petitioner confirmed that the south half of the lot will be developed residentially.

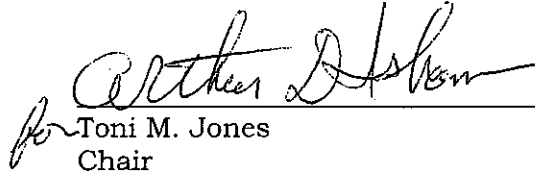
4. The land classification was commercial due to the Assembly approved B-1B SL zoning from 1991 to 2007, and the land. The property is classified as a Neighborhood Center under the draft Land Use Plan Map. B-1B is consistent with policies #1, #5 and #25.
  5. The petitioner met with the Sand Lake Community Council and presented their rezoning proposal. The Community Council did not oppose the rezone with the special limitations. Their concern was that future commercial uses that are conditional uses, like the car wash, would come back to the Council for comment. A letter would follow.
  6. An amendment was accepted by the petitioner to limit the height to 25 feet.
  7. The majority of the Commission supported the rezoning due to its identification as a neighborhood commercial center and the Assembly's past action to classify it as commercial. This allows a compromise, leaving the south half R-O with the opportunity to develop residentially, and the north half B-1B. The rezoning complied with the zoning standards of AMC 21.20.090. One member believed R-O was more appropriate as the community has a greater need for residential than commercial.
  8. AMCR 21.10.203 requires a favorable vote of the majority of the full membership: five is a majority vote. A motion to approve failed by a vote of four in favor and one opposed.
- B. The Commission recommends the DENIAL of the subject rezoning by the Anchorage Assembly for the north half of Lot 2A, Raspberry Center Subdivision.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of November, 2009.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 14<sup>th</sup> day of December, 2009. If the Planning and Zoning Commission recommends that the Assembly disapproves a zoning map amendment that action is final unless within 15 days of the Commission's written resolution recommending disapproval, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.



\_\_\_\_\_  
Jerry T. Weaver, Jr.  
Secretary



\_\_\_\_\_  
for Toni M. Jones  
Chair

(Case 2009-131, Tax I.D. No. 012-135-04)

(mpa)



**RESOLUTION 09-06**

**SAND LAKE COMMUNITY COUNCIL**  
**In the matter of**  
**PROPOSED REZONING OF 1 LOT ON**  
**SOUTHWEST CORNER OF NORTHWOOD AND RASPBERRY**

**WHEREAS**, The Sand Lake Community Council (SLCC) supports the orderly and well planned development of our community, and

**WHEREAS**, The Sand Lake Community Council has participated in the past rezoning of the Raspberry Center subdivision which includes the one lot currently being considered for rezoning ((Lot 2A) currently zoned ROSL), and

**WHEREAS**, there are several special limitations placed on this one lot in the previous zoning changes that the SLCC considers import to ensure commercial and residential use of the property that is compatible with the surrounding neighborhood, and

**WHEREAS**, the proposed platting & zoning change by Debenham Properties would divide their existing single lot into two halves, the bottom half retaining the ROSL zoning designation and special limitations and the northern half changing to B1BSL with special limitations listed below, and

**WHEREAS**, The SLCC realizes that the proposed zoning change to B1BSL (for the northern half of Debenham Properties' lot) may result in commercial development or residential development. If commercial or residential development is built, the SLCC considers special limitations must be maintained if the proposed development is to be compatible with the surrounding residential neighborhood. The following special limitations apply for the newly rezoned B1B lot:

**SPECIAL LIMITATIONS FOR B1B ZONING**

1. The following uses and structures are prohibited:
  - Package liquor stores
  - Bars
  - Video arcades
  - Pool halls
  - Self service laundry
  - On-premise dry cleaning
  - Off street parking lots/structures
  - Hospitals
  - Nursing Homes
2. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

3. Asphalt paving for a driveway, low shrubbery landscaping and lawn is allowed within the platted 44-foot building setback from the west property line.
4. Height shall be limited to 25 feet for commercial development and 35 feet for residential development (5 feet extra for under building parking.)
5. For commercial development, a site plan review shall be required as outlined in Title 21.

NOW, THEREFORE, The Sand Lake Community Council is not opposed to a proposed platting & zoning change for the reference one lot in the Raspberry Center subdivision to dividing the existing single lot into two halves, the bottom half retaining the ROSL zoning designation and the northern half changing to B1BSL with special limitations listed above.

Adopted this 9th day of November, 2009 and dated this 17<sup>th</sup> of November, 2009, at Anchorage, Alaska by the Sand Lake Community Council.



Mr. Robert Hayes  
Sand Lake Community Council President

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

**DATE:** November 2, 2009

**CASE NO.:** 2009-131

**APPLICANT:** Debenham Properties, LLC

**PETITIONER'S REPRESENTATIVE:** Shaun Debenham

**REQUEST:** Rezone the north two (2) acres of Lot 2A, Raspberry Center Subdivision (consisting of 4.29 acres) from R-O SL to B-1B with new special limitations; generally located one lot south of Raspberry Road and west of Northwood Street.

**LOCATION:** Lot 2A, Raspberry Center Subdivision

**SITE ADDRESS:** None assigned

**COMMUNITY COUNCIL:** Sand Lake

**TAX NUMBER:** 012-135-04

**ATTACHMENTS:**

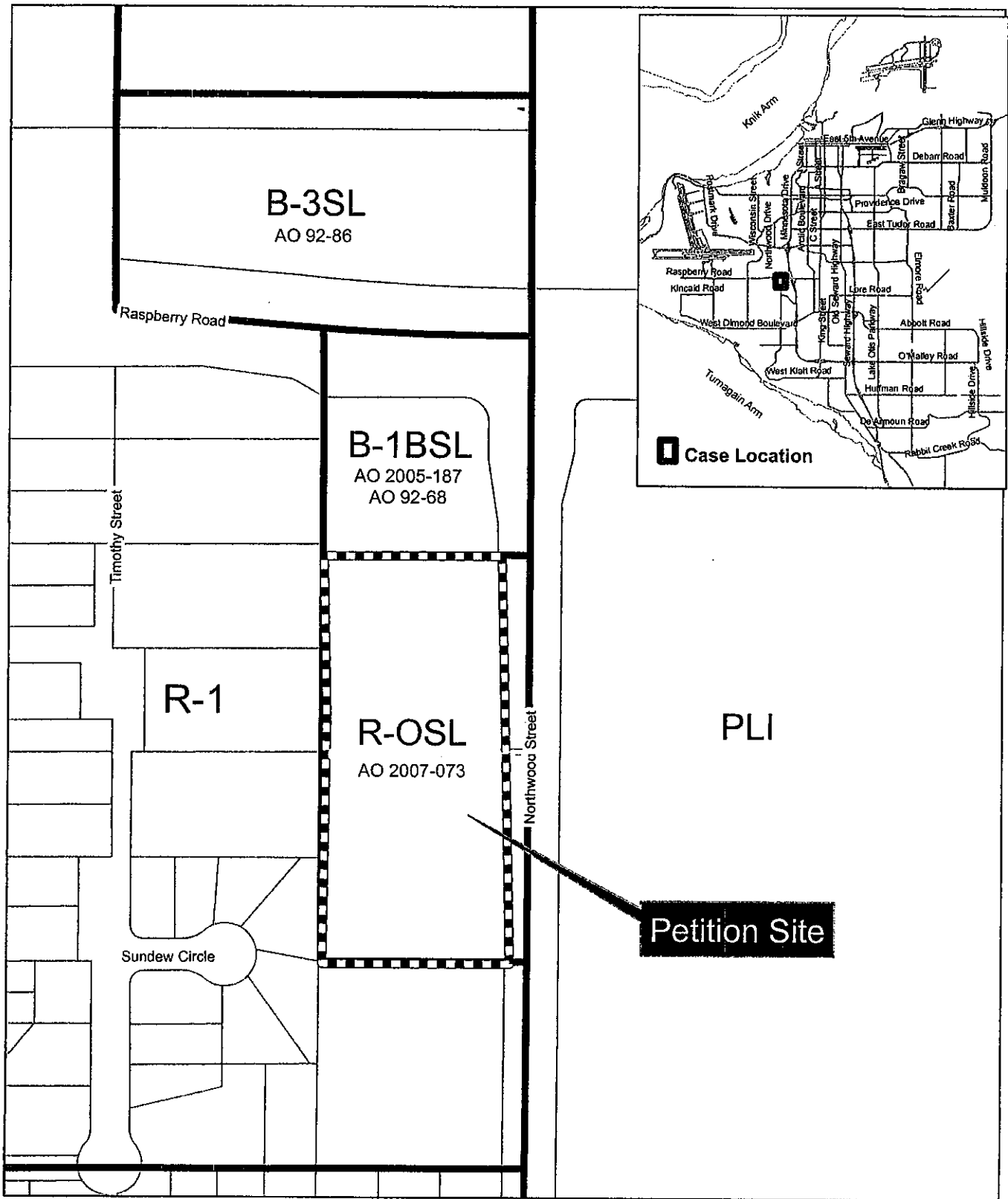
1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

**RECOMMENDATION SUMMARY:** **APPROVAL with conditions. The proposed rezoning meets the standards of the Comprehensive Plan.**

**SITE:**

Acres: 4.29 acres (approximately 186,739 sq ft)  
Vegetation: Some natural vegetation, portions cleared  
Zoning: R-O (SL)  
Topography: Generally level  
Existing Use: Vacant  
Soils: Public water and sewer

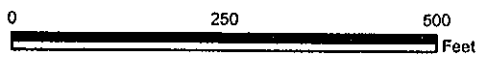
# 2009-131



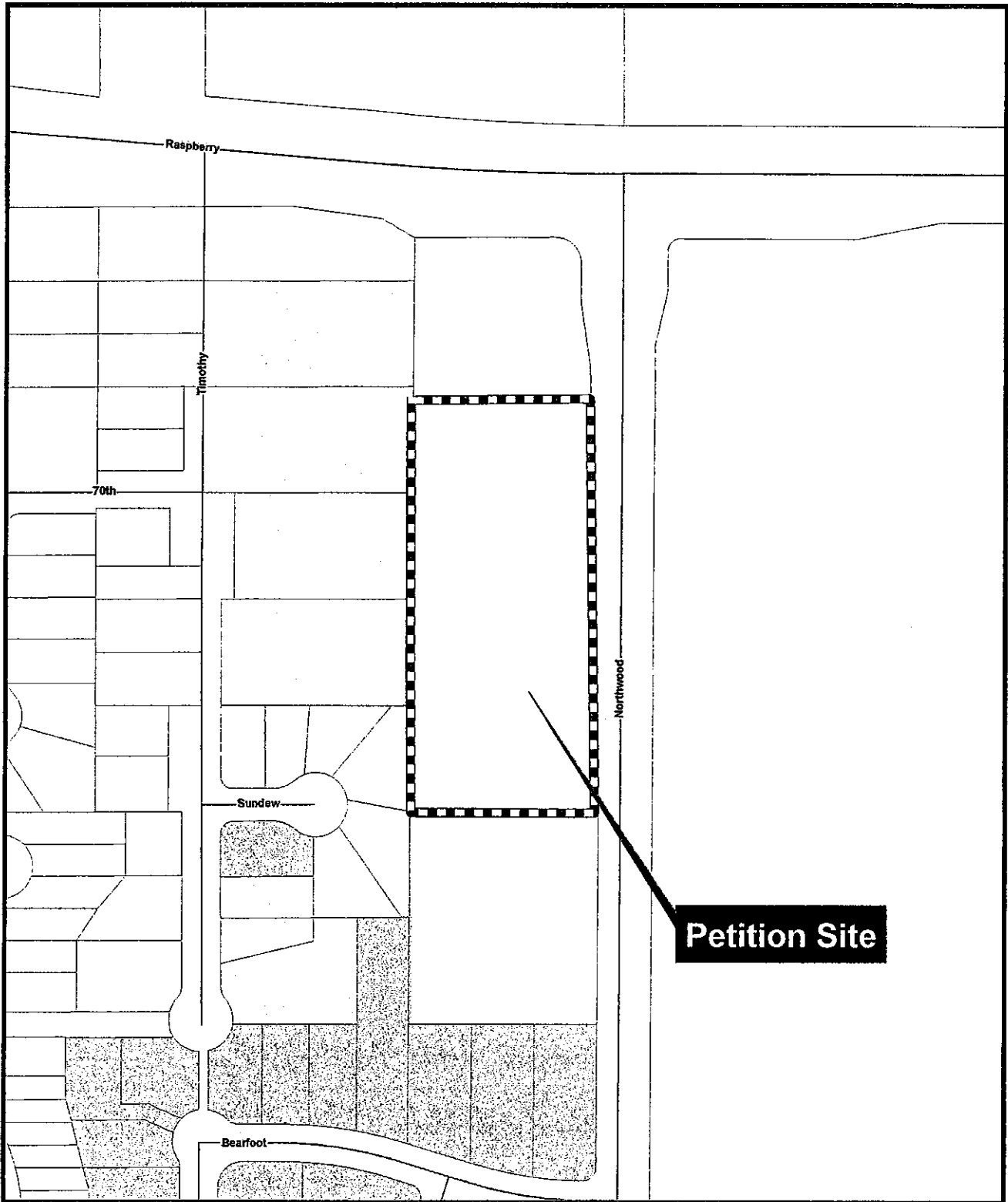
Municipality of Anchorage  
 Planning Department  
 Date: September 21, 2009

**Flood Limits**  




- 100 Year
- 500 Year
- Floodway

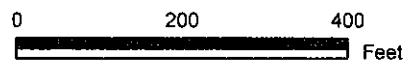


# 2009-131

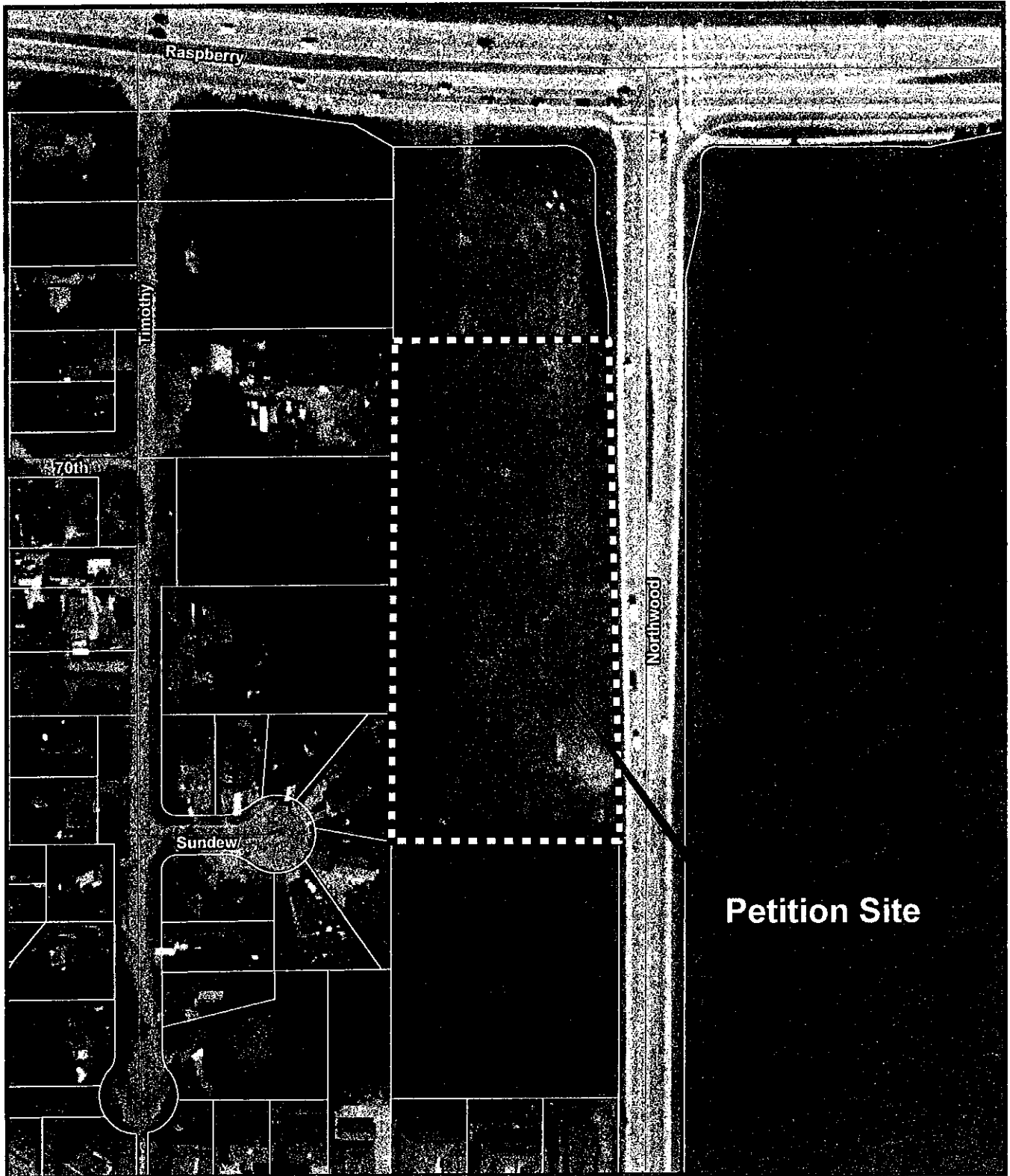


Municipality of Anchorage  
Planning Department  
Date: August 21, 2009

-  Mobile Home Park
-  Multi-Family
-  Single Family

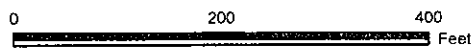


2009-131



**Petition Site**

Municipality of Anchorage  
Planning Department  
Date: August 21, 2009



**COMPREHENSIVE PLAN:**

Classification: West Anchorage Planning Area

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	B-1B (SL)/B-3 SL	PLI	R-1	R-1
Land Use:	Holiday Gas Station Vacant	Vacant	vacant	Single family

**COMMUNITY COMMENTS:**

Public hearing notices were mailed September 9, 2009 for an October 5<sup>th</sup> public hearing. Due to a flawed legal ad (the amount of land to be rezoned, and the requested zoning district) a corrected public hearing notices was remailed notifying of a new public hearing date for November 2, 2009: 59 new public hearing notices were mailed September 25, 2009. Two notices were returned from the first mailing objecting to rezoning to B-3. Note the second mailing corrected the proposed zoning to B-1B SL. There were no returned comments.

**PROPERTY HISTORY**

03-24-72	Zoning	Area "F" area wide rezone R-1
03-14-83	Zoning	The PZC recommended DENIAL of a request to rezone from R-1 to B-1B of Lots 13, 14, 33 and the north half of Lot 34. Case 1983-029; Resolution #15-83
06-14-83	Zoning	The Assembly DENIED an appeal to rezone from R-1 to B-2B, Lots 13, 23, 3 and the North ½ of Lot 34, T12N, R4W, Section 2, for being premature. Case 1983-029
06-22-87	Zoning	Case #83-029-2; PZC DENIED a request to rezone from R-1 to B-1B Lots 13, 14, 33, and the north half of Lot 34.
08-26-91	Zoning	PZC recommends DENIAL of a request to rezone area from R-1 to B-1B SL to the Assembly, stating that such actions would constitute spot zoning within residentially zoned land, that the area was wrong for the proposed use, and there was sufficient commercially zoned property to serve the needs of the community. The decision was appealed.

		Case 91-73; Resolution 91-050.
12-17-91	Rezone to B-1B and R-O	Rezoning R-1 to B-1B and R-O approved per AO 91-174 as amended. Case 1991-073; Resolution #91-174
12-02-92	Plat 92-128	Lots 1 and 2, Raspberry Center Subdivision created (a re-subdivision of BLM Lot 33 and North ½ of BLM Lot 34) (AO 92-68 amended AO 91-174 to require the rezoning becomes effective with a recorded plat showing the boundaries of the new zoning)
02-19-99	Plat 99-13	Lot 1, Raspberry Center per Plat 92-128 subdivided into Lots 1-A, 1-B, 1-C Raspberry Center (a subdivision of Lot 1, Raspberry Center (Plat 92-128)
08-20-02	Rezoning Amended SLs of R-O SL and B-1B SL	AO 2002-116 amends AO 91-174 and AO-92-68 by amending church and accessory use height limitation to 35-feet; provides for a maximum of 60,000 square feet building area foot print; requiring asphalt paving for driveway; 60 foot building setback from Raspberry Road except for churches which require a 44 foot building setback. Case 2002-042
01-24-06	Rezoning amended B-1B SLs	AO 2005-187 repealed AO 91-174 in its entirety as applied to Lot 1A, Raspberry Center Subdivision and amended the B-1B SL special limitations by adding a landscape requirement; modified the height from 30 to 35 feet, allows for a 100 foot antenna tower for type 4 towers, and lot coverage of 70 percent, and deletion of all site plan limitations. The zoning would not become effective until a Platting Board resolution was recorded removing plat notes 1, 2 and 3 of Plat 99-13 for Lots 1-A, 1-B and 1-C Raspberry Center Subdivision. Case 2005-129.
06-29-06	S-11420-1	Platting Board approved removal of plat notes 1, 2 and 3 on Plat 99-13 for Lots 1-A, 1-B and 1-C Raspberry Center Subdivision on November 2, 2005. The resolution was recorded with the State District Recorder's Office on June 29,



		2006, identifying number 2006-043171-0.
05-22-07	Rezone To R-O SL	AO 2007-73. Rezone Lots 1B-1C and 2, Raspberry Center Subdivision fro B-1B SL and R-O SL to R-O SL, and repeal of AO 91-174, AO 92-69, and AO 2002-116 in their entirety as applied to the subject lots; special limitations include prohibited uses, building setbacks, maximum building square footage, height; lighting, minimum yard requirements and fences. Case 2007-025
09-05-08	Plat 2008-92	Recordation of Lot 2A Raspberry Center Subdivision (a re-subdivision of Lots 1B, 1C (Plat 99-13) and Lot 2 Raspberry Center Subdivision (Plat 92-128) and vacation of a 20' buffer landscape easement.

**APPLICABLE ZONING REGULATIONS:** copies found in Historical Information Section:

- AO 2007-73
- Plat 2008-92

**SITE DESCRIPTION AND PROPOSAL:**

Proposal:

The applicant wishes to rezone the north two acres of Lot 2A, Raspberry Center Subdivision to its previous zoning, from R-O SL to B-1B SL and to repeal AO 2007-73 in its entirety as applied to the proposed two acre B-1B SL. Future development is expected to include a mechanical car wash and a small retail center. The following special limitations are proposed:

1. The following uses and structures are prohibited:
  - a. Package liquor stores
  - b. Bars
  - c. Video arcades
  - d. Pool Halls
2. Site Lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact
3. Asphalt paving for a driveway, low shrubbery landscaping and lawn is allowed within the platted 44-foot building setback from the west property line. (same as AO 2007-73 and AO 2002-116)

4. Height is shall be limited to 35 feet.

B-1 B SL zoning would not become effective until Lot 2A is replatted to establish the new zoning boundary. The south parcel will remain R-O SL and governed by AO 2007-73.

Site Description:

The property in question involves a single 4.29 acre parcel zoned R-O SL in 2007 (AO 2007-73). It is a relatively long rectangular parcel, somewhat narrow, devoid of natural vegetation. There is a sight obscuring cedar fence which extends the length of the west and south property lines providing a screened buffer between residential areas.

The petition site is adjacent to residentially developed R-1 zoning to the west. These areas are developed with well maintained single and multi-family dwellings. Heritage Land Bank owns the vacant R-1 parcel to the south. A Holiday gas station is located immediately to the north and is zoned B-1B SL (AO 2005-187). North of Raspberry Road is a vacant 3.5 acre B-3 SL parcel. On the east side of Northwood Drive is PLI zoned property classified as Preservation Wetlands.

The subject property fronts onto the west side of Northwood Drive (a Class II minor arterial), and is one lot south of Raspberry Road (a Class III major arterial), or 250-feet from the intersection. Northwood Drive is a north-south four lane Class II minor arterial (from Raspberry Road to the north and west 88<sup>th</sup> Avenue to the south) which widens at the intersection with Raspberry to permit right turns. There is a raised median which extends about 600 feet south of Raspberry Road to provide protection for the left turn lane. Northwood Drive is paved with curb and gutter.

Plat 2008-92:

The following easements and setbacks are located along the west lot line: 8 foot buffer landscape easement, 10 foot T & E easement; 20 foot private drainage easement; 44 foot building setback and sanitary sewer & water easement. There is a 10 foot T & E easement along the north lot line, and a matching 20 foot driveway easement extending 103.75 feet west from the northeast corner of the lot. Located along the east lot line is a 6 foot arterial landscape buffer, 10 foot electrical easement, 20 foot trail easement (offset from top back of existing curb). A 20 foot drainage, T & E easement is located along the south lot line.

Background:

A lack of common ownership, uniform lot sizes and platted configuration, plus multiple layering of past zoning ordinances and differing special limitations, and subsequent replats, made the subject property difficult to develop. The subject parcel was zoned B-1B SL in 1991 until it was rezoned to R-O SL in 2007.

AO 2007-73 established R-O SL zoning with common special limitations, similar to the R-O SL special limitations found in AO 91-174 pertaining to commercial uses, church uses and structures. AO 2007-73 included prohibited uses (hotels/motels/motor lodges, boarding/lodging house, private clubs/lodges and funeral parlors/services, and free standing transmission towers of any height. It established design standards for commercial and church uses: building setbacks, building height and square footage, lighting, yard requirements and fencing. It allows asphalt paving for a driveway, and lawn and low shrubbery landscaping is allowed in the building setback.

AO 91-174 established B-1B SL zoning and that ordinance was repealed under AO 2007-73. The special limitations included (1) prohibited uses (on-premises dry-cleaning establishments, auto body repair shops or any vehicle storage services for periods of time greater than 24 hours, photo processing establishments, package liquor stores, bars, video arcades and pool halls; (2) maximum building height was 25 feet; (3) a 20 foot wide landscape screening buffer and a 6 foot high solid wood fence placed along the west and south property line; (4) 44 foot minimum building setback along the west property line; (5) B-1B development shall not exceed 25,500 square feet of all buildings located on this property; (6) development consistent with a conceptual site plan as reviewed by the Sand Lake Community Task Force is permitted, or if any substantial deviation from the site plan requires that prior to issuance of any building permit a non-public hearing site plan review by PZC was required, (7) site lighting shall conform to Title 21; (8) site lighting from the west property line shall avoid offsite illumination and impact; (9) any commercial establishment shall not be open to the public between the hours of 11 PM and 6 AM

Ownership:

Debenham Properties owns Lot 2A, Raspberry Center Subdivision.

**FINDINGS:**

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

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

The standard is met.

The area is shown on the *Anchorage 2020* Land Use Policy map as the West Anchorage Planning Area, which recognizes the relationship between the Airport and the surrounding communities.

The draft Land Use Plan Map designates the property as a *Neighborhood Center*. *Neighborhood Commercial Centers* are less intense neighborhood-oriented commercial nodes that are designed to fill in the gaps between the larger town centers to provide small-scale, attractive, and convenient services for residential areas. The appearance and scale of development should be compatible with adjacent residential development, and should be responsive to the needs and character of nearby residential areas and traffic patterns. Some centers will be more auto-dependent due to the character of their location. The approved uses, site design and building design should produce attractive, friendly, quiet, non-obtrusive, neighborhood-compatible development. Site and architectural design, as well as operational aspects, are critical to acceptance of these centers into existing residential areas.

**General Land Use: Policies 1, 5**

**Policy 1.** The proposed Land Use Plan map shows this land as Commercial/Mixed-use center. There is no adopted neighborhood or district plan.

**Policy 5.** Rezones shall be compatible in scale with adjacent uses and consistent with the goals and policies of *Anchorage 2020*. The adjacent B-1B SL consists of 1.5 acres and is developed with a one story gas station.

**Neighborhood Commercial Centers: Policy 25**

**Policy 25.** These *centers* are intended to allow neighborhood-oriented commercial uses in and adjacent to residential areas. Characteristics of these centers include:

- small-scale, attractive, non-obtrusive and convenient shopping and services for residential areas;
- whether evolving from existing commercial development or introduced to new areas, their scale and appearance should be compatible with adjacent residential development, and highly responsive to and integrated with nearby residential areas and traffic patterns;
- site and architectural design of these centers, as well as operational aspects, should be compatible with surrounding neighborhoods and designed with a goal of reducing vehicle trips and distance for

neighborhood residents and to minimize traffic impacts on nearby residential areas.

In 1991, the Assembly recognized that B-1B and R-O were appropriate zoning designations for the subject property. Since that time, different proposed uses have been brought forward including churches, neighborhood retail, offices, gas stations, communication towers, multi-family residential, etc. though no development resulted. This may be due in part to different ownership of the lots, the individual lot configuration (individual size) and that the lots are generally long and narrow, limitations on driveway access to Northwood, and building setbacks from the west lot line. A Holiday gas station, located immediately to the north, was constructed in 2008. There is a shared driveway 40 foot easement to Northwood Drive between the corner lot and the petition site.

The B-1B special limitations from AO 91-174 aa included a list of prohibited uses, and development standards that addressed building setback from west property line (44 feet), building height (25 feet), maximum building square footage (25,000 SF), landscape buffers (20 feet) and fencing (86 feet high) along the west property boundary, off site lighting impacts, hours of operations shall cease between 11 PM and 6 AM, a public hearing site plan review if development substantially deviated from a conceptual site plan dated 11/22/91. The prohibited uses are: on-premises dry cleaning establishments, auto body repair or any vehicle storage services for periods of time greater than 24 hours, photo processing establishments, package liquor stores, bars, video arcades, pool halls.

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

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

Environment and Land Use Patterns

The Standard is met.

There are no identified wetlands or streams on the property. Public water and sewer services are available. The property is vacant and cleared. Drainage will be addressed during permitting.

The current land use pattern and zoning districts are supportive of the proposed zoning. B-1B SL is located to the north and allows multi-family

densities as allowed by AMC 21.40.050 R-3 Multi-Family Residential zoning regulations. Property north of Raspberry is zoned B-3 SL and is undeveloped. Property to the east is undeveloped and zoned PLI. To the south and west property is zoned R-1. To the west, property is developed single family: the adjacent lot to the south is undeveloped.

#### Transportation/Drainage

This Standard is met.

The Traffic Department has no objection to the rezone. However, Plat Notes on the existing Plat 2008-92 require Traffic Engineer approval for ingress/egress and internal circulation prior to application for a building permit. There is a Shared Access recorded between the existing lot and the lot to the north. The application mentioned the property would be replatted, which would require plat notes and shared access easement(s) very similar to the existing plat. Driveway permits are required. Storm drains are adjacent to the property. Raspberry is state owned and maintained, Northwood is Municipal owned and maintained. Raspberry Road in this area is a Class III Major Arterial as designated by the Official Streets and Highways Plan. Northwood is a Class II Minor Arterial.

#### Public Services and Facilities

This Standard is met.

AWWU water mains and sanitary sewer are available. There is an existing multi-use paved trail and a planned bicycle route on Raspberry. Northwood has a multi-use paved trail along the east side. Fire had no objection to the rezoning.

#### Special Limitations

The applicant has proposed the following special limitations:

- 1) The following uses and structures are prohibited:
  - a) Package liquor stores
  - b) Bars
  - c) Video arcades
  - d) Pool Halls
- 2) Site Lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact

- 3) Asphalt paving for a driveway, low shrubbery landscaping and lawn is allowed within the platted 44-foot building setback from the west property line. (same as AO 2007-73 and AO 2002-116)
- 4) Height is shall be limited to 35 feet.

B-1 B SL zoning would not become effective until Lot 2A is replatted to establish the new zoning boundary. The south parcel will remain R-O SL and governed by AO 2007-73.

The Department believes additional uses should be added to the prohibited list of B-1B uses that are incompatible with the surrounding development to the prohibited uses list: self service laundry and self service dry cleaning shops, any use involving alcohol, on premise dry cleaning, off street parking lots/structures, large retail establishments, hospitals and nursing homes.

The existing R-O SL height limitation per AO 2007-73 allows a 35 foot tall building for commercial, church and residential uses, and an additional 5 feet may be allowed for under building parking. R-O allows hotels, hospitals and nursing facilities, medical and professional offices, funeral services, banking, two or more drive-up bank stations, veterinary clinics, barbers, beauty shops, churches, and residential uses.

The Department has no objection to proposed special limitations #2, #3 or #4.

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

Within a mile radius there is only one lot zoned B-1B SL: it is the adjoining Lot 1A to the north containing the Holiday Gas Station. The special limitations, per AO 2005-187, prohibit the following uses: on-premises dry cleaning establishments, package liquor stores, bars, video arcades, pool halls. The only other special limitation is a landscaping standard: the existing vegetation shall remain within the 24 foot landscape easement on the west boundary and if disturbed shall be replanted to buffer landscape standards. AO 2005-187 became effective upon removal of plat notes 1, 2, and 3 of Plat 99-13 for Lots 1A, 1B and 1C.

Lot 2A contains 4.29 acres and is zoned R-O SL: prior to this the property had been zoned B-1B SL since 1991 (AO 91-174).

**3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.**

Public water and sewer are available. The road network is adequate. Development can be accommodated at the present time. A laser car wash and retail center are expected to follow as market conditions allow.

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.

There is not a great deal of commercially zoned property in the area and the intersection of two arterial roads is a logical location for commercial consistent with *Anchorage 2020* Policy 25: Neighborhood Commercial Centers.

There is an undeveloped 3.5 acre B-3 SL lot on the north side of Raspberry. The special limitation requires a public hearing site plan review which includes height, building footprint, landscaping, buffering, drainage, protection of the preservation wetland to the north, and traffic impact analysis.

At the intersection of Raspberry and Jewel Lake are seven developed B-1A lots amounting to 6.94 acres.

**DEPARTMENT RECOMMENDATION:**

The Department finds that the proposed rezoning is in conformance with the Comprehensive Plan and zoning standards AMC 21.20.090. The Department supports B-1B SL rezoning of the north two acres of the subject property to the following effective clause and special limitations:


- 1) The following uses and structures are prohibited:
  - a) Package liquor stores
  - b) Bars
  - c) Video arcades
  - d) Pool Halls
  - e) Self service laundry/dry cleaning shops
  - f) On-premise dry cleaning
  - g) Any use involving alcohol
  - h) Off street parking lots/structures
  - i) Large retail establishments (20,000 square feet or greater)
  - j) Hospitals
  - k) Nursing Homes



- 2) Site Lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact
- 3) Asphalt paving for a driveway, low shrubbery landscaping and lawn is allowed within the platted 44-foot building setback from the west property line. (same as AO 2007-73 and AO 2002-116)
- 4) Height is shall be limited to 35 feet.

Effective Clause: B-1B SL zoning would not become effective until Lot 2A is replatted to establish the new zoning boundary.

Reviewed by:

  
\_\_\_\_\_  
Jerry T. Weaver, Jr.  
Acting Director

Prepared by:

  
\_\_\_\_\_  
Mary Aultor  
Senior Planner

**2**

**DEPARTMENTAL  
COMMENTS**

## Reviewing Agency Comment Summary

### Case No.: 2009-131

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PF			
Anchorage Police Department			
AWWU		✓	
DHHS Environmental			
DHHS Social Services			
Community Council			
Fire Prevention		✓	
Flood Hazard		✓	
ML&P			
On-Site Water & Wastewater			
Parks and Recreation			
Project Mgt & Engineering			
Right-of-Way		✓	
School District			
Transit		✓	
Treasury			
Traffic & Transportation Planning	✓		
Watershed Management Services			



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



---

**MEMORANDUM**

**DATE:** August 31, 2009  
**TO:** Jerry T. Weaver, Platting Supervisor, Planning Department  
**THRU:** Leland R. Coop, Associate Traffic Engineer  
**FROM:** Mada Angell, Assistant Traffic Engineer  
**SUBJECT:** UPDATED TO INCLUDE TRANSPORTION PLANNING COMMENTS Traffic Engineering Comments for October 5, 2009 Planning and Zoning Commission

**09-111 Ordinance amending AMC 21.47 Sign Standards-Variance and Appeals**

Traffic has no objection.

**09-126 Abbott Loop Christian Center, Tract A-3; Rezoning from PLI to B-3SL**

Scoping meeting and Traffic Study have been accomplished. Traffic has no objection to the rezone.

**09-131 Raspberry Center; Rezone from R-OSL to B-3; Grid 2127**

Traffic Department has no objection to the rezone. However; Plat Notes on the existing Plat 2008-92 require Traffic Engineer approval for ingress/egress and internal circulation prior to application for a building permit. Also, there is a Shared Access recorded between the existing lot and the lot to the north.

This application mentions a proposed resubdivision for this lot; Traffic comments for a resubdivision would require plat notes and Shared Access Easement(s) very similar to the existing plat.

09-131

**RASPBERRY CENTER LOT 2A, Rezoning to B-3 General business  
district, Grid SW2127**

1. AWWU water main located in easement on property is available to this parcel.
2. AWWU sanitary sewer main located in easement on property is available to this parcel.
3. AWWU has no objection to this rezoning.

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail [paul.hatcher@awwu.biz](mailto:paul.hatcher@awwu.biz).



**Municipality of Anchorage**  
Project Management & Engineering Department



**Comments to Miscellaneous Planning and Zoning Applications**

**DATE:** September 10, 2009

**TO:** Jerry Weaver, Platting Officer

**FROM:** Sharen Walsh, P.E. – Private Development - Plan Review Engineer

**SUBJECT:** Comments for Planning & Zoning Commission Public Hearing date:  
October 5, 2009

RECORDED

SEP 10 2009

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DEPARTMENT

**Case No. 2009-131**– Rezoning to B-3 General Business District

PM&E defers to Physical Planning regarding the merits of the rezone. However, the petitioner is alerted to the requirement to coordinate submission of a drainage analysis and calculations to PM&E under the land use permit process

**Gollihugh, Danielle S.**

---

**From:** Staff, Alton R.  
**Sent:** Monday, August 31, 2009 10:50 AM  
**To:** Gollihugh, Danielle S.; McLaughlin, Francis D.; Stewart, Gloria I.  
**Subject:** Zoning and Plat Review Comments

RECEIVED

AUG 31 2009

Municipality of Anchorage  
Zoning Services

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

- 2009- 109
- 111
- 123
- 124
- 125
- 127
- 131
- 132
- 134
- 135

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

- S11643-1
- S11643-2
- S11646-3
- S11647-2
- S11649-2
- S11650-2
- S11764-1
- S11765-1
- S11766-1
- S11767-1
- S11769-1
- S11770-1

Thank you for the opportunity to review.

Alton R. Staff  
Planning Manager  
Public Transportation Department  
3600 Dr. Martin Luther King Jr. Ave.  
Anchorage, AK 99507  
907-343-8230



## FLOOD HAZARD REVIEW SHEET

Date: 09/08/09

Case: 2009-131

Flood Hazard Zone: X

Map Number: 0741D

RECEIVED

SEP 08 2009

Municipality of Anchorage  
Zoning Department

- Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.
- Flood Hazard requests that the following be added as a condition of approval:

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

- A Flood Hazard permit is required for any construction in the floodplain.
- Other:
- I have no comments on this case.

Reviewer: Jeffrey Urbanus, CFM



**Stewart, Gloria I.**

**From:** Schwan, Martin K.  
**Sent:** Thursday, September 03, 2009 3:14 PM  
**To:** Stewart, Gloria I.; Gollithugh, Danielle S.; Pierce, Eileen A  
**Cc:** Long, Patty R.; Weaver Jr., Jerry T.  
**Subject:** fire plan review

RECEIVED

SEP 05 2009

Municipality of Anchorage  
2009-09-05

2009-111	P. Long	Title 21 Sign Ordinance	9/3/2009	No Comment
2009-126	P. Long	Abbott Loop Christian Cntr.	9/3/2009	No Objection
2009-128	P. Long	Hansen sand lake Sub.	9/3/2009	No Objection: obtain all building permits.
S11649-2	J. Weaver	Flat Top Sub. #1	9/3/2009	No Objection
S11770-1	J. Weaver	Silverwood hill estate Sub. #1	9/3/2009	No Objection
<del>2009-129</del>	<del>P. Long</del>	<del>South cntr. Sub. Lt 3A Blk 2</del>	<del>9/3/2009</del>	<del>Comment</del>
<del>2009-131</del>	<del>P. Long</del>	<del>Raspberry Cntr Sub. Lt 2A</del>	<del>9/3/2009</del>	<del>No Objection</del>
S11772-1	J. Weaver	Blueberry lake Sub.	9/3/2009	Comment
2009-133	P. Long	360 Boniface	9/3/2009	No Objection
2009-127	P. Long	T15N R1W Sec 8 Lt 32	9/3/2009	No Objection as long as separation is > 10'. 1) Obtain letter of non-objection from Utility Companies if it encroaches into utility easement.
2009-132	P. Long	Tudor Park Blk 1 Lt 9	9/3/2009	Comment:
2009-134	P. Long	Broadwater Hights. Lt 1 tract H	9/3/2009	No Objection: not adjacent to another structure.
2009-135	P. Long	Wentworth Sub. Lt 22 Blk 2	9/3/2009	No Objection
2009-120	P. Long	Bicycle Plan	9/3/2009	No Comment To Lori Schanche

1) Obtain change of use permit from building department. 2) requires verification of exiting.

1) Verify fire apparatus access.

**Martin Schwan, Acting Fire Marshal**  
Division of Fire Prevention  
Anchorage Fire Department  
4700 Elmwood Road  
Anchorage AK 99504

"Ability can take you to the top, but it takes character to keep you there."

**Office: 267-4968**  
**Fax: 249-7596**  
**Email: schwanmk@muni.org**

Helping You Today For Tomorrow



**MUNICIPALITY OF ANCHORAGE**

Development Services Department

Right of Way Division

Phone: (907) 343-8240 Fax: (907) 343-8250



**DATE:** September 9, 2009

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

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

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

**SUBJ:** Comments on Planning and Zoning Commission case(s) for October 5, 2009.

RECEIVED  
 SEP 09 2009  
 MUNICIPALITY OF ANCHORAGE  
 PLANNING DEPARTMENT

Right of Way Division has reviewed the following case(s) due September 7, 2009.

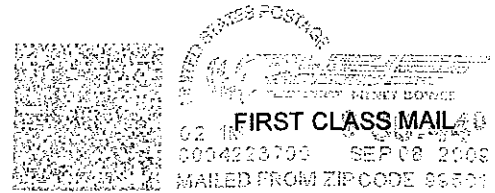
**09-111 Ordinance Amendment  
 (Title 21 for Sign Standards, Variance and Appeals)**  
 Right of Way Division has no comments at this time.  
 Review time 15 minutes.

**09-126 Abbott Loop Christian Center, Tract A-3, grid 2434  
 (Rezoning Request, PLI to B-3SL)**  
 Right of Way Division has no comments at this time.  
 Review time 15 minutes.

09-131

**Raspberry Center, Lot 2A, grid 2124  
 (Rezoning Request, R-OSL to B-3)**  
 Right of Way Division has no comments at this time.  
 Review time 15 minutes.

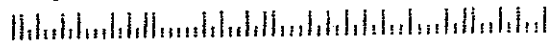
Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943



012-131-19-000  
CLUFF MICHAEL G & WANDA  
6976 WHITEHALL STREET  
ANCHORAGE, AK 99502

**NOTICE OF PUBLIC HEARING - - Monday, October 05, 2009**

Planning Dept Case Number: ~~2009-131~~ **2009-131**



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

CASE: 2009-131  
PETITIONER: Debenham Properties LLC  
REQUEST: Rezoning to B-3 General business district  
TOTAL AREA: 4.290 acres  
SITE ADDRESS:  
CURRENT ZONE: R-OSL Residential-office district with special limitations  
COM COUNCIL(S): 1---Sand Lake

RECEIVED

SEP 11 2009

Municipality of Anchorage  
Planning Department

LEGAL/DETAILS: A request to rezone approximately 4.29 acres from R-OSL (Residential Office with Special Limitations) to B-3 (General Business) zoning district. Raspberry Center Subdivision, Lot 2A. Generally located south of Raspberry Road and west of Northwood Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, October 05, 2009 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

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

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

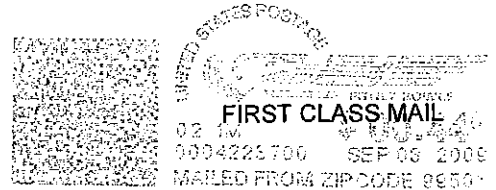
Name: Michael Cluff  
Address: 7038 Timothy St.  
Legal Description: T12N R4W Sec 2 LT26 SE 46 1/2  
Comments:

I Am very opposed to making this lot B-3  
For all the same reasons it was a bad idea  
the last 5 times it was attempted to be pushed on us.

Michael Cluff

REZONING/RESIDENTS--PLANNING COMMISSION  
2009-131

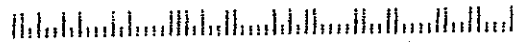
Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943



012-131-82-000  
LOGAN JOHN J 50% &  
LOGAN LINDA K 50%  
PO BOX 190506  
ANCHORAGE, AK 99519

## NOTICE OF PUBLIC HEARING - - Monday, October 05, 2009

Planning Dept Case Number ~~51052609-131~~ 2009-131



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

CASE: 2009-131  
PETITIONER: Debenham Properties LLC  
REQUEST: Rezoning to B-3 General business district  
TOTAL AREA: 4.290 acres  
SITE ADDRESS:  
CURRENT ZONE: R-OSL Residential-office district with special limitations  
COM COUNCIL(S): 1---Sand Lake

RECEIVED

SEP 10 2009

Municipality of Anchorage  
2009-131

LEGAL/DETAILS: A request to rezone approximately 4.29 acres from R-OSL (Residential Office with Special Limitations) to B-3 (General Business) zoning district. Raspberry Center Subdivision, Lot 2A. Generally located south of Raspberry Road and west of Northwood Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, October 05, 2009 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

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

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

Name: Linda Logan Linda Logan JOHN J LOGAN *John J Logan*  
Address: P O Box 190506 Anchorage, AK 99519-0506  
Legal Description: Block 000 Lot 027 Cannors Lake Units  
Comments: Absolutely NOT!! We have fought repeatedly to prevent zoning for undesirable uses in our residential area. Already the Holiday station on the corner is operating 24 hrs instead of closing at 11 PM, causing nocturnal feet traffic through our back yard. Develop within the special limitations and then enforce these limitations!

REZONING/RESIDENTS--PLANNING COMMISSION  
2009-131

**3**

# **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) Debenham Properties LLC	Name (last name first) SENTEC SURVEYING & ENGINEERING LLC
Mailing Address 2960 "C" STREET Suite 202 Anchorage, Alaska 99503	Mailing Address 2525 Gambell St. SUITE 200 Anchorage, Alaska 99503
Contact Phone: Day: 562-9330 Night:	Contact Phone: Day: 563-3835 Night:
FAX: 562-9331	FAX: 563-3817
E-mail: shaundebenham@alaska.net	E-mail: EIDM@EETIEM.COM

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

## PROPERTY INFORMATION

Property Tax #(000-000-00-000): 012-135-04-000

Site Street Address:

Current legal description: (use additional sheet if necessary)

Lot 2A Raspberry Center Subdivision

B-1B SL  
 R-0 SL to ~~B-1B SL~~

Zoning: R-0 (SL)      Acreage: 4.29      Grid # SW 2127

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.

8/4/09

Date

Signature (Agents must provide written proof of authorization)

Accepted by:

M. Autor

Poster & Affidavit:

Fee

6 000.00

Case Number

2009-131

**COMPREHENSIVE PLAN INFORMATION**

Anchorage 2020 Urban/Rural Services:  Urban  Rural

Anchorage 2020 West Anchorage Planning Area:  Inside  Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

Major Employment Center  Redevelopment/Mixed Use Area  Town Center

Neighborhood Commercial Center  Industrial Center

Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

Commercial  Industrial  Parks/opens space  Public Land Institutions

Marginal land  Alpine/Slope Affected  Special Study

Residential at \_\_\_\_\_ dwelling units per acre

Girdwood- Turnagain Arm

Commercial  Industrial  Parks/opens space  Public Land Institutions

Marginal land  Alpine/Slope Affected  Special Study

Residential at \_\_\_\_\_ dwelling units per acre

**ENVIRONMENTAL INFORMATION** (All or portion of site affected)

Wetland Classification:  None  "C"  "B"  "A"

Avalanche Zone:  None  Blue Zone  Red Zone

Floodplain:  None  100 year  500 year

Seismic Zone (Harding/Lawson):  "1"  "2"  "3"  "4"  "5"

**RECENT REGULATORY INFORMATION** (Events that have occurred in last 5 years for all or portion of site)

Rezoning - Case Number: 2007 - 025

Preliminary Plat  Final Plat - Case Number(s): S - 11580

Conditional Use - Case Number(s):

Zoning variance - Case Number(s):

Land Use Enforcement Action for

Building or 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 timeframe 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**

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.

October 9, 2009

Municipality of Anchorage  
Department of Community Planning and Development  
PO Box 196650  
Anchorage, AK 99519

**RE: Standards For Zoning Map Amendments**  
Raspberry Center Lot 2A. Northwood St. & Raspberry

This letter is a written narrative which addresses the standards that must be addressed in the document "Standards for Zoning Map Amendments."

#### **SITE DESCRIPTION AND PROPOSAL**

The request is to amend the zoning map and provide for the rezoning of the NORTHERN HALF OF Lot 2A, Raspberry Subdivision from R-OSL to B-1BSL and to repeal AO 2007-02~~1~~<sup>2</sup> in its entirety as applied to the northern half of Lot 2A, Raspberry Subdivision, generally located at the Southwest corner of Northwood Street & Raspberry Road.

Proposed B-1B Special Limitations:

1. The following uses and structures are prohibited:
  - a. Package liquor stores;
  - b. Bars;
  - c. Video arcades;
  - d. Pool halls.
2. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.
3. With respect to any use, a minimum 44 foot building set back shall be required from the west property line. Asphalt paving for a driveway and lawn and low shrubbery landscaping is allowed in the setback.
4. Height limitation for any use shall be 35feet.

The intent of this rezone is: First, to rezone the northern half of Lot 2A to B-1BSL. Second, to provide special limitations that meet the desires of the Sand Lake Community Council. And third, to allow the development of a Laser Wash carwash and a small retail center per the B-1B zoning code.

Lot 2A was recently rezoned from R-OSL & B-1BSL to R-OSL in 2008. This rezone would essentially return Lot 2A to its previous zoning. The lot is 4.28 acres in and is located just off the southwest corner of Raspberry Road and Northwood Street. It is desired that Lot 2A be subdivided and the northern half of Lot 2A be rezoned to B-1BSL.

Access is available off Northwood Street a Class II minor arterial (which has a center turn lane) and Raspberry Road a Class III major arterial. Furthermore, Northwood Street is located just off Minnesota Boulevard (Class IV freeway) which provides quick access to Downtown, Midtown and South Anchorage.

A commercial development for this lot is complimentary to the surrounding uses. The surrounding area has R-2M and R-OSL zoning to the south, PLI zoning to the east, B-1BSL & B-3SL zoning to the north and R-1 zoning to the west.

The petitioner (Shaun Debenham) currently is in the process of securing a ground lease for the northern half of Lot 2A from Alaska Laser Wash. The petitioner has proposed a Laser Wash carwash and small retail center on the northern half of Lot 2A. This is a relatively low density development, and will have minimal impact on the community. The probable timeframe for development would be

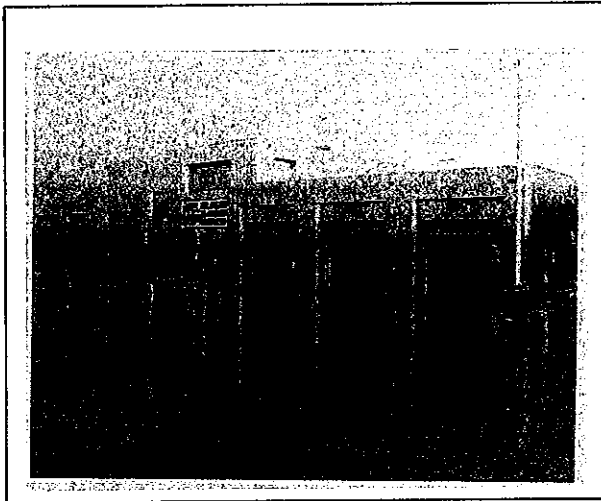


for the immediate construction of the Alaska Laser Wash and the retail center to follow as market conditions allow.

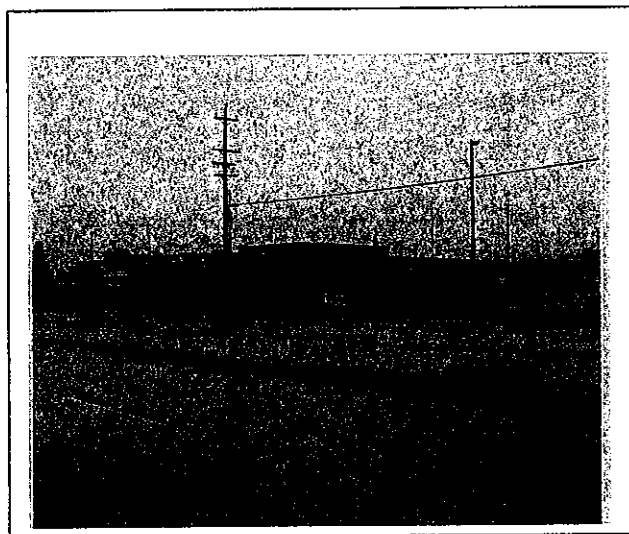
As part of the development, the petitioner plans to bring a Laser Wash development to the property. Laser Wash has successfully developed operated and maintained several Laser Washes in Anchorage.

Alaska Laser Wash is Alaska's premier car wash company, they provide the convenience, affordability and superior cleaning results for one of your biggest investments. We feature touchless automatic facilities at convenient multiple locations that are available to customers.

#### SAMPLE LASER WASH DEVELOPMENTS



#### SAMPLE RETAIL CENTER DEVELOPMENT



## 21.20.090 STANDARDS FOR APPROVAL

### A. Conformance to the Comprehensive Plan.

The Anchorage 2020 Anchorage Bowl Comprehensive Plan does not have a designation for this property. However, there are several Policies that relate to this land that are applicable.

Policy 1: The proposed Land Use Plan Map shows this land as being a Commercial/Mixed-use Center. As such it would allow commercial use at the B-1A level.

Policy 5: The rezone is compatible in scale with adjacent uses and consist with the goals and policies on Anchorage 2020.

Policy 21: The proposed development is located and will be designed to contribute to improving Anchorage's overall land use efficiency and compatibility, traffic flow, transit use, pedestrian access, and appearance.

Policy 25: The proposed development provides a neighborhood commercial center as indicated on the Land Use Policy Map. Per Policy 25 the proposed development is small-scale, attractive, scale appropriate with surrounding residential development, and site and architectural design will be compatible.

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 with 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.

Land use directly adjacent to the subject property includes: commercial land to the north, residential-office land to the south, public land to the east, and residential land to the west. Additionally, the proposed Anchorage Bowl Land Use Plan Map shows this land as being designated a Commercial/Mixed-use Center intensity. The special limitations found in previous Anchorage Ordinances are proposed for the rezone.

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.

Not applicable.

- 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.

Not applicable.

- 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.

Not applicable.

**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 limitations will mitigate any adverse effect.):

Environment:

There are no identified wetlands or streams on the subject properties. Public water and sewer services are available. The property is vacant and cleared. Project Management & Engineering will address drainage during permitting.

Transportation:

Raspberry Road (State Owned) and Northwood Street (Muni Owned) are constructed. Driveway permits will be required.

Public Services and Facilities:

AWWU water mains and sanitary sewer are available for the subject properties. There is an existing multi-use paved trail and a planned bicycle route on Raspberry. Northwood has a multi-use paved trail along the east side. This project will not interfere with either.

Land Use Patterns:

The current land use pattern adjacent to the subject properties can be characterized as being partially undeveloped. The zoning districts near to the subject properties are as follows: B-1BSL & B-3SL zoning districts to the north, PLI zoning district to the east, R-OSL & R-2M zoning districts to the south, and R-1 zoning district to the west. The proposed development would be complimentary to the existing land use patterns and zoning districts.

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 sufficient or is not adequate to meet the need for land in this zoning category?

There is very little vacant property in the area and very few lots or tracts of this size. The property to the north is zoned B-1BSL and recently a gas station was constructed there. The Laser Wash will directly be complimentary to the gas station and the small retail center will create amenities that the surrounding residential uses can easily access by foot.

3. When would development occur under the proposed 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?

Construction is proposed to begin as soon as possible after Assembly approval of the rezone. Public services are available to the subject sites.

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?

The proposed rezone changes the use only slightly. The current land use (R-O) allows residential and office uses. The new proposed zoning (B-1BSL) allows residential, office, and small scale retail. The proposed zoning of B-1BSL is in line with previously zonings of the land and with the proposed Anchorage Bowl Land Use Plan Map.

Thank you for your assistance in this matter and if you have any questions please do not hesitate to call me at (907) 562-9330.

Sincerely,

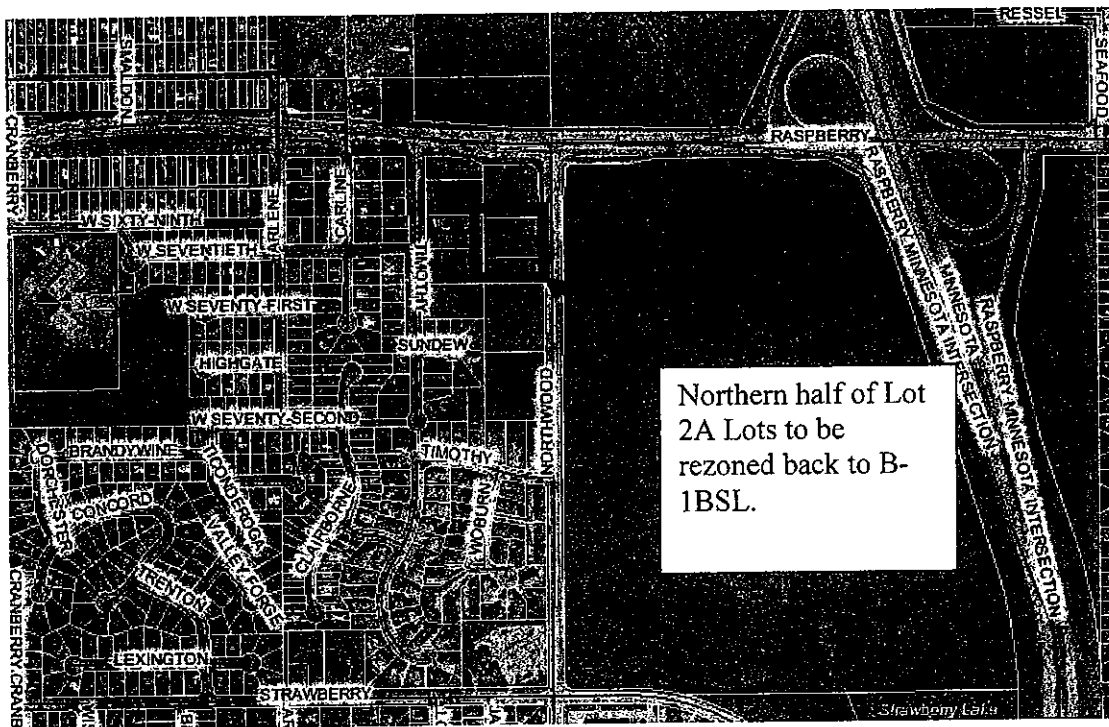
A handwritten signature in black ink, appearing to read "Shaun Debenham".

Shaun Debenham  
Member  
Debenham Properties, LLC

ATTACHMENTS:

1 – Area to be rezoned location map.

## Area to be Rezoned Location Map



Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: May 1, 2007

CLERK'S OFFICE

**AMENDED AND APPROVED**

Date: 5-22-07 ANCHORAGE, ALASKA  
AO No. 2007-73

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF LOTS 1-B, 1-C AND 2, RASPBERRY CENTER SUBDIVISION FROM B-1B SL AND R-O SL TO R-O SL, AND TO REPEAL AO 91-174, AO 92-69, AND AO 2002-116 IN THEIR ENTIRETY AS APPLIED TO LOTS 1-B, 1-C AND 2, RASPBERRY CENTER SUBDIVISION; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWOOD STREET AND RASPBERRY ROAD.**

(Sand Lake Community Council) (Planning and Zoning Case 2007-025)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as R-O SL (Residential-Office District with special limitations):

Lots 1-B, 1-C and 2, Raspberry Center Subdivision; generally located at the southwest corner of Northwood Street and Raspberry Road, containing approximately 4.28 acres, as shown on Exhibit "A."

**Section 2.** The zoning map amendment described in Section 1 shall be subject to the following special limitations:

A. Prohibited principal uses and structures.

1. Hotels, motels and motor lodges.
2. Boarding and lodging houses.
3. Private clubs and lodges.
4. Funeral parlors and services.

B. Prohibited conditional uses and structures:

1. Free-standing transmission towers of any height.

**Section 3.** The zoning map amendment described in Section 1 shall be subject to the following design standards:

A. Building Setbacks. Asphalt paving for a driveway, and lawn and low shrubbery landscaping is allowed in the setback.

AO\_RASPBERRY CENTER SUBDIVISION

Page 2 of 4

1  
2 1. Commercial and church uses shall have a minimum 44-foot building setback from  
3 the west property line.

4  
5 B. Maximum building square footage.

- 6  
7 1. Churches and accessory uses shall not exceed 60,000 square feet.  
8 2. Commercial uses and structures shall not exceed a total of 45,500 square feet.

9  
10 C. Maximum Height of Structures.

11  
12 1. Commercial, church, and residential uses shall not exceed 35 feet, **although an**  
13 **additional five feet in height may be allowed for under building parking.**

14  
15 D. Lighting.

- 16  
17 1. Future development shall be designed to prevent off-site illumination and impact  
18 onto adjacent property.

19  
20 E. Minimum yard requirements.

- 21  
22 1. Commercial or church uses shall provide a 20-foot yard setback along the west  
23 property line.

24  
25 F. Fences.

- 26  
27 1. Commercial or church use shall provide a sight-obscuring fence along the west side  
28 of the property.  
29 2. Residential uses shall provide a decorative fence along the west property line.

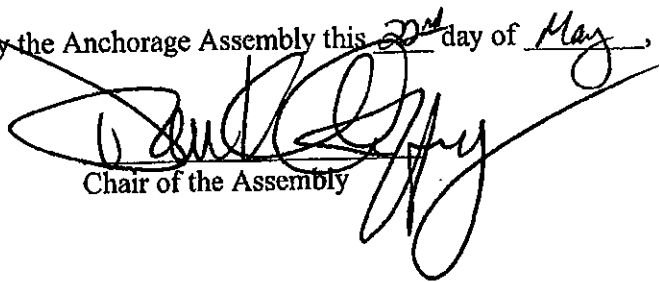
30  
31 **Section 4.** The special limitations set forth in this ordinance prevail over any inconsistent  
32 provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All  
33 provisions of Title 21 of the Anchorage Municipal Code, not specifically affected by a Special  
34 Limitations set forth in this ordinance shall apply in the same manner as if the district classification  
35 applied by this ordinance were not subject to special limitations.

36  
37 **Section 5.** Prior to this rezoning becoming effective, the subject parcels shall be replatted into a  
38 single parcel, consistent with the special limitations of this ordinance.  
39  
40

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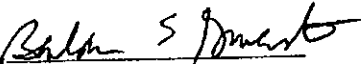
**Section 6:** Except as provided in Section 5 above, this ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. 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. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup> day of May, 2007.



Chair of the Assembly

ATTEST:



Municipal Clerk

(Tax ID #012-135-02; -03; 012-131-86)



1



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 297 -2007

Meeting Date: May 1, 2007

From: Mayor

Subject: The Planning and Zoning Commission Recommendation of approval for a rezoning of approximately 4.28 Acres from R-O SL (Residential Office) with Special Limitations and B-1B SL (Community Business) with Special Limitations to R-O SL (Residential Office) with Special Limitations, and repeal of AO 91-174, AO 92-68, and AO 2002-116 in their entirety as applied to Raspberry Center Subdivision, Lots 1-B, 1-C and 2; generally located at the southwest corner of Northwood Street and Raspberry Road.

1  
2 On February 5, 2007, the Planning and Zoning Commission recommended approval to  
3 rezone the subject property owned by Calvary Church of God, from R-O SL and B-1B SL  
4 to R-O SL. The Commission also recommended repeal of AO 91-174, AO 92-68, and AO  
5 2002-116 in their entirety as applied to Raspberry Center Subdivision, Lots 1-B, 1-C and 2.  
6 The petitioner is Debenham Properties.

7  
8 The subject property consists of three lots fronting onto Northwood Drive at the southwest  
9 corner of Raspberry Road and Northwood Drive. The property is zoned R-O SL and B-1B  
10 SL in accordance with AO 91-174, AO 92-68 and AO 2002-116. Two of subject  
11 properties are zoned B-1B SL and the third lot is zoned R-O SL. The fourth lot, Lot 1-A,  
12 Raspberry Center Subdivision, is not affected by this rezoning and remains zoned B-1B in  
13 accordance with AO 91-174, AO 92-68 and AO 2002-116.

14  
15 A lack of common ownership, uniform lot size and platted configuration, plus the multiple  
16 layering of zoning ordinance(s) and various special limitations have made  
17 these properties difficult to develop.

18  
19 Debenham Properties is requesting the repeal of the three existing zoning ordinances in  
20 their entirety as applied to the subject property, and to rezone the three lots to R-O with  
21 special limitations similar to the current zoning ordinances pertaining to commercial uses,  
22 church uses and structures, and allow R-O density residential development. If the rezoning

1 is approved, the three lots will be subdivided into a single tract, and developed with 54 to  
2 66 residential condominium units at a density of 12 to 14.5 dwelling units per acre.

3  
4 Debenham Properties proposes to replicate an innovative "Big House" design, created by  
5 Humphreys & Partners Architects, headquartered in Dallas, Texas, in which each building  
6 looks like a large single-family house but has four to six units per building. The advantage  
7 of this type design is that it has the exterior architectural look of a single family dwelling  
8 with attached garages, driveways, individual addresses and landscaped yards. It has the  
9 conveniences of a condominium development but eliminates traditional breezeways,  
10 parking lots and balconies, and rows of traditional cookie-cutter site condo developments.

11  
12 The Sand Lake Community Council supports the proposed rezoning, preferring multi-  
13 family residential to commercial development.

14  
15 As proposed, the rezoning is generally consistent with the *Anchorage 2020 Plan* and meets  
16 the Zoning Map Amendment Standards for approval in accordance with AMC 21.20.090.  
17 The proposed residential density is compatible with the surrounding densities and uses.  
18 The rezoning becomes effective upon recording of a plat which will create one parcel.

19  
20 The Planning and Zoning Commission recommended APPROVAL of the rezone to R-O  
21 SL, and the repeal of AO 91-174, AO 92-68, and AO 2002-116 in their entirety, as  
22 applied to the Raspberry Center Subdivision, Lots 1-B, 1-C and 2, by a vote of eight ayes  
23 and zero nays.

24  
25 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING  
26 COMMISSION RECOMMENDATION FOR THE REZONING REQUEST.

27  
28 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department  
29 Concur: Tom Nelson, Director, Planning Department  
30 Concur: Mary Jane Michael, Executive Director, Office of Economic and  
31 Community Development  
32 Concur: Denis C. LeBlanc, Municipal Manager  
33 Respectfully submitted, Mark Begich, Mayor

34  
35  
36 (Case 2007-025; Tax I.D. Number 012-135-02; -03; 012-131-86)



**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2007-006**

A RESOLUTION APPROVING A REZONING FROM R-O SL (RESIDENTIAL-OFFICE DISTRICT, WITH SPECIAL LIMITATIONS) AND B-1B SL (COMMUNITY BUSINESS DISTRICT, WITH SPECIAL LIMITATIONS) TO R-O SL (RESIDENTIAL-OFFICE DISTRICT, WITH SPECIAL LIMITATIONS); AND TO REPEAL AO 91-174, AO 92-68 AND AO 2002-116 IN THEIR ENTIRETY AS APPLIED TO RASPBERRY CENTER SUBDIVISION, LOTS 1-B, 1-C AND LOT 2, CONSISTING OF APPROXIMATELY 4.28 ACRES; GENERALLY LOCATED ON THE WEST SIDE OF NORTHWOOD DRIVE AND SOUTH OF RASPBERRY ROAD.

(Case 2007-025; Tax I.D. No. 012-135-02; -03; 012-131-86)

WHEREAS, a request has been received from Shawn Debenham, representing Debenham Properties, to rezone approximately 4.28 acres from R-O SL (Residential-Office District, with special limitations) and B-1B SL (Community Business District, with special limitations) to R-O SL (Residential-Office District, with special limitations); and to repeal AO 91-174, AO 92-68 and AO 2002-116 in their entirety as applied to Raspberry Center Subdivision, Lots 1-B, 1-C and Lot 2, consisting of approximately 4.28 acres; generally located on the west side of Northwood Drive and south of Raspberry Road, and

WHEREAS, the Sand Lake Community Council passed a resolution in support of the rezoning request, and

WHEREAS, notices were published, posted and 56 public hearing notices were mailed January 11, 2007, and a public hearing was held on February 5, 2007.

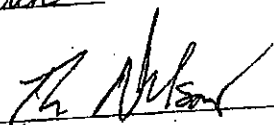
NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

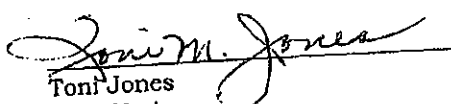
- A. The Commission makes the following findings of fact:
1. The subject property consists of the three southern most lots fronting onto Northwood Drive of the four lots at the southwest corner of Raspberry Road and Northwood Drive, zoned R-O SL and B-1B SL in accordance with AO 91-174, AO 92-68 and AO 2002-116.
  2. Debenham Properties has requested to repeal the three existing zoning ordinances mentioned above, in their entirety as applied to the three subject lots; rezone the three lots to R-O with special limitations similar to the current zoning ordinances pertaining to commercial uses, church uses and structures; and allow R-O density residential development. If the rezoning is approved, they would replat the three parcels into a single tract, and develop 54 - 66 condominium units of multi-family residential at a density of 12 to 14.5 dwelling units per acre.
  3. Debenham Properties proposes to replicate an innovative "Big House" design, created by Humphreys & Partners Architects headquartered in Dallas, Texas, in which each building looks like a large single-family house but has 4-6 units per building. The advantage to this type design is that it has the exterior architectural look of a single family dwelling with attached garages, driveways, individual addresses and landscaped yards, and the conveniences of a condominium development eliminating traditional breezeways, parking lots and balconies, and rows of traditional cookie-cutter site condo developments.

4. The Sand Lake Community Council supports this rezoning and development proposal, preferring multi-family residential to commercial development.
  5. In 1991 the Assembly recognized that B-1B and R-O uses are appropriate zoning designations for the subject property. Since that time different proposed commercial uses were proposed, each requiring a modification to the special limitations though no development has ever occurred. This may be due in part to the multiple ownership of the individual lots, the individual lot configuration (individual lot size) and that the lots are generally long and narrow, limitation on driveway access and varied building setbacks from the west lot line.
  6. The Commission finds the proposed rezoning is generally consistent with the Anchorage 2020 Plan and zoning standards AMC 21.20.090.
  7. The proposed R-O SL zoning consolidates development standards for the property and eliminates the overlaying ordinances as they have been difficult to apply. It is an opportunity to develop multi-family dwellings compatible with surrounding residential uses. Consolidation of ownership and replatting the three lots into a single tract permits infilling and unified design development. It will be a benefit to the Sand Lake area.
  8. The Commission recommended approval of the request by a unanimous vote of 8-aye, 0-nay
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to R-O SL subject to the draft ordinance found on pages 14 through 16 of the packet, and to repeal AO 91-174, AO 92-68 and AO 2002-116 in their entirety as it applies to Lots 1B and 1C and 2, Raspberry Center Subdivision

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 5th day of February, 2007.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 5th day of March 2007.

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

  
\_\_\_\_\_  
Toni Jones  
Vice Chair

(Case 2007-025)  
(Tax I.D. No. 012-135-02; -03; 012-131-86)

ma

CLERK'S OFFICE  
APPROVED

Date: 8-20-02

Submitted by:

Chair of the Assembly at the  
Request of the Mayor

Prepared by:  
For reading

Planning Department  
July 23, 2002

Anchorage, Alaska  
AO 2002-116

1  
2  
3  
4  
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
6 THE ZONING MAP AND AMENDING THE SPECIAL LIMITATIONS OF  
7 APPROXIMATELY 4.28 ACRES, CURRENTLY ZONED R-O SL AND B-1B SL,  
8 DESCRIBED AS LOTS 1B, 1C AND 2, RASPBERRY CENTER SUBDIVISION,  
9 GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RASPBERRY  
10 ROAD AND NORTHWOOD STREET.

11 (Sand Lake Community Council) (Planning and Zoning Commission Case 2002-042)

12  
13 THE ANCHORAGE ASSEMBLY ORDAINS

14 Section 1. The zoning map shall be amended by amending the special limitations for the  
15 following described property:

16 Lots 1B, 1C (B-1B SL) and Lot 2 (R-O SL), Raspberry Center Subdivision as shown on  
17 Exhibit A (Planning and Zoning Commission Case 2002-042).

18 Section 2. All terms, conditions, and special limitations of Plat 92-128, Plat 99-13, AO  
19 91-174 and AO 92-68 remain in effect, except as modified by the following special  
20 limitations:

21 The west lot line setback for lot 2, Raspberry Center Subdivision shall be a  
22 minimum of 44 feet for a church and accessory uses. All other uses shall  
23 remain subject to the 60 foot setback. Asphalt paving for a driveway and  
24 lawn and low shrubbery landscaping is allowed in the setback.

25 2. The height limitation for a church and accessory uses shall be 35 feet.

26 3. The entire square footage, on all three lots, for a church and accessory  
27 structures shall be a maximum of 60,000 square feet.

28 Section 3. The special limitations set forth in this ordinance prevail over any inconsistent  
29 provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for  
30 otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically  
31 affected by the Special Limitations set forth in this ordinance shall apply in the same  
32 manner as if the district classification applied by this ordinance were not subject to  
33 Special Limitations.

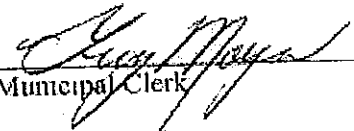
2 **Section 4.** The Director of the Planning Department shall change the zoning map accordingly.

3 **Section 5.** This ordinance shall become effective within ten (10) days after the Director  
4 of the Planning Department has received written consent of the owners of the property  
5 within the area described in Section 1 above to the special limitations contained herein.  
6 The rezone approval contained herein shall automatically expire and be null and void if  
7 the written consent is not received within 120 days after the date on which this ordinance  
8 is passed and approved. In the event that no special limitations are contained herein, this  
9 ordinance is effective immediately upon passage and approval.

10 PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup>  
11 day of August 2002.

12   
Chair

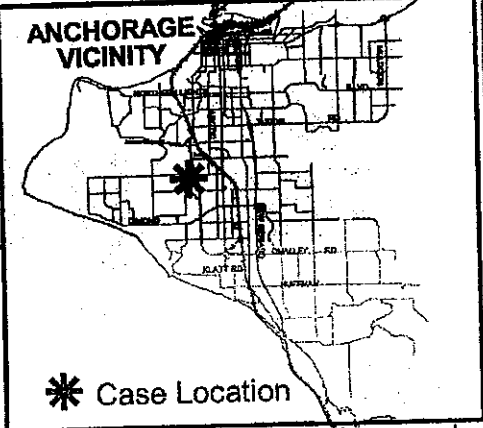
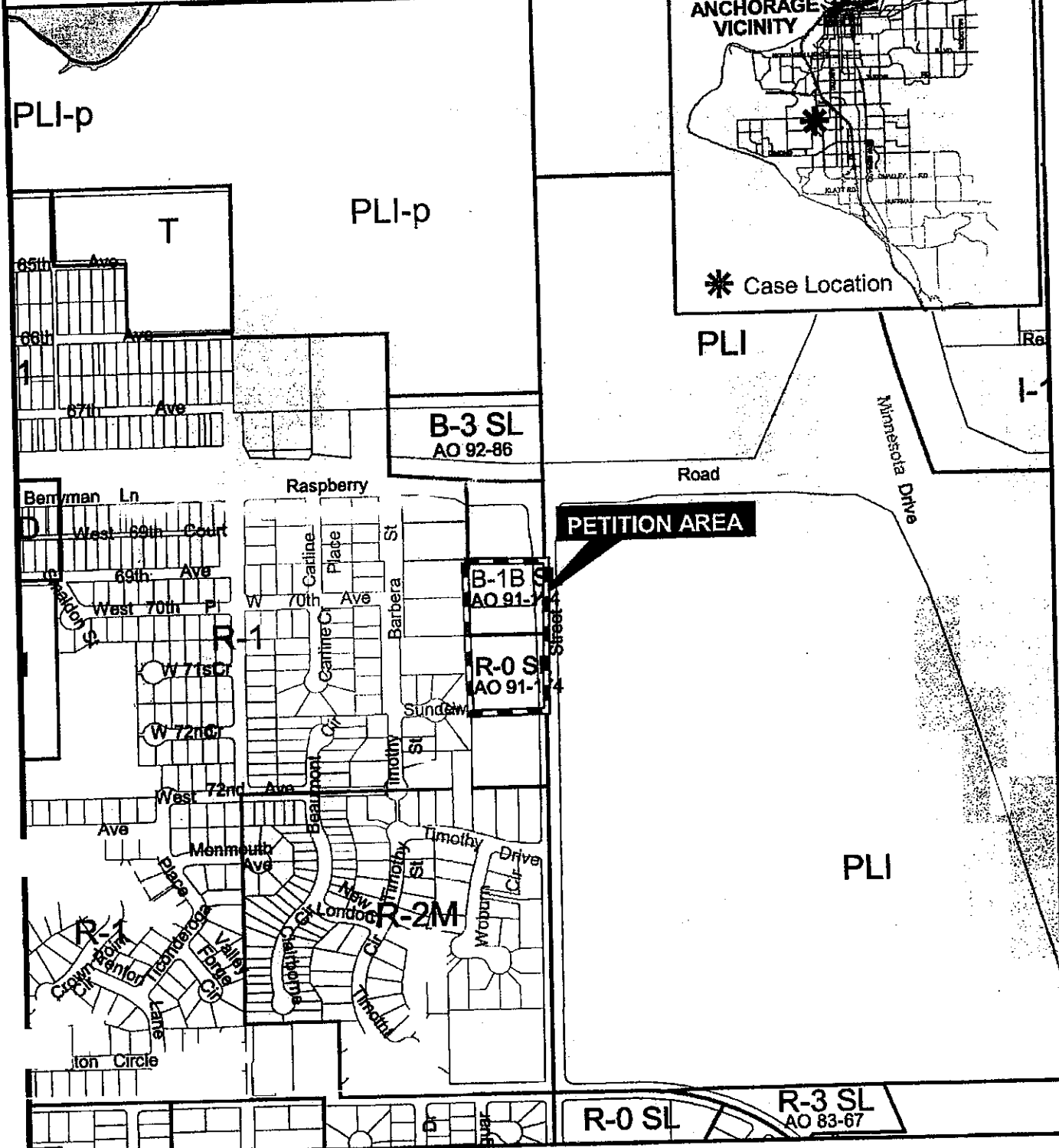
ATTEST:

  
Municipal Clerk



# EXHIBIT - A

## 2002-042



Municipality of Anchorage  
Planning Department



Date: APRIL 24, 2002

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



**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects - General Government**

AO Number: 2002-116 \_\_\_ Title: The rezoning of 4.2 acres from B-1B (SL) and R-O (SL) to B-1B (SL) and R-O (SL) for Raspberry Center Subdivision, Lots 1B, 1C and 2

Sponsor: Bill Tatom  
 Preparing Agency: Planning Department  
 Others Affected

CHANGES IN EXPENDITURES AND REVENUES	(Thousands of Dollars)				
	FY00	FY01	FY02	FY03	FY04
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Services					
5000 Capital Outlay					
<b>TOTAL DIRECT COSTS</b>					
6000 IGCs					
<b>FUNCTION COST:</b>					
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp.</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

All facilities (water, sewer, electric, storm drains) are currently available to the affected lots. As the anticipated use involves a church, traffic generation will be less than that allowed by permitted commercial uses. The non-residential use will not impact schools. The church is anticipating its own school at some future date, which would lessen the impact on area public schools. Trails and parks are not directly affected. The church is planning a multi-use recreation building/gymnasium which would be available to the general public.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

The property consists of three lots and two zoning districts. The church might be required to address these development issues (the potential need to replat and/or rezone) in the future, depending on the actual site plans. The plat of the property contains some minor driveway access requirements.

Prepared by:

Jerry Weaver Jr., Planning Supervisor

Telephone:

343-4215

Validated by OMB:

*George Grasso*

Date:

7/17/02

Approved By:

*Thomas R. Lewis*

Date:

5-6-02

Director, Preparing Agency



## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 677-2002

Meeting Date: July 23, 2002

From: Mayor

Subject: AO 2002- 116

Planning and Zoning Commission  
Recommendation for a Rezoning from R-O  
SL and B-1B SL to R-O SL and B-1B SL for  
Raspberry Center Subdivision, Lots 1B, 1C  
and 2.

1 Calvary Temple Assembly of God has made an application for rezoning to change some of  
2 the Special Limitations of AO 91-174 when applied specifically to a church and church  
3 accessory uses. On March 4, 2002, the Planning and Zoning Commission recommended  
4 approval of the rezoning.

5  
6 The Special Limitations of AO 91-174 limit uses, west lot line setbacks, building heights  
7 and square foot coverage of the lots. A church and its accessory uses are permitted. The  
8 proposed changes will only apply to a church and its accessory uses and would be a  
9 permanent zoning change at this location.

10  
11 The applicant's request amends the existing Special Limitations for churches as follows:

- 12  
13 1. The west lot line setback will be reduced from 60 feet to 44 feet;  
14 2. The height limitation will be raised from 25 feet to 35 feet; and  
15 3. The lot coverage restriction will be changed from a total of 45,500 square feet to  
16 60,000 square feet.

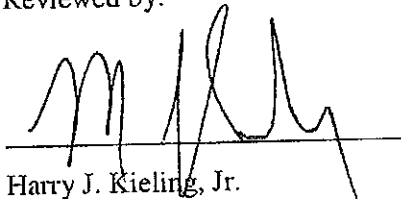
17  
18 There are no effective clauses to implement the new Special Limitations or to cause them  
19 to expire. This is a permanent change to the AO. All other conditions of AO 91-174 and of  
20 Plats 92-128 and 99-13 remain in effect. (The plats establish utility easements and the  
21 number and location of driveway cuts on Northwood Street.) The applicant has indicated  
22 these items will not hinder development of the church and understands and accepts the  
23 special limitations.  
24

Assembly Memorandum

Page 2

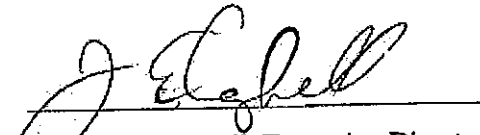
- 1 The applicant has also been apprised of the potential difficulties of developing three lots
- 2 into two different zoning districts. A rezoning to one district and/or a replat to one lot may
- 3 be necessary for development as the applicant envisions it. At this time the applicant does
- 4 not wish to undertake the rezoning or replatting. The Community Council membership has
- 5 voted to support the proposed changes, 58 to 1.
- 6
- 7 Approval of the ordinance is recommended.

Reviewed by:



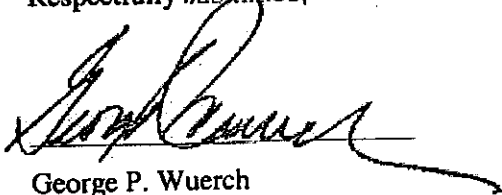
Harry J. Kieling, Jr.  
Municipal Manager

Reviewed by:



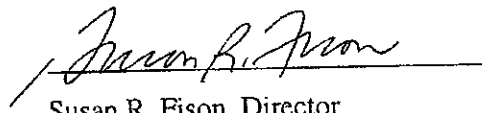
Craig E. Campbell, Executive Director  
Office of Planning, Development, and  
Public Works

Respectfully submitted,



George P. Wuerch  
Mayor

Prepared by:



Susan R. Fison, Director  
Planning Department

Municipality of Anchorage  
**MUNICIPAL CLERKS OFFICE**  
**Agenda Document Control Sheet**

*As 2002-116*

1	SUBJECT OF AGENDA DOCUMENT Calvary Temple Assembly of God rezoning from R-O SL and B-1B SL to R-O SL and B-1B SL to amending the Special Limitations when applied to a church per AO 91-174. (Sand Lake Community Council) (Case 2002-042)	DATE PREPARED 05/2/02	INDICATE DOCUMENTS ATTACHED <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> CM
2	DEPARTMENT NAME Planning Department	DIRECTOR'S NAME Susan R. Pison, Director	
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY A. Barrett/J. Weaver	HIS/HER PHONE NUMBER 343-4260	
4	COORDINATED WITH AND REVIEWED BY	INITIALS	DATE
5	Mayor		
	Heritage Land Bank		
	Merrill Field Airport		
	Municipal Light & Power		
	Port of Anchorage		
	Solid Waste Services		
	Water & Wastewater Utility		
5	Municipal Manager	M	7/18
	Cultural & Recreational Services		
	Employee Relations		
	Finance Chief/Fiscal Officer		
	Fire		
	Health & Human Services		
4	Office of Management and Budget	OF	7/17/02
	Management Information Services		
	Police		
2	Office of Planning, Development, & Public Works	CC	3/6/02
	Development Services		
	Facility Management		
1	Planning	MJD	5-6-02
	Project Management & Engineering		
	Street Maintenance		
	Traffic		
	Public Transportation Department		
	Purchasing		
3	Municipal Attorney 139A	D	7-11-02
	Municipal Clerk		
5	SPECIAL INSTRUCTIONS/COMMENT <p style="text-align: center;"><i>G.F. 2 Introduction</i></p>		
6	ASSEMBLY MEETING DATE REQUESTED Next available meeting <i>7/23/02</i>	7	PUBLIC HEARING DATE REQUESTED 4 weeks after introduction <i>9/10/02</i>

00-002(7/98)

JUL 18 2002  
 11:18 AM  
 10A

*8/20/02*

Submitted by: Assemblyman Faulkner  
Prepared by: Clerk's Office  
For reading: June 2, 1992

6/

CLERK'S OFFICE

APPROVED

Date: 6-30-92

ANCHORAGE, ALASKA

ORDINANCE NO. AO 92- 68

92

AN ORDINANCE AMENDING SECTION 7 OF AO 91-174 WHICH REZONED T12N, R4W, SECTION 2, LOT 33 TO B-1B WITH SPECIAL LIMITATIONS AND T12N, R4W, SECTION 2, NORTH 1/2 OF LOT 34 TO R-0 WITH SPECIAL LIMITATIONS

THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

Section 1. Section 7 of AO 91-174 which was amended and approved by the Anchorage Municipal Assembly on December 17, 1991 is hereby amended to read as follows (bracketed words being deleted; underlined words being added):

[SECTION 7. THE ORDINANCE REFERENCED WITHIN SECTION 1 ABOVE SHALL FURTHER BECOME EFFECTIVE UPON COMPLETION OF THE FOLLOWING:

- A. THE RECORDATION OF A REPLAT WITH THE DISTRICT RECORDERS OFFICE THAT COMBINES THE SUBJECT LOTS INTO A SINGLE TRACT.]

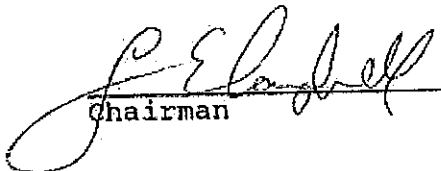
Section 7. The rezoning shall further become effective upon completion of the following:

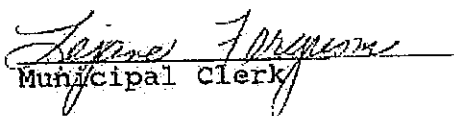
- a. The recordation of a replat with the District Recorder's Office that reflects the property as two separate lots which shall be divided coincidental with the line separating the two zoning classifications as reflected on Exhibit A attached.

Section 2. This ordinance shall become effective upon passage and approval by the Anchorage Municipal Assembly.

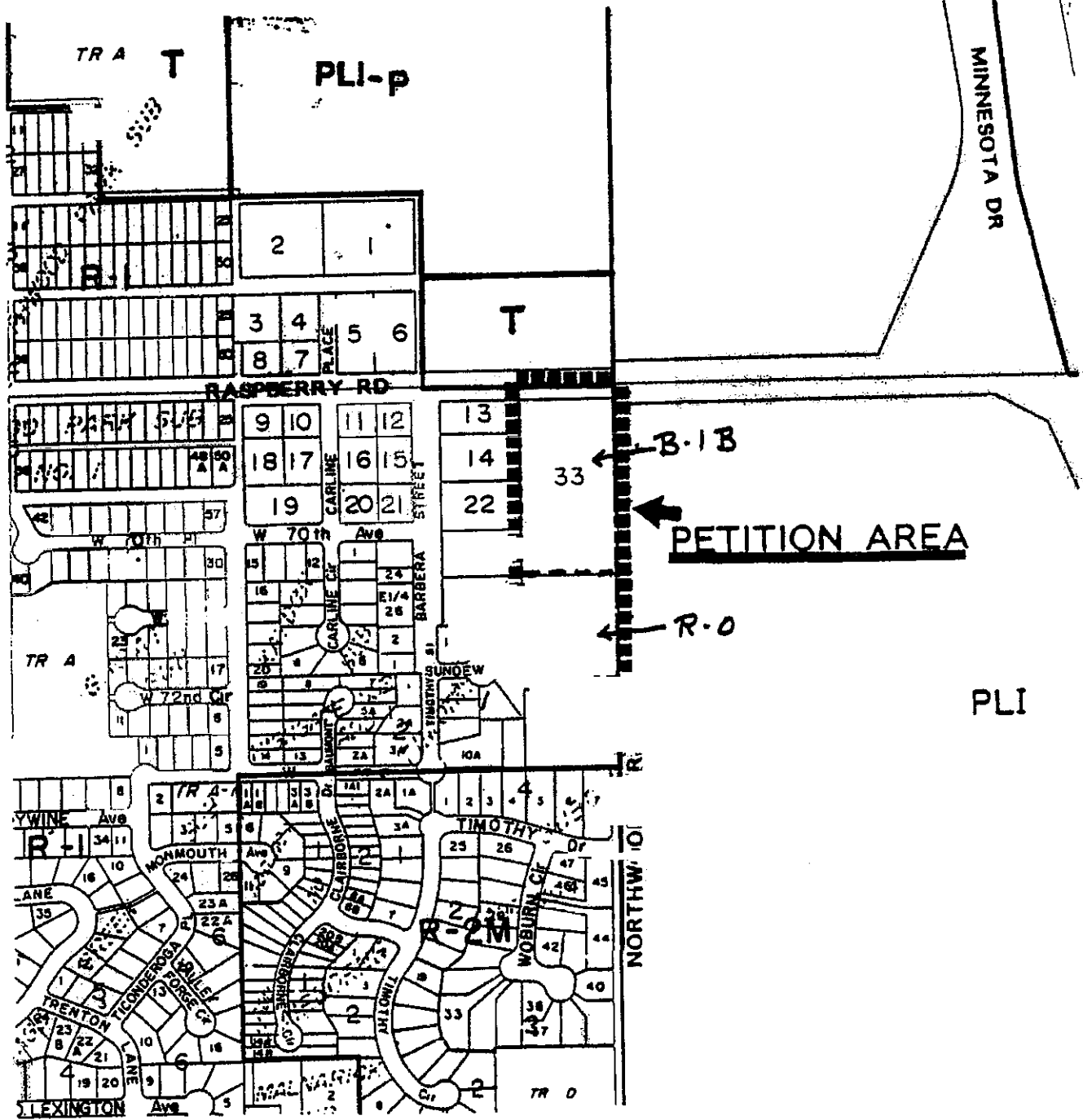
PASSED AND APPROVED by the Anchorage Municipal Assembly this 30th day of June, 1992.



ATTEST:

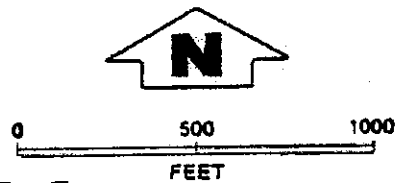
  
Chairman

  
Municipal Clerk

AM 554-92/AM 604-92



-  100 Year Floodplain
-  500 Year Floodplain



# EXHIBIT A



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CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 12/17/91

Submitted by: Chairman of the  
Assembly  
At the Request of  
the Mayor  
Prepared by: Department of  
Economic Development  
& Planning  
For Reading: November 12, 1991

ANCHORAGE, ALASKA  
AO NO. 91-174 *aa*

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* SEE ATTACHED PAGES FOR INCORPORATED AMENDMENTS  
Section 1. The zoning map shall be amended by

designating the following described property as a B-1B (Community  
Business District) with Special Limitations zone:

T12N, R4W, Section 2, Lot 33 and North 1/2 of Lot 34 as  
shown on Exhibit A attached (Planning and Zoning  
Commission case no. 91-073).

Section 2. The zoning map amendment described in  
Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

A. The following principal uses and structures are  
prohibited:

- 1. on-premises dry-cleaning establishments.

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B. The following conditional uses and structures are prohibited:

1. package liquor stores;
2. bars;
3. video arcades;
4. pool halls.

Section 3. The zoning map amendment described above shall be subject to the following special limitation establishing design standards for the property:

- a. Maximum height of any structure on the tract shall not exceed 30 feet.
- b. A 20 foot wide landscape screening buffer, with a 6 foot high solid wooden fence, shall be placed along the west and south property. Twelve feet of this 20 foot buffer will be outside the fence with 8 feet inside.
- c. Prior to the issuance of any building permits, a non-public hearing site plan review shall be held by the Planning and Zoning Commission in accordance with AMC 21.15.030 and the special limitation design standards for the property.

Section 4. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a Special Limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

Section 5. The Director of the Department of Economic Development and Planning shall change the zoning map

accordingly.

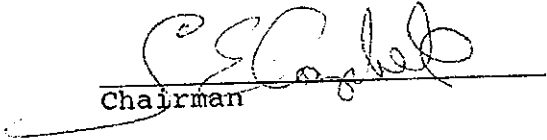
Section 6. The ordinance referenced within Section 1 above shall become effective within 10 days after the Director of the Department of Economic Development and Planning shall determine in writing, as submitted to the Municipal Clerk, that the special limitations set forth in Section 2 above have the written consent of the property owners of the property within the area described in Section 1 above. The Director of the Department of Economic Development and Planning shall make such a determination only if he receives evidence of the required consent within 120 days after the date on which this ordinance is passed and approved.

Section 7. The ordinance referenced within Section 1 above shall further become effective upon completion of the following:

- a. The recordation of a replat with the District Recorders Office that combines the subject lots into a single tract.

PASSED AND APPROVED BY THE Anchorage Assembly this

17th day of December, 1991.

  
Chairman

ATTEST:

  
Municipal Clerk

ma

(91-073)  
(012-131-05, 09)

AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

Section 1. The zoning map shall be amended as follows:

- A. By designating the following described property as B-1B (Community Business District) with Special Limitations Zone:

T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

- B. By designating the following described property as R-O (Residential Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

- A. The following principal uses and structures are prohibited from all of the property:
1. On-premises dry cleaning establishments;
  2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
  3. Photo processing establishments.
- B. The following conditional uses and structures are prohibited from all of the property:
1. Package liquor stores;
  2. Bars;
  3. Video arcades;
  4. Pool halls.

C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-O:

1. Hotels, motels and motor lodges;
2. Boarding and lodging houses;
3. Private Clubs and lodges;
4. Funeral parlors and services.

D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-O:

1. Free-standing transmission towers of any height.

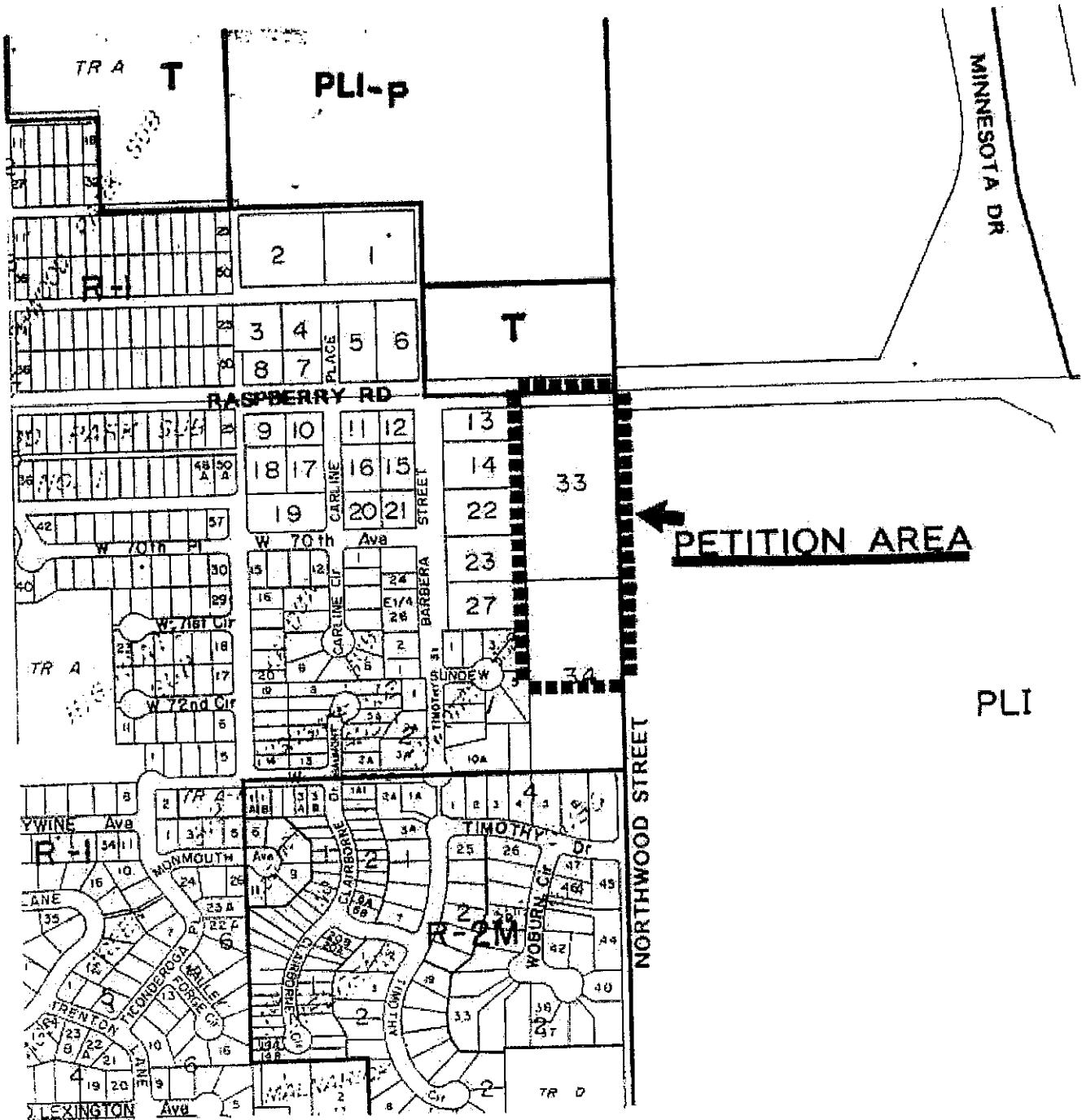
Section 3. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:



A. With respect to all of the property:

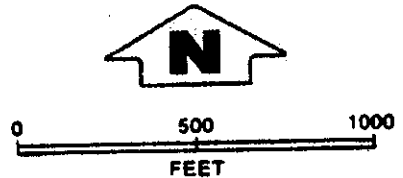
1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
  6. Maximum height of any structure on the property shall not exceed 25 feet.
  7. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.
- B. With respect to the portion of the property zoned B-1B:
1. A minimum 44 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.
- C. With respect to the portion of the property zoned R-O:
1. A minimum 60 foot building set back shall be required from the west property line.
  2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.

# 91-073 REZONING



-  100 Year Floodplain
-  500 Year Floodplain



## EXHIBIT A

MUNICIPALITY OF ANCHORAGE

REZONINGS OR ORDINANCES AMENDMENTS\*

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY  
AND PREPARATION AND SUBMISSION OF ORDINANCE AMENDING THE  
ZONING MAP PURSUANT TO 21.20.100(D)

(I (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A

PUBLIC HEARING ON CASE NO. 91-073 WHICH RECEIVED AN

UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON

August 26, 1991 FOR THE FOLLOWING REASONS

Please see attached statement

SEP 13

CLERK'S OFFICE  
SEP 12 3 06 PM '91

Applicant also requests Planning Staff prepare and submit an ordinance to amend the map pursuant to MOA 21.20.100(D) as well as arrange for prompt submission of the ordinance to the Assembly for review and public hearing.

SIGNED: NATIONAL Bank of ALASKA: By Star Apin, Owners Rep.

ADDRESS: 5600 B STREET SUITE 202 TELEPHONE: 561-8665

\$150.00 FEE: PAID BY #261 CHECK \_\_\_\_\_ CASH

RECEIVED BY: Lynette L. Heim DATE REC'D: 9-12-91

\* REZONINGS (Petitioner or anyone objecting to decision)

\* ORDINANCE AMENDMENTS - changes to Title 21 regarding text (petitioner or anyone objecting to decision).



**4**

**POSTING**

**AFFIDAVIT**

343-7927



# AFFIDAVIT OF POSTING

CASE NUMBER: 2009-131

I, MARC EID 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 Rezone. The notice was posted on August 24<sup>th</sup> 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 24<sup>th</sup> day of August, 2009

Marc Eid  
Signature

### LEGAL DESCRIPTION

Tract or Lot 2A

Block /

Subdivision Raspberry Center Subd.

**5**

**HISTORICAL  
INFORMATION**

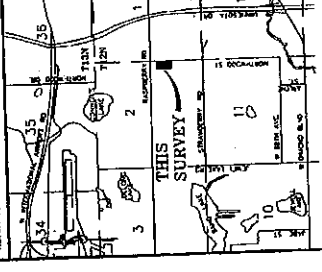
# **PLAT 2008-92**

**CERTIFICATE OF OWNERSHIP and DEDICATION**

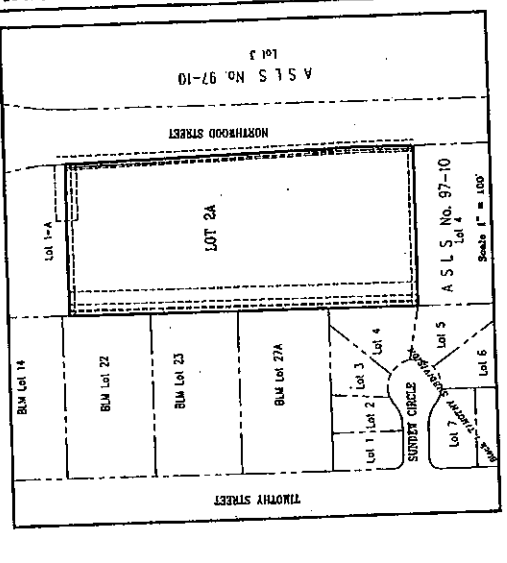
I, the undersigned, being the owner of the land hereinafter described, do hereby certify that I hold the same in fee simple, subject to the provisions of the laws of the State of Maryland, and do hereby dedicate the same to the public use of the State of Maryland, to be known as the "Timothy Subdivision".

**NOTARY ACKNOWLEDGEMENT**  
 I, the undersigned, being the Notary Public for the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on this 17th day of December, 2007.

**NOTARY ACKNOWLEDGEMENT**  
 I, the undersigned, being the Notary Public for the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on this 17th day of December, 2007.

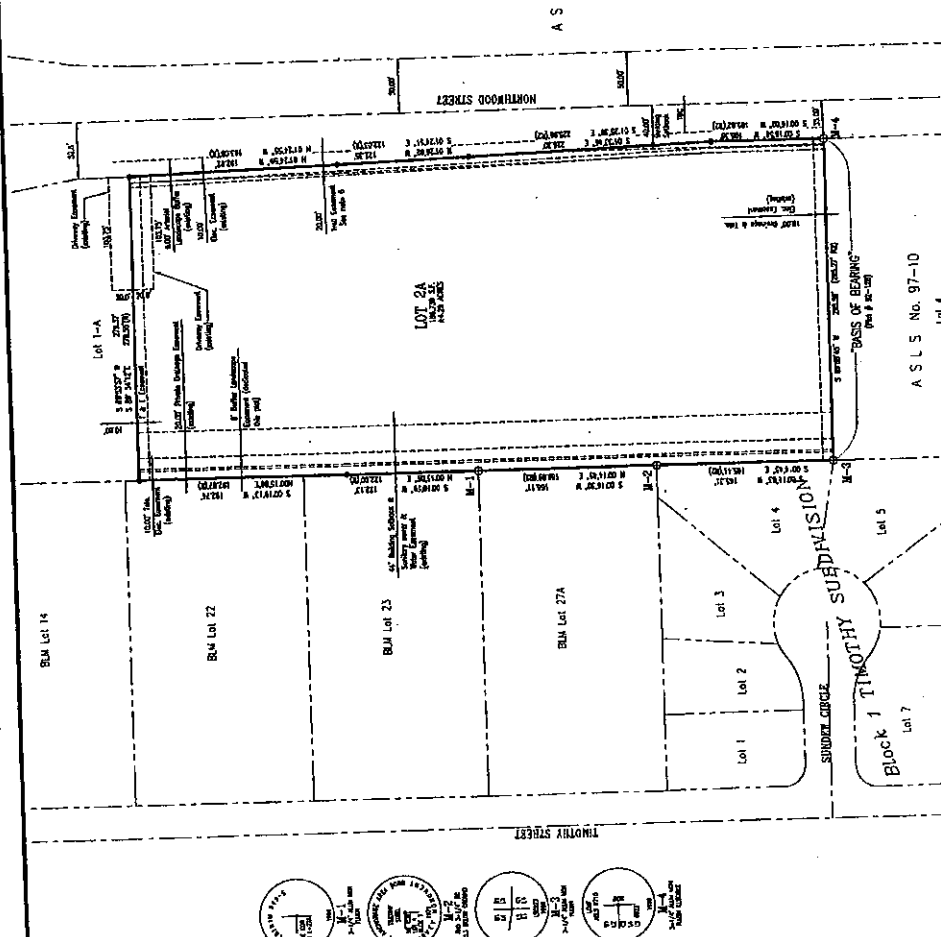


**SENTEC**  
 2008-92  
 2008-92  
 2008-92



**ACCEPTANCE OF DEDICATION**  
 I, the undersigned, being the Notary Public for the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on this 17th day of December, 2007.

**TRAIL PAVEMENT DETAIL (P.S.)**  
 LOT 1: 100.00' x 100.00'  
 LOT 2: 100.00' x 100.00'  
 LOT 3: 100.00' x 100.00'  
 LOT 4: 100.00' x 100.00'  
 LOT 5: 100.00' x 100.00'  
 LOT 6: 100.00' x 100.00'  
 LOT 7: 100.00' x 100.00'



**LEGISLATION:**  
 1. Article 4, Section 1, of the Maryland Constitution.  
 2. Article 4, Section 2, of the Maryland Constitution.  
 3. Article 4, Section 3, of the Maryland Constitution.  
 4. Article 4, Section 4, of the Maryland Constitution.  
 5. Article 4, Section 5, of the Maryland Constitution.  
 6. Article 4, Section 6, of the Maryland Constitution.  
 7. Article 4, Section 7, of the Maryland Constitution.  
 8. Article 4, Section 8, of the Maryland Constitution.  
 9. Article 4, Section 9, of the Maryland Constitution.  
 10. Article 4, Section 10, of the Maryland Constitution.

**2008-92**  
**SENTEC**  
 2008-92  
 2008-92

**AO 2007-73**

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: May 1, 2007

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 5-22-07 ANCHORAGE, ALASKA  
AO No. 2007-73

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF LOTS 1-B, 1-C AND 2, RASPBERRY CENTER SUBDIVISION FROM B-1B SL AND R-O SL TO R-O SL, AND TO REPEAL AO 91-174, AO 92-69, AND AO 2002-116 IN THEIR ENTIRETY AS APPLIED TO LOTS 1-B, 1-C AND 2, RASPBERRY CENTER SUBDIVISION; GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWOOD STREET AND RASPBERRY ROAD.

(Sand Lake Community Council) (Planning and Zoning Case 2007-025)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as R-O SL (Residential-Office District with special limitations):

Lots 1-B, 1-C and 2, Raspberry Center Subdivision; generally located at the southwest corner of Northwood Street and Raspberry Road, containing approximately 4.28 acres, as shown on Exhibit "A."

**Section 2.** The zoning map amendment described in Section 1 shall be subject to the following special limitations:

A. Prohibited principal uses and structures.

1. Hotels, motels and motor lodges.
2. Boarding and lodging houses.
3. Private clubs and lodges.
4. Funeral parlors and services.

B. Prohibited conditional uses and structures:

1. Free-standing transmission towers of any height.

**Section 3.** The zoning map amendment described in Section 1 shall be subject to the following design standards:

A. Building Setbacks. Asphalt paving for a driveway, and lawn and low shrubbery landscaping is allowed in the setback.

AO\_RASPBERRY CENTER SUBDIVISION

Page 2 of 4

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1. Commercial and church uses shall have a minimum 44-foot building setback from the west property line.

B. Maximum building square footage.

1. Churches and accessory uses shall not exceed 60,000 square feet.
2. Commercial uses and structures shall not exceed a total of 45,500 square feet.

C. Maximum Height of Structures.

1. Commercial, church, and residential uses shall not exceed 35 feet, although an additional five feet in height may be allowed for under building parking.

D. Lighting.

1. Future development shall be designed to prevent off-site illumination and impact onto adjacent property.

E. Minimum yard requirements.

1. Commercial or church uses shall provide a 20-foot yard setback along the west property line.

F. Fences.

1. Commercial or church use shall provide a sight-obscuring fence along the west side of the property.
2. Residential uses shall provide a decorative fence along the west property line.

**Section 4.** The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code, not specifically affected by a Special Limitations set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

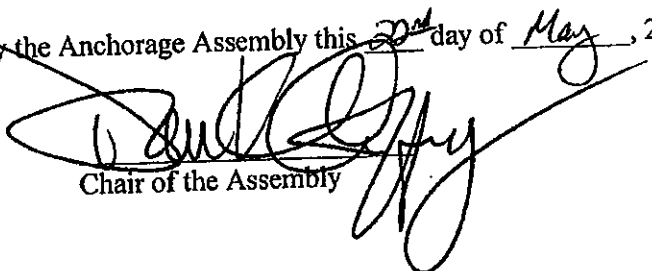
**Section 5.** Prior to this rezoning becoming effective, the subject parcels shall be replatted into a single parcel, consistent with the special limitations of this ordinance.



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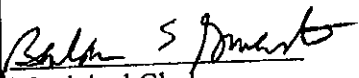
**Section 6.** Except as provided in Section 5 above, this ordinance shall become effective within 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. 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. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup> day of May, 2007.



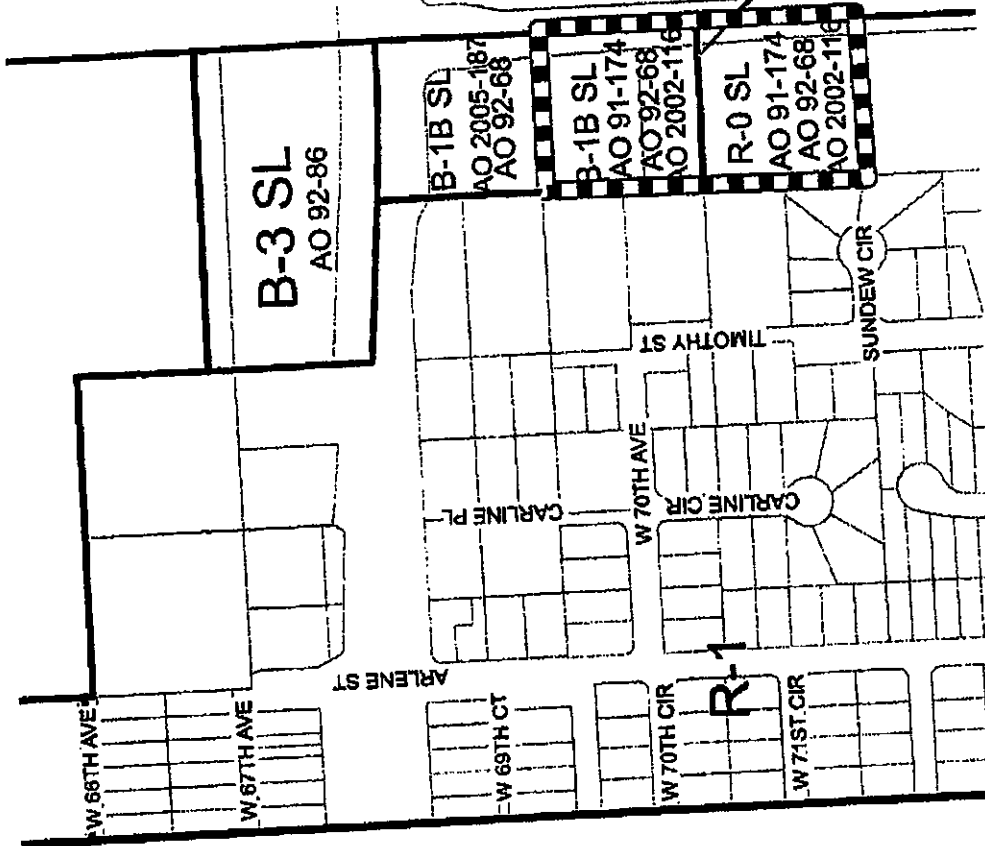
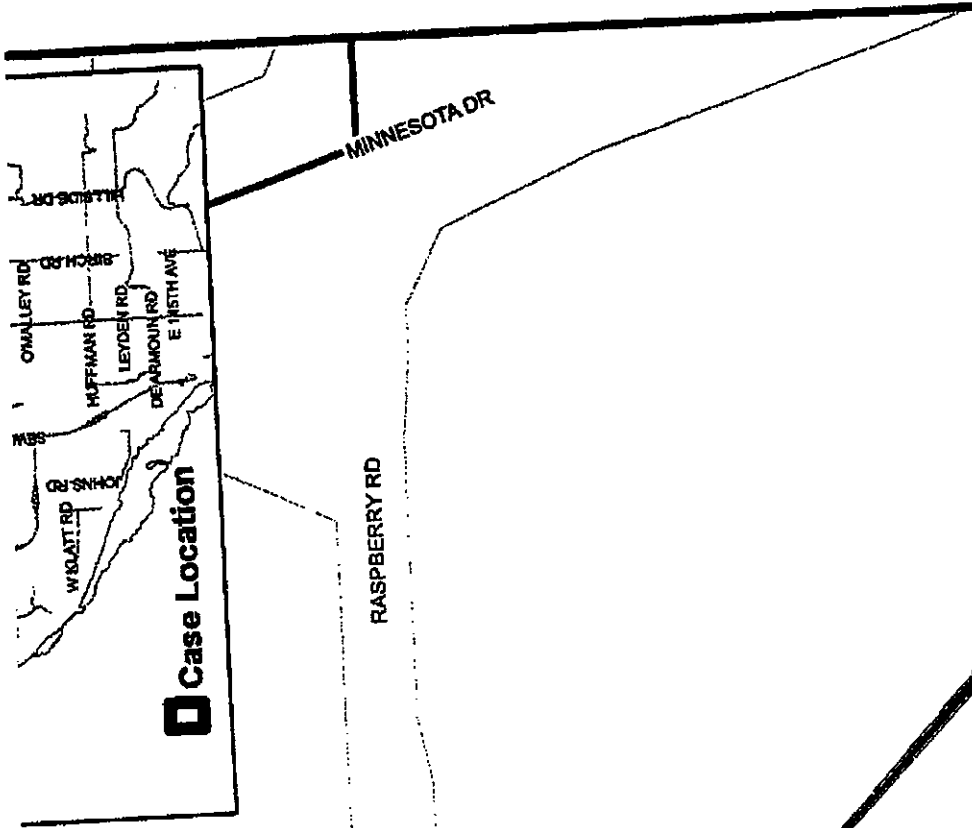
Chair of the Assembly

ATTEST:



Municipal Clerk

(Tax ID #012-135-02; -03; 012-131-86)



# **AO 2005-187**

CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 1-24-06

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: December 13, 2005

Anchorage, Alaska  
AO 2005-187

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5 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
6 REZONING OF LOT 1A, RASPBERRY CENTER SUBDIVISION FROM B-1B SL  
7 (COMMUNITY BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) TO B-1B SL  
8 (COMMUNITY BUSINESS DISTRICT WITH SPECIAL LIMITATIONS) AND TO  
9 REPEAL AO 91-174 IN ITS ENTIRETY AS APPLIED TO LOT 1A, RASPBERRY  
10 CENTER SUBDIVISION, GENERALLY LOCATED AT 6820 NORTHWOOD  
11 DRIVE.

12 (Sand Lake Community Council) (Planning and Zoning Commission case 2005-129)

13  
14 THE ANCHORAGE ASSEMBLY ORDAINS:

15  
16 **Section 1.** The zoning map shall be amended by designating the following described property as  
17 B-1B SL (Community Business District with Special Limitations) zone:

18  
19 Lot 1A, Raspberry Center Subdivision, as shown in exhibit A.

20  
21 **Section 2.** This zoning map amendment is subject to the following special limitations:

22  
23 The following uses and structures are prohibited:

- 24  
25 a. on-premises dry cleaning establishments;  
26 b. package liquor stores;  
27 c. bars;  
28 d. video arcades;  
29 e. pool halls.

30  
31 **The existing vegetation shall remain within the 24 foot landscape easement**  
32 **on the west boundary and, if disturbed, shall be replanted to buffer**  
33 **landscape standards.**  
34

35  
36 **Section 3.** This zoning map amendment is subject to the following effective clause:

37  
38 This zoning shall not become effective until a Platting Board resolution has been  
39 recorded removing plat notes 1, 2, and 3 of Plat 99-13 for Lots 1-A, 1-B and 1-C,

1 Raspberry Center Subdivision concerning a previous ordinance, site plan review and lot  
2 coverage requirements.

3  
4 **Section 4.** This ordinance shall become effective within 10 days after the Director of the  
5 Planning Department has received the written consent of the owners of the property within the  
6 area described in Section 1 above to the special limitations contained herein. The rezone  
7 approval contained herein shall automatically expire and be null and void if the written consent  
8 is not received within 120 days after the date on which this ordinance is passed and approved. In  
9 the event no special limitations are contained herein, this ordinance is effective immediately  
10 upon passage and approval. The Director of the Planning Department shall change the zoning  
11 map accordingly.

12 PASSED AND APPROVED by the Anchorage Assembly this 24<sup>th</sup> day of  
13 January, 2006.

14  
15 Anna J. Fairclough  
16 Chair  
17

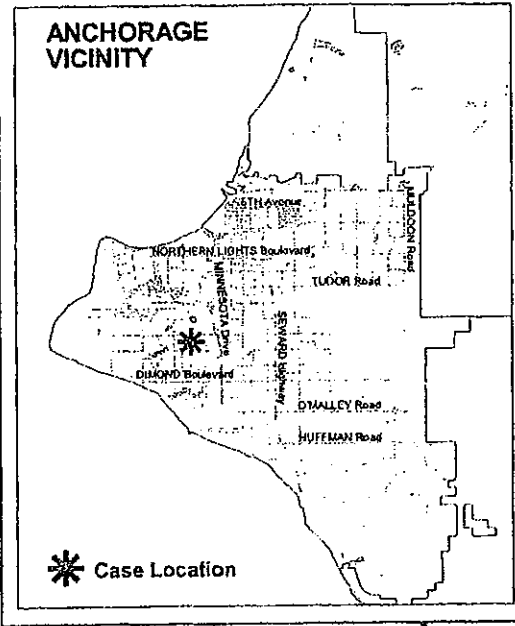
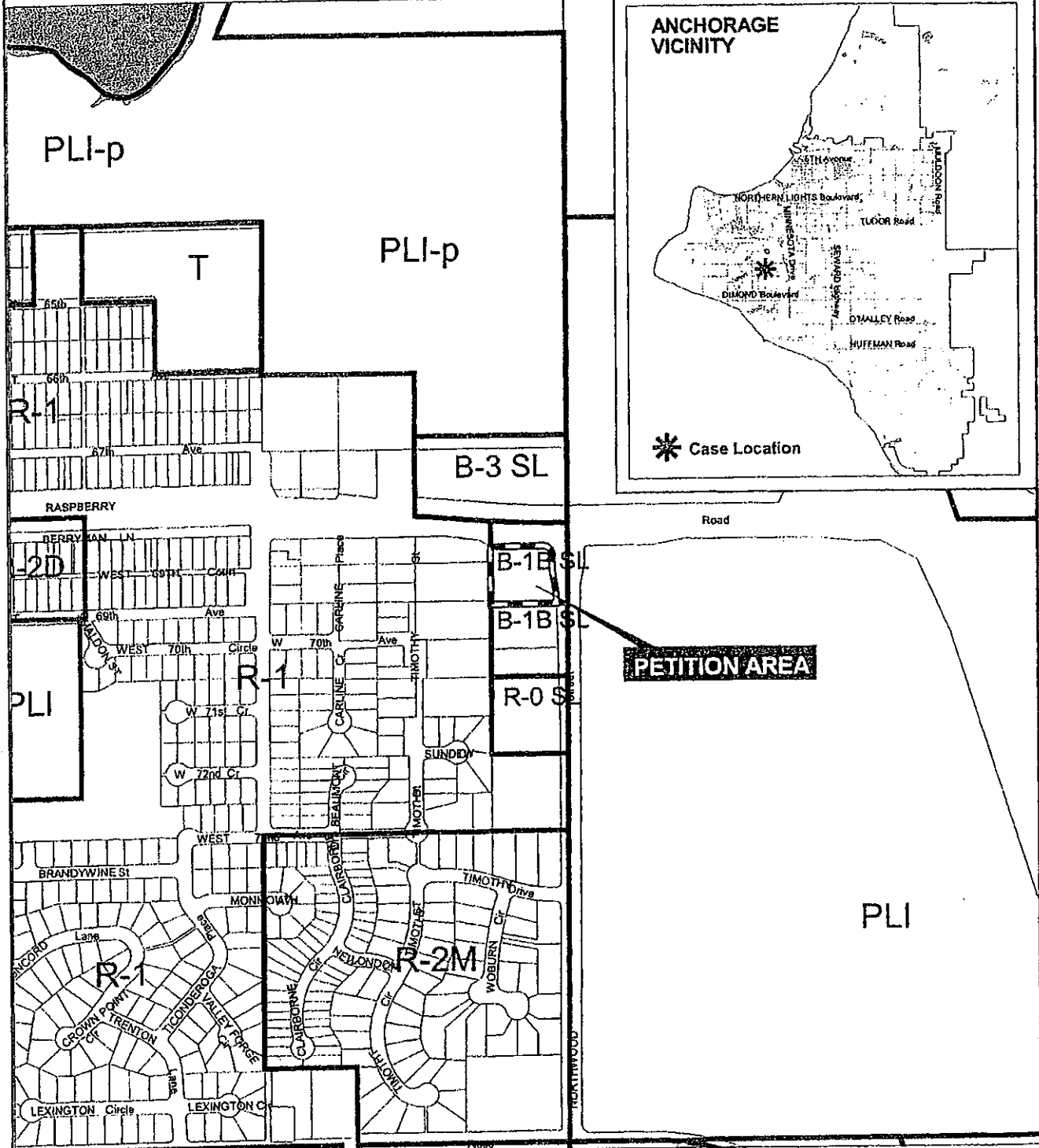
ATTEST:

Bonnie G. Duerksen  
Municipal Clerk

(Planning Case Number 2005-129)  
(Tax Identification 009-111-98)

# REZONE 2005-129

Exhibit A



Municipality of Anchorage  
Planning Department

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



Date: August 10, 2005

**PLATTING  
BOARD  
RESOLUTION  
2005-031  
REMOVING PLAT  
NOTES #1, #2, #3  
ON PLAT 99-013**

**RECORDED  
6/29/06 AS  
#2006-043171-0**

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**2006-043171-0**

Record , Dist: 301 - Anchorage  
6/29/2006 2:32 PM Pages: 1 of 3



**FILE COPY** c

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

**DO NOT DETACH**

094



MUNICIPALITY OF ANCHORAGE  
PLATTING AUTHORITY RESOLUTION NO. 2005-031

ANCHORAGE RECORDING DISTRICT

A RESOLUTION APPROVING THE REMOVAL OF THE FOLLOWING NOTES ON PLAT 99-013: 1) NOTE #1: "THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AO 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED;" 2) NOTE #2: "ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11/22/91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION;" AND NOTE #3: "THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,500 SQUARE FEET," FOR LOTS 1-A, 1-B & 1-C, RASPBERRY CENTER, LOCATED ON THE WEST SIDE OF NORTHWOOD STREET AND SOUTH OF RASPBERRY ROAD WITHIN THE NE ¼ SE ¼ SECTION 2, T12N, R4W, S.M., ALASKA.

---

WHEREAS, a petition has been received from Calvary Church Assembly of God, Inc. and Tesoro Marketing and Refining Company to remove the following notes on Plat 99-013: 1) Note #1: "This property must be developed in accordance with AO 91-174 as currently approved and as it may be amended;" 2) Note #2: "Any substantial deviation from the land use plan dated 11/22/91 attached to the Sand Lake Community Council Task Force Resolution dated 11-25-91, shall require a public hearing before the Planning & Zoning Commission;" and 3) Note #3: "The total square footage for all buildings located within this subdivision shall not exceed 25,500 square feet," for Lots 1-A, 1-B & 1-C, Raspberry Center, located on the west side of Northwood Street and south of Raspberry Road within the NE ¼ SE ¼ Section 2, T12N, R4W, S.M., Alaska, and

WHEREAS, notices were published, posted and mailed and a public hearing was held on November 2, 2005.

NOW, THEREFORE, BE IT RESOLVED by the Platting Authority that:

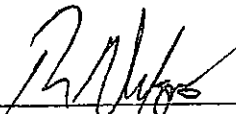
1. The Platting Board makes the following findings of fact:
  - a. Since the recording of Plat 99-013 on August 12, 1999, the Assembly has approved several amendments to the special limitations of AO 91-147 that was adopted on December 17, 1991.
  - b. AO 2002-116 adopted on August 20, 2002 amended the special limitations establishing new standards for required

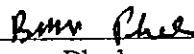


setbacks, height and building square footage on all three lots for a church use.

- c. On October 10, 2005, the Planning and Zoning Commission recommended to the Assembly an amendment to the B-1BSL special limitations to increase the allowed structure height, to permit towers as a use in the zoning district and to amend the site plan review process of AO 91-174.
  - d. The notes on Plat 99-013 affecting Lots 1A, 1B & 1C do not reflect current requirements of AO 91-174 due to the subsequent amendments to the zoning special limitations that have been adopted by the Assembly.
  - e. The existing notes on Plat 99-013 conflict with the current and proposed amendments to the development standards of the zoning special limitations
2. The Platting Board APPROVES the removal of Notes 1, 2 & 3 on Plat 99-13 subject to recording a resolution with the District Recorder's Office.

APPROVED by the Anchorage Platting Authority this 2<sup>nd</sup> day of November 2005.

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

  
\_\_\_\_\_  
Bruce Phelps  
Chair

Cases S-11418-1

Return to: Municipality of Anchorage  
Dept. Community Planning & Development  
P.O. Box 196650  
Anchorage, AK 99519-6650

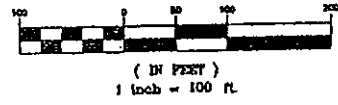
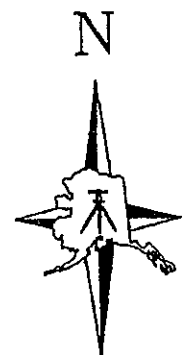
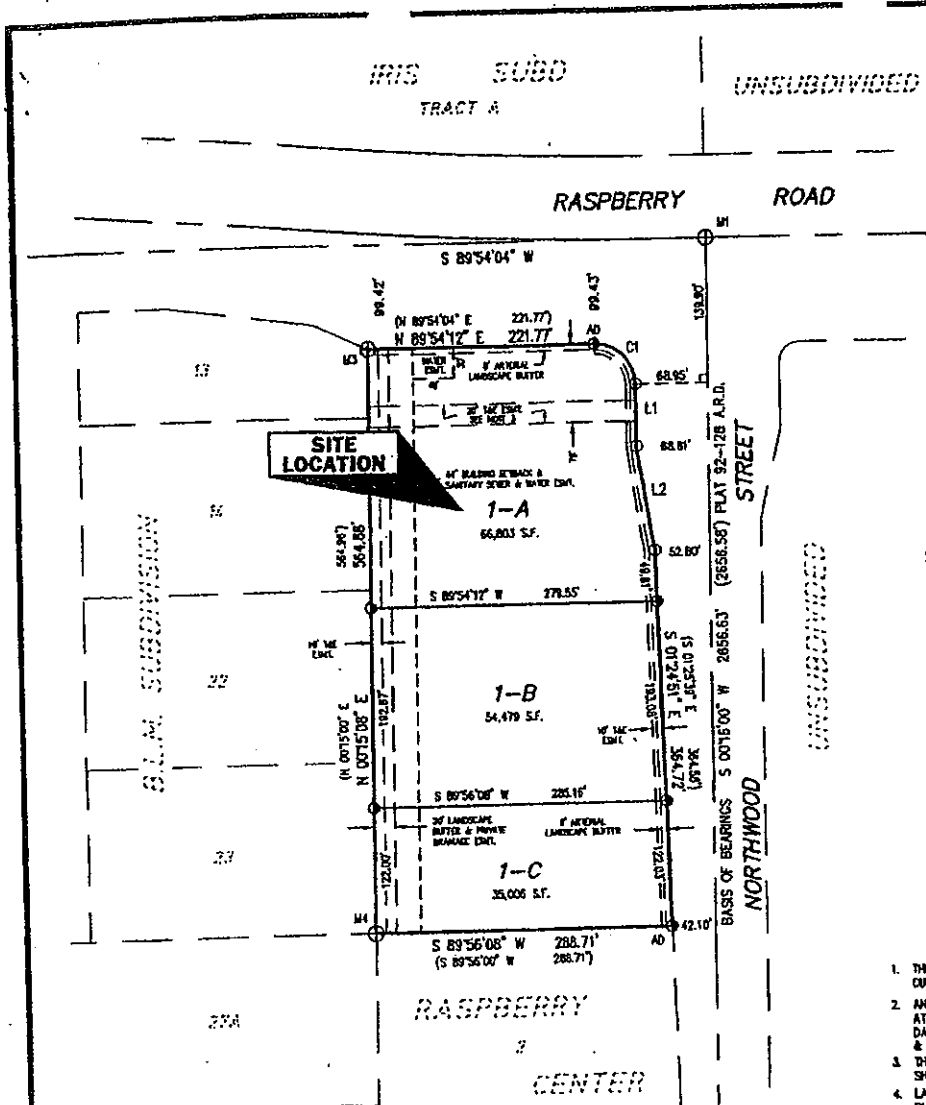


3 of 3  
2006-043171-0

096

# PLAT 99-13





**LEGEND**

- S 89°56'08" W 288.71' MEASURED DATA THIS SURVEY
- (S 89°56'00" W 288.71') RECORD DATA FOR PLAT 92-128 A.R.D.
- ⊕ FOUND PRIMARY MONUMENT
- ⊙ FOUND BESSE ENG. PLASTIC CAP ON 5/8" RI
- ⊙ SET 2" LOANSBURY ALLUM. CAP ON 5/8" REB
- ⊙ FLUSH W/ GROUND - 45-0535 / 1999
- AB POINT ESTABLISHED AT RECORD ANGLE & DIS
- C1 TYPICAL CURVE LABEL, SEE TABLE
- L1 TYPICAL LINE LABEL, SEE TABLE
- M3 TYPICAL MONUMENT LABEL, SEE DETAILS
- EML EASEMENT
- TK TELEPHONE & ELECTRIC
- S.F. SQUARE FEET

**NOTES**

1. THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AD 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED.
2. ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11-22-91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION.
3. THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,000 SQUARE FEET.
4. LANDSCAPING FOR ARTERIAL AND BUTTER EASEMENTS SHALL BE INSTALLED WITH THE BUILDING PERMIT AND MAINTAINED BY THE PROPERTY OWNER.
5. CHUGACH ELECTRIC ASSOCIATION, INC. EASEMENT EXISTS IN MISC. BOOK 65 AT PAGE NOT DEDICATED THIS PLAT.
6. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS TO RASPBERRY ROAD FROM LOT 1-B BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THIS ACCESS SHALL BE 107 FEET EAST OF THE WEST PROPERTY LINE.
7. ACCESS TO NORTHWOOD DRIVE IS LIMITED TO TWO COMMON DRIVENWAYS TO BE LOCATED AT THE COMMON LOT LINE OF LOTS 1-A & 1-B AND THE COMMON LOT LINE OF LOTS 1-C & 1-D.
8. WHERE THE TIE EASEMENTS ARE OVERLAPPED BY ARTERIAL LANDSCAPING EASEMENTS WRITTEN APPROVAL MUST BE OBTAINED FROM THE ELECTRIC UTILITY PRIOR TO LAND CHANGES OR CHANGES IN GRADE. LANDSCAPING WITHIN THESE EASEMENTS IS SUBJECT TO THE UTILITY TO CUT, TRIM, REMOVE AND CONTROL THE GROWTH OF TREES AND OTHER VEGETATION THAT IN ITS REASONABLE JUDGEMENT MAY INTERFERE WITH PROPER INSTALLATION, FUNCTIONING AND MAINTENANCE OF THE UTILITY FACILITIES. THE ELECTRIC UTILITY WILL NOT REPLACE NOR BE RESPONSIBLE FOR DAMAGED LANES WITHIN THE OVERLAPPING TIE AND ARTERIAL LANDSCAPING EASEMENTS.
9. THIS NOTE WAS NOT REQUIRED ON THE PREVIOUS PLAT WHICH DEDICATED THESE EASEMENTS. THE ADDITIONAL REQUIREMENTS OF THIS NOTE ARE OBJECTIONABLE TO THE OWNER.
10. THIS PROPERTY IS LOCATED WITHIN THE 60-65 DNL CONTOUR AND IS SUBJECT TO LEVELS OF AIRPORT NOISE.

**LINE TABLE**

LINE	MEASURED		RECORD	
	DIRECTION	DISTANCE	DIRECTION	DISTANCE
L1	S 02°07'53" W	59.98'	S 02°14'45" W	60.04'
L2	S 06°48'13" E	101.57'	S 06°51'00" E	101.53'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	40.00'	62.83'	40.00'	56.57'	N 45°03'41" W	80°00'00"
(C)	(40.00')	(63.07')	(40.24')			(80°20'41")

\* DENOTES NON-TANGENTIAL CURVE

OFFICIAL SEAL  
STATE OF ALASKA  
MARY HELL LARSON  
NOTARY PUBLIC  
BENEFICIARY  
NATIONAL BANK OF ALASKA  
*Linda K. Lester*  
BY LINDA K. LESTER, PRESIDENT VICE PRESIDENT  
1500 WEST BEISON BLVD.  
ANCHORAGE, ALASKA 99503

**NOTARY'S ACKNOWLEDGMENT**  
LINDA K. LESTER PERSONALLY APPEARED  
SUBSCRIBED AND SWORN TO BEFORE ME THIS 8th  
DAY OF February, 1999  
*Mary Hell Larson*  
NOTARY FOR ALASKA  
MY COMMISSION EXPIRES 5-16-99

**PLAT APPROVAL**  
PLAT APPROVED BY THE MUNICIPAL PLATTING AUTHORITY THIS  
28th DAY OF Feb, 1999  
APPROVALS  
PLATTING OFFICER *[Signature]* 2-18-99  
MUNICIPAL SURVEYOR *[Signature]* 2/19/99

99-13  
RECORDED - FILED  
ANCHORAGE REC. DIST.  
DATE Feb 19, 1999  
TIME 3:16 P.M.  
Requested by M.O.A.  
Address \_\_\_\_\_



( IN FEET )  
1 inch = 100 ft.

### LEGEND

S 89°56'08" W	288.71'	MEASURED DATA THIS SURVEY
(S 89°56'00" W	288.71')	RECORD DATA FOR PLAT 92-128 A.R.D.
⊕		FOUND PRIMARY MONUMENT
⊙		FOUND BESSE ENG. PLASTIC CAP ON 5/8" RI
⊗		SET 2" LOUNSBURY ALUM. CAP ON 5/8" REB FLUSH W/ GROUND - LS-8535 / 1999
AD		POINT ESTABLISHED AT RECORD ANGLE & DIS
C1		TYPICAL CURVE LABEL, SEE TABLE
L1		TYPICAL LINE LABEL, SEE TABLE
M3		TYPICAL MONUMENT LABEL, SEE DETAILS
CHC		EASEMENT
TK		TELEPHONE & ELECTRIC
S.F.		SQUARE FEET

### NOTES

1. THIS PROPERTY MUST BE DEVELOPED IN ACCORDANCE WITH AD 91-174 AS CURRENTLY APPROVED AND AS IT MAY BE AMENDED.
2. ANY SUBSTANTIAL DEVIATION FROM THE LAND USE PLAN DATED 11-22-91 ATTACHED TO THE SAND LAKE COMMUNITY COUNCIL TASK FORCE RESOLUTION DATED 11-25-91, SHALL REQUIRE A PUBLIC HEARING BEFORE THE PLANNING & ZONING COMMISSION.
3. THE TOTAL SQUARE FOOTAGE FOR ALL BUILDINGS LOCATED WITHIN THIS SUBDIVISION SHALL NOT EXCEED 25,500 SQUARE FEET.
4. LANDSCAPING FOR ARTERIAL AND BUFFER EASEMENTS SHALL BE INSTALLED WITH THE BUILDING PERMIT AND MAINTAINED BY THE PROPERTY OWNER.
5. CHICAGO ELECTRIC ASSOCIATION, INC. EASEMENT EXISTS IN MISC. BOOK 65 AT PAD NOT DEDICATED THIS PLAT.
6. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS TO RASPBERRY ROAD FROM LOT 1- BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THIS ACCESS SHALL BE 107 FEET EAST OF THE WEST PROPERTY LINE.
7. ACCESS TO NORTHWOOD DRIVE IS LIMITED TO TWO COMMON DRIVEWAYS TO BE LOCATED AT THE COMMON LOT LINE OF LOTS 1-A & 1-B AND THE COMMON LOT LINE OF LOTS 1-C & 1-D.
8. WHERE THE TREE EASEMENTS ARE OVERLAPPED BY ARTERIAL LANDSCAPING EASEMENTS WRITTEN APPROVAL MUST BE OBTAINED FROM THE ELECTRIC UTILITY PRIOR TO LAND CHANGES OR CHANGES IN GRADE. LANDSCAPING WITHIN THESE EASEMENTS IS SUBJECT TO THE UTILITY TO CUT, TRIM, REMOVE AND CONTROL THE GROWTH OF TREES AND OTHER VEGETATION THAT IN ITS REASONABLE JUDGEMENT MAY INTERFERE WITH PROPER INSTALLATION, FUNCTIONING AND MAINTENANCE OF THE UTILITY FACILITIES. THE ELECTRIC UTILITY WILL NOT REPLACE NOR BE RESPONSIBLE FOR DAMAGED LAND WITHIN THE OVERLAPPING TREE AND ARTERIAL LANDSCAPING EASEMENTS.
9. THIS NOTE WAS NOT REQUIRED ON THE PREVIOUS PLAT WHICH DEDICATED THESE EASEMENTS. THE ADDITIONAL REQUIREMENTS OF THIS NOTE ARE OBJECTIONABLE TO THE OWNER.
10. THIS PROPERTY IS LOCATED WITHIN THE 60-65 DNE CONTOUR AND IS SUBJECT TO LEVELS OF AIRPORT NOISE.

99-13 *ce*

# PLAT 92-128

CERTIFICATE OF OWNERSHIP AND DEDICATION

(1) hereby certify that (1) hold the herein specified property interest in the property described herein...

OWNERS NATIONAL BANK OF ALASKA 1500 WEST BRIDSON ANCHORAGE, ALASKA 99503

Ms. Linda K. Lester, Assistant Vice President Date 8-24-92

NOTARY ACKNOWLEDGEMENT

This is to certify that on this 24th day of August 1992, before me, the undersigned, a Notary Public in and for the State of Alaska...

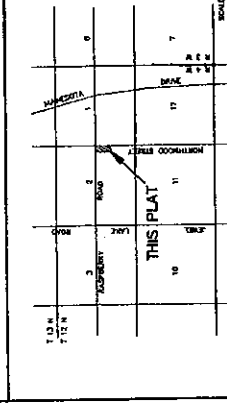
Ms. Linda K. Lester



NOTE

THE PRIVATE STORM DRAIN EASEMENT ON THE WEST SIDE OF LOTS 1 AND 2 IS DEDICATED FOR THE USE OF EITHER LOT 1 OR LOT 2 FOR THE MAINTENANCE OF THE EXISTING STORM DRAIN...

VICINITY MAP



PLAT OF RASPBERRY CENTER, LOTS 1 & 2 A RESUBDIVISION OF BLM LOT 34 & N 1/2 OF BLM LOT 34 EXCEPTING ADJUTIF ROW TAKES IN BOOK 390 AT PAGES 883 & 885 AND IN BOOK 1943 AT PAGE 940...

NOTES

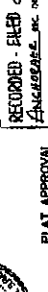
- 1. ALL LINES ARE NON-RADIAL EXCEPT WHERE NOTED OTHERWISE.
2. ALL EASEMENTS SHOWN ARE TO TELEPHONE & ELECT. CABLES...
3. 5/8" x 30" REBAR SET AT ALL EXTERIOR ANGLE POINTS...

LEGEND

- FOUND MONUMENT AS DESCRIBED
SET 3 1/2" AL POST MONUMENT
FLUSH WITH GROUND MARKED WITH OTHERWISE NOTED...

SURVEYOR'S CERTIFICATE

REHARD L. BRICE, SURVEYOR, and I have surveyed the herein described premises and have found the same to conform to the plat...



PLAT APPROVAL

Plat approved by the Municipal Planning Agency of Anchorage, Alaska on 8/18/92

ACCEPTANCE OF DEDICATION

The Municipality of Anchorage hereby accepts for public use and for public purposes the real property dedicated on this plat...

Dated at Anchorage, Alaska this 27th day of October, 1992

Walter C. DeWitt, Mayor of Anchorage

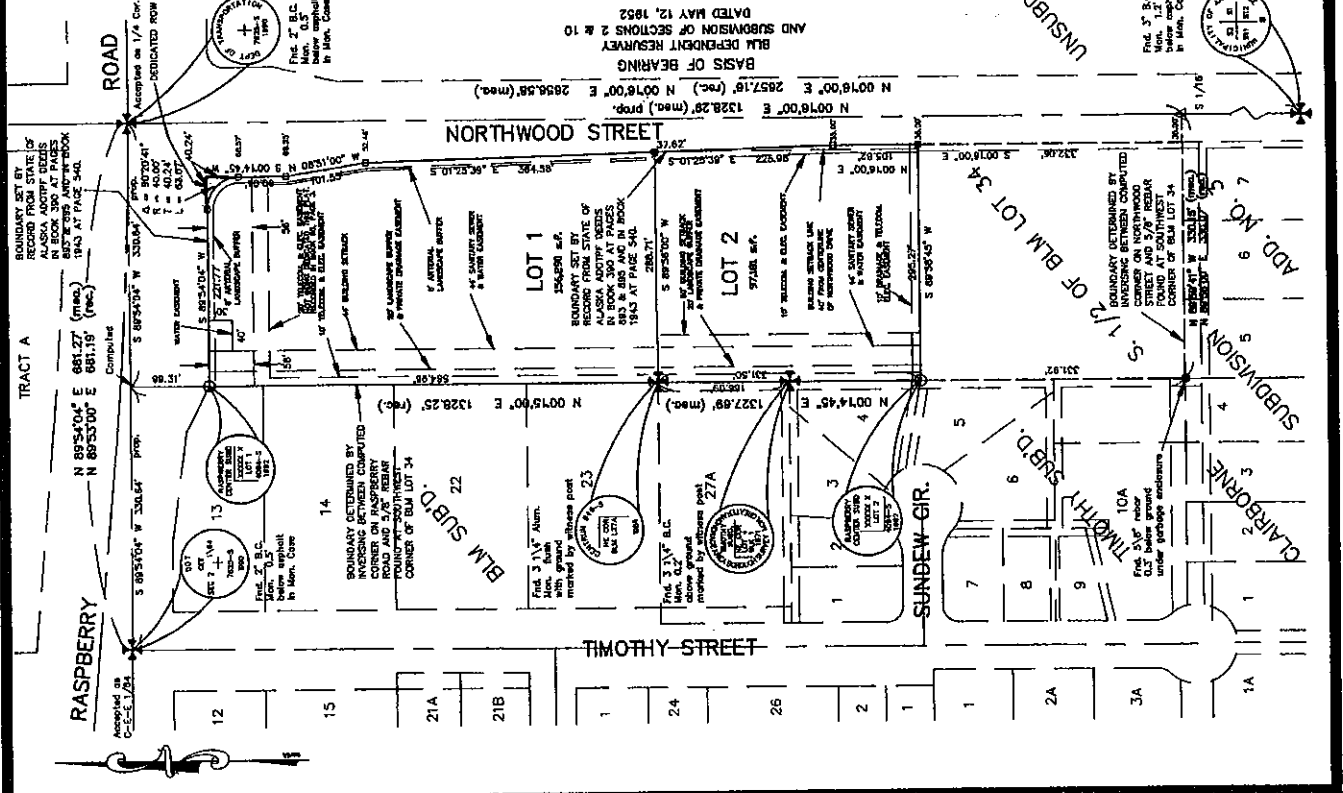
TAX CERTIFICATION

All real property taxes levied by the Municipality of Anchorage on the area shown on this plat have been paid...

APPROVALS

10-23-92

10-23-92



BLM DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS 2 & 10 DATED MAY 12, 1992

UNSUBMITTED







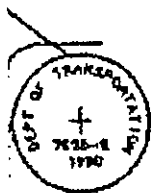
Plot 92-128

NOTES

1. ALL LINES ARE NON-RACIAL EXCEPT WHERE NOTED OTHERWISE.
2. ALL EASEMENTS SHOWN ARE 10' TELECOM. & ELEC. EASEMENTS UNLESS OTHERWISE NOTED. TELECOM. & ELEC. IS AN ABBREVIATION FOR TELECOMMUNICATION AND ELECTRICAL EASEMENT.
3. 5/8" x 30" REBAR SET AT ALL EXTERIOR ANGLE POINTS. MONUMENTS AND LOT CORNERS ARE SET AS SHOWN AND ARE IN CONFORMANCE WITH 21-85-130 (MONUMENTS)
4. LANDSCAPING PLAN FOR LANDSCAPE BUFFER AND ARTERIAL LANDSCAPING TO BE APPROVED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING PRIOR TO ISSUANCE OF A BUILDING PERMIT, AND INSTALLATION OF VEGETATION TO OCCUR WITH BUILDING PERMIT.
5. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS ONTO RASPBERRY ROAD FROM LOT 1 WILL BE PERMITTED FOR RIGHT TURNS ONLY. THE CENTERLINE OF THE ACCESS SHALL BE LOCATED 107' EAST OF THE WEST PROPERTY LINE.
6. A MAXIMUM OF ONE DIRECT VEHICULAR ACCESS ONTO NORTHWOOD STREET FOR EACH LOT AND ONE DIRECT VEHICULAR ACCESS COMMON TO LOTS 1 & 2 WILL BE PERMITTED. ACCESSES SHALL BE A MINIMUM OF 60 FEET FROM THE INTERSECTING ROADWAYS OF NORTHWOOD AND RASPBERRY.

JAD

1 as 1/4 Cor.  
DEDICATED ROW



Find 2" B.C.  
Mon. 0.5"  
below asphalt  
in Mon. Case

LEGEND

- |   |   |
|---|---|
| ✚ FOUND MONUMENT AS DESCRIBED   | ===== 10' TELECOMMUNICATIONS AND ELECTRICAL EASEMENT UNLESS OTHERWISE NOTED |
| ⊕ SET 2 1/2" AL POST MONUMENT FLUSH WITH GROUND MARKED WITH A FIBERGLASS WITNESS POST | ⊠ SET 5/8" x 30" REBAR  |
| △ SET PK NAIL IN ASPHALT  | ○ FOUND 5/8" REBAR  |

(rec.) - BJM

SURVEYOR'S CERTIFICATE

I, RICHARD L. BESSE, Professional land surveyor do hereby certify that the plat of RASPBERRY CENTER is a true and correct representation of lands actually surveyed and that the distances and bearings are shown correctly and that all permanent exterior control monuments, all other monuments, and lot corners have been set and staked, or if final completion is assured by subdivision agreement, they will be set as specified in said subdivision agreement. Lot corners to be set by N. A. Monuments to be set by N. A.

CERTIFICATE OF OWNER

I (we) hereby certify that I (we) hold title in the property described hereon. I (we) of Anchorage do areas depicted for use alleys, thoroughfares, parks, and other purposes shall be reserved adjacent to the dedication reservation easement sufficient to control horizontal for each 1 foot vertical (1:5) providing and maintaining the lateral support. There is reserved to the grantors, their heirs to use such areas at any time upon proper lateral support, as approved by the Municipality.

I (we) hereby agree to this plat, and to c hereon and any such restriction or cover against present and successive owners of

OWNERS

NATIONAL BANK OF ALASKA  
1500 West Benson Blvd.  
Anchorage, Alaska 99503

Linda K. Lester  
Ms. Linda K. Lester, Assistant

NOTARY ACKNOWLEDGEMENT

THIS IS TO CERTIFY that on this 24<sup>th</sup> day before me, the undersigned, a Notary Public duly commissioned and sworn as such, per

Ms. Linda K.

known to me and to me known to be the the foregoing instrument and acknowledge the same as her voluntary act and de mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office this 24<sup>th</sup> day of June, 1992.



# **AO 2006-116**

CLERK'S OFFICE

APPROVED

Date: 8-20-02

Submitted by:

Chair of the Assembly at the  
Request of the Mayor

Prepared by:  
For reading

Planning Department  
July 23, 2002

Anchorage, Alaska  
AO 2002-116

1  
2  
3  
4  
5 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING  
6 THE ZONING MAP AND AMENDING THE SPECIAL LIMITATIONS OF  
7 APPROXIMATELY 4.28 ACRES, CURRENTLY ZONED R-O SL AND B-1B SL,  
8 DESCRIBED AS LOTS 1B, 1C AND 2, RASPBERRY CENTER SUBDIVISION,  
9 GENERALLY LOCATED AT THE SOUTHWEST CORNER OF RASPBERRY  
10 ROAD AND NORTHWOOD STREET.

11 (Sand Lake Community Council) (Planning and Zoning Commission Case 2002-042)

12  
13 THE ANCHORAGE ASSEMBLY ORDAINS

14 Section 1. The zoning map shall be amended by amending the special limitations for the  
15 following described property:

16 Lots 1B, 1C (B-1B SL) and Lot 2 (R-O SL), Raspberry Center Subdivision as shown on  
17 Exhibit A (Planning and Zoning Commission Case 2002-042).

18 Section 2. All terms, conditions, and special limitations of Plat 92-128, Plat 99-13, AO  
19 91-174 and AO 92-68 remain in effect, except as modified by the following special  
20 limitations:

21 The west lot line setback for lot 2, Raspberry Center Subdivision shall be a  
22 minimum of 44 feet for a church and accessory uses. All other uses shall  
23 remain subject to the 60 foot setback. Asphalt paving for a driveway and  
24 lawn and low shrubbery landscaping is allowed in the setback.

25 2. The height limitation for a church and accessory uses shall be 35 feet.

26 3. The entire square footage, on all three lots, for a church and accessory  
27 structures shall be a maximum of 60,000 square feet.

28 Section 3. The special limitations set forth in this ordinance prevail over any inconsistent  
29 provisions of Title 21 of the Anchorage Municipal Code, unless specifically provided for  
30 otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically  
31 affected by the Special Limitations set forth in this ordinance shall apply in the same  
32 manner as if the district classification applied by this ordinance were not subject to  
33 Special Limitations.

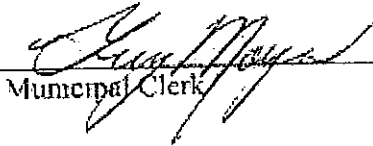
2 **Section 4.** The Director of the Planning Department shall change the zoning map accordingly.

3 **Section 5.** This ordinance shall become effective within ten (10) days after the Director  
4 of the Planning Department has received written consent of the owners of the property  
5 within the area described in Section 1 above to the special limitations contained herein.  
6 The rezone approval contained herein shall automatically expire and be null and void if  
7 the written consent is not received within 120 days after the date on which this ordinance  
8 is passed and approved. In the event that no special limitations are contained herein, this  
9 ordinance is effective immediately upon passage and approval.

10 PASSED AND APPROVED by the Anchorage Assembly this 20<sup>th</sup>  
11 day of August 2002.

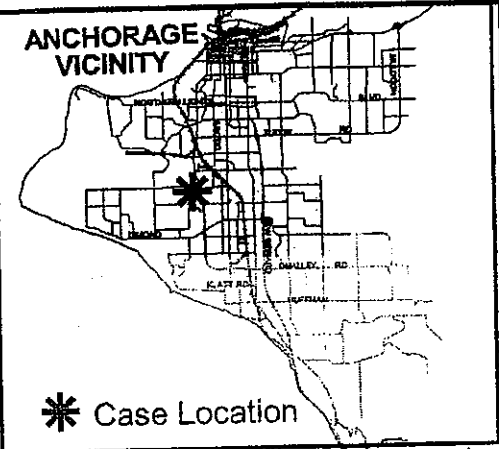
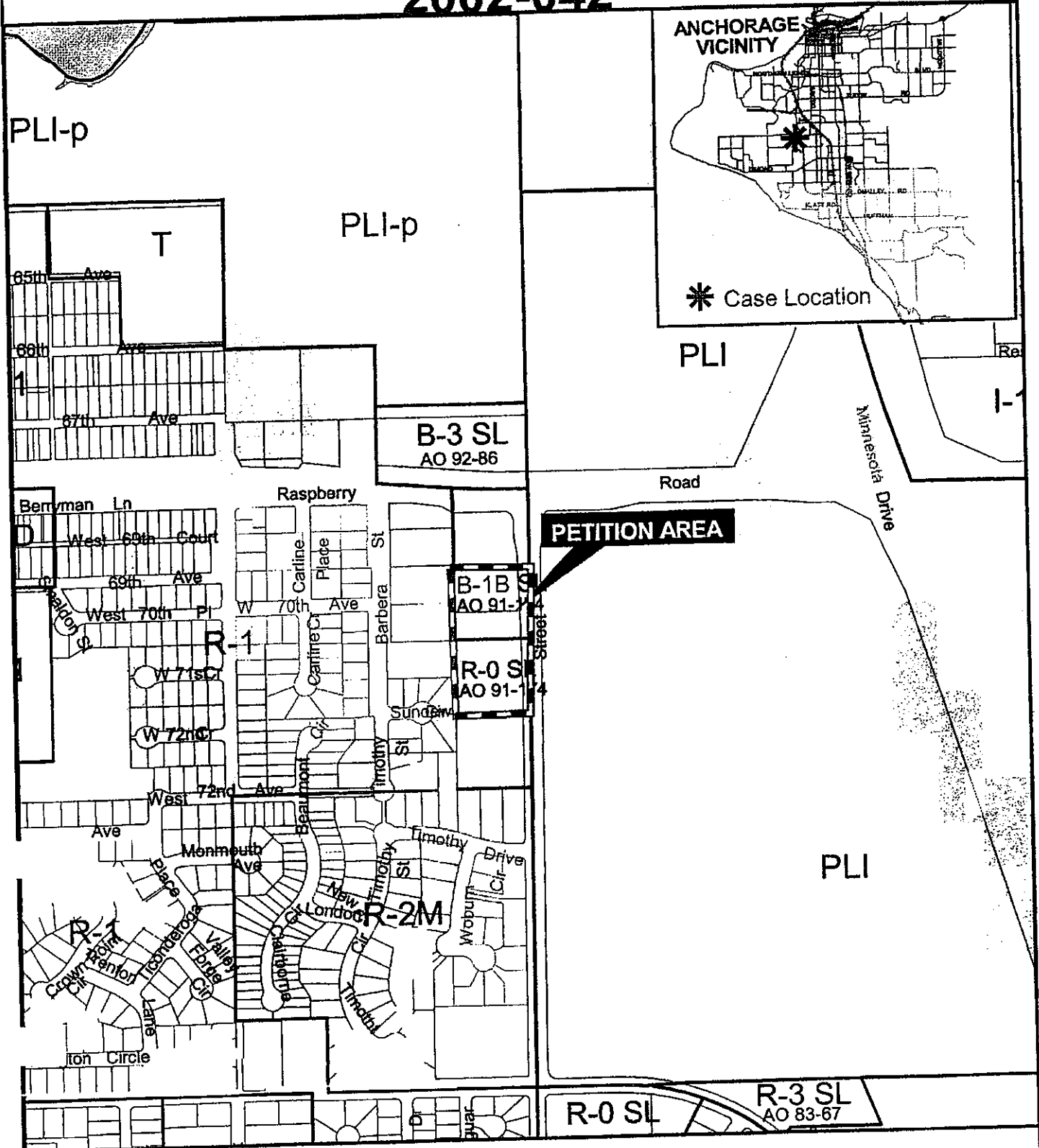
12   
Chair

ATTEST:

  
Municipal Clerk

# EXHIBIT - A

## 2002-042



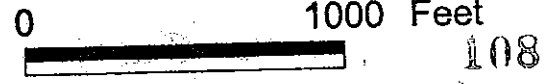
Municipality of Anchorage  
Planning Department



Date: APRIL 24, 2002

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway





## MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 677-2002

Meeting Date: July 23, 2002

From: Mayor

Subject: AO 2002- 116

Planning and Zoning Commission  
Recommendation for a Rezoning from R-O  
SL and B-1B SL to R-O SL and B-1B SL for  
Raspberry Center Subdivision, Lots 1B, 1C  
and 2.

1 Calvary Temple Assembly of God has made an application for rezoning to change some of  
2 the Special Limitations of AO 91-174 when applied specifically to a church and church  
3 accessory uses. On March 4, 2002, the Planning and Zoning Commission recommended  
4 approval of the rezoning.

5  
6 The Special Limitations of AO 91-174 limit uses, west lot line setbacks, building heights  
7 and square foot coverage of the lots. A church and its accessory uses are permitted. The  
8 proposed changes will only apply to a church and its accessory uses and would be a  
9 permanent zoning change at this location.

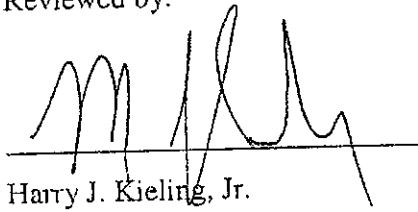
10  
11 The applicant's request amends the existing Special Limitations for churches as follows:

- 12  
13 1. The west lot line setback will be reduced from 60 feet to 44 feet;  
14 2. The height limitation will be raised from 25 feet to 35 feet; and  
15 3. The lot coverage restriction will be changed from a total of 45,500 square feet to  
16 60,000 square feet.

17  
18 There are no effective clauses to implement the new Special Limitations or to cause them  
19 to expire. This is a permanent change to the AO. All other conditions of AO 91-174 and of  
20 Plats 92-128 and 99-13 remain in effect. (The plats establish utility easements and the  
21 number and location of driveway cuts on Northwood Street.) The applicant has indicated  
22 these items will not hinder development of the church and understands and accepts the  
23 special limitations.  
24

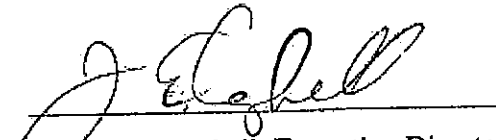
1 The applicant has also been apprised of the potential difficulties of developing three lots  
2 into two different zoning districts. A rezoning to one district and/or a replat to one lot may  
3 be necessary for development as the applicant envisions it. At this time the applicant does  
4 not wish to undertake the rezoning or replatting. The Community Council membership has  
5 voted to support the proposed changes, 58 to 1.  
6  
7 Approval of the ordinance is recommended.

Reviewed by:



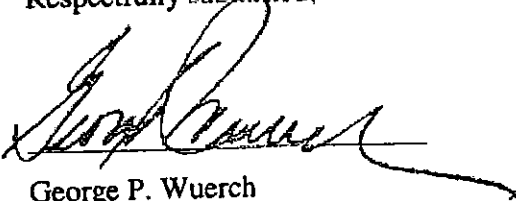
Harry J. Kieling, Jr.  
Municipal Manager

Reviewed by:



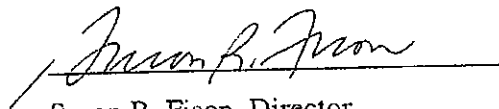
Craig E. Campbell, Executive Director  
Office of Planning, Development, and  
Public Works

Respectfully submitted,



George P. Wuerch  
Mayor

Prepared by:



Susan R. Fison, Director  
Planning Department



**AO 92-68**

Submitted by: Assemblyman Faulkner  
Prepared by: Clerk's Office  
For reading: June 2, 1992

6/

CLERK'S OFFICE  
APPROVED

Date: 6-30-92

ANCHORAGE, ALASKA

ORDINANCE NO. AO 92- 68

9:

AN ORDINANCE AMENDING SECTION 7 OF AO 91-174 WHICH REZONED T12N, R4W, SECTION 2, LOT 33 TO B-1B WITH SPECIAL LIMITATIONS AND T12N, R4W, SECTION 2, NORTH 1/2 OF LOT 34 TO R-0 WITH SPECIAL LIMITATIONS

THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

Section 1. Section 7 of AO 91-174 which was amended and approved by the Anchorage Municipal Assembly on December 17, 1991 is hereby amended to read as follows (bracketed words being deleted; underlined words being added):

[SECTION 7. THE ORDINANCE REFERENCED WITHIN SECTION 1 ABOVE SHALL FURTHER BECOME EFFECTIVE UPON COMPLETION OF THE FOLLOWING:

- A. THE RECORDATION OF A REPLAT WITH THE DISTRICT RECORDERS OFFICE THAT COMBINES THE SUBJECT LOTS INTO A SINGLE TRACT.]

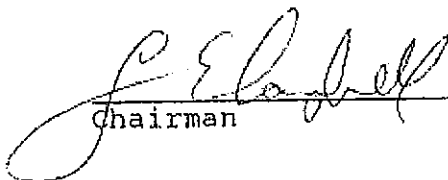
Section 7. The rezoning shall further become effective upon completion of the following:

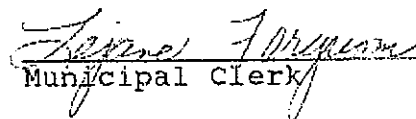
- a. The recordation of a replat with the District Recorder's Office that reflects the property as two separate lots which shall be divided coincidental with the line separating the two zoning classifications as reflected on Exhibit A attached.

Section 2. This ordinance shall be come effective upon passage and approval by the Anchorage Municipal Assembly.

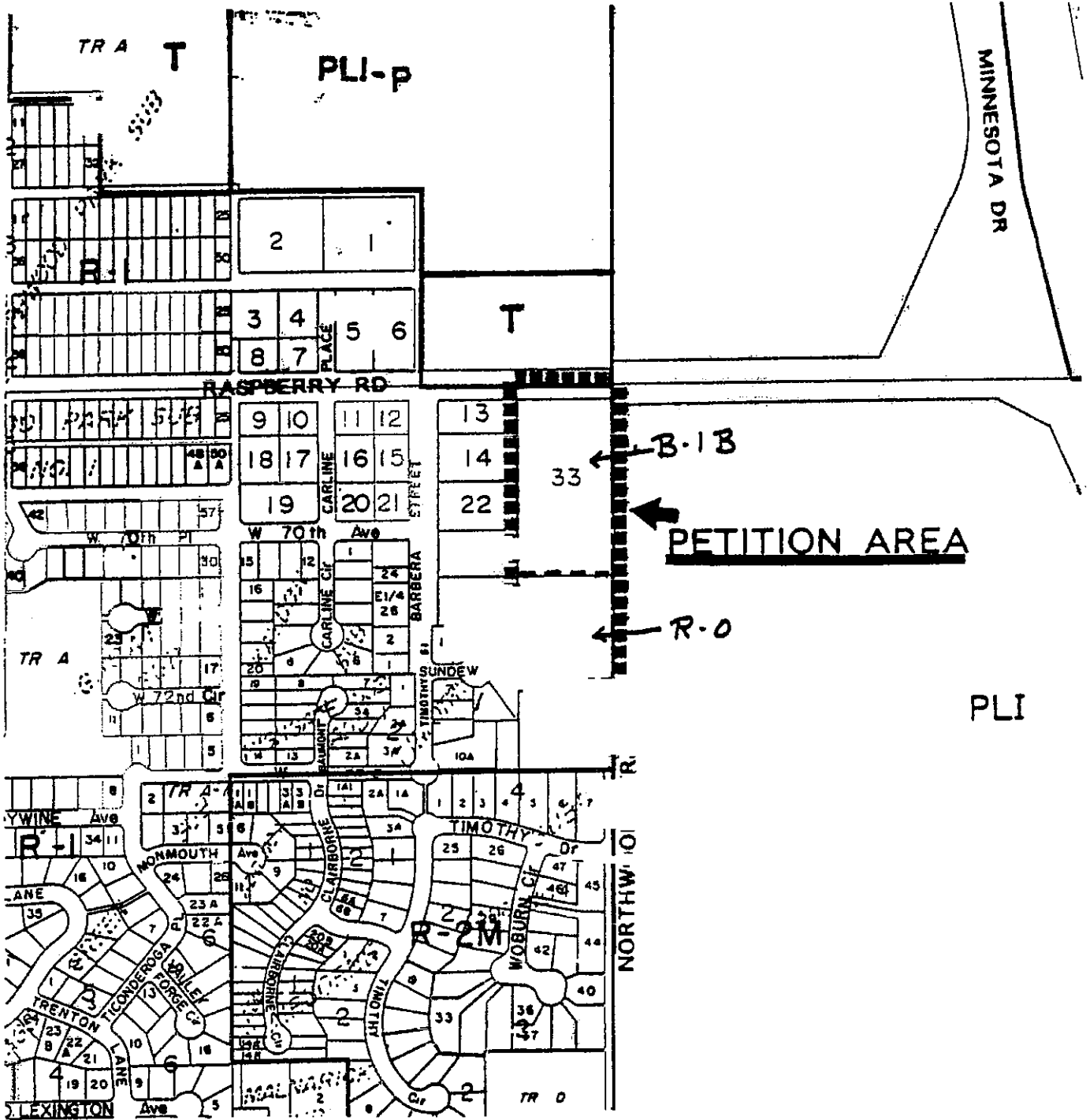
PASSED AND APPROVED by the Anchorage Municipal Assembly this 30th day of June, 1992.



ATTEST:

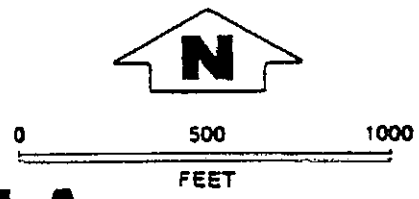
  
Chairman

  
Municipal Clerk

AM 554-92/AM 604-92



-  100 Year Floodplain
-  500 Year Floodplain



# EXHIBIT A

**AO 91-174**

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CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 12/17/91

Submitted by: Chairman of the  
Assembly  
At the Request of  
the Mayor  
Prepared by: Department of  
Economic Development  
& Planning  
For Reading: November 12, 1991

ANCHORAGE, ALASKA  
AO NO. 91-174

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
REZONING FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) ZONE TO  
B-1B SL (COMMUNITY BUSINESS DISTRICT), WITH SPECIAL LIMITATIONS  
ZONE FOR T12N, R4W, SECTION 2, LOT 33 AND NORTH 1/2 OF LOT 34.  
(Sand Lake Community Council) (Case No. 91-073)

THE ANCHORAGE ASSEMBLY ORDAINS THAT:

\* SEE ATTACHED PAGES FOR INCORPORATED AMENDMENTS  
Section 1. The zoning map shall be amended by

designating the following described property as a B-1B (Community  
Business District) with Special Limitations zone:

T12N, R4W, Section 2, Lot 33 and North 1/2 of Lot 34 as  
shown on Exhibit A attached (Planning and Zoning  
Commission case no. 91-073).

Section 2. The zoning map amendment described in  
Section 1 shall be subject to the following special limitations  
regarding the uses of the property:

A. The following principal uses and structures are  
prohibited:

1. on-premises dry-cleaning establishments.

1 | B. The following conditional uses and structures are  
2 | prohibited:

- 3 |  
4 | 1. package liquor stores;  
5 | 2. bars;  
6 | 3. video arcades;  
7 | 4. pool halls.  
8 |

9 | Section 3. The zoning map amendment described above  
10 | shall be subject to the following special limitation  
11 | establishing design standards for the property:  
12 |

- 13 | a. Maximum height of any structure on the tract shall  
14 | not exceed 30 feet.  
15 |  
16 | b. A 20 foot wide landscape screening buffer, with a  
17 | 6 foot high solid wooden fence, shall be placed  
18 | along the west and south property. Twelve feet of  
19 | this 20 foot buffer will be outside the fence with  
20 | 8 feet inside.  
21 |  
22 | c. Prior to the issuance of any building permits, a  
23 | non-public hearing site plan review shall be held  
24 | by the Planning and Zoning Commission in  
25 | accordance with AMC 21.15.030 and the special  
26 | limitation design standards for the property.  
27 |  
28 |

29 | Section 4. The special limitations set forth in this  
30 | ordinance prevail over any inconsistent provision of Title 21  
31 | of the Anchorage Municipal Code, unless specifically provided  
32 | otherwise. All provisions of Title 21 of the Anchorage  
33 | Municipal Code not specifically affected by a Special  
34 | Limitation set forth in this ordinance shall apply in the same  
35 | manner as if the district classification applied by this  
36 | ordinance were not subject to special limitations.  
37 |  
38 |

39 | Section 5. The Director of the Department of  
40 | Economic Development and Planning shall change the zoning map  
41 |  
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52 |

accordingly.

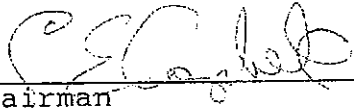
Section 6. The ordinance referenced within Section 1 above shall become effective within 10 days after the Director of the Department of Economic Development and Planning shall determine in writing, as submitted to the Municipal Clerk, that the special limitations set forth in Section 2 above have the written consent of the property owners of the property within the area described in Section 1 above. The Director of the Department of Economic Development and Planning shall make such a determination only if he receives evidence of the required consent within 120 days after the date on which this ordinance is passed and approved.

Section 7. The ordinance referenced within Section 1 above shall further become effective upon completion of the following:

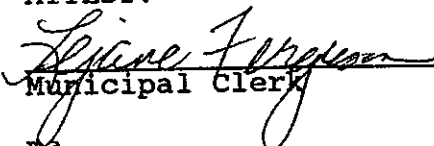
- a. The recordation of a replat with the District Recorders Office that combines the subject lots into a single tract.

PASSED AND APPROVED BY THE Anchorage Assembly this

17th day of December, 1991.

  
Chairman

ATTEST:

  
Municipal Clerk

ma

(91-073)  
(012-131-05, 09)

AMENDMENT TO AO NO. 91-174

Sections 1, 2 and 3 of AO No. 91-174 shall be amended to read as follows:

Section 1. The zoning map shall be amended as follows:

A. By designating the following described property as B-1B (Community Business District) with Special Limitations Zone:

T12N, R4W, Section 2, Lot 33 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

B. By designating the following described property as R-O (Residential-Office District) with Special Limitations Zone:

T12N, R4W, Section 2, north one-half of Lot 34 as shown on Exhibit A attached (Planning and Zoning Commission Case No. 91-073).

Section 2. The zoning map amendments described in Section 1 shall be subject to the following special limitations regarding the uses of the property:

A. The following principal uses and structures are prohibited from all of the property:

1. On-premises dry cleaning establishments;
2. Automobile body repair shops or any vehicle storage services for periods of time greater than 24 hours;
3. Photo processing establishments.

B. The following conditional uses and structures are prohibited from all of the property:

1. Package liquor stores;
2. Bars;
3. Video arcades;
4. Pool halls.



C. The following principal uses and structures are additionally prohibited from the portion of the property zoned as R-0:

1. Hotels, motels and motor lodges;
2. Boarding and lodging houses;
3. Private Clubs and lodges;
4. Funeral parlors and services.

D. The following conditional uses and structures are prohibited from that portion of the property zoned as R-0:

1. Free-standing transmission towers of any height.

Section 3. The zoning map amendments described above shall be subject to the following special limitations establishing standards for development of the property:

A. With respect to all of the property:

1. Any substantial deviation from the Land Use Plan dated November 22, 1991, attached to the Sand Lake Community Council Task Force Resolution dated November 25, 1991, shall trigger a public hearing process within the Planning and Zoning Commission.
2. A 20 foot wide landscape buffer with an eight foot high (double-sided) fence shall be built within six months of the effective date of the zoning change on or near the property's west property line with screening vegetation as shown in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.
3. A six foot high fence shall be built within six months of the effective date of the zoning change along the property line dividing Lots 23 and 27 which are adjacent to the property.
4. Site lighting shall conform to Title 21 requirements and any site lighting from the west property line shall be located to avoid offsite illumination and impact.

5. An eight foot fence (double-sided) shall be built on or near the west property line of the south one-half of Lot 34 within six months following the effective date of the zoning change. In the event that the owner of the south one-half of Lot 34 disallows the construction of the fence, in lieu of such fence, an eight foot high fence (double-sided) shall be built on or near the south property line of the north one-half of Lot 34 with landscaping as provided in the exhibit to the Sand Lake Community Council Task Force Resolution dated November 25, 1991.

6. Maximum height of any structure on the property shall not exceed 25 feet.

7. Any commercial establishment shall not be open to the public between the hours of 11 p.m. and 6 a.m.

B. With respect to the portion of the property zoned B-1B:

1. A minimum 44 foot building set back shall be required from the west property line.

2. The entire square footage of the buildings located on this property shall not exceed 25,500 square feet.

C. With respect to the portion of the property zoned R-0:

1. A minimum 60 foot building set back shall be required from the west property line.

2. The entire square footage of the buildings located on this property shall not exceed 20,000 square feet.

MUNICIPALITY OF ANCHORAGE

REZONINGS OR ORDINANCES AMENDMENTS\*

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY  
AND PREPARATION AND SUBMISSION OF ORDINANCE AMENDING THE  
ZONING MAP PURSUANT TO 21.20.100(D)

(I' (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A

PUBLIC HEARING ON CASE NO. 91-073 WHICH RECEIVED AN

UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON

August 26, 1991 FOR THE FOLLOWING REASONS

Please see attached statement

SEP 13

CLERK'S OFFICE  
SEP 12 3 06 PM '91

Applicant also requests Planning Staff prepare and submit an ordinance to amend the map pursuant to MOA 21.20.100(D) as well as arrange for prompt submission of the ordinance to the Assembly for review and public hearing.

SIGNED: NATIONAL Bank of ALASKA: By Star Agni, Owners Rep.

ADDRESS: 5600 B STREET SUITE 202 TELEPHONE: 561-8665

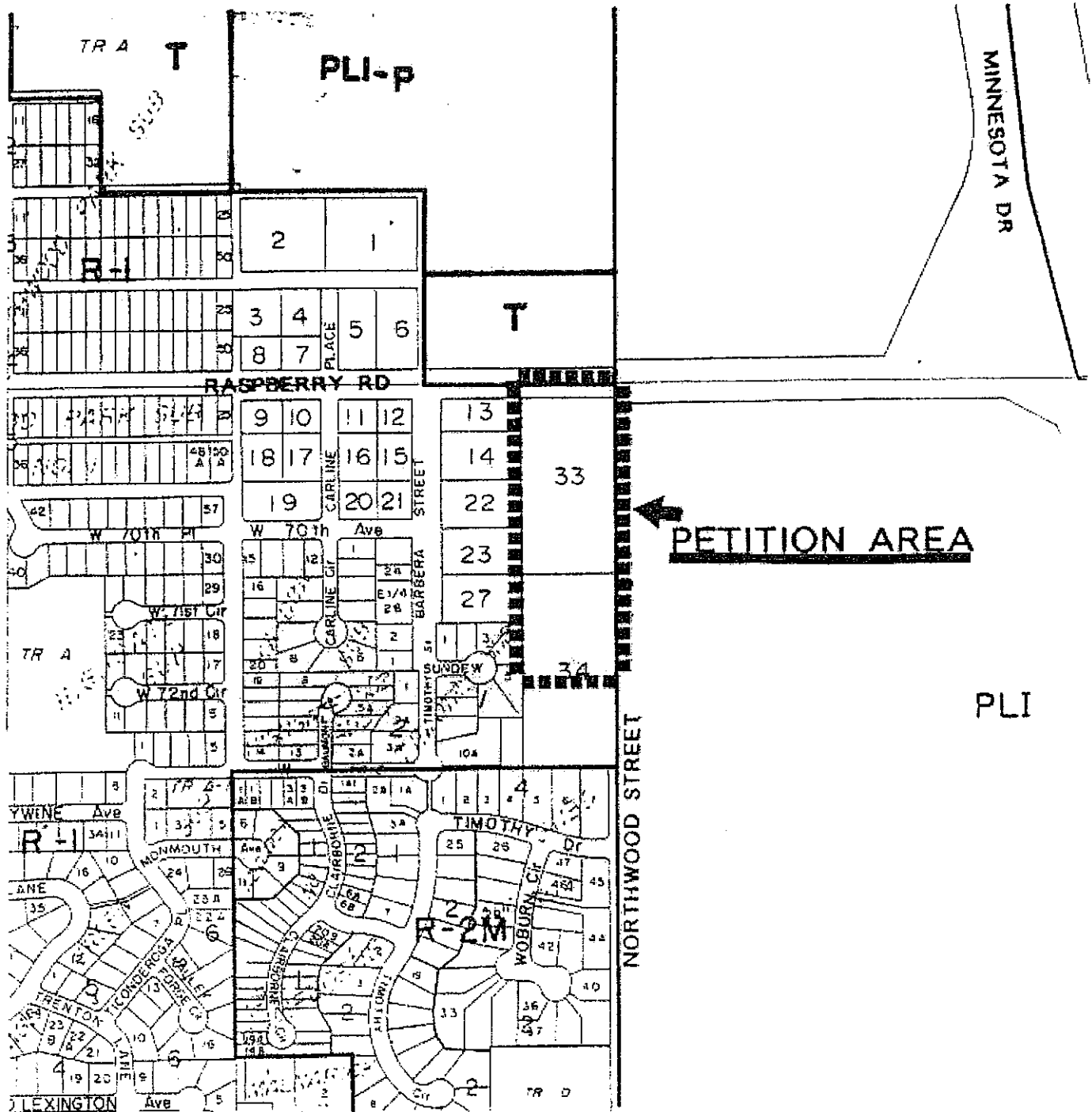
\$150.00 FEE: PAID BY #261 CHECK \_\_\_\_\_ CASH



RECEIVED BY: Lynette L. Heim DATE REC'D: 9-12-91

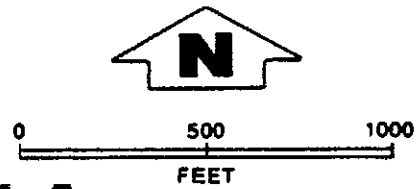
\* REZONINGS (Petitioner or anyone objecting to decision)

\* ORDINANCE AMENDMENTS - changes to Title 21 regarding text (petitioner or anyone objecting to decision).

# 91-073 REZONING



-  100 Year Floodplain
-  500 Year Floodplain



## EXHIBIT A

**PARCEL INFORMATION**

**APPRAISAL INFORMATION**

Legal RASPBERRY CENTER  
LOT 2A

Parcel 012-135-04-000  
Owner DEBENHAM PROPERTIES LLC

# 01

# Descr VACANT LAND  
Site Addr

2960 C ST 202  
ANCHORAGE AK 99503 3970

**RELATED CAMA PARCELS**

Related Parcel(s)	XRef Type	Leased Parcels
01213186000	C	
01213503000	C	

**Cross Reference (XRef) Type Legend**

<b>Econ. Link</b>	<b>Replat</b>	<b>Uncouple</b>
E = Old to New	R = Old to New	U = Old to New
I = New to Old	F = New to Old	Q = New to Old
<b>Renumber</b>	<b>Combine</b>	<b>Lease</b>
N = New to Old	C = New to Old	L = GIS to Lease
X = Old to New	P = Old to New	M = Lease to GIS

Get "Type" explanation  
Bring up this form focused  
on the related parcel

**REZONE**

2009-131

Case Number 2009-131 # of Parcels 1 Hearing Date 11/02/2009  
Case Type Rezoning to B-1BSL Community business district with special limitations  
Legal A request to rezone the north 2 acres of Lot 2A, Raspberry Center Subdivision (consisting of 4.29 acres) from R-OSL (residential office with special limitations) to B-1BSL (community business with special limitations) zoning district, Raspberry Center Subdivision, Lot 2A. Generally located south of Raspberry Road and west of Northwood Street.

**PLAT**

Case Number	Grid	Proposed Lots 0	Existing Lots
Action Type		Action Date	
Legal			

**PERMITS**

Permit Number  
Project  
Work Desc  
Use

**BZAP**

Action No.  
Action Date  
Resolution  
Status  
Type

**ALCOHOL LICENSE**

Business Address	Applicants Name
License Type	Conditions <span style="border: 1px solid black; padding: 2px;"></span>
Status	

**LAND & COMMON PARCEL INFORMATION**

**APPRAISAL INFORMATION**

Legal RASPBERRY CENTER  
LOT 2A

Parcel 012-135-04-000

# 01 of 01

Owner DEBENHAM PROPERTIES LLC

Site Addr

2960 C ST 202  
ANCHORAGE

AK 99503

**LAND INFORMATION**

Land Use VACANT LAND  
Class COMMERCIAL

Living Units 000

Community Council

Entry: Year/Quality 06 2000 EXTERIOR  
01 1980 0

Access Quality GOOD

Access Type

Leasehold (Y=Leasehold)

Drainage GOOD

Front Traffic HIGH

Street PAVED CURB & GUTTER

Topography EVEN LEVEL

Utilities PUBLIC WATER PUBLIC SEWER

Wellsite N

Wet Land

**CONDOMINIUM INFORMATION**

Common Area 0

Undivided Interest 0.00

**PARCEL INFORMATION**

**OWNER**  
 DEBENHAM PROPERTIES LLC

2960 C ST 202  
 ANCHORAGE AK 99501 3970

Deed 2007 0019509

CHANGES: Deed Date Apr 02, 2007  
 Name Date Oct 08, 2008  
 Address Date Feb 10, 2009

**PARCEL**

Parcel ID 012-135-04-000 # 01

Status

Renumber ID 000-000-00-00000

Site Addr

Comm Concl

Comments 012-135-02.03 012-131-86 NOW  
 012-135-04 (08-92)

**TAX INFO**

2009 Tax 17,908.70 Balance 0.00 District 003

**LEGAL**

RASPBERRY CENTER  
 LOT 2A

Unit SQFT 186,739

Plat 080092

Zone B1BSL Grid SW2127

**HISTORY**

	Year	Building	Land	Total
Assmt Final	2007	0	0	0
Assmt Final	2008	0	0	0
Assmt Final	2009	0	1,155,400	1,155,400
Exemptions				0
State Credit				0
Tax Final				1,155,400

**PROPERTY INFO**

#	Type	Land Use
01	COMMERCIAL	VACANT LAND

**SALES DATA**

Mon	Year	Price	Source	Type

**OWNER HISTORY**

**APPRAISAL INFORMATION**

Legal RASPBERRY CENTER  
LOT 2A

Parcel 012-135-04-000

# 01 of 01

# 01

Property Info # Descr VACANT LAND

Site Adress

<p><b>Current</b>      04/02/07 DEBENHAM PROPERTIES LLC</p> <p>2960 C ST 202 ANCHORAGE                      AK 99503 3970</p>	<p><b>3rd</b> 0000    0000    //</p>
<p><b>Prev</b> 2002    0607    09/04/02 CALVARY CHURCH ASSEMBLY OF GOD INC</p> <p>3800 W 80TH STREET ANCHORAGE                      AK 99502</p>	<p><b>4th</b> 0000    0000    //</p>
<p><b>2nd</b> 3010    0000    12/20/96 TURNER GUY J</p> <p>PO BOX 875408 WASILLA                              AK 99687</p>	<p><b>5th</b> 0000    0000    //</p>