

*Postponed indefinitely 4/19/15*

Submitted by: Chair of the Assembly

For Reading: January 25, 2005

Anchorage, Alaska  
AO No. 2005-15

1 AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE  
2 REZONING CONSISTING OF APPROXIMATELY 5.5 ACRES FROM R-3  
3 (MULTIPLE FAMILY RESIDENTIAL DISTRICT) AND R-5 (RURAL RESIDENTIAL  
4 DISTRICT) TO B-3 SL (GENERAL BUSINESS DISTRICT WITH SPECIAL  
5 LIMITATIONS), FOR HILLCREST SUBDIVISION, BLOCK 1, LOTS 1 AND 2, AND  
6 BLOCK 5, LOTS 1 THROUGH 6, AND HILLCREST PARK SUBDIVISION NUMBER  
7 1, TRACTS C AND D; GENERALLY LOCATED ON THE EAST SIDE OF OLD  
8 SEWARD HIGHWAY AND THE WEST SIDE OF SHORT STREET, SOUTH OF  
9 ABBOTT ROAD AND NORTH OF LAKEWOOD COURT.

10  
11 (Bayshore - Klatt Community Council) (Planning and Zoning Commission Case 2004-151)

12  
13 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

14  
15 **Section 1.** The zoning map shall be amended by designating the following described  
16 property as B-3 SL (General Business District with Special Limitations) zone:

17  
18 Hillcrest Subdivision, Block 1, Lots 1 and 2 and Block 5, Lots 1 through 6, and Hillcrest  
19 Park Subdivision Number 1, Tracts C and D, consisting of approximately 5.5 acres as  
20 shown on Exhibit A.

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

23  
24 A. Design Standards:

- 25  
26 1. Site landscaping shall provide visual breaks within the site as well as on the  
27 perimeter of the site without creating unwanted separations within the site.  
28  
29 2. Landscape buffers shall be provided where necessary to separate  
30 incompatible uses.  
31  
32 3. Building height shall not exceed five stories.

33  
34 B. Permitted Uses:

- 35  
36 1. Those principal uses permitted in the underlying zoning district, except  
37 those as prohibited uses herein this ordinance.

1  
2 C. Accessory Uses:

- 3  
4 1. Those accessory uses permitted in the underlying zoning district.  
5

6 D. Conditional Uses:

- 7  
8 1. Those conditional uses permitted in the underlying zoning district.  
9

10 E. Prohibited Uses:

- 11  
12 1. Adult entertainment/adult bookstores, peepshows, topless/bottomless  
13 dancers, massage parlors and escort services.  
14  
15 2. Mobile home/camper parks.  
16  
17 3. Gasoline service stations, bulk fuel dealers or primary tire exchange  
18 facilities.  
19  
20 4. Bingo halls.  
21  
22 5. Snow disposal sites.  
23  
24 6. Heliports.  
25  
26 7. Community correctional residential centers.  
27  
28 8. Unlicensed nightclubs.  
29  
30 9. Flea markets.  
31  
32 10. Commercial storage facilities.  
33  
34 11. Outdoor storage of heavy machinery.  
35  
36 12. Mobile home display lots.  
37  
38 13. Taxi cab stands.  
39  
40 14. Bowling Alleys.  
41

15. Metal working and steel fabrication.

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

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

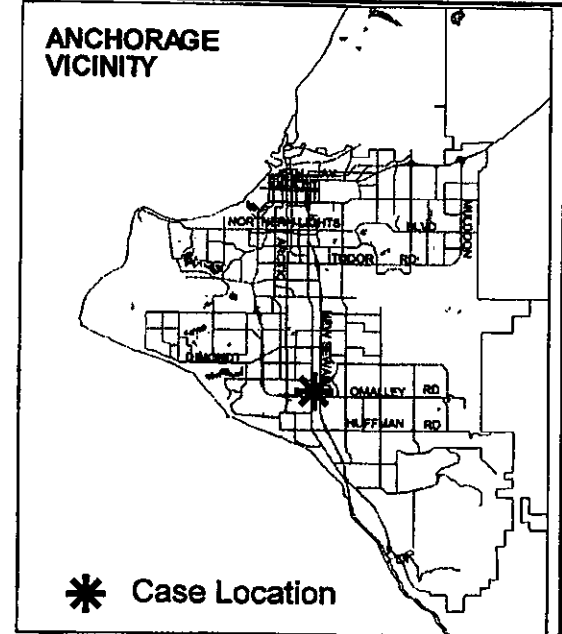
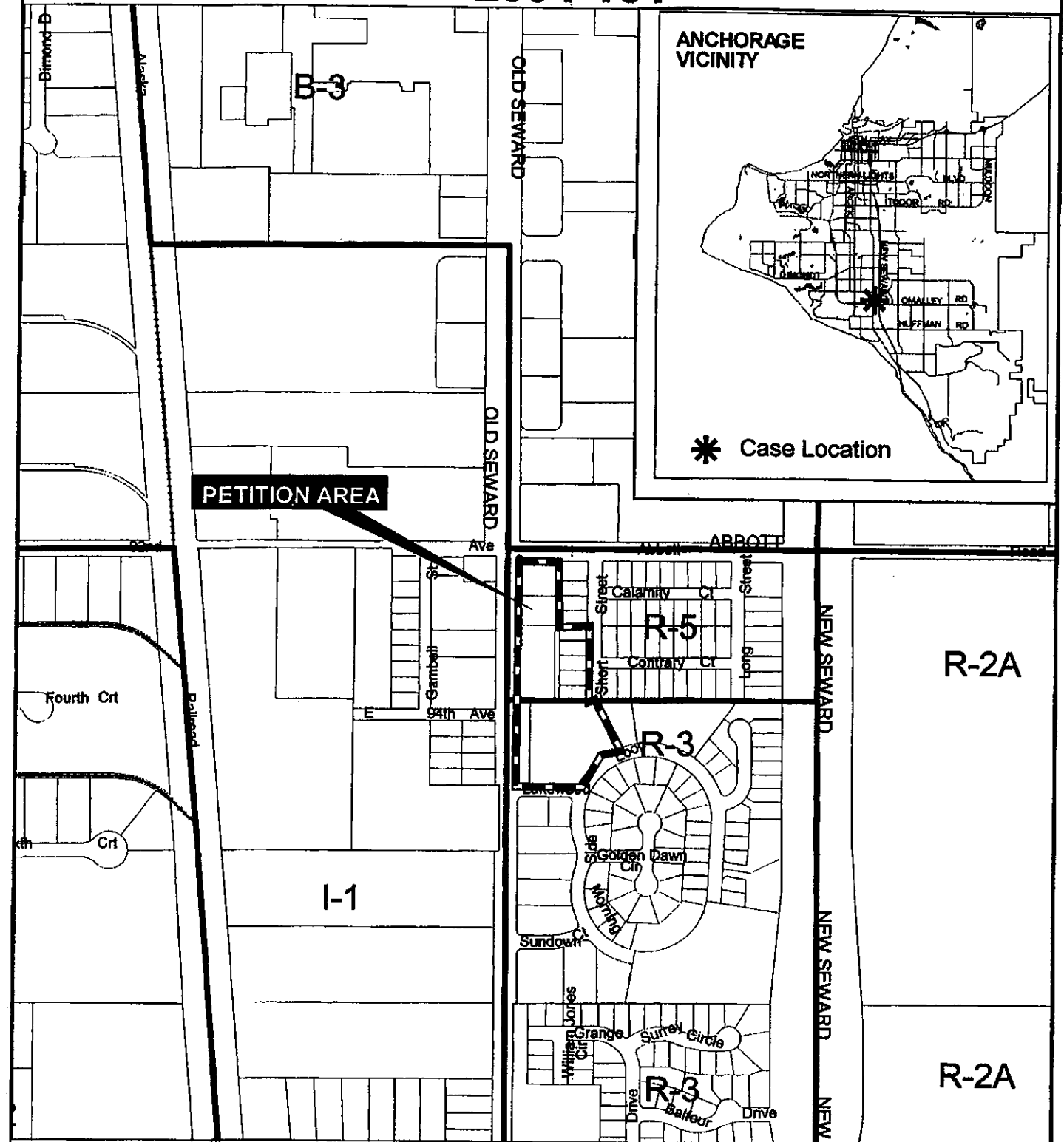
\_\_\_\_\_  
Chair

ATTEST:

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

# EXHIBIT-A

## 2004-151






Municipality of Anchorage  
Planning Department



Date: AUGUST 26, 2004

### Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



0 500 1000 Feet

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

AO Number: 2005- 15

Title: Planning and Zoning Commission, Case 2004-151

Sponsor:  
 Preparing Agency:  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>					<b>(In Thousands of Dollars)</b>			
	<u>FY05</u>	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>				
<b>Operating Expenditures</b>								
1000 Personal Services								
2000 Non-Labor								
3900 Contributions								
4000 Debt Service								
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>				
Add: 6000 Charges from Others								
Less: 7000 Charges to Others								
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>				
<b>REVENUES:</b>								
<b>CAPITAL:</b>								
<b>POSITIONS: FT/PT and Temp</b>								
<b>PUBLIC SECTOR ECONOMIC EFFECTS:</b>								

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Prepared by: _____	Telephone: _____
Validated by OMB: _____	Date: _____
Approved by: _____ (Director, Preparing Agency)	Date: _____
Concurred by: _____ (Director, Impacted Agency)	Date: _____
Approved by: _____ (Municipal Manager)	Date: _____

RECEIVED

DEC 01 2004

MUNICIPALITY OF ANCHORAGE

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

2004 NOV 29 4:48 PM

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2004-151 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION: ON Nov. 08-2004 FOR THE FOLLOWING REASONS:

*The Zoning Commission said that it should be rezoned to B-3 but did not know about at this time.*

*That is not good enough.*

*Call DON SMITH at 333-4054 & cell # 727-1956*

SIGNED: James B. Smith / Tom Cole Abraham

ADDRESS: PMB 1816, 3705 Arctic Ave. Anchorage, AK 99503 PHONE: 907-333-4054

FEE: Paid by Check: # 9054 Cash \_\_\_\_\_  
Receipt # 240011

RECEIVED BY: Andrea L. Xiem

DATE RECEIVED: 11-29-04

\* Rezoning (Petitioner or anyone objecting to decision).

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

# CASH RECEIPT

## 240011

Municipality of Anchorage  
P.O. Box 196650 • Anchorage, AK 99519-6650  
FINANCE DEPARTMENT



Date of Payment (MMDDYY)

11/29/04

Received from

64th Street Warehouse's

Remarks/Address

Rezoning Appeal 2004-151

CL. 2054

Amount of Payment

\$

960.00

Payment type (select only one)

☒ Cash/Check

☐ Credit Card

☐ Debit Card

☐ Other

Employee I.D.

21923

Coll. Org.

1020

Deposit I.D.

### ACCOUNTING INFORMATION

LN#	\$ AMOUNT	FUND	ACCOUNT	ORG	PROGRAM	CLASS	BDOY PERIOD	PROJECT/GRANT
ACTIVITY ID		RES TYPE	RES CAT	OPEN ITEM			DESCRIPTION	
1	960.00	101	9793	1020	0000	000	2004	102000
								Rezoning Appeal
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								

64TH STREET WAREHOUSE'S  
PMB 1816 - 3705 ARCTIC BLVD.  
ANCHORAGE, AK 99507

89-671252  
30333686

2054

DATE 11-17-04

PAY TO THE ORDER OF

M. O. F. \$ 960.00  
Nine Hundred Sixty Dollars

**First National Bank**  
**ALASKA**

MEMO

1252000601 3033 368 61 2054

Prepared by:

*[Signature]*

Date prepared: 11/29/04

Phone no: 343-4314

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2004-078**

A RESOLUTION DENYING A REZONING FROM R-3 (MULTI-FAMILY RESIDENTIAL) AND R-5 (RURAL RESIDENTIAL) TO B-3 SL (GENERAL COMMERCIAL WITH SPECIAL LIMITATIONS) FOR HILLCREST SUBDIVISION, BLOCK 1, LOTS 1 AND 2, AND BLOCK 5, LOTS 1 THROUGH 6, AND HILLCREST PARK #1, TRACTS C AND D; GENERALLY LOCATED ON THE EAST SIDE OF OLD SEWARD HIGHWAY AND THE WEST SIDE OF SHORT STREET, SOUTH OF ABBOTT ROAD AND NORTH OF LAKEWOOD COURT.

(Case 2004-151, Tax I.D. No. 016-271-01 through 08, 64 and 69)

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WHEREAS, a request has been received from Abraham Gallo to rezone two lots totaling approximately 5.5 acres from R-3 (Multi-Family Residential) and R-5 (Rural Residential) to B-3 SL (General Commercial with Special Limitations) for Hillcrest Subdivision, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park #1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court, and

WHEREAS, notices were published, posted and 56 public hearing notices were mailed and a public hearing was held on November 8, 2004.

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

A. The Commission makes the following findings of fact:

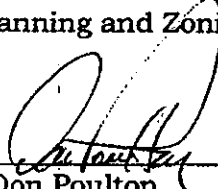
1. This is a request to rezone the site from R-3 and R-5 to B-3 SL. The special limitations offered are to establish design standards for landscaping, limit height to 5 stories, and prohibit uses such as adult entertainment, mobile home parks, gas and service stations, bingo, heliports, snow disposal sites, unlicensed nightclubs, flea markets, heliports and community correctional residential centers.
2. The petition site consists of 8 lots and 2 tracts comprising a total of 5.5 acres. The lots are zoned R-5 (Rural Residential), and the tracts zoned R-3 (Multi Family Residential). The lots are vacant, and had been mostly cleared in the past. The area was zoned as a part of Area G-1 in the Area Wide Rezoning in 1973. The lots and tracts were platted through several actions in the 1970's and 1980's. A portion of the petition area, Hillcrest Park Subdivision #1, Tract C, is a common area tract, for use as either ROW or easements or open space, and is under control of the neighboring homeowner's association for the surrounding developed R-3 area.
3. The petitioner proposes to use the site as multi-occupancy office uses, and this may include some retail. The review by the State ADOT&PF was based on a review of five separate office building in the area. This use is not permitted in the R-3 and R-5 districts. This would likely require assemblage of some of the smaller lots and some alley vacations, especially those in Short Subdivision and Hillcrest Subdivision (current R-5 area).



4. The petition site is surrounded by mostly developed R-5 and R-3 property to the east and south, and I-1 vacant and developed property to the west, with both I-1 and R-5 developed property to the north.
  5. The Commission finds that this is an area in transition, located between two areas that are relatively recently developed, and transportation infrastructure in this area is changing. The Commission finds that, over time, the land uses in this area would need to be redeveloped, but this is not the zoning district configuration that is advisable, and further finds that the neighborhood should be viewed as a whole and the long-term uses of it should be considered.
  6. The Commission finds that this proposal puts commercial across a minor street from residential and adjacent to residential, which would create land use conflicts.
  7. The Commission finds that this request is contrary to Anchorage 2020 Policy #14 that states conservation of residential lands for housing is a high community priority. That policy specifically says that no regulatory action under Title 21 shall result in the conversion of dwelling units or residentially zoned property into commercial or industrial uses, unless consistent with an adopted plan. There is no adopted plan that would make this conversion consistent.
  8. The Commission further noted that this is an area clearly in transition, but finds that the underlying zoning was not necessarily the correct zoning for the property. Abbott Road at that location is designated as a Class II minor arterial and the Official Streets and Highways Plan shows proposed improvements at that location, including an interchange and grade separation improvements. The Commission, with these concerns and other findings, finds that this request was premature.
  9. The Commission denied the request 0 – aye, 8 – nay.
- B. The Commission recommends the rezoning be DENIED by the Anchorage Assembly for Hillcrest Subdivision, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park #1, Tracts C and D; generally located on the east side of Old Seward Highway and the west side of Short Street, south of Abbott Road and north of Lakewood Court.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 8<sup>th</sup> day of November, 2004.

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

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

(Case 2004-151)  
(Tax ID No. 016-271-01 through 08, 64 and 69)

Main Motion

AYE: None

NAY: Isham, Pease, T. Jones, Poulton, G. Jones, Simonian, Lottsfeldt,  
Wielechowski

FAILED

**2. 2004-151**

Donald L Smith or Abraham Gallo. A request to rezone approximately 5.92 acres from R-3 (Multiple Family Residential) and R-5 (Rural Residential) to B-3SL (General Business with Special Limitations). Hillcrest Subdivision, Block 1, Lots 1 & 2, and Block 5, Lots 1 through 6, and Hillcrest Park #1, Tract C and D. Located south of Abbott Road, east of the Old Seward Highway, and west of Short Street.

Staff member AL BARRETT stated 161 public hearing notices, 2 were received opposed to the request and citing issues of incompatibilities between residential and commercial; no response was received from the community council. The special limitations are proposed by the applicant and deal with buffering, building heights, and use limitations. Staff recommends denial of a rezoning to B-3 as the request is not in conformance with the Comprehensive Plan and has unanswered questions regarding negative impacts of higher intensity commercial uses adjacent to residential uses, and because both commercial and residential uses would possibly share street access. Staff has not taken a strong position on the issue of buffering; transition buffering would be required between incompatible land uses and that requirement would be handled during platting. The petitioner is proposing a height limitation of five stories and has suggested prohibiting certain more objectionable uses allowed in the B-3. Even with that list of prohibited uses, there are intense B-3 uses that could occur if the property is rezoned. Anchorage 2020 Policy #14 calls for conservation of residential land as a high priority. There is another policy regarding the increase in density in south Anchorage with which this would be inconsistent. The proposal is also inconsistent with Policy #21 of the Comprehensive Plan, which states that unless the commercial use is specifically designated in an adopted plan, it should not be approved. There is no commercial plan for this area. The applicant has gone to lengths in proposing buffering and parks, but there would still be residential zoning adjacent to B-3 and these uses will share some access streets, further increasing potential incompatibilities. Physical Planning reached the same conclusion that there is too much potential and existing incompatibilities between the B-3 and R-3 and R-5 areas. There is some vacant B-3 land and there is vacant I-1 land in the area.

The public hearing was opened.

DON SMITH, representing the petitioners, explained that he has worked with ADOT, which is going to extend Abbott Road to the Old Seward Highway, and which will put a major intersection at this property. He anticipated that intersection will, at some time, be heavier than the intersection of Dimond Boulevard and the Old Seward Highway. He noted that Anchorage 2020 states there is a need for a buffer between a major corridor and residential uses. The R-5 property to the New Seward Highway is going to be rezoned and that would replace the R-3 that would be lost. ADOT told him that B-3 on this property would eliminate a number of issues that would arise when the intersection is built. ADOT has given him a 60-foot right-of-way in order to divert traffic. There is already B-3 on the other three corners of this future intersection. If this property remains residentially zoned, three driveways would exit from it onto the Old Seward Highway just before the stoplight. He stated that Mr. Gallo currently owns the property to the south and Rick Mystrom owns the apartments further south. Mr. Mystrom asked for an explanation of what was proposed and after he was given that information, he indicated he was in favor of this rezoning. MR. SMITH stated he grew up in this area and he has watched the properties in the area be rezoned. He stated he has been working with the Municipality and has sought their assistance in design. He stated he is proposing a beautiful building similar to the one at "A" Street and 37<sup>th</sup> Avenue and unlike the buildings on the Old Seward Highway that are flat roofed. MR. SMITH displayed a plat depicting the property in question and reiterated the intersection abutting this property would someday be similar to that at Dimond Boulevard and the Old Seward Highway.

SENATOR JOHN COWDERY, Chair of the Senate Transportation Committee, stated he has spoken with both Governor Knowles's and Governor Murkowski's administrations about the extension of Abbott Road to the Old Seward Highway and that project is in process.

ELIZABETH TRIBE stated she owns a parcel in this area and a trailer home. She explained she worked 30+ years to get this property for her retirement and this proposal would take this away from her. She stated if the petitioner's proposal is approved, she and others would be forced out of their homes. She stated she owns the land upon which her trailer sits. She indicated the traffic is already heavy in this area as a result of the VFW, dance halls, pet shops, car dealerships and other uses. She is currently using the traffic signal nearby in order to get out of her subdivision. She stated she is speaking for herself, but she knows there are others who object to this proposal and were unable to attend the hearing because they are working.

In rebuttal, MR. SMITH stated that a great deal of time has been spent to plan for the city's growth and this is an example of something that can be done now.

The public hearing was closed.

COMMISSIONER G. JONES moved for approval of the rezoning from R-3 and R-5 to B-3SL.

COMMISSIONER WIELECHOWSKI seconded.

COMMISSIONER G. JONES did not support his motion, finding that this is an area in transition. It is located between two areas that are relatively recently developed. Transportation infrastructure in this area is changing. He believed that, over time, the land uses in this area would need to be redeveloped, but this is not the zoning district configuration that is advisable. He felt the neighborhood should be viewed as a whole and the long-term uses of it should be considered. This proposal puts commercial across a minor street from residential and adjacent to residential, which would create land use conflicts.

COMMISSIONER WIELECHOWSKI opposed the motion primarily because it is contrary to Anchorage 2020 Policy #14 that states conservation of residential lands for housing is a high community priority. That policy specifically says that no regulatory action under Title 21 shall result in the conversion of dwelling units or residentially zoned property into commercial or industrial uses, unless consistent with an adopted plan. There is no adopted plan that would make this conversion consistent.

COMMISSIONER T. JONES stated that she would not support the motion, but agreed with Mr. Jones that this is an area clearly in transition. She did not think the underlying zoning was necessarily the correct zoning for the property. Abbott Road at that location is designated as a Class II minor arterial and the Official Streets and Highways Plan shows proposed improvements at that location, including an interchange and grade separation improvements. She found this request was premature.

AYE: None

NAY: Isham, Pease, T. Jones, Poulton, G. Jones, Simonian, Lottsfeldt,  
Wielechowski

FAILED

**3. 2004-146**

Neeser Construction, Inc. A site plan review for a large retail establishment, The Home Depot. East Dimond Center Subdivision, Tract B-5; John Wells Subdivision, Block 4, Lot 16 & 23; John Wells Subdivision, Block 1, the West 504.5 feet; and John Wells Subdivision, Block 1, Lots 3, 4, 5, 6, 7. Located south of Dimond Blvd and east of Abbott Road.

**PLANNING DEPARTMENT  
PLANNING STAFF ANALYSIS  
REZONING**

**DATE:** October 4, 2004

**CASE NO.:** 2004-151

**APPLICANT:** Abraham Gallo, petitioner  
Donald L. Smith, representative

Ownership – R-5 area owned by Joey Bryant and Tom Cody, R-3 area owned by Abraham Gallo and Gallo Limited Partnership.

**REQUEST:** A request to rezone approximately 5.5 acres from R-3 and R-5 (Multi Family Residential and Rural Residential) to B-3 SL (General Business with Special Limitations)

**LOCATION:** Hillcrest Subdivision, Block 1, Lots 1 and 2, and Block 5, Lots 1 through 6, and Hillcrest Park #1, Tracts C and D; generally located on the east side of Old Seward Highway and west side of Short Street, south of Abbott Road and north of Lakewood Court.

**SITE ADDRESS:** N/A

**COMMUNITY COUNCIL:** Bayshore-Klatt

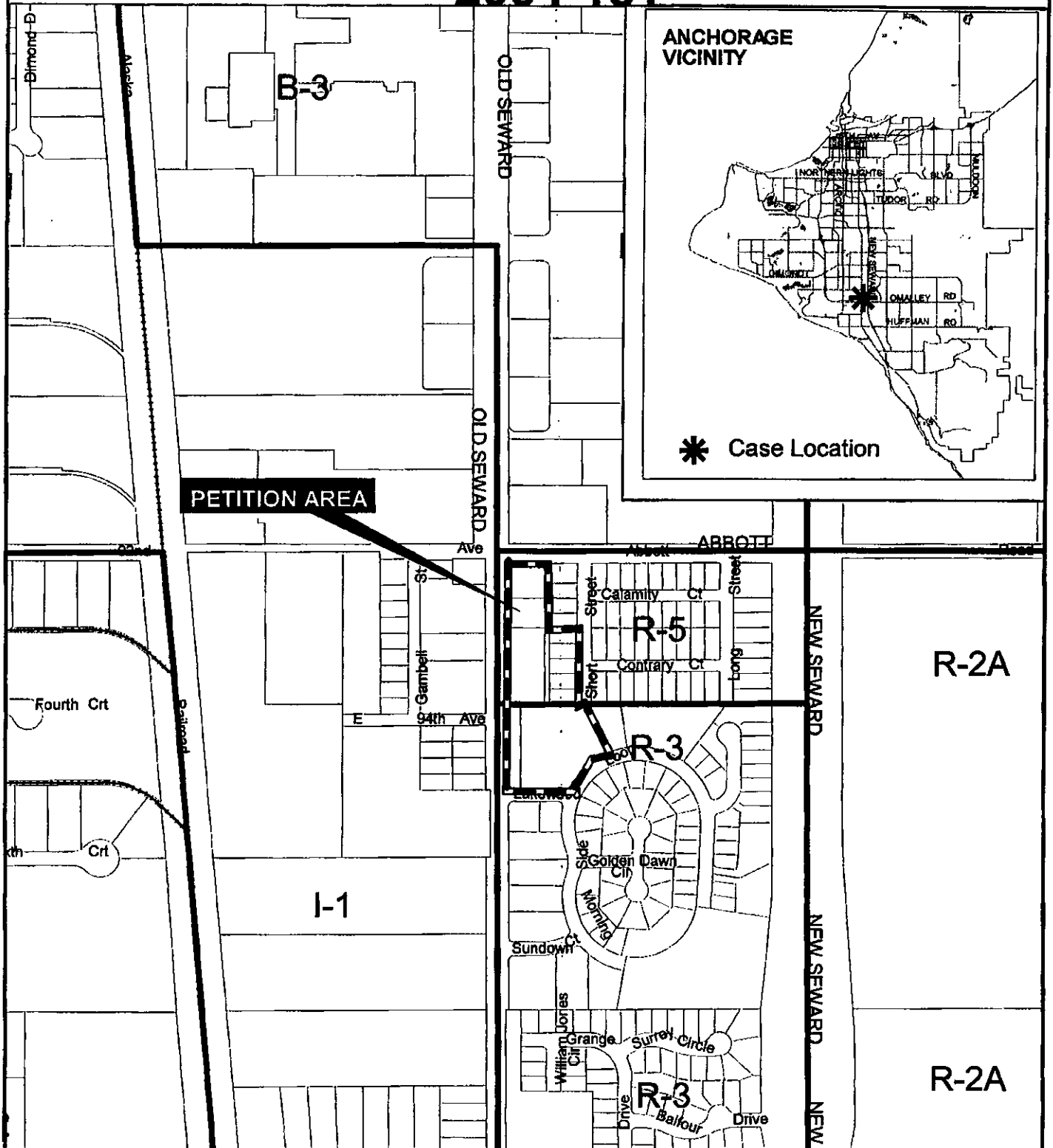
**TAX NUMBER:** 016-271-01 through 08, 64 and 69

**ATTACHMENTS:**

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

**RECOMMENDATION SUMMARY:** Denial of B-3 zoning as it is not in conformance with the Anchorage 2020 Anchorage Bowl Comprehensive Plan. See discussion.

# REZONING 2004-151



## ANCHORAGE VICINITY

\* Case Location

Municipality of Anchorage  
Planning Department



Date: AUGUST 26, 2004

### Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



0 500 1000 Feet

# Planning Staff Analysis

Case 2004-151

Page 2

## SITE:

Acres: 5.5 acres  
Vegetation: Mostly cleared  
Zoning: R-3 and R-5  
Topography: Generally level  
Existing Use: Vacant  
Soils: Public Sewer and Water Available

## COMPREHENSIVE PLAN:

Classification: Anchorage 2020 - N/A  
1982 Plan - Residential  
Density: Anchorage 2020 - Not Applicable  
1982 Plan - 3-6 DUA for the R-5 area and 7-10 DUA for the R-3 area

## APPLICABLE LAND USE REGULATIONS:

	<u>Proposed B-3 SL Zoning</u>	<u>Current R-5 Zoning</u>	<u>Current R-3 Zoning</u>
Height limitation:	Unrestricted/FAA	Unrestricted/FAA	35 feet
Minimum lot size:	6,000 SF/50 feet	7,000 SF/50 feet	6,000 SF/50 feet
Lot coverage:	Unrestricted	30%	30%
Density/acre:	12 DUA minimum	6	8

## SURROUNDING AREA:

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	I-1 and R-5	R-5 and R-3	R-3	I-1
Land Use:	Retail/Large Retail Establishment	Mixed Residential Housing Types including Mobile Homes	Multifamily	Residential, retail, vacant

## SITE DESCRIPTION, HISTORY AND PROPOSAL:

This is a request to rezone the site from R-3 and R-55 to B-3 SL. The special limitations offered are to establish design standards for landscaping, limit height to 5 stories, and prohibit uses such as adult entertainment, mobile home parks, gas and service stations, bingo, heliports, snow disposal sites, unlicensed nightclubs, flea markets, heliports and community correctional residential centers.

The petition site consists of 8 lots and 2 tracts comprising a total of 5.5 acres. The lots are zoned R-5 (Rural Residential), and the tracts zoned R-3 (Multi Family Residential). The lots are vacant, and had been mostly cleared in the past. The area was zoned as a part of Area G-1 in the Area Wide Rezoning in 1973. The lots and

tracts were platted through several actions in the 1970's and 1980's. The plats are included in the staff report. It is important to note that a portion of the petition area, Hillcrest Park Subdivision #1, Tract C, is a common area tract, for use as either ROW or easements or open space, and is under control of the neighboring homeowner's association for the surrounding developed R-3 area.

The petitioner proposes to use the site as multi-occupancy office uses, and this may include some retail. The review by the State ADOT&PF was based on a review of five separate office building in the area. This use is not permitted in the R-3 and R-5 districts. This would likely require assemblage of some of the smaller lots and some alley vacations, especially those in Short Subdivision and Hillcrest Subdivision (current R-5 area).

The petition site is surrounded by mostly developed R-5 and R-3 property to the east and south, and I-1 vacant and developed property to the west, with both I-1 and R-5 developed property to the north.

### **SYNOPSIS OF FINDINGS**

This request appears to be in violation of both the Anchorage 2020 Anchorage Bowl Comprehensive plan and the 1982 Anchorage Bowl Comprehensive Plan.

This request is directly in conflict with *Anchorage 2020* Policy #14: "Conservation of residential lands for housing is a high community priority. No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan."

AMC 21.05.080.B state that the Land Use Plan and the Residential Intensity Plan of the 1982 Anchorage Bowl Comprehensive Plan shall remain elements of the Anchorage Bowl Comprehensive Plan, to the extent not in conflict with *Anchorage 2020* or until repealed or superceded by subsequent ordinances, including future plans. The 1982 plan designates this property as residential at densities of 3-6 and 7-10 DUA. No action has changed the 1982 designation. One of the parcels, Tract C of Hillcrest Park #1, is under common ownership for the benefit of the adjacent multi-family residential area. This is the long, thin parcel adjacent to Old Seward Highway on the north side of Lakewood Street. There are notes on the plat to this effect.

It appears that this lot is being singled out purely for the benefit of the land owner, and is not in the best interest of the public. The justification for this rezoning is to allow for a commercial use as opposed to using other property nearby in the vacant I-1 area which is already properly zoned. This lot has viability for residential development at mixed densities, and the R-3 area was originally proposed for a multi-family area, via plat 83-149. Any assemblage of the R-5 lots would require vacation of an alley which would violate Municipal Code, which prohibits dead-ending of alleys, as the petitioners do not own all of the small lots adjacent to Short Street, and would have to have their permission to even apply to vacate the entire alley. See below for public interest.



Anchorage 2020 Anchorage Bowl Comprehensive Plan Policy 21 specifically states that "Rezoning of property to commercial use is only permitted when designated in an adopted plan." Although there is no adopted residential intensity or land use plan within Anchorage 2020, and thus according to AMC Title 21 the 1982 plans calling for residential in this area generally apply, this request is counter to several Policies in Anchorage 2020 which calls for conservation of residential lands. The 1982 Plan intensity and land use maps also apply.

Previous requests in this general area for rezoning from R-5 or R-3 to commercial or industrial districts have previously been denied after adoption of Anchorage 2020. Both due to conflict with Policy 14.

**COMMUNITY COMMENTS:**

At the time this report was written, there were 0 returned public hearing notices (PHN) received out of 161 public hearing notices mailed out, with four returned undeliverable. There was no returned response from the Bayshore-Klatt or Taku Campbell Community Councils. However, there was one comment posted on the Department's web site in opposition to the rezoning, due to adjacent residential areas.

**FINDINGS:**

**21.20.090 Standards for Zoning Map Amendments and 21.05.080 C, D, E.**

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

This standard is not met.

This proposed rezoning conflicts with Anchorage 2020 policies for the preservation of residential land and avoidance of further spread of strip commercial along Anchorage's arterial streets. Several policies within Anchorage 2020 in particular are relevant to this proposed rezoning. The first of these, policy #14, states (in part):

Conservation of residential lands for housing is a high community priority. ...No regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan.

A theme of Anchorage 2020 is the preservation of Anchorage's remaining residential land, and to focus future commercial development in existing commercially zoned properties and in designated Town Centers / Major Employment Centers.

This proposal is in conflict with Anchorage 2020 Policies. The land use policy map has no designation for this area. Per AMC 21.05.080.B:

The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 Anchorage Bowl Comprehensive Development Plan shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the Anchorage 2020 Anchorage Bowl Comprehensive Plan...

The 1982 Plan designates this area for residential development. Thus, this request is in conflict with both the 1982 plan and Anchorage 2020.

**Additional Policy discussions:**

**Policy 3:** This Policy refers to the requirement to employ development strategies for the Bowl in order to accommodate approximately 31,600 additional dwelling units by the year 2020. For the Southeast Planning Area, in which the petition site is located, approximately 4,000 to 6,000 dwelling units are allocated to achieve this increase in housing. Among the strategies to achieve this increase is Neighborhood or District Plans, minimum residential density, overlay zones, mixed use and design standards. The loss of the petition site's designation as residential to a commercial designation for a use that does not include any residential aspect conflicts with this Policy. Although B-3 zoning does allow residential uses at a minimum of 12 dwelling units per acre (DUA), it is not intended to be the use for the area, according to statements from the petitioner's representative. It is proposed to be commercial office.

**Policies**

**5-7:** These policies all relate to the necessity of rezonings and uses to be consistent and compatible with adjacent uses and Anchorage 2020, and to ensure avoidance of incompatible uses. The petition site is surrounded on two sides by mixed density residential, and part of the petition site had originally been intended for a part of the high density residential to the south and southeast.

The site is bounded on the north by Abbott Road, across which is a former large retail establishment, which is redeveloping as retail. The western portion of the site is bounded by Old Seward Highway, across which is vacant, industrially/retail developed and nonconforming residentially developed industrial property.

The petitioner states that there is little vacant B\_3 property in the area. It recognizes that there is vacant I-1 property to the west, which would allow the proposed office uses, but that property is not appropriate as it does not have direct access to the Old Seward Highway, which is needed to support B-3 development.

However, the Department finds that appropriate direct access to Old Seward could occur through redesigning specific access points, in conjunction with the State of Alaska, which controls the Old Seward Highway. There is existing platted access, and the larger parcels all have either direct access, or shorter street access to the Old Seward Highway.

The petition site would, if rezoned, allow a higher-intensity commercial operation, which would have direct access to residential roads in the developed surrounding subdivisions. Although the petition site is large, and would provide for one to several large tracts if replatted, and may provide some area for additional landscaping and buffering against the surrounding residential uses, the noise impacts from any associated traffic and site operations could cause greater negative impacts upon this residential area than if the proposed use were located in one of the vacant I-1 areas across the Old Seward Highway, or to the north near Sam's Club.

Although the petitioner proposes office use, it must be noted that if rezoned to B-3, even with the proposed SL's, there are many other uses which could occur on the site which have significant traffic and noise impacts. The Department must review this request not only in the light of the one use proposed, but all of the uses permitted by the proposed district. As this site is large at 5.5 acres, more than just one office use, or uses in addition to office uses, could occur, including restaurants and auto sales.

AMC 21.05.080.C. provides zoning map amendments shall conform to the land use classification maps, except where the approving authority finds one of the following:

- Existing uses that do not conform to the land use classification maps are integrated compatibly into the area;

The Physical Planning Division staff recommends denial of this rezoning request. In conjunction with lack of compliance with the Comprehensive Plan, the Division further notes that while the northern edge of the proposed area does border on land zoned B-3 across a road, the majority of the abutting land is zoned residential, and changing of this use would have a potential to cause incompatibilities. The Department further notes that it would allow access from the petition area onto the abutting residential roads, which could cause incompatibilities by combining commercial traffic with residential local traffic.

The R-5 residential area, while old has very few vacant lots (primarily the petition area). The R-3 area is developed with the exception of the petition area with high density multifamily development. As developed, the

residential uses are integrated compatibly in the area with open and buffer space, despite surrounding commercial and industrial uses to the north and east.

- 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

The petitioner has proposed a commercial use for the site, which, according to discussions with the petitioner's representative, will be commercial office. However, the only special limitations proposed are for landscape buffering and structure height, which some additional prohibited uses such as adult uses, community correctional residential centers, bingo halls, and gasoline service stations. There are many other allowed uses in the B-3 which have the potential for high-impact conflicts with residential, such as auto sales lots which exist in the commercial and industrially zoned areas near this area, as well as restaurants with high traffic rates. It is important to note that commercial offices, while not necessarily a noisy use in itself, generates significant traffic, and even with the five story height limitation would block views on the lower heights in the R-3.

The requested zoning allows many other uses and structures that would be permitted if this rezoning occurred, and this request must be reviewed in this light. Restricting the use with this rezoning to only that which is being proposed, has the effect of allowing a rezoning only for the benefit of the particular property owner, without regard to public interest. This is not compatible with the surrounding residential area.

- The proposed use does not conflict with the Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Zoning map amendments at a boundary between land use categories shall be subject to design standards that will make the zoning map amendment compatible with land uses in the adjacent land use category.

See Comprehensive Plan discussion above, and discussion above regarding the amount of vacant, similarly zoned land in the area.

- 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**

**Noise:** All uses are subject to AMC 15.70 Noise Ordinance. The abutting land uses are residential and subject to the same noise limits regardless of zoning.

**Air:** All uses are subject to AMC 15.30 South Central Clean Air Ordinance, and AMC 15.35 South Central Clean Air Ordinance Regulations.

**Land Use Patterns**

See earlier discussion. This property borders developed land zoned R-3 and R-5 to the east and partially to the north. To the west is vacant I-1 land with some commercial and nonconforming residential uses. To the north is an older large retail establishment on I-1 property, which stood vacant for over a year, now being redeveloped into smaller commercial units within the larger structures.

**Transportation/Drainage**

The property fronts onto Old Seward Highway, but also has access currently from Abbott Road and two residential streets, which are Short Street with an alley just west of Short Street, as well as Lakewood Loop.

The Traffic Department has no objection to this rezoning request. However, the State of Alaska controls Old Seward Highway, and it is a Class III Major Arterial in this location according to the Official Streets and Highways Plan.

ADOT&PF (State) reviewed the request and the proposed development of 5 general office buildings on the petition site. It has been determined that a Traffic Impact Analysis would not be required. They determined that these buildings will only generate 90 trips per hour which is short of the 100 trips per hour that triggers a Traffic Impact Analysis. All driveway permits for access to Old Seward Highway must be approved by ADOT&PF.

See discussion above on impacts to surrounding residential area. The petition area, it is important to note, allows direct access to the residential roads internal to the adjacent developed residential. This is in conflict with Anchorage 2020 in that it does not ensure compatibility of the area, and could cause conflicts, through the mixing of commercial and local residential traffic. ADOT&PF and Traffic did not prohibit this in their reviews, and this potential is a cause for concern by the Department.

**Public Services and Facilities**

**Roads:** The petition site is located within the Anchorage Roads and Drainage Service Area (ARDSA).

**Utilities:** public sewer, gas and electrical utilities are available to this property. However, the petition property is outside the AWWU certificated water service area. Water service is provided by a privately owned water utility.

**Schools:** The petition site is located in the attendance boundaries for Abbott Loop Elementary, Hanshew Middle School and Service Senior High. There appears to be no change in the impact to the affected schools as a result of a change in zoning to B-3, as this site is currently vacant, and if rezoned B-3 is not proposed for any residential development. If it is to be developed residentially under B-3 zoning, it would be a minimum density of 12 DUA, which is only somewhat higher than that allowed under R-3 and R-5 (1-2 DUA).

**Parks:** The 1997 Areawide Trails Plan indicates a planned multi-use paved trail along the west side of Old Seward Highway. Rezoning to B-3 will not impact the park and/or trail systems.

**Public Safety:** The petition site is located within the Police, Fire, Building Safety, Parks and Anchorage Roads and Drainage service areas.

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.**

See earlier discussion regarding location and quantity of vacant and underdeveloped B-3 and I-1 lands to the east.

As part of the update to the Anchorage Bowl Comprehensive Plan, Physical Planning Division did an Anchorage Bowl Commercial and Industrial land use analysis. The study analyzed supply and demand to the year 2020, and evaluated how commercial and industrial uses have used the existing land inventory. Among its findings, as of 1994, the distribution of commercial and industrial land uses are primarily found in Mid-Town (53%) followed by Southwest (17%), Northwest (14%), Downtown (11%) and Southeast (5%). The petition site is located in the Southeast Geographic study area.

Another finding is the B-3 zone is the largest commercial zone in the Bowl with 2,410 acres or 61% of the commercial zoning acreage. 65% of the acreage in commercial zoning districts is not used commercially, and 42% of that acreage is vacant. The presence of noncommercial uses on commercially zoned parcels might indicate a shift in demand for certain commercial uses and the presence of "grandfathered" or nonconforming

uses. The largest amount of vacant commercially zoned land in the Bowl is found in Southeast (23.5%), followed by Midtown (21.9%), Southwest and Northeast (21.5% each), and Downtown (11%).

In Southeast there were 35 acres of vacant B-1A, 76 acres of vacant B-3, 13 acres of vacant B-4, 41 acres of vacant PC, and 26 acres of vacant R-O.

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.

The application states that development would occur after Assembly approval, and after replatting of the property.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

The proposed rezoning would have the effect of chipping away at the viability of the existing R-5 "block" of residential land for affordable housing, as well as significantly reducing the amount of available residential land, especially the R-3 tract in an existing residentially zoned, designed and developed area.

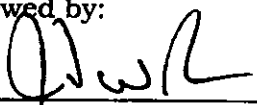
#### **DISCUSSION:**

Based on the facts that this request is in violation of Anchorage 2020, and due to the concerns regarding potential negative impacts of higher intensity commercial uses directly adjacent to and having access into a developed residential area, the Department must recommend denial of any rezoning to a use district other than residential at this time.

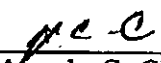
#### **RECOMMENDATION:**

The Department recommends denial of rezoning to B-3 SL.

Reviewed by:

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

Prepared by:

  
\_\_\_\_\_  
Angela C. Chambers, AICP  
Senior Planner

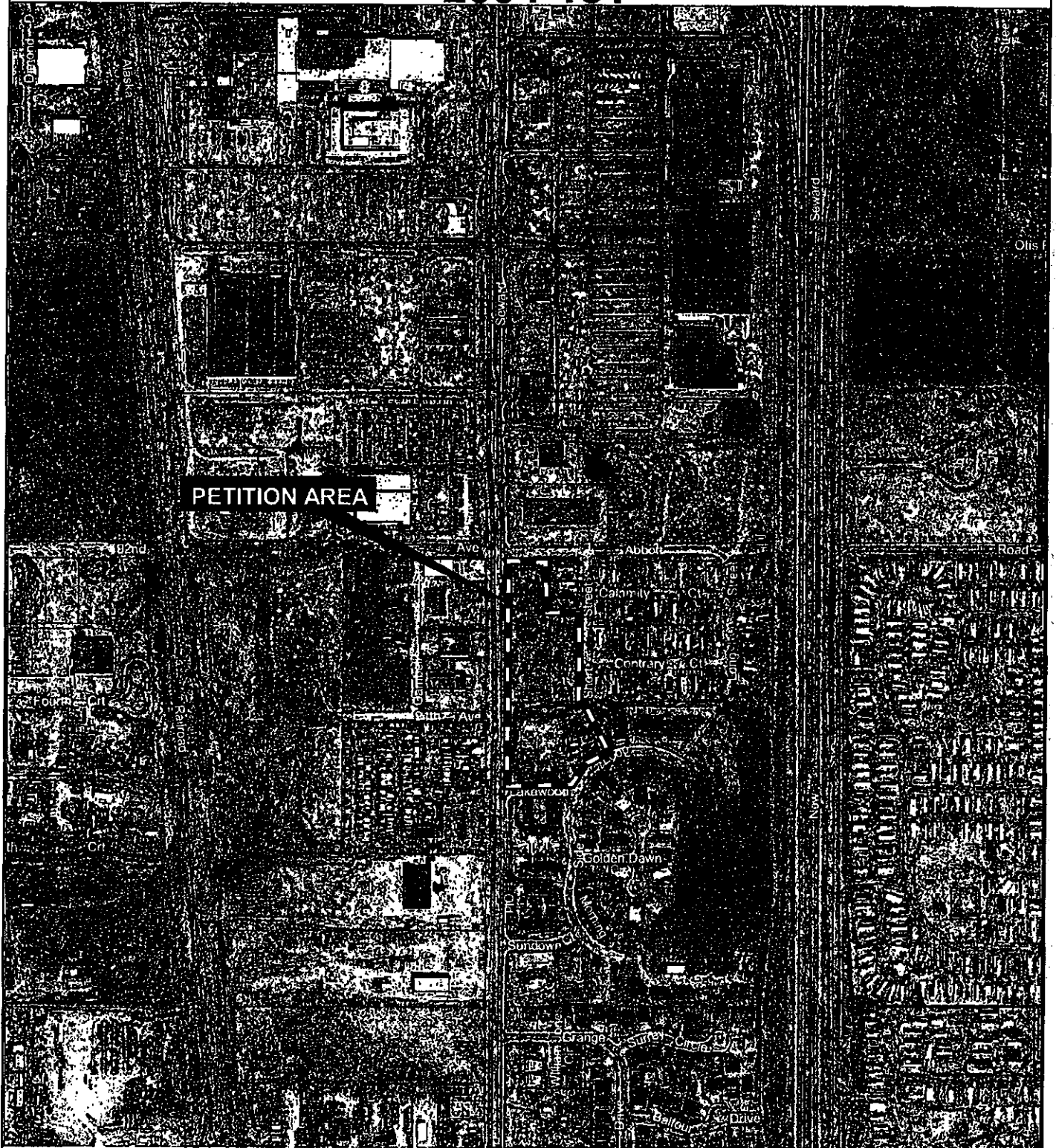
(Case 2004-151, Tax ID Nos. 016-271-01 through 08, 64 and 69)

# 2

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



# REZONING 2004-151



Municipality of Anchorage  
Planning Department



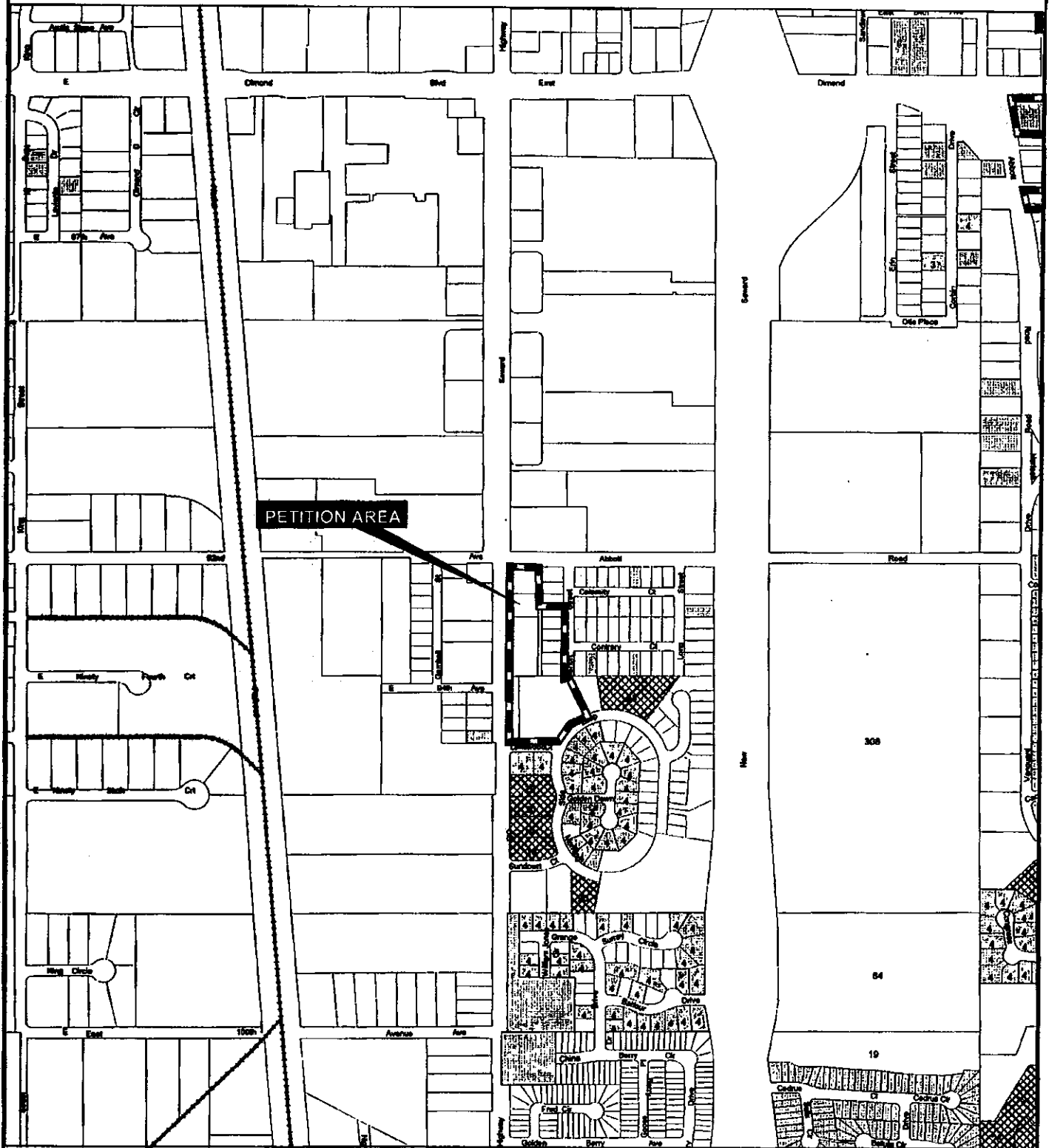
Date: AUGUST 17, 2004



0 500 1000 Feet

Date of Aerial Photography: 1998

# REZONING 2004-151



Municipality of Anchorage  
Planning Department



Date: AUGUST 17, 2004

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



Source: Housing Stock based on 1998 Land Use Inventory  
Planning Department, MOA

**2004 151**

Mon Aug 16, 12:01:42, 2004

Map: Parcels--Basic Layers



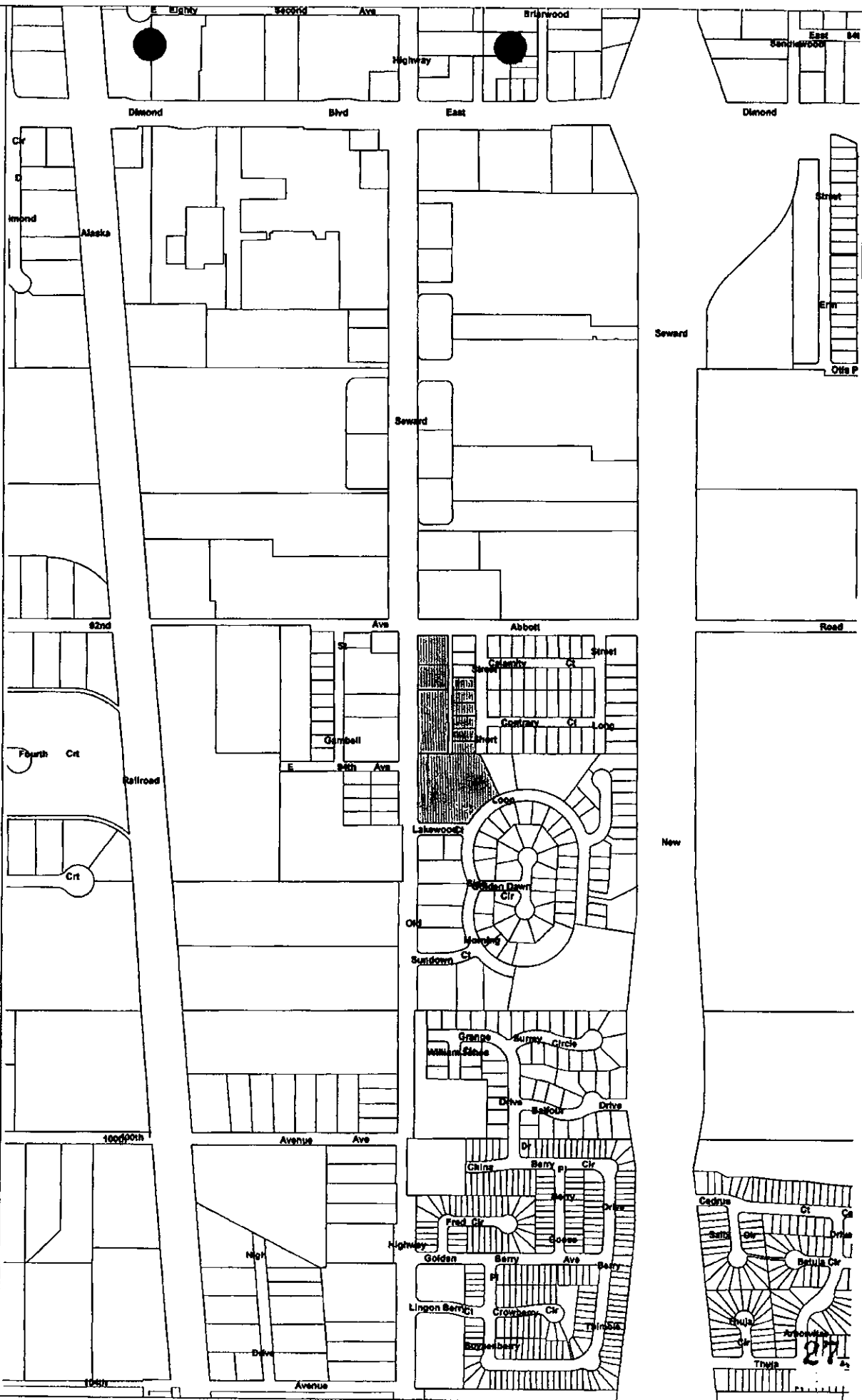
Scale 1:8000

**Legend:**

Txt STRNAMES

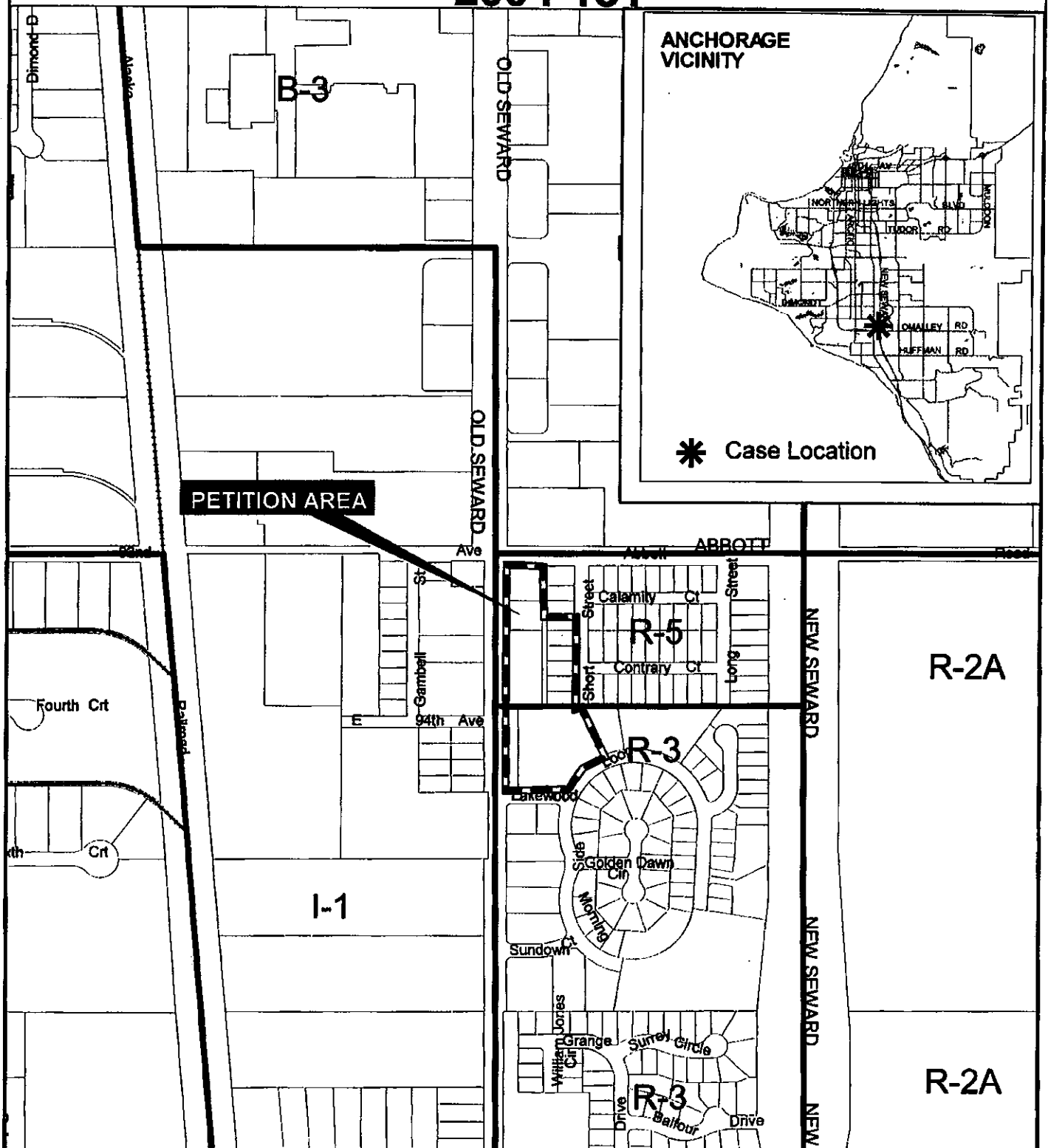


PARCELS



# REZONING - EXHIBIT - A

## 2004-151



ANCHORAGE  
VICINITY

\* Case Location

Municipality of Anchorage  
Planning Department



Date: AUGUST 17, 2004

Flood Limits

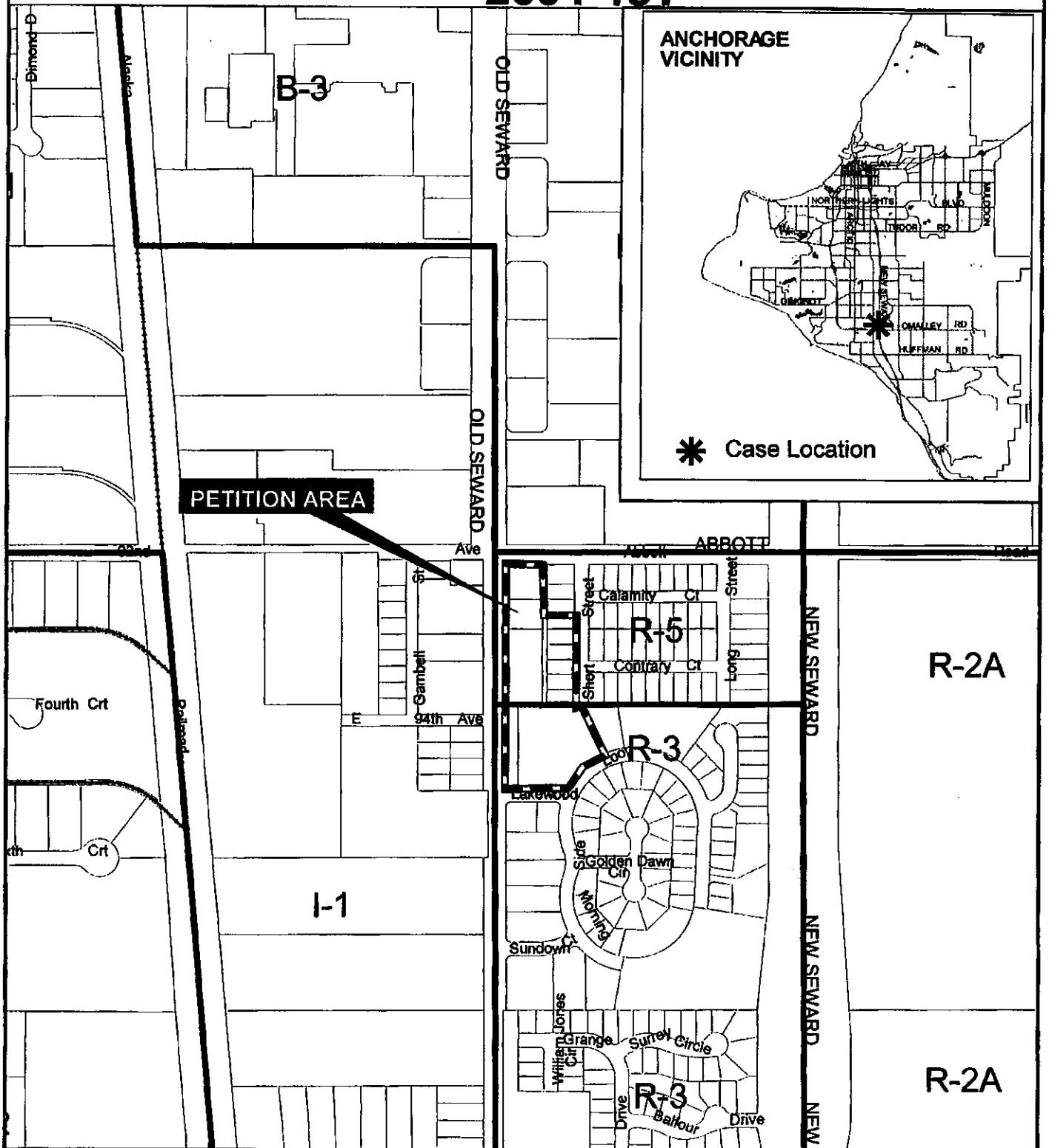
- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

# EXHIBIT - A

## 2004-151



Municipality of Anchorage  
Planning Department



Date: AUGUST 17, 2004

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

# 3

**DEPARTMENTAL**

**COMMENTS**

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION  
CENTRAL REGION - RIGHT OF WAY SECTION

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0700 (FAX 248-9456)  
(TTY 269-0473) 1-800-770-5263

September 20, 2004

Mr. Don Smith  
Project Manager  
5704 Armstrong Lane  
Anchorage, AK 99504

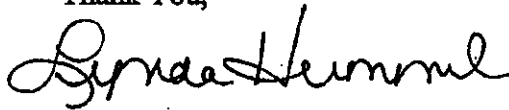
RE: Hillcrest Commercial Subdivision

Dear Mr. Smith:

Your proposed replat of Lots 1 & 2, Block 1 and Lot 6, Block 5 and Tracts C, D & E of Hillcrest Park Subdivision has been reviewed by several members of the Department of Transportation. It has been determined that a Traffic Impact Analysis would not be required. This is based upon 5 general office buildings going in. Those buildings would only generate 90 trips per hour which is short of the 100 trips per hour that triggers a Traffic Impact Analysis.

Please call me if I can be of further help. You can reach me at 269-0698.

Thank You,



Lynda Hummel  
Right of Way Agent



**2004-147      Zoning conditional use for a commercial PUD**

This commercial PUD proposed for the McKay Building and Annex proposes a Residential Psychiatric Treatment Center for male youth in the annex building, and assisted living for the elderly in the McKay tower. The use type for the annex is a medical facility/hospital/live-in treatment center for children. Staff understands that children are a protected class under the Fair Housing Administration.

According to 21.50.130, the PZC is to evaluate the proposal for "creative use of the land, imaginative architectural design, a consolidation of usable open space and recreation areas, and the preservation of natural features... [and] enhancing the surrounding environment." The Commission may "require compliance with such other design standards...as it may deem necessary" beyond the minimum standards of the underlying zoning district.

In order to enhance the surrounding environment and use the land creativity, the applicant should consider having retail uses on the first floor of the tower building. A beauty parlor and/or coffee shop could be a wonderful enhancement both to the resident seniors and to the surrounding community.

The separation of the two buildings into two different plan submittals is confusing. The petitioner has agreed to submit drawings showing the whole proposal on one plan, as well as elevation drawings and a landscape plan. Physical planning staff may have further comments on the perimeter and interior parking lot landscaping, depending on the plan to be submitted.

**2004-151      Rezoning to B-3SL General business district with special limitations**

Physical Planning Division staff recommends denial of this rezoning request. This property is designated residential in the 1982 *Comprehensive Plan* Generalized Land Use Plan, and Policy #14 of the *Anchorage 2020 Plan* states that "no regulatory action under Title 21 shall result in a conversion of dwelling units or residentially zoned property into commercial or industrial uses unless consistent with an adopted plan." There is no adopted plan that either designates or suggests these parcels should change to commercial or industrial uses. While the northern edge of the proposed area does border (across a road) on land zoned B-3, the majority of the abutting land is zoned residential—either R-5



Jerry T. Weaver, Jr., Zoning Division Administrator  
October 4, 2004 Zoning Cases  
Physical Planning Division Comments  
Page 5

or R-3. Changing these parcels to a commercial designation could have a negative effect on this neighborhood.

**2004-155      Ordinance, definition of Lodging/Lodging House in RO,I-2, I-3, plus  
parking req**

Physical Planning staff was not routed this ordinance.

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

RECEIVED  
FRANK H. MURKOWSKI, GOVERNOR

SEP 13 2004

MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION  
4111 AVIATION AVENUE  
P.O. BOX 186900  
ANCHORAGE, ALASKA 99518-6900  
(907) 269-0520 (FAX 269-0621)  
(TTY 269-0473)

September 10, 2004

RE: Zoning Case Review

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

Dear Mr. Weaver:

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

2004-152 Newland Subd Blk A Lots 1, 2, 3, 6, 7/620 W. Dimond Blvd Church Site Plan

Review: Rhema Samoan Assembly of God

2004-153 MHTL Subd Tract E/U-Med Professional Park Subd Tract 1/Site plan review: medical facility

Comments:

2004-151 Hillcrest Subdivision/Rezone: B-3SL: Access to this property from the Old Seward Highway is subject to Chapter 11 of the Alaska Administrative Code (ACC) on driveway regulations. The applicant needs to develop lots around these driveway regulations. Please remind the applicant that access to the Old Seward Highway will require ADOT&PF approval and a current valid driveway permit. The applicant may contact Lynda Hummel, Right of Way Agent at 269-0698 for an application and assistance.

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

Sincerely,



Sandra L. Cook  
Area Planner

/eh



# MUNICIPALITY OF ANCHORAGE

Development Services Department  
Right of Way Division



## MEMORANDUM

**RECEIVED**

**SEP 03 2004**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

**DATE:** September 2, 2004  
**TO:** Planning Department, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisor *JL*  
**FROM:** Lynn McGee, Senior Plan Reviewer *LM*  
**SUBJ:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of October 4, 2004.

Right of Way has reviewed the following case(s) due September 6, 2004.

- 04-145 McGill Lot 3, Lot 11, grid 2025**  
**(Appeal of an Administrative Tower Site Plan Review)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 04-146 East Dimond Center, Tract B-7, grid 2333**  
**(Site Plan Review, Large Commercial Facility)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 04-147 McKay, Lots A & B, grid 1231**  
**(Zoning Conditional Use Site for a PUD)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.
- 04-151 Hillcrest Park, Tracts C & D, grid Goff, Tract B3, grid 2432**  
**(Rezoning Request, Business with SL)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

*Traffic*

**04-147 McKay, Lots A & B; Conditional Use for a quasi-institutional use at McKay Annex and McKay Building; Grid 1231**

- Between Sheet A1.1 and Sheet C1.1, the parking layout for the Annex building does not match.
- Traffic circulation and ingress/egress to Cordova Street, East 3<sup>rd</sup> Avenue and East 4<sup>th</sup> Avenue from parking areas for the two facilities must be coordinated and approved with Traffic Department prior to approval of any permits.
- No Structural Sheets were included with this submittal. The traffic flow within the two floors of the parking structure should be clearly shown.
- If a reduction to required parking is anticipated, the reduction must be approved prior to approval of any permits.

**04-151 Hillcrest Park #1, Tract D & Hillcrest; Rezone from R-3 & R-5 to B-3SL; Grid 2432**

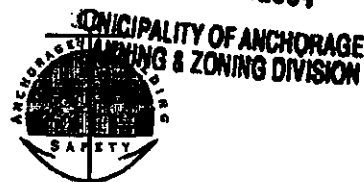
- Traffic has no comment on the Rezone
- Vehicular ingress/egress to this development must be approved by the State DOT and the Municipality of Anchorage prior to Building Permit Application.




Municipality of Anchorage  
Development Services Department  
Building Safety Division

RECEIVED

AUG 30 2004



MEMORANDUM

**DATE:** August 30, 2004  
**TO:** Jerry Weaver, Jr., Platting Officer, CPD  
**FROM:**  Daniel J. Roth, Program Manager, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due September 6, 2004

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

2004 - 145 Appeal to an action of an admin tower site plan review

No objection

2004 - 146 Site plan review for a large retail/commercial establishment

No objection

2004 - 147 Zoning conditional use for a commercial PUD

No objection

 2004 - 151 Rezoning to B-3SL General business district with special limitations

No objection



## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 8-26-04

Case: 2004-151

Flood Hazard Zone: C

Map Number: 0243

**RECEIVED**

**AUG 26 2004**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

- ☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.
- ☐ AMC 21.15.020 requires that the following note be placed on the plat:

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

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

Reviewer: Jack Puff

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 198900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

August 30, 2004

RE: Zoning Case Review

**RECEIVED****AUG 30 2004**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION

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

Dear Mr. Weaver:

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

2004-126 Alaska #1 Blk 12 Lot 6/ Variance: appeal  
2004-128 East Addition Blk 34B Lot 1A, 1021 E. 3rd/ Variance: reduce off street parking  
2004-136 South Addition Blk 36A Lots 9A-1 and 9A-2A/ Variance 6'-8' fence  
2004-137 Ordinance amending Title 21 for large domestic animals  
2004-140 Ordinance amending Title 21 to establish uniform procedures  
2004-141 Ordinance amending Title 21 to clarify procedures  
2004-147 McKay Subd Lots A & B 323/337 E. 4<sup>th</sup> Ave/Zoning: quasi-institutional use  
2004-151 Hillcrest Subd/Rezoning:B-3SL

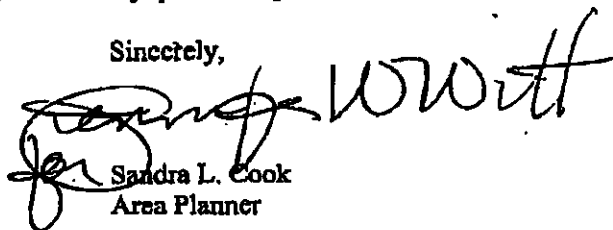
**Comments:**

2004-145 McGill Lot 3 Subd Lot 11 4025 Raspberry Rd/Four Corners Cellular Tower: **APPEAL** to an action of an admin tower site plan review: Raspberry Road Improvements are identified in TransVision: Anchorage Long Range Transportation Plan 2023. Improvements are for the long range 2009-2023 to 4-lane Raspberry Road depending on growth at Ted Steven International Airport and residential growth in the area.

2004-146 East Dimond Center & John Well's Subd Site plan review: large retail/commercial : It is our understanding that the applicant is using a Traffic Impact Analysis (TIA) that was completed for the Carrs store on 88<sup>th</sup> Avenue and Abbott Road. We request this TIA be updated to reflect the proposed use for this site. The Department needs to review and approve this updated TIA before access can be resolved.

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

Sincerely,



Sandra L. Cook  
Area Planner

/eh

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

**MUNICIPALITY OF ANCHORAGE**  
**Anchorage Water & Wastewater Utility**

**MEMORANDUM**

**RECEIVED**

**AUG 17 2004**

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

**DATE:** August 16, 2004  
**TO:** Zoning and Platting Division, OPDPW  
**FROM:** Sandy Notestine, Engineering Technician, AWWU *HS*  
**SUBJECT:** Planning & Zoning Commission Meeting of October 4, 2004  
AGENCY COMMENTS DUE September 6, 2004

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

**04-151 Hillcrest Block 1, Lots 1, 2, & 6; Block 5, Lots 1 thru 6, Hillcrest Park #1 Tracts C & D (Rezone) Grid SW 2432**

1. AWWU water mains are available to Hillcrest Block 1, Lot 1 from Abbott Road, and to Hillcrest Park #1 Tract D from Lakewood Court. Remaining parcels are not served with water.
2. AWWU sanitary sewer facilities are *not* available to Hillcrest Block 1, Lot 2, Block 5, Lot 6, or Hillcrest Park #1 Tract C. Remaining parcels are served with sanitary sewer.
3. If desired, development of unserved parcels could require entering into main line extension agreements with AWWU for public water or sanitary sewer. Water mains in a business district need to be a minimum of 12 inches in diameter vs. residential zones where a minimum of 8 inches is required.
4. AWWU has no objection to the requested rezoning from R-3 and R-5 to B-3SL.

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



# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

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

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

**1. Select a Case:** [2004-151](#) [View Comments](#)

**2. View Comments:**

### Case Num: 2004-151

Rezoning to B-3SL General business district with special limitations

**Location:** A request to rezone approximately 5.92 acres from R-3 (Multiple Family Residential) and R-5 (Rural Residential) to B-3SL (General Business with Special Limitations). Hillcrest Subdivision, Block 1, Lots 1 & 2, and Block 5, Lots 1 thru 6, and Hillcrest Park #1, Tract C and D. Located south of Abbott Road, east of the Old Seward Highway, and west of Short Street.

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

## Public Comments

**9/11/04**

Judy Charleds  
2311 Stonedbridge Circle  
Anchorage AK 99507

I cannot tell from the information offered what sort of business is being proposed for construction on this land. I do know that over the last ten years large areas of wooded land in this small subdivision have been denuded of trees and topsoil and many, many multi-family housing units have been built. There is a very high concentration of families living in all the rental units in the neighborhood. The city has taken no interest in providing any sort of park area for the children who play in the street and on everyone else's property. As it is there is excessive over development without even minimal planning to keep the area from becoming a trouble spot for crime and congestion. I oppose changing the zoning to something that might just exaserbate the problem and add to the deterioration of property values. We need a place for the kids to play and a way to stop the concentrated growth of population in this small space. Consider the asthetics of our neighborhood and the investment of the many property owners that care about the quality of life for the tenants residing there before allowing any changes in the existing zoning to include any additional types of business ventures.

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

# 4

## APPLICATION

# Application for Zoning Map Amendment

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



Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first)	Gallo, Abraham	Name (last name first)	Smith L. Donald
Mailing Address	PO Box 111846 Anch, AK 99511	Mailing Address	PO Box 111846 Anch, AK 99511
Contact Phone: Day:	907-244-3851	Contact Phone: Day:	907-360-6116
Contact Phone: Night:	907-522-2903	Contact Phone: Night:	
FAX:	907-344-6714	FAX:	907-344-6714
E-mail:	Gallo@BearsAlaska.net	E-mail:	907 Gallos@ASCAlaska.net

\*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 "See other page"									
Property Tax # (000-000-00-000):	016-271-01, -02, -03, -04, -05, -06, -07, -08								
Site Street Address:									
Current legal description: (use additional sheet if necessary)	016-271-69-64								
Bayshore - Kutt CC									
Plots 70-136									
71-118									
83-419									
	<table border="0"> <tr> <td>105,941</td> <td>7937</td> </tr> <tr> <td>51,170</td> <td>7920</td> </tr> <tr> <td>20,150</td> <td>7920</td> </tr> <tr> <td>23,272</td> <td>7820</td> </tr> </table>	105,941	7937	51,170	7920	20,150	7920	23,272	7820
105,941	7937								
51,170	7920								
20,150	7920								
23,272	7820								
Zoning: R-3 and R-5	Grid # SW2432								
Acreage: 5.5									

I hereby certify that (I am)/(I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff, the Planning and Zoning Commission or the Assembly for administrative reasons.

Date	8/15/02
Signature (Agents must provide written proof of authorization)	Abraham Gallo

Accepted by: AB	Poster's Address: AB (S...)	Fee: \$6,000	Case Number: 2009-151	43
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**COMPREHENSIVE PLAN INFORMATION**Anchorage 2020 Urban/Rural Services: ☒ Urban ☐ RuralAnchorage 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:  
☐ Preliminary Plat ☐ Final Plat - Case Number(s):  
☐ 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 (NA?) ☐ Site soils analysis  
☒ Photographs - will submit *market study - to follow*

**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.

*a replat will be submitted if  
 anyone approved.*



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

## STANDARDS FOR ZONING MAP AMENDMENTS

The petitioner must provide a written narrative which addresses the following standards. Zoning map amendment applications which do not address these items will be considered invalid and will not be accepted for public hearing by the Department of Community Planning and Development. (Use additional paper if necessary).

### A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:
  - a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;
  - b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
  - c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

*See Attached*

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

- a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:
  - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.
  - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.

- b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

- c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or the general area.

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

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

a. Environment;

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b. Transportation;

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c. Public Services and Facilities;

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d. Land Use Patterns;

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Note: Surrounding neighborhood = 500 - 1000' radius  
General Area = 1 Mile radius  
Community = Anchorage as a whole

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

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

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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?

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## STANDARDS FOR ZONING MAP AMENDMENT

### A. Conformance to Comprehensive Plan.

1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards;

- a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;

The land Use Policy Map of the Anchorage Bowl Comprehensive Plan does not address a land use policy for this site. The Generalized Land Use Plan adopted in 1982 indicates that these sites are Commercial or are immediately adjacent to the Commercial designation.

- b. The proposed use may be made compatible with the conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or

A list of the proposed special limitations are attached to this application.

- c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.

As previously stated the Anchorage Bowl 2020 Comprehensive Plan does not address this site and a neighborhood plan has not been addressed at this time. The 1982 Anchorage Bowl Comprehensive Plan does indicate these properties to be commercial or they are immediately adjacent to the commercial designation.

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;

Not applicable.

- i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.

Not applicable.

- 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 rezoning would provide a clear and overriding benefit to the surrounding neighborhood.

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 special limitations will mitigate any adverse effects/):

- a. Environment;

These properties are high and dry, they are not affected by either wetlands or creeks. Initially during construction minor disturbances may be experienced but they will be mitigated.

- b. Transportation;

The Old Seward Highway is a arterial fronting these properties. It is our understanding that there is discussion within the State DOT looking at the possibility of extending Abbott Road with a overpass of the New Seward Highway. These properties will have to be replatted prior to development, ingress and egress will be determined at that time.

- c. Public Services and Facilities;

All public services and facilities are available to the properties at this time and need not be extended to the site.



**d. Land Use Patterns.**

**North: B-3, a small strip mall, a bank and a major shopping area.**  
**South: R-3, apartment complex's.**  
**East: R-5, mixed, mostly mobile homes on individual lots.**  
**West: I-1, mixed, mostly commercial development.**

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

**There is little vacant B-3 property in the area. There is some undeveloped I-1 property to the west across The Old Seward Highway. That property does not have direct access to The Old Seward Highway which is needed to support B-3 type development.**

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

**Development would begin after the rezoning was processed through the Anchorage Assembly and after the replatting of the property had been recorded. All government services are available to the site at this time.**

- 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 R-5 properties have not been utilized to their maximum capacity at this time. It would appear that no new mobile homes are being shipped to Anchorage at this time. The R-3 property can be offset by the vacant R-3 property to the south of this site.**

The zoning map amendment described in this rezone shall be subject to the following special limitations:

**A. Design Standards:**

1. Site landscaping shall provide visual breaks within the site as well as on the perimeter of the site without creating unwanted separations within the site.
2. Landscape buffers shall be provided where necessary to separate incompatible uses.
3. Building height shall not exceed five stories.

**B. Permitted Uses:**

1. Those principal uses permitted in the underlying zoning district, except as listed in the attach (prohibited uses).

**C. Accessory Use:**

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

**D. Conditional Uses:**

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

**E. Prohibited Uses:**

1. Adult Entertainment/Adult Bookstores, Peepshows, Topless/Bottomless Dancers, Massage Parlors and Escort Services.
2. Mobile Home/Camper Parks.
3. Gasoline Service Stations, bulk fuel dealers or primary tire exchange facilities.
4. Bingo Halls.
5. Snow disposal sites.
6. Heliports.
7. Community Correctional Residential Centers.
8. Unlicensed Nightclub.
9. Flea Markets.

10. **Commercial Storage Facilities.**
11. **Outdoor Storage of heavy machinery.**
12. **Mobile Home display lots.**
13. **Taxi Cab Stands.**
14. **Bowling Alleys.**
15. **Metal working and Steel fabrication.**

## LETTER OF AUTHORIZATION

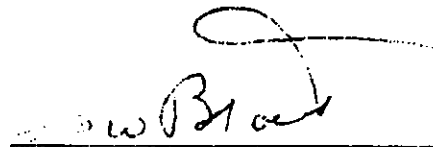
Municipality of Anchorage  
Department of Community Planning & Development  
P.O. Box 196650  
Anchorage, Alaska 99519

Re: Hillcrest Subdivision,  
Lot 1 & Lot 2, Block 1  
Lot 1 thru Lot 6, Block 5

To Whom it may concern,

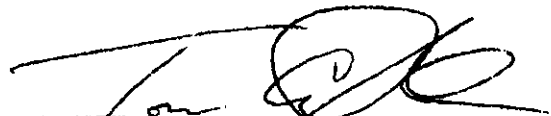
*Don Smith* is hereby authorized to act in our behalf in regards to the rezoning of real property described above.

Sincerely,



Joe Bryant, Owner  
3705 Arctic Blvd. #1816  
Anchorage, Alaska 99503

Date 3-29-04



Tom Cody, Owner  
3705 Arctic Blvd. #1816  
Anchorage, Alaska 99503

Date 3-29-04

August 15, 2002

I Abraham Gallo hereby give my permission to Donald L. Smith to represent me in all matters of rezoning on Hillcrest Park #1 TR C, and Hillcrest Park #1 TR D. If you need to contact me please do not hesitate to call me at 907-244-3851.

Sincerely,

 244-3851

Abraham Gallo

**Property Tax: # 016-271-64-00013**

**Legal Description: Hillcrest Park #1 TR C**

**9500 Morningside Loop**

**Property Tax: #016-271-69-000-12**

**Legal Description: Hillcrest Park #1 TR D**

**9500 Morningside Loop**

Parcel Line	
Subdivision Boundary	
Easement Address	
Survey Line	
Road Centerline	
Section Line	
Field	
Water Way	
Road ROW	
Movement	
Bldg Movement	+
Witness Corner	*
Beating Depth	-
Lot Number	/
Block Number	2
Subdivision Name	SUB
Bldg Lot Number	7
Section number	7
APORN	see



**Abstract**

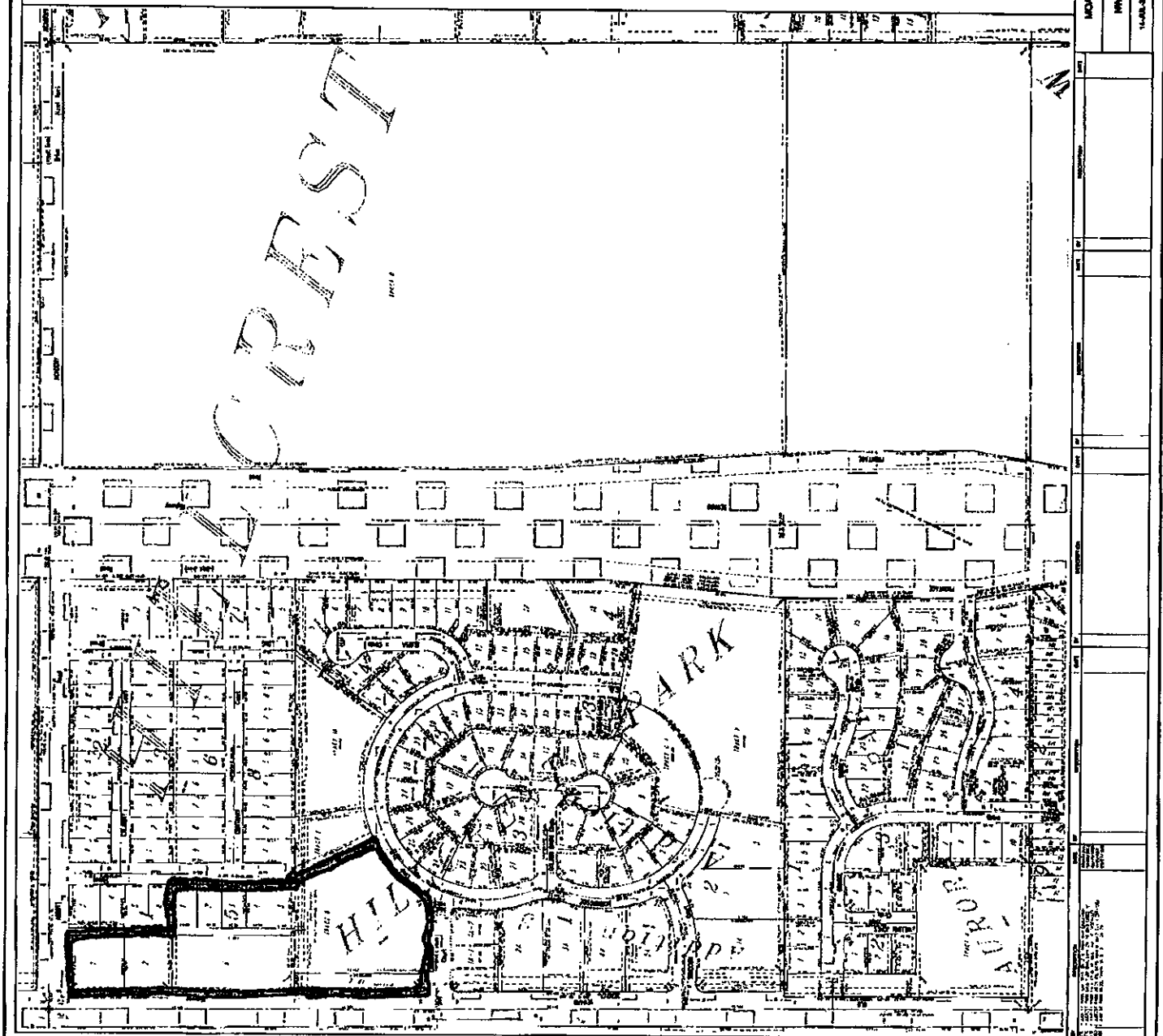
**STREET LIGHTS**



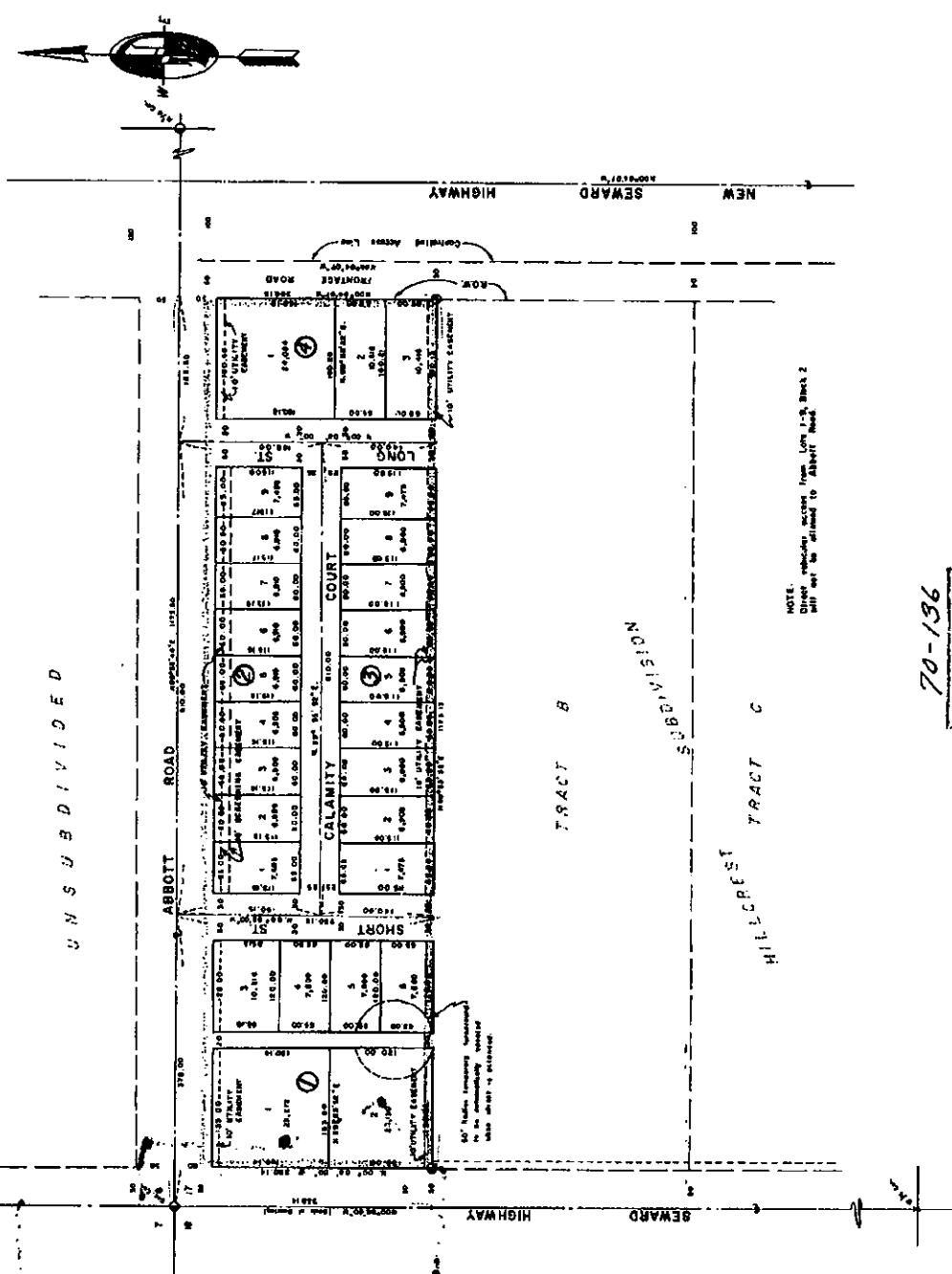
**MDA 1.4 Section Grid Map**

NOV 14 3 00 PM '77

14-JUL-2021	CPND INDC32
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UNSUBDIVIDED



NOTE:  
Direct vehicular access from Lots 1-8, Block 2  
will not be allowed to Abbott Road.

70-136  
FILED 9-17-70  
ANCHORAGE  
6:17 PM  
6-14-80  
JAMES J. JONES

NOTE

All lot purchasers late and all lot owners hold their lots subject to the requirement that all building units presently existing and those constructed hereafter be connected to public sewer facilities within one year after such facilities become available within 200 feet of the nearest lot line.

LEGEND:

- ① BC Boundary - Existing set by others
- ② BC Boundary - Set by this survey
- All other corners set by 30' bear at this survey
- X PK. Post Existing

SURVEYOR'S CERTIFICATE

I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that the dimensions shown hereon are true and correct.

Date: JUNE 9, 1970



PLAT APPROVAL

Plat approved by the Borough Planning Commission  
this 30 day of JUNE, 1970

*Calvin M. Black*  
AUTHORIZED OFFICIAL

My commission expires 2-26-72

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this  
9th day of JUNE, 1970

*Li. Black*  
NOTARY FOR ALASKA

CERTIFICATE OF OWNERSHIP & DEDICATION

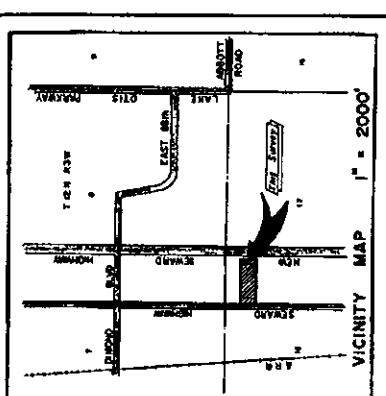
We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plat showing such easements for public utilities, roadways and others dedicated by us for public use.

Date: June 9th, 1970

*Delia Mary Marie Terry*  
OWNER  
ANCHORAGE, ALASKA

PLAT OF BLOCKS 1, 2, 3 and 4 - HILLCREST SUBDIVISION A RE-SUBDIVISION OF TRACT A, HILLCREST SUBDIVISION LOCATED WITHIN SECTION 17, T.12N., R.33E., S.14E., ALASKA CONTAINING 7.134 ACRES	
DICKINSON - OSWALD & PARTNERS ENGINEERS-SURVEYORS 800 CENTRAL BL - ANCHORAGE, ALASKA	
DRAWN 1 2 P	SCALE 1"=100'
CHECKED 1 M. T. O.	DATE 1-26-70
FILE NO. 70-136	44-80





**CERTIFICATE OF OWNERSHIP & DEDICATION.**

We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plat, showing such monuments for public utilities, roadways and alleys dedicated by us for public use.

Date: April 23, 1971.

*Oliver J. J. Mary*  
OWNER  
FOR THE  
HILLCREST SUBDIVISION

**NOTARY'S ACKNOWLEDGEMENT.**

Subscribed and sworn to before me this  
23<sup>RD</sup> day of April, 1971.

*Robert J. Frankfort*  
NOTARY FOR ALASKA  
My commission expires 6-30-74

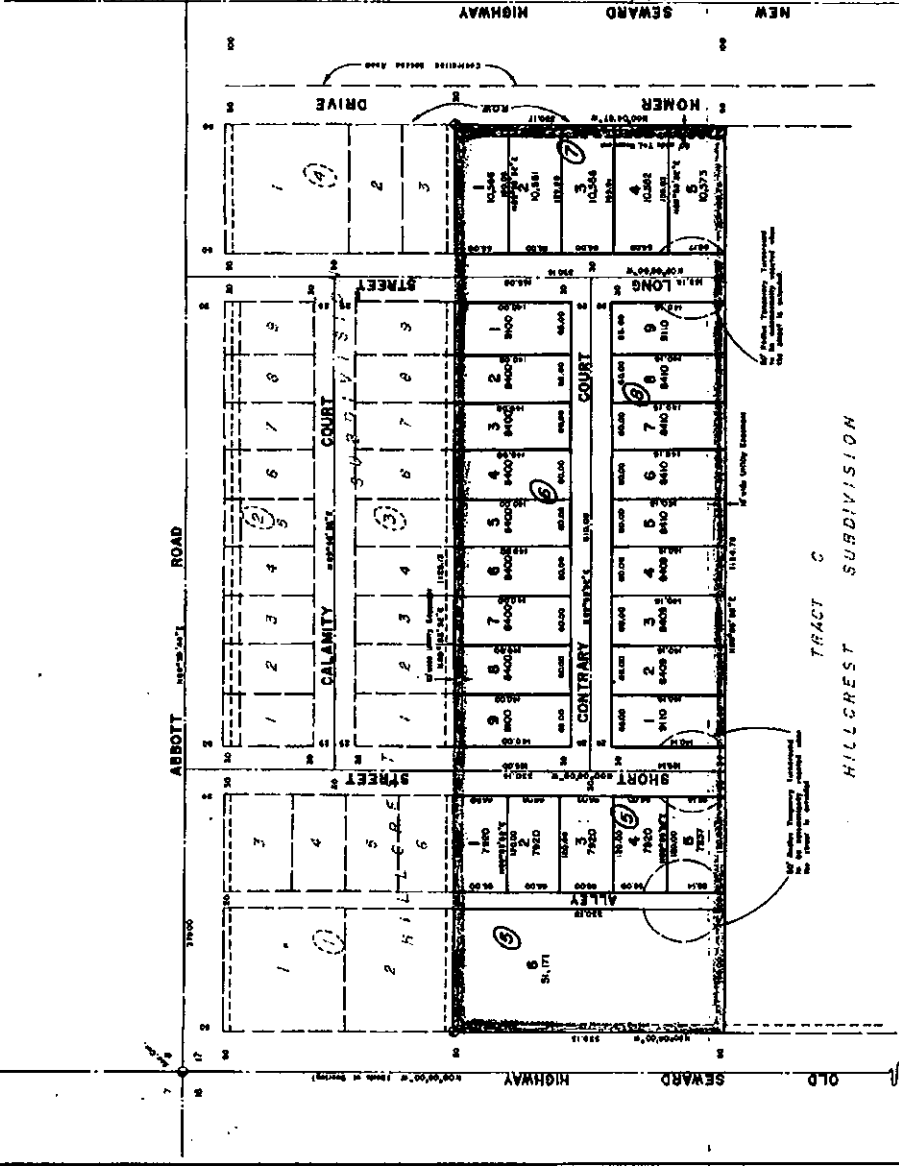
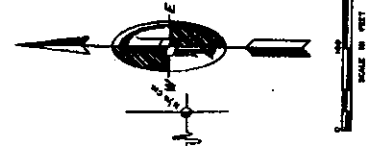


**PLAT APPROVAL.**

Plat approved by the Borough Planning Commission  
this 21<sup>ST</sup> day of April, 1971.

*Ed. Lawrence*  
AUTHORIZED OFFICIAL

BLOCKS 5, 6, 7 and 8-HILLCREST SUBDIVISION	
A RESUBDIVISION OF TRACT & HILLCREST SUBDIVISION	
LOCATED WITHIN	
N/4M Sec. 17, T.2N., R.3W., S.4, ALASKA	
CONTAINING 0.55 ACRES	
DICKINSON-OSWALD & PARTNERS	
ENGINEERS-SURVEYORS	
400 CORDOVA ST. ANCHORAGE, ALASKA	
OWNER	FILE NO.
CERTIFIED	DATE
1971-522	50-71



RECORDED FILED 2-  
ANCHORAGE  
APR 23 1971  
BY 230 A

**SURVEYOR'S CERTIFICATE.**

I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that owners and monuments have been located and established and that the dimensions shown herein are true and correct.

Date: April 23, 1971.



**LEGEND.**

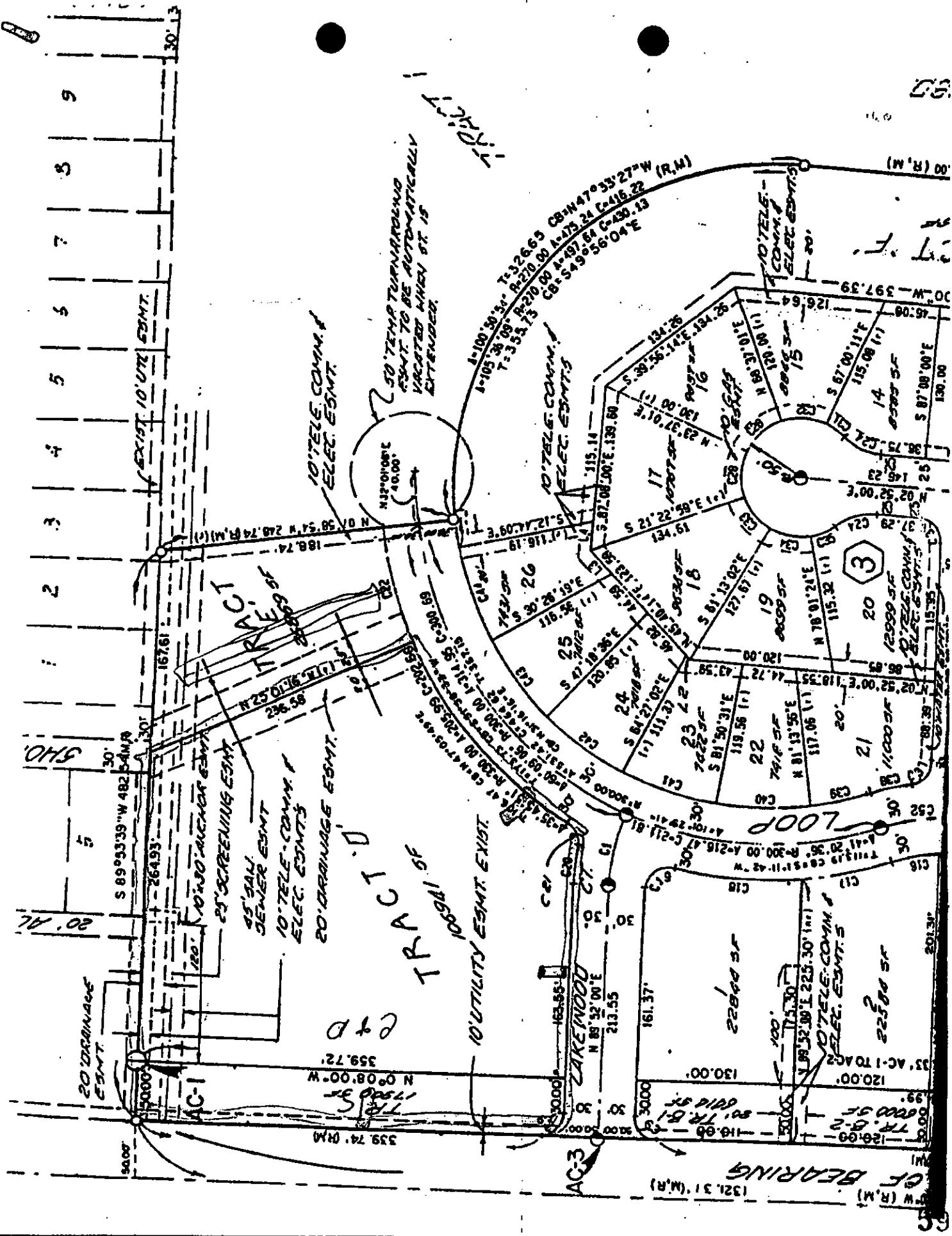
- BC Monument set by others
- D/O BC Monument
- All other corners are 7/8" x 3/4" Rebar set this survey
- x PK Nail Existing

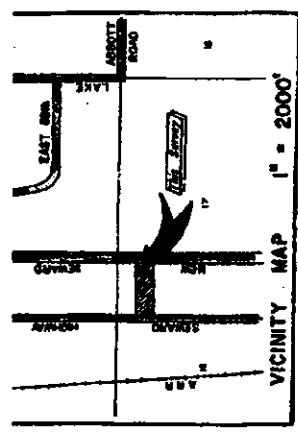
**NOTE.**

This subdivision, at the time of filing, is not served by public water and sewer facilities. No on-site water and/or sewer disposal facility may be constructed without prior approval of the Health Department.

DUE TO PHYSICAL LIMITATIONS, CERTAIN LOTS IN THIS SUBDIVISION MAY NOT BE DEVELOPED WITH ON-SITE WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES.

**S-6844**





# **CERTIFICATE OF OWNERSHIP & DEDICATION**

We hereby certify that we are the owners of the property shown and described herein. We hereby request approval of this plan, showing such easements for public utilities, roadways and other dedications by us for public use.

Date: April 23, 1971

*Philip J. Long*  
*Marie Long*  
 CO-OWNERS  
 1000 CONDOMINIUM ST. ANCHORAGE, ALASKA

## **NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this 23<sup>RD</sup> day of April, 1971.

*Philip J. Long*  
 My commission expires 6-30-74



## **PLAT APPROVAL**

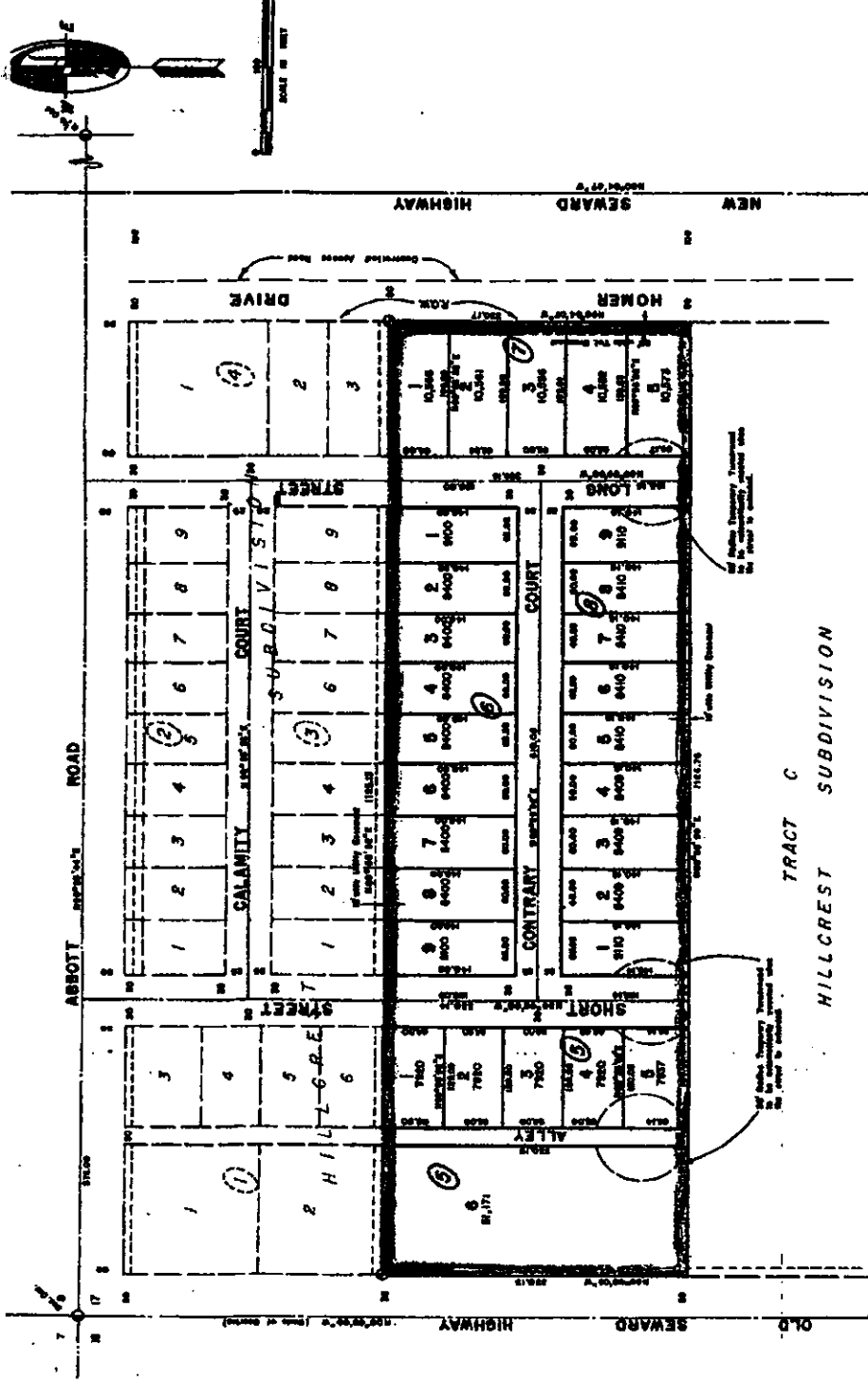
Plan approved by the Borough Planning Commission this 21<sup>ST</sup> day of April, 1971.

*Edmund*  
 AUTHORIZED OFFICIAL

**PLAT OF**  
**BLOCKS 5, 6, 7 and 8 - HILLCREST SUBDIVISION**  
 A RESUBDIVISION OF TRACT C - HILLCREST SUBDIVISION  
 LOCATED WITHIN  
 NE 1/4 Sec. 17, T. 124 N., R. 33 W., S. 4 E., ALASKA  
 CONTAINING 2.555 ACRES

**DICKINSON-OSWALD & PARTNERS**  
 ENGINEERS-SURVEYORS  
 800 CONDOMINIUM ST. ANCHORAGE, ALASKA

FILE NO. 1971-522



RECORDED - FILED 3-  
 Anchorage, Alaska  
 MAY 16 1971  
 BY: [Signature]  
 CLERK

## **SURVEYOR'S CERTIFICATE**

I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that the dimensions shown herein are true and correct.

Date: April 23, 1971



## **LEGEND:**

- BC Monument set by others
- D/O BC Monument
- All other corners are 5/8" x 30" Rubber set this survey
- x PK Nail Existing

**NOTE:**  
 This subdivision, of the State of Alaska, is not served by public water and sewer facilities. No on-site water and/or sewer disposal facility may be constructed without prior approval of the Health Department.

**DUE TO PHYSICAL LIMITATIONS, CERTAIN LOTS IN THIS SUBDIVISION MAY NOT BE DEVELOPED WITH ON-SITE WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES.**

# 5

## **POSTING AFFIDAVIT**



# AFFIDAVIT OF POSTING

Case Number: 04-151

I, DON SMITH, 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 ReZoning to B-3. The notice was posted on 8-8-04 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 8 day of 9, 2004

Donald H. Smith  
Signature

## LEGAL DESCRIPTION

<u>Parcel NO. 1</u>	<u>Parcel NO. 2</u>
Tract or Lot <u>1 &amp; 2 Block 1 of Hillcrest Sub.</u>	<u>Lots 1, 2, 3, 4, 5, 6 Block 5</u>
Block <u>1 &amp; 5</u>	
Subdivision <u>Hillcrest</u>	

# 6

## **HISTORICAL INFORMATION**

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
October 4, 2004**

**ADDITIONAL COMMENTS**

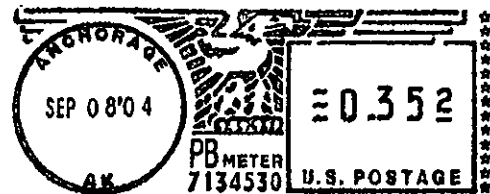
**G.4. Case 2004-151  
Rezone from R-3 to R-5**

Double-sided



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

PRESORTED  
FIRST CLASS



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SEP 24 2004

016-271-31-000  
TOPKOK EMMA  
1101 CONTRARY COURT  
ANCHORAGE, AK 99515

MUNICIPALITY OF ANCHORAGE  
DEPARTMENT OF PLANNING AND ZONING

TOPK101 995152010 1504 11 09/11/04  
NOTIFY SENDER OF NEW ADDRESS  
TOPKOK  
800 E DIMOND BLVD STE 3-131  
ANCHORAGE AK 99515-2047

## NOTICE OF PUBLIC HEARING

Planning Dept Case Number: 2004-151

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

**CASE:** 2004-151  
**PETITIONER:** Donald L. Smith or Abraham Gallo  
**REQUEST:** Rezoning to B-3SL General business district with special limitations.  
**TOTAL AREA:** 5.910 acres  
**SITE ADDRESS:**  
**CURRENT ZONE:** R-3 and R-5  
**COM COUNCIL(S):** 1---Bayshore-Klatt 2---Taku Campbell

**LEGAL/DETAILS:** A request to rezone approximately 5.92 acres from R-3 (Multiple Family Residential) and R-5 (Rural Residential) to B-3SL (General Business with Special Limitations). Hillcrest Subdivision, Block 1, Lots 1 & 2, and Block 5, Lots 1 thru 6, and Hillcrest Park #1, Tract C and D. Located south of Abbott Road, east of the Old Seward Highway, and west of Short Street.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, October 04, 2004 in the Assembly Hall of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

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

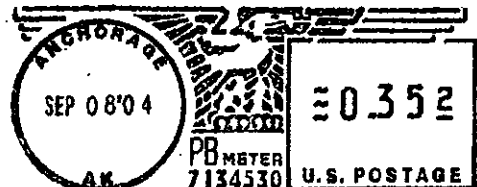
If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Planning, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org)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

Name: EMMA TOPKOK  
Address: 1101 CONTRARY COURT  
Legal Description: HILLCREST BLK 6 LOT 9  
Comments: CURRENTLY WE ONLY HAVE WELL WATER AT OUR HOME.  
THE WATER QUALITY IS VERY POOR. REZONING THE ADJACENT  
PROPERTY WOULD BE ACCEPTABLE TO US IF THE CITY WOULD  
PROVIDE US ACCESS TO "CITY WATER".

REZONING/RESIDENTS--PLANNING COMMISSION  
2004-151

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

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016-271-10-000  
ZARO ROBERT A  
PO BOX 110503  
ANCHORAGE, AK 99511

RECEIVED

SEP 29 2004

MAIL ROOM  
SEP 29 2004

## NOTICE OF PUBLIC HEARING - - Monday, October 04, 2004

Planning Dept Case Number: 2004-151

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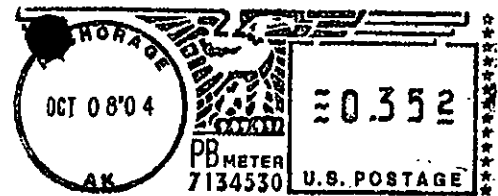
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Name: ROBERT ZARO  
Address: P.O. Box 110503 ANCH AK 99511  
Legal Description: HILLCREST SUBDIVISION, BLOCK 1, LOT 5  
Comments: When I purchased my property, Block one, Lot five of the Hillcrest Subdivision, my real estate agent did some research and assured me that the Municipality of Anchorage would allow no re-zoning unless the person(s) requesting the re-zoning owned Block One and Block five in their entirety. Since this is not the case, I request that this re-zoning not be granted.  
REZONING/RESIDENTS-PLANNING COMMISSION

2004-151

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

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016-271-23-000  
HALLMAN DUANE J & MARY L  
1236 CALAMITY CT  
ANCHORAGE, AK 99515

OCT 18 2004

**NOTICE OF PUBLIC HEARING - - Monday, November 08, 2004**

**Planning Dept Case Number: 2004-151**

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

**CASE:** 2004-151  
**PETITIONER:** Donald L Smith or Abraham Gallo  
**REQUEST:** Rezoning to B-3SL General business district with special limitations  
**TOTAL AREA:** 5.910 acres  
**SITE ADDRESS:**  
**CURRENT ZONE:** R-3 and R-5  
**COM COUNCIL(S):** 1---Bayshore-Klatt 2---Taku Campbell

**LEGAL/DETAILS:** A request to rezone approximately 5.92 acres from R-3 (Multiple Family Residential) and R-5 (Rural Residential) to B-3SL (General Business with Special Limitations). Hillcrest Subdivision, Block 1, Lots 1 & 2, and Block 5, Lots 1 thru 6, and Hillcrest Park #1, Tract C and D. Located south of Abbott Road, east of the Old Seward Highway, and west of Short Street.

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Name: DUANE J. HALLMAN  
Address: 1236 CALAMITY COURT, ANCHORAGE, AK 99515  
Legal Description: LOT 8, BLOCK 3, HILLCREST SUBDIVISION  
Comments: ASHONG AS ALL ACCESS TO THE BUSINESS(ES) IS CONFINED TO  
ABBOTT ROAD AND/OR THE OLD SEWARD HIGHWAY I HAVE NO  
OBJECTION. I, HOWEVER DO NOT WISH TO SEE INCREASED TRAFFIC ON  
THE RESIDENTIAL STREETS - SHORT, LONG, CALAMITY, CONTRARY, ETC.

REZONING/RESIDENTS-PLANNING COMMISSION  
2004-151

67

**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
November 8, 2004**

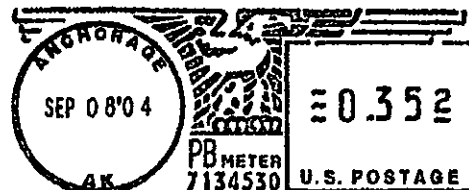
**LATE COMMENTS**

**E.2. Case 2004-151  
Rezone to B-3SL**

Double-sided

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

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FIRST CLASS



FIRST CLASS MAIL

016-271-26-000  
LEPA TIM  
1200 CALAMITY COURT  
ANCHORAGE, AK 99515

RECEIVED

NOV 03 2004

MUNICIPALITY OF ANCHORAGE  
COMMUNITY PLANNING & DEVELOPMENT

**NOTICE OF PUBLIC HEARING** ~~22-32~~ **Monday, October 04, 2004**

**Planning Dept. Case Number:** 2004-151

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

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Name:

Tim Lepa

Address:

1200 Calamity Ct.

Legal Description:

Comments:

I was present at this hearing but time would not allow a hearing, and I won't be able to make the next one on NOV. 8. I vehemently oppose rezoning the residential lots on Short St. to business. We are surrounded with business and this would affect our neighborhood negatively, regarding traffic on our little street. Keep all the businesses on Old Seward and not encroaching into the residential we have left.

REZONING/RESIDENTS-PLANNING COMMISSION  
2004-151

Tim Lepa Oct. 19, 2004