

CLERK'S OFFICE
AMENDED AND APPROVED

Date: 5-17-05

IMMEDIATE RECONSIDERATION
FAILED 5-17-05

Submitted by: Assemblymembers TRAINI,
Coffey, Birch, Stout,
Shamberg, Sullivan, Bauer
Prepared by: Planning Department /
Department of Assembly
For Reading: April 19, 2005

Anchorage, Alaska
AO No. 2005-66

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 R-O SL (RESIDENTIAL OFFICE DISTRICT WITH SPECIAL
5 LIMITATIONS), OR ANY OTHER ZONING DISTRICT FOR HILLCREST
6 SUBDIVISION, BLOCK 1, LOTS 1 AND 2, AND BLOCK 5, LOTS 1 THROUGH 6,
7 AND HILLCREST PARK SUBDIVISION NUMBER 1, TRACTS C AND D;
8 GENERALLY LOCATED ON THE EAST SIDE OF OLD SEWARD HIGHWAY AND
9 THE WEST SIDE OF SHORT STREET, SOUTH OF ABBOTT ROAD AND NORTH
10 OF LAKEWOOD COURT.

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

13
14 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

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

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

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

24
25 A. Design Standards:

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

34
35 B. Permitted Uses:
36

- 1 1. The property shall be developed with a mix of commercial and residential
2 with a minimum of ~~84~~ **45** residential dwelling units within a Business
3 Planned Unit Development in accordance with AMC 21.50.130.
4

5 C. Accessory Uses:
6

- 7 1. Those accessory uses permitted in the underlying zoning district as
8 developed with a Business Planned Unit Development.
9

10 D. Conditional Uses:
11

- 12 1. Those conditional uses permitted in the underlying zoning district, but only
13 as developed with a Business Planned Unit Development
14

15 E. Prohibited Uses and structures. In addition to those prohibited uses in the
16 underlying zoning district, the following uses are prohibited:
17

- 18 1. Adult entertainment/adult bookstores, peepshows, topless/bottomless
19 dancers, massage parlors and escort services.
20
21 2. Mobile home/camper parks.
22
23 3. Gasoline service stations, bulk fuel dealers or primary tire exchange
24 facilities.
25
26 4. Bingo halls.
27
28 5. Snow disposal sites.
29
30 6. Heliports.
31
32 7. Community correctional residential centers.
33
34 8. Unlicensed nightclubs.
35
36 9. Flea markets.
37
38 10. Commercial storage facilities.
39
40 11. Outdoor storage of heavy machinery.
41
42 12. Mobile home display lots.
43

1 13. Taxi cab stands.

2 14. Bowling Alleys.

3 15. Metal working and steel fabrication.

4
5 **Section 3.** This zoning map amendment is subject to the following effective clause:

6
7 A. The property shall be replatted to address access and utility extension needs before
8 the rezone is effective.

9
10
11 **Section 4.** This ordinance shall become effective within 10 days after the Director of
12 the Planning Department has received the written consent of the owners of the property
13 within the area described in Section 1 above to the special limitations contained herein.
14 The rezone approval contained herein shall automatically expire, and be null and void if
15 the written consent is not received within 120 days after the date on which this ordinance is
16 passed and approved. In the event no special limitations are contained herein, this
17 ordinance is effective immediately upon passage and approval. The Director of the
18 Planning Department shall change the zoning map accordingly.
19

20
21 PASSED AND APPROVED by the Anchorage Assembly this 17th day of
22 May 2005.

23
24
25 Anna J. Fairclough
26 Chair
27

28 ATTEST:

29
30
31 Barbara Stone
32
33 Municipal Clerk

34
35

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2005-66

Title: Rezoning from R-3 (Multiple-Family Residential District) and R-5 (Rural Residential District) to R-O SL (Residential Office Residential District with Special Limitations) for Hillcrest Subdivision, Block 1, Lots 1 and 2 and Block 5, Lots 1 through 6, and Hillcrest Park Subdivision Number 1, Tracts C and D; Case 2004-151.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

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

REVENUES:

CAPITAL:

POSITIONS: FT/PT and Temp

PUBLIC SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impact on the public sector.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the rezoning should have no significant economic impact on the private sector.

Property Appraisal notes: If the rezone is approved a substantial increase in land value would result. An approximate increase of 150% for the R-3 lots and an increase of 300% for the R-5 lots is likely. This assumes all utilities and infrastructure are available.

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

Validated by OMB: _____ Date: _____

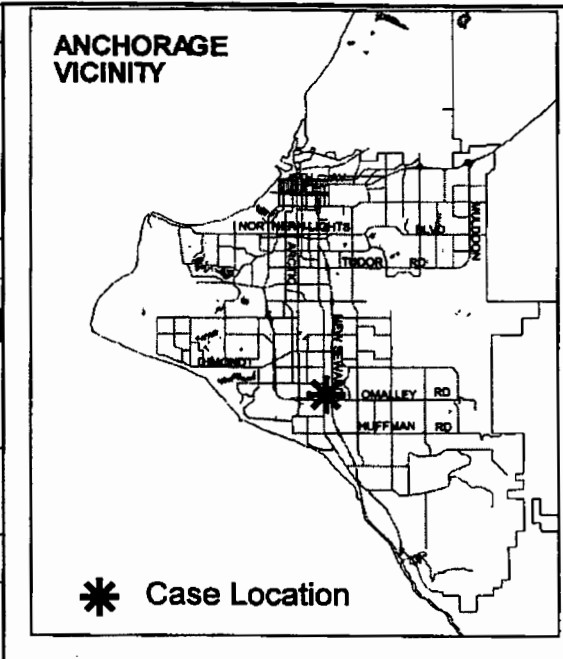
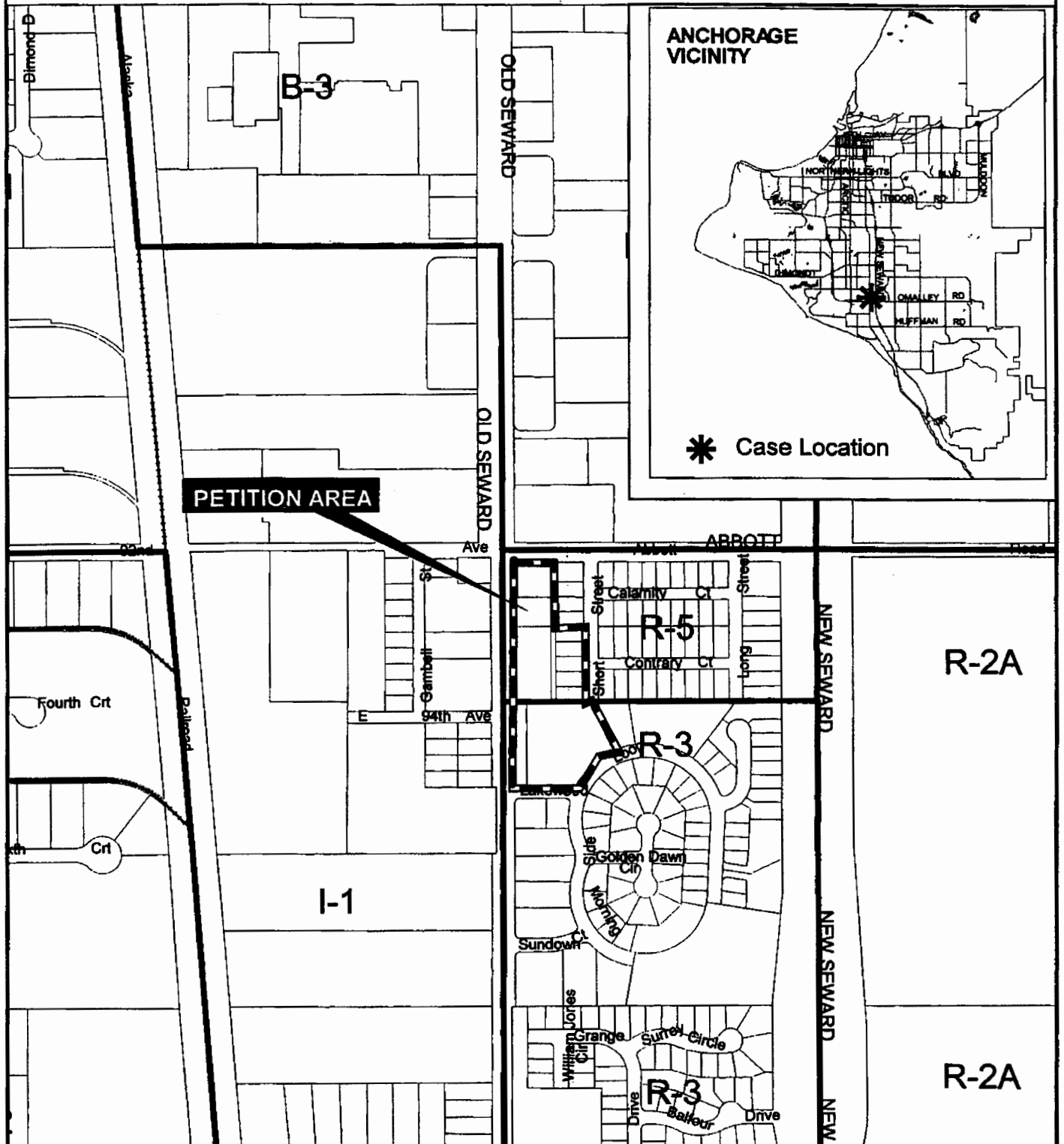
Approved by: _____ Date: _____
(Director, Preparing Agency)

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

Approved by: _____ Date: _____
(Municipal Manager)

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
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)

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:

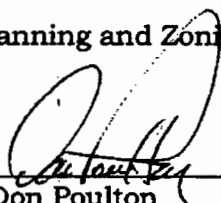
- A. The Commission makes the following findings of fact:
1. This is a request to rezone the site from R-3 and R-5 to B-3 SL. The special limitations offered are to establish design standards for landscaping, limit height to 5 stories, and prohibit uses such as adult entertainment, mobile home parks, 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 8th 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 37th 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.

E.2.

**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

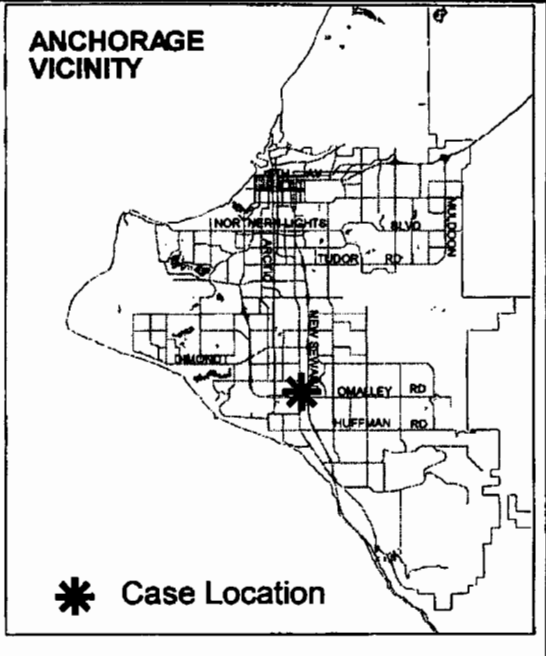
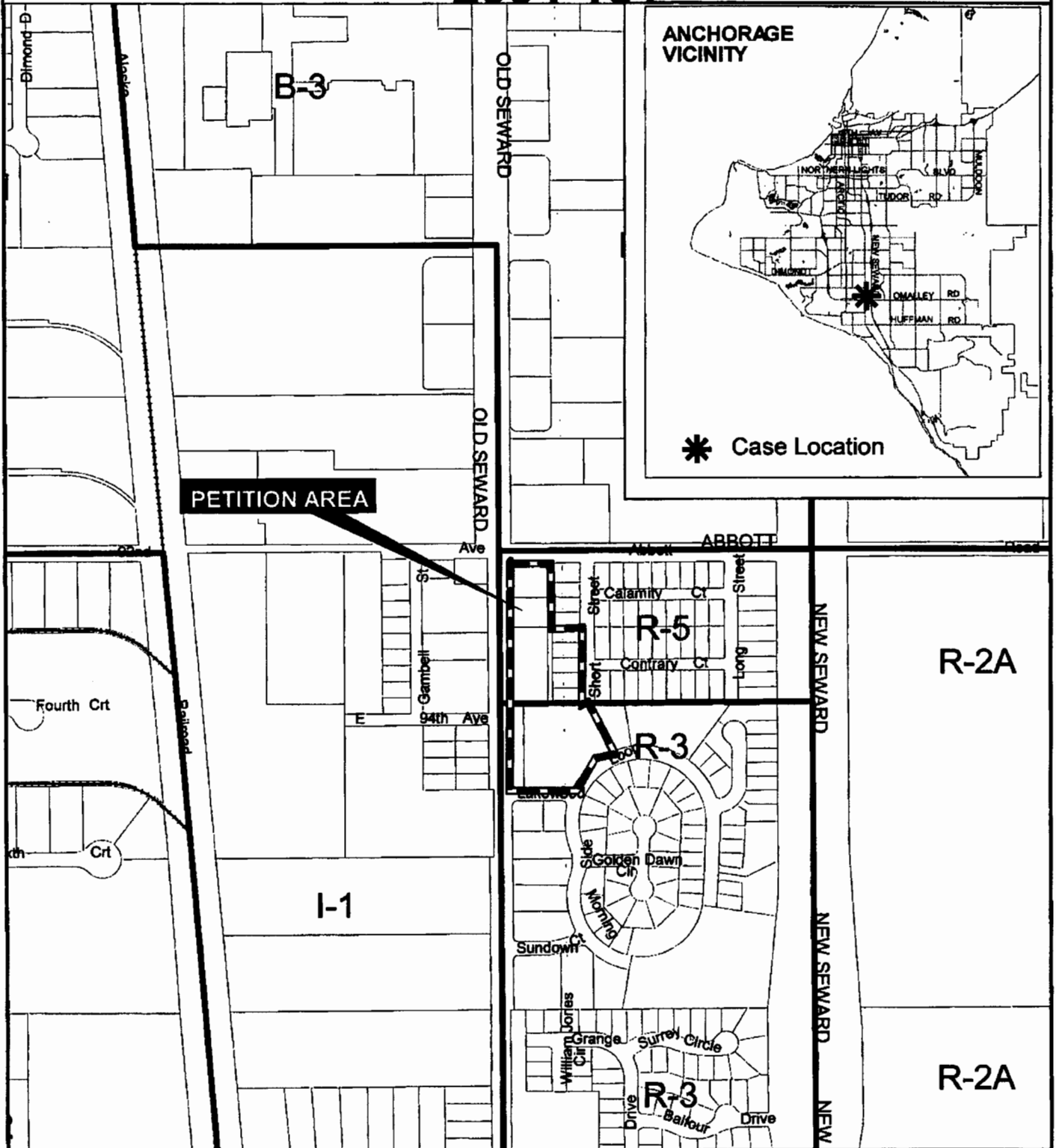
TAX NUMBER: 016-271-01 through 08, 64 and 69

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



Municipality of Anchorage
Planning Department



Date: AUGUST 26, 2004

Flood Limits

-  100 Year Floodplain
-  500 Year Floodplain
-  Floodway



0 500 1000 Feet

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.

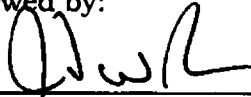
DISCUSSION:

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:

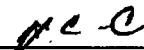
The Department recommends denial of rezoning to B-3 SL.

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

Submitted by: Chair of the Assembly at
the Request of

Prepared by:
For Reading:

Anchorage, Alaska
AO No. 2005-

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.
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34 B. Permitted Uses:
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- 36 1. Those principal uses permitted in the underlying zoning district, except
37 those as prohibited uses herein this ordinance.

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C. Accessory Uses:

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 nightclubs.
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.

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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

Content Information

Content ID : 002811

Type: Ordinance - AO

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING CONSISTING OF APPROXIMATELY 5.5

Title: ACRES FROM R-3 (MULTIPLE FAMILY RESIDENTIAL DISTRICT) AND R-5 (RURAL RESIDENTIAL DISTRICT) TO **R-O SL (RESIDENTIAL OFFICE DISTRICT WITH SPECIAL LIMITATIONS)**

Author: gray-jacksone

Initiating Dept: Assembly

Date Prepared: 4/25/05 10:04 AM

Director Name: Anna Fairclough

Assembly

Meeting Date 4/19/05

MM/DD/YY:

Public Hearing

Date 5/3/05

MM/DD/YY:

M.O.A.
2005 APR 25 AM 10:32
CLERKS OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	4/25/05 10:08 AM	Checkin	gray-jacksone	Public	002811

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: _____

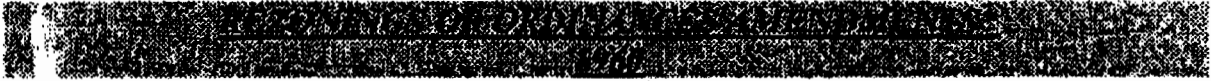
RECEIVED

DEC 01 2004

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

MUNICIPALITY OF ANCHORAGE

2004 NOV 23 10:10:48



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: *Jan W. Reed / Tom Cole / Abraham Hill*

ADDRESS: *PM B1816, 3705 Arctic ^{Hick} 99503* PHONE: *907-333-4054*

FEE: Paid by Check: # *2054* Cash _____
Receipt # *240011*

RECEIVED BY: *Ernie L. Glenn*

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 _____

Amount of Payment

\$ 960.00

Rezoning Appeal 2004-151
ck. 2054

Payment type (select only one) Cash/Check Credit Card Debit Card Other

Employee I.D. 21923 Coll. Org. 1020 Deposit I.D. _____

ACCOUNTING INFORMATION

LINE	\$ AMOUNT	FUND	ACCOUNT	ORG	PROGRAM	CLASS	BDGT PERIOD	PROJECT/GRANT
	ACTIVITY ID	RES TYPE	RES CAT	OPEN ITEM			DESCRIPTION	
1	960	101	9793	1020	0000	000	2004	102000 Rezoning Appeal
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64TH STREET WAREHOUSE'S
PMB 1816 - 3705 ARCTIC BLVD.
ANCHORAGE, AK 99507

89-6/1252
30333686

2054

DATE 11-17-04

PAY TO THE ORDER OF M.O. F. \$ 960.00
Five Hundred Sixty Dollars 100 DOLLARS

First National Bank
ALASKA MEMBER FDIC
WWW.FNBALASKA.COM

MEMO Rezone

⑆125200060⑆ 3033 368 6⑆ 2054

Prepared by: Lynne L. Klein Date prepared: 11/29/04 Phone no: 343-4314