



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
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NON-CODE ORDINANCE
REQUESTED BY: PLANNING COMMISSION
PREPARED BY: PLANNING

ORDINANCE SERIAL NO. 95-25

AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, AMENDING SECTION 16.43.113 (COMPREHENSIVE PLAN) OF THE WASILLA DEVELOPMENT CODE TO PROVIDE FOR AN AMENDMENT TO THE ADOPTED 1992 CITY OF WASILLA COMPREHENSIVE PLAN, DATED OCTOBER 1992; AND, AMENDING THE "ZONING MAP OF THE CITY OF WASILLA, ALASKA", IN ACCORDANCE WITH SECTION 16.43.301 (ZONING MAP) OF THE WASILLA DEVELOPMENT CODE, TO REDESIGNATE LOTS 1, 2, AND 3, DISCOVERY HILL, PHASE I, FROM THE I--INTERMEDIATE DEVELOPMENT DISTRICT TO THE IND--INDUSTRIAL DEVELOPMENT DISTRICT.

WHEREAS, the Wasilla Planning Commission (WPC) considered this request for change of district at a duly advertised public hearing on April 25, 1995; and,

WHEREAS, the WPC did adopt a resolution recommending a rezone to the Wasilla City Council of Lots 1, 2, and 3, Discovery Hill, Phase I, from I--Intermediate to IND--Industrial; and,

WHEREAS, the WPC found that the request furthers one or more of the goals of the 1992 City of Wasilla Comprehensive Plan, in accordance with Section 16.43.113.B. (Comprehensive Plan) of the Wasilla Development Code; and,

WHEREAS, the Comprehensive Plan should be amended to reflect an appropriate use that is consistent with the proposed development district;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA, AS FOLLOWS:

SECTION I. Classification. This is a non-code ordinance.

SECTION II. Purpose. To amend the 1992 Wasilla Comprehensive Plan to designate Lots 1, 2, and 3, Discovery Hill, Phase I, for Industrial use; and, to amend the "Zoning Map of the City of Wasilla, Alaska", to redesignate these three (3) lots, totalling about 37.5 acres in area, from the I--Intermediate development district to the IND--Industrial development district.

SECTION III. Enactment. The City of Wasilla Comprehensive Plan, October 1992, as identified in Section 16.43.113 (Comprehensive Plan) of the Wasilla Development Code, is hereby amended to designate Lots 1, 2, and 3, Discovery Hill, Phase I, for Industrial use.

SECTION IV. Enactment. The "Zoning Map of the City of Wasilla, Alaska", dated March 25, 1986, as referenced in Section 16.43.301 (Zoning Map) of the Wasilla Development Code, is hereby amended to redesignate Lots 1,2, and 3, Discovery Hill, Phase I, from I--Intermediate to IND--Industrial. A map showing the proposed change is attached hereto and adopted by reference, as representative of the amendment of the official City zoning map.

SECTION V. Effective Date. This ordinance becomes effective upon adoption.

Introduction: 05/08/95


Public Hearing: 05/22/95

ADOPTED by the Council of the City of Wasilla on this 22nd day of May, 1995.



JOHN C. STEIN, Mayor

ATTEST:



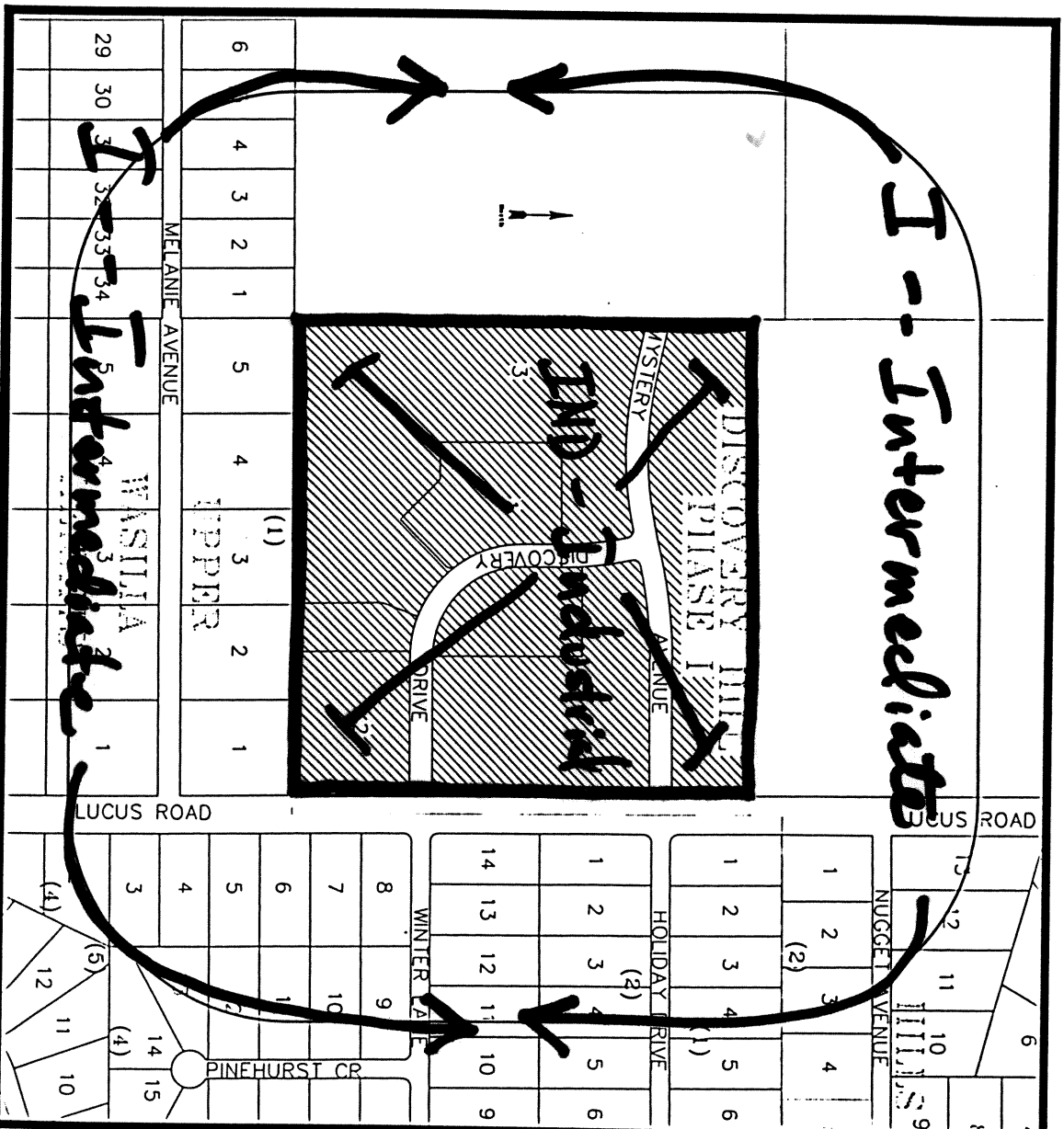
MARJORIE D. HARRIS, CMC
City Clerk

(SEAL)

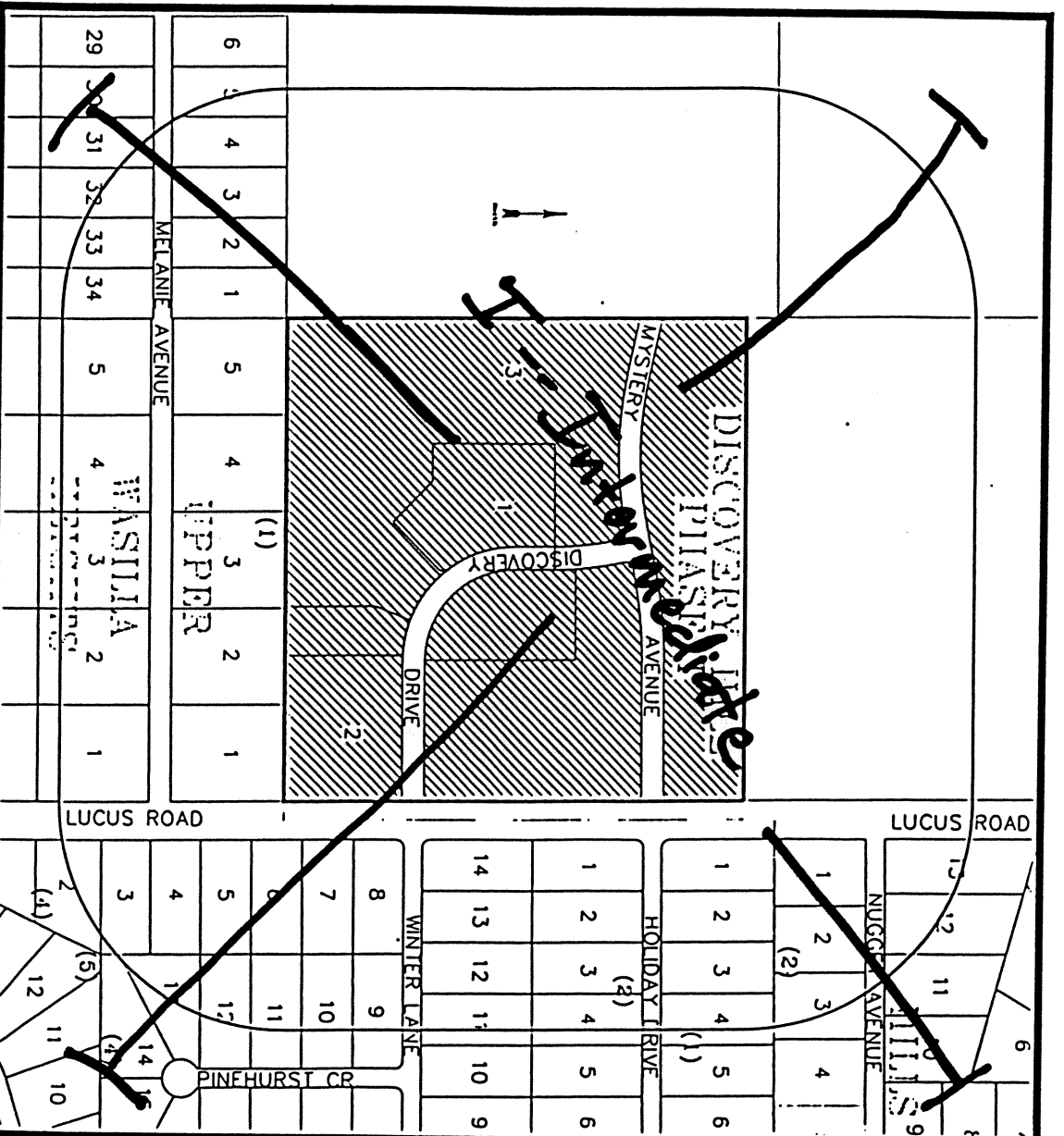
I--Intermediate

I--Intermediate

Proposed Zoning



Case D-9511
 Request for a
 rezone of Lots 1,
 2, and 3,
 Discovery Hill,
 Phase I, from
 I--Intermediate to
 Ind--Industrial
 containing 37.52 ac
 Request for a
 major development
 permit to allow a
 tire recycling
 business to locate
 on Lot 1,
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 6.5 acre parcel
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Existing Zoning



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Public Hearing Item 6-A

PLANNING COMMISSION MEMORANDUM - 95-12

DATE: April 19, 1995
TO: Wasilla Planning Commission
FROM: Wasilla Planning Office
SUBJECT: Information for the April 25, 1995 Regular Meeting

CASE: D-9511 J

APPLICANT: Robert Larkey, Alaska Tire Recycling, Inc.

OWNERS: Michael Cusack, Robert Lucas

REQUEST: Request for a rezone of Lots 1, 2, and 3, Discovery Hill, Phase I, from I--Intermediate to IND--Industrial, containing approximately 37.5 acres; and

Request for a major development permit to allow a tire recycling business to locate on Lot 1, Discovery Hill, Phase I, a 6.5 acre parcel generally located within Lots 2 and 3, Discovery Hill, Phase I.

LOCATION: Lots 1, 2 and 3, Discovery Hills Subdivision Phase I (900 - 1050 Lucus Road)

ZONING: I--Intermediate

Fifty (50) public hearing notices were distributed on March 30, 1995.

Date of site visit:

April 19, 1995

- Zoning History: Lots 1, 2, and 3, Discovery Hill, Phase I, are located in the I--Intermediate development district, as a result of a general rezone by Ordinance No. 85-32 (Adopted July 22, 1985). Ordinance No. 85-32 adopted a revised zoning map for the City of Wasilla based upon the "Wickersham" development code framework that was adopted as part of this same ordinance.

Staff has referenced a zoning approval from 1983 that designated the entire Discovery Hill site for industrial

development. At that time there was no distinction between according to recollections of the administration, there was no distinction between "light" and "heavy" industry at that time. Staff will continue to investigate this action of the Wasilla Planning Commission. At this time, all that is known is the case number or permit number is #020.

2. Lot Size: Lot 1 6.5 acres
Lot 2 2.7 acres
Lot 3 26.8 acres

3. Existing Land Use: Outdoor Storage of Equipment, Vehicles, Buildings, and Salvage, etc., and one (1) single-family dwelling located along Lucus Road

4. Surrounding Land Use and Zoning:

North: Tract A2, T17N, R01W, Seward Meridian
Use: Low Density Residential
Zoning: I--Intermediate

South: Lots 1, 2, 3, 4, and 5, Block 1, Upper Wasilla Heights
Use: Fred Day Industrial Park (Lots 1 and 2);
Vacant (Lot 3);
Residential (Lot 4);
Accessory (Lot 5)
Zoning: I--Intermediate (All Lots)

East: Lot 1, Blk 1, Wasilla Estates
Lots 1 and 14, Blk 2, Wasilla Estates
Lots 6, 7 and 8, Blk 4, Wasilla Estates
Use: Lot 1, Blk 1, Commercial
Lot 1, Blk 2, Vacant
Lot 14, Blk 2, Vacant
Lot 6, Blk 4, Vacant
Lot 7, Blk 4, Residential
Lot 8, Blk 4, Residential
Zoning: I--Intermediate (All Lots)

West: Tract D4, T17N, R01W, Seward Meridian
 Use: Vacant, Public Land
 Zoning: I--Intermediate

5. Comprehensive Plan: The 1992 Wasilla Comprehensive Plan identifies this area for low density residential development.
6. Applicable Regulations: The following sections of Title 16 (Wasilla Development Code) of the Wasilla Municipal Code are applicable to this request:

Intermediate District

16.43.350 Intent. The I district is intended for the areas surrounding the Core Area and Lake Lucille. It is characterized as generally single-family with some neighborhood commercial, and with public office and commercial uses along the major streets and highways. It is generally not served with major highways and water and sewer, and thus is less suitable than the Core Area for intensive development.

16.43.351 Uses-By-Right. The following uses are uses-by-right in the I district: residential uses except mobile homes, and accessory uses and structures normally appurtenant to uses-by-right and conditional uses, including, but not limited to signs, garages and required parking areas; except, any uses-by-right that would otherwise be a major development must obtain a major development permit. (Ord. 94-41 Attachment "A")

16.43.352 Conditional Uses. The following uses are conditional uses: subdivisions; mobile home parks, mobile homes on individual lots; garden-style public/institutional uses, commercial uses, and light industrial uses. (Ord. 94-41 Attachment "A")

16.43.353 Prohibited Uses And Structures. Salvage yards and all other uses and structures not specified as uses-by-right or conditional uses are prohibited. (Ord. 94-41 Attachment "A")

IND Industrial District

16.43.360 Intent. The IND district governs only areas of twenty acres or more. IND Districts must be served by major highways or collector streets and public or community water or sewer. The designation must contain specific provisions for traffic circulation and buffering of nearby non-industrial areas and uses from traffic, noise, dust, vibration, glare, pollution, and unsightly uses or activities. (Ord. 94-41 Attachment "A")

16.43.361 Uses-By-Right. The following are uses-by-right in the IND district: retail, office, public/institutional and light industrial uses, and accessory uses and structures normally appurtenant to uses-by-right and conditional uses, including, but not limited to signs, garages and required parking areas; except any use-by-right that would otherwise be a major development must obtain a major development permit. (Ord. 94-41 Attachment "A")

16.43.362 Conditional Uses. Subdivisions, salvage yards and all other uses and structures which are not uses-by-right or prohibited uses are conditional uses. (Ord. 94-41 Attachment "A")

16.43.363 Prohibited Uses And Structures. Residential uses are prohibited in the IND district. (Ord. 94-41 Attachment "A")

16.43.364 Water And Sewer. All development must connect to a public or community water and sewer system. (Ord. 94-41 Attachment "A")

16.43.202 Definitions. Unless the context clearly indicates a different meaning is intended, the following words and phrases used in this chapter have the meanings set out herein.

AV. Industrial Use means that field of economic activity including agriculture; forestry; commercial fishing or aquaculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; and wholesale trade.

AW. Industrial (heavy) use means those industrial uses that have severe potential for negative impact on any uses which would locate relatively close to them. This category differs from light industrial uses in that it includes uses that incorporate unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. It also includes uses that generate offensive odors, noise, and/or glare; uses that involve large amounts of exterior storage; and uses that, because of their scale, create nuisances or hazards such as heavy truck traffic, commuter traffic, or other intense activity.

This category includes airports, landing strips, and heliports; asphalt or concrete mixing plants, bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; resource recovery facilities, motor or rail terminals; and gasoline, ammonia and similar flammable or noxious substance storage; sanitary landfills, sewage treatment facilities; any industrial use, including those listed as light industrial uses, having five hundred thousand or more square feet of floor area or more than two thousand employees on every shift; and similar uses.

AX. Industrial (light) use means those industrial uses that are generally not objectionable because of noise, fumes, unsightliness, heavy truck traffic, or that generate nuisances that may be ameliorated adequately by performance standards.

This category includes blacksmith shops, boatworks, building materials sales or storage yards (excluding asphalt or concrete mixing), fully enclosed bulk materials or machinery storage, carpet or rug cleaning plants, contractors' offices and equipment storage yards, dry cleaning and laundry plants serving more than one outlet, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal, and wood sales, furniture cleaning plants, furniture refinishing shops, lumberyards, manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than five hundred thousand square feet of floor area, or fewer than two thousand employees on every shift), mini-warehouses or storage facilities, mirror supply and refinishing shops, monument works, ornamental iron workshops, pilot plants, printing plants, publishing plants, scientific laboratories, trade shops (e.g. cabinet, plumbing, carpentry), truck terminals, veterinary offices, warehouses, wholesale business and storage, electric sub-stations, communications facilities, water supply facilities (including storage), and similar uses.

Performance Requirements

16.43.850 Building Height. ... In the CA and IND districts the maximum height of any projection into air space whether trees, other vegetation or a structure, may not exceed the limits established by the FAA under FAR Part 77 as it applies to a publicly-owned airport affecting the airspace. (Ord. 94-41 Attachment "A")

16.43.851 Lot Area.

B. Minimum lot area and floor area ratios for nonresidential development are as follows:

District	Minimum Lot Area	FAR
IND	20,000	0.4:1

The minimum lot area may not be less than the area required by the Alaska Department of Environmental Conservation. Nonresidential development may exceed the FAR limitation of the section under the intensity bonus system set out in Sections 16.43.557 and 16.43.559 of this chapter. (Ord. 94-41 Attachment "A")

16.43.853 Setback Requirements.

D. Other setbacks are as follows:

District	Front	Side	Rear
IND	25	25	25

16.43.854 Salvage Yards.

B. No salvage yard shall be established or operated unless it is completely obscured from view of any traveled or public right-of-way or adjacent properties with conflicting use (i.e., residential, commercial). The development permit shall require a continuous solid fence no less than eight feet in height. Such a requirement is necessary to prevent the unsightly display of the yard, and may be a combination of the following:

1. Conventional solid wood or metal fencing;
2. Evergreen or other natural planting sufficient to provide year-round screening;
3. Earthen berm or topography.

C. In all cases, fencing provided shall be continuous and of sufficient density to provide visual screening required by this chapter on a year-round basis. (Ord. 94-41 Attachment "A")

16.43.855 Buffering Of Residential Development.

A. Development is required to provide adequate buffering between residential and nonresidential uses. The later developer on the property line is responsible for implementing this policy unless the development is an industrial use or is a nonresidential use adjacent to a R-1 or R-2 district. The buffer must incorporate at least one of the following:

1. A substantial planting, such as trees, shrubbery and ground cover;
2. A solid fence or wall to eight feet high; or
3. A densely planted earth berm.

The City Planner or Commission, as appropriate, must specify the contents of the buffer. The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in good condition. (Ord. 94-41 Attachment "A")

COMMENTS GENERAL

The purpose of this request is to investigate the possible rezone of Lots 1, 2, and 3, Discovery Hill, Phase I, from I--Intermediate to IND--Industrial. The total lot area of all lots in the subdivision totals about 37.5 acres. A Major Development Permit request is also included in this case to address a tire recycling operation that would be developed on Lot 1, if the rezone is approved and, if the major development permit is approved. Although both cases have been included in one case report, for the sake of convenience, the cases are separate and must be acted on independently of one another.

The Commission can make a recommendation to the Council on the Rezone request, however, Council must then take up the recommendation as an ordinance change in order to effect the change. In the case of the Major Development Permit, the Commission may make the decision, however, if the Commission decides not to recommend the rezone, or the Council fails to adopt a recommended zone change the MDP would become a moot point. For this reason, the Commission could decide to postpone action on the MDP while focusing its attention primarily on the rezone at this time. Action on the MDP could then be timed to coincide with any action of the Council at a later date.

The major development permit can be acted upon by the Commission independently of the rezone, however, the MDP will not become effective until a rezone to IND--Industrial is adopted by the City Council.

COMMENTS REZONE

The land comprising the Discovery Hill Subdivision was zoned I--Intermediate by Ordinance No. 85-32. This was a City-wide general rezone as part of the adoption of our current system of land use regulations.

In 1983, the Quadrant Development Corporation proposed a master planned residential and commercial development on the site. The Plan called for the creation of about 118 lots, mostly residential. A number of large tracts were to be reserved for commercial and industrial uses along Lucus Road, while the residential lots behind would have community water, sewer and paved streets. Around the mid 80's as the City was considering the general rezone and adoption of the current zoning codes, the residential real estate market began to fall. The developers contacted the City to obtain assurances that commercial and industrial land uses could still be developed on the site as a fall-back position from the earlier residential development concept. The resulting three (3) lot subdivision was intended as an industrial subdivision in order to try to salvage something from the original development effort. See supporting documents (attached).

The intent of the I--Intermediate district is to act as a transition zone for development. It is generally applied to areas outside the Core Area, due to the common lack of infrastructure needed to develop more intense commercial and residential developments. One of the less restrictive zones in the Wasilla Development Code, I--Intermediate is usually applied to new, relatively unregulated lands, when such lands are annexed from the surrounding Borough into the City. The Intermediate district permits a wide range residential and commercial uses including light industrial uses as a conditional use.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The 1992 City of Wasilla Comprehensive Plan identifies this area for Low Density Residential Development. As land so designated by the I--Intermediate development district, this description is somewhat of a misnomer. A check of the permitted uses-by-right and conditional uses listed in the district shows that a wide range of uses may be permitted in the district up to and including light industrial uses.

At present, only two areas within the City are designated for heavy industrial development. The City Sewage Treatment Plant area and the New Airport site west of Wasilla. One of the problems with the established industrial areas is a lack of adequate infrastructure to accommodate industrial development. Another issue affecting the existing industrial sites is their location off of the main arterials and collector streets of the community.

According to the 1992 Comprehensive Plan, the City has an oversupply of residential land for both single-family and multi-family residential use (Page 4-15, 4-16). According to the plan, the city should encourage the full development of existing subdivisions, before encouraging the creation of new subdivided neighborhoods. This section clearly refers to the glut of residential lots that were created during the pipeline era and the surplus continues to this day.

The plan does not recommend municipal investment in infrastructure, i.e. water, sewer, gas, etc., at the new Wasilla Airport, until a direct road link is established between the airport and the Wasilla Core Area (Page 4-16).

The unique development history of the site is somewhat at odds with the comprehensive plan designation. This can perhaps be explained by the "general" nature in which the plan and resulting rezone were applied to large areas of the City. In instances of this type of zoning, practical knowledge of how the zoning will effect each individual lot or tract is not usually taken into account. As a result, the Low Density Residential designation in the 1992 Comprehensive Plan is perhaps inappropriate for these individual tracts, due to the unique history and circumstances of prior development approvals and proposals on record.

Staff believes that the request, while not specifically consistent with the designation of the comprehensive plan for Low Density Residential, can be found generally consistent with the intent of the 1992 Wasilla Comprehensive Plan.

ZONING/USE:

Various uses have occupied the site over the years, including a house moving business, equipment and vehicle storage, salvage, and residential uses. It appears that the site may have once been used for rock extraction purposes, in addition to the above uses. One land owner indicates that a commercial water well has been developed on Lot 3 of the subdivision. For the most part, it appears that Lots 1 and 2 are vacant, with most of the existing use and development located on Lot 3. There is no permit record to verify the duration of the various uses except that the land owner indicates a continuous use of the property for industrial purposes since before the advent of the current zoning regulations.

A rezone to IND--Industrial would make the existing residential development along Lucas Road a conforming pre-existing use. It would make the other industrial uses on the site conforming to the zoning, as well as opening the door for other industrial use requests to develop on the site. The total lot area is well in excess of the minimum 20 acre size for a large contiguous industrial area described in the intent of the IND--Industrial development district. Staff notes that the site does not currently have a municipal or community water and sewer system as called for in the district regulations. An on-site system will have to be developed in order to meet AK Department of Environmental Conservation regulations, however. In addition, the Commission would have the discretion to apply conditions of approval to all major developments that are proposed for development on the site, thereby providing for improvements to the on-site systems as development occurs and the situation warrants in each individual case.

The extent of existing industrial use is a relatively minor, given the overall size of the site. The existing dwelling is an older structure that would likely be replaced by a permitted industrial use-by-right when the appropriate time comes.

LAND SUITABILITY:

The land is large enough to support all types of development, whether it be residential or industrial. The three (3) lots in this subdivision range in size for more than two (2) acres to nearly 27 acres in size. There is more than enough room to meet the setback requirements of the zone and still provide adequate area for industrial development.

Topography varies somewhat, and staff was not able to investigate the entire site. From the site visit it appears that any minor topography problems could be easily remedied in the development process. According the Comprehensive Plan, Figures 3, 4, and 5, there are no steep slopes, poorly drained soils, or wetlands areas that would constrain this site from development.

RECENT DEVELOPMENT TRENDS IN THE AREA:

A number of commercial businesses have developed along Lucas Road over the years. In addition, there is a wide variation of residential developments in the area from mobile homes on individual lots to single-family and duplex dwellings and multifamily residential. Generally speaking, however, the area appears to be sparsely developed in terms of overall development density.

TRAFFIC IMPACTS:

The rezone will have little impact for the foreseeable future because the use of the site for industrial purposes would be unlikely to generate any more traffic than could be generated from the maximum development potential under the existing I--Intermediate development district regulations. Because the zone permits such a wide range of development uses and densities, a high density residential and/or commercial use could still be developed on the site given the provision of a community water and sewer system. Given the potential uses permitted in the I--Intermediate development district, large lot heavy industry such as the type of development proposed would likely reduce the potential for traffic generation.

Lucas Road is a paved road that is designated as a collector street in the 1992 Wasilla Comprehensive Plan. While the total number of trips per day may be less, with industrial development, as compared with residential, the character of those trips would likely be

different. More large trucks would use Lucus Road with industrial development in the area, making fewer trips than residential users, but impacting the Lucus Road corridor with the potential for increased noise, dust, etc. Given the allowance for light industrial in the zone, which by definition is "supposed" to generate less truck traffic, staff is not sure how much emphasis should be placed on the issue of traffic character.

As a collector street, while commercial traffic may pass some residential developments along Lucus Road, it would not have to traverse through the heart of nearby residential areas. Staff notes that all three (3) lots in the subdivision have legal and physical access to Lucus Road.

COMMENTS MAJOR DEVELOPMENT PERMIT

This request is intended to permit a tire recycling operation and related facilities on a 6.5 acre lot that is currently being considered for the IND-Industrial development district. The analysis in this section assumes that the rezone will be approved and perhaps this should be stipulated as a condition of approval. In the alternative, the Commission could postpone action on this case until the rezone has been acted upon by the Wasilla City Council.

The development proposal shows a 5,120 square foot warehouse to house the recycling equipment and a 288 square foot office addition, served by six (6) off-street parking spaces at the front of the building. Access is designated from the Discovery Drive right-of-way easement which effectively divides the lot into three (3) distinct parcels. The southerly parcel next to Lot 2, is not proposed for development.

The warehouse/office will be located on the west side of the lot, along with the proposed water and sewer facilities. A plan for on-site power generation has apparently been scrapped in favor of MEA power. The areas surrounding the warehouse/office and the area across Discovery Drive will be graded to provide for outdoor storage of tires for shredding. In pre-conference discussions, the applicant indicated a desire to maintain in storage about 100,000 tires.

All shredding activities will be done inside the warehouse and the noise, dust, etc., generated in the shredding process will be contained by the building. According to the developer, the operation will not produce any off-site emissions or residue and will comply with all applicable EPA and ADEC air quality requirements.

The applicant proposes a six foot fence surrounding the site. As noted above in this report, salvage yards are required to provide an 8' solid fence. Staff recommends that the

proposed cyclone fence be 8' in height as a condition of approval and that sight obscuring slats be employed to block visibility at least along the side where the site faces Lucus Road. The vegetation along Lucus Road does not appear to be adequate to obscure the site from the road due to clearing that has occurred on Lot 3.

Maintaining the storage area and access to tire stockpiles will require snow removal. A designated snow storage area should be provided for on the site plan.

Because the nature of industrial uses often include a higher potential for serious fire concerns, due to the common use and/or storage of large quantities of combustible materials, staff defers to the comments submitted by local Fire Chief Jack Krill, below.

EVALUATION OF RELATIVE POLICIES

Refer to relative policies checklist attached.

REVIEW AGENCY COMMENTS

Central Mat-Su Fire Department

In a letter dated April 6, 1995, Fire Chief Jack Krill addresses the concerns relating to the storage and shredding of tires in the recycling process. Staff recommends that eleven (11) suggested conditions in the letter be included as a condition of approval of the Major Development Permit. In addition, staff recommends a condition to establish a functional maximum number of tires permitted for storage on the site subject to Fire Chief approval. For the purposes of discussion staff recommends 100,000 as a round figure because it was mentioned as a number by the applicant during pre-application discussions.

MSB Code Compliance

In a memo dated April 7, 1995, Borough staff provided an analysis of the Major Development Permit application. The City Planner has reviewed the comments and will address those comments that are relevant to the review of this case.

1. The applicant did not sign the application because he was not in ownership of the land at the time of application. Staff required the applicant to provide a signed petition for the majority land owners as required for a rezone petition, which is proved on a separate sheet. Signing both the petition and the application seemed redundant at the time, however, given the separate and distinct nature of the specific use request for Lot 1, the Commission can require the additional signature as a condition of approval.

2. Staff did not require a completion date given the prospect that a rezone and a MDP were required. These things take time and delays in the approval process would push an subsequent completion date farther back as a result. Staff assumes that development permits are good for one (1) year as provided by code, unless otherwise permitted for a longer period by the Planning Commission.

3. As noted on the application this information is voluntary on the part of the applicant, unless the Commission chooses to require it as a condition of approval.

4. Applicant provided staff with a business card which was not copied to the review agencies, staff will annotate the phone number on the application.

5. Staff has revised the application checklist according to Borough staff comments with the following specific comments.

a. Signs were discussed with the applicant who said he would bring in a sign plan. He never brought one in. A separate sign permit will be required when, or if, the recycling center is developed.

d. The IND--Industrial development district has no height restriction except as may be regulated by the FAA. Staff did not require the building height to be included on the site plan as a result.

Other items addressed by the Borough staff that have not been recommended as conditions of approval previously are to be included in the recommendation for this case as conditions of approval. These items are snow storage, trash receptacles, storm drainage, which can be addressed on a revised site plan required as a condition of approval for this use.

**RECOMMENDATION
REZONE**

Staff recommends the Commission adopt an appropriate resolution recommending this rezone for approval to the Wasilla City Council.

**APPROPRIATE MOTION
REZONE**

Should the Commission agree with the recommendation of staff, the following motion is appropriate.

Move to adopt Wasilla Planning Commission Resolution No. 95-08 recommending the rezone of Lots 1, 2, and 3, Discovery Hill, Phase I, from I--Intermediate to IND--Industrial, and that this case be forwarded to the Wasilla City Council with a recommendation for approval.

**RECOMMENDATION
MAJOR DEVELOPMENT PERMIT**

Staff believes that this request, with appropriate conditions of approval, meets the requirements of for a Major Development Permit, under the provisions of the Chapter 16, the Wasilla Development Code, and recommends that the Commission approve this Major Development Permit. (This recommendation assumes for the sake of argument that the rezone is approved or that the permit becomes effective only upon the approval of a rezone in IND--Industrial)

**APPROPRIATE MOTION
MAJOR DEVELOPMENT PERMIT**

Should the Commission agree with the staff recommendation, the appropriate motion is:

Move to adopt Planning Commission Resolution No. 95-09, approving Major Development Permit No. D-9511, in accordance with Section 16.43.519 (Decision-Major Development) of the Wasilla Municipal Code, affirming the City Planner's evaluation and the findings with regard to the provisions of the code applicable to this development.



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

April 28, 1995

Robert Larkey
Alaska Tire Recycling, Inc.
P.O. Box 221802,
Anchorage, AK 99522-1802

Re: Case D-9511, request for a rezone of Lots 1, 2, and 3, Discovery Hill Phase I, from I--Intermediate to Ind--Industrial containing 37.52 acres; and,

Request for a major development permit to allow a tire recycling operation and related facilities on Lot 1, Discovery Hill, a 6.5 acre parcel generally located within Lots 2 and 3, Discovery Hill.

Dear Mr. Larkey:

The attached Planning Commission Resolution, No. 95-08, is a favorable recommendation to the Wasilla City Council regarding your rezone request referenced above. This rezone request will now be referred to the Wasilla City Council along with an ordinance to amend the City's zoning map, in accordance with the applicable provisions of the Wasilla Development Code. It takes about six (6) weeks for the Council to act on an ordinance so, if all goes smoothly, you *should* have a final decision on your request no later June 12, 1995.

Planning Commission Resolution No. 95-09, approved a request for Major Development Permit D-9511, with conditions suggested by City staff, the Mat-Su Borough Fire Chief and the Mat-Su Borough Code Compliance staff. These conditions are set forth in the resolution of approval for your review. Please bear in mind that this permit is contingent on the success of the rezone still pending before the City Council and for that reason no development effort can be expended on this project until a rezone to IND--Industrial is approved by the Council.

Should you disagree with the Commission's decision, or the conditions of approval set forth in Commission Resolution 95-09, please be advised that you have ten (10) calendar days from the date of the decision to appeal to the City Council. An appeal would have to be received before the close of business (5:00 P.M.), on May 5, 1995 in order to be timely filed.

Should you have any questions regarding these conditions please feel free to call me at 373-9094.

Sincerely,

Duane Dvorak, City Planner



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

WASILLA PLANNING COMMISSION RESOLUTION NO. 95-08

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FOR LOTS 1, 2, AND 3, DISCOVERY HILL, PHASE I, A CONTIGUOUS AREA OF LAND ALONG LUCUS ROAD TOTALLING ABOUT 37.5 ACRES, FROM I--INTERMEDIATE TO IND--INDUSTRIAL.

WHEREAS, a request to rezone land from I--Intermediate to IND--Industrial was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at a public meeting on April 25, 1995; and

WHEREAS, a duly advertised public hearing was held at that time, with 50 public hearing notices mailed to surrounding land owners prior to the hearing; and

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of the staff, the public testimony - both written and verbal comments, the applicable provisions of the 1992 Wasilla Comprehensive Plan, and other pertinent information; and

WHEREAS, the WPC now wishes to forward this request for rezone to the Wasilla City Council along with a recommendation for approval, as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, hereby forwards to the Wasilla City Council, Case D-9511 (Rezone) a request to rezone Lots 1, 2, and 3, Discovery Hill, Phase I, a contiguous area totalling about 37.5 acres, from I--Intermeditate to IND--Industrial.

The Wasilla Planning Commission recommends approval of this request and bases its recommendation upon the following findings:

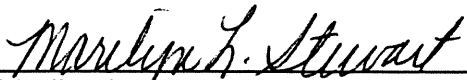
1. The contiguous lot area of about 37.5 acres is well in excess of the 20 acres required for an industrial development district in accordance with Section 16.43.360 (Intent) of the Wasilla Development Code.
2. The uses permitted in the IND--Industrial development district are compatible with the historical and present day use of the site for industrial and related land uses.

3. The use proposed for the site is *generally*, although not specifically, consistent with the designation of the site for Low Density Residential development. This finding is based on the staff analysis contained in the memorandum dated April 19, 1995, which is included as part and parcel of this recommendation by reference.
4. The rezone to allow heavy industrial uses on the site increases the potential for development impacts by a small degree given the fact that the existing I--Intermediate development district permits light industrial uses as a conditional use. The IND--Industrial development district permits heavy industrial as a conditional use and all developments that would otherwise be a major development must obtain a major development permit.
5. The rezone would create only one nonconforming use, that of a small mobile home with lean-to attached. Residential uses are not permitted in the IND--Industrial development district. This structure is rather old and would likely be relocated to a new location in a residential area when an economically feasible industrial land use is developed in that area of the site along Lucas Road.
6. The performance requirements of the IND--Industrial development district, i.e. setbacks, floor area ratio, buffer requirements, etc., are adequate to ensure that existing residential developments are not adversely impacted by the activities and land uses developed on the site.
7. Lucas Road, a paved road, is a designated collector street according to the 1992 Wasilla Comprehensive Plan. Any increase in commercial traffic resulting from the development of the Discovery Hill site would not have to travel through the heart of a surrounding residential neighborhood.
8. The City of Wasilla presently lacks an industrial area with sufficient access and infrastructure to effectively attract medium to large scale development that is appropriate for the the IND--Industrial development district. The 1992 Wasilla Comprehensive Plan recommends infrastructure not be extended to the new Wasilla Airport until a direct road access is created between the airport and Wasilla.
9. According to the 1992 Wasilla Comprehensive Plan, the City has an oversupply of residential land in subdivisions that have not reached their maximum density of development. Infill development of existing subdivisions should be encouraged before additional residential subdivision adds to this capacity.
10. The site proposed for rezone, taken as a whole, is physically suitable for industrial development and is not constrained by observable wetlands, steep slopes, or inappropriate soils conditions.


I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 25th day of April, 1995.

RESPECTFULLY SUBMITTED:

APPROVED:



Marilyn L. Stewart, Planning Clerk



John A. Cannon, Chair



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

WASILLA PLANNING COMMISSION RESOLUTION NO. 95-09

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, APPROVING MAJOR DEVELOPMENT PERMIT NO. D-9511, WITH CONDITIONS OF APPROVAL, TO PERMIT THE DEVELOPMENT OF A TIRE RECYCLING OPERATION AND RELATED FACILITIES ON LOT 1, DISCOVERY HILL, PHASE I, A LOT APPROXIMATELY 6.5 ACRES IN AREA.

WHEREAS, a request to develop a tire recycling operation and related facilities was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at a public meeting on April 25, 1995; and

WHEREAS, a duly advertised public hearing was held at that time, with 50 public hearing notices mailed to surrounding land owners prior to the hearing; and

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of the staff, the public testimony - both written and verbal comments, the applicable provisions of the 1992 Wasilla Comprehensive Plan, and other pertinent information; and

WHEREAS, the WPC approved Major Development Permit D-9511 (with conditions) to permit the development of the requested tire recycling use, on the findings noted below,

NOW, THEREFORE, BE IT RESOLVED, that:

1. Decision. The Wasilla Planning Commission of the City of Wasilla, hereby approves Major Development Permit No. D-9511, to permit a tire recycling operation and related facilities on Lot 1, Discovery Hill, Phase I, subject to conditions of approval.
2. Basic Facts and Reasoning. The Wasilla Planning Commission decided this case in reliance upon the information, evaluation and recommendation of the staff contained in the staff report dated April 19, 1995, and adopted here by reference. In addition, the following facts were taken into account by the Planning Commission in rendering this decision.
 - A. The location of Lot 1, is well back from Lucas Road.
 - B. The conditions of approval address the concerns of fire safety expressed by the Mat-Su Borough Fire Chief.
 - C. The conditions of approval addressed the need to provide for screening, snow storage and grading/drainage plans.

- D. Lucus Road is a designated collector street.
- E. Of the 50 public hearing notices mailed out, only two (2) were returned prior to the public hearing indicating an objection to the proposed development.
- F. There was no public testimony in opposition to the development request at the duly advertised public hearing.
- G. The development attained a positive score for relative policies in the development code and would provide local jobs and expand the tax base.
- H. It is assumed that the request to reclassify Lot 1, Discovery Hill, IND--Industrial will be approved by the City Council, otherwise the major development permit becomes null and void.
- I. The development proposal is *generally*, if not specifically, consistent with the intent of the comprehensive plan.
- J. The development proposal is consistent with the historical use of the land for industrial purposes.

3. Conditions on the Permit.

- A. This permit becomes effective only upon the adoption of an appropriate ordinance rezoning Lot 1, Discovery Hill, from I--Intermediate to IND--Industrial.
- B. A revised site plan showing anticipated grading, drainage, and snow storage development must be submitted for review and approval by the City Planner prior to initiation of development activities under this permit.
- C. Screening is required around the site in accordance with Section 16.43.854 (Salvage Yards) of the Wasilla Development Code. The proposed six (6) foot metal cyclone fence will require sight obscuring slats in order to meet this requirement. In addition, the overall height will have to be increased to eight (8) feet unless the fence is constructed over a two (2) foot berm. Other options for screening may be substituted, in accordance with the code, subject to review and approval by the City Planner prior to development.
- D. A separate sign review and permit is required prior to the development of any and all signage related to the development of the proposed site.

- E. All tire recycling operations on the site must conform to the conditions set forth by the Fire Chief, Central Mat-Su Fire Department as follows:
1. Weeds, grass, and similar vegetation should be eliminated and continually controlled throughout the entire yard. The distance between storage and grass, weeds and brush outside the yard should be 50 ft. Fire combustibles should be removed as they accumulate.
 2. Smoking should be prohibited within the tire storage area. Other types of potential ignition sources such as cutting and welding, heating devices, and open fire should be prohibited.
 3. Suitable safeguards should be provided to minimize the hazards of sparks from such equipment as refuse burners, heater/boiler stacks, and vehicle exhausts.
 4. Fire lanes shall be provided to separate piles and to provide access for effective fire fighting operations. Fire lanes shall have a minimum width of 9 ft. between piles.
 5. Storage piles shall have a minimum of 500 units and the separation distance between piles of scrap rubber tires and structures and other exposures shall be a minimum of 25 ft. Storage piles shall not exceed 20 ft. in height and should not exceed 250 ft. in length and width.
 6. Consideration of topography, since oil accumulation or runoff can be expected in fire conditions. Scrap tire storage preferably should be on a level area.
 7. Appropriate steps shall be taken to limit access to the tire storage area. Acceptable access should be provided for fire fighting equipment.
 8. Because of extensive fire expected in scrap tire storage, some form of exposure protection for adjoining properties should be considered.
 9. The fire department should be consulted for advice on the provision of all weather roadways to and within the storage area. Depending on such factors as storage area configuration and size, access obstructions, prevailing wind direction, and alternative tactics, fire fighting strategy might necessitate that one or more aisles be wider than those recommended.

10. Pre-emergency planning shall be made with the fire department so that fire emergencies can be properly handled in the storage area and related facilities.
11. Review and approval of the structural facilities for processing the scrap tires by the Alaska State Fire Marshal and in accordance with all applicable codes.

For purposes of the above conditions the following definitions, as provided by the Fire Chief, are applicable:

Aisle: An accessible clear space between storage piles or groups of piles suitable for housekeeping operations, visual inspections of piling areas and initial fire fighting operations.

Clear Space: Any area free of combustible materials. This does not preclude the storage of non combustible materials that will not transmit an exposure fire.

Fire Lane: A clear space suitable for fire fighting access and operations by motorized fire apparatus.

Scrap Tire: A tire that is no longer suitable for vehicular use.


Units: (equivalent passenger tire): One average size passenger tire weighing approximately 25 lb.

Yard: The outdoor area where scrap tires are stored.


I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 25th day of April, 1995.

RESPECTFULLY SUBMITTED:

APPROVED:



Marilyn L. Stewart, Planning Clerk



John A. Cannon, Chair