Requested by: Planning Prepared by: Planning Introduced: April 8, 2002

Public Hearing: April 22, 2002

Adopted: April 22, 2002 Vote: Unanimous: Cox absent

CITY OF WASILLA ORDINANCE SERIAL NO. 02-16

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WASILLA TO REZONE TAX PARCELS B-2, C-2, AND C-4, TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 11, SEWARD MERIDIAN, ALASKA FROM RR—RURAL RESIDENTIAL DISTRICT TO C—COMMERCIAL DISTRICT PURSUANT TO WMC 16.16.070, REZONING.

WHEREAS, a petition to rezone three parcels of land from RR—Rural Residential to C—Commercial was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at public meeting on March 26, 2002; and

WHEREAS, adjacent properties located easterly and westerly of the subject parcels are zoned "Commercial"; and

WHEREAS, a duly advertised public hearing was held on March 26, 2002, with public hearing notices mailed to surrounding property owners within 1200 feet as well as review agencies and Planning Commissioners prior to the public hearing in accordance with WMC 16.16.040; and

WHEREAS, WPC Resolution No. 02-09, a rezone of Tax Parcels B-2, C-2, and C-4, Township 17 North, Range 1 West, Section 11, Seward Meridian, Alaska from RR—Rural Residential to C—Commercial was passed unanimously; and

WHEREAS, the Wasilla City Council acknowledges the following finding of facts:

 The Palmer-Wasilla Highway Extension provides improved access to Tax Parcels C2 and C4.

- 2. The expected future land use map in the comprehensive plan identifies these parcels as generally commercial.
- David F. and Michael D. Smith have items presented in their request for rezone on how there properties substantially comply with Wasilla Municipal Code Section 16.16.050.
- 4. These properties are contiguous with other commercial zoned properties allowing this expanded district to be logical and integrated with adjacent uses.
- 5. One agency objection has been received from the Alaska Railroad Corporation (ARRC). Within the next year, a portion of the railroad contiguous with these parcels will be relocated approximately ninety feet south. This relocation will occur with the Parks Highway Improvements. ARRC states, "The view from the western approach is obscured by a former Kenai Supply Building." However, ARRC and Alaska Department of Transportation & Public Facilities, (ADOT&PF), may:
 - hinder visibility by relocating the tracks further to the south;
 - control the type of crossing installed at such time as the tracks are relocated; and/or
 - have the opportunity to provide acceptable alternative access to the lower elevation portions of these parcels.
- 6. The WPC believes that ARRC and ADOT&PF should make improvements to this crossing as part of the Parks Highway Improvement Project that is currently underway. This existing railroad crossing is part of the original highway from Wasilla to Palmer. ADOT&PF currently holds the permit for this railroad crossing.

Section 1. Classification. This is a non-code ordinance.

Section 2. Purpose. To amend the Official Zoning Map of Wasilla by rezoning Tax Parcels B-2, C-2, and C-4, Township 17 North, Range 1 West, Section 11, Seward Meridian, Alaska, from a RR-Rural Residential District to a C--Commercial District.

Section 3. Enactment. The Official Zoning Map, adopted August 12, 1996, is hereby amended to rezone Tax Parcels B-2, C-2, and C-4, Township 17 North, Range 1 West, Section 11, Seward Meridian Alaska, from RR—Rural Residential to C-Commercial.

Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on April 22, 2002.

SARAH PÁLIN, Mayor

[SEAL]

ATTEST:

KRISTIE L. SMITHERS, CMC

City Clerk



CITY OF WASILLA

290 E. HERNING AVE. WASILLA, AK 99654-7091 PHONE: (907) 373-9090

FAX: (907) 373-9092

TO:

Wasilla City Council

THRU:

Mayor Sarah Palin

FROM:

Planning Department

DATE:

March 29, 2002

SUBJECT: Ordinance Serial No. 02-16

SUMMARY: This ordinance is being brought to the City Council with full approval from the Planning Commission in compliance with WMC 16.16.040. The rezoning of Tax Parcels B-2, C-2, & C-4, Township 17 North, Range 1 West, Section 11, Seward Meridian, Alaska allows these three parcels to be zoned 'Commercial' in keeping with adjacent properties in the area.

FISCAL IMPACT: None

Account No.:

RECOMMENDED ACTION: Council is requested to adopt Ordinance Serial No. 02-16, rezoning Tax Parcels B-2, C-2, & C-4, Township 17 North, Range 1 West, Section 11. Seward Meridian, Alaska from RR—Rural Residential to C--Commercial.

ATTACHMENTS:

- Wasilla Planning Commission Resolution No. 02-09
- Application
- Notice Of Application
- Comments From Agencies
- Public Comments



FIRST CLASS

RCLVED

MAR 26 2002

NOTICE OF PUBLIC HEARING

PLANNING OFFICE CITY OF WASILLA

NOTIFICATION OF PUBLIC HEARING

DATE: 03-08-02

CASE: R02-007

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S):

WASILLA CONCRETE, by MICHAEL D SMITH & DAVID F SMITH

REQUEST:

The Wasilla Planning Office has received a requested to rezone Tax Parcels B-2, C-2, & C-4, within Section 11, Township 17 North, Range 1 West, SM, AK, more commonly known as 1355 E. Parks Highway, from RR—Rural Residential to C—Commercial. The proposed rezone area is approximately 22.45 acres in size and is currently known as 1355 E. Parks Highway.

A public hearing will be held on March 26, 2002 at 7:00 PM in the City Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing to: City of Wasilla, Planning Office, 290 E Herning Ave, Wasilla, AK 99654. If there is not enough room below please attach a separate piece of paper. You may also fax (907) 373-9089 or email your comments to: jcarricaburu@ci.wasilla.ak.us. Your written comments on this project must reach the Planning Office on or before March 18, 2002 in order to be included in the packet. Comments received after that date will be available at the public hearing.

Anyone wishing to review the application for this case is encouraged to contact the Planning Office for additional information.





1046000T007

MARSTON BROOKE % PACIFIC RIM PROPERTIES 405 W 27TH AVE ANCHORAGE AK 99503-1403

FIRST CLASS

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NOTICE OF PUBLIC HEARING

MAR 2 6 2002

PLANNING OFFICE....

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Name Drooke Marton		
Address 2001 Turnagan Prusy	• • •	
Lot Block Subdivision () 1504 Subdivision		
 Comments:		
Rapidly developing Commercial Are	9 -	Could be
the Ireal heart of wasilla -	13.60	
Favor Zoning change		

Sincerely,

Thomas E. Brooks, P.E.

Crossing File Mike Fretwell cc:

ALASKA RAILROAD CORPORATION

Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510 327 Ship Creek Avenue, Anchorage, Alaska 99501



Engineering Services Telephone:(907) 265-2320 Facsimile: (907) 265-2595

MAR 1 0 2002

PLANNING OFFICE CITY OF WASILLA

City of Wasilla Planning Office 290 E. Herning Ave. Wasilla, Ak. 99654

Re:

R02-007

Wasilla Concrete

The Alaska Railroad is concerned about the proposed use of the subject parcel because of the traffic circulation required. The current primary access to this parcel is via the railroad crossing at the extreme eastern edge. We believe this access is inadequate for commercial zoning for several reasons.

First, any railroad crossing poses risks to the public. Reliance on the crossing for access to commercial businesses will unduly expose motorists to the hazards of a railroad crossing. The crossing has poor geometry. The roadways on the eastern side cause motorists to turn into the crossing, limiting a clear view of approaching trains. Likewise, the view from the western approach is obscured by a former Kenai Supply building.

Second, if the crossing is used for commercial purposes, a signal is likely to be required to lower the risks to motorists. Crossing construction and maintenance are expensive, approximately \$250,000 to construct and \$6,000/yr to maintain. These costs are generally borne by both the railroad and the community. If the rezoning is to be approved, we urge you to impose these costs on the developer.

Third, alternative access to this parcel needs to be developed. Primary access to the parcel should be developed off E. Susitna Ave., and via the new Palmer Wasilla Extension project.

Fourth, the City of Wasilla has a horrifying abundance of railroad crossings. Nearby crossing include E. Glenwood Ave., the Palmer Wasilla Extension, and Knik Goose Bay Road. Including the subject crossing, 4 crossing exist within approximately one mile. This presents a serious public risk that must be mitigated.

The Alaska Railroad urges you to save lives by eliminating or reducing commercial access to this parcel via the railroad crossing to the E. Financial Drive area, and by promoting access via alternative routes.





MSB PLATTING DIVISION PAUL HULBERT 350 E. DAHLIA AVE. PALMER, AK 99645

FIRST CLASS



CITY OF WASILLA

NOTICE OF PUBLIC HEARING

NOTIFICATION OF PUBLIC HEARING

DATE: 03-08-02 CASE: R02-007

The City of Wasilla Planning Commission will consider the following:

PETITIONER (S):

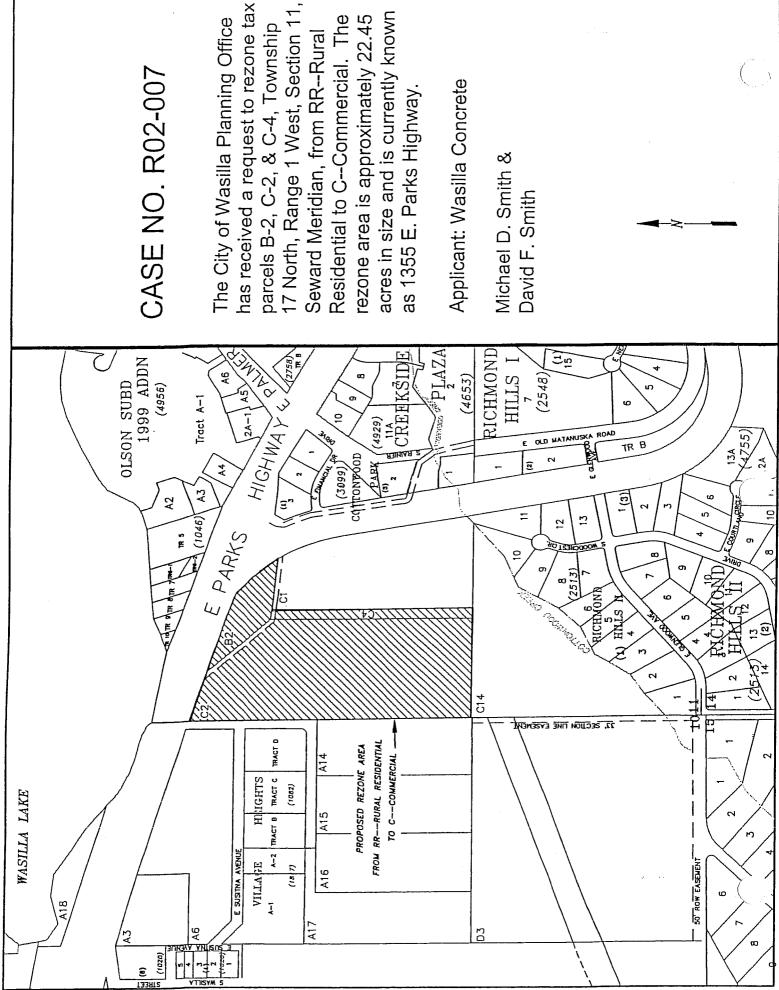
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Anyone wi	shing to review	ι the application for this cas	se is encouraged to contact the Planning Office for additional information.
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Lot	Block	Subdivision	
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			PLANING OFFICE

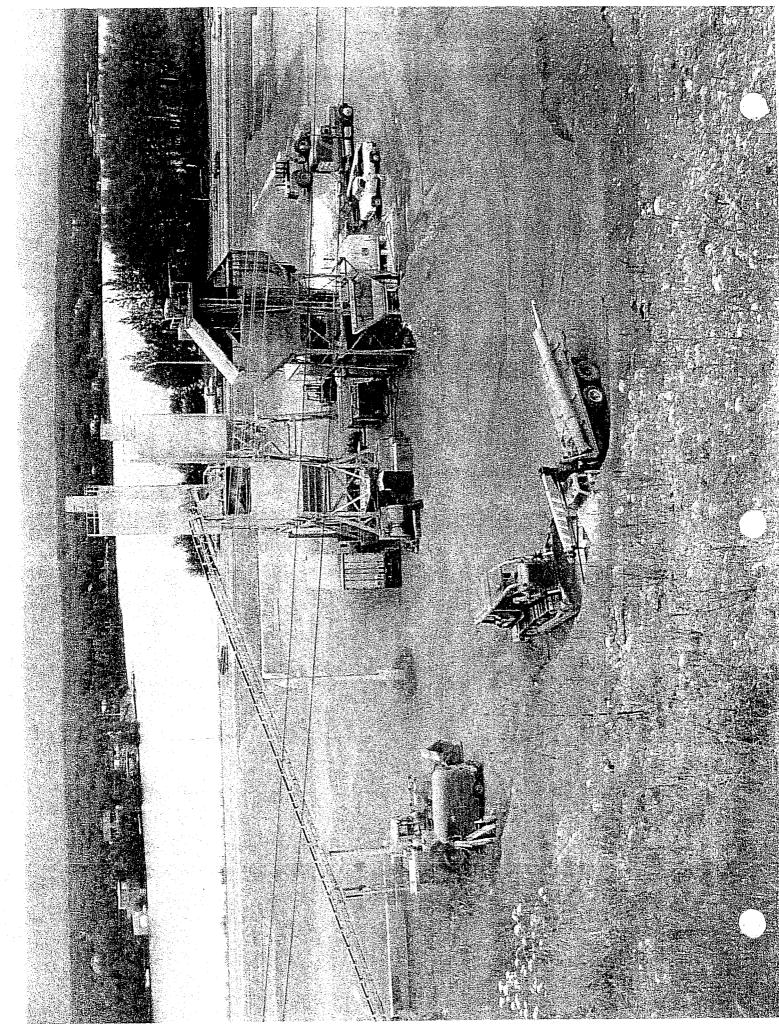




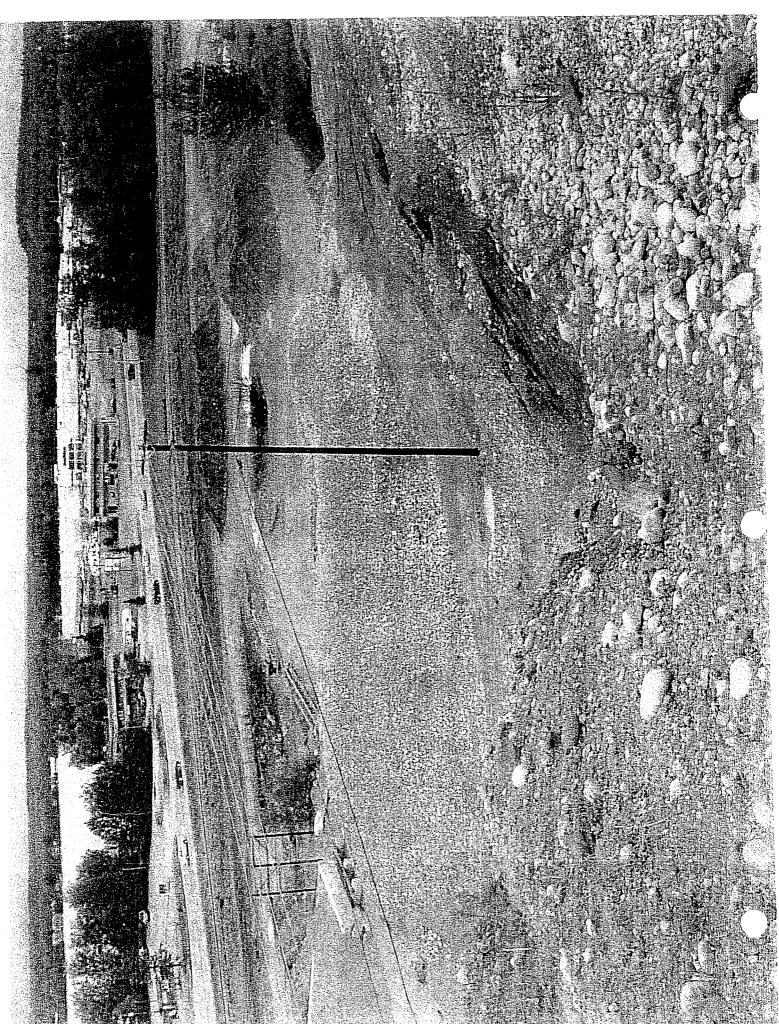
NOTICE OF PUBLIC HEARING

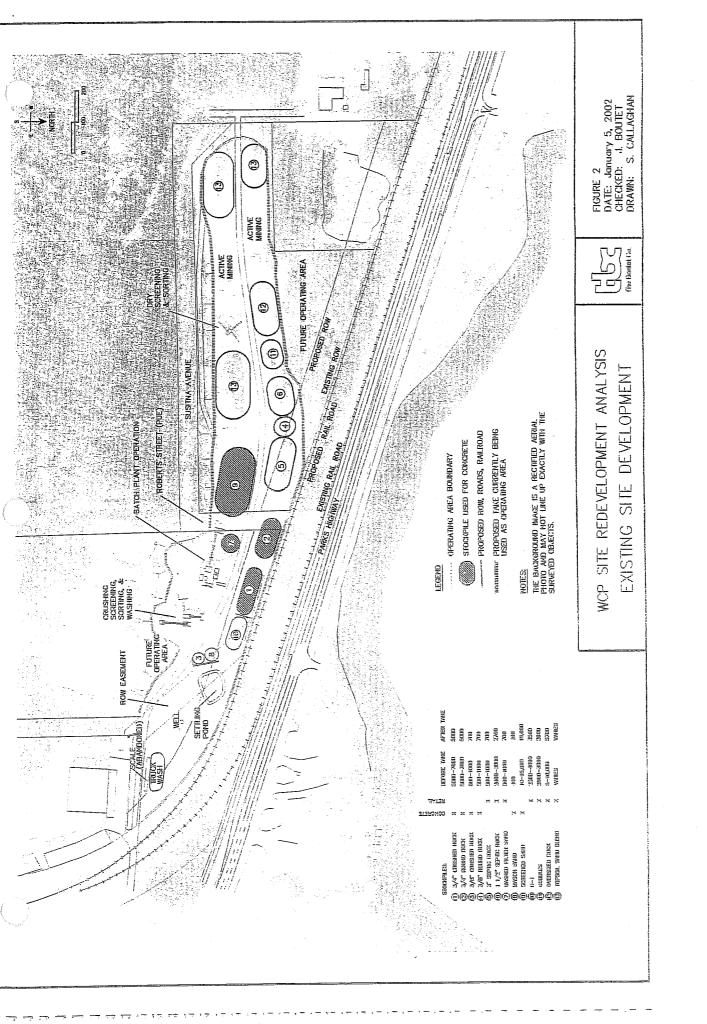
FIRST CLASS

* 1	NOTIFICATION OF PUBLIC HEARING	
ATE: 03-08-02		CASE: R02-007
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ETITIONER (S):	WASILLA CONCRETE, by MICHAEL D SMITH & DAVID F SI	<u>MITH</u>
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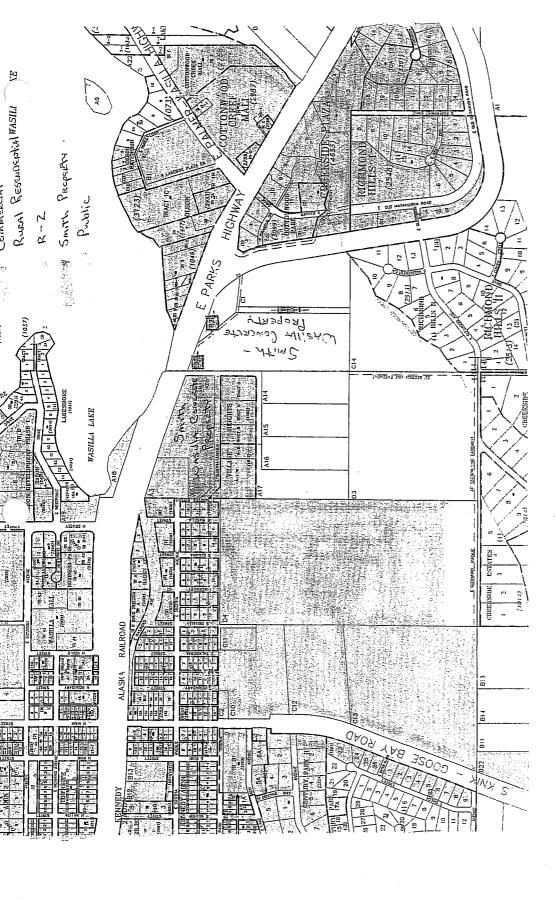


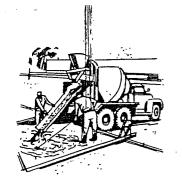












P.O. Box 870183 - Wasilla, Alaska 99687-0183 Phone 376-5331

In closing, we feel the rezoning would be in conformance with the City of Wasilla Comprehensive plan.

Please contact me if you need additional information. My phone number is 907-376-5331.

Sincerely,

Michael D. Smith

David F. Smith

000

WASILLA CONCRETE

P.O. Box 870183 - Wasilla, Alaska 99687-0183 Phone 376-5331

- Item #9 Ample parking will be available due to the majority of parcels are undeveloped.
- Item #10 Natural Gas and Three Phase electricity are on site. City Water and Sewer located at the Eastside of the Railroad tracks adjacent to Mudbusters Carwash.

A water well with 300 gallons per minute capacity is located on Parcel B-2. Two water wells are located on Parcel C-2 with 150 G.P.M. capacity.

- Item #11 Soils are non-frost susceptible type that allows surface water to drain or percolate on site. Parcel excavation is designed to contain and control surface water runoff.
- Item #12 No large developments planned at this time due to Alaska D.O.T. land take. However, parcels location in the core of Wasilla Commercial area, makes the prospect of future development likely.
- Item #13 Peak use will not change impact because the surrounding properties are existing commercial uses. This would be further determined once a land use is established.
- Item #14 Off-site impacts will be determined once a land use is established.
- Item #15 Landscaping is not planned at this time, due to the pending land take. When existing use ceases, reclamation will occur. Dust controls, soil erosion and storm water runoff controls are presently in place.
- Item #21 Winter hassles will be lessened. The recent material excavation and reclamation by the Alaska Railroad on the North boundary will enable blowing snow to drift away from the Parks Highway. With the pending land take, the remaining hill will be excavated to the Railroad level to the West border of Road Runner amusement Park. This should help reduce the drifting problem along Wasilla Lake.



P.O. Box 870183 - Wasilla, Alaska 99687-0183 Phone 376-5331

The pending land take by the Alaska DOT for the next phase of the Parks Hwy has forced the revision of our planned development to the property. The amount of land take has caused my family to take a hard look at whether we can continue to operate at this location. If we do need to move we would then like to sell this property. To market our property, we need the commercial zoning to attract qualified buyers. There are no permanent buildings on site, so issues like parking, lighting or other related requirements would not be applicable.

Section 16.16.050 - Approval Criteria Review:

- Item #1 At this time, no neighborhood plan exists.
- Item #2 City of Wasilla Comprehensive Plan: Expected future land use map shows that these properties are generally Commercial Business.
- Item #3 Current Land use includes resource extraction and manufacturing. Resource extraction is an allowable use in a Commercial District. Predicted future land use would allow for the elimination of resource extraction and industrial uses thus making it more beneficial as commercial property.
- Item #4 & 5 Due Deference: will be provided thru the Standard Wasilla Planning Commission and Wasilla City Council public hearing process.
- Item #6 Fire Safety and Emergency Access: Access is provided thru existing roads on East and West ends of the property. Water wells onsite have capacity of 500 gallons per minute in case of fire.
- Item #7 Future traffic use would intertie with both the Parks Hwy and Palmer-Wasilla Extension on the Eastern Boundary and on the Palmer Wasilla Ext from the southern 6 boundaries on C-2 & C-4.
- Item #8 All parcels are currently in compliance with set-back and dimensional requirements.



P.O. Box 870183 - Wasilla, Alaska 99687-0183 Phone 376-5331

During the construction, Wasilla Concrete received a notice of pending land take from the State of Alaska Department of Transportation. We suspended all plans of construction until we received further contact from the State. During this time, we verbally consulted with City Planner, Tim Krug about an office building permit next to the Kenai Supply Building. This too was put on hold due to the States pending take.

In February 2002, approximately 2 weeks ago, I contacted Mr. John Cramer, Deputy Mayor, concerning the City's stand on Old Mat Road being abandoned during construction of the Parks Hwy Phase III. It was at this meeting that my family learned of the zoning problem with our business property. My father, Dave, Brother Steve and I were looking at the City of Wasilla map when the zoning code of RR was noticed. Mr. Cramer informed us that this problem has come up before with other landowners. They having been unaware of changes made to their property. He instructed us that the problem could be corrected and walked us down to Mr. Krugs office to try and get things started to correct this situation.

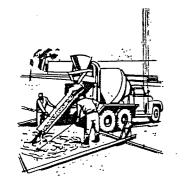
DISCUSSION

Our business plans were to excavate the property, utilizing the material, until a time when it is feasible to market the property for commercial development like a mall, hotel or warehouses. Wasilla Concrete and the Smith family's business plans have included the option of marketing the property for commercial development upon enough excavation of the site to make this a marketable location. With a RR zoning this would seriously restrict our ability to sell our property as we have always planned.

Located with a ¼ to ½ mile radius to the West, East and Northern property lines are numerous commercial businesses. Some examples include Fred Meyer, Arby's, Johnson Tire, Mudbusters Carwash, Burger King, Road Runner Amusement Park to name a few.

Within this same radius of ¼ mile, two homes are located on the West Side of our property. One of which is the old Commercial Poppert Brothers Mill and home site next to the Road Runner Amusement Park.

To the South of our property is undeveloped land. This will probably change with the New Palmer – Wasilla Hwy extension, bordering on the southern property of Wasilla Concrete, which is being built at this time.



P.O. Box 870183 - Wasilla, Alaska 99687-0183 Phone 376-5331

HISTORY -

Wasilla Concrete is a multi-generation Alaskan family owned and operated business. The Company was founded in 1954 with operations continuing annually to date. Adjoining our property to the East was an operating lumber mill, which then became Kenai Supply Inc., a lumberyard till its closing in 2000. There is a long history of commercial use at both properties.

When the City of Wasilla was establishing its city limits or boundaries, (in the early 70's) Wasilla Concrete and Kenai Supply elected to stay out of the city limits.

In the early 90's under Mayor Stein, the City made an unsuccessful attempt to annex us with 6 or 7 other properties into the city boundaries. A second attempt was launched when changes to the city council occurred. This time the City had the necessary votes, even though a clear majority of the landowners were still opposing the annexation. Mr. Noel Kopperud, a local attorney, represented the property owner's appeal all the way to the Boundary Commission. The Commission rules in favor of the City of Wasilla Annexation. We assumed that we would be zoned Commercial or Industrial.

Wasilla Concrete had no further contact with the City until 1996, when a new comprehensive plan was being circulated for approval. Our land at Mile 1 Knik Goose Bay Road was being rezoned. My father, Dave Smith, and his brother Frank Smith approached the city planners to ensure their adjoining properties would remain commercial zoning.

The City agreed with them and both groups of property were zoned commercial. During all these events, we never thought that the plan would include rezoning our commercial business property located at another location. My father, Dave, never voiced any complaint to rezoning his business to RR, Rural Residential, because he was unaware of the pending change.

The notice was assumed to concern our Knik Road property not the entire city limits.

In 1999, Wasilla Concrete contacted the City for a permit to erect our new concrete batch plant and enclose it for winter operation. A permit was granted. There was no mention of any conflicts or zoning problems. The city planner indicated that Grandfather rights on this property were in effect. Our company proceeded with plant construction and then began our building foundation to enclose the plant.



P.O. Box 870183 - Wasilia, Alaska 99687-0183 Phone 376-5331

February 20, 2002

City of Wasilla 290 E. Herning Ave Wasilla, Alaska 99654-7091

Attention: Tim Krug, City Planner

Subject: Request for Rezone of Parcels B-2., C-2 and C-4 Township 17N Range 1W

On East Parks Highway

Dear Mr. Krug;

This letter is to request rezoning of B-2, C-2 and C-4 from Rural Residential (RR) to Commercial (C). Enclosed is our check for \$500.00 to initiate action on this request.

Wasilla Concrete manufactures Redi-Mix concrete, concrete products, sand and gravel, and related building products on the below mentioned parcels.

B-2 Parcel is developed with a commercial well, truck scales and a site for an office-warehouse building. It is also used to stockpile materials we manufacture on site.

C-2 Parcel is partially developed with two concrete Batching Plants, a crushing-washing plant and numerous material stockpiles. Only the Northern ¼ to 1/3 of this parcel is developed. The balance is the visible wooded hill raising 75 to 100 feet above the Parks Highway elevation behind our manufacturing plants.

C-4 Parcel is undeveloped at this time.

A brief outline follows as justification for our request.



CITY OF WASILLA PLANNING OFFICE 290 E HERNING AVE WASILLA AK 99654 TEL. (907) 373-9094 FAX (907) 373-9089



MAR 0 1 2002

CASE NO. 2 02 -

LAND USE PERMIT

I Switz

Property Owner (X) Designee () UASID 1 SWITE
Mailing Address P.O. Box 870110 WASILIA 99687 Tel. # Daytime: 376-533 Evening: 376-58
Legal Description: Lots Blk Sub Development District: PR- RURAL RESIDENTIAL TOWNSHIP ITN RANGE IW PARCELS B-Z (-Z AND C-4 REZONE PARCELS FROM RUNAL RESIDENTIAL TO COMMERCIAL

Number of parking spaces required: Paving required? Yes()No()Waiver attached()
Snow/Trash area Maximum building height: Lighting (1 per 25 parking spaces)
Conditions of approval? No [] Yes [] (Listed on the backside of this page.)

1) Permit approvals are valid only during developers compliance with Title 16.04 of the Wasilla Development Code and the sand conditions of approval.

A land use permit does not relieve the applicant from the responsibility for compliance with any other required local, state federal review of permits for the proposed project. The developer should be aware of the following advisory information provided by the Mat-Su Borough (MSB) Code Compliance division:

This permit will expire automatically twelve months after issuance if no significant construction, activity, or occupancy has

- a. The project or action must comply with all rules applicable to special land use districts or geographic areas affecte
 including but not limited to, MSB Titles 15, 16 and 17.
- b. The project or action must comply with rules applicable to the affected uses, activities, habitats and resource including but not limited to, the requirements of the Alaska Department of Natural Resources, Department Environmental Conservation, Department of Fish and Game, US Army Corps of Engineers and the US Environment Protection Agency.
- The applicant is advised to check with the MSB Code Compliance Division (907) 745-9861, to determine if the developme site is within a federally designated Flood Hazard Area. A separate permit is required in all areas designated as Zone A.

Any aggrieved person, including the developer, may file an appeal of the Planner's decision on any permit with the Plannir Office. The appeal must be filed within five (5) working days of the decision in writing with a clear description of the appeal decision(s) and a \$100 filing fee.

Applicant Certification:

i hereby ce	ertify that I will comply with the provisions of the City of Wasilia Land Ose C	Soule and that I have the add.
certify this as the n	roperty owner or designee of the property owner.	
certify trile de trie p		7-77-0
,	1 / CULVII + X MITTH	Date: 2-22-0

Planning Office by/title: ______ Date: _