

21.05.050 – Commercial Uses: Definitions and Use-Specific Standards

p. 244, line 1 – Committee member asks what does this do to traditional gas stations and why separate out fueling stations? Has this been problematic? Yes, stated Planning in that there has been a proliferation of neighborhood car mechanics and autoshops out of residential garages which will be specifically illegal. These are uses that we have now or anticipate and it's best to have these distinctions. Planning explained a gas station is a fueling station but may not do repairs. It also could be two allowed principal uses. Public objection to piecemeal way the definitions are set out and believes it leads to confusion by defining too precisely. Recommends fewer categories broader in nature and cut definitions a third or more. These decisions made at the permit counter and too many questions as to what use do you get the permit for? Planning explained these uses impact neighborhoods and there is a rationale for separation. See the Fn 51. A convenience store in a neighborhood may not allow a gas station. Many fueling stations only sell gas, nothing else, such as Safeway Northway Mall, Costco.

p. 245, line 2 – committee member asks for definition of “taking chattel mortgage security.” Another committee member explained this is not common language any longer and means encumbering personal property as a security interest.

p. 245, line 21 – Public has strong objection to the vehicular weight of 12,000 pounds. States industry standard is 20,000 pounds for large trucks. Long debate on what cutoff should be. Planning and Enforcement explained a lot of research went into what manufacturers consider commercial and gross weight ratings is one way to determine. Over 12,000 pounds is what they found to be commercial and what they recommend. Traffic code allows up to 11,000 pounds in residential unless making deliveries. Committee member questions whether this is a “big deal” and discussion centered around new sales that also have warranty work and repairs (see p. 247 lines 29-37). Public member agreed that 12,000 pounds may be appropriate weight under this section *heavy equipment sales and rental* but has real objection on p. 247, line 15.

p. 246, lines 5-7 – Questions regarding *parking structures* on ground floor required to provide pedestrian oriented space facing on each street, except alleys, for the full length of the building. Planning stated this is “the exception” and intended for

maximum use of ground floor space with other uses (for lease or rent) other than just parking in certain districts. Example: 5th Ave. parking garage. Anticipate nonpublic parking garages also. Some existing now will become nonconformities. Public suggests in the alternative to permit this but not require it if it serves the building occupants only and not the general public. By mandating, it may be economically foolish.

p. 246, lines 11-23 – Public comment “don’t play architect.” This is an engineering requirement and a terrible operational cost. Public has concern that all this retail space in parking garage could get to the point that ventilation systems are required and a huge expense. Planning stated this is not a problem right now but will look into the matter. If 5th Avenue built today it would require retail space on all four sides. Most don’t face all 4 streets. 6th and G the same except for the alley.

p. 246, line 24 – *incentives*. Committee member asked if the policy is to keep structures low so we can continue to have views. Planning explained additional height is allowed if more human activities encouraged. Another committee member likes incentives and the fact it’s not a requirement but “luring.”

p. 247, line 7 – Committee concerned over prohibition on repair work as warranty work and repairs are done at dealerships. Planning to make this consistent and compare to number 9, line 29. Sales of snow machines (line 21) contradictory to number 9. Need to make it consistent. Selling snow machines involves warranties and repairs and, again, concern over prohibition

p. 247, line 12 – 7b2 is “absurd” says public member (no more than 5% car inventory over 12,000 pounds). Recommends this be 20,000 pounds. Time and money to enforce. Planning Dept should not be making commercial determinations like that. Need weight examples: Hummer v. full-size pickup. Planning will get example of heavy equipment weights. Committee comment that this is an arbitrary line between vehicles, trucks. Planning intent to have uniform standards and a gross weight threshold. Committee member asks that Planning look at specific dealerships who sell small delivery trucks, semis. Enforcement comment that 5% recognizes that auto dealerships do sell trucks and larger vehicles. Committee comment if there are no problems now with impacts on neighborhoods and roads, why change? Eagle River car dealerships also sell motorhomes or RVs (this is covered – recreational vehicles, line 5). Enforcement explained these standards are designed for the worst case scenarios. B3 businesses are now pushing the envelope.

p. 247, line 27-36 – Committee questions why are motorcycles allowed and not snowmobiles? Motorcycles don't take up as much space. Planning says Eagle River is in CCMU. Planning explains there can be two principal uses but some places are only sales and some places only repairs. Repairs have greater impact. Planning to consider eliminating eliminate 8b1 but keep it in 9. Reword to say *and/or* sales and repair could solve problem.

Public suggests deleting lines 27-28. Better to not allow motorcycle sales. Whole point of mixed use is to have uses that complement in a compact setting. These are auto commercial uses.

p. 248, lines 5-12 – Committee questions why car wash shall not face primary street. Planning states this “goes to icing on the streets” outside carwashes and accidents. Is this new 20 foot setback and landscaping? Planning comments that typically you have a queuing area too and questions having this use in mixed use area at all as it's not complementary. These are types of uses that are auto corridor. Probably shouldn't even be in here. Not the kind of uses oriented toward a pedestrian environment and that's the point of mixed use districts. Public comment that the Fireweed carwash is not a pedestrian friendly area and recommends they not be in mixed use districts.

p. 248, line 19 – Committee comment that the storage yard ordinance recently passed specifically allowed vehicles in self storage lots (page 2, line 18 of ordinance). Committee comment that definition does not reflect ordinance as passed. Planning stated this pertains to a *vehicle storage yard* and ordinance pertains to “mini-storage” (see page 258) Planning will review ordinance and put in correct standard.

p. 249, lines 1-3 – Committee member asks if this precludes camper parks in rural parts of the municipality. Planning stated camper parks bring in traffic and that's rationale for requiring a collector street or greater.

p. 249, line 35– Public does not like counting “pillows” rather than beds. Planning explained this is a common term in the resort industry that reflects the actual head count or single occupancy.

21.05.060 – Industrial Uses: Definitions and Use-Specific Standards

p. 251, line 36 – Committee asks if this requires a research laboratory to be in an industrial area? Doesn't seem like good fit. Planning explained these are accessory

activities to an industrial use. See table of allowed uses on page 194. Hatchery on upper Fire Lake is aquaculture by definition and in PLI.

p. 252, line 12 – Committee member asks why art studio and gallery are industrial. Planning explained that this is actually a permitted use across a wide range of districts (See table p. 194). The intent is to actually allow these small scale activities or cottage crafts. This came from Girdwood. Basically display and sales and not manufacturing. Committee member clarifies that the definitions are not such a problem but need to look at where they are allowed. Cottage crafts would complement small scale retail and planning's intent is to encourage co-location.

p. 252, lines 27-28 – Committee asks if this is a prohibition on a shed. Planning states “no” but a prohibition on outdoor storage and materials. Don't want stacking of large amount of raw materials.

p. 253, line 16 – Discussion on national resource extraction and reclamation. Questions as to why characterize filling old site (Dimond and Jewel Lake) as natural resource extraction when it's reclamation. Planning explained it's an automated coding system and the closest thing. Gravel extraction will continue to require CUP and will continue to be (over 50,000 cubic yards, line 25).

p. 253, line 26 – Public concerned that excavation in conjunction with a building permit for a large commercial job or subdivision might need this permit. This section crafted after supreme court case; multi year component (one season construction project). Planning will review and make this distinction. This was issue at Lake Otis and Abbott school. Line 32-33 (one year deal).

p. 254, lines 37-39 – Committee comment that “safe, stable and aesthetically acceptable” is not specific enough. Example of restoration of Lucy Street in Kincaid area that is not acceptable but was approved. Committee suggests more specific language such as “restore generally to the contours prior to the excavation,” “permission to fill,” etc. Planning states that this language provides more latitude depending on nature of project. Each restoration plan is a case by case determination that comes at the beginning of project. You have to have finished restoration plan before plan approval. Planning stated that they would limit area of extraction to preserve buffers in sensitive use areas. Public would like see some financial assurances (bond) to ensure reclamation takes place. “Sell gravel, take sack of gold, run out, I'm broke, sorry.” Planning confirms that bonding requirements are in the code now and typically boilerplate conditions on conditional uses.

p. 255, line 18 – *aquaculture* in a *marine facility*. This does not necessarily preclude it from being somewhere else.

p. 255, lines 20-28 – Committee questions why trying to distinguish all kinds of storage. Caribou goes somewhere other than where you take your fish? Planning reiterated that this is a marine facility where these uses are allowed and it does not preclude cold storage being other places.

p. 257, beginning line 4 through p. 264, line 14 – This needs to be consistent with the ordinance passed by the Assembly. Comment that storage yard definitions and locational requirements were not included in ordinance. Committee comment that we don't need to reinvent junkyard CUP or revisit something, but bring forward what was passed. Discussion surrounding storage yard of Spenard Lumber with construction materials next to a school. Would that be permitted? Planning states SBS is a *building materials store* defined on page 243 and does not fall under storage ordinance.

p. 263, line 42 – public comment that federal law clearly prohibits contamination of water supply no matter what type of use.

p. 264, line 23 – Is a recycling center a composting facility? Recycling can cover whole range. Planning would not view it as a recycling. Need to clarify where a recycling center allowed.

p. 264, line 32 – Committee asks if this 660 feet setback is far enough away. Small composting units on property with large animal facilities are not a primary use. Planning comment that composting facilities are noisy operations involving equipment and usually odor problems. Clarion probably came up with 660 (roughly 2 city blocks – 300 feet long). Discussion on what constitutes “waste and salvage.” Specifically planning to address recycling asphalt.

p. 265, line 42 – 5,000 cubic yards is approx. 500 dump trucks. Fill permit required at 50 cubic yards. Becomes land reclamation at 5,000.

p. 267, lines 36-39 – Committee comment that language “to conform the use to the standards set forth for this use” is nonsensical. Planning agrees and will reword.

p. 268, line 15 – Committee asks if height limitation for snow disposal site new? See Fn 74. It was raised to 35 from 25 feet in first draft. No height limitation under

current code. Snow piles are dangerous; taller ones take longer to melt. Enforcement stated there are lots of complaints. State property is excluded.

p. 268, line 26 – Public comment that screening, fencing, berming requirements are excessive and everyone benefits and pays for snow removal. Is there enough industrial land for this use permitted in I1 I2. Municipal sites are PLI zones. Just a couple private lots. Planning asks if you want these in other districts? Compounding snow storage problems by not allowing commercial businesses to store own snow. 35 foot standard probably reduces capacity by a third.

p. 269, line 11 – *dust and litter control*. Existing code requires a site to be clean by October. This language just restricts impacts on adjacent property. What happens to all the garbage that comes into these sites? CU standards in our code apply.

Being next meeting on p. 270 – **21.05.21.05.070 – Accessory Uses and Structures**

Final Comments: Public suggested it would help if Planning has a big flip chart of the tables so that all could work together to get through them.

Begin page 270 Accessory Uses and Structures

Next meeting September 30, 2005. 9:00 a.m. – 11 a.m. at Planning Department, Room 170.

Meeting October 7, 2005, 3 p.m. – 5 p.m. Assembly Conference Room 155

Respectfully Submitted by:

Susan Lutz
Legislative Services

Reviewed and approved by:

Debbie Ossiander
Assemblymember, Section 2