

**WASILLA CITY COUNCIL INFORMATION MEMORANDUM**

**IM No. 01-17**

Presented to Council

Date: 2/26/01

verified by: W.

*No action*

**SUBJECT:** A rezone request for Hodgert Subdivision

PREPARED BY: Planning Staff  
FOR AGENDA OF: February 26, 2001

DATE: February 14, 2001

**SUMMARY:**

On December 22, 2000 Wynn Moser submitted an application for rezone request to the Planning Office. Mr. Moser is the real estate broker for Security Devices of Hawaii. The owner of Security Devices of Hawaii has developed a number of single-family residential neighborhoods in the valley, i.e. Memory Lakes, Suburban Country Estates and North Country Estates, etc.

The Planning Commission held a public hearing on February 13, 2001. Public testimony was given related to the rezone request and the response from the public made clear that they did not support the rezone of Lots 9-12 of Hodgert Corner from R1-Single-family Residential to RR--Rural Residential. The property owners were concerned about offsite impacts such as noise, safety for the children who use that as a bus stop and the possible increase of traffic on the already congested Knik Goose Bay Road.

The Planning Commission voted the request down 5 votes to 0.

According to WMC 16.16.070 E the council shall review and act on a rezoning.

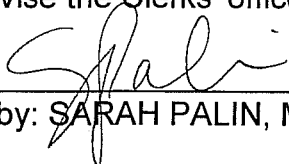
**ATTACHMENTS:**

- WPC Resolution No. 01-02
- R01-01 Rezone Application
- December 27, 2000 letter from the representative of action description
- Mailout Notice Map

**FISCAL IMPACT:**  No \_\_\_ Yes, amount requested: \$      N/A      Fund:

**RECOMMENDED ACTION:**

Should any council member wish to pursue this rezone request any further, the council should advise the Clerks' office to prepare an ordinance.



Reviewed by: SARAH PALIN, Mayor



290 E Herning Avenue  
Wasilla, AK 99614-7091  
Phone: (907) 373-9050  
Fax: (907) 373-9092

**FAILED 5 TO 0**

**WASILLA PLANNING COMMISSION  
RESOLUTION NO. 01-02**

**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 FROM R1—SINGLE-FAMILY RESIDENTIAL TO RR—RURAL RESIDENTIAL DISTRICT FOR LOTS 1-9, BLOCK 1, HODGERT SUBDIVISION.**

WHEREAS, an application to request a rezone of Lots 9-12, Block 1, Hodgert Subdivision from R1--Single-family Residential (R1) to RR--Rural Residential (RR) was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at a duly advertised public meeting held on February 13, 2001; and,

WHEREAS, Eighty-Eight (88) public hearing notices were mailed to land owners within 1200 radial feet of the property prior to the hearing; and,

WHEREAS, Lots 9-12, Block 1, Hodgert Subdivision are suited for RR development because this district allows for smaller commercial development; and,

WHEREAS, Lots 9 and 10, Block 1, Hodgert Subdivision are split zoned and Wasilla Municipal Code (WMC) 16.08.130 (H) states " Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Planner may permit the extension of the regulation for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot"; and,

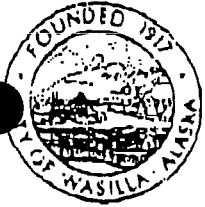
WHEREAS, These lots have direct access to Knik Goose Bay Road which is a major transportation corridor and has an average daily traffic count of 8,920 vehicles per day would provide direct ingress/egress to Knik Goose Bay Road and should not increase traffic within the surrounding residential neighborhoods; and,

WHEREAS, Traffic counts on this portion of Kink Goose Bay Road are increasing annually by approximately 500 vehicles per day and these lots do not promote the attributes needed for single family residential development; and,

WHEREAS, There is a minimal amount of commercial development along Knik Goose Bay Road. This rezone could relieve some of the overburden and conjection by allowing smaller commercial development to occur south of Wasilla proper; and,

Dec. 14. 2000. 2:40PM CI-99-24852 SILLA

No. 6555 P. 2.02



CITY OF WASILLA PLANNING OFFICE  
280 E HERNING AVE  
WASILLA AK 99864  
TEL. (907) 373-9094 FAX (907) 373-9089

R  
CASE NO. 01

LAND USE PERMIT

Party Owner ( ) Designee ( ) Security Devices Hawaii

Billing Address 411 W. 11th Ave, Ste 200 Anchorage Tel. # Daytime: 222-1851 Evening: \_\_\_\_\_

Legal Description: Lots 1 through 12 (Hodgson Center) of Tellanico Subdivision, Tract A  
Bik \_\_\_\_\_ Sub \_\_\_\_\_ Development District: \_\_\_\_\_

according to official plat No 81-251; records of the Palmer Recording District, Third Judicial District, State of Alaska.

FOR PLANNING OFFICE USE

Minimum setback requirements: Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_

Number of parking spaces required: \_\_\_\_\_ Paving required? Yes ( ) No ( ) Waiver attached ( )

Now/Trash area \_\_\_\_\_ Maximum building height: \_\_\_\_\_ Lighting \_\_\_\_\_ (1 per 25 parking spaces)

Conditions of approval? No [ ] Yes [ ] (Listed on the backside of this page.)

SPECIAL NOTES FOR APPLICANT

1) Permit approvals are valid only during developers compliance with Title 16.43 of the Wasilla Development Code and the terms and conditions of approval.

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

2) A land use permit does not relieve the applicant from the responsibility for compliance with any other required local, state or 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:

- a. The project or action must comply with all rules applicable to special land use districts or geographic areas affected, 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 resources, including but not limited to, the requirements of the Alaska Department of Natural Resources, Department of Environmental Conservation, Department of Fish and Game, US Army Corps of Engineers and the US Environmental Protection Agency.

3) The applicant is advised to check with the MSB Code Compliance Division (907) 746-8861, to determine if the development 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 Planning Office. The appeal must be filed within five (5) working days of the decision in writing with a clear description of the appealed decision(s) and a \$100 filing fee.

Applicant Certification:

I hereby certify that I will comply with the provisions of the City of Wasilla Land Use Code and that I have the authority to certify this as the property owner or designee of the property owner.

Owner (X) Designee ( ) : J. James Ludwig - President Date: 12/22/00

Planning Office by/Title: \_\_\_\_\_ Date: \_\_\_\_\_

RECEIVED

JAN 08 2001

Planning Department

December 27, 2000

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

Attention: Tim Krug, City Planner

Subject: Request for Rezoning of Lots 9, 10, 11, 12 Hodgert Corner; A Subdivision of  
Tallerico Subdivision Tract A & North Country Estates Tract B-1.

Dear Mr. Krug:

This letter is a request for the rezoning of Lots 9 – 12 Hodgert Corner from R-1 to RR. Enclosed is a check in the amount \$500.00 to initiate action on this request.

Lots 9 – 12 Hodgert Corner have highway frontage at approximately mile 2.5 Knik Goose Bay Road. The Lots are undeveloped and are bordered by the Tallerico Subdivision which is zoned RR.

I believe that this proposed rezoning request will not disrupt the character of the neighborhood and is harmonious with the surrounding area.

Outlined below is justification for this request.

History:

Hodgert Corner Subdivision was recorded December 30, 1998, Plat 98-164 and consists of twelve (12) parcels, four of which front on Knik Goose Bay Road with the remaining eight fronting on Minnetonka & Kanabec Drive (see Exhibit 1). This subdivision was created by combining Tract A of the Tallerico Subdivision with Tract B-1 North Country Estates.

Tract A of the Tallerico Subdivision & the adjoining parcels to the south, Tracts E, F, & G, were recorded November 5, 1984, Plat 84-251 and are currently zoned R-R. Tract B-1 of the North Country Subdivision fronting on Knik Goose Bay Road is Zoned R-1. The Developer, Security Devices of Hawaii, was not aware of the R-1 Zoning that currently exists on Tract B-1 of North Country Estates and recorded Protective Covenants for Hodgert Corner making Lots 9 – 12 (the old tract B-1 North Country) commercial and the remainder of the Subdivision, Lots 1 – 8 (Tract A Tallerico), residential lots.

Note that Lots 9 and 10 Hodgert Corner are currently split by the R-1& RR Zoning.

Discussion:

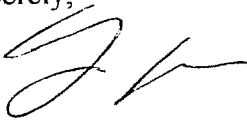
The character of the neighboring property is predominantly commercial (RR) with some single family residences to the South in North Country Estates (see Exhibit 2).

Due to the topography in the area, the residential lots in North Country Estates are well above Hodgert corner in elevation and would not be adversely affected by this zoning change request. Attached is a map of the area annotated with photos (see Exhibit 3).

Per the recorded plat for Hodgert Corner subdivision, a common access drive for Lots 10 thru 12 originates on Lot 11 and is constructed. Access to Lot 9 is restricted to Minnetonka Drive (see Exhibit 4).

Thank you for your consideration of my proposal on behalf of my client. If you have any questions or need any further clarification, I can be reached at 907-272-2121.

Sincerely,



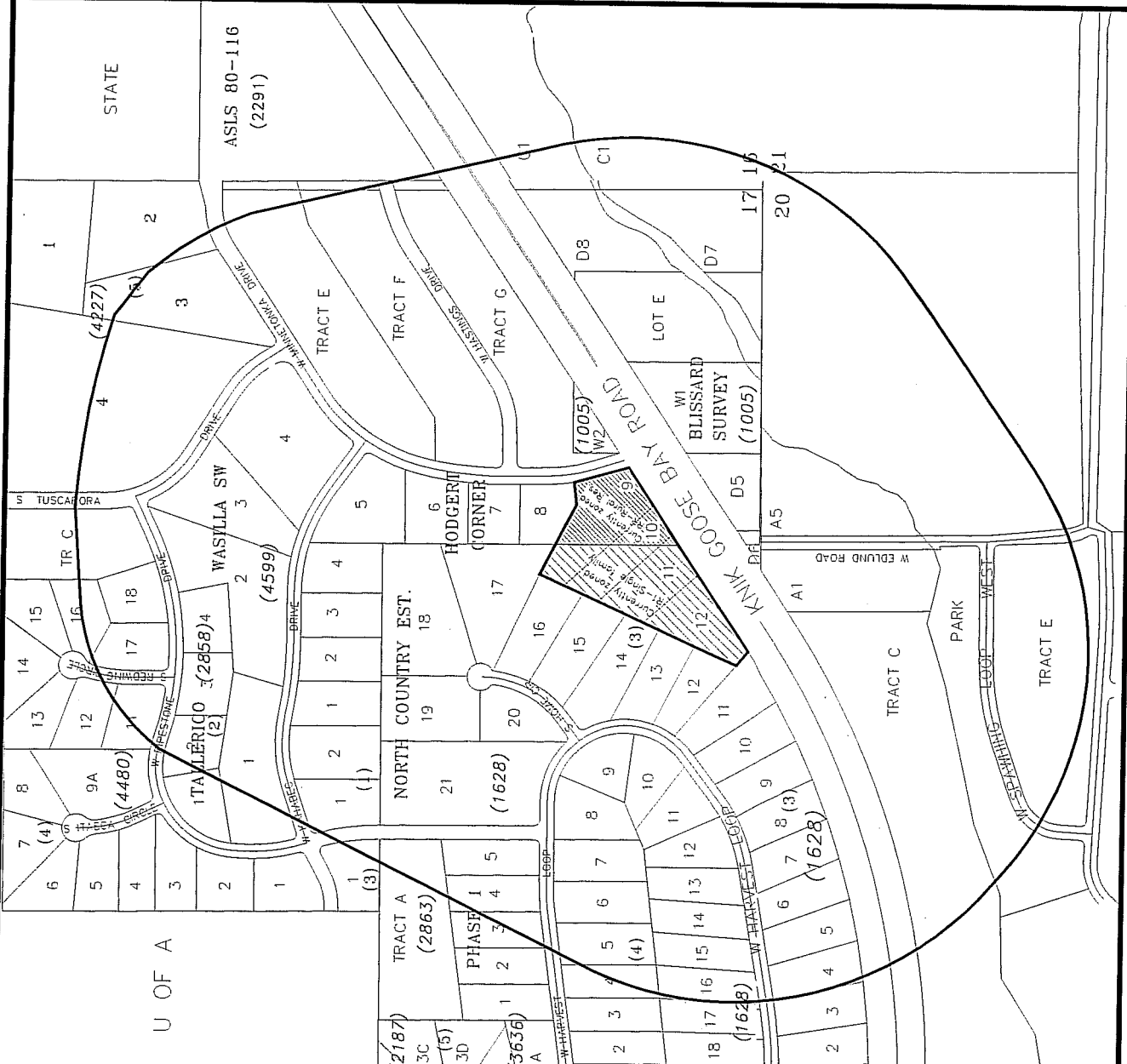
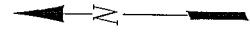
Wynn Moser, Statewide Real Estate Services  
Owner / Broker

# CASE NO. R01-01

An application to rezone the portion of Lots 9-12, Hodgert Corner (approx 5.18 acres), that is currently designated R1--Single-family Residential to RR--Rural Residential. These lots are located at approximately mile 3 Knik Goose Bay Road, directly west of Minnetonka Drive.

Applicant: Security Devices of Hawaii

Contact:  
Wynn Moser, Statewide Real Estate



WHEREAS, In accordance with Wasilla Municipal Code (WMC) 16.16.070 (D), The following findings have been complied with:

- The proposed rezoning has adequate roads, gas, electricity, police and fire protection available
- Is in substantial compliance with WMC 16.16.050
- Comments from reviewing Parties have been adequately addressed
- The agent for the landowner has demonstrated the need for additional land in the zoning district to accomodate uses allowed
- The Rural Residential District is a logical expansion of a contiguous district
- The rezoning is in conformance with the City of Wasilla Comprehensive Plan. Chapter 4, Land Use Plan, paragraph 2 states "The plan's objective is to provide a balanced and complementary pattern of land use which can accomodate future growth and development, while protecting values important to local residents; 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 1996 Wasilla Comprehensive Plan and other pertinent codes and information.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, hereby recommends to the Wasilla City Council, a rezone of Lots 1-9, Block 1, Hodgert Subdivision from R1--Single-family Residential to RR--Rural Residential; and

BE IT FURTHER RESOLVED that the developer shall comply with all documentation and site drawings submitted by the developer for review by the Wasilla Planning Commission. Any deviation from these documents without review and approval of the Wasilla Planning Commission will result in immediate revocation of this conditional use and subject to penalty pursuant to WMC 1.20.020 General Penalty.

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 13th day of February 2001.

ATTESTED:

APPROVED:

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Helen Y. Kaye, Planning Clerk

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Stan Tucker, Chair