

**CITY OF WASILLA
ORDINANCE SERIAL NO. 04-17**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING CONDITION 2 SECTION 3 OF ORDINANCE 03-59, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WASILLA TO REFLECT A CHANGE IN ZONING DISTRICTS FROM RR—RURAL RESIDENTIAL TO RM—MULTI-FAMILY RESIDENTIAL FOR A PORTION OF TAX PARCEL A-7 WITHIN SECTION 16, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, a review of existing plans and studies for proposed railroad and highway realignments has identified four of five proposed routes to be in the vicinity of the 56.11 acres comprising Tax parcel A-7, Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska, which was submitted for a zone change in July 2003; and

WHEREAS, The Wasilla Planning Commission adopted Resolution Serial Number 03-18(SUB) on August 26, 2003 recommending rezoning only Blocks 3 and 4 of proposed Center Point Subdivision Phase II (13.29 acres, more or less, according to 8/12/03 drawing prepared by Ken DeCamp, RLS) of Tax Parcel A-7, Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR—Rural Residential To RM—Multi-Family Residential; and

WHEREAS, the 13.29 acres of Blocks 3 and 4 of proposed Center Point Subdivision Phase II is the northeastern most portion of the parent 56.11 acres in Tax parcel A-7 which leaves the remaining 42.82 acres undeveloped; and

WHEREAS, Blocks 3 and 4 of proposed Center Point Subdivision Phase II are contiguous to existing high density development and therefore unlikely to be selected for the development of future railroad or highway corridors.

NOW THEREFORE, the Wasilla City Council finds that the proposed development of 13.29 acres in Blocks 3 and 4 of Center Point Subdivision Phase II will not impede the future development of alternative railroad or highway corridors.

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

Section 2. Purpose. To amend condition number 2 under Section 3, Conditions of Approval, for the change in zoning from RR-Rural Residential to RM-Multi Family Residential on a 13.29 acre portion of Tax Parcel A-7 within Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska known as Center Point Subdivision Phase II, approved on September 22, 2003. Section 3 of Ordinance 03-59 is amended as follows:

Section 3. Conditions of Approval. This rezone action is contingent upon the following conditions:

1. Only lots within Blocks 3 and 4 of proposed Center Point Subdivision, Phase II (approximately 13.29 acres according to 8/12/03 preliminary plat prepared by Ken DeCamp, RLS) of Tax Parcel A-7, Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska are to be rezoned from RR—Rural Residential to RM—Multi-Family Residential;

2. The official Wasilla zoning map shall only be amended after the proposed Center Point Subdivision Phase II is finalized with the Matanuska-Susitna Borough and [A NOTICE OF DISCLOSURE] is recorded at the State of Alaska, Palmer District Recorder's office [REFLECTING THAT STUDIES HAVE BEEN PERFORMED CONSIDERING THE VIABILITY OF A FUTURE ALTERNATIVE PARKS HIGHWAY CORRIDOR AND /OR ALASKA RAILROAD CORRIDOR NEAR THE VICINITY OF CENTER POINT SUBDIVISION, PHASE II];

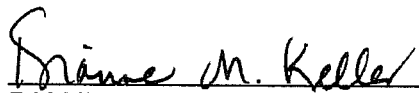
3. The newly created subdivision shall include a fence easement and a payment and performance bond shall be acquired from the developer to assure the prospective landowners that the subdivision will remain as a gated community allowing for maintenance of private roads to occur in the future;

4. Once fence easements are created to secure property owners in both phases of the subdivision, the payment and performance bond required for the fence in the first phase of Center Point Subdivision shall be relinquished;

5. The above conditions shall be completed within one-year of City Council approval of request for rezone.

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

ADOPTED by the Wasilla City Council on March 8, 2004.


DIANNE M. KELLER, Mayor

ATTEST:


KRISTIE SMITHERS, CMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

Ord 04-17

RE: Proposed amendment to the conditions of approval in an existing ordinance approving zone change from RR-Rural Residential to RM-Multi Family Residential for 13.29 acres of land known as Center Point Subdivision Phase II.

Agenda of: February 23, 2004
Originator: City Planner

Date: February 12, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
X	Public Works Planning	<i>[Signature]</i> 2/12/04
X	Finance *signature required	<i>[Signature]</i> 02-12-04
X	Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes \$ or no

Funds Available yes no

Account name/number:

Attachments: Ordinance Serial No. 04-17
Ordinance Serial No. 03-59
Vicinity Map

SUMMARY STATEMENT:

The original application for zone change from RR-Rural Residential to RM-Multi Family Residential was for the entire 56.11 acres in Tax parcel A-7.

Several rail and highway studies, including The Railroad Relocation Reconnaissance Study prepared by LCMF in 2002, the Alternative Alignments for the Parks Highway prepared by Bomhoff and Associates in 1982, and the Borough's Comprehensive Plan have identified several very general alignments for future routes in the vicinity of this parcel. Based on potential routing of a rail bypass in this general area, the Alaska Railroad opposed the rezoning and development of the original 56.11 acres in September 2003.

Following their public hearing, the Planning Commission recommended that the zone change be limited to the 13.29 acres designated as Blocks 3 and 4 of the proposed Center Point Subdivision Phase II.

City Council approval of Ordinance 03-59 included five conditions. Condition one limits the zone change to 13.29 acres. Condition two requires the recording of a disclosure statement reflecting the possibility of a future railroad and/or highway corridor near the vicinity of Center Point Phase II. Conditions three and four deal with a security fence and fence easement, and condition five requires that conditions 1-4 be completed within one year of the rezone.

After careful review of the language in the transportation studies and the very general nature of the proposed alignments in these studies, the Planning and Public Works staffs agree that the development of Blocks 3 and 4 of Center Point Phase II will not affect future options for rail or highway alignments in the vicinity. Should the Alaska Railroad or DOT begin acquiring right-of-ways for future development of a rail or highway corridor, sufficient acreage exists in the remaining 42.82 portion of Tax parcel A-7 to accommodate potential routes.

When actual right-of-way alignments are designated and routes are fixed, the City should work with the Railroad, DOT and the Borough to develop notice requirements for development in the vicinity of the designated corridors.

The Planning department respectfully requests the adoption of Ordinance 04-17, amending the conditions of approval for this zone change to delete reference to the recording of a disclosure statement reflecting the possibility of a future railroad and/or highway corridor near the vicinity of Center Point Subdivision Phase II.

CITY OF WASILLA
ORDINANCE SERIAL NO. 03-59

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WASILLA TO REFLECT A CHANGE IN ZONING DISTRICTS FROM RR—RURAL RESIDENTIAL TO RM—MULTI-FAMILY RESIDENTIAL FOR A PORTION OF TAX PARCEL A-7 WITHIN SECTION 16, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, a petition request to rezone a portion of Tax Parcel A-7, Section 16, T17N, R1W, Seward Meridian, Alaska from RR— Rural Residential to RM—Multi-Family Residential was reviewed by the City Planner upon receipt of the application and the Wasilla Planning Commission (WPC) at a public meeting held on August 26, 2003; and,

WHEREAS, a duly advertised public hearing of the Planning Commission was held on August 26, 2003, with public hearing notices mailed to surrounding owners of land within a 1200' radius and adequate response time was given in accordance with the provisions of WMC 16.16.040.B.5; and

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of staff, contained in the planning office's staff report dated August 21, 2003; public testimony, both written and verbal comments; applicable provisions of the 1996 Wasilla Comprehensive Plan; and other pertinent codes and information; and

WHEREAS, WPC Resolution Serial No. 04-18(SUB), recommending a change in zoning from RR – Rural Residential to RM – Multi-Family Residential for a portion of tax parcel A-7, passed unanimously, with the following findings of fact:

1. The total rezone area is approximately 13.29 acres in size, exceeding the 2-acre minimum area required for a rezone.
2. The adjoining uses are compatible with the historical and present day use of the area.
3. No nonconforming uses or structures will be created by the proposed zoning district change. The proposed rezone is consistent with the future land use map designating the area as "mixed-use," as set forth in the provisions of the 1996 Wasilla Comprehensive Plan.
4. The developer has committed to extend sewer and water into proposed Center Point Subdivision, Phase II.
5. An increase in traffic potential is not anticipated from the approval of this rezone because it has similar characteristics as the current Center Point Subdivision Re-Plat (Plat 2000-37)
6. 1996 Wasilla Comprehensive Plan states: "The city supports a cooperative effort with the Borough and ADOT&PF to examine the bypass option, as part of the overall long-range transportation strategy of upgrading the Parks Highway and dispersing traffic throughout an improved arterial and collector grid system."
7. The current adopted Matanuska-Susitna Borough's Comprehensive Development Plan, identifies a future bypass corridor. The comprehensive plan states: "Eventually a limited access highway, allowing for high speed traffic will be necessary. The location of a limited access highway should be selected so that it will not divide the community unnecessarily. The location shown on the map on page 93 is

recommended because it borders rather than bisects the area for concentrated community development. Also, this location has the advantage of providing direct access to the proposed new Wasilla airport. It should be restated that this limited access bypass route is a relatively long-range proposal; however, planning and land development in the near future should be designed to allow for future highway development."

8. Wasilla's Railroad Relocation Reconnaissance Study, identifies four of five proposed routes to be at or in the vicinity of this tax parcel. The Alaska Railroad Corporation has responded in opposition to the proposed rezone.
9. In the Alternative Alignments for the Parks Highway prepared by Bomhoff and Associates Inc. 5/14/1981, two of the three routes are at or near the vicinity of tax parcel A-7.
10. State Transportation Improvement Program (STIP) has an ongoing request to evaluate an Alternate Parks Highway Corridor Project (EA).
11. Wasilla City Council Resolution 00-44, adopted September 25, 2000, supports relocating the railroad track out of downtown Wasilla.
12. The Planning Commission accepts the recommendations of the planning office's staff report dated August 21, 2003.
13. The developer of a use shall apply for and obtain the appropriate approval prior to the establishment of a use or any site work prior to any subsequent work on said parcels in accordance with WMC 16.08.010.
14. The Wasilla Planning Commission adopted Resolution Serial Number 03-18(SUB) on August 26, 2003 requesting Rezone R04-17, rezoning only Blocks 3 and 4 of proposed Center Point Subdivision Phase II (13.29

acres, more or less according to 8/12/03 drawing prepared by Ken DeCamp, RLS) of Tax Parcel A-7, Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR—Rural Residential To RM—Multi-Family Residential be forwarded to the Wasilla City Council for approval.

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

Section 2. Purpose. To amend the Official Zoning Map of Wasilla by rezoning a portion of Tax Parcel A-7 within Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR-Rural Residential to RM – Multi-Family Residential.

Section 3. Conditions of Approval. This rezone action is contingent upon the following conditions:

1. Only lots within Blocks 3 and 4 of proposed Center Point Subdivision, Phase II (approximately 13.29 acres according to 8/12/03 preliminary plat prepared by Ken DeCamp, RLS) of Tax Parcel A-7, Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska are to be rezoned from RR—Rural Residential to RM—Multi-Family Residential;

2. The official Wasilla zoning map shall only be amended after the proposed Center Point Subdivision Phase II is finalized with the Matanuska-Susitna Borough and a notice of disclosure is recorded at the State of Alaska, Palmer District Recorder's office reflecting that studies have been performed considering the viability of a future alternative Parks Highway corridor and/or Alaska Railroad corridor near the vicinity of Center Point Subdivision, Phase II;

3. The newly created subdivision shall include a fence easement and a payment and performance bond shall be acquired from the developer to assure the prospective landowners that the subdivision will remain as a gated community allowing for maintenance of private roads to occur in the future;

4. Once fence easements are created to secure property owners in both phases of the subdivision the payment and performance bond required for the fence in the first phase of Center Point Subdivision shall be relinquished;

5. The above conditions shall be completed within one-year of City Council approval of request for rezone.

Section 4. Enactment. The Official Zoning Map, adopted August 12, 1996, last revised May 12, 2003, is hereby amended, once Conditions of Approval listed in Section 3 above are met, to reflect a rezone of approximately 13.29 acres of Tax Parcel A-7 (which is a total of 50.30 acres in size) within Section 16, Township 17 North, Range 1 West, Seward Meridian, Alaska which is to be known as Phase II of Center Point Subdivision from RR – Rural Residential to RM – Multi-Family Residential.


Section 5. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on September 22, 2003.



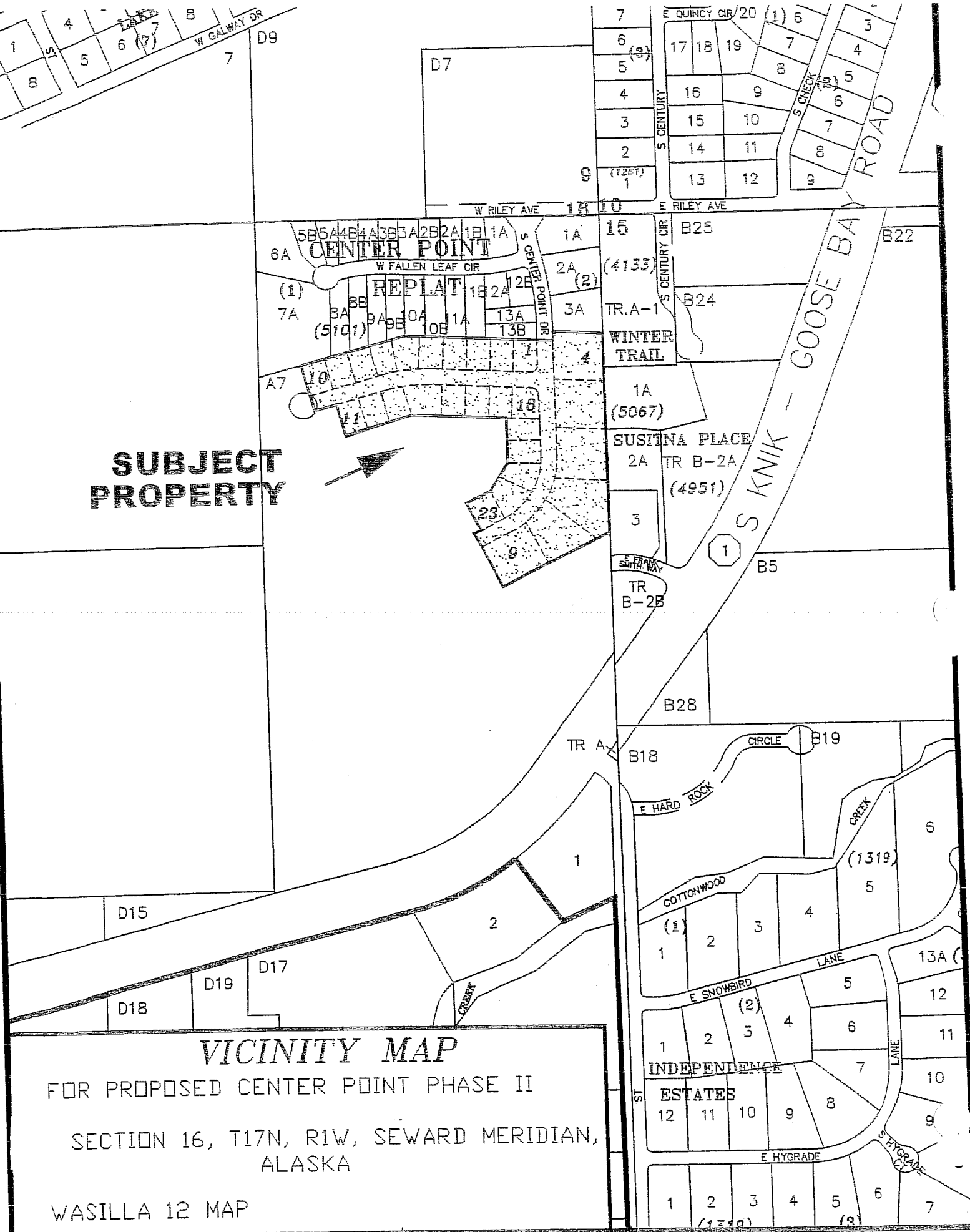
DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, CMC
City Clerk

[SEAL]



**SUBJECT
PROPERTY**

VICINITY MAP

FOR PROPOSED CENTER POINT PHASE II
SECTION 16, T17N, R1W, SEWARD MERIDIAN,
ALASKA

WASILLA 12 MAP