

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 07-62**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL APPROVING A ZONING OF RECENTLY ANNEXED UNZONED PROPERTY TO C - COMMERCIAL FOR APPROXIMATELY 2.03 ACRES LOCATED ON PROPERTY KNOWN AS TRACT 6-1 LAKEBROOK SUBDIVISION, WITHIN SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.**

WHEREAS, the City Planner submitted an application to zone the property as required per WMC 16.08.140, and

WHEREAS, the property included in this zoning request totals approximately 2.03 acres of land; and

WHEREAS, the zoning shall include Tract 6-1 Lakebrook Subdivision within Section 11, Township 17 North, Range 1 West, Seward Meridian, Alaska; and

WHEREAS; a zoning of property must be reviewed with a decision made by the Wasilla Planning Commission with their recommendation forwarded to the City Council for final action; and

WHEREAS, the Wasilla Planning Commission made findings on this request taking into account the information submitted by the applicant for annexation, the evaluation and recommendations of the staff contained in the staff report, public testimony - both written and verbal, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and adopted Resolution 07-17 and Findings of Fact, which are incorporated by reference; and

WHEREAS, the Wasilla City Council has considered the request for zoning of 2.03 acres of recently annexed property to C- Commercial and concur with the planning Commission recommendation and findings which are incorporated herein by reference.

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

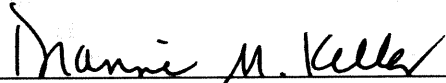
**Section 2. Purpose.** To amend the official zoning map of Wasilla by zoning Tract 6-1 Lakebrook Subdivision within Section 11, Township 17 North, Range 1 West,

Seward Meridian, to C- Commercial approve zoning requested by Planning Commission.

**Section 3. Enactment.** The official zoning map adopted August 12, 1996 and last revised August 27, 2007 shall be amended to reflect the approval of this request for zoning 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 December 10, 2007.

  
\_\_\_\_\_  
DIANNE M. KELLER, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, MMC  
City Clerk

[SEAL]

Ord. Serial No. 07-62

### AREA 4

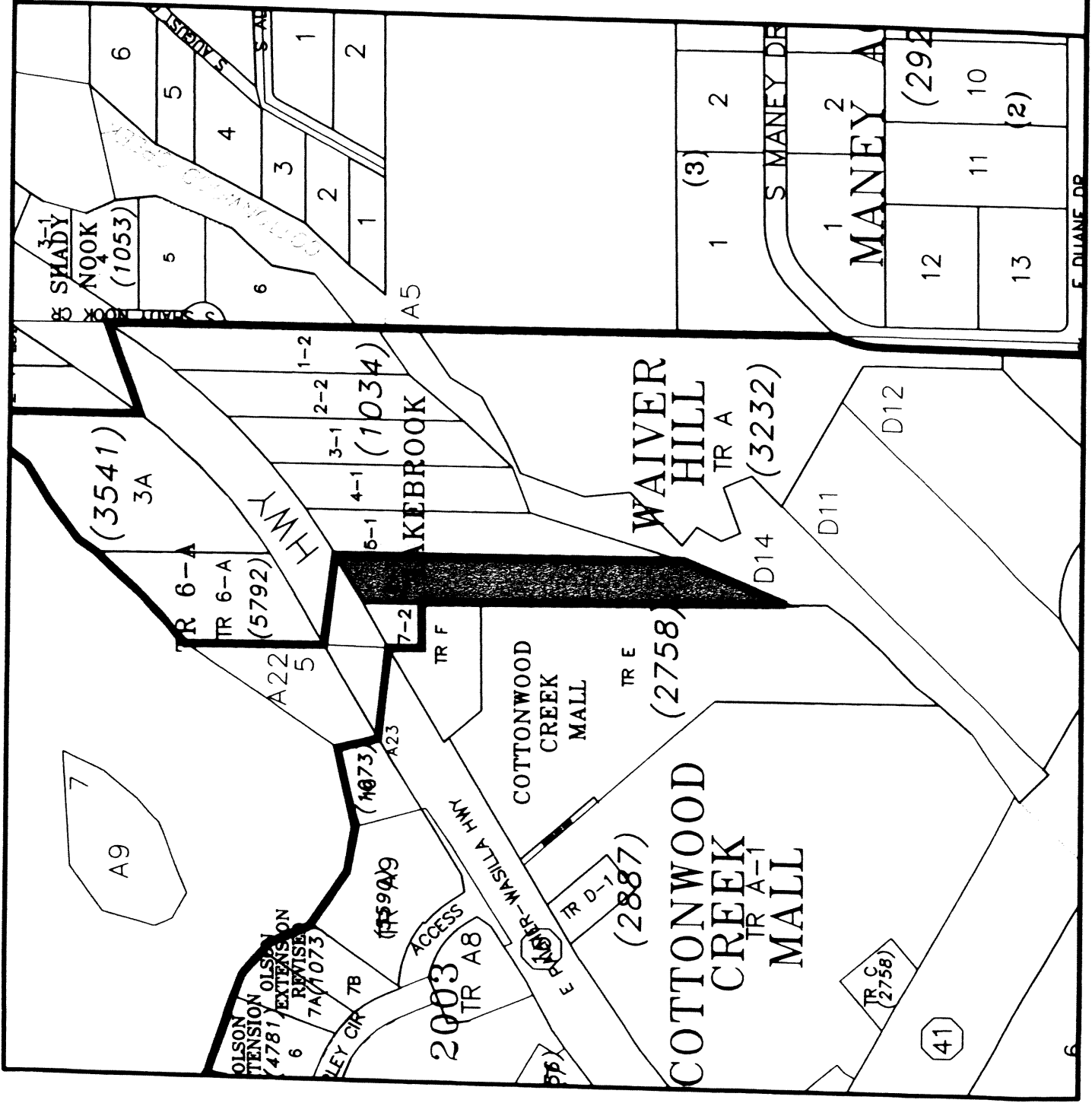
Proposed annexation area within  
Section 11, Township 17 North,  
Range 01 West, Seward Meridian  
Alaska  
Approximately 2.03-acres.



KEY



SUBJECT PARCEL





**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: To zone a recently annexed 2.03 acre property from unzoned to C - Commercial as required by WMC 16.08.140. The property is known as Tract 6-1, Lakebrook Subdivision: Within Section 11, Township 17 North, Range 1 West, Seward Meridian, Alaska.**

Agenda of: November 26, 2007

Date: November 15, 2007

Originator: Community and Economic Development

Route to:	Department	Signature/Date
X	Police Dispatch, Code Compliance & Youth Court	
X	Culture and Recreational Services Library, Museum, Sports Complex	
X	Public Works & Recreation Facility Maintenance	
X	Finance, Risk Management & Purchasing	<i>Dianne E. Collegen 11-15-07</i>
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>S. Harley 11-15-07</i>
X	City Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER:

*S. Harley for the Mayor*

FISCAL IMPACT:  yes or  no

Funds Available  yes  no

Account name/number:

Attachments: Proposed Ordinance Serial Number 07-62;  
WPC Resolution No. 07-17, with Exhibit A;  
PC Staff Report Case # 07-05;  
Annexation Petition Section 15, Transition Plan, Pg. 14, 15, 16,  
and 17.

**SUMMARY STATEMENT:**

Staff introduces this background information to newly elected City Councilors who did not participate in the prior public hearing, review, and approval of the annexation petition that was brought before the City Council and adopted by the City Council on June 11, 2007.

The subject property is owned by Gary Lundgren and was recently annexed into the City by Wasilla Ordinance Serial No. 07-34(SUB-1) by the City Council on June 11, 2007. Wasilla Municipal Code (WMC) 16.08.140 states, *“All territory which may hereinafter be annexed to the city shall be placed in an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan.”*

The purpose of this action by City Council is to zone recently annexed property to the appropriate zoning designation per WMC 16.16.070(E) and modify the official City of Wasilla Zoning map per WMC 2.08.010(8) to reflect adopted zoning.

The Wasilla Planning Commission recently held a public hearing for the purpose of zoning the subject property per WMC 16.08.140 to I - Industrial. The request was unanimously approved by the Planning Commission on October 23, 2007 with their recommendation forwarded to the Wasilla City Council in Resolution No. 07-17 with Exhibit A.

The Planning Commission made their recommendation based on information submitted by the applicant during the annexation process, the evaluation and recommendations of staff contained in the staff report, public testimony, both verbal and written, agency comments and the applicable provisions of the Wasilla Comprehensive Plan. The Commission made Findings of Fact supporting their decision.

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 07- 17**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A REQUEST FROM THE CITY OF WASILLA TO ZONE 2.03-ACRE RECENTLY ANNEXED PROPERTY OWNED BY GARY LUNDGREN TO C--COMMERCIAL. THE PROPERTY IS KNOWN AS TRACT 6-1, LAKEBROOK SUBDIVISION; WITHIN SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.**

---

WHEREAS, the City of Wasilla submitted an application to zone the subject property that was recently annexed from no zoning to the *C--Commercial* zone; and

WHEREAS, the subject property is located on Tract 6-1 of the Lakebrook Subdivision, also known as 1980 E. Palmer-Wasilla Highway within Section 11, Township 17 North, Range 1 West, Seward Meridian , Alaska; and

WHEREAS, a new zoning is reviewed and approved under the same process as for conditional use permits by the Planning Commission and City Council; and

WHEREAS, the City Planner submitted an application, narrative, and maps on September 25, 2007, addressing criteria listed in WMC 16.16.040; 16.16.050; and 16.16.070; and

WHEREAS, the Wasilla Planning Office mailed 50 notices for the initial request to property owners within 1,200 radial feet of the proposed development; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, and recommendations of staff contained in the staff report, public testimony - both written and verbal comments, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, the Wasilla Planning Commission has developed Findings of Fact to summarize the basic facts and reasoning of the commission; and

WHEREAS, after due consideration, the Planning Commission hereby determines that this application meets the approval criteria for zoning.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves this application, Case No. R07-05 for the City of Wasilla on behalf of various property owners to zone approximately 2.03 acres on property described as Tract 6-1, Lakebrook Subdivision within Section 11, Township 17 North, Range 1 West, Seward Meridian, Alaska, to C—Commercial, with no conditions.

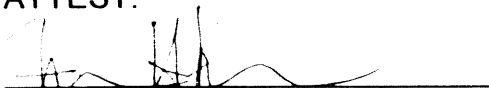
BE IT FURTHER RESOLVED that the Wasilla City Planning Commission approves this resolution, 07-17 after due consideration and with the Findings of Fact incorporated herein as Exhibit A; and forwards this recommendation of approval to the Wasilla City Council.

ADOPTED by the Wasilla Planning Commission on October 23, 2007.

APPROVED:

  
Stan Tucker, Chairman

ATTEST:

  
Jim Holycross, City Planner

[seal]

**Wasilla Planning Commission Resolution 07-17**  
**Findings of Fact**

1. This purpose of this request is to zone a recently annexed 2.03 acre property owned by Gary Lundgren to C - Commercial.
2. The applicant, the City of Wasilla, is required by WMC 16.08.140 to place annexed property in "an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan."
3. Public hearing notices were mailed to 50 property owners within a 1200' radius, and 25 agencies on September 20, 2007 allowing an appropriate number of days to respond prior to the public hearing notice and request for comments in accordance with 16.16.040(A)(5).
4. Staff has reviewed the request to zone one parcel within Section 11, Township 17 North, Range 1 West from unzoned to C-Commercial under the provisions of WMC 16.16.040, 16.16.050, and 16.16.070.
5. The subject zoning was initiated by the City Planner to comply with annexation requirements of WMC 16.08.140 to place the annexed property in "an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan."
6. The subject area, approximately 2.03 acres in all, is contiguous with existing commercially zoned property located north, south, east and west of the proposed zoning area. The area exceeds the two acre required minimum and involves a contiguous expansion of an existing zone.
7. All components of the complete application were received in a timely manner in accordance with the requirements of 16.16.040.
8. Staff finds that there is no approved neighborhood plan for the area subject to this zoning request, however, due deference was given through notice to 50 property owners within 1200' of the property subject to this request. This criterion is met.
9. Staff finds that it is premature for staff to find that the zoning substantially complies with all of the more specific criteria of Section 16.16.050. Staff finds that most of the 21 general approval criteria cannot be applied until a specific development application is received.
10. The subject property has recently had public hearings for annexation before the Wasilla Planning Commission, City Council, and the State of Alaska Local Boundary Commission where findings have been made indicating the subject property has adequate services for the area, or the developer will provide all necessary improvements or services for the area when development warrants.
11. Notice was sent to 50 property owners within 1200' of the subject property and 25 various federal, state, and local agencies and interest groups as appropriate for this proposal.
  - Matanuska-Susitna Borough Planning Division commented, "No Comment".
  - Matanuska-Susitna Borough Cultural Resources Division commented, "No Objection-Caution".
  - Matanuska-Susitna Borough Code Compliance commented, "N/C".



12. Staff finds that the Department of Community and Economic Development has received various and increasing inquiries regarding the availability of commercial land in Wasilla therefore staff finds that there is a demonstrated need to facilitate the availability of properly zoned land to encourage the development of businesses who wish to locate in the City of Wasilla.
13. Staff finds that the resulting commercially zoned property of this zoning request is a logical extension of the property immediately to the north, south, east and west of the subject property. Staff finds that this proposal to expand the commercial zone in this location inside the City Municipal boundary is a logical extension of already existing commercial land and that the subject property would be an integrated area with other commercially zoned land to the north, south, east and west therefore, this criterion is met.
14. Staff finds that this proposal will meet the intent of Goals and Policies of the Comprehensive Plan.
15. Staff finds that this proposal if approved will make additional commercial zoned land available for those businesses wishing to relocate to Wasilla. Specific development review by appropriate notified agencies, Planning Staff, the Planning Commission, and City Council will consider and implement appropriate protection of the environment and the considerations for improvement to the quality of life in Wasilla.
16. Staff finds that this proposal to zone the subject property to C- Commercial is substantially consistent with the City Comprehensive Plan – 1996 Current Land Use Map, which designates properties to the north, south, east and west of the subject property as “Commercial”.
17. Staff finds that this proposal is substantially consistent with the *City Comprehensive Plan – 1996 Expected Future Land Use Map*. This map designates property to the north, south, east and west as “Generally Commercial”. The proposed zone, “Commercial” is substantially consistent with the Comprehensive Plan therefore this criterion is met.
18. The Planning Commission shall adopt a recommendation and forward that recommendation on to the City Council for consideration at their next regularly scheduled meeting.
19. Staff finds that the General Approval Criteria of WMC, Section 16.16.050 do not apply to this zone change request but will be adequately addressed at the time that development of the subject property warrants; or a specific application for development for the subject property is received in the office of Community and Economic Development.
20. The subject property has recently had public hearings for annexation before the Wasilla Planning Commission, City Council, and the State of Alaska Local Boundary Commission where findings were presented indicating the subject property has adequate services for the area, or the developer will provide all necessary improvements or services for the area when development warrants.
21. Annexation of the property was recently the subject of public hearings before the Wasilla Planning Commission, Resolution Serial No. 07-09; the Wasilla City Council, Ordinance Serial No. 07-34 (SUB 1), Exhibit A; and the State of Alaska Local Boundary Commission where the property was found to be in compliance with and substantially comply with all applicable provisions of the City Comprehensive Plan and other City adopted plans for annexation purposes.

22. Staff finds that this proposal if approved will make additional commercially zoned land available for those businesses wishing to locate or relocate to Wasilla. This proposal making additional land available for commercial use will promote the economy and improve the quality of life by allowing commercial use that provides jobs for residents that take advantage of the 0 mil rate for residential property inside the City of Wasilla. Specific development review by appropriate notified agencies, Planning Staff, the Planning Commission, and City Council will consider protection of the environment and the considerations for additional improvement to the quality of life in Wasilla.

23. Staff finds that this proposal to zone the subject property to commercial is substantially consistent with the City Comprehensive Plan – 1996 Current Land Use Map, which designates property nearby to the west of the subject property as "commercial". There are existing businesses on properties to the west and south of the subject property which operate as commercial enterprise. The subject property is a logical continuation of the commercial use in that area since it is an undesirable enclave of no zoning surrounded on all sides by commercially zoned property already in the city.

24. A zone change application is not required to address the Specific Approval Criteria of section 16.16.060. This criterion is not applicable to this request.

25. Staff has given due deference to the comments and recommendations of the reviewing parties as they apply to the approval criteria of this request. This criterion is met.

26. The MSB Fire Chief and the Fire Code Official acting on behalf of the State Fire Marshal's office was notified and an provided the opportunity for comment on this proposal regarding fire safety and emergency access.

27. At this time it is premature to determine whether or not any future commercial development will overload the street system or result in unsafe streets or be dangerous to pedestrians. When a specific development proposal is received then a Traffic Impact Analysis may be required to determine if any future proposed development would overload the street system with traffic or result in unsafe streets or be dangerous to pedestrians. There is no traffic generator proposed at the time of this zoning request therefore this criterion is not relevant to this zoning application.

28. Dimensional Standards are not part of this consideration for a zone change therefore this criterion is not applicable.

29. Parking requirements are not applicable to review of an application for a zoning request but will be reviewed at the appropriate time when a specific application for development is received. This criterion is not applicable.


30. Utilities are available to the subject property at this time. Water and sewer utilities serve the Palmer Wasilla Highway and are available to the subject property as development warrants. The City Planning Commission, City Council, and State Local Boundary Commission have all found that for purposes of annexation there are adequate facilities for annexation of this property at this time.


31. Drainage will be specifically reviewed in the future when future development on the subject property warrants and a specific use and development proposal is made through application to the City Office of Community and Economic Development.

32. The Large Developments provision will be addressed at the appropriate time when an application is received for a specific development on the property which is subject to this zone change request. Due to the smaller 2.03 acres size staff doubts that the subject property alone will fall within the context of 'Large Developments', however this provision may apply if, in the future this property is combined with other property to merit a 'Large Development'.
33. A traffic impact study considering 'peak use' may be required at the time that a specific application is made for development of this property.
34. There is no development proposal at this time therefore this criterion regarding off-site impacts is not applicable, but will be addressed in the future when development warrants.
35. There is no development proposal at this time therefore the criterion for 'landscaping' is not applicable, but will be addressed at the time when an application for specific development warrants.
36. There is no development proposal at this time therefore this criterion regarding walkways, sidewalks and bike paths is not applicable, but will be addressed at the future time when development warrants.
37. The subject property is within 500' of an existing water and sewer system. Staff finds that the mere fact of zoning a property does not merit an expensive connection to City water and sewer at this time therefore this criterion for water and sewer connection to a system within 500' of the subject property is not applicable until such time as development warrants.
38. There are no known historic resources identified in the City Comprehensive Plan on the site. There is no development proposal at this time therefore this criterion is not applicable, but will be addressed with notice made to appropriate historic review agencies such as the Mat-Su Borough's Cultural Resources Division at the time when an application for development is received and development warrants.
39. There is no development proposal at this time therefore this criterion regarding 'appearance' is not applicable, but will be addressed at the time when development warrants.
40. There is no development proposal at this time therefore this criterion for possible dedication of open space, parks and playgrounds is not applicable to this zoning request, but will be addressed if applicable at the time when development warrants.
41. There is no development proposal at this time therefore this criterion regarding 'winter hassles' is not applicable to this zoning request, but will be addressed at the time when development warrants.

ADOPTED: October 23, 2007

ATTEST:

  
\_\_\_\_\_  
Jim Holycross, City Planner

  
\_\_\_\_\_  
Stan Tucker, Chairman



**STAFF REPORT**  
**Prepared by:**  
**For the meeting of:**

Case # R07-05  
Planning Staff  
October 23, 2007

**I. SUMMARY FACTS:**

Applicant: City Planner, City of Wasilla  
Land Owners: Gary Lundgren  
Proposal: To zone a parcel currently being annexed into the City from no zoning to C – Commercial.  
Location: Section 11, Township 17 North, Range 01 West, Seward Meridian Alaska; Known as Tract 6-1 Lakebrook Subdivision  
Parcel size: Approximately 2.03 Acres  
Existing Zoning: Un-zoned prior to Annexation.  
Comprehensive Plan: The 1996 *Expected Future Land Use Map* shows this area as un designated on the map and not in the City.  
Surrounding Zoning: North: Commercial w/enclave of unzoned in Mat-Su Borough  
South: Commercial  
East: Commercial  
West: Commercial

**II. STAFF RECOMMENDATION:**

Based on the criteria established in Section 16.16.070 and 16.20.020 of the Wasilla Municipal Code, staff recommends approval of the request.

**III. SUMMARY OF REQUEST**

This purpose of this request is to zone a recently annexed 2.03 acre property owned by Gary Lundgren to C – Commercial.

The applicant, the City of Wasilla, is required by WMC 16.08.140 to place annexed property in “an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan.”

Public hearing notices were mailed to 50 property owners within a 1200' radius, and 25 agencies on September 20, 2007 allowing an appropriate number of days to respond prior to the public hearing notice and request for comments in accordance with 16.16.040(A)(5).

**IV. ISSUES REGARDING CODE**

Staff has reviewed the request to rezone one parcel within Section 11, Township 17 North, Range 1 West from unzoned to C-Commercial under the provisions of WMC 16.16.040, 16.16.050, and 16.16.070.

This staff report includes staff findings and recommendations based on the requirements of city code.

## V. APPLICABLE PROCEDURES

The following addresses the applicable sections of City of Wasilla Land Development Code necessary for a rezone of property within the City of Wasilla:

## VI. FINDINGS

### 16.16.070 Rezoning

*Rezoning is changes to zoning district boundaries as shown on the official zoning map.*

A. *Initiation.* A rezoning may be initiated by the developer, the planner, any member of the commission, a city council member, the mayor or by a petition bearing the signatures of the owners of at least fifty-one (51) percent of the owners of property within the area proposed to be rezoned.

**Staff Finding:** The subject rezoning was initiated by the City Planner to comply with annexation requirements of WMC 16.08.140 to place the annexed property in "an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan."

B. *Restrictions.* Rezoning of an area less than two acres shall not be considered unless the rezoning involves the contiguous expansion of an existing zone. Streets or other right-of-way shall not be included in calculating the minimum area for a rezoning. The area to be rezoned shall be a logical, integrated area.

**Staff Finding:** The subject area, approximately 2.03 acres in all, is contiguous with existing commercially zoned property located north, south, east and west of the proposed zoning area. The area exceeds the two acre required minimum and involves a contiguous expansion of an existing zone.

C. *Procedure.* The application, acceptance notice, reviews and decision procedures for a rezoning shall follow the procedures set forth for a conditional use in Section 16.16.040. If the commission fails to act within twenty (20) days of the close of the hearing the rezoning request shall be considered approved and shall be forwarded to the council.

**Staff Finding:** All components of the complete application were received in a timely manner in accordance with the requirements of 16.16.040. Notice was given to 50 property owners within 1200' as required.

D. *Criteria.* The commission shall make a recommendation to the council based on written findings that the appropriate following criteria have been addressed:

1. *Due deference has been given to the neighborhood plan; or comments and recommendations from a neighborhood with an approved neighborhood plan;*

**Staff Finding:** Staff finds that there is no approved neighborhood plan for the area subject to this rezoning request, however, due deference was given through notice to 50 property owners within 1200' of the property subject to this request. This criteria is met.

2. *The proposed rezoning substantially complies with Section 16.16.050, General approval criteria;*

**Staff Finding:** Staff find that it is premature for staff to find that the rezoning substantially complies with all of the more specific criteria of Section 16.16.050. Staff finds that most of the 21 general approval criteria cannot be applied until a specific development application is received.

3. *The proposed rezoning is in an area with adequate services, including as appropriate; roads, parking, sidewalks, water, sewer, gas, electricity, drainage, police and fire protection, or the developer has agreed to provide all the necessary improvements or services for the area;*

**Staff Finding:** The subject property has recently had public hearings for annexation before the Wasilla Planning Commission, City Council, and the State of Alaska Local Boundary Commission where findings have been made indicating the subject property has adequate services for the area, or the developer will provide all necessary improvements or services for the area when development warrants.

Staff find that the Planning Commission, City Council, and the State of Alaska Local Boundary Commission have found that these criteria has been met therefore staff finds that this criterion has been met.

4. *The comments from reviewing parties (Section 16.08.040) on the proposed rezoning have been adequately addressed;*

**Staff Finding:** Notice was sent to 50 property owners within 1200' of the subject property and 25 various federal, state, and local agencies and interest groups as appropriate for this proposal.

- Matanuska-Susitna Borough Planning Division commented, "No Comment".
- Matanuska-Susitna Borough Cultural Resources Division commented, "No Objection-Caution".
- Matanuska-Susitna Borough Code Compliance commented, "N/C".

5. *There is a demonstrated need for additional land in the zoning district to accommodate uses allowed.*

**Staff Finding:** Staff finds that the Department of Community and Economic Development has received various and increasing inquiries regarding the availability of commercial land in Wasilla therefore staff finds that there is a demonstrated need to facilitate the availability of properly zoned land to encourage the development of businesses who wish to locate in the City of Wasilla.

6. *The resulting district or expanded district will be a logical, integrated area.*

**Staff Finding:** Staff finds that the resulting commercially zoned property of this zoning request is a logical extension of the property immediately to the north, south, east and west of the subject property. Staff finds that this proposal to expand the commercial zone in this location inside the City Municipal boundary is a logical extension of already existing commercial land and that the subject property would be an integrated area with other industrially zoned land to the north and west therefore, this criterion is met.

7. *The rezoning is in conformance with the city comprehensive plan.*

**Staff Finding:** Staff finds that this proposal will meet the intent of Goals and Policies of the Comprehensive Plan, specifically the following:

*Goal: Encourage growth and development that promotes the economy, protects the environment and improves the quality of life. The city should do everything it can to encourage economic development, while protecting and enhancing the small town atmosphere and semi rural way of life.*

Staff finds that this proposal, if approved, will make additional commercially zoned land available for those businesses wishing to relocate to Wasilla. This proposal to make additional land available for commercial use will promote the economy. Specific development review by appropriate notified agencies, Planning Staff, the Planning Commission, and City Council will consider and implement appropriate protection of the environment and the considerations for improvement to the quality of life in Wasilla.

Staff finds that this proposal to zone the subject property to C- Commercial is substantially consistent with the City Comprehensive Plan – 1996 Current Land Use Map, which designates properties to the north, south, east and west of the subject property as “Commercial”.

Staff find that this proposal is substantially consistent with the City Comprehensive Plan – 1996 Expected Future Land Use Map. This map designates property to the north, south, east and west as “Generally Commercial”. The proposed zone, “Commercial” is substantially consistent with the Comprehensive Plan therefore this criterion is met.

8. *Council. The council shall review and act on a rezoning by ordinance. The council shall consider the application and commission recommendation at its next available meeting after receipt of the commission recommendation.*

**Staff Finding:** The Planning Commission shall adopt a recommendation and forward that recommendation on to the City Council for consideration at their next regularly scheduled meeting.

## **VII. COMPLIANCE WITH WMC 16.16.050 – GENERAL APPROVAL CRITERIA**

**Staff Finding:** Staff finds that the General Approval Criteria of WMC, Section 16.16.050 does not apply to this zone change request but will be adequately addressed at the time that development of the subject property warrants; or a specific application for development for the subject property is received in the office of Community and Economic Development.

The subject property has recently had public hearings for annexation before the Wasilla Planning Commission, City Council, and the State of Alaska Local Boundary Commission where findings were presented indicating the subject property has adequate services for the area, or the developer will provide all necessary improvements or services for the area when development warrants.

Staff finds that the Planning Commission, City Council, and the State of Alaska Local Boundary Commission have found that these criteria have been met therefore staff finds that this criterion has been met.

**16.16.050(1)&(5)**      ***Neighbors. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.***

**Staff Finding:** Staff finds there are no approved neighborhood plans for the subject property or the area surrounding the subject property.

**16.16.050(2)**      ***Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.***

**Staff Finding:** Annexation of the property was recently the subject of public hearings before the Wasilla Planning Commission, Resolution Serial No. 07-09; the Wasilla City Council, Ordinance Serial No. 07-34 (SUB 1), Exhibit A; and the State of Alaska Local Boundary Commission where the property was found to be in compliance with and substantially comply with all applicable provisions of the City Comprehensive Plan and other City adopted plans for annexation purposes.

Staff find that this criterion has been met.

**Staff Finding:** Staff finds that this proposal is substantially consistent with the intent of the Goals and Policies of the Comprehensive Plan.

*Goal: Encourage growth and development that promotes the economy, protects the environment and improves the quality of life. The city should do everything it can to encourage economic development, while protecting and enhancing the small town atmosphere and semi rural way of life.*

Staff finds that this proposal if approved will make additional commercially zoned land available for those businesses wishing to locate or relocate to Wasilla. This proposal will promote the economy and improve the quality of life by allowing commercial use that provides jobs for residents that take advantage of the 0 mil rate for residential property inside the City of Wasilla. Specific development review by appropriate notified agencies, Planning Staff, the Planning Commission, and City Council will consider and implement appropriate protection of the environment and the considerations for additional improvement to the quality of life in Wasilla.

Staff finds that this proposal to zone the subject property to commercial is substantially consistent with the City Comprehensive Plan – 1996 Current Land Use Map, which designates property nearby to the west of the subject property as “commercial”. There are existing businesses on properties to the west and south of the subject property which operate as commercial enterprise. The subject property is a logical continuation of the commercial use in that area since it is an undesirable enclave of no zoning surrounded on all sides by commercially zoned property already in the city.

Staff find that this proposal is substantially consistent with the City Comprehensive Plan – 1996 Expected Future Land Use Map which designates properties to the west of the subject property as “Generally Commercial”. Subsequent to 1996 the City annexed and zoned property as ‘Commercial’ to the north, south and east of the subject property. The proposed commercial zone designation in this zone request fits within the Comprehensive Plan map designation for Expected Future land Use of the area and reduces an undesirable enclave of unzoned land within the City.

Staff finds that this proposal will be substantially consistent with the Comprehensive Plan Maps when the zoning is completed and the Comprehensive Plan maps are amended.

**16.16.050(3)**

***Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.***



- Staff Finding:** A zone change application is not required to address the Specific Approval Criteria of section 16.16.060. This criterion is not applicable to this request.
- 16.16.050(4)** ***Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.***
- Staff Finding:** Staff has given due deference to the comments and recommendations of the reviewing parties as they apply to the approval criteria of this request. This criterion is met.
- 16.16.050(6)** ***Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the fire chief of the district in which the proposed use is located. Adequate access for emergency and police vehicles must be provided.***
- Staff Finding:** The MSB Fire Chief and the Fire Code Official acting on behalf of the State Fire Marshal's office was notified and provided the opportunity for comment on this proposal regarding fire safety and emergency access.
- 16.16.050(7)** ***Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians.***
- Staff Finding:** At this time it is premature to determine whether or not any future commercial development will overload the street system or result in unsafe streets or be dangerous to pedestrians. When a specific development proposal is received then a Traffic Impact Analysis may be required to determine if any future proposed development would overload the street system with traffic or result in unsafe streets or be dangerous to pedestrians. There is no traffic generator proposed at the time of this zoning request therefore this criterion is not relevant to this zoning application.
- 16.16.050(8)** ***Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.***
- Staff Finding:** Dimensional Standards are not part of this consideration for a zone change therefore this criterion is not applicable.
- 16.16.050(9)** ***Parking. The parking, loading areas and snow storage sites for the proposal shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.***
- Staff Finding:** Parking requirements are not applicable to review of an application for a zoning request but will be reviewed at the appropriate time when a specific application for development is received. This criterion is not applicable.
- 16.16.050(10)** ***Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.***

**Staff Finding:** Utilities are available to the subject property at this time. Water and sewer utilities serve the Palmer Wasilla Highway and are available to the subject property as development warrants. The City Planning Commission, City Council, and State Local Boundary Commission have all found that for purposes of annexation there are adequate facilities for annexation of this property at this time.

**16.16.050(11)** ***Drainage. The proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate runoff into public streets, adjoining lots and protect rivers lakes and streams from pollution. Uses may be required to provide for the conservation of natural features such as drainage basins and watersheds, land stability.***

**Staff Finding:** Drainage will be specifically reviewed in the future when future development on the subject property warrants and a specific use and development proposal is made through application to the City Office of Community and Economic Development.

**16.16.050(12)** ***Large Developments. Residential development of more than four units or non-residential development of more than ten thousand (10,000) square feet gross floor area may be required to provide a site plan showing measures to be taken for the preservation of open space, sensitive areas and other natural features; provision of common signage provision for landscaping and provisions for safe and effective circulation of vehicles, developments must be located with frontage on one of the following class of streets; interstate, minor arterial, major collector or commercial.***

**Staff Finding:** The Large Developments provision will be addressed at the appropriate time when an application is received for a specific development on the property which is subject to this zone change request. Due to the smaller 2.03 acres size staff doubts that the subject property alone will fall within the context of 'Large Developments', however this provision may apply if, in the future this property is combined with other property to merit a 'Large Development'.

**16.16.050(13)** ***Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district.***

**Staff Finding:** A traffic impact study considering 'peak use' may be required at the time that a specific application is made for development of this property.

**16.16.050(14)** ***Off-Site Impacts. The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises. Radio transmitters and any electronic communications equipment regulation by the Federal Communications Commission is specifically excluded from regulation by this section. Welding, operation of electrical appliances or power tools, or similar activities that cause off site impacts as described above are specifically regulated by this subsection. Buffering may be required to ameliorate impacts between residential and nonresidential uses.***

***The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in a condition that will meet the intent of these criteria.***

**Staff Finding:**

There is no development proposal at this time therefore this criterion regarding off-site impacts is not applicable, but will be addressed in the future when development warrants.

**16.16.050(15)**

***Landscaping. A reclamation or landscaping plan may be required by the planner or commission as a condition of approval of any multifamily, commercial or industrial use. The purpose of the reclamation or landscaping plan includes the control of dust, soil erosion, storm water runoff and siltation which otherwise would be generated on the lot and affect the surrounding area. The commission may adopt city landscaping standards that establishes the type of vegetation and acceptable methods to be used for compliance. The owner(s) of the property shall be responsible for maintenance of the landscaping to allow the establishment of the planted materials and stability of other physical improvements such as earthen berms. The planner or commission may require a bond and/or a maintenance guarantee pursuant to Sections 16.28.040 and 16.28.050. The planner or commission shall not impose requirements inconsistent with the requirements of any other governmental entity, but may impose more stringent requirements and may work with the applicant to reach a satisfactory compromise with any other governmental entity. If a suitable plan is already in existence, the planner may find that plan fulfills the requirements of this section. The plan shall contain elements as may be required by the landscaping standards adopted by the commission and may in any even include any or all of the following:***

- a. A grading and site plan, indicating the areas excavated or filled, the proposed finished grades and contours, drainage directions and any control structures to be installed;***
- b. The methods to be employed for reclamation of the site during and after the activity along with a time table for completion;***
- c. A description of all roads, parking areas and buildings and a site map showing the locations of all improvements which will be built;***
- d. A description of any known reclamation requirements of any other governmental entity, and a copy of any reclamation plan under development or an existence for the activity;***
- e. All maps shall be submitted at an accurate scale determined by the planner and extend beyond the site area. The scale requirements and any contour intervals may be adjusted by the planner to fit the circumstances;***
- f. The design and contents of the landscaping and a description and site plan of the number, type and variety of plants, shrubs or trees to be use;***
- g. Storage. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles or other items may be required.***
- h. Trash receptacles. Adequately sized, located and screened trash receptacles and areas may be required.***

**Staff Finding:** There is no development proposal at this time therefore the criterion for 'landscaping' is not applicable, but will be addressed at the time when an application for specific development warrants.

**16.16.050(16)** **Walkways, Sidewalks and Bike Paths.** Pedestrian walkways or bicycle paths may be required where necessary to provide reasonable circulation or access to schools, playgrounds, shopping areas, transportation or other community facilities. Improvements must be constructed to standards adopted by the engineer.

**Staff Finding:** There is no development proposal at this time therefore this criterion regarding walkways, sidewalks and bike paths is not applicable, but will be addressed at the future time when development warrants.

**16.16.050(17)** ***Water, Sewage and Drainage Systems. If a proposed use is within five hundred feet of an existing, adequate public water system, the developer may be required to construct a distribution system and the connection to the public system. A developer may be required to increase the size of existing public water, sewer or drainage lines or to install a distribution system within the development. The commission may require any or all parts of such installation to be oversized. The developer must submit to the engineer an acceptable plan that shows that if within ten (10) years an increase in capacity will be required to serve other areas how these needs will be met by oversized facilities. When installation of oversized facilities is required, the developer shall install such facilities at their own expense. The developer shall be reimbursed the amount determined by the engineer to be the difference in cost between the installed cost of the oversized utility lines and the installed cost of the utility lines adequate to serve both the development concerned and all other land to be served by the lines which is owned or under the control of the developer; provided, the developer may not be required to install facilities unless funds for such over-sizing have been appropriated for the purpose by the city and there is a sufficient unencumbered balance in the balance in the appropriation. No reimbursement may be made unless the developer has entered into such agreement with the city, including conveyances of personal property including lines, lift stations and valves and conveyances of land or rights in land, as the city determines may be necessary to ensure complete control by the city of its sewer, drainage and water lines when they are extended to serve the property of the developer. Notwithstanding the requirement that the developer construct improvements to existing systems, the commission may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, the commission may require advance payment to the city of the estimated cost of work to be accomplished by the city. The developer shall reimburse the city for all expenses of such design or construction not paid in advance. A public system is adequate if, in the judgment of the engineer, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level as is being provided to the existing users. Prior to approval of a use for which a community water system is required, the developer must submit evidence showing that there is***

**available a satisfactory source of water. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development. The water system and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state. The system must be built to city specifications available from the engineer.**

**Staff Finding:** The subject property is within 500' of an existing water and sewer system. Staff finds that the mere fact of zoning a property does not merit an expensive connection to City water and sewer at this time therefore this criterion for water and sewer connection to a system within 500' of the subject property is not applicable until such time as development warrants.

**16.16.050(18)** ***Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.***

**Staff Finding:** There are no known historic resources identified in the City Comprehensive Plan on the site. There is no development proposal at this time therefore this criterion is not applicable, but will be addressed with notice made to appropriate historic review agencies such as the Mat-Su Borough's Cultural Resources Division at the time when an application for development is received and development warrants.

**16.16.050(19)** ***Appearance. The proposed use may be required to blend in with the general neighborhood appearance and architecture. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light and air.***

**Staff Finding:** There is no development proposal at this time therefore this criterion regarding 'appearance' is not applicable, but will be addressed at the time when development warrants.

**16.16.050(20)** ***Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policy. The city finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication. No land may be accepted by the city unless:***

***a. The location, shape, size and character of the area is suitable for the planned use;***

***b. The uses authorized for an area are appropriate to the scale and character of the uses considering its size, density, expected population, topography, and the number and type of dwellings and uses to be conducted;***

***c. The area must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved;***

**d. If the final development plan provides for buildings, landscaping or other improvements in the dedicated area, the developer must provide a bond or other adequate assurance that such improvements will be completed. The city shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan;**

**e. All land must be conveyed under one of the following options:**

**i. It may be conveyed to an agency that will agree to maintain in perpetuity the area and any buildings, structures, or improvements which have been placed on it.**

**ii. When no maintenance of the area is required, it may be conveyed to all new owners in undivided joint ownership.**

**iii. When the land is not dedicated to a public agency and maintenance of the common space is required, an association for maintenance of the area must be established. Covenants establishing the association must be approved as to form by the city attorney, and by the commission as to whether the covenants provide for maintenance of the area in a manner which assures its continuing use for its intended purpose.**

**iv. Conveyance of an area must be consistent with AS 34.07 the Horizontal Property Regime Act.**

**Staff Finding:**

There is no development proposal at this time therefore this criterion for possible dedication of open space, parks and playgrounds is not applicable to this zoning request, but will be addressed if applicable at the time when development warrants.

**16.16.050(21)**

***Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.***

**Staff Finding:**

There is no development proposal at this time therefore this criterion regarding 'winter hassles' is not applicable is to this zoning request, but will be addressed at the time when development warrants.

**VIII. RECOMMENDATION**

Planning Staff recommends that the Planning Commission approve this request for a zoning of the subject 2.03 acre property from unzoned to Commercial, amend the Official City Zoning Map to indicate commercial zoning, and forward a recommendation of approval for this proposal to the City Council.

**SERVICE PROVIDERS IN THE TERRITORY PROPOSED TO BE ANNEXED**

<b>Provider</b>	<b>Service or Function</b>
City of Wasilla (Petitioner)	General Government Services, including Police Services, Planning & Zoning Road Maintenance Parks & Recreation Sewer & Water Utilities
State of Alaska	Alaska State Troopers, Road Maintenance of State Highways
Matanuska-Susitna Borough	General Government Services, including Assessment and collection Education Platting Fire and Ambulance service Air pollution control Historic preservation Transient accommodations taxation

**SECTION 15. TRANSITION PLAN.**

**Exhibit E** presents the transition plan required under 3 AAC 110.900. The transition plan includes the following:

**WASILLA ANNEXATION TRANSITION PLAN**

*Transition Plan:*

The territories proposed for annexation are directly adjacent to the current boundaries of the City and are presently located within the unincorporated area of the Matanuska-Susitna Borough. Currently, the areas inside the city adjacent to the territory proposed for annexation receive city services including: road maintenance, city police protection, and land use regulation, library, airport, public works, parks and recreation, and general government services. Water and sewer utility services are available to portions of the territory within the existing boundaries of the City but are not available to all properties currently within the City limits.

The City of Wasilla does not intend to extend sewer and water services to Areas 1, 3, and 4 proposed for annexation as they are not included in the City's 2000-2015 Water System Facility Master Plan service area or the Wasilla Sewer Master Plan service area. The City is currently working with the developer of Area 2 who is participating in the cost of providing water and sewer services to this area.

Due to the small sizes of the territories proposed for annexation and their location contiguous to exiting City boundaries, the transition and extension of other city services to these areas will have very little impact on either the territories or the City, and extension of current city services to these areas will not be difficult when available. All City departments and all necessary agencies, both state and borough, will be notified of the new properties being added within the Wasilla Municipal Boundary.

*Planning/Land Use/Zoning:* The areas inside city limits adjacent to the territories proposed for annexation are currently zoned as R-1, Single-Family Residential and RR-Rural Residential for Area 1; C-Commercial for Area 2; I-Industrial for Area 3; and C-Commercial for Area 4. The four areas subject to this annexation will fit reasonably within the City zoning to which they are adjacent. Once annexed, a recommendation will be made to the Wasilla Planning Commission to zone the newly annexed territory in conformance with existing zoning of the surrounding properties within thirty days following the effective date of annexation. Wasilla Municipal Code §16.08.140 states "All territory which may hereinafter be annexed to the city shall be placed in an appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan." Therefore, once annexed, the territory will be zoned in accordance with the zoning plan of the City of Wasilla shortly following the effective date of annexation.

The City planning office has investigated the area to be annexed to determine if any structures or uses presently existing within the territory proposed for annexation would be nonconforming with provisions of the Wasilla Land Development Code. Based on the zoning of the in-city properties adjacent to the territory proposed for annexation, there are no known nonconformities on the properties proposed for annexation at this time. If nonconformities had been identified, planners would have notified the owners of the nonconformity as to the rights afforded to the owner of a nonconforming structure or use legally existing prior to the annexation pursuant to the general provisions of Wasilla Municipal Code 16.28.

*Road Maintenance:* City road maintenance will be extended without difficulty due to the close proximity and small size of the territories to be annexed. City maintenance crews will be informed of the new area to be serviced once annexation of the area is effective.

*Water/ Sewer Utilities:* The City of Wasilla does not intend to extend sewer and water services to Areas 1, 3, and 4 proposed for annexation as they are not included in the City's 2000-2015 Water System Facility Master Plan service area or the Wasilla Sewer Master Plan service area. The City is currently working with the developer of Area 2 who is participating in the cost of providing water and sewer services to this area.

The approximate distances to City water and sewer services are as follows:

- Area 1 has a City water line running through it and City water is available but City sewer is approximately 5,000' distant.



- *Area 2* has both City water and sewer to the property line in two locations and the City is now working with the developer to provide water and sewer to this property.
- *Area 3* is approximately 5,000' from the City water and sewer lines serving the Multi-Use Sports Complex.
- *Area 4* has water and sewer approximately 300' to 400' feet from the property line on the Palmer-Wasilla Hwy.

The Matanuska-Susitna Borough does not provide these utilities to borough residents within the territory proposed for annexation. Many properties surrounding the four areas of this annexation proposal are serviced by their own water wells and septic systems.

*Property Tax:* The City of Wasilla currently has a "zero" (0.0) mil rate for properties inside the City Municipal Boundaries. The Matanuska-Susitna Borough assesses and collects property taxes for properties inside and outside organized cities in the borough. This system will not change; however, the Matanuska-Susitna Borough Assessing Department will be notified of the new property in the city to make sure that the property receives the proper assessment because property tax rates differ depending on whether the property is located in the borough or within city limits. A process is in place to transition the parcel to the correct tax code area so that it is within the proper tax code area for Wasilla, which will begin at the beginning of the next calendar year following the effective date of annexation.

*Sales Tax:* The Matanuska-Susitna Borough at this time has not imposed a sales tax. The City of Wasilla currently has a sales tax in the amount of 2%, plus an additional 0.5% sales tax imposed by the voters to retire a bond for the Multi-Use Sports Complex. This 0.5% will sunset in 2010 or upon payment of the bond, whichever comes soonest. Once annexed, all sales, rentals and services made on or from these four areas will be subject to a 2.5% sales tax. The procedures currently in place when developers and/or businesses apply for business licenses or Land Use Permits, insure that individuals are informed of the City sales tax and proper collection and reporting requirements. As there are no current businesses located in the areas proposed for annexation, the City procedures now in place will insure that businesses comply with City sales tax regulations.

*Law Enforcement:* The territory proposed for annexation currently lies within the law enforcement protection area of the Alaska State Troopers and are also within the Matanuska-Susitna Borough Central Emergency Services (CES) area for fire and paramedic response. Once annexation becomes final, the City will notify the Alaska State Troopers and the Wasilla Police Department that the subject property is inside Wasilla Police Department's jurisdiction. Central Emergency Services currently serves the City of Wasilla as well as borough areas outside the City. This service arrangement will not change and the territory will remain within the CES service area.

The City will assume no assets or liabilities as a result of annexation. The territories proposed for annexation are privately-owned and contain no public infrastructure which Petitioner may gain as either an asset or liability. The following Matanuska-Susitna Borough employees were consulted with regarding the transition needs for the territory proposed for annexation: Planning and Land Use Director and Platting Officer were consulted regarding planning, platting, legal descriptions, and land use needs; , Public Works Director, regarding borough road service area and transfer of service area to the City; Assessment Supervisor, and Borough Clerk. These consultations occurred during October 2006 through May 2007.

This transition process is estimated to be complete with a few months of the effective date of annexation and following pre-clearance by the U.S. Department of Justice. The one aspect of annexation that will lag involves the levy and collection of property taxes on the territory proposed for annexation. New property tax rates should be implemented effective January 1, 2008. Once annexation is effective, the City will work with the Matanuska-Susitna Borough to ensure that all affected departments are made aware of the boundary change.

## **SECTION 16. COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL.**

### **EXHIBIT F**

Wasilla City Council is comprised of 6 members elected at-large to seats A, B, C, D, E, and F. To be elected to a City Council position the Council members must be qualified city voters and must have been a resident of the City or a resident of the territory annexed to the city for one year immediately prior to the election for the Council position.

The City Council members are:

Seat Designation	Name	Term of Office
A	Greg Koskela	10/06 to 10/09
B	Douglas Holler	10/06 to 10/09
C	Steve Menard	10/05 to 10/08
D	Marty Metiva	10/05 to 10/08
E	Ron Cox, Deputy Mayor	10/01 to 10/07
F	Mark Ewing	10/04 to 10/07
Mayor	Diane Keller	10/02 to 10/08

The City does not anticipate any change to the composition or apportionment of City Council members as a result of these annexations due to the small number of dwelling units in the area proposed for annexation.