

Vote: Cox, Hall, Harris, Larson and Woodruff in favor; Holler absent

**CITY OF WASILLA
ORDINANCE SERIAL NO. 08-56**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING DISTRICT FROM RR-RURAL RESIDENTIAL TO C-COMMERCIAL, FOR AN APPROXIMATELY 12 ACRE PORTION OF AN UNSUBDIVIDED PARCEL OF 29 ACRES, CONSISTING OF LOT A007, SECTION 13, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, GENERALLY LOCATED WEST OF SEWARD MERIDIAN PARKWAY AND NORTH OF OLD MATANUSKA ROAD.

WHEREAS, the Wasilla Planning Commission reviewed an application to amend the zoning map of the City of Wasilla to change the zoning district from RR-Rural Residential to C-Commercial, for an approximately 12 acre portion of an unsubdivided parcel of 29 acres, consisting of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian; and

WHEREAS, the Wasilla Planning Commission made findings of fact concerning the zoning map amendment, and adopted Resolution Serial Number 08-17 recommending that the Council approve the zoning map amendment; and

WHEREAS, the Council has considered the application to amend the zoning map, and concurs with the Commission's recommendation and findings of fact, which are incorporated herein by reference.

WHEREAS, the Wasilla Planning Commission recommended that the Council approve the zoning map amendment subject to the following conditions:

1. The portion of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian to which the zoning map amendment applies is shown as a separate parcel on a recorded final plat approved by the Matanuska-Susitna Borough Platting Board.

2. The application for preliminary plat approval to create the portion of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian to which the zoning map amendment applies as a separate parcel shall be reviewed and approved by the City.

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

* **Section 2. Amendment of zoning map.** The zoning map of the City of Wasilla is hereby amended to change the zoning district from RR-Rural Residential to C-Commercial, for an approximately 12 acre portion of an unsubdivided parcel of 29 acres, consisting of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian, as shown on Exhibit A, which is incorporated herein by reference. The Planner shall change the zoning map accordingly.

* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council and the satisfaction of the following conditions, as confirmed by the Planner:

1. The portion of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian to which the zoning map amendment applies is shown as a separate parcel on a recorded final plat approved by the Matanuska-Susitna Borough Platting Board.

2. The application for preliminary plat approval to create the portion of Lot A007, Section 13, Township 17 North, Range 1 West, Seward Meridian to which the zoning map amendment applies as a separate parcel shall be reviewed and approved by the City.

ADOPTED by the Wasilla City Council on November 24, 2008.



VERNE E. RUPRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: Ordinance Serial No. 08-56

Agenda of: November 24, 2008
Originator: Planning Department

Date: October 21, 2008

Route to:	Department	Signature/Date
	Police, Youth Court, Dispatch, Code Compliance	
	Cultural and Recreation Services, Library, Museum, Sports Complex	
	Public Works, Recreation Facility Maintenance	
X	Finance, MIS, Purchasing	
X	Deputy Administrator, Planning, Economic Development, Human Resources	<i>Mary S. Johnson</i>
X	City Clerk	<i>Donna K.</i>

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes no

Funds Available yes no

Account name/number:

Attachments: Ordinance Serial No. 08-56 with Exhibit A Map,
Planning Commission Resolution No. 08-17,
Planning Commission Staff Report R 08-01.

SUMMARY STATEMENT:

The purpose of this action by City Council is to rezone approximately 12 acres of property due south of Wal-Mart from Rural Residential to Commercial and modify the official City of Wasilla Zoning map per WMC 2.08.010(8) to reflect new zoning.

The Wasilla Planning Commission recently held a public hearing for the purpose of rezoning the subject property per WMC 16.08.140 to C - Commercial. The request was unanimously approved by the Planning Commission on October 14, 2008 with their recommendation forwarded to the Wasilla City Council in Resolution No. 08-17 with Exhibit A.

The Planning Commission made their recommendation to approve this zone change request based on information submitted by the applicant, both written and verbal testimony received, and the evaluation and recommendations of staff contained in the staff report, agency comments and the applicable provisions of the Wasilla Comprehensive Plan. The Planning Commission made Findings of Fact supporting their decision.

Staff recommends introduction and adoption of Ordinance 08-56.

Vote: Unanimous, with Commissioners, Hamilton, Korelov, Koskela, Laub-Elkins, Tucker, and Webb voting in favor

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 08- 17**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A REQUEST FROM DOWL ENGINEERS FOR SALLY KARABELNIKOFF TO REZONE A 12 ACRE PORTION OF AN UNSUBDIVIDED PARCEL OF 29 ACRES, LOT A007 WITHIN SECTION 13, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA, FROM (RR)-RURAL RESIDENTIAL TO (C) – COMMERCIAL.

WHEREAS, DOWL ENGINEERS submitted an application for a zone change for Planning Commission Approval and recommendation to City Council to change the zoning from (RR) -Rural Residential to (C) - Commercial for approximately 12 acres of property described as a portion of Lot A007 within Section 13, Township 17 North, Range 1 West, Seward Meridian, Alaska; and

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

WHEREAS, DOWL Engineers submitted an application, narrative, and maps dated September 9, 2008 addressing criteria listed in WMC 16.16.040; 16.16.050; and 16.16.070; and

WHEREAS, the Wasilla Planning Office mailed 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, evaluation 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, attached as Exhibit A, 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 a rezone.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves this request, Case No. R08-01 for DOWL Engineers for Sally Karabelnikoff to rezone approximately 12 acres on property described as Lot A007 an unsubdivided parcel within Section 13, Township 17 North, Range 1 West, Seward Meridian, Alaska with the following conditions:

1. This zone change request is not valid until the subject parcel is created through the platting process as approved by the Matanuska-Susitna Borough Platting Board.
2. The applicant shall submit and have reviewed and approved an application for subdivision to the City of Wasilla.

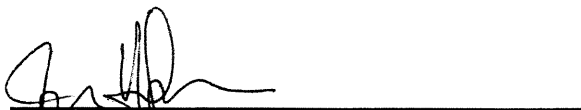
BE IT FURTHER RESOLVED that the Wasilla City Planning Commission approves this resolution, 08-17 after due consideration and with the Findings of Fact incorporated herein as Exhibit A; and forwards this recommendation of approval to the Wasilla City Council.

ADOPTED by the Wasilla Planning Commission on October 14, 2008.

APPROVED:


Stan Tucker, Chairman

ATTEST:


Jim Holycross, City Planner

Wasilla Planning Commission Resolution 08-17

FINDINGS OF FACT

1. DOWL Engineers submitted an application on behalf of Sally Karabelnikoff to rezone approximately 12 acres of a larger parcel of approximately 29.14 acres from Rural Residential to Commercial.
2. The subject property is located on parcel A007, Section 13, Township 17 North, Range 01 West, Seward Meridian Alaska; Acct. No. 17N01W13A007.
3. A plat is currently being processed through the Matanuska-Susitna Borough (MSB) to subdivide 12 acres from the parent parcel of 29 acres.
4. The parcel is bordered by Seward Meridian Parkway to the east, and Old Matanuska Road on the south with access proposed from Old Matanuska Road.
5. Staff have reviewed the request to rezone property under the provisions of WMC 16.16.040, 16.16.050, and 16.16.070.
6. The area subject to rezoning consists of 12 acres of the larger 29.14 acre parcel, exceeds the two acre required minimum and is contiguous with existing commercially zoned property located to the north of the subject property. The rezoning of the subject property from Rural Residential to Commercial is a contiguous expansion of existing zoning and is part of an integrated area that is a logical expansion of commercial zoning along the Seward Meridian Corridor south of the Parks Highway.
7. The Planning Department is following the procedure as set forth in section 16.16.040. This application is scheduled for a public hearing before the Planning Commission on October 14, 2008. The components of the application were received in a timely manner in accordance with the requirements of 16.16.040. Notice was made to 73 property owners within 1,200 feet and the usual 25 review agencies as required.
8. Staff finds that there is no approved neighborhood plan for the subject property and surrounding area therefore comments and recommendations from a neighborhood with an approved neighborhood plan were not received and this criterion does not apply.
9. The proposed rezone from Rural Residential to Commercial is substantially consistent with the City's comprehensive plan and other city adopted plans. Specifically, the City's Comprehensive Plan, 'Expected Future Land Use Map' designates future use of the property as 'mixed use' which by its meaning would result in a mix of zoning districts and uses such as Commercial and Rural Residential. One Goal of the Comprehensive Plan is to "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.”

10. The City's Official Streets and Highway Plan (OSHP) is a component of the Comprehensive Plan which also reflects the above goal and lists Old Matanuska Road as a Minor Collector while Seward Meridian is listed as a Future Arterial. The OSHP, 'Long Range Recommendations' indicates that both "Old Matanuska Road Rehabilitation – Minor Collector – Improvements will upgrade corridor between Palmer-Wasilla Highway and Fairview Loop; and Seward Meridian/Carson Street Extension – Arterial – New link will extend arterial south from Old Matanuska Road to Fairview Loop" are listed roads which border the subject property on the east and south and will provide excellent accessibility. Old Matanuska Road and Seward Meridian Parkway are both State maintained roads.

11. Staff find that this rezone proposal will meet this goal by encouraging economic growth in an area of the City that can provide entertainment, restaurant, and shopping opportunities in close proximity to one another. This proximity will provide the opportunity for shoppers to 'trip chain' their trips to shopping opportunities, recreation and dining and also protect the environment by reducing the vehicle miles traveled (VMT) which in turn will result in auto exhaust reduction; and reduce potential congestion by providing future compatible commercial uses near one another. Staff find that this criterion is met.

12. The proposed rezone from Rural Residential to Commercial is not a special use therefore special use criteria do not apply.

13. Due deference will be given when comments and recommendations from reviewing parties have been received.

14. A Mat-Su Fire Station is located on Seward Meridian Parkway approximately one and one quarter miles north of the subject property. The State Fire Marshall's Office shall approve of all development plans when a specific application for development is received. Fire Safety and emergency Access will be more specifically considered at the time of Conditional Use Permit (CUP) review therefore this criterion is met.

15. The applicant may be required to submit a traffic impact analysis (TIA) when a specific development on the subject property is proposed.

16. The dimensional standards will be reviewed during the site design review process.

17. The parking standards will be evaluated for compliance when a specific development application is made. It appears that enough area exists on the proposed 12 acre site to adequately provide parking when development warrants.

18. The subject property is located on the northwest corner of the Seward Meridian Parkway and Old Matanuska Road which both provide good transportation access. Public water and sewer are also available to the property boundary. Staff finds that the subject property is adequately served by all the major utilities therefore this criteria is met.

19. Site drainage will be specifically addressed at the time of development application review.

20. Future proposed development on the site will likely be greater than 10,000 square feet gross floor area. The applicant has submitted a very conceptual "bubble drawing" of the potential layout on the site indicating that the site is located on a minor collector, Old Matanuska Road; and future arterial, Seward Meridian Parkway which will both provide good accessibility for future development on the site. The Matanuska-Susitna Borough currently lists Seward Meridian as an arterial. The applicant will be required to submit a landscaping plan and traffic circulation plan which shows provisions for safe and effective circulation of vehicles, pedestrians and bicycles at the time that a specific site design application is submitted. A plan shall also be submitted which shows how the preservation of open space, sensitive areas and other natural features on the site are addressed at the time of site design review.

21. This application requesting a zone change is much too general at this time to determine if peak use characteristics different than surrounding uses will occur. The applicant has indicated on the very general 'bubble drawing' that a theater, shops and restaurants may be commercial uses that may be intended for future development on the property. The ITE Trip Generation Rate Manual, 7th Edition, indicates that Multi-Plex Movie Theater, Quality Restaurant, and Discount Club (Such as Wal-Mart/Shopping Center) all have somewhat similar peak use characteristics that will be more closely evaluated at the time of a specific development application is received for site design review. A TIA that evaluates peak use characteristics may be required at the time of application submittal for site design review.

22. Any proposed commercial uses on the subject property proposed for rezone will be required at the time of conditional use permit and site design review to buffer the sides bordering the residential neighborhood to the northwest of the proposed 12 acre property.

23. The applicant will be required to submit a landscape plan which complies with all provisions of Wasilla Development Code for any future development proposals on the subject property.

24. The applicant has stated that they will address non-motorized and pedestrian amenities when a CUP/Site Design Review application is submitted.

25. Public sewer and water are located adjacent to the property boundary. Drainage will be evaluated when a specific development proposal is submitted.

26. There are no known historic resources on the property as identified in the City Comprehensive Plan. The MSB's Cultural Resources division was notified of this request and provided the opportunity for comment.

27. The appearance cannot be considered until such time as a specific development proposal is received.

28. The Seward Meridian Parkway with Carson Extension to the south is indicated in the City's Official Streets and Highway Plan. The City will ask that land be dedicated for the future straightening of the Seward Meridian Parkway fronting the subject property during preliminary plat review.

29. The site should not be subject to glaciation. Drifting snow to the surrounding area will be addressed during site design review when a Conditional Use Permit application is received. Snow storage areas will be required to be shown on the site plan at the time of specific site design review

30. Staff finds that it is premature to determine if the rezoning substantially complies with all of the more specific criteria of Section 16.16.050. Staff finds that the 21 general approval criteria cannot be applied until a specific development proposal and application for review is received in the Office of Community and Economic Development.

31. The subject property is served by both Seward Meridian Parkway and Old Matanuska Road. City water and sewer, and MEA power are available to the north and east property lines of the subject property. Drainage will be considered at the time when an application for a specific conditional use/site design review permit is received. Wasilla Police and the MSB Fire serve this property, with the police station on the Parks Highway about one and three quarter miles northwest from the subject property and the fire station due north on Seward Meridian approximately one and one quarter miles. Staff finds that the level of services including the road network, utilities and police and fire protection are adequate, therefore; this criterion is met.

32. Notice was made to 73 property owners within 1,200 feet and the usual 25 review agencies including various federal, state, and local agencies and interest groups as appropriate for this proposal and as required. The following comments were received:

- Donald & Sherry Shiesl commented, "We have two primary concerns regarding this action. The first is the increase in traffic resulting in commercial development on this property. Old Matanuska Road is designated as a Major Collector road according to the Project Overview. This road is narrow and winding. It is not an infrequent event to meet oncoming traffic encroaching on the wrong side of the road and traveling at excessive speeds. The plan also suggests that a traffic Impact Analysis may be warranted. We encourage such a study.

The second concern we wish to address is drainage. As it currently exists, this parcel drains towards the west. In spring there is significant surface water which flows toward our back property line and onto our property. Consideration should be given to ensuring no negative impact to adjacent property owners."

- The MSB Code Compliance commented, "No Objection".

33. Staff finds that the Planning Department 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 which can be served by public facilities and services to encourage the development of businesses who wish to locate in the City of Wasilla.

34. 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 to the north and along the Seward Meridian Corridor. The property when zoned will be an integrated area with other commercially zoned land to the north which are situated along and rely upon proximity to the Seward Meridian Corridor for patronage. Staff finds this criterion is met.

35. Staff finds that this proposal will meet the general 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.

36. Staff finds that this proposal will make additional commercially zoned land available for business to locate in Wasilla. Additional business will result in jobs and additional consumer choices for more money to remain in the local economy which promotes the economy. Quality of life will be improved for those people wishing to reduce their vehicle miles traveled for shopping opportunities. Shoppers formerly willing to drive to Anchorage for needed merchandise and additional shopping, restaurant, and entertainment opportunities will now remain in Wasilla where they will leave their money in the local economy. Additional commercial use in Wasilla will provide additional workforce jobs for several segments of the population including those who are existing Wasilla citizens who live in Wasilla and enjoy the 0 mil rate for residential property taxes inside the City. These things when considered together will improve the quality of life for those who patronize commercial uses on the subject property. When a specific application for development is received then 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.

37. Staff finds that this proposal to rezone the subject property to C - Commercial is substantially consistent with the City Comprehensive Plan – 1996 Expected Future Land Use Map which designates the subject property as "Mixed-Use". For the reasons stated above staff finds that the subject property when rezoned to commercial will be in substantial compliance with existing land uses along the Seward Meridian corridor and the City Comprehensive Plan.


38. The Planning Commission shall adopt a recommendation and forward that recommendation to the City Council for consideration and approval at their next regularly scheduled meeting.

ADOPTED: October 14, 2008



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner



STAFF REPORT
Prepared by:
For the meeting of:

Case # R08-01
Planning Staff
October 14, 2008

I. SUMMARY FACTS:

Applicant: DOWL Engineers
4041 B Street
Anchorage, Alaska 99503

Land Owner: Sally A. Karabelinikoff
7435 Old Harbour Road
Anchorage, Alaska 99504-1925

Proposal: To rezone a parcel from RR – Rural Residential to C – Commercial

Location: Section 13, Township 17 North, Range 01 West, Seward Meridian Alaska; Acct. No. 17N01W13A007

Parcel size: Parent Parcel: 29.14 Acres; Area Subject to Rezone is Approx. 12 Acres

Existing Zoning RR – Rural Residential.

Comprehensive Plan: The *1996 Expected Future Land Use Map* designates the subject property as “Mixed-Use”.

Surrounding Zoning: North: Commercial
South: Rural Residential
East: Unzoned outside City Limits
West: Rural Residential

II. STAFF RECOMMENDATION:

Based on findings of compliance with applicable 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

The purpose of this request per WMC 16.08.140 is to rezone approximately 12 acres of the total 29.14 acres from (RR) - Rural Residential to (C) - Commercial.

Public hearing notices were mailed to property owners within a 1,200 foot radius and 25 agencies on September 17, 2008 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 properties within Section 13, Township 17 North, Range 1 West from RR to C 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 rezoning of property within the City of Wasilla.

VI. FINDINGS

16.16.070 Rezoning

Rezoning is a change 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.*

Applicant's Response: DOWL Engineers (DOWL) is submitting this application on behalf of the property owner, Sally A. Karabelnikoff, to request a rezone from Rural Residential (R) to Commercial (C) for an unsubdivided parcel located within the City of Wasilla (Wasilla).

Staff Finding: The subject rezoning of 12 acres of the total 29.14 acres was initiated by DOWL Engineers, who is acting as the property owner's representative in these matters as authorized by the property owner, Sally A. Karabelinikoff.

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.*

Applicant's Response: The subject parcel is approximately 29 acres in size and located directly to the south of the Wal-Mart Supercenter in Wasilla (Figure 1). Approximately 12 acres of this parcel is proposed for this rezoning. A plat is currently being processed through the Matanuska-Susitna Borough (MSB) to subdivide this parcel. The parcel is bordered by Seward-Meridian Parkway to the east, and Old Matanuska Road on the south. The site is proposed to have access from Old Matanuska Road.

Staff Finding: The area subject to rezoning consists of 12 acres of the larger 29.14 acre parcel, exceeds the two acre required minimum and is contiguous with existing commercially zoned property located to the north of the subject property. The rezoning of the subject property from RR to C is a contiguous expansion of existing zoning and is part of an integrated area that is a logical expansion of commercial zoning along the Seward Meridian Corridor south of the Parks Highway.

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: The Planning Department is following the procedure as set forth in section 16.16.040. This application is scheduled for a public hearing before the Planning Commission on October 14, 2008. The components of the application were received in a timely manner in accordance with the requirements of 16.16.040. Notice was made to 73 property owners within 1,200 feet and the usual 25 review agencies 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;*

Applicants Response: Not applicable. No neighborhood plan exists for this site in Wasilla; however, the 1996 Wasilla Comprehensive Plan designates the future land use of this site as mixed-use. A combination of retail and entertainment uses accessible from adjacent residential areas is proposed (Figure 2), meets the intent of this designation.

Staff Finding: Staff finds that there is no approved neighborhood plan for the subject property and surrounding area therefore comments and recommendations from a neighborhood with an approved neighborhood plan were not received and this criterion does not apply.

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

FINDINGS TO GENERAL APPROVAL CRITERIA 1 - 21:

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

Applicant's Response: Not applicable. No neighborhood plan exists for this site in Wasilla; however, the 1996 Wasilla Comprehensive Plan designates the future land use of this site as mixed-use, which is an undefined use category in the plan. Generally, mixed-use developments can be defined as, "A tract of land or building or structure developed for two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment" (A Planner's Dictionary, APA 2004). As shown on Figure 2 there is a mix of proposed retail and entertainment uses proposed for this site, meeting the intent of a mixed-use development.

Staff Finding: Staff finds that this criterion to give due deference to a neighborhood plan cannot be applied since there is no adopted neighborhood plan for this area.

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

Applicant's Response: The current comprehensive plan is the Wasilla Comprehensive Plan, adopted in 1996. The plan designates this site as mixed-use. There is no definition in the Comprehensive Plan that describes the nature of mixed-use development; however, a commonly accepted definition of mixed-use development is provided in standard 2.a, above. Figure 2 indicates that there is a mix of retail and entertainment uses proposed for the site.

The site is bordered by Old Matanuska Road, which is designated as a Major Collector road in the Wasilla Official Streets and Highways Plan (OSHP). Generally, collector roads can provide both access and mobility, providing a link between local streets and arterials. Specifically, major collector roads provide, *"...for inner-city movement and access to arterial and interstate roads as well as moving traffic to and from residential areas. Non-commercial access should be limited to other collector streets and commercial streets. Direct access from low-density and local/residential streets should be discouraged."*

Staff Finding: The proposed rezone from RR to C is substantially consistent with the City's comprehensive plan and other city adopted plans. Specifically, the City's Comprehensive Plan, 'Expected Future Land Use Map' designates future use of the property as 'mixed use' which by its meaning would result in a mix of zoning districts and uses such as C and RR. One Goal of the Comprehensive Plan is to *"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."*

The City's Official Streets and Highway Plan (OSHP) is a component of the Comprehensive Plan which also reflects the above goal and lists Old Matanuska Road as a Minor Collector while Seward Meridian is listed as a Future Arterial. The OSHP, 'Long Range Recommendations' indicates that both "Old Matanuska Road Rehabilitation – Minor Collector – Improvements will upgrade corridor between Palmer-Wasilla Highway and Fairview Loop; and Seward Meridian/Carson Street Extension – Arterial – New link will extend arterial south from Old Matanuska Road to Fairview Loop" are listed roads which border the subject property on the east and south and will provide excellent accessibility. Old Matanuska Road and Seward Meridian Parkway are both State maintained roads.

Staff find that this rezone proposal will meet this goal by encouraging economic growth in an area of the City that can provide entertainment, restaurant, and shopping opportunities in close proximity to one another. This proximity will provide the opportunity for shoppers to 'trip chain' their trips to shopping opportunities, recreation and dining and also protect the environment by reducing the vehicle miles traveled (VMT) which in turn will result in auto exhaust reduction; and reduce potential congestion by providing future compatible commercial uses near one another. Staff find that this criterion is met.

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

Applicant's Response: No specific approval criteria apply to movie theatre and general retail entertainment developments in the WDC.

Staff Finding: The proposed rezone from RR to C is not a special use therefore special use criteria do not apply.

4. *Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*

Applicant's Response: No review of the proposed rezone can occur until an application is submitted to Wasilla. As such, there have been no comments or recommendations to address. As the development process proceeds for this site, any comments or recommendations that are received will be considered and addressed, as appropriate, during the subsequent conditional use site design review process.

Staff Finding: Due deference will be given when comments and recommendations from reviewing parties have been received.

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

Applicant's Response: As noted previously, no neighborhood plan exists for this site in Wasilla; however, the 1996 Wasilla Comprehensive Plan designates the future land use of this site as mixed-use, which is an undefined use category in the plan, but is generally defined as a development containing two or more different uses, such as residential, office, retail, public, or entertainment.

Staff Finding: This criterion is not applicable since there are no neighborhoods with approved neighborhood plans in the City of Wasilla.

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.*

Applicant's Response: In terms of the development process, it is premature to conduct comprehensive site design at the rezone stage. Fire and EMS services for Wasilla are provided by the Central Mat-Su Fire Department. Design features such as emergency vehicle access will be addressed as part of the conditional use site design review process that is typical after a rezone is completed. The proposed development will be required to meet any applicable fire code and emergency access requirements.

Staff Finding: A Mat-Su Fire Station is located on Seward Meridian approximately one and one quarter miles north of the subject property. The State Fire Marshall's Office shall approve of all development plans when a specific application for development is received. Fire Safety and emergency Access will be more specifically considered at the time of Conditional Use Permit review therefore this criterion is met.

7. *Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians.*

Applicant's Response: As stated previously, the site is bounded by Old Matanuska Road, and proposed access to the site is from Old Matanuska Road. The OSHP designates Old Matanuska Road as a major collector. The OSHP notes that collector streets have a well defined tributary area where the volume of traffic increases with proximity to the arterial. It is recommended that direct access to private property be limited to intervals that do not inhibit the flow of traffic and maximizes safety. However, the OSHP allows for direct access to private property when other access is not available. A development of this size may warrant that a traffic impact analysis (TIA) or traffic study be performed to evaluate the improvements needed to adequately serve the site. These studies and recommendations will be considered and

addressed as the conditional use site design review process is pursued, following completion of the rezone process.

Staff Finding: The applicant may be required to submit a TIA when a specific development on the subject property is proposed.

8. *Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.*

Applicant's Response: The dimensional standards applicable to this site include setbacks and building height. The following setbacks apply to commercial sites, per WDC 16.24.030: Front and rear yards, 25 feet; side, 10 feet or none, if all requirements of the State of Alaska Fire and Life Safety Regulations are met. Building heights are limited to 35 feet; however, in the commercial district, building heights may exceed 35 feet if approved under a use permit.

Dimensional standards are generally considered and reviewed during the site design process, after the rezone process has occurred. Items that are specific to the rezone process, such as minimum parcel size, etc. are currently in conformance, as the portion of the parcel proposed for rezone is well above the two-acre minimum that is required. Other dimensional requirements will be addressed and reviewed as part of the conditional use site design review process.

Staff Finding: The dimensional standards will be reviewed during the site design review process.

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.*

Applicant's Response: WDC 16.24.040 requires that all non-residential, off-street parking facilities be located within 300 feet of the subject property boundary. For the proposed movie theatre use at this site, the parking requirement is one space per 150 square feet of gross floor area, or one space per four seats, whichever is greater.

The WDC requires a ten-foot-wide planting bed around the perimeter of the parking lot for parking lots containing more than 10 spaces. In addition, parking lots containing more than 40 spaces are required to have landscaping islands covering at least 15 percent of the parking lot, in addition to the ten-foot perimeter planting bed. One flood light per 25 parking spaces is required to illuminate the required off-street parking. This lighting may be combined with any applicable access lighting requirements. The WDC includes additional requirements for off-street loading spaces and snow storage.

Again, these standards are not applicable at this time, and these specific design elements will be addressed as part of the conditional use site design review process.

Staff Finding: The parking standards will be evaluated for compliance when a specific development application is made. It appears that enough area exists on the proposed 12 acre site to adequately provide parking when development warrants.

10. *Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.*

Applicant's Response: The site has access to the public sewer main system on the north end of the property, and potential access to the public water main system is available at the eastern end of the site from Seward-Meridian Parkway. In addition, a 30-foot ENSTAR Natural Gas easement exists at the eastern end of the site along Seward-Meridian Parkway.

Staff Finding: The subject property is located on the northwest corner of the Seward Meridian Parkway and Old Matanuska Road which both provide good transportation access. Public water and sewer are also available to the property boundary. Staff finds that the subject property is adequately served by all the major utilities therefore this criteria is met.

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, watersheds, and land stability.*

Applicant's Response: Drainage criteria will be addressed as part of the conditional use site design review process, after the rezone process is completed.

Staff Finding: Site drainage will be specifically addressed at the time of development application review.

12. *Large Developments. Residential development of more than four units or nonresidential 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, pedestrians and bicycles. Nonresidential large developments must be located with frontage on one of the following classes of streets: interstate, minor arterial, major collector or commercial.*

Applicant's Response: The site is proposed to have access from Old Matanuska Road, which is currently classified as a Major Collector in the OSHP. Major Collector roads provide, "...for inner-city movement and access to arterial and interstate roads as well as moving traffic to and from residential areas. Non-commercial access should be limited to other collector streets and commercial streets. Direct access from low-density and local/residential streets should be discouraged." Proposed plans for this site will include provisions for landscaping, vehicular and non-vehicular circulation, and preservation of vegetation and open space.

Currently, there is a proposed bond package for the extension of Seward Meridian Parkway to Fairview Loop Road, which will re-align Seward Meridian with an existing section line easement and enlarge the intersection of Seward Meridian and Old Matanuska Road. This alignment will most likely acquire a portion of the subject property for right-of-way for the road extension and intersection enlargement. According to the MSB, the bond package consists of a 30/70 split. The upcoming election will provide the Borough with the 30 percent funding if the bond passes; however, the state legislature will have to approve the remaining 70 percent of the funding before any funds can be spent on this project. At this time no surveying or design work has taken place, so it is difficult to determine the potential impacts to this site.

Staff Finding: Future proposed development on the site will likely be greater than 10,000 square feet gross floor area. The applicant has submitted a very conceptual "bubble drawing" of the potential layout on

the site indicating that the site is located on a minor collector, Old Matanuska Road; and future arterial, Seward Meridian Parkway which will both provide good accessibility for future development on the site. The applicant will be required to submit a landscaping plan and traffic circulation plan which shows provisions for safe and effective circulation of vehicles, pedestrians and bicycles at the time that a specific site design application is submitted. A plan shall also be submitted which shows how the preservation of open space, sensitive areas and other natural features on the site are addressed at the time of site design review.

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.*

Applicant's Response: This use is not anticipated to significantly affect the peak use characteristics of the area, due to the Wal-Mart Supercenter adjacent to the north side of this site. The proposed use of this site is expected to enhance and complement the existing commercial services that are present in the area. A TIA will likely be required to be performed to more accurately determine the potential peak use impacts, if any.

Staff Finding: This application requesting a zone change is much too general at this time to determine if peak use characteristics different than surrounding uses will occur. The applicant has indicated on the very general 'bubble drawing' that a theater, shops and restaurants may be commercial uses that may be intended for future development on the property. The ITE Trip Generation Rate Manual, 7th Edition, indicates that Multi-Plex Movie Theater, Quality Restaurant, and Discount Club (Such as Wal-Mart/Shopping Center) all have somewhat similar peak use characteristics that will be more closely evaluated at the time of a specific development application is received for site design review. A TIA that evaluates peak use characteristics may be required at the time of application submittal for site design review.

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 regulated 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 this criteria.*

Applicant's Response: These items will be addressed in the conditional use site design review process. Proposed uses allowed under the commercial zoning district do not typically generate excessive noise, fumes, odors, etc.

Staff Finding: Any proposed commercial uses on the subject property proposed for rezone will be required at the time of conditional use permit and site design review to buffer the sides bordering the residential neighborhood to the northwest of the proposed 12 acre property.

15. *Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and*

maintenance of landscaping, and any landscaping plan that is required for the proposed use under this title. The approval authority also may condition approval on the provision of the following:

- a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.*
- b. Adequately sized, located and screened trash receptacles and areas.*

Applicant's Response: Per WDC 16.33.010, the purpose of the landscaping standards are "...to stabilize soils, reduce dust and erosion, protect natural vegetation, sustain wildlife and fish, protect shorelines, reduce runoff, facilitate groundwater recharge, reduce noise, enhance the community's environment and visual character, provide attractive and functional separation and screening between uses, and to attract visitors and tourists to the city for the economic benefit of everyone in the community." For administrative and conditional use approvals, the WDC requires that a condition be placed on the approval, requiring compliance with an approved landscaping plan that conforms to the requirements set forth in the code. WDC 16.33.030 outlines the specific landscaping standards that apply to developments in Wasilla.

The specifics of this site design criteria will be outlined and evaluated as part of the conditional use site design review process after the completion of the rezone process.

Staff Finding: The applicant will be required to submit a landscape plan which complies with all provisions of WDC for any future development proposals on the subject property.

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.*

Applicant's Response: The WDC does not provide minimum design standards for non-motorized transportation. The proposed development is including non-motorized and pedestrian amenities as part of the development, as shown on Figure 2. The specific designs of these amenities will be refined and evaluated as part of the conditional use site design review process.

Staff Finding: The applicant has stated that they will address non-motorized and pedestrian amenities when a CUP/Site Design Review application is submitted.

17. *Water, Sewage and Drainage Systems. If a proposed use is within five hundred (500) 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 oversizing 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.

Applicant's Response: A public sewer main system runs along the north property line of this site, allowing for the proposed development to connect to that main line. An existing public water main system exists in Seward-Meridian Parkway to the east of this site. It is anticipated that this development would connect to this public water system. It also appears that a 30-foot ENSTAR Natural Gas easement exists along the eastern edge of the property.

Staff Finding: Public sewer and water are located adjacent to the property boundary. Drainage will be evaluated when a specific development proposal is submitted.

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

Applicant's Response: There are no known historic resources present at this site. This standard can be evaluated and addressed during the site design review process.

Staff Finding: There are no known historic resources on the property as identified in the City Comprehensive Plan. The MSB's Cultural Resources division was notified of this request and provided the opportunity for comment.

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.*

Applicant's Response: Architectural design standards are not specifically discussed in the WDC. Building appearance and architecture, as well as the building spacing, setbacks, lot coverage and height will be addressed as part of the conditional use site design review process.

Staff Finding: The appearance cannot be considered until such time as a specific development proposal is received.

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.*

Applicant's Response: It is not anticipated that this development would require dedication of land for a public purpose. However, it could be possible that the MSB will require additional right-of-way dedication of Old Matanuska Road and/or Seward-Meridian Parkway during the platting process. This is a standard that will be further evaluated as part of the conditional use site design review process.

Staff Finding: The Seward Meridian Parkway with Carson Extension to the south is indicated in the City's Official Streets and Highway Plan. The City will ask that land be dedicated for the future straightening of the Seward Meridian Parkway fronting the subject property during preliminary plat review.

21. *It is not anticipated that this development will contribute to glaciation or drifting snow to the surrounding area. The proposed commercial development would have snow removal requirements, as required for their business use. This standard will be further evaluated during the conditional use site design review process.*

Applicants Response: It is not anticipated that this development will contribute to glaciation or drifting snow to the surrounding area. The proposed commercial development would have snow removal requirements, as required for their business use. This standard will be further evaluated during the conditional use site design review process.

Staff Finding: The site should not be subject to glaciation. Drifting snow to the surrounding area will be addressed during site design review when a Conditional Use Permit application is received. Snow storage areas will be required to be shown on the site plan at the time of specific site design review

...On the compliance with the 21 general review criteria of WMC 16.16.050...

Staff Finding: Staff finds that it is premature to determine if the rezoning substantially complies with all of the more specific criteria of Section 16.16.050. Staff finds that the 21 general approval criteria cannot be applied until a specific development proposal and application for review is received in the Office of Community and Economic Development.

CONTINUING WITH SECTION 16.16.070 REZONING, D. CRITERIA:

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;*

Applicant's Response: The site currently has access to services such as roads, public sewer and other utilities. A main line extension connection will have to be constructed to access the public water system. A natural gas easement is present along the eastern property line of this site. Parking and sidewalk access will be designed and constructed as part of the final site design. The proposed commercial development is in the Wasilla police service area, and fire and EMS services are provided by the Central Mat-Su Fire Department.

Staff Finding: The subject property is served by both Seward Meridian Parkway and Old Matanuska Road. City water and sewer, and MEA power are available to the north and east property lines of the subject property. Drainage will be considered at the time when an application for a specific conditional use/site design review permit is received. Wasilla Police and the MSB Fire serve this property, with the police station on the Parks Highway about 1 3/4 miles northwest from the subject property and the fire station due north on Seward Meridian approximately 1 1/4 miles. Staff finds that the level of services including the road network, utilities and police and fire protection are adequate, therefore; this criterion is met.

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

Staff Finding: Notice was made to 73 property owners within 1,200' and the usual 25 review agencies including various federal, state, and local agencies and interest groups as appropriate for this proposal and as required. The following comments were received:

- Donald & Sherry Shiesl commented, "We have two primary concerns regarding this action. The first is the increase in traffic resulting in commercial development on this property. Old

Matanuska Road is designated as a Major Collector road according to the Project Overview. This road is narrow and winding. It is not an infrequent event to meet oncoming traffic encroaching on the wrong side of the road and traveling at excessive speeds. The plan also suggests that a traffic Impact Analysis may be warranted. We encourage such a study.

The second concern we wish to address is drainage. As it currently exists, this parcel drains towards the west. In spring there is significant surface water which flows toward our back property line and onto our property. Consideration should be given to ensuring no negative impact to adjacent property owners."

- The MSB Code Compliance commented, "No Objection".

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

Applicant's Response: The Wal-Mart Supercenter to the north of this site provides a critical opportunity to create a retail and entertainment commercial node in the immediate area. Expanding the commercial zone to this site makes sense, as it provides an adjacent, available site to further develop the immediate commercial needs of the area. The population served by the Wal-Mart would have access to potential entertainment, retail, and restaurant venues, without necessarily having to drive between the two. Although it is anticipated that the internal trips generated between the sites would increase, the creation of a mixed-use node at this location provides an important opportunity to reduce the trips and congestion currently present along the Parks Highway, by removing the off-site trips that would be generated between these sites if the uses proposed for this site were located elsewhere.

A rezone from RR to C at this site is consistent with surrounding zoning and will expand the current commercial zoning designation from the Wal-Mart site that bounds the north side of this site. This site is appropriate and logical for this area by allowing for a nodal-type of development that serves diverse needs. The draw of the Wal-Mart Supercenter adjacent to this site, provides for a large and diverse population base that promotes diverse retail and entertainment opportunities in the immediate area. This development would allow for patrons to shop, possibly eat, and take in entertainment without having to drive away from the immediate area. Based on the conceptual diagram presented in Figure 2, important pedestrian connections are being proposed for this site, allowing patrons the option of walking or driving between venues.

Although a new commercial development at this site will increase the internal trips circulating between the sites, it will reduce the potential off-site trips that would be generated if this site were located further down the Parks Highway, which would add to the overall congestion already present at peak times on the highway.

Staff Finding: Staff finds that the Planning Department 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 which can be served by public facilities and services 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.*

Applicant's Response: The Wal-Mart Supercenter to the north of this site provides a critical opportunity to create a retail and entertainment commercial node in the immediate area. Expanding the commercial zone to this site makes sense, as it provides an adjacent, available site to further develop the immediate commercial needs of the area. The population served by the Wal-Mart would have access to potential entertainment, retail, and restaurant venues, without necessarily having to drive between the two. Although it is anticipated that the internal trips generated between the sites would increase, the creation of a mixed-use node at this location provides an important opportunity to reduce the trips and congestion currently present along the Parks Highway, by removing the off-site trips that would be generated between these sites if the uses proposed for this site were located elsewhere.

A rezone from RR to C at this site is consistent with surrounding zoning and will expand the current commercial zoning designation from the Wal-Mart site that bounds the north side of this site. This site is appropriate and logical for this area by allowing for a nodal-type of development that serves diverse needs. The draw of the Wal-Mart Supercenter adjacent to this site, provides for a large and diverse population base that promotes diverse retail and entertainment opportunities in the immediate area. This development would allow for patrons to shop, possibly eat, and take in entertainment without having to drive away from the immediate area. Based on the conceptual diagram presented in Figure 2, important pedestrian connections are being proposed for this site, allowing patrons the option of walking or driving between venues.

Although a new commercial development at this site will increase the internal trips circulating between the sites, it will reduce the potential off-site trips that would be generated if this site were located further down the Parks Highway, which would add to the overall congestion already present at peak times on the highway.

Staff Finding: 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 to the north and along the Seward Meridian Corridor. The property when zoned will be an integrated area with other commercially zoned land to the north which are situated along and rely upon proximity to the Seward Meridian Corridor for patronage. Staff finds this criterion is met.

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

Applicant's Response: The current comprehensive plan is the Wasilla Comprehensive Plan, adopted in 1996. The plan designates this site as mixed-use. There is no definition in the Comprehensive Plan that describes the nature of mixed-use development; however, a commonly accepted definition of mixed-use development is provided in standard 2.a, above. Figure 2 indicates that there is a mix of retail and entertainment uses proposed for the site.

The site is bordered by Old Matanuska Road, which is designated as a Major Collector road in the Wasilla Official Streets and Highways Plan (OSHP). Generally, collector roads can provide both access and mobility, providing a link between local streets and arterials. Specifically, major collector roads provide, "...for inner-city movement and access to arterial and interstate roads as well as moving traffic to and from residential areas. Non-commercial access should be limited to other collector streets and commercial streets. Direct access from low-density and local/residential streets should be discouraged."

Staff Finding: Staff finds that this proposal will meet the general 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 will make additional commercially zoned land available for business to locate in Wasilla. Additional business will result in jobs and additional consumer choices for more money to remain in the local economy which promotes the economy. Quality of life will be improved for those people wishing to reduce their vehicle miles traveled for shopping opportunities. Shoppers formerly willing to drive to Anchorage for needed merchandise and additional shopping, restaurant, and entertainment opportunities will now remain in Wasilla where they will leave their money in the local economy. Additional commercial use in Wasilla will provide additional workforce jobs for several segments of the population including those who are existing Wasilla citizens who live in Wasilla and enjoy the 0 mil rate for residential property taxes inside the City. These things when considered together will improve the quality of life for those who patronize commercial uses on the subject property. When a specific application for development is received then 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.

Staff finds that this proposal to rezone the subject property to C - Commercial is substantially consistent with the City Comprehensive Plan – 1996 Expected Future Land Use Map which designates the subject property as “Mixed-Use”. For the reasons stated above staff finds that the subject property when rezoned to commercial will be in substantial compliance with existing land uses along the Seward Meridian corridor and the City Comprehensive Plan.

E. *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 to the City Council for consideration and approval at their next regularly scheduled meeting.

VIII. RECOMMENDATION

Planning Staff recommends that the Planning Commission approve this request for a rezoning of the subject 12 acres of the larger 29.14 acre property from RR to C and forward a recommendation of approval for this rezoning to the City Council with the following conditions of approval:

1. This zone change request is not valid until the subject parcel is created through the platting process as approved by the MSB Platting Board.
2. The applicant shall submit and have reviewed and approved an application for subdivision to the City of Wasilla.