

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 11-14**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REMOVE THE LIMIT ON NUMBER OF CHILDREN PERMITTED IN A DAY CARE FACILITY IN THE COMMERCIAL ZONING DISTRICT; AND AMENDING WMC 16.20.020, DISTRICT USE CHART, TO CHANGE THE REQUIRED REVIEW FROM A USE PERMIT TO AN ADMINISTRATIVE APPROVAL.**

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**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** Subsection B of WMC 16.16.060, Specific Approval Criteria, is hereby amended to read as follows:

16.16.060 Specific approval criteria.

The following uses are subject to the preceding general criteria and these additional approval standards:

- B. Day Care. In the RR, R1, and R2 **[AND C]** districts the following apply:
1. A day care facility is limited to **[LESS] no more** than twenty-five (25) people.
  2. Play areas must be adequately screened and buffered from adjacent residential property.

**Section 3. Amendment of section.** WMC 16.20.020, District Use Chart, is hereby amended as follows:

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**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

**16.20.020 District use chart.**

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot, provided that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

AA = Administrative approval      UP = Use permit      CU = Conditional use  
 EX = Excluded      Blank = No city approval necessary

<b>Districts</b>	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	CU	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX
Animal Husbandry	UP	EX	UP	EX	EX	EX	EX
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX
Batch Plant	EX	EX	EX	EX	UP	AA	EX
Bed and Breakfast		UP	AA	AA		EX	EX
Campground	UP	EX	EX	EX	UP	EX	AA
Cemetery	UP	EX	EX	EX	UP	UP	UP
Church	UP	EX	UP	UP	UP	EX	EX
Coalbed Methane Extraction	UP	EX	EX	EX	UP	UP	UP
Commercial 10,000	AA	EX	EX	CU	AA	UP	UP

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
GFA or less							
Commercial more than 10,000 GFA	EX	EX	EX	EX	CU	UP	EX
Communication Equipment	AA	UP	AA	AA	AA	AA	AA
Convenience Store	AA	EX	UP	EX	UP	EX	EX
Correctional Facility	EX	EX	EX	EX	EX	CU	CU
Day Care	AA	UP	UP	UP	<b>[UP] AA</b>	EX	EX
Duplex	AA	EX	AA	AA	UP	EX	EX
Farm Animals	AA	UP	UP	EX	EX	AA	EX
Firing Range, Outdoor	EX	EX	EX	EX	EX	CU	CU
Group Home	EX	EX	EX	UP	UP	EX	UP
Heavy Equipment	AA	EX	EX	EX	UP	AA	AA
Helipad	EX	EX	EX	EX	UP	AA	UP
Heliport	EX	EX	EX	EX	CU	AA	CU
Home Occupation		AA	AA	AA		EX	EX
Hotel	EX	EX	EX	EX	UP	EX	EX
Institutional Home	EX	EX	EX	CU	CU	EX	CU
Junkyard	EX	EX	EX	EX	EX	UP	EX
Kennel/Cattery	UP	EX	CU	EX	UP	EX	EX
Mobile Home	EX	EX	CU	EX	EX	EX	EX
Motel	EX	EX	EX	EX	UP	EX	EX
Multi-Family	EX	EX	UP	AA	UP	EX	EX
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource	CU	EX	EX	EX	CU	UP	UP

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
Extraction							
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	AA
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

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

ADOPTED by the Wasilla City Council on April 25, 2011.

  
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 VERNE E. RUPRIGHT, Mayor

ATTEST:

  
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 KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Harris, Holler, Katkus, Menard, Sullivan-Leonard and Woodruff in favor.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**ORDINANCE SERIAL NO. 11-14: AMENDING WMC 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REMOVE THE LIMIT ON NUMBER OF CHILDREN PERMITTED IN A DAY CARE FACILITY IN THE COMMERCIAL ZONING DISTRICT; AND AMENDING WMC 16.20.020, DISTRICT USE CHART, TO CHANGE THE REQUIRED REVIEW FROM A USE PERMIT TO AN ADMINISTRATIVE APPROVAL.**

**Agenda of:** April 11, 2011  
**Originator:** Planning Department

**Date:** March 18, 2011

Route to:	Department	Signature/Date
X	Finance Director	
X	Interim Deputy Administrator	
X	Public Works Director	3/21/11
X	City Clerk	

**REVIEWED BY MAYOR VERNE E. RUPRIGHT:**

**FISCAL IMPACT:**  yes\$ or  no Funds Available  yes  no

**Account name/number:** None

**Attachments:** Proposed Ordinance Serial No. 11-14 (4 pp)  
Planning Commission Resolution Serial No. 11-05 (5 pp)  
*Emails (Public Comments) (4 pp)*

**SUMMARY STATEMENT:** While reviewing a permit for a new day care business in the Commercial zoning district, it was noted that the specific approval criteria for a day care limits the business to 25 children for the Rural Residential (RR), Single-Family District (R-1), Residential District (R-2), and Commercial zoning districts. Residential Multifamily (RM) is the only other zoning district that allows a day care but it is not subject to the 25 children limitation. This limitation on the number of children is appropriate for the RR, R-1, and R-2 zoning districts, due to the potential negative impacts to residential neighborhoods from the additional noise and traffic generated by day care businesses. Restricting the number of children will help keep the impacts at a more compatible neighborhood scale. However, it is not appropriate, or necessary, for Commercial zoning, since it allows more intense uses and Title 16 requires buffering and screening between the commercial use and adjoining residential uses.

As required by the Wasilla Municipal Code, the Planning Commission conducted a public hearing on March 8, 2011 to discuss the draft ordinance, obtain public input, and provide a recommendation to the City Council. The Planning Commission adopted Resolution Serial No. 11-05 that recommends approval of the draft ordinance.

**STAFF RECOMMENDATION:** Approve Ordinance Serial No. 11-14.

By: Planning  
Public Hearing: 03/08/11  
Adopted: 03/08/11

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 11-05**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL AMEND WMC 16.16.060, SPECIFIC APPROVAL CRITERIA, TO REMOVE THE LIMIT ON NUMBER OF CHILDREN PERMITTED IN A DAY CARE FACILITY IN THE COMMERCIAL ZONING DISTRICT; AND AMEND WMC 16.20.020, DISTRICT USE CHART, TO CHANGE THE REQUIRED REVIEW FROM A USE PERMIT TO AN ADMINISTRATIVE APPROVAL.**

WHEREAS, the Planning Staff requested to amend WMC 16.16.060, Specific Approval Criteria, and WMC 16.20.020, District Use Chart; and

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

WHEREAS, on March 8, 2011, the Wasilla Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the WMC; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following revisions:

**Amendment of section.** WMC 16.16.060, Specific Approval Criteria, is hereby amended as follows:

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

**16.16.060 Specific approval criteria.**

The following uses are subject to the preceding general criteria and these additional approval standards:

B. Day Care. In the RR, R1, and R2 [AND C] districts the following apply:

1. A day care facility is limited to [LESS] no more than twenty-five (25) people.
2. Play areas must be adequately screened and buffered from adjacent residential property.

**Amendment of section.** WMC 16.20.020, District Use Chart, is hereby amended as follows:

**16.20.020 District use chart.**

A. The following chart summarizes the uses allowed and the standard of review for each use. In the commercial and industrial districts, more than one building housing a permissible principal use may be erected on a single lot, provided that each building and use shall comply with all applicable requirements of this chapter and other borough, state or federal regulations.

AA = Administrative approval      UP = Use permit      CU = Conditional use  
 EX = Excluded      Blank = No city approval necessary

<b>Districts</b>	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
Accessory Uses	AA	AA	AA	AA	AA	UP	AA
Adult Business	EX	EX	EX	EX	CU	EX	EX
Agriculture	UP	EX	EX	EX	EX	EX	EX

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
Animal Shelter	EX	EX	EX	EX	CU	UP	UP
Assisted Living Home	AA	AA	AA	AA	UP	EX	EX
Automotive Sales	UP	EX	EX	EX	AA	AA	EX
Batch Plant	EX	EX	EX	EX	UP	AA	EX
Bed and Breakfast		UP	AA	AA		EX	EX
Campground	UP	EX	EX	EX	UP	EX	AA
Cemetery	UP	EX	EX	EX	UP	UP	UP
Church	UP	EX	UP	UP	UP	EX	EX
Coalbed Methane Extraction	UP	EX	EX	EX	UP	UP	UP
Commercial 10,000 GFA or less	AA	EX	EX	CU	AA	UP	UP
Commercial more than 10,000 GFA	EX	EX	EX	EX	CU	UP	EX
Communication Equipment	AA	UP	AA	AA	AA	AA	AA
Convenience Store	AA	EX	UP	EX	UP	EX	EX
Correctional Facility	EX	EX	EX	EX	EX	CU	CU
Day Care	AA	UP	UP	UP	[UP] <u>AA</u>	EX	EX
Duplex	AA	EX	AA	AA	UP	EX	EX
Farm Animals	AA	UP	UP	EX	EX	AA	EX
Firing Range, Outdoor	EX	EX	EX	EX	EX	CU	CU
Group Home	EX	EX	EX	UP	UP	EX	UP
Heavy Equipment	AA	EX	EX	EX	UP	AA	AA
Helipad	EX	EX	EX	EX	UP	AA	UP
Heliport	EX	EX	EX	EX	CU	AA	CU

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**



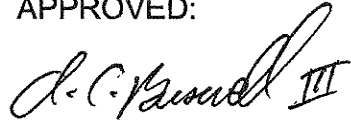
Districts	RR Rural	R1 Single- Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
Home Occupation		AA	AA	AA		EX	EX
Hotel	EX	EX	EX	EX	UP	EX	EX
Institutional Home	EX	EX	EX	CU	CU	EX	CU
Junkyard	EX	EX	EX	EX	EX	UP	EX
Kennel/Cattery	UP	EX	CU	EX	UP	EX	EX
Mobile Home	EX	EX	CU	EX	EX	EX	EX
Motel	EX	EX	EX	EX	UP	EX	EX
Multi-Family	EX	EX	UP	AA	UP	EX	EX
Play Field	UP	UP	UP	UP	UP	EX	UP
Public Facility	UP	CU	UP	UP	UP	AA	AA
Resource Extraction	CU	EX	EX	EX	CU	UP	UP
Single-Family Dwelling	AA	AA	AA	AA	UP	EX	AA
Subdivision	AA	AA	AA	AA	AA	AA	AA
Utility Facility	AA	UP	UP	UP	AA	AA	AA
Waterfront Use	AA	AA	AA	AA	UP	UP	UP
Zoo	UP	EX	EX	EX	CU	EX	CU

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption to the Wasilla City Council and to take effect upon adoption by the Wasilla City Council.

**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

APPROVED by the Wasilla Planning Commission on March 8, 2011.

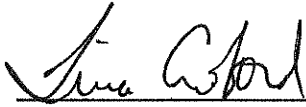
APPROVED:



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A.C. Buswell, III, Chairman

ATTEST:



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Tina Crawford, City Planner

VOTE: Passed Unanimously

**Bold and underline added. [CAPS AND BRACKETS, DELETED.]**

## Amanda Charles

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**From:** Ruth Padua [touchofhome@gmail.com]  
**Sent:** Monday, March 07, 2011 5:31 PM  
**To:** Tina Crawford  
**Subject:** hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern:

I'm the administrator of A Touch of Home Child Care. Our summer waiting list will exceed 25 children. Please remove the law that prohibits daycare within city limits to have only 25 children.

Sincerely,

Brandi Sieler

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## Amanda Charles

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**From:** Joyce Cuevas [joycecuevas@hotmail.com]  
**Sent:** Monday, March 07, 2011 5:16 PM  
**To:** Tina Crawford  
**Subject:** hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern,

My name is Rebecca Cuevas. I am a full time employee for A Touch of Home ChildCare and mother of two. My employer notified me of the law that doesn't let daycare's within city limits to have more that 25 children. If this law was to remain I worry that I could get my hours cut do to the tap on the amount of children the facility can have. Please pass to remove it from law so that my colleges and I may have job security and peace of mind.

Sincerely,

Rebecca Cuevas  
907-884-0618

## Amanda Charles

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**From:** Ruth Padua [touchofhome@gmail.com]  
**Sent:** Monday, March 07, 2011 5:04 PM  
**To:** Tina Crawford  
**Subject:** letter for hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern:

The city of Wasilla has a law that prohibits daycare centers within city limits to have more than 25 children. As a daycare owner, I feel this law should be changed because the demand for daycare is increasing and we serve many working parents that work within city limits who are in need for quality childcare. In addition, during the summer we provide care for the siblings of our full time children. Without this law be changed I worry that we will loose clientele do to the fact that parents prefer to choose daycares that allow for all their children to attend together.

Sincerely,

Ruth H Padua, owner  
A Touch of Home ChildCare  
357-2237

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## Amanda Charles

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**From:** Yvonne Kuehn [yvonnelee30@hotmail.com]  
**Sent:** Monday, March 07, 2011 3:57 PM  
**To:** Tina Crawford  
**Subject:** Pending Law

To whom it may concern:

I am a parent of A Touch of Home ChildCare and Learning Center. It has come to my attention that there is a law that states the facility can only have 25 children . This is a concern for me because during the summer my school age kids need to attend a trust worthy daycare. I count on this daycare to care for my kids during the summer and by limiting their capacity will mean that school age, part time kids won't be admitted.  
Please pass the law that allows more than 25 kids within city limits.

Sincerely,  
Yvonne Kuehn  
907-830-4418