

**SUBJECT: REZONE OF ADVENTURES ESTATES SUBDIVISION LOTS**

REQUESTED BY: Council Member Chappel

PREPARED BY: Kristie VanGorder, Clerk

DATE: May 19, 1998

FOR AGENDA OF: May 27, 1998

**SUMMARY:**

Ordinance Serial No. 97-35 was adopted on June 23, 1997. A public hearing on the original ordinance included lots 14, 15, and 16, Block 1, and Lot 1, Block 2, Adventure Estates Subdivision. After the public hearing was closed, the ordinance was amended, and Lots 2 and 3, Block 2, Adventure Estates, were added to the ordinance and the ordinance was adopted, zoning all lots from RR—Rural Residential to R2—Residential. By adding the additional lots, the public did not have an opportunity to be heard through the public hearing process.

Council Member Chappel planned on presenting the attached draft ordinance to the council for consideration to resolve the matter at the council level. After further review by staff, it is recommended that the council refer the matter to the planning commission in order for the appropriate public hearings to be conducted. Once the planning commission is able to reach a decision, they will forward their recommendation to the council for consideration. Although this will delay the issue further, it will insure that the correct process is used when rezoning property and that the proper public notice is given on a rezone issue.

**FISCAL IMPACT:**  No  Yes, amount requested: \$ Fund:

The planning department must provide for a mail out within 1,200 feet from the effected properties.

**RECOMMENDED ACTION:** Council Member Chappel requests per WMC 16.43.512, that the council direct the planning department to submit Lots 2 and 3, Block 2, Adventure Estates Subdivision, to the planning commission and for the properties to be rezoned from R2—Residential to R1—Single Family Residential, as originally zoned prior to the adoption of Ordinance Serial No. 97-35.

**MAYOR REVIEW/COMMENT:**

  
Reviewed by: DAVID W. CHAPPEL, Deputy Mayor

**APPROVED**  
DATE: 5/27/98  
BY: K. VanGorder

Attachments: Memorandum from Attorney Jacobus  
Draft ordinance

**VIA FAX 907-373-9092**  
**Original Delivered**

May 18, 1998

Office of the City Clerk  
290 East Herning Avenue  
Wasilla AK 99654-7091

RECEIVED

MAY 18 1998

CITY OF WASILLA, ALASKA

Re: Ordinance 98-25, Adventure Estates Rezoning

Dear Kristie,

I have reviewed the proposed Adventure Estates Rezoning Ordinance. The language is all right. However, the ordinance should not simply be adopted by the City Council.

The proposed ordinance could actually be presented directly to the Planning and Zoning Commission because a single Council member may initiate a rezoning (WMC 16.43.512.(A)).

If the matter is presented to the Council, however, after the ordinance is introduced, the Council should refer it to the Planning and Zoning Commission to conduct appropriate public hearings after appropriate posting and publication is done and notice is given to owners within 1200 feet as required by City Code. In essence, this is a rezoning initiated by a Council member.

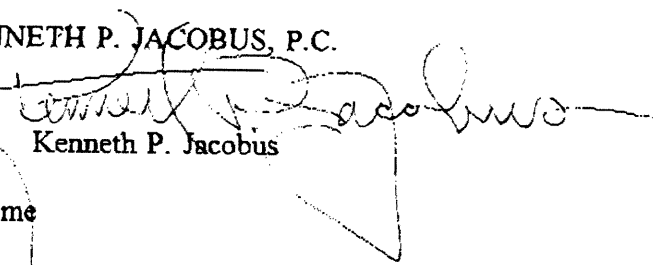
In essence, this matter should be treated as a newly initiated rezoning. If the zoning is simply changed back by the Council to correct the earlier alleged error, the City will compound the problem by again rezoning these lots without what could arguably be required notice.

If you have any particular questions, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By

  
Kenneth P. Jacobus

KPJ:me

cc John Cramer, Via Fax 907-373-9096

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 98-**

AN ORDINANCE OF THE WASILLA CITY COUNCIL REPEALING ORDINANCE SERIAL NO. 97-35 AND AMENDING THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR--RURAL RESIDENTIAL TO R2--RESIDENTIAL FOR LOTS 14, 15, AND 16, BLOCK 1, AND LOT 1, BLOCK 2, ADVENTURE ESTATES SUBDIVISION.

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WHEREAS, the Wasilla City Council adopted Ordinance Serial No. 97-35 on June 23, 1997, amending the official zoning map to rezone Lots 14, 15, and 16, Block 1 and Lots 1, 2, and 3, Block 2, Adventure Estates from RR--Rural Residential to R2--Residential; and,

WHEREAS, the Wasilla City Council held a public hearing on the rezone request for Lots 14, 15 and 16, Block 1, and Lot 1, Block 2, Adventure Estates; and

WHEREAS, at the meeting following the public hearing, Ordinance Serial No. 97-35 was amended to add Lots 2 and 3, Block 2, Adventure Estates to the ordinance; and

WHEREAS, the public did not have an opportunity to be heard on Ordinance Serial No. 97-35 after it was amended to include Lots 2 and 3, Block 2, Adventure Estates.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

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

**Section 2. Purpose.** To repeal Ordinance Serial No. 97-35 and amend the "Official Zoning Map" of Wasilla and rezone Lots 14, 15, and 16, Block 1, and Lot 1, Block 2, Adventure Estates Subdivision from RR--Rural Residential to R2--Residential.

**Section 3. Repeal of ordinance.** Ordinance Serial No. 97-35 is hereby repealed in its entirety.

**Section 4. Enactment.** The "Official Zoning Map" of Wasilla, adopted August 12, 1996, is hereby amended to rezone Lots 14, 15, and 16, Block 1, and Lot 1, Block 2, Adventure Estates from RR--Rural Residential to R2--Residential.

**Section 5. Effective date.** This ordinance becomes effective upon adoption.

ADOPTED by the Wasilla City Council on this - day of -, 1998.

\_\_\_\_\_  
SARAH PALIN, Mayor

ATTEST:

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KRISTIE L. VANGORDER, CMC/AE  
City Clerk

[SEAL]

DRAFT



## CITY OF WASILLA

290 E. HERNING AVE.  
WASILLA, ALASKA 99654-7091  
PHONE: (907) 373-9050  
FAX: (907) 373-9085

Non Code Ordinance  
Requested By: Planning Commission  
Prepared By: Planning  
Introduction Date: 05/28/97  
Public Hearing Date: 06/09/97

### ORDINANCE SERIAL NO. 97-35

**AN ORDINANCE AMENDING THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR--RURAL RESIDENTIAL TO R2--RESIDENTIAL FOR LOTS 14, 15, AND 16, BLOCK 1, AND LOT 1, 2 and 3, BLOCK 2, ADVENTURE ESTATES SUBDIVISION.**

WHEREAS, the Wasilla Planning Commission (WPC) considered this request for change of district at duly advertised public hearing on May 20, 1997; and,

WHEREAS, the WPC adopted a resolution recommending rezone of the above referenced tracts from RR--Rural Residential to R2--Residential; and,

WHEREAS, the WPC found that the rezone is generally consistent with the rezone criteria set forth in Section 16.43.512 (Rezoning) of the Wasilla Revised Development Code;

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION I. Classification. This is a non-code ordinance.

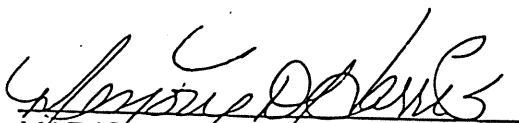
SECTION II. Purpose. To amend the "Official Zoning Map" of Wasilla and rezone Lots 14, 15, and 16, Block 1 and Lot 1, Block 2, Adventure Estates Subdivision from RR--Rural Residential to R2--Residential.


SECTION III. Enactment. The "Official Zoning Map" of Wasilla, adopted August 12, 1996, is hereby amended to rezone Lots 14, 15, and 16, Block 1 and Lot 1, 2 and 3, Block 2, from RR--Rural Residential to R2--Residential.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption.

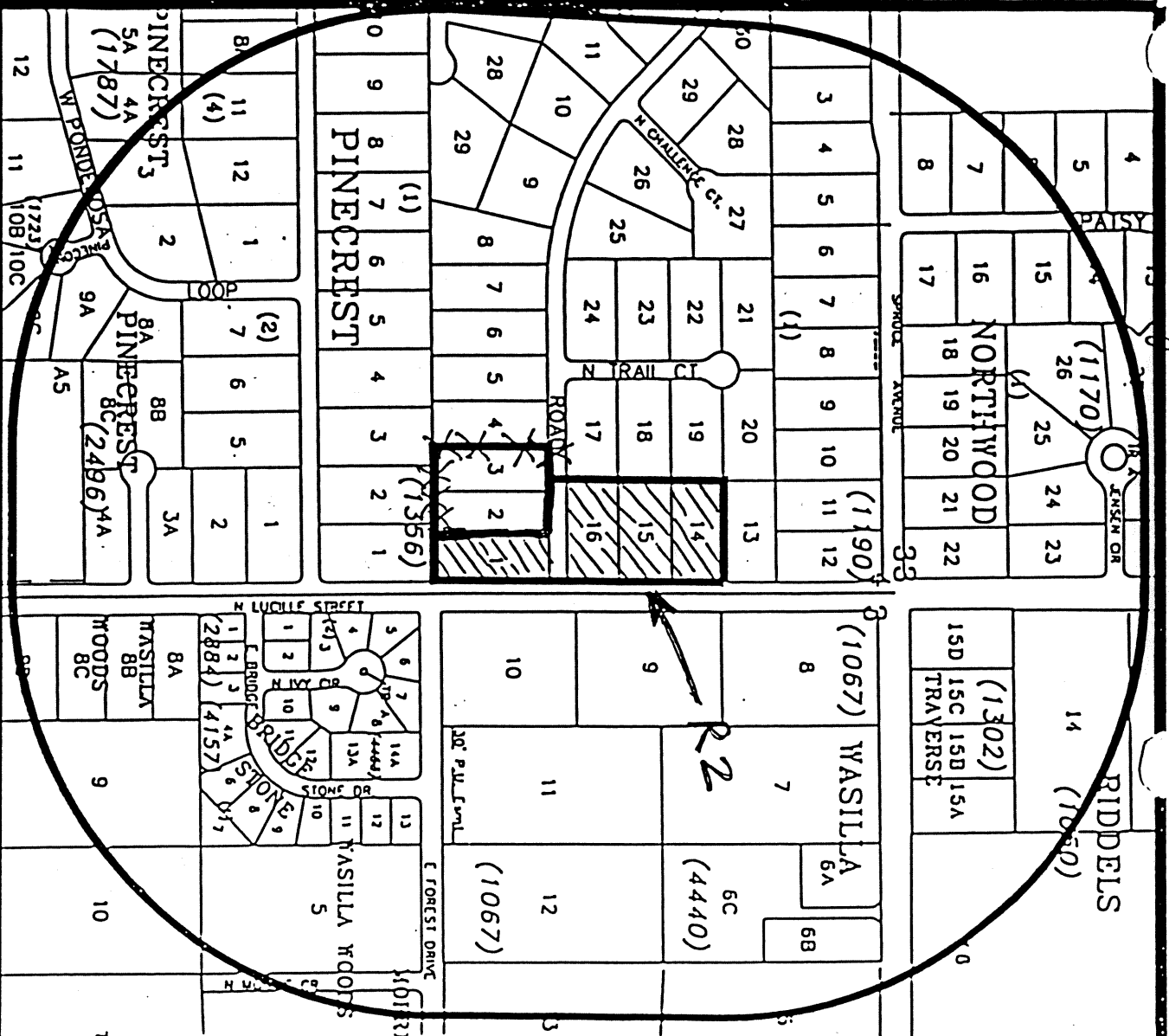
ADOPTED by the Council of the City of Wasilla on this 23<sup>rd</sup> day of June, 1997.

ATTEST:

  
MARJORIE D. HARRIS, CMC  
City Clerk

  
SARAH H. PALIN, Mayor

\* Planning Commission Recommendation for Case R96-048

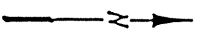


# Case No. 97-48

To investigate the possible re-zone of Lots 14, 15, & 16, Blk. 1, & Lot 1, Blk. 2, Adventure Est., from RR--Rural Residential to R2--Residential, and Lot 2 & 3, Blk. 2, Adventure Est., from R1--Single-family Residential to R2--Residential. Generally located at the intersection of Lucille St. and Heritage Rd.

Note: Lots 2 + 3 were deleted by Commission amendment  
 Initiated by:

The City of Wasilla



T17N, R1W, Seward Meridian