

**CITY OF WASILLA
ORDINANCE SERIAL NO. 04-02**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REFLECT A CHANGE IN ZONING DISTRICTS FROM RR—RURAL RESIDENTIAL TO C--COMMERCIAL FOR TRACT 3-A FRED NELSON RESUBDIVISION.

WHEREAS, a petition request to rezone Tract 3-A of Fred Nelson Resubdivision, more commonly known as 1021 N. Lucille Street from RR— Rural Residential to C— Commercial was reviewed by the City Planner upon receipt of the application and the Wasilla Planning Commission (WPC) at a public meeting held on November 25, 2003; and

WHEREAS, a duly advertised public hearing of the Planning Commission was held on November 25, 2003, with public hearing notices mailed to surrounding owners of land within a 1200' radius. Adequate response time was given in accordance with the provisions of WMC 16.16.040.B.5; and

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of staff, contained in the planning office's staff report dated November 18, 2003; public testimony, both written and verbal comments; applicable provisions of the Amended 1999 Wasilla Comprehensive Plan; and other pertinent codes and information; and

WHEREAS, WPC Resolution Serial No. 03-23, recommending a change in zoning from RR – Rural Residential to RM – Multi-Family Residential for Tract 3-A, Fred Nelson Resubdivision, passed unanimously, with the following findings of fact:

1. The total rezone area is approximately 2.36 acres in size, exceeding the 2-acre minimum area required for a rezone.
2. The adjoining uses are compatible with the historical and present day use of the area.
3. No nonconforming uses or structures will be created by the proposed zoning district change. The proposed rezone is in conformance with the provisions of the Amended 1999 Wasilla Comprehensive Plan in that the developer plans to use it for one of three options that suggests generally residential. Properties West of Lucille Street show expected future use as a *mixed use area*.
4. An increase in traffic potential is not anticipated from the approval of this rezone because it has similar characteristics as the adjoining land uses and may service the needs for the adjoining uses.
5. Wasilla Planning Commission adopted WPC Resolution Serial Number 03-23, on November 25, 2003 approving of the rezone request.

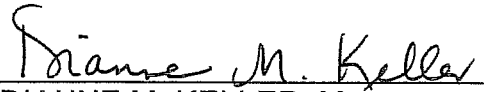
Section 1. Classification. This is a non-code ordinance.

Section 2. Purpose. To amend the Official Zoning Map of Wasilla by rezoning Tract 3-A, Fred Nelson Resubdivision from RR-Rural Residential to C--Commercial.

Section 3. Enactment. The Official Zoning Map, adopted August 12, 1996, last revised October 2003, is hereby amended to reflect a rezone of approximately 2.5 acres for Tract 3-A of Fred Nelson Resubdivision from RR – Rural Residential to C--Commercial.

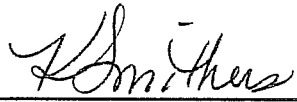
Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on January 12, 2004.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, CMC
City Clerk

[SEAL]



CITY OF WASILLA

**290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092**

TO: Wasilla City Council
THRU: Mayor Dianne M. Keller *DME*
FROM: Tim Krug, City Planner
DATE: December 2, 2003
SUBJECT: Ordinance Serial No. 04-02

SUMMARY:

On November 25, 2003 the Wasilla Planning Commission adopted Resolution 03-23 allowing a 2.36-acre parcel within Fred Nelson Resubdivision to be rezoned to C-Commercial from RR-Rural Residential including four findings of fact.

The rezone was requested by the property owner and is in conformance with the 1996 Wasilla Comprehensive Plan, amended 1999.

FISCAL IMPACT: No.

RECOMMENDED ACTION: Adopt Ordinance Serial No. 04-02

ATTACHMENTS:

Vicinity Map
PC Resolution Serial No. 03-23
Staff Report (11/18/03)

CASE NO. R04-54

A request to rezone Tract 3A of Fred Nelson Subdivision, 1021 N. Lucille St, from RR--Rural Residential to C--Commercial. The subject parcel is approximately 2.5 acres in size and is located adjacent to existing commercially zoned property.

Applicant: Criterion Properties by Scott Johannes



KEY



SUBJECT PARCEL



**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 03-23**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE IN ZONING DISTRICTS FROM RR – RURAL RESIDENTIAL DISTRICT TO C--COMMERCIAL FOR TRACT 3-A FRED NELSON RESUBDIVISION.

WHEREAS, a request to rezone Tract 3-A of Fred Nelson Resubdivision, more commonly known as 1021 N. Lucille Street from RR-Rural Residential District to C—Commercial District was reviewed by the City Planner upon receipt of the application and the Wasilla Planning Commission (WPC) at a public meeting on November 25, 2003; and,

WHEREAS, a duly advertised public hearing was held on November 25, 2003, with public hearing notices mailed to surrounding owners of land within a 1200' radius and adequate response time was given in accordance with the provisions of WMC 16.16.040(B)(5); and

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of staff, contained in the Planning Office's Staff Report dated November 18, 2003; public testimony - both written and verbal comments; and the applicable provisions of the 1996 Wasilla Comprehensive Plan; and

WHEREAS, zoning is a tool to identify and avoid, mitigate or prohibit the negative impacts of growth; and

WHEREAS, the WPC wishes to forward this request for rezone on to the Wasilla City Council for their consideration.

NOW THEREFORE BE IT RESOLVED, that the Wasilla City Planning Commission hereby forwards to the Wasilla City Council, Case R04-054 (Rezone), request to rezone Tract 3-A, Fred Nelson Resubdivision from RR-Rural Residential District to C--Commercial; and

BE IT FURTHER RESOLVED, that this project is allowed in accordance with Wasilla Municipal Code Section 16.20.020, District Use Chart, and the official Wasilla zoning map will be amended accordingly; and


BE IT FURTHER RESOLVED, the Wasilla Planning Commission recommends approval of this request with the following findings of fact:

1. The total rezone area is approximately 2.36 acres in size, exceeding the 2-acre minimum area required for a rezone.
2. The adjoining uses are compatible with the historical and present day use of the area.
3. No nonconforming uses or structures will be created by the proposed zoning district change. The proposed rezone is in conformance with the provisions of the 1996 Wasilla Comprehensive Plan in that the developer plans to use it for one of three options that suggests generally residential. Properties West of Lucille Street show expected future use as a *mixed use area*.
4. An increase in traffic potential is not anticipated from the approval of this rezone because it has similar characteristics as the adjoining land use and may service the needs for the adjoining uses.

ADOPTED by the Wasilla Planning Commission on November 25, 2003.


STAN TUCKER, Chairman

ATTEST:


JILL CARRICABURU
Planning Clerk

[SEAL]



CITY OF WASILLA

• Planning Office •

290 East Herring Avenue • Wasilla • Alaska • 99654-7091

• Telephone 907-373-9094 •

STAFF REPORT

DATE: November 18, 2003

TO: PLANNING COMMISSION

THROUGH: ARCHIE GIDDINGS, DIRECTOR, PUBLIC WORKS *AG*

THROUGH: TIM KRUG, CITY PLANNER

FROM: JILL CARRICABURU, PLANNING CLERK

SUBJECT: **REZONE REQUEST WITHIN THE CITY OF WASILLA
FRED NELSON RESUBDIVISION TRACT 3-A**

SUMMARY REQUEST

The applicant, Scott Johannes, for Criterion Properties, is wishing to rezone approximately 2.36 acres of land located at 1021 N. Lucille Street from RR—Rural Residential to C—Commercial through Rezone Application Case No. 04-54. The property is located north, and west of commercially zoned parcels as well as contiguous with Haley Hills.

The applicant has met with the City Planner at a pre-application conference in order to address the requirements of city code. Formal application was received in the Planning Office on October 10, 2003 in a timely manner. Appropriate fees were collected and a mail out to all property owners within 1200 radial feet was conducted in accordance with WMC 16.16.040

ISSUES REGARDING CODE

Staff has reviewed the request for rezone of Tract 3-A Fred Nelson Resubdivision from RR-Rural Residential to C—Commercial under the provisions of WMC 16.16.040, 16.16.050, and 16.16.070.

This staff report is comprised of staff findings and recommendations required by city code. A public hearing will be held at the November 25, 2003 Planning Commission meeting. Once the rezone request is approved by the Planning Commission it will then be forwarded on to the City Council for public hearing and final approval.

APPLICABLE PROCEDURES

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

16.16.070 Rezoning

Rezoning is a change to zoning district boundaries as shown on the official zoning map. Application must be made on a form supplied by the city to the planner. Prior to submission of an application, the applicant is encouraged to contact the planner for the purpose of discussing the site, the proposed use and the approval procedure.

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

Staff Finding: The rezoning request was received from the owner of Tract 3A Fred Nelson Subdivision, on a form supplied by the City Planning Office. The applicant met with the City Planner prior to submission of the application to discuss the site, proposed use, and the approval procedure.

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

Staff Finding: The requested area for rezoning consists of an area greater than two acres and is contiguous with existing commercially zoned parcels, Haley Hills Park. The area requested to be rezoned is a logical, integrated area.

C. Procedure. The application, acceptance notice, review 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 application along with appropriate application fee and accompanying documentation for rezoning was received October 10, 2003 and found to be complete. The request shall be reviewed and decided upon in accordance with the procedures set forth for a conditional use in Section 16.16.040.

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;

Applicant Response: No neighborhood plan exists for this property.

Staff Finding: No neighborhood plan exists for properties within this area.

2. *The proposed rezoning substantially complies with Section 16.16.050;*

Applicant Response: This rezoning will comply with this ordinance.

Staff Finding: The applicant has satisfactorily answered criteria specified in 16.16.050 and may be found within the attached two page summary submitted by the applicant on October 10, 2003.

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 Response: The rezoned area has all required services.

Staff Finding: Adequate services exist in this location. The property is located on a minor collector street and is served by city water, city sewer and pedestrian/bike path.

The petitioner will be seeking driveway permits from Wasilla City Public Works for egress and ingress onto Lucille Street.

Gas and electricity is provided by the local utility companies. Police protection is provided by the City. Fire protection is provided by the Matanuska-Susitna Borough.

Drainage could be maintained within the parcel.

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

Applicant Response: Any comments that arise will be appropriately addressed.

Staff Finding: Agency comments received as a result of the request for comments mailed October 15, 2003 are from US Army Corps of Engineers, State of Alaska DOT&PF, and the Matanuska-Susitna Borough. No adverse comments were received from these agencies.

As of the date of this staff report no public comments had been received as a result of the public hearing notice mailed to all residents within a 1200' radius.

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

Applicant Response: With the current growth in the city of Wasilla there is currently a need for the additional commercially zoned property.

Staff Finding: Of the existing C—Commercial districts within the City the majority of them are located along the east-west direction of the Parks Highway. This proposed commercial district will allow the current commercial district to spread northerly allowing the commercial city center to begin a north-south expansion.

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

Applicant Response: This lot is currently zoned Rural Residential. This zoning does not fit the potential uses for this lot. It is adjacent to a large multi-family development on the south and east side. The multi-family development on the east is zoned commercial. The adjacent property to the north is currently a commercial business operation.

Staff Finding: The proposed rezone is an expansion of existing commercially zoned parcels. The subject parcel has direct access onto Lucille Street and could complement existing multi-family developments.

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

Applicant Response: The comprehensive plan indicates this area to be generally residential. We have purchased this property with the intent of integrating it into the development of the multi-family housing projects that have been developed adjacent to this property. This property would allow one of three options. 1. Development of self storage rentals to serve the multi-family residents. 2. Development of an additional phase of The Birches senior housing. 3. Development of another phase of Ridgecrest Park Family housing. All three of these options fit within the commercial zoning that is being requested and would be complimentary to the comprehensive plan as generally residential.

Staff Finding: The requested rezone is in conformance with Wasilla's Comprehensive Plan, approved 1996, in that the developer plans to use it for one of three options that suggests generally residential. Also, on the west of Lucille Street the expected future use is a mixed use area.

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. Upon enactment of the ordinance, the planner shall cause the official zoning map to be changed accordingly. The council's decision shall be final.*

Staff Finding: Should this rezone be approved by the Planning Commission, an Ordinance will be prepared and it will then be forwarded on to the City Council to be scheduled at their next available meeting for introduction. Action on the Ordinance will take place at the following meeting.

The City Planner will then cause the official zoning map to be changed accordingly.

CONCLUSION AND RECOMMENDATIONS

Planning staff recommends that the Planning Commission approve Resolution 03-23 allowing the rezoning of Tract 3A, Fred Nelson Resubdivision, more commonly known as 1021 N. Lucille Street from RR—Rural Residential to C--Commercial, and forward an Ordinance on to the Wasilla City Council to allow the modification of the official city zoning map reflecting the change.

APPLICATION FOR REZONE

R 04-54

Date: 10-10-03

Area to be Rezoned:

Subdivision: Fred Nelson Block: Tract 3A Lot:

Physical Address:

Owner's Name: Criterion Properties

Mailing Address: 2820 Commercial Dr Phone: 277-3200
Anchorage 99501

Briefly Describe proposal & reason for seeking a rezone: rezone from RR to commercial

(see attached)

THE PROPOSED REZONE SUBSTANTIALLY COMPLIES WITH SECTION 16.16.050:

The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the comprehensive plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case file.

The proposed rezone substantially complies with the provisions of 16.16.050 as the following have been considered.

Please answer the following to the best of your ability:

1. Neighbors. Has consideration been given to the existing neighborhood?
2. Plans. Is the proposal substantially consistent with the city comprehensive plan and other city-adopted plans? If so, please describe.
3. Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.
4. Reviewing Parties. List comments and recommendations of reviewing party, i.e., Federal, State, Local. Attach any written comments received from AK Dept of Fish & Game, AK DOT&PF.

19. Are there existing recorded covenants? Does the proposed rezone conflict with CC&R's? Or any plat notes or special land use notes?

16.16.070 REZONING

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;
2. Show that the proposed rezoning substantially complies with Section 16.16.050
3. Document that 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;
4. The comments from reviewing parties (Section 16.08.040) on the proposed rezoning have been adequately addressed;
5. Document that there is a demonstrated need for additional land in the zoning district to accommodate uses allowed.
6. Show how the resulting district or expanded district will be a logical, integrated area basically contiguous with existing area; and
7. Show that the rezone is in conformance with the city comprehensive plan.

Owner's Signature: Scott Johannes Date: 10-10-03
Scott Johannes Criterion Properties

Printed Name: _____ Date: _____
Receipt No. 855 JSC 10-13-03
Application Fee Received _____ Amt: \$ 500-

JSC _____ Date: 10-13-03
Application Accepted By: _____

Planning Commission Approval _____ Date: _____

City Council Approval: _____ Date: _____



October 10, 2003

City of Wasilla
290 E. Herning Avenue
Wasilla, Alaska 99654

Attn: Tim Krug, City Planner

Re: Rezone of Tract 3A Fred Nelson Subdivision

Dear Mr. Krug,

Please consider this letter a formal request to rezone Tract 3A Fred Nelson Subdivision from RR to Commercial. Currently this property is adjacent to Forest Hills to the South, the commercial zoned Haley Hills to the east, and a commercial business immediately to the north on Lucille Street. Attached to this request is the filing fee of \$500.

Tract 3A is a narrow tract of land approximately 165 wide by 630 feet deep. This property is approximately 2.5 acres and thereby meets the 2-acre minimum.

Rezoning to commercial would provide the opportunity for this property to be developed in a manner that is complimentary and consistent with the adjoining properties.

If this change in zoning is approved it will provide for consistent zoning for the affected lots. This lot is adjacent to Lucille Street and has adequate road service. Water, sewer, electric and gas are all available on the west side of this property.

Any future development that would take place on this rezoned lots would be completed in accordance with Wasilla City codes and ordinances.

Per municipal code 16.16.070 REZONING

D. Criteria

1. Due Deference has been given to neighborhood plan. Response: No neighborhood plan exists for this property.
2. Proposed rezoning substantially complies with 16.16.050. Response: This rezoning will comply with this ordinance.
3. The proposed rezoning is in an area with adequate services. Response: The rezoned area has all required services.

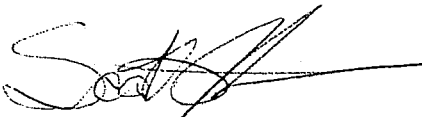
2820 Commercial Drive
Anchorage, AK 99501-3015
(907) 277-3200 Fax (907) 272-8544

www.criteriongeneral.com

4. The comments from reviewing parties on the proposed rezoning have been adequately addressed. Response: Any comments that arise will be appropriately addressed.
5. There is a demonstrated need for additional land in the zoning district to accommodate uses allowed. Response: With the current growth in the city of Wasilla there is currently a need for the additional commercially zoned property.
6. The resulting district or expanded district will be a logical, integrated area. Response: This lot is currently zoned Rural Residential. This zoning does not fit the potential uses for this lot. It is adjacent to a large multi-family development on the south and east side. The multi-family development on the east is zoned commercial. The adjacent property to the north is currently a commercial business operation.
7. Conformance with the city comprehensive plan. Response: The comprehensive plan indicates this area to be generally residential. We have purchased this property with the intent of integrating it into the development of the multi-family housing projects that have been developed adjacent to this property. This property would allow one of three options. 1. Development of self storage rentals to serve the multi-family residents. 2. Development of an additional phase of The Birches senior housing. 3. Development of another phase of Ridgecrest Park Family housing. All three of these options fit within the commercial zoning that is being requested and would be complimentary to the comprehensive plan as generally residential.

If you have any questions or would like any additional information please feel free to contact me.

Sincerely,



Scott Johannes

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(907) 269-0520 (FAX 269-0521)
(TTY 269-0473)

CENTRAL REGION - PLANNING

October 30, 2003

RE: Mat-Su Platting Action
Comments

Paul Hulbert, Platting Officer
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, AK 99645

OCT 31 2003


Dear Mr. Hulbert:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has no comments on the following platting actions.

Denali North (Case C04-38)
Patrick J. Carney (Case U040-048)
Criterion Properties (Case R04-54)
Olson Subdivision (Case C04-55)

Thank you for the opportunity to review and comment on these proposed actions.

Sincerely,


Brad Sworts
Area Planner

TV/eh

cc: Paula Brault, Right of Way Agent, Right of Way
Robert Campbell, Preliminary Design & Environmental Supervisor, PD&E
Richard "Rick" L. Oldford, P.E., Review Engineer, Contracts Section
James H. Sharp, RLS, Engineering and Survey Supervisor, Right of Way
William R. Strickler, P.E., Chief, Traffic Safety & Utilities, Central Region
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety & Utilities
Hank Wilson, P.E., Highway Design Chief, Highway Design
Kurt Devon, Superintendent, Mat-Su District