

**CITY OF WASILLA
ORDINANCE SERIAL NO. 04-26**

AN ORDINANCE OF THE WASILLA CITY COUNCIL DENYING A REZONE REQUEST FOR TAX PARCEL A-4 AND B-11, WITHIN SECTION 7, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA, TOTALING APPROXIMATELY 40-ACRES FROM RURAL RESIDENTIAL TO COMMERCIAL.

WHEREAS, Kevin Baker, authorized agent for owner Gary Lundgren, submitted an Application for Rezone on December 12, 2003, which was supplemented on January 14, 2004, for a 40-acre portion of Borough Tax Parcels A-4, and B-11, Section 7, Township 17 North, Range 1 West, and

WHEREAS, Wasilla Planning Office has posted public notices for the requested rezone from Rural Residential to Commercial in accordance with Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised for January 27, 2004 and again for February 24, 2004; and

WHEREAS, on January 27, 2004, the Wasilla Planning Commission continued the public hearing to February 24, 2004, and

WHEREAS, notice of the continuation was mailed to property owners within 1200 radial feet of the proposed zone change, and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the 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 adopted Findings of Fact to summarize the basic facts and reasoning of the commission in their decision to defeat Wasilla Planning Commission Resolution No. 04-02(SUB), a resolution to approve a rezone request for approximately 40-acres in two parcels – a portion of tax parcel A-4 and the entire 0.90 –acre parcel known as B-11 (south of the Parks Highway) all within Section 7, Township 17 North, Range 1 West, Seward Meridian Alaska from RR-Rural Residential to C-Commercial.

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

Section 2. Purpose. To deny requested rezone therefore the official zoning map for the City of Wasilla shall not be changed.

Section 3. Enactment. The official zoning map shall not be amended as this request for rezone was denied. Findings in support of this denial are attached herein as Exhibit A.

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

POSTPONED INDEFINITELY by the Wasilla City Council on April 12, 2004.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

RE: Ordinance regarding a request to rezone Tax Parcels A-4 and B-11 of Section 7, Township 17 North, Range 1 West, Seward Meridian from RR-Rural Residential to C-Commercial.

Agenda of: March 22, 2004
Originator: Sandra Garley, City Planner

Date: March 12, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	<i>Sandra Garley</i> 03-12-04
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

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

Account name/number:
Attachments: Ordinance Serial No. 04-26
Wasilla Planning Commission Resolution 04-02(SUB)
Vicinity Map
February 18, 2004 Staff Report
Portion of Planning Commission Minutes January 27 and February 24
March 5, 2004 letter from Kevin Baker with attached maps

SUMMARY STATEMENT:

In the original application, Kevin Baker, acting as agent for owner, Gary Lundgren, requested a change in zoning from Rural Residential to Commercial for approximately 40 acres of land. The Planning Commission heard testimony on the request during the January 27, 2004 and February 24, 2004 Commission meetings.

In addition to eight written comments in opposition to the zoning change on the 40-acres, twelve residents spoke in opposition to the rezoning during either the Planning Commission meeting of January 27 or February 24, 2004. One letter was received which recommended that the owner consider a Planned Unit Development with buffers, and three residents made general comments or recommendations regarding the proposed rezoning at the public hearing.

The Planning Commission voted unanimously not to approve WPC Resolution 04-02(SUB) recommending the change from RR-Rural Residential to C-Commercial. An amendment to Resolution 04-02(SUB) recommending rezoning the portion of the parcel nearest to the Parks Highway to Commercial while leaving the portion of the parcel adjacent to the existing residential neighborhood Rural Residential was discussed but defeated as the Planning Commission preferred not to second guess the applicant's position on having a smaller area rezoned.

On March 5, 2004, Kevin Baker submitted a letter on behalf of the owner with two options to the original request for consideration by the City Council, (1) moving the Commercial district boundary 660 feet from the existing residential subdivision, or (2) moving the Commercial district boundary 330 feet from the residential subdivision.

Staff recommends that the Council consider approving the requested zone change for all the 0.90 acre in Tax Parcel B-11 and that portion of Tax Parcel A-4 that is 660 feet south of the boundary between A-4 and the existing residential subdivisions. This will leave the 660 foot adjacent to the residential subdivisions in the Rural Residential district.

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 04-02 (SUB)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION TO APPROVE A REZONE REQUEST FOR APPROXIMATELY 40-ACRES IN TWO PARCELS – A 36-ACRE PORTION OF TAX PARCEL A-4 AND THE ENTIRE 0.90-ACRE PARCEL, B-11 (SOUTH OF THE PARKS HIGHWAY) ALL WITHIN SECTION 7, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN ALASKA FROM RURAL RESIDENTIAL TO COMMERCIAL.

WHEREAS, Kevin Baker, authorized agent for owner Gary Lundgren, submitted an Application for Rezone on December 12, 2003 which was supplemented on January 14 for a 40 acre portion of Tract A-4 Section 7, Township 17 North, Range 1 West ; and

WHEREAS, Wasilla Planning Office has posted public notices for the requested rezone from Rural Residential to Commercial in accordance with Wasilla Municipal Code; and

WHEREAS, the public hearing date and time was publicly advertised for January 27, 2004; and

WHEREAS, on January 27, 2004, the Wasilla Planning Commission continued the public hearing to February 24, 2004, and

WHEREAS, notice of the continuation was mailed to property owners within 1200 radial feet of the proposed zone change, and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the evaluation and recommendations of the 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 adopted Finding of Fact to summarize the basic facts and reasoning of the commission;


NOW, THEREFORE BE IT RESOLVED, that the Wasilla City Planning Commission after due consideration of the application and with the Findings of Fact attached as Exhibit A and incorporated herein recommends that the Wasilla City Council approve the requested rezoning of approximately 40-acres, consisting of a portion of Tax Parcel A4 contiguous to the existing commercial zone along the Parks Highway and the entire 0.90-acre of Tax Parcel B-11, in Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR-Rural Residential to C-Commercial.

DEFEATED by the Wasilla Planning Commission on February 24, 2004.

DEFEATED:


Stan Tucker, Chairman

ATTEST:


Sandra Garley, City Planner

[seal]

Wasilla Planning Commission Resolution 04-02

Findings of Fact

1. An Application for Rezone was received from the owner's representative, Kevin Baker, on a form provided by the City Planning Office.
2. A letter authorizing Mr. Baker to submit the rezone application was received from the property owner, Gary Lundgren on December 12, 2003.
3. The rezone request is for a 40 acre portion of Tract A4 .
4. Tract A4 of Section 7, Township 17 North, Range 1 West Seward Meridian, Alaska is not part of an existing neighborhood plan.
5. The application along with appropriate application fee and accompanying documentation for rezone was received December 8, 2003 and January 14, 2004 and found to be complete.
6. The request has been reviewed and noticed in accordance with *Procedures for Commission Approvals* set forth in Section 16.16.040.
7. No neighborhood plan exists for properties within this area.
8. Copies of the Notice of Application for Rezone were mailed to 119 property owners within 1,200' of the subject property.
9. Six written comments were submitted to staff prior to the Public Hearing. Four were in opposition to the rezoning; one suggested project should be a PUD with a 50' screening buffer; one addressed the need for an access road between Wintergreen and the need for a buffer between commercial development and Wintergreen.
10. 125 public hearing notices were reissued on 1/29/04. One additional comment was received opposing the rezone request as a result of the re-notification.
11. The City of Wasilla's Comprehensive Plan Expected Future Land Use Map identifies the subject property Mixed Use.
12. The subject property is not at present served by City sewer and water. The City's Five Year Utility Plan anticipates provision of water service to the Mission Hills area within 5 years. Electrical, phone and natural gas would be supplied by utility service companies. Developer would provide on-site water and wastewater.
13. Two agency comments received as a result of the request for comments mailed December 15, 2003 are from MSB Platting Division which had no comment and the MSB Code Compliance Division, which noted that the

property is designated on FIRM map 96756 as being in Flood Hazard Zone C.

14. On 1/29/04, 23 notices were reissued advising of public hearing and requesting comments. To date, 3 agencies have replied. MSB Code Compliance and Platting Offices had no additional comments.

US Army Corps of Engineers commented, February 13, 2004, that parcel A-4 may contain wetlands and that parcel B-11 does not. Prior to removal of vegetation or soil disturbance the applicant must obtain appropriate permits from the Corps for tax parcel A-4.

15. Large tracts of undeveloped commercially zoned property are available to the south and east of the property in question.

16. The requested zone change would create a Commercial district contiguous to existing Commercial zoning to the south but would remove the present buffer of Rural Residential zoning between the existing residential areas and commercial areas along the Parks Highway.

17. If the 40 acre parcel is rezoned to Commercial, the City may not automatically limit use of some or all of the 40 acre parcel to the development of mini storage units. Any use permitted in a Commercial district must receive an administrative approval or use permit if it meets the appropriate criteria.

18. The City of Wasilla's currently adopted Comprehensive Plan specifically classifies future land use for this area as Mixed Use. Therefore, the requested rezone from Rural Residential to Commercial is not consistent with the Wasilla Comprehensive Plan.

19. Denying rezone of this parcel does not prevent a reasonable use of the property, it is possible for the owner to pursue a planned unit development.

20. Maintaining an RR zone for this parcel keeps the same zoning standards that were in place when this parcel was purchased.

21. Maintaining an RR zone for this parcel is a better fit to the established neighborhoods adjacent to the north and northeast properties.

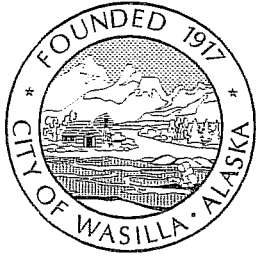
Adopted by the Wasilla Planning Commission February 24, 2004.

APPROVED:


STAN TUCKER, Chairman

ATTEST:


SANDRA GARLEY, City Planner



CITY OF WASILLA

• Planning Office •

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

• Telephone 907-373-9094 •

STAFF REPORT

DATE: FEBRUARY 18, 2004

TO: PLANNING COMMISSION

THROUGH: ARCHIE GIDDINGS, DIRECTOR, PUBLIC WORKS

FROM: PLANNING STAFF

SUBJECT: **REZONE REQUEST WITHIN THE CITY OF WASILLA FOR APPROXIMATELY 36-ACRES OF A 112-ACRE PARCEL KNOWN AS TAX PARCEL A-4 AND THE ENTIRE 0.90 PARCEL KNOWN AS B-11, ALL WITHIN SECTION 7, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA**

PREVIOUS ACTIONS

On January 21, 2004 it was brought to the attention of planning staff that several property owners had inadvertently been omitted from the mail out of public notices.

On January 27, 2004, the Planning Commission voted to continue the public hearing and action on this item to February 24, 2004. The public hearing remains open.

The Planning office issued 125 re-notification notices to area residents within a 1200' radius of the subject properties as well as notifying 23 agencies requesting comments

SUMMARY OF REQUEST

The applicant, Kevin Baker, acting as agent for the owner, Gary Lundgren, is requesting to rezone the western 36-acres of a 112-acre parcel known as tax parcel A-4 and all 0.90-acres of B-11, south of the Parks Hwy, from RR—Rural Residential to C—Commercial. The properties have access on the south via the Parks Hwy and on the north, there is additional access to parcel A-4 via W. Wintergreen Drive.

Tax parcel A-5 which is located to the south and east of the subject property is zoned C—Commercial.

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 December 12, 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. A supplemental letter and aerial photos were submitted January 14, 2004.

Applicant's Purpose: The owner of the property would like to develop the NE 10 acres of this approximate 36-acre site for Mini Storage Units (Annex C). Under the current zoning of RR, this land use is not permitted. Mini storage Units are residential friendly. They have been developed near a residential neighborhood with minimal impact to the existing housing. The city of Palmer has newly constructed mini storage units adjacent to a residential neighborhood and there are currently other mini storage units in the city of Wasilla and outside the city along the Palmer-Wasilla Highway.

ISSUES REGARDING CODE

Staff has reviewed the request to rezone a portion of borough tax parcels A-4 and B-11 within Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska 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 was held at the January 27, 2004 Planning Commission meeting and continued to the February 24, 2004 meeting.

Once the rezone request is acted upon by the Planning Commission it will then be forwarded on to the City Council for introduction, public hearing, and final decision.

APPLICABLE PROCEDURES

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

16.16.070 Rezoning

Rezoning are changes 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 rezone request was received from the owner's representative, Kevin Baker, on a form provided by the City Planning Office. A letter authorizing Mr. Baker to submit the rezone application was received from the property owner, Gary Lundgren on December 8, 2003.

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 rezone request is for an approximate 36-acre portion of Tract A-4 and for all of parcel B-11, south of the Parks Highway, 0.90-acres.

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 rezone was received December 8, 2003 and January 14, 2004 and found to be complete. The request has been reviewed and noticed in accordance with *Procedures for Commission Approvals* set forth 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: The subdivisions to the north are outside of the city's limits and currently are undeveloped residential lots. To the west is a tire service shop and automotive shop.

Staff Finding: No neighborhood plan exists for properties within this area. Copies of the Notice of Application for Rezone were mailed to 119 property owners within 1,200' of the subject property. At the time this staff report was prepared, six written comments had been received.

- Four are comments in opposition to the rezoning;
- One is commenter is opposed to the request as submitted and comments that a P.U.D. with a 50' screening buffer is more appropriate; and
- One commenter does not object to the rezoning, but addresses the need for an access road between Wintergreen and the Parks Highway and a buffer between Wintergreen and the commercial development.

On 1/29/04 re-notification of request and public hearing was sent to 125 property owners within a 1,200' radius of the subject properties. To date, one additional comment has been received

from Mr. Stacy L. Hamilton, Lot 7, Block 1, Mission Hills
Subdivision, Phase 2. (attached)

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

Applicant Response: The City of Wasilla's currently adopted Comprehensive Plan identifies the future land use of this property as Mixed Use.

Staff Finding: The City of Wasilla's Comprehensive Plan Expected Future Land Use Map identifies six land uses – 1) Generally Commercial/Business, 2) Parks, 3) Mixed Use Area, 4) Generally Industrial, 5) Generally Residential, and 6) Public/ Institutional.

The subject property is shown as Mixed Use. The current zoning of Rural Residential comes closest to fitting the description of the Mixed Use.

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 rezone substantially complies on its own. The proposed Self Storage Units will comply with this section of the City's Code once the rezone is approved. This property is served by Electrical, Phone, and Natural Gas and for the Manager's Quarters there will be onsite water and wastewater.

Staff Finding: The subject property is not at present served by City sewer and water. The City's Five Year Utility Plan anticipates provision of water service to the Mission Hills area within 5 years. The developer will provide on-site water and waste water services.

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

Applicant Response: No reviewing parties comments or recommendations have been received.

Staff Finding: Two agency comments received as a result of the request for comments mailed December 15, 2003 are from MSB Platting Division which had no comment and the MSB Code Compliance Division, which noted that the property is designated on FIRM map 96756 as being in Flood Hazard Zone C. [Note: Flood Zone C defines areas with minimal flooding.]

On 1/29/04 notices were reissued to 23 reviewing parties. To date, 3 agencies have commented. MSB Code Compliance and Platting offices responded with no additional comments.

US Army Corps of Engineers responded that parcel A-4 may contain wetlands and that parcel B-11 does not. Prior to removal of vegetation or soil disturbance the applicant must obtain appropriate permits from the Corps for tax parcel A-4.

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

Applicant Response: No response

Staff Finding: Large tracts of undeveloped commercially zoned property are available to the south and east of the property in question.

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

Applicant Response: The City of Wasilla's currently adopted Comprehensive Plan identifies the future land use of this property as Mixed Use.

This rezone and development project conforms to the City's Development Code and substantially complies with the current Comprehensive Plan. An additional Conditional Use Permit will be required by the city of Wasilla prior to development. Storage units are residential friendly. They have been developed near residential neighborhoods with no impact to existing residential area. The City of Palmer has newly constructed self storage units in a residential area. The City of Fairbanks approved a very similar development adjacent to a residential neighborhood (Annex's D & E) and there are other self storage units in the city of Wasilla and outside the city along the Palmer-Wasilla Highway.

Staff Finding: The area requested for a zone change to Commercial is contiguous to existing the existing Commercial zoning to the south, but granting the requested rezoning would remove the present buffer of Rural Residential between the existing residential areas and the growing commercial areas along the Parks Highway.

If this 40-acre parcel is rezoned to Commercial, the City may not restrict the use of some or all of the new Commercial area to the development of mini storage units. Any use permitted in a Commercial district must receive an administrative approval or use permit if it meets the appropriate criteria.

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

Applicant Response: The City of Wasilla's currently adopted Comprehensive Plan identifies the future land use of this property as Mixed Use.

Staff Finding: The City of Wasilla's currently adopted Comprehensive Plan specifically classifies future land use for this area as Mixed Use. The RR-Rural Residential zone implements the Mixed Use district described in the Comprehensive Plan. The Comprehensive Plan has a separate classification for Commercial land use.

The City has in the past approved rezoning requests that did not conform to the Comprehensive Plan. An example in this same area is the rezoning of Tract A2 from RR to C in March 1998. This is the commercial zoning district south and east of this request.

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

Staff Finding: Should the Planning Commission recommend approval of this rezone, an Ordinance will be prepared to 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.

CONCLUSION AND RECOMMENDATIONS

The Planning Commission has several options:

1. Recommend approval of the requested rezoning from RR to Commercial on the entire approximate 36-acre parcel as well as parcel B-11, 0.90-acres.
2. Recommend approval of the requested rezoning from RR to C for all of tax parcel B-11, south of the Parks Hwy and that portion of the approximate 36-acre parcel that is contiguous to existing Commercial zone, but leave a buffer of RR between the existing residential areas and the new commercial area.
3. Recommend that the rezoning request be denied for both parcels.
4. Postpone action on the case to allow applicant to submit a conditional use permit or Planned Unit Development Permit application for mini storage units on the parcel.

Planning staff recommends that the Planning Commission consider either option 2, leaving a RR buffer on part of the approximate 36-acre parcel or option 4, postponement to allow applicant to develop application that would address the issue of limiting the use of commercial property to mini storage units.

- There is a need for supervision outside as well; historically, similar businesses draw alcohol, drugs, and predation on girls. Other similar activities have not been able to keep drugs out;
- Members of the public testified having concerns about potential noise factor;
- The activity will encourage vehicles to be traveling up and down the streets late at night which may disproportionately consume community resources such as the City Police Department, and ambulance;
- Even though the building has enough parking capacity, there was a concern regarding parking and traffic congestion;
- The city's curfew hours do not seem to mesh with the proposed teen club hours of operation.

MOTION: Commissioner Koskela moved to add these as additional findings of fact to Exhibit A.

VOTE: The motion passed unanimously with Commissioners Tucker, Koskela, McCarthy, and Vinette voting in favor and Commissioner Hamilton opposing.

Chairman Tucker called for a five minute break. The meeting reconvened at 8:33 PM

02-24/04

Resolution Planning Commission Serial Number 04-02(SUB) – a resolution of the WPC requesting to rezone two parcels, 1) Borough Tax Parcel A-4 approximately 36-acres, of a 112-acre parent parcel; and 2) the entire 0.90-acre parcel known as Borough Tax Parcel B-11, (south of the Parks Hwy) both within the Section 7, T17N, R1W, Seward Meridian, AK from RR—Rural Residential to C—Commercial.

Ms. Garley gave an overview of the application and staff recommendations.

Ms. Hamilton requested a determination on whether or not a conflict may exist as she was contacted by one of the property owners in an adjacent subdivision regarding the case.

Chairman Tucker queried the commissioners and determined that no conflict existed.

Kevin Baker, representing Gary Lundgren, owner, addressed the commission. He also introduced Wayne Whaley of Denali North. Mr. Baker gave an update and requested the rezone request be continued to the first meeting in April to run simultaneously with the yet to be submitted conditional use permit application.

Discussion followed.

Chairman Tucker re-opened the public hearing.

Carly Croghan, Lot 5, Block 1, Missions Hills, spoke in opposition to the proposed rezone as she is concerned about the effects of commercial development on residential subdivisions that have existed for 20 years.

Verdie Bowen, resident of Mission Hills, spoke in opposition to the rezone due to open nature of commercial zone on 26 acres that would not be storage units.

Casmir Karwaski, resident of Mission Hills, opposes the rezone due to security concerns.

Sharla Terrill, Lot 3, Block 5, spoke in opposition to the proposed rezoned as her home views the subject property and she is concerned that quality of life in her residential subdivision will suffer.

Ken Erickson, resident of Mission Hills, spoke in opposition to the rezone as developer understood limits to permitted uses when he purchased the RR zoned property.

Brad Remus, Lot 4, Block 1, Mission Hills, spoke in opposition to the rezone.

Dave Herrell, Lot 6, Block 1, Mission Hills, stated that he opposes the rezone based on his background in law enforcement; storage unit break-ins will cause security problems.

David Terrill, Lot 3, Block 5, spoke in opposition to the proposal.

Michael Butcher, representing four lots in Wintergreen Acres, requested that the rezone be voted on at this time and denied.

Chad Hamilton, Lot 7, B1, Mission Hills, spoke in opposition to the rezone.

With no one else present wishing to speak, Chairman Tucker closed the public hearing, and offered Mr. Baker time to rebut.

Kevin Baker stated that he understands the neighbor's concerns. The proposed mini-storage units would be fenced keeping people from getting in. If there is vacant property adjacent to a subdivision it could contain any number of commercial uses, especially if it's zoned RR.

DISCUSSION Followed.

MOTION: Commissioner Koskela moved to approve Wasilla Planning Resolution Serial Number 04-02(SUB).

DISCUSSION: Followed.

MOTION: Commissioner Hamilton requested a primary amendment for the rezone to include approximately 40-acres in two parcels; a 36-acre parcel north of the Parks Highway, (the northwest 36-acres of tax parcel A-4). as well as all of tax parcel B-11, south of the Parks Highway excluding a 400' strip of

property along the northern boundary of the proposed rezone area,(to remain in the RR District).

DISCUSSION: Followed regarding concerns of the commissioners.

VOTE: Voting on the primary amendment, it failed with Commissioners Tucker, Koskela, Vinette and McCarthy voting against and Commissioner Hamilton voting for the amendment.

DISCUSSION: Followed regarding alternate options for the petitioners and requirements of a Planned Unit Development.

VOTE: Voting on the main motion, it failed with all voting in the negative.

MOTION: Commissioner Vinette offered a motion for additional findings in support of the vote on the resolution.

- Denying rezone of this parcel does not prevent a reasonable use of the property, it is possible for the owner to pursue a planned unit development.
- Maintaining an RR zone for this parcel keeps the same zoning standards that were in place when this parcel was purchased.
- Maintaining an RR zone for this parcel is a better fit to the established neighborhoods adjacent to the north and northeast properties.

VOTE: The motion passed unanimously.

PERSONS TO BE HEARD

There were no persons to be heard.

NEW BUSINESS

There were no new business items.

UNFINISHED BUSINESS

There was no unfinished business.

COMMUNICATION

- Calendar Review February/March

Chairman Tucker commented that Mr. Tucker will cover the March Commission meeting for Mr. McCarthy. Mr. McCarthy will cover the April meeting for Mr. Tucker.

- City Council

Ms. Garley:

- Reported that on Friday, Feb. 23, 2004 the President had signed an omnibus bill including 1 million dollars for the Lucille and Mack Road upgrades; \$925k for water and sewer upgrades; \$500k to the borough for the Wasilla to Big Lake Trail. The borough is assessing different routes. Funds were also approved for the State, earmarked for improvements to sewer and water infrastructure to the proposed new hospital;
- Stated that at the previous night's meeting the Council had approved a resolution naming the ice arena; reappointed Stan Tucker to the Planning Commission; approved and ordinance adopting the Railroad Reconnaissance Study into the City's Comprehensive Plan; approved an ordinance sent forward from the Commission identifying hazard mitigation priorities.

CONSENT AGENDA

- **Minutes of Preceding Meeting: January 13, 2004**

MOTION: Commissioner McCarthy asked for a correction to the minutes on page 5 of 5, forth paragraph, correcting "Commission," to, "Council."

GENERAL CONSENT: The minutes as amended were approved without objection.

PUBLIC HEARING

- **Wasilla Planning Commission Resolution Serial Number 04-02**

Ms. Garley gave an overview stating that the applicant and the staff are recommending this item be postponed so that proper public notice is given. She recommended that the public hearing be opened and continued to a later date.

Commissioner McCain asked to recuse himself from the proceedings of this request as he had submitted written comments regarding the case. Chairman Tucker agreed. He vacated his seat at the commissioner's table.

Kevin Baker, petitioner, representing Gary Lundgren, addressed the commission stating that he had submitted a letter requesting a postponement. He would like to also submit a request for Condition Use Permit for the self-storage units to run concurrently with the rezone request. The public hearing for both will take place on February 24.

Chairman Tucker opened the public hearing.

- Scott Groghan, 790 Sam Snead Lp, stated that he is concerned with the proposed rezone to commercial. He would like a type of barrier between the proposed commercial zone and the existing residential zone.

01/27/04

- Brad Remus, Block 4, Lot 1, Mission Hills, disagrees with the proposed rezone as does not want a commercial zone next to a residential zone that has been in existence for 20-years. He would like a buffer between the two zones.
- Steve Stoll stated he does not live in the area of this proposal. However, in 1983 he surveyed the Mission Hills Subdivision. He agrees with a 15' buffer. The proposed storage units would not be an objectionable business to live next to.
- Garvan Bucaria stated he does not live in the area. He would like to see a layout of the plans with more detail. A significant buffer is necessary especially with wind being the number two hazard for the city.
- Berkley Tilton, commented that number 11 under, 'Findings of Fact', may need revising as there is a 12" water main at the end of Arnold Palmer Street that stubs to the northern boundary, 1100' from the subject parcel. A mini-storage is not a conflict to neighboring residential areas, the only reason to rezone is that the buildings are larger than 10,000 sq. ft.
- Bill McCain, Lot 10, Block 1, Mission Hills, commented that if the land is rezoned commercial, a Wal-Mart or Fred Meyer could go on the property and be 30' from his house.

MOTION: Commissioner McCarthy moved to continue the public hearing to a time certain of February 24, 2004.

VOTE: The motion passed unanimously.

Commissioner McCain rejoined the Commission.

- **Wasilla Planning Commission Resolution Serial Number 04-03**

Ms. Garley gave a brief overview of the request.

Tim Sonnentag addressed the Commission stating the project will be known as the 'Pet Zoo' which is more of a pet store rather than a feed store. The project has been scaled down to 10,800 sq. ft. from original plan of 12,000 square feet.

Chairman Tucker opened the public hearing. With no one present wishing to speak, the public hearing was closed.

MOTION: Commissioner Vinette moved to adopt the resolution.

DISCUSSION: Followed regarding traffic problems on the Parks Highway at the west entrance to Fred Meyer.

VOTE: Voting on the motion, it passed unanimously.

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MAR - 5 2004

PLANNING OFFICE
CITY OF WASILLA

March 5, 2004

City of Wasilla
290 E. Herning Ave.
Wasilla, AK. 99654-7091

Attn: City Council Members

RE: Petition to Rezone #04-78

Dear Council Members,

This is a request to continue the petition to amend the city's zoning map. The Planning Commissioner's requested that any change in the original zoning district boundaries be initiated by the petitioner. This letter is in response to those suggestions by the Commissioner's and a new map area is attached as Options 1 & 2. The original commercial district area proposal included all areas within the 36 acre parcel. Public comments asked for a buffer between the Commercial District and their Residential (R1) District. The attached Options show the petitioner has moved the commercial district boundary south 330 feet and south 660 feet depending on which option is chosen.

Option #1 moves the line south 660 feet protecting those property owners to the north. See attached Option #1.

Option #2 moves the line 330 feet south and 660 feet south protecting those property owners to the north while maintaining compatible uses with the Parks Hwy Industrial Subdivision to the west. See attached Option #2.

Either option protects and buffers between the residential uses and the commercial uses.

Therefore, I respectfully request that the City Council continue with the petitioner's request for a zoning map amendment and hold the required public hearing before the Council.

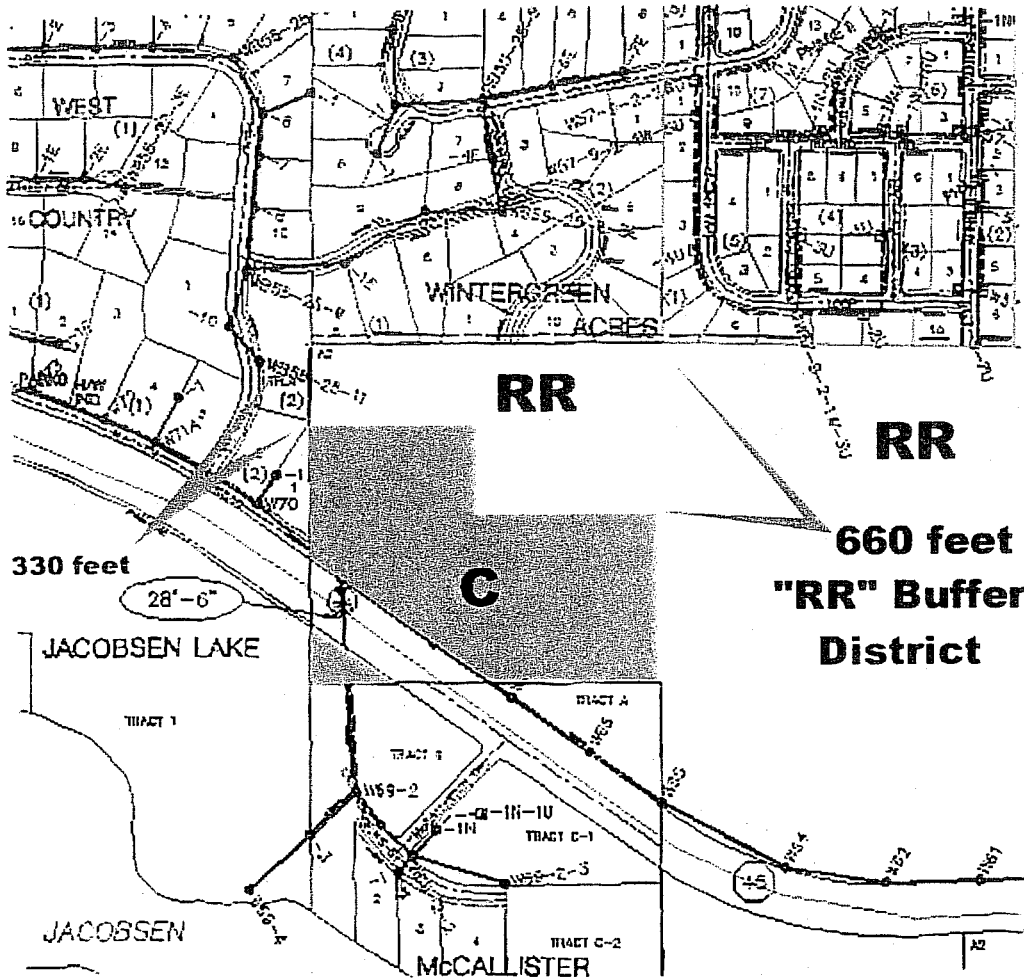
Sincerely,



Kevin Baker
for Gary Lundgren

Options #1 & #2 Commercial District Map Areas

Option #2
15 Acre Buffer



Jill Carricaburu

RECEIVED

From: Warren Foster [wsf@ak.net]
Sent: Thursday, March 18, 2004 12:33 AM
To: jcarricaburu@ci.wasilla.ak.us
Subject: proposed rezoning case R04-78

MAR 18 2004

PLANNING OFFICE
CITY OF WASILLA

RECEIVED

MAR 18 2004

CLERK'S OFFICE
CITY OF WASILLA

Dear Sirs:

I realize I have missed the Feb. 16, deadline for submitting comments, because the letter soliciting them was not brought to my attention until today. If it is not too late, please accept my comments.

I am very much opposed to the rezoning parcels A-4 and B-11 from residential to commercial. I live a few hundred feet North of said tract, in Wintergreen Acres lot 7. I also own lots 5, 6, and 8. When I moved to the area in 1986 it was partly because of the beautiful spruce, birch, and poplar forest that surrounded it. I have recently been saddened by the development of the land on both sides of Day road near the Parks Highway. The entrance to our subdivision is being spoiled. What was once beautiful forest, and habitat for moose, birds and other forest animals is being clear cut, and ugly buildings built there. At the end of Wintergreen drive, is a trail that I have been using for 18 years, as a jogging, skiing, and bike riding trail, and even more so the last few years since the Parks Highway bike trail was constructed. The trail gives me and others in our community access to the bike trail. It cuts right through the middle of Tract A-4. I wonder if so many years of trail use, could qualify us for squatters rights to it? If I am too late for my comments to be accepted, is there anyone there knowledgeable about how I could go about persuading squatters rights, or right of past traditional usage of that trail?

Sincerely
Warren S. Foster
HC 34 Box 2068 L
Wasilla, Alaska 99654

wsf@ak.net
373-4665

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