

NON-CODE ORDINANCE

Requested by: Planning  
Introduced: June 28, 2004  
Public Hearing: July 26, 2004  
Adopted: July 26, 2004  
Vote: Unanimous; Lowe and Sande absent

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 04-52**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF WASILLA TO REFLECT A CHANGE IN ZONING DISTRICT FROM RR-RURAL RESIDENTIAL TO C-COMMERCIAL FOR APPROXIMATELY 21-ACRE PORTION OF TAX PARCEL A-4 AND THE ENTIRE 0.9 ACRE IN TAX PARCEL B-11 WITHIN SECTION 7, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA PURSUANT TO WMC 16.16.070.**

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, On February 24, 2004 the Planning Commission following a duly advertised public hearing voted to recommend denial of the application to rezone 40-acres located in Section 7, Township 17 North, Range 1 West from RR - Rural Residential to C - Commercial; and

WHEREAS, On April 12, 2004, the Wasilla City Council following a public hearing affirmed the Wasilla Planning Commission's recommendation to deny the original 40-acre rezone from RR-Rural Residential to C-Commercial and remanded the application to the Planning Commission with a request for the Planning Commission to consider the revision submitted on March 5, 2004; and

WHEREAS, the Wasilla City Planning Commission after conducting a public hearing on May 25, 2004 and due consideration voted unanimously to recommend in WPC Resolution Serial No. 04-15 a change in zoning from RR-Rural Residential to C-

Commercial for a 21-acre portion of Tax Parcel A-4 and the entire 0.90-acre of Tax Parcel B-11 in Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska; and

WHEREAS, the City Council has made the following findings of fact:

1. The total rezone area is approximately 22 acres in size, exceeding the 2-acre minimum area required for a rezone.
2. The 22 acre request for a zone change to Commercial would form a logical integrated commercial area adjacent to the Parks Highway.
3. The 15 acre Rural Residential zoning remaining between the new commercial area and the existing residential subdivisions to the north provides a reasonable transition between uses.
3. Although there is no adopted neighborhood for this area, due deference has been given to comments from property owners in the vicinity as of the 131 notices of the proposed action that were mailed to property owners within in 1200' the two comments opposed to the request and one comment in support of the request were received and considered by the Planning Commission.
5. The Wasilla Planning Commission conducted a public hearing to consider this request on May 25, 2004 and by unanimous vote adopted WPC Resolution Serial No, 04-15 recommending approval of the rezone request from Rural Residential to Commercial and included findings of fact to support their recommendation.
6. All uses on the parcels are required to obtain a land use permit from the Wasilla Planning Office prior to any subsequent work on said parcels.

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

**Section 2. Purpose.** To approve requested rezone therefore changing the official zoning map for the City of Wasilla.

**Section 3. Condition of approval.** The official zoning map shall only be amended after a plat describing the subject 21 acre portion of the 112.2 acre parent parcel A-4 is recorded at the State of Alaska, Palmer District Recorder's office.

**Section 4. Enactment.** The official zoning map is hereby amended, once the Condition of Approval described in Section 3 above is met, to reflect the rezone of a 21 acre portion of Tax Parcel A-4 and the entire 0.9 acre Tax Parcel B-11 in Section 7, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR-Rural Residential to C-Commercial.

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

ADOPTED by the Wasilla City Council on July 26, 2004.

  
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DIANNE M. KELLER, Mayor

ATTEST:

  
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KRISTIE SMITHERS, MMC  
City Clerk

[SEAL]



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: Ordinance Serial No. 04-52**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP TO REFLECT A CHANGE IN ZONING DISTRICT FROM RR-RURAL RESIDENTIAL TO C-COMMERCIAL FOR APPROXIMATELY 21 ACRES WITHIN SECTION 7 T17NR1W.**

Agenda of: June 28, 2004  
Originator: City Planner

Date: June 17, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
X	Public Works Planning	<i>S. Mauls</i> 6/17/04 <i>J</i> 6/17/04
X	Finance *signature required	<i>[Signature]</i>
X	Clerk	<i>[Signature]</i>

**REVIEWED BY MAYOR DIANNE M. KELLER:** *[Signature]* For Dianne Keller  
DmK 7/21/04

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

Account name/number:

Attachments: Ordinance Serial No. 04-52  
WPC Resolution Serial No. 04-15  
Vicinity Map

**SUMMARY STATEMENT:**

The original application for zone change from RR-Rural Residential to C-Commercial for 40 acres was denied by City Council on April 12, 2004 and remanded to the Planning Commission for public hearing on a proposal from the developer.

Notice of the revised rezone request reducing the commercial area from 40 acres to 22 acres was mailed to 131 property owners in the 1200' area on May 3, 2004.

After conducting a public hearing on May 25, 2004, the Planning Commission voted to recommend approval of the revised request. The area being recommended for rezoning now leaves approximately 15 acres of the existing Rural Residential zoning between the

new Commercial area along the Parks Highway and the residential subdivisions north of Tax Parcel A-4.

The Planning Commission passed WPC Resolution 04-15 with the attached Finding of Fact by unanimous vote.

Tax Parcel A-4 is approximately 112 acres. This request will create a split zone with one part of A-4 remaining as Rural Residential and part changing to Commercial.

Staff respectfully recommends adoption of Ordinance Serial No. 04-52 with the condition that the official zoning map not be changed until a plat of the 21 acre portion of Tax Parcel A-4 is recorded.

# CASE NO. R04-78

A request to rezone a total of approx. 22-acres from RR-Rural Residential to C--Commercial, all of tax parcel B-11 located south of the Parks Hwy and an approximate 21-acre portion of tax parcel A-4 north of the Parks Hwy. All within Section 7, Township 17 North, Range 1 West, Seward Meridian, AK.

Applicant: Kevin Baker for Gary Lundgren



NTS

KEY



SUBJECT PARCEL

