

**CITY OF WASILLA
ORDINANCE SERIAL NO. 05-04**

AN ORDINANCE OF THE WASILLA CITY COUNCIL DENYING A REZONE REQUEST FROM RR—RURAL RESIDENTIAL TO R2—RESIDENTIAL, FOR VALLEY VIEW ESTATES ADDITION 2, LOTS 2, 3, 4, 5, 6, 7, 8, AND 9, OF BLOCK 1; LOTS 2, 3, 4, & 5, OF BLOCK 2; AND LOTS 1A AND 1B OF VALLEY VIEW ESTATES ADDITION 2 RESUBDIVISION OF BLOCK 2, LOT 1, ALL WITHIN SECTION 14, T17N, R1W, SEWARD MERIDIAN, ALASKA.

WHEREAS, David and Sharon Fritz, owners and authorized agent for owners of land in Valley View Estates Addition 2, Lots 2, 3, 4, 5, 6, 7, 8, and 9 of Block 1 and Lots 2, 3, 4, and 5 of Block 2, and Lots 1A and 1B of Valley View Estates Addition 2, Resubdivision Block 2, Lot 1, have submitted an application to change the zoning of approximately 25.45 acres from RR—Rural Residential to R2--Residential, and

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

WHEREAS, the public hearing date and time was publicly advertised for September 28, 2004; and

WHEREAS, on September 28, 2004, the Wasilla Planning Commission continued decision on the question of rezone for the subject parcels to November 9, 2004, in order to further research existing land files through the Matanuska-Susitna Borough; 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 Resolution 04-24 and the following Findings of Fact to summarize the information and reasoning of the Commission in making a decision to recommend that the rezone request for approximately 25.45-acres in the Valley View Subdivisions not be approved.

Findings of Fact

1. An Application for Rezone was received from the owners on a form provided by the City Planning Office on August 11, 2004 along with a petition authorizing David and Sharon Fritz to submit the application from the following property owners:

- a. Larry & & Janice L. Havins;
- b. Jerry F. & Nan B. Peters;
- c. Ted J. & Janice M. Peter;
- d. Jas L. & P.B. Brodhead;
- e. James Rousey;
- f. and, Elizabeth C. Reynolds

2. The area requested for a zone change would only form a logical integrated R2-Residential area with the inclusion of lots 3, 6 & 7 of Block 1 and lots 2 & 3 of Block 2. The application and petition submitted for the zone change does represent 65% of the owners of the property proposed to be rezoned if these five lots are added to the area to be considered for the zone change. The

application exceeds the minimum 51% required to initiate a rezoning under Section 16.16.070 of the Wasilla Municipal Code.

3. The request is to rezone approximately 25.45 acres within Valley View Estates Addition 2, Lots 2, 4, 5, 6 & 9 of Block 1, Lots 4 and 5 of Block 2, and Lots 1A and 1B of Valley View Estates #2 Resubdivision of Block 2, Lot 1, all within Section 14, Township 17 North, Range 1 West, Seward Meridian, Alaska from RR-Rural Residential to R2-Residential.

4. The application along with appropriate application fee was submitted on August 11, 2004.

5. The request has been reviewed and noticed in accordance with *Procedures for Commission Approvals* set forth in Section 16.16.040.

6. Of the 78 copies of the Notice of Application for Rezone mailed to property owners within a 1,200' radius of the subject property, we received objections from 9 property owners in the Richmond View Subdivision, one objection from an adjoining property owner and objections from two property owners within the 25.45 acres. We received one letter of support for the rezoning.

7. The Expected Future Land Use Map in the 1996 Comprehensive Plan identifies this area as Mixed Use. The uses proposed for Mixed Use areas in the Comprehensive Plan are closer in nature to the mix of low density residential and light commercial uses of the existing Rural Residential zoning than to the higher density residential uses permitted in the requested Residential District.

8. The subject properties are not served by City sewer or water utilities. Development will require on-site water and wastewater disposal systems. Electrical, phone and natural gas could be supplied by utility service companies.

9. Comments were received from four of the twenty-two reviewing parties who were notified of the rezone request:

a) The MSB Platting Officer and the Community Development Director had no comment on the request.

b) The MSB Code Compliance Office indicated that the area is a Zone "C" on the FIRM flood maps, and

c) The US Corps of Engineers found that the rezone area does not involve work in or placement of fill into waters on the United States under their regulatory control.

8. The rezoning would allow the intrusion of higher density residential development into an established lower density neighborhood.

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.

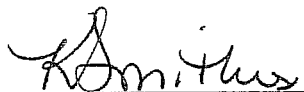
Section 4. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on January 10, 2005.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]