

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

AN ORDINANCE OF THE WASILLA CITY COUNCIL DENYING A REZONE REQUEST FROM RR—RURAL RESIDENTIAL TO C--COMMERCIAL, FOR LOT 1, BLOCK 3, INDIAN HILLS I SUBDIVISION AND TRACT A-1, INDIAN HILLS I RESUBDIVISION, BOTH WITHIN SECTION 3, T17N, R1W, SEWARD MERIDIAN, ALASKA

WHEREAS, Guy Turner for G.T. Construction, Inc., submitted an application for Rezone on October 15, 2004 requesting to rezone two parcels within Indian Hills Subdivision totaling approximately 2.58 acres in size from RR—rural Residential to C—Commercial; and

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

WHEREAS, the public hearing date and time was publicly advertised for November 9, 2004; 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 04-26 and the following Findings of Fact to summarize the basic facts and reasoning of the

Commission in their decision to recommend that the rezone request for approximately 2.23 acres in the Indian Hills Subdivision not be approved.

Findings of Fact

1. An Application for Rezone was received from the owner/developer, Guy Turner of GT Construction, Inc, on a form provided by the City Planning Office.

2. The rezone application was for two parcels consisting of approximately 2.58 acres in size.

3. The property in question, Lot 1, Block 3, Indian Hills I Subdivision and Tract A-1, Indian Hills I Resubdivision, is not part of an existing neighborhood plan.

4. The application along with appropriate application fee and accompanying documentation for rezone was received on October 15, 2004 in a timely manner and found to be complete.

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

6. No adopted neighborhood plan exists for properties within this area.

7. Copies of the *Notice of Application for Rezone* were mailed to 155 property owners within 1,200' of the subject property on October 22, 2004.

8. Four written comments in opposition to the rezoning were submitted to staff prior to the Public Hearing. Concerns included potential increase in traffic due to commercialization of the area and the potential for increased high density residential development.

9. The City of Wasilla's Comprehensive Plan Expected Future Land Use Map identifies the subject property as *Generally Residential*.

10. The subject property is served by City water but not City sewer.

11. Three agency comments were received as a result of the request for comments mailed October 22, 2004:

a. MSB Platting Division had no comment; the MSB Code Compliance Division indicates that this property is shown as being located within Zone C on the FIRM map.

b. The Alaska Department of Transportation & Public Facilities, (ADOT&PF) commented that they had no objection to commercial rezoning but did report their purchase of portions of Lot 1 and Tract A-1 which reduces the total area covered by the parcels requesting rezone to 2.23 acres.

12. Large tracts of undeveloped commercially zoned property are available along the Wasilla Fishhook Road in the vicinity of Aspen Drive and south of the Wasilla cemetery.

13. Properties located to the north and south are residential with several duplex units, and a four-plex. A mobile home park, with four mobile homes, and the City shop are located east of the subject property.

14. A rezone of these properties would allow more intensive commercial land uses than considered for an area designated as "Generally Residential" by the 1996 Comprehensive Plan Future Land Use Map.

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.

POSTPONED INDEFINITELY by the Wasilla City Council on January 10, 2005.



**CITY OF WASILLA
LEGISLATION STAFF REPORT**

**RE: 05-05 REZONE REQUEST FOR APPROXIMATELY 2.23 ACRES WITHIN
INDIAN HILLS SUBDIVISION FROM RR—RURAL RESIDENTIAL TO C-
COMMERCIAL**

Agenda of: December 13, 2004
Originator: Planning

Date: November 24, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
X	Public Works Planning	<i>Santha Hawley</i> 12/2/04
X	Finance *signature required	<i>[Signature]</i> 12/6/04
X	Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER:

Dianne M. Keller

FISCAL IMPACT: yes or no

Funds Available yes no

Account name/number:

- Attachments: Proposed Ordinance Serial Number 05-05;
WPC Resolution No. 04-26;
Vicinity Map
Staff Report
Public and Agency comments

SUMMARY STATEMENT:

On November 9, 2004, the Wasilla City Planning Commission conducted a public hearing on the request for a zone change from RR-Rural Residential to C-Commercial. Following the public hearing, the Commission voted to recommend that a rezone request for 2 lots within Indian Hills Subdivision not be approved.

The Planning Commission made their recommendation based on information submitted by the applicant, the evaluation and recommendations of staff contained in the staff report, public testimony, both verbal and written, agency comments and the applicable provisions of the Wasilla Comprehensive Plan.

The Commission made Findings of Fact supporting their decision.

Property within a Rural Residential district may be developed as single family residential or as a duplex, or may be developed as a commercial use of less than 10,000 s.f. of gross floor area with review and approval of an Administrative Approval (AA) permit.

Property within a Commercial district may be developed as commercial over 10,000 s.f. gross floor area with a CUP, or as a commercial use of less than 10,000 s.f. of gross floor area with an AA permit. Single-family, duplex and multi-family residential uses are permitted with an administratively reviewed and approved Use Permit (UP).

Other uses allowed in the Commercial district that are excluded from the Rural Residential district include adult business, animal shelter, batch plant, hotel/motel, multi-family residential, and institutional homes.