

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 16-09**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL APPROVE A REZONE FROM COMMERCIAL/RURAL RESIDENTIAL TO COMMERCIAL FOR LOT 1, DAVID SMITH SUBDIVISION.

WHEREAS, Michael D. Smith, representative for the Smith-Hagen Family Trust, initiated the request to rezone the eastern 1.1± acres of Lot 1, David Smith Subdivision and is requesting a recommendation of approval from the Wasilla Planning Commission to the Wasilla City Council to change the split zoning on the lot from Commercial/Rural Residential to Commercial; and

WHEREAS, a rezone is reviewed and approved under the same process as a conditional use permit by the Wasilla Planning Commission; and

WHEREAS, the Wasilla Planning staff mailed notices for this request to property owners within 1,200 radial feet of the proposed development; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the City, 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 adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission; and

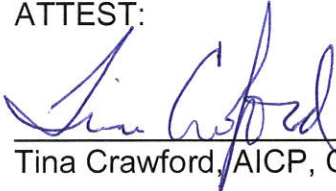
WHEREAS, after due consideration, the Wasilla Planning Commission hereby determines that the application meets the approval criteria for a rezone.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission after due consideration of the application, testimony by the applicant, staff, and public, and the Findings of Fact attached as Exhibit A and incorporated herein, recommends that the Wasilla City Council approve the requested rezone.

ADOPTED by the Wasilla Planning Commission on August 9, 2016.

APPROVED:

ATTEST:



Tina Crawford, AICP, City Planner

 8/9/16

Jessica Dean, Chairman Date

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 16-09
FINDINGS OF FACT – Section 16.16.070, Rezoning

16.16.070 Rezoning

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.

FINDING: The subject rezoning was initiated by the property owner.

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, or a planned unit development overlay district. Streets or other rights-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.

FINDING: The lot is 8.93± acres and the rezone will be an expansion of the Commercial zoning to the north and west.

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.

FINDING: All applicable application, notice, review, and decision procedures were followed consistent with 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;

FINDING: Although no approved neighborhood plans are in this area the proposed rezone to Commercial is consistent with existing development and zoning in the area

2. The proposed rezoning substantially complies with Section 16.16.050, and Section 16.20.030 in the case of the establishment or modification of a PUD overlay district;

FINDING: The rezoning substantially complies with the applicable provisions of Section 16.16.050 General Approval Criteria and Section 16.20.030 is not applicable. An in-depth review for consistency with Title 16 will be done by planning staff when any new development is proposed on the lot.

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;

FINDING: The lot has appropriate access to the services referenced above.

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

FINDING: No responses were received from reviewing parties or residents. Any review comments will be addressed at time of any new development.

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

FINDING: Although vacant commercially-zoned land is available in the immediate area, this is a logical extension of the Commercial zoning on the majority of the lot.

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

FINDING: Rezoning the remainder of Lot 1 to Commercial will create a logical, integrated area.

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

FINDING: The subject lot has a split Future Land Use Designation of Generally Commercial/Business and Generally Residential. The Implementation Zoning section of Chapter 4, Land Use, of the Wasilla Comprehensive Plan states the following:

“If a land use designation boundary does not follow established property lines, roadways, or water bodies, actual delineation of uses will be established at the time of a rezoning or development request.”

The proposed Commercial zoning is consistent with the Generally Commercial/Business Future Land Use designation in the City's Comprehensive Plan. The implementation policies of the Comprehensive Plan states that the appropriate zoning for a FLUM should be the most appropriate for the area and should take into consideration the purpose of the zoning district, the proposed rezoning site, and the zoning and/or development pattern of the surrounding area.

The Land Use Chapter of the Comprehensive Plan indicates that the Generally Commercial/Business future land use designation provides for, "...a wide range of local and regional shopping, retail sales, personal services, and employment."

