

**CITY OF WASILLA
ORDINANCE SERIAL NO. 09-38**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING DISTRICT FROM RR-RURAL RESIDENTIAL TO C-COMMERCIAL FOR APPROXIMATELY 10.7 ACRES, CONSISTING OF LOT 8D, BLOCK 1, WASILLA WOODS RSB; AND LOTS 9 AND 10, BLOCK 1, WASILLA WOODS SUBDIVISION, WITHIN SECTION 3, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA; GENERALLY LOCATED NEAR THE CORNER OF LUCILLE STREET AND ASPEN LANE.

WHEREAS, the Wasilla Planning Commission reviewed an application to amend the zoning map of the City of Wasilla to change the zoning district from RR-Rural Residential, to C-Commercial, for approximately 10.7 acres, consisting of Lot 8D, Block 1, Wasilla Woods RSB; and Lots 9 and 10, Block 1, Wasilla Woods Subdivision, within Section 3, Township 17 North, Range 1 West, Seward Meridian, Alaska; and

WHEREAS, the Wasilla Planning Commission made findings of fact concerning the zoning map amendment, and adopted Resolution Serial Number 09-09 recommending that the Council approve the zoning map amendment; and

WHEREAS, the Council has considered the application to amend the zoning map, and concurs with the Commission's recommendation and findings of fact, which are incorporated herein by reference.

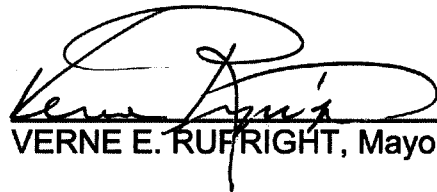
NOW, THEREFORE, THE WASILLA CITY COUNCIL ORDAINS:

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

Section 2. Amendment of zoning map. The zoning map of the City of Wasilla is hereby amended to change the zoning district from RR-Rural Residential, to C-Commercial, for approximately 10.7 acres, consisting of Lot 8D, Block 1, Wasilla Woods RSB; and Lots 9 and 10, Block 1, Wasilla Woods Subdivision, within Section 3, Township 17 North, Range 1 West, Seward Meridian, Alaska, as shown on Exhibit A, which is incorporated herein by reference. The Planner shall change the zoning map accordingly.

Section 3. Effective date. This ordinance shall take effect upon adoption by the Wasilla City Council.

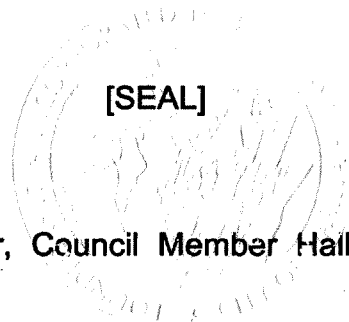
ADOPTED by the Wasilla City Council on April 27, 2009.


VERNE E. RUFFRIGHT, Mayor

ATTEST:



KRISTIE SMITHERS, MMC, City Clerk



VOTE: Cox, Harris, Holler, and Larson in favor, Council Member Hall in opposition. Woodruff abstained.



OFFICE OF THE MAYOR

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9055
FAX: (907) 373-9096

RECEIVED

MAY 11 2009

OFFICE OF THE CITY CLERK
CITY OF WASILLA

Memo

To: City Council Members

From: Mayor Verne E. Rupright

Date: May 11, 2009

Re: VETO of Ordinance Serial No. 09-38

The following reasons and rationale for exercising veto power, as prescribed in Wasilla Municipal Code, are as follows:

- Public policy decisions should not be driven by individual interests but rather by a consensus of a larger representation of the community interests.
- Generally it is bad public policy to go through a land use decision process such as a zone change with an ulterior or underlying motive to achieve a secondary purpose such as a larger sign because the base zone does not allow a large sign.

In Fonov's case, he was allowed to place an 8,000 square foot commercial use in a residential zone because the rural residential zone allows this use if the criteria are met. Mr. Fonov met the criteria but did not realize that he would not be allowed to place a larger sign at a scale that matched his commercial use. He assumed that he would be allowed to place a larger sign to match the scale of the use.

The questions that arise from Fonov's case are:

- Is it good public policy to allow large commercial uses up to 10,000 square feet in a residential zone that creates a mixed use situation with conflicting uses?
- Is it good public policy to allow a commercial use and then not allow a sign for that use at a scale appropriate for that use?

Typically, zoning segregates uses so that incompatible uses such as businesses with brightly lit signs are not located near homes or retirement homes whose tenants do not wish to view the bright lights. Mixed use zones such as Wasilla's Rural Residential zone sometimes allow incompatible uses side by side. To some people, this matters, while to others this does not matter.

- Public policy that guides zoning should not be made on an hoc incremental basis but rather on a larger public scale with greater public input and consideration about the larger

impacts that a zone will have on the entirety of the City and the relationship between all the zones and infrastructure. Not on a 'property by property' small scale basis to meet the desire of one or a few rather than for the whole of the community.

- Generally it is bad public policy to create a bright light district by allowing a large brightly lit sign on a dark street which has a predominance of residential uses with no bright lights. The decision should not be made on an individual basis that allows a bright light district, but rather should be made when public policy is created during the update of the comprehensive plan with broad based public input.

Attachment: Ordinance Serial No. 09-38



CITY OF WASILLA

MAYOR VERNE E. RUPRIGHT
290 E. HERNING AVENUE
WASILLA, AK 99654-7091
OFFICE: 907-373-9055
FAX: 907-373-9096

5 JUNE, 2009

ALL MEMBERS OF THE WASILLA CITY COUNCIL

RE: VETO - ORD # 09-38

RECEIVED

JUN 08 2009

OFFICE OF THE CITY CLERK
CITY OF WASILLA

ON BEHALF OF THE OFFICE OF MAYOR AND THE CITY OF WASILLA I AM NOTIFYING YOU THAT I HAVE ELECTED TO WITHDRAW THE VETO ON THE ABOVE ORDINANCE MEASURE.

THE STAKE HOLDER MR. NICK FONOV/ DBA /FONOV INVESTMENTS ENTERED INTO AN AGREEMENT WITH THE CITY OF WASILLA UNDER THE ADVICE OF COUNSEL, MR. ANDREW ROBINSON, OF A DECLARATION OF RESTRICTIVE USE COVENANTS ON THE SUBJECT REAL PROPERTY. MR. FONOV APPROACHED THE CITY WITH THIS COMPROMISE.

SAID COVENANTS HAVE BEEN FILED AND RECORDED .


VERNE E. RUPRIGHT
MAYOR