

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-25**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION TO APPROVE A REZONE OF PROPERTIES FROM RURAL RESIDENTIAL TO INDUSTRIAL; TOWNSHIP 17N, RANGE 01W, SECTION 18, LOTS A14, B4 AND A PORTION OF NEW WASILLA AIRPORT ADDITION #2; SEWARD MERIDIAN, ALASKA.

WHEREAS, Mark and Stacie Stigar; Dan Kennedy, Mtn. Village LLC; and the City of Wasilla, all hereinafter called 'the applicants' submitted an application, R 09-02 for a rezone for approval and recommendation to Wasilla Planning Commission and City Council to change the zoning from (RR) - Rural Residential to (I) - Industrial for Lots A14 and B4; and a portion of New Wasilla Airport Addition #2 all within Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska; together totaling approximately 90 acres;

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

WHEREAS, three applications were submitted, which include the narrative and maps that address criteria listed in WMC 16.16.040; 16.16.050; and 16.16.070;

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

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

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicants, 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;

WHEREAS, the Wasilla Planning Commission has developed Findings of Fact, attached as Exhibit A, to summarize the basic facts and reasoning of the commission; and

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

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves these requests, Case No. R09-02 for Stigar, Kennedy, and the City to rezone approximately 90 acres on property described as Lots A14 and B4; and a portion of the New Wasilla Airport Addition #2 within Section 18, Township 17 North, Range 1 West, Seward Meridian, Alaska.

BE IT FURTHER RESOLVED that the Wasilla Planning Commission approves Resolution Serial No. 09-25 after due consideration and with the Findings of Fact incorporated herein as Exhibit A; and forwards this recommendation of approval to the Wasilla City Council with the following conditions of approval:

1. The Official Zoning Map shall be changed to Industrial for the subject properties of this request.
2. A trail corridor following Lucille Creek shall be dedicated to the City as a greenbelt park through the subject property.
3. Both the Mack Road and Iron Dog trails as identified in the City's Trails Plan and their respective corridors shall be preserved for the properties involved in this rezone request.

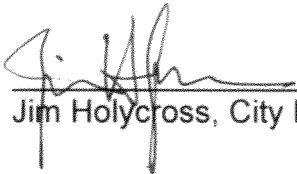
ADOPTED by the Wasilla Planning Commission on November 24, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Pass Unanimously

Wasilla Planning Commission Resolution 09-25

FINDINGS OF FACT

1. Staff Finding: The subject rezoning was initiated by Mr. Stigar, Mr. Kennedy, both investors; and the City Public Works Director for the City of Wasilla.

2. Staff Finding: The area subject to rezoning consists of approximately 90 acres in three separate ownerships of approximately 25 acres, 25 acres, and 40 acres which all exceed the two acre required minimum and all are contiguous with existing Industrial zoned property located to the north of the subject property. The rezoning of the subject property from RR to I is a contiguous expansion of existing zoning and is part of an integrated area that is a logical expansion of industrial zoning south of the airport and the sports center.

3. Staff Finding: The Planning Department is following the procedure as set forth in section 16.16.040. This application is scheduled for a public hearing before the Planning Commission on November 24, 2009. The components of the application were received in a timely manner in accordance with the requirements of 16.16.040. Notice was made to property owners within 1,200 feet and the usual 24 review agencies as required.

4. Staff Finding: Staff finds that there is no approved neighborhood plan for the subject property and surrounding area therefore comments and recommendations from a neighborhood with an approved neighborhood plan were not received and this criterion does not apply.

5. Staff Finding: The applicant's responses and staff findings to criteria of Section 16.16.050 General Approval Criteria are included in the following pages of findings which show that the proposed rezoning is substantially in compliance with applicable criteria of Section 16.16.050. A Planned Unit Development District (PUD) is not applicable at this time.

6. Staff Finding: Staff have made findings of adequacy of services in the following findings.

7. Staff Finding: Staff has received the following comments from reviewing parties:

- DEC commented, "Oran Woolley, Environmental Engineering Associate has reviewed the notice you sent. The input from our office is just a reminder that if they are not on city sewer and water, they will need to submit the paperwork to our office beforehand for approval. ..."

- The Matanuska-Susitna Borough Cultural Resources Division sent a 'Request to Survey' dated 11/10/09 that states in part that, "Cultural Resources Division staff has reviewed the above application and finds there are no recorded sites on said property ... However, since our records are not complete and this parcel is in close proximity to the Knik to Willow Creek Trail (used during the gold rush of the early 20th century), we would like to do a cultural resource survey of these lots"

- Theodore and Paulette Eichele, 2701 W. Mill Site Circle, commented by letter dated 11/12/09 and stated in part, "...Please do not approve this rezoning to industrial."

8. Staff Finding: The Planning Office receives many telephone calls requesting industrial zoned property. Industrial businesses typically look in Wasilla first and then end up going somewhere else that has a larger supply of industrial zoned land that provides a choice. Presently, the City has only the airport and environs; approximately 38 acres where the sewage treatment plant and lagoon are located south of Old Matanuska Road; and 40 acres up Lucas Road east of Bumpus Ball fields that are zoned industrial. The City's Comprehensive Plan indicates that land surrounding the airport such as represented by the subject property should be industrial.

9. Staff Finding: Staff finds that the resulting industrially zoned property will be part of the larger integrated area of industrially zoned property to the north and west of the subject property and this criterion is met.

10. Staff Finding: The City does not have an intermediate zone. The City Zoning Code which implements the Comprehensive Plan states that, "Industrial uses or buildings must be set back a minimum of one hundred (100) feet from any residentially zoned lot line." Staff will implement this setback buffer between industrial and residential uses when a specific industrial development proposal is made when development warrants. The area proposed for rezone will be an integrated area of industrial zoning extending from the airport south and including the subject property. Staff finds that the applicant's proposal to rezone the subject property to industrial is substantially in compliance with the intent of the goals and policies of the City's 1996 Comprehensive Plan.

11. Staff Finding: A public hearing before the Planning Commission is scheduled for November 24, 2009. A recommendation of decision will be made by the Planning Commission to the City Council who will then make a final decision to either adopt the ordinance to rezone the subject property from RR to I, or deny the request. When the affirmative decision to rezone the property has been made by City Council the City Planner shall amend the Official Zoning Map.

12. Staff Finding: Staff finds that the criterion to give due deference to a neighborhood plan cannot be applied since there is no adopted neighborhood plan for this area therefore this criterion is not applicable.

13. Staff Finding: (See also finding #10 above) The City does not have an intermediate zone. The City Zoning Code which implements the Comprehensive Plan states that, "Industrial uses or buildings must be set back a minimum of one hundred (100) feet from any residentially zoned lot line." Staff will implement this setback buffer between industrial and residential uses when a specific industrial development proposal is made when development warrants. The area proposed for rezone will be an integrated area of industrial zoning extending from the airport south and including the subject property.

The City's Official Streets and Highway Plan (OSHP) is a component of the Comprehensive Plan which also reflects the planned future development of the street network in a particular area of the City such as the subject property. This plan indicates that South Mack Drive will connect to Knik Goose Bay Road via either the extension of South Mack Drive or by Clapp Street both of which cut through the subject properties. The plan also indicates a future connection to either South Mack or Clapp Roads by the West

Riley Extension which would run along the southern boundaries of all property involved in this rezone request and thus provides excellent accessibility to the subject property and the area in general.

The City's 'Trails Plan, 1999 City Amendment' is also an implementing code and part of the City's Comprehensive Plan which indicates a 'Mack Road' trail, number 21 designated as a multi-use winter only trail described as applicable to this request as follows, "...At the end of Mack Road the trail continues north following what appears to be a section line to Lucille Creek. During the winter, the primitive trail continues crossing Lucille Creek where it immediately intersects the Iron Dog Trail (#22); from there it continues north to the Wasilla Municipal Airport."

The Trails Plan also includes the 'Iron Dog Trail', Number 22, and is described as follows, "The trail follows Lucille Creek drainage..."

Staff finds that the subject properties have the above identified trails located on them and that these trails need to be acknowledged by the property owners as being located on their respective properties so that they can be considered when future development warrants.

Staff finds that the applicant's proposal to rezone the subject property to industrial is substantially in compliance with the intent of the goals and policies of the City's 1996 Comprehensive Plan and other City adopted Plans.

14. Staff Finding: The proposed rezone from RR to I is not a special use therefore special use criteria do not apply.

15. Staff Finding: Due deference will be given when comments and recommendations from reviewing parties are received.

16. Staff Finding: This criterion is not applicable since there are no neighborhoods with approved neighborhood plans in the City of Wasilla.

17. Staff Finding: The State Fire Marshall's Office shall approve of all development plans when a specific application for development is received. Fire Safety and Emergency Access will be more specifically considered at the time of permit review therefore this criterion is not applicable at this time.

18. Staff Finding: Currently there is virtually no traffic on the subject property. The applicant may be required to submit a Traffic Impact Assessment when a specific development proposal on the subject property is received.

19. Staff Finding: The dimensional standards will be reviewed during the site design review process.

20. Staff Finding: The parking standards will be evaluated for compliance when a specific development application is made. It appears that enough area exists on the proposed industrially zoned property to adequately provide parking when development warrants.

21. Staff Finding: As development occurs, utilities will be extended into the area by private developers and/or the City.

22. Staff Finding: Site drainage will be specifically addressed at the time when a development proposal application is submitted for review.

23. Staff Finding: Future development on the vacant property could be greater than 10,000 square feet gross floor area. The appropriate site design review will consider the preservation of open space, sensitive areas and other natural features; provision of common signage; provision for landscaping and provisions for safe and effective circulation of vehicles, pedestrians and bicycles when an application is received and development warrants.

The applicant will be required to submit a landscaping plan and traffic circulation plan which shows provisions for safe and effective circulation of vehicles, pedestrians and bicycles at the time that a specific site design application is submitted. A plan shall also be submitted which shows how the preservation of open space, sensitive areas and other natural features on the site are addressed at the time of site design review.

24. Staff Finding: This application requesting a zone change is much too general at this time to determine if peak use characteristics different than surrounding uses will occur. A TIA that evaluates peak use characteristics may be required at the time of application submittal for site design review or other industrial development that may occur on the property as development warrants.

25. Staff Finding: It is not possible to evaluate off-site impacts at this time until a specific development proposal for a specific use is received. Any proposed industrial uses on the subject property of this rezone will be required at the time of site design review to screen or buffer the sides bordering residential uses as stated in WMC 16.33.030G1.b. with setbacks of 100 feet per WMC 16.24.030B.3 to meet the intent of the aforementioned criteria.

26. Staff Finding: The applicant will be required to submit a landscape plan which complies with all provisions of WDC for any future development proposals on the subject property.

27. Staff Finding: Walkways, Sidewalks and Bike Paths will be reviewed and further investigated for applicability at the specific time of site design review for future industrial development on the subject property.

28. Staff Finding: Public sewer and water are located some distance to the property boundary. Drainage will be evaluated when a specific development proposal is submitted.

29. Staff Finding: There are no known historic resources on the property as identified in the City Comprehensive Plan. An archaeology consultant was hired by the consultant working on the South Mack or Clapp Road Alternative Analysis to determine if there were any historic resources on the subject property.

The MSB's Cultural Resources division was notified of this request and provided the opportunity for comment. They commented with a 'Request to Survey' dated 11/10/09 and stated in part that, "Cultural Resources Division staff has reviewed the above application and finds there are no recorded sites on said property ... However, since our records are not complete and this parcel is in close proximity to the Knik or Willow Creek Trail (used during the gold rush of the early 20th century), we would like to do a cultural resource survey of these lots..."

Staff finds that there are no known historic resources on the property therefore this criterion is met.

30. Staff Finding: The appearance cannot be considered until such time as a specific development proposal is received. Staff finds that this criterion is not applicable at this time.

31. Staff Finding: The City's Draft Parks Master Plan indicates a trail corridor running across all of the subject properties. Staff recommends that as a condition of approval of this rezone request be that a trail corridor shall be dedicated to the City as a greenbelt park for the Wasilla to Big Lake Trail.

32. Staff Finding: The site should not be subject to glaciation. Drifting snow to the surrounding area will be addressed during site design review when a Conditional Use Permit application is received. Snow storage areas will be required to be shown on the site plan at the time of specific site design review.

33. Staff Finding: Staff finds that it is premature to determine if the rezoning substantially complies with all of the more specific criteria of Section 16.16.050 which are typically applied during review of a specific site design review proposal. Staff finds that this rezone substantially complies with criteria applicable for a rezone.

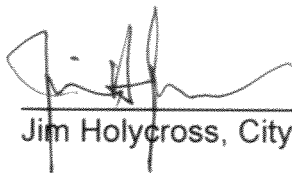
34. Staff Finding: Staff find that the airport either borders or is in very close proximity to these properties that will be served by either S. Mack Road or Clapp Road running north south and the West Riley Extension running east west along the southern boundary of all the properties. These collectors will provide the subject properties with excellent accessibility, connectivity, and circulation in the area. The Alaskan Railroad is approximately ½ mile to the north of the subject properties. As development occurs, utilities such as sewer and water will be extended into the area by private developers and/or the City. Buffering of nearby rural residentially zoned property will be required when development warrants per WMC provisions found in WMC 16.24.030(B) 3 and WMC 16.33.030(G) 1(b) as well as light industrial uses that are deemed so by the Planning Commission and which will serve as a buffer between heavy industrial and rural residential uses on nearby properties.

ADOPTED: November 24, 2009



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner