

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 10-08**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A REZONE OF PROPERTIES FROM RURAL RESIDENTIAL TO COMMERCIAL ON THE NORTHWEST CORNER OF THE INTERSECTION OF WASILLA-FISHHOOK ROAD AND CRESTE FORIS STREET; TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 3; LOTS 1 AND 2, BLOCK 1, CRESTE FORIS SUBDIVISION; SEWARD MERIDIAN, ALASKA.

WHEREAS, Igor and Nataliya Zhuchkov, all hereinafter called 'the applicants' submitted an application, R10-01 for a rezone for approval and recommendation to Wasilla Planning Commission and City Council to change the zoning from (RR) - Rural Residential to (C) - Commercial on property described as Lots 1 and 2, Block 1, Creste Foris Subdivision; within Section 3, Township 17 North, Range 1 West, Seward Meridian, Alaska; together totaling approximately 1.93 acres; 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 application was submitted, and include the narrative and maps that address criteria listed in WMC 16.16.040; 16.16.050; and 16.16.070; and

WHEREAS, the Wasilla Planning Office 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 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; and

WHEREAS, at the April 13, 2010, Wasilla Planning Commission meeting the Commission adopted Findings of Fact and made a decision to approval with no conditions of approval; and

WHEREAS, the findings of fact are 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 the application meets the approval criteria for a rezone.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves this request, Case No. R10-01 for the Zhuchkovs to rezone approximately 1.93 acres on property described as Lots 1 and 2, Block 1, Creste Foris Subdivision within Section 3, Township 17 North, Range 1 West, Seward Meridian, Alaska.

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission approves Resolution Serial No. 10-08 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. Per SOA/DNR Water Resources, "If public water is not available to site the applicant must obtain a Permit to Appropriate Water from the Department of Natural Resources – If water use exceeds 500 gpd. If a well is drilled the well log must be submitted to DNR."
2. Per MSB Fire Chief, "a plan review permit must be issued from this office prior to construction of commercial buildings. (13 AAC 50.027(A))."

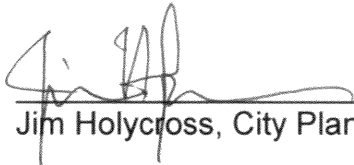
ADOPTED by the Wasilla Planning Commission on April 27, 2010.

APPROVED:



A.C. Buswell, III, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Pass Unanimously

FINDINGS OF FACT

- 1. Staff Finding:** The subject rezoning was initiated by the applicants, Mr. and Mrs. Zhuchkov who have 100% ownership of lots 1 and 2. This criterion is met.
- 2. Staff Finding:** The rezoning includes two parcels: Lot 1 being .99 acre and Lot 2 being .94 acre and together totaling 1.93 acres. The applicants own both lots. The property is immediately north of the existing commercial zone and is a contiguous expansion of an existing zone. The area proposed to be rezoned is a logical and integrated expansion of the commercial corridor that is developing along the Wasilla Fishhook Road. This criterion is met.
- 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 April 27, 2010. The components of the application were received in a timely manner in accordance with the requirements of 16.16.040. Notice was made to 843 property owners within 1,200 feet and the usual 24 review agencies as required. Staff finds that this criterion is met.
- 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. This criterion is met.
- 5. Staff Finding:** Staff finds that the applicants proposal substantially complies with the applicable provisions of Section 16.16.050 General Approval Criteria therefore this criteria is met.
- 6. Staff Finding:** Staff have made findings of adequacy of services in the following findings.
- 7. Staff Finding:** Notice was sent to 84 residents within 1,200 feet of the subject property as well as the usual 24 review agencies, planning commissioners and City Councilors. Staff have not received comments as of the date of this staff report.
- 8. Staff Finding:** The Planning Office receives many telephone calls requesting that new locations be made available for more commercial and industrially zoned property.
- 9. Staff Finding:** Staff finds that the resulting commercially zoned property will be part of the larger integrated area of commercially zoned property to the south and down the Wasilla Fishhook Road corridor towards city center from the subject property therefore this criterion is met.

10. Staff Finding: Staff finds that the applicant's proposal to rezone the subject property to commercial is substantially in compliance with the intent of the goals and policies of the City's outdated 1996 Comprehensive Plan. The area proposed for rezone will be an integrated area of commercial zoning extending along the Wasilla-Fishhook Road corridor. A commercial use under 10,000 square feet gross floor area was an appropriate permitted use in the Rural Residential zone and continues to be an appropriate use for the Commercial zoning designation sought by the applicant. Although the Comprehensive Plan – 1996 Expected Future Land Use Map designates the subject property as 'Generally Residential' staff finds that the residential zone does allow commercial use, and with a commercial use currently constructed on the property it is appropriate to rezone the subject properties to commercial and retain the area off the road corridor in back of the commercial uses as generally residential use. Staff find that this rezone is appropriate and is substantially in compliance with and meets comprehensive plan goal and policy provisions. This criterion is met.

11. Staff Finding: A public hearing before the Planning Commission is scheduled for April 27, 2010. A recommendation of decision will be made by the Planning Commission to the City Council who will then make a final decision to adopt the ordinance to rezone the subject property from RR to C. When the affirmative decision to rezone the property has been made by City Council the City Planner shall amend the Official Zoning Map.

ADOPTED: April 27, 2010



A. C. Buswell, III, Chairman

ATTEST:



Jim Holycross, City Planner