

**CITY OF WASILLA
ORDINANCE SERIAL NO. 11-23**

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING THE ZONING MAP TO CHANGE THE ZONING DISTRICT FROM RURAL RESIDENTIAL (RR) TO COMMERCIAL (C) FOR LOT A9, SECTION 19; LOT B4, SECTION 20, AND LOT 2, ROGER'S ROOSTE SUBDIVISION; TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA; GENERALLY LOCATED AT MILE 3.5 ON THE NORTH SIDE OF KNIK-GOOSE BAY ROAD.

WHEREAS, the Wasilla Planning Commission reviewed an application to amend the zoning map of the City of Wasilla to change the zoning district from Rural Residential (RR) to Commercial (C) Lot A9, Section 19; Lot B4, Section 20, and Lot 2, Roger's Rooste Subdivision; 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 No. 11-09 recommending that the City Council approve the zoning map amendment; and

WHEREAS, the City Council has considered the application to amend the zoning map, and concurs with the Wasilla Planning 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 Rural Residential (RR) to Commercial (C) for Lot A9, Section 19; Lot B4, Section 20, and Lot 2, Roger's Rooste

Subdivision; Township 17 North, Range 1 West, Seward Meridian, Alaska, as shown on Exhibit A, which is incorporated herein by reference. The City Planner shall change the zoning map accordingly.

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

FAILED by the Wasilla City Council on June 27, 2011.

VOTE: Harris, Katkus, Menard, Sullivan-Leonard and Woodruff in opposition.
Holler abstained from voting (no vote).







**CITY OF WASILLA
LEGISLATION STAFF REPORT**

ORDINANCE SERIAL NO. 11-23: REQUEST TO AMEND THE ZONING MAP TO CHANGE THE ZONING DISTRICT FROM RURAL RESIDENTIAL (RR) TO COMMERCIAL (C), FOR APPROXIMATELY 18.07 ACRES, CONSISTING OF LOT A9, SECTION 19, LOT B4, SECTION 20 AND LOT 2, ROGER'S ROOSTE SUBDIVISION, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA; GENERALLY LOCATED AT MILE 3.5 ON THE NORTH SIDE OF KNIK-GOOSE BAY ROAD.

Agenda of: June 13, 2011
Originator: Planning

Date: May 31, 2011

Route to:	Department	Signature/Date
	Chief of Police	
X	Public Works Director	 5/21/11
X	Finance Director	 6/1/11
X	Temporary Deputy Administrator	
X	City Clerk	

REVIEWED BY MAYOR VERNE E. RUPRIGHT:



FISCAL IMPACT: yes or no

Funds Available yes no

Account name/number: None

Attachments: Proposed Ordinance Serial No. 11-23 (3 pp)
WPC Resolution Serial No. 11-09 (4 pp)

SUMMARY STATEMENT: The Wasilla Planning Commission, at their May 24, 2011 meeting, adopted Resolution Serial No. 11-09, which recommends that the City Council approve Rezone No. R11-03, requested by Olympic Investments, LLC and Jeffrey W. & Allison Holler.

STAFF RECOMMENDATION: Adopt Ordinance Serial No. 11-23.

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 11-09**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL APPROVE A REQUEST TO REZONE PROPERTY FROM RURAL RESIDENTIAL TO COMMERCIAL FOR LOT A9, SECTION 19; LOT B4, SECTION 20, AND LOT 2, ROGER'S ROOSTE SUBDIVISION; TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, Olympic Investments, LLC and Jeffrey W. and Allison Holler, hereinafter called "the applicants", submitted an application for a rezone, R11-03, requesting a recommendation of approval from the Wasilla Planning Commission to the Wasilla City Council to change the zoning from Rural Residential (RR) to Commercial (C); 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 on April 29, 2011, and included 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 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 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

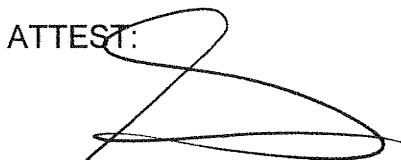
WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission; and

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 May 24, 2011.

ATTEST:


for Tina Crawford, City Planner

APPROVED:


A.C. Buswell, III, Chairman

VOTE: YES: King, Ledford, Miller, Webb
NO: Kelly

EXHIBIT A

Wasilla Planning Commission Resolution 11-09

FINDINGS OF FACT - Section 16.16.070(D)

1. Finding: There are not any approved neighborhood plans in the area. However, the proposed Commercial zoning will allow uses that may negatively impact the surrounding neighborhoods and properties zoned Rural Residential since the Commercial zoning district allows commercial development greater than 10,000 square feet with approval of a conditional use, which is not currently allowed in Rural Residential zoning.

2. Finding: This criterion is met since the rezoning substantially complies with most of the applicable provisions of Section 16.16.050 General Approval Criteria and an in-depth review for consistency with Title 16 will be done by planning staff upon receipt of permit application. However, General Approval Criteria #13, Peak Use, states that "The proposed use shall not significantly different peak use characteristics than surrounding uses or other uses allowed in the district." Since the Commercial zoning allows more intense commercial and light industrial uses than the Rural Residential zoning district, trip generation could be higher than the surrounding uses. This won't be known until a land use permit is submitted for development of the property.

3. Finding: This criterion is met since the properties have appropriate access to the services referenced above or will provide them at time of development.

4. Finding: Notices were mailed to 25 reviewing agencies with no objections received as of the preparation of the staff report. Two comments were received from members of the public in opposition to the rezoning (copies are included in this packet).

5. Finding: This criterion is met. Although there are no properties in the immediate area of the subject properties zoned Commercial, there is a significant amount of undeveloped commercially zoned property along Knik-Goose Bay Road, south of the Parks Highway. A review of the land area and zoning designations within the City limits indicates that approximately 17.8% (1,383± acres) of the total land area within the City limits (7,778± acres) is currently zoned Commercial. In the area along Knik-Goose Bay Road, south of the Parks Highway and east to Home Depot, approximately 326.5± acres are zoned Commercial with 192.6± (59%) acres undeveloped. Based on this information, it appears that there is sufficient commercially-zoned land in the area.

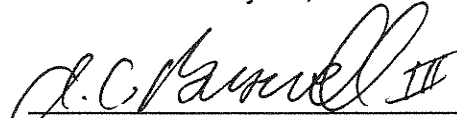
6. Finding: This criterion is met. Rezoning these properties to Commercial will result in a "spot-zoning" since all of the properties in the area are currently zoned Rural Residential. Although there are a few commercial uses in the area, they are either permitted uses in the Rural Residential zoning or lawful nonconforming uses.

7. Finding: This criterion is met since the subject properties currently have Mixed Use and Generally Residential future land use designations. Although approving

Commercial zoning in the Generally Residential future land use is not the principal intent, the proposed revision to the 1996 Comprehensive Plan proposes to change the future land use to Mixed Use for all of the subject properties. That revision is scheduled to be adopted by the City Council in June and will then be forwarded to the Borough Planning Commission and Assembly for approval prior to implementation.

ADOPTED: May 24, 2011

ATTEST:



A. C. Buswell, III, Chairman

for

Tina Crawford, City Planner

Dear Planning Committee and all those concerned:

We have owned a house on W. Swathmore Ave since 2005 and are currently out of state completing our education, so we cannot attend the public hearing regarding the proposed zone change near our home. We are very concerned about the proposed zone change R11-03 plan.

This the second time that rezoning in this area has been proposed. Several years ago when it was brought up, the planning committee dismissed it and we were very grateful. We do not think that anything has changed; what was true then is still applicable to the situation today. We thought that the planning committee made the right decision few years ago.

There are commercial centers already on the same road within a two miles radius; Tesoro complex one mile west and the Texaco\Subway complex one mile to the east. These two centers are in addition to all the services in Wasilla just three miles away. We really do not think that there is a need to add another commercial area. It seems like the wrong idea in the wrong place at the wrong time. This area has been under rapid development in recent years. The infrastructure is lagging behind and as a result traffic is getting worse and the roadways. Many of the roadways are congested, especially during rush hour. More than just an inconvenience; it is not safe. Trying to make left turn from Lakewood onto KGB road is dangerous during many hours of the day because of the heavy traffic. Instead of trying and relieve some of the problems, this rezoning has the potential to increase turning traffic along the already dangerous road. Putting more commercial facilities right on top of other existing commercial areas appears to be more of the same. We need to be developing communities in this area. Communities need to have areas for families, nature and things that would attract good citizens and bring pride to the neighborhoods. If the city is looking for idea what to do with the area, how about proposing a park in this area?

Living in the valley provides a nice balance between peoples personal needs; freedom and nature include access to the nature and the close proximity to the city. The Valley has these unique features, which differentiate the area from Anchorage and attract so many people in Alaska; the ability to live in the great Alaskan nature and yet have access to services. As the area continues grow, more subdivisions have been added, the nature areas have begun to disappear. In this case, we have small lot that still preserves the nature and yet we might lose it if these types of commercial developments are allowed to proceed without regards to the neighborhoods in the area.

We want the valley to grow and prosper but would like the planning committee to consider the ideas of what the communities needs to bring people together, attract citizens and sustain what we all love about the valley. We look forward to moving back to the valley after our education is completed and hope that it will be an area that is even more family-friendly and safer than it was. We are grateful that you have taken the time to read our letter and hope that we were able to share with you how much we love the area and want what would be best to continue the growth in a positive way for those whom call the valley home.

Sincerely,

Jody, Yaniv, Yael, and Maiya Atzmon

Tahirih Klein

From: Colleen Sullivan-Leonard <csleonard@hotmail.com>
Sent: Wednesday, May 18, 2011 8:39 AM
To: Planning
Subject: Request for rezone on KGB

Dear Planning Commission and staff;

My husband Ted and I request that you do not approve the rezone request from RR-Rural Residential to C-Commercial for Olympic Inv. at mile 3.5 Knik Goose Bay Rd.

When the company came before the Planning Commission about five years ago when I was a Planning Commissioner we did not approve this request due to the commissions view that the overall surrounding area is primarily residential and did not fit the request for commercial zoning. This company comes before you again to request this change, much like they had several years ago. The company has known for many years that this property is Rural Residential, they knew it when they purchased it and I believe should follow the city's zoning law.

The investors may feel that bringing a request back every few years may somehow change the view from the commission or surrounding residents in this area and that is not the case from where I reside. My husband and I live in North Country Estates off of Lakewood Dr. and appreciate our neighborhood as it is zoned and that includes the surrounding area. We have new younger families who have moved in to our neighborhood as well as those like ourselves who have resided there for well over 15 years. Presently the traffic to get on and off the Knik Goose Bay Rd. from Lakewood Dr. is difficult at best. To add a commercial business near by will only add to the traffic jam that we already see.

We ask that you preserve the area as a Rural Residential and not change it to Commercial as requested by Olympic Inv. Again, they have known for many years that this area is zoned Rural Residential and should abide by this zoning law.

Sincerely,

Colleen Sullivan-Leonard
Former Wasilla Planning Commissioner

Kristie Smithers

Subject: FW: rezoning meeting tonight

From: Ronnie McKenzie [mailto:ronnie@mtaonline.net]

Sent: Monday, June 13, 2011 5:37 PM

To: clerk

Subject: rezoning meeting tonight

Ordinance serial no. 11-23

Please include the following objections to the rezoning of Lot B4, section 20, Lot 2 of Roger's Rooste and Lot A9 of Section 19, township 17 North, Range 1 West, SM, State of Alaska, City of Wasilla.

1. The findings say there are no approved neighborhood plans. There are covenants and restrictions on the neighbors properties as well as city zoning regulations in place that are enforced. Two examples of enforcement in recent months follow.
 - a) A group home/assisted living residence was rectified to protect our single family R1 status in North Country Estates Subdivision.
 - b) A single family home was converted to multi-family and was rectified to protect our single family R1 status in North Country Estates Subdivision.
2. The applicant on parcel B4 is calling a narrow 30 foot strip of land (B2) a buffer. This land is clear cut. Is the applicant offering that this land will become a privacy buffer of some kind. Is this in writing? Is the applicant willing to put it in writing that parcel B2 will not become a driveway or used to benefit parcel B4? Is the applicant going to provide privacy fencing? Is the applicant willing to give a view easement or a two story height restriction to whatever operation is constructed?
3. The B4 applicant testified that there were no commercial properties for sale on Knik Road in the City after driving down Knik Road. Is this credible research? The property around the Wasilla Senior Center is currently being developed. Most of the properties past the Wasilla ball fields are occupied single family homes. There is plenty of commercial property on the south side of Knik Road outside of the City Limits. The property by Knik Tire and Auto is being developed and was recently rezoned.
4. The city is not anti-commercial if it doesn't change this zoning. This is a residential protected area. There are not enough residential protected uses.

Respectfully,

Don and Veronica McKenzie

Owners of two properties within 1,200 feet of the subjects.

Amanda Charles

From: Forster Family [g4stir@gci.net]
Sent: Monday, June 13, 2011 4:30 AM
To: clerk
Subject: North Country Estates

To Whom It May Concern;

My name is Ginger Forster and I live with my husband and two children at 1900 Harvest Loop. I am very concerned about ordinance serial #11-23. I DO NOT want a Commercial lot next to our neighborhood. I do not want the extra traffic in our neighborhood or the access to Lakewood Dr. further compromised. I am concerned with the dangerous nature of KGB within the first 4 miles and by adding additional traffic in our area will come heighten to problem. While I understand that progress is good for our community, I also feel that our children should have a safe environment to be able to play. Please do not allow commercial properties to infringe on our great neighborhood.

Sincerely

Ginger Forster

Kristie Smithers

From: Steve & Sue [salaska@mtaonline.net]
Sent: Tuesday, June 14, 2011 11:30 AM
To: clerk
Cc: Steve & Sue
Subject: Re:Ordinance serial No. 11-23

June 14, 2011

Dear City Council Members:

We live at 2351 S. Lakewood Dr. and have resided there since 2004. North Country Estates is an older, well established, neighborhood of moderately priced homes that are very well cared for and we all enjoy a peaceful, quiet existence.

During last evenings council meeting the first reading of Ordinance Serial No. 11-23 was on the agenda. I assume the first reading happened. This would rezone a large Rural Residential area, that faces Knick Goose Bay (KGB), into a Commercial 5 lot strip business development. Two sides of this property border Lakewood St. and have the potential for enter/exit via Lakewood St. That is extremely concerning to all the neighbors.

The new paved recreational bike trail curves in the front of this property. What will become of this? It is used both summer and winter by bikes, joggers, strollers, skiers, rollerblades, and other Alaskan's enjoying our great outdoors. You see parents with babies in backpacks, visiting with neighbors, and tots on their bikes with training wheels just learning. This area cannot absorb the congestion of commercial business.

As you pass the Iditarod Headquarters you will see a "blind" hill. As you crest that hill you will begin to see Lakewood St. and the above mentioned property. I have sat for 10 minutes attempted to make a left hand turn onto KGB from Lakewood. What a disaster this would be when you add the traffic from the new Three Bears and this commercial enterprise. This a an accident waiting to happen! It is not unusual at rush hour to have a line of 4-5 cars waiting to enter KGB from Lakewood St. The emergency sirens are heard daily.

I implore each and everyone of you to please drive by this property. Picture the school bus stopped at the corner of KGB and Lakewood letting off children, now with increased traffic to dodge. Imagine the insects and mosquitoes when this damp, swampy, ground is turned over. When this property flooded from cemented culverts, the stench and flies were unbearable.

We have owned 7 businesses over 36 years and are pro-development, but it has to be done safely and with common sense. The tendency to "build anywhere--any why" is old school thinking. Please consider my safety concerns and come to a wise decision that benefits growing families of your constituents. Our children and their safety deserve to be the first priority--no matter what the financial benefits to others may be.

We will see you Monday June 27th.

Thank you for your time and service,

Steve and Sue Cassens
373-8636
salaska@mtaonline.net