

By: Planning  
Public Hearing: 07/24/12  
Adopted: 07/24/12

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 12-13**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL APPROVE A REZONE FROM RURAL RESIDENTIAL TO COMMERCIAL FOR LOTS 1-6, PIONEER BLUFF SUBDIVISION, TOWNSHIP 17 NORTH, RANGE 1 WEST, SECTION 10, SEWARD MERIDIAN, ALASKA.**

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WHEREAS, Greg and Lenora Niesen, hereinafter called "the applicants", submitted an application for a rezone, R12-01, 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 June 27, 2012, 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.

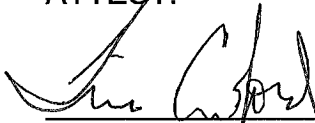
NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission after due consideration of the application, testimony by the applicant, staff, and public, and the Findings of Fact attached as Exhibit A and incorporated herein, recommends that the Wasilla City Council approve the requested rezone.

ADOPTED by the Wasilla Planning Commission on July 24, 2012.

APPROVED:

  
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A.C. Buswell, III, Chairman

ATTEST:

  
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Tina Crawford, City Planner

VOTE:        Passed Unanimously

**EXHIBIT A**  
**Wasilla Planning Commission Resolution 12-13**

**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:**      This criterion is met since the subject rezoning was initiated by the owners of the properties.

**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:**      This criterion is met since the properties total approximately 8.52 acres.

**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:**      This criterion is met since 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:**      This criterion is not applicable since there are not any approved neighborhood plans in the area. However, the proposed Commercial zoning is consistent with the existing development and zoning in the surrounding 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:**      This criterion is met since the rezoning substantially complies with the applicable provisions of Section 16.16.050 General Approval Criteria. Additionally, in-depth review for consistency with Title 16 will be done by planning staff upon receipt of permit application.

**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 properties have appropriate access to the services referenced above or will provide them at time of development.

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

**FINDING:** To date, no comments were received from the reviewing parties. Any review comments will be addressed at time of development.

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

**FINDING:** Although there is vacant commercially-zoned land in the immediate area, this is an area that is a logical expansion of the commercial node at the intersection of the Parks Highway and Palmer-Wasilla Highway.

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

**FINDING:** This criterion is met. Rezoning these properties to Commercial will logically expand the existing commercial zoning on the north side of the road that extends west from the intersection of the Palmer-Wasilla Highway and the Parks Highway.

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

**FINDING:** The proposed Commercial zoning is consistent with the Comprehensive Plan and is allowed in the Mixed Use/Transitional future land use map (FLUM) designation. 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 rezoning is also consistent with goals, objectives, and actions in the Economic Vitality chapter of the City's Comprehensive Plan. Specifically, Action 1.2.4 states the following:

- i. Identify key commercial and industrial areas of the City for development; promote the advantages for businesses to build or expand in these locations such as availability of City services, access to utilities, and the value of being adjacent to other businesses.*

Additionally, the Land Use Chapter of the Comprehensive Plan indicates that the Mixed Use future land use designation allows a wide range of commercial uses in appropriate locations. All but one of these lots (Lot 4) has access directly to the Palmer-Wasilla Highway, which is designated as an "Arterial" roadway in the City's Official Streets and Highways Plan. They are approximately 0.7 miles of the intersection of the Parks Highway and the Palmer-Wasilla Highway, which is the major commercial node in the City. They are also just over 0.5 miles from the intersection of the Palmer-Wasilla Highway and Knik-Goose Bay Road, which is another area that is developing as a significant business/commercial node within the City.