

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

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL APPROVE THE ASSIGNMENT OF COMMERCIAL (C) ZONING TO LOTS 3C AND 3D OF OLYMPIC SUBDIVISION, PLAT NO. 2006-86, LOTS 3B-1 AND 3B-2 OF OLYMPIC SUBDIVISION, PLAT NO. 2007-82, AND LOT A16 (WAIVER PARCEL NO. 2) AS DESCRIBED IN REFILE WAIVER 94-5W, WHICH WERE RECENTLY ANNEXED INTO THE CITY OF WASILLA.

WHEREAS, Olympic Investments LLC, George and Debbi Karatzas, and Valley Real Estate LLC, property owners submitted a request to the City of Wasilla to have the subject parcels annexed into the City of Wasilla; and

WHEREAS, the Wasilla City Council authorized the submittal of the petition to annex the subject parcels into the City of Wasilla on April 22, 2013; and

WHEREAS, the Local Boundary Commission approved the annexation of the subject parcels on October 3, 2013; and

WHEREAS, WMC 16.08.140 requires that all land that is annexed into the City shall be placed in an appropriate zoning district by recommendation of the Planning Commission based upon existing and proposed land use and the City Comprehensive Plan; and

WHEREAS, the City Planner prepared a staff report requesting a recommendation of approval from the Wasilla Planning Commission to the Wasilla City Council to assign Commercial (C) zoning to the subject parcels; and

WHEREAS, this zoning assignment was reviewed under the same process as a rezoning by the Wasilla Planning Commission; 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 applicant, the 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

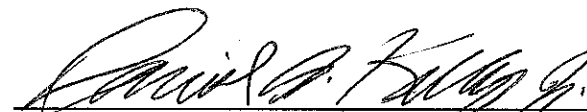
WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission; and

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, approves this resolution that forwards a recommendation of approval to the Wasilla City Council.

ADOPTED by the Wasilla Planning Commission on November 12, 2013.

APPROVED:


Daniel Kelly, Jr., Chairman Date
11/13/13

ATTEST:


Tina Crawford, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 13-13
FINDINGS OF FACT – Section 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 City of Wasilla to comply with the annexation requirements in WMC 16.08.140. This section requires that all annexed properties be placed in an "appropriate zoning district(s) by recommendation of the commission based upon existing and proposed land use and the comprehensive plan." The proposed Commercial zoning district is consistent with the existing commercial uses on the subject parcels and other parcels in the immediate area.

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 parcels total approximately 76.6 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, notices were mailed to all property owners within 1200' as required.

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 existing uses substantially comply with the applicable provisions of Section 16.16.050 General Approval Criteria. Additional in-depth review for consistency with Title 16 will be done by planning staff upon receipt of permit applications for any future development on these parcels.

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: This criterion is met since these parcels 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: Four comments were received by review agencies and one by a neighboring property owner. The neighbor was in support of the zoning. Only two of the review agencies had comments/concerns, which were advisory in nature. Copies of the comments are included in the packet. Any additional comments by review agencies will be addressed at time of any future development.

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

FINDING: This criterion is met since this area is currently developed commercially and the existing development of the parcels is commercial. Also, it is a logical extension of the commercial zoning currently existing on properties located in close proximity to the Parks Highway and will provide additional commercially zoned property to provide commercial services to the City residents and Borough residents in the surrounding areas.

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

FINDING: This criterion is met since this area is currently developed commercially and the existing development of the parcels is commercial. Also, it is a logical extension of the commercial zoning currently existing on properties located in close proximity to the Parks Highway and will provide additional commercially zoned property to provide commercial services to the City residents and Borough residents in the surrounding areas.

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. This 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:

- 1. 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, which is proposed for these parcels, allows a wide range of commercial uses in appropriate locations.