

Code Ordinance

By: Planning
Introduced: July 10, 2017
Public Hearing: July 24, 2017
Amended: July 24, 2017
Adopted: July 24, 2017
Yes: Burney, Dryden, Graham, Ledford, O'Barr
Recused: Harvey
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 17-16 (AM)**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.08.015, Site Plan – As-Built Survey, To Provide An Exemption From The Site Plan Requirements For Residential Accessory Structures With A Gross Floor Area Of 500 Square Feet Or Less When Certain Conditions Are Met; And Other Minor Revisions.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

Section 2. Amendment of subsections. WMC 16.08.015 (D) and (E), within Site plan – As-built survey, are hereby amended to read as follows:

D. No site plan is required with an application where:

1. The application provides only for the construction of an addition to an existing **residential** structure, the city planner determines that a site plan is not necessary for the review of the application, **a previous unaltered as-built survey of the site prepared by a registered land surveyor demonstrating that the addition will meet all setback requirements that apply to the site in WMC 16.24.030 and will not encroach into any easements of record,** and the applicant provides, ~~in lieu of a site plan,~~ an affidavit signed by the applicant stating that:

a. All property corners have been located; **and**

Bold & Underline, added. ~~Strikethrough, deleted~~

~~b. A registered land surveyor has located on the site all easements of record, and all easements of which there is visible evidence in the form of features such as power lines or trails; and~~

e.b. The applicant is aware of all setback requirements that apply to the site under Section WMC 16.24.030, and the applicant agrees to bear the cost of removing any improvements that encroach within a required setback area.

2. ~~The commission waives the site plan requirement for the application after considering the recommendations of the public works director and city planner.~~ application provides only for the construction of a new detached residential accessory structure that is not larger than 500 square feet gross floor area, the city planner determines that a site plan is not necessary for the review of the application, a previous unaltered as-built survey of the site prepared by a registered land surveyor demonstrating that the addition will meet all setback requirements that apply to the site under WMC 16.24.030 and subsection c of this section and will not encroach into any easements of record, and the applicant provides an affidavit signed by the applicant stating that:

a. All property corners have been located;

b. The applicant is aware of all setback requirements that apply to the site under WMC 16.24.030 and subsection c of this section, and the applicant agrees to bear the cost of removing any structures that encroach within a required setback area; and

Bold & Underline, added. ~~Strikethrough, deleted~~

c. The proposed residential accessory structure must be a minimum of 15 feet from the side lot lines.

3. The commission waives the site plan requirement for the application after considering the recommendations of the public works director and city planner.

E. After the completion of a structure with more than ~~one hundred~~ ~~twenty~~ (120) square feet of **gross** floor area, the property owner shall submit to the city planner an as-built survey of the site of the structure, prepared by a registered land surveyor. A new as-built survey will not be required for construction consisting entirely of an addition to an existing **residential** structure, an addition to a detached residential accessory structure, or a new detached residential accessory structure no greater than 500 square feet of gross floor area where the property owner submits to the city planner a previous unaltered as-built survey of the site prepared by a registered land surveyor, from which the property owner can demonstrate that the addition will continue to meet all setback requirements that apply to the site under Section 16.24.030, and the fire marshal has issued all required approvals for the structures on the site.

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

ADOPTED by the Wasilla City Council on July 24, 2017.


BERT L. COTTLE, Mayor

ATTEST:

JAMIE NEWMAN, MMC, City Clerk

[SEAL]

Bold & Underline, added. ~~Strikethrough, deleted~~

CITY COUNCIL LEGISLATION STAFF REPORT

Ordinance Serial No. 17-16: Amending Wasilla Municipal Code Section 16.08.015, Site Plan – As-Built Survey, To Provide An Exemption From The Site Plan Requirements For Residential Accessory Structures With A Gross Floor Area Of 500 Square Feet Or Less When Certain Conditions Are Met; And Other Minor Revisions.

Originator: Tina Crawford, AICP, City Planner *JC*

Date: 6/27/2017

Agenda of: 7/10/2017

| Route to: | Department Head | Signature | Date |
|-----------|-----------------------|--------------------|---------|
| X | Public Works Director | <i>[Signature]</i> | 6/29/17 |
| X | Finance Director | <i>[Signature]</i> | 6-28-17 |
| X | Deputy Administrator | <i>[Signature]</i> | 6/28/17 |
| X | City Attorney | <i>[Signature]</i> | 6/30/17 |
| X | City Clerk | <i>[Signature]</i> | 6/28/17 |

Reviewed by Mayor Bert L. Cottle: *[Signature]* 6/29/2017

Fiscal Impact: yes or no

Attachments: Ordinance Serial No. 17-16 (3 pages)

Planning Commission Resolution Serial No. 17-15 (4 pages)

June 13, 2017 Draft Planning Commission Minutes (6 pages)

Summary Statement:

At the April 10, 2017 regular meeting, the City Council approved AM No. 17-17 that directed the Planning Commission to review the site plan requirements for detached residential accessory buildings. Specific items for the Commission to review included consideration of a waiver to the site plan requirement for residential accessory buildings less than or equal to 500 square feet.

The Planning Commission reviewed and discussed the site plan requirements during the Committee of the Whole portion of the agenda at their May 16, 2017 meeting and held a public hearing to adopt a resolution recommending revisions to the City Council on June 13, 2017. After considering the proposed revisions, the Planning Commission unanimously approved Resolution Serial No. 17-15.

Staff Recommendation: Introduce and set the ordinance for public hearing.

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5 **WASILLA PLANNING COMMISSION**
6 **RESOLUTION SERIAL NO. 17-15**
7

8 **A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING**
9 **THAT THE WASILLA CITY COUNCIL AMEND WASILLA MUNICIPAL CODE**
10 **SECTION 16.08.015, SITE PLAN – AS-BUILT SURVEY, TO PROVIDE AN**
11 **EXEMPTION FOR RESIDENTIAL ACCESSORY STRUCTURES WITH A GROSS**
12 **FLOOR AREA OF 500 SQUARE FEET OR LESS FROM THE SITE PLAN**
13 **REQUIREMENTS WHEN CERTAIN CONDITIONS ARE MET; AND OTHER MINOR**
14 **REVISIONS.**

15
16 WHEREAS, the City Council adopted AM 17-17 at their April 10, 2017 meeting
17 that directed the Planning Commission to review WMC 16.08.015, Site Plan – As-built
18 Survey, to consider whether residential accessory structures should be exempt from the
19 site plan requirements in that section and provide recommended revisions to the City
20 Council for consideration; and

21 WHEREAS, the Planning Commission discussed proposed revisions to the City
22 sign regulations during the Committee of the Whole at the May 16, 2017 regularly
23 scheduled meeting; and

24 WHEREAS, the Planning Commission is required to make a recommendation to
25 the Wasilla City Council for all amendments to the Wasilla Land Development Code
26 (Title 16 of the Wasilla Municipal Code); and

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

28 WHEREAS, on June 13, 2017, the Wasilla Planning Commission held a public
29 hearing on the proposed amendments; and

30 WHEREAS, the Wasilla Planning Commission deliberated on this request taking
31 into account the current provisions of the WMC and the Comprehensive Plan; and

Strikethrough indicates deleted language and **Underline** indicates new language

32 WHEREAS, after due consideration, the Wasilla Planning Commission
33 determines that the proposed amendment is appropriate and is consistent with the
34 goals and objectives of the WMC and the Comprehensive Plan;

35 NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission
36 hereby approves this resolution recommending that the City Council adopt the revisions
37 to WMC 16.08.015, Site Plan – As-built Survey, as outlined below:

38 **Amendment of section.** WMC 16.08.015, Site Plan – As-built Survey, is hereby
39 amended as follows:

40 16.08.015 Site plan – As-built survey.

41 D. No site plan is required with an application where:

42 1. The application provides only for the construction of an addition to an
43 existing residential structure, the city planner determines that a site
44 plan is not necessary for the review of the application, a previous
45 unaltered as-built survey of the site prepared by a registered land
46 surveyor demonstrating that the addition will meet all setback
47 requirements that apply to the site in Section 16.24.030 and will not
48 encroach into any easements of record, and the applicant provides, ~~in~~
49 ~~lieu of a site plan,~~ an affidavit signed by the applicant stating that:

50 a. All property corners have been located;

51 ~~b. A registered land surveyor has located on the site all easements of~~
52 ~~record, and all easements of which there is visible evidence in the~~
53 ~~form of features such as power lines or trails; and~~

54 ~~e.b.~~ The applicant is aware of all setback requirements that apply to the
55 site under Section 16.24.030, and the applicant agrees to bear the

Strikethrough indicates deleted language and **Underline** indicates new language

56 cost of removing any improvements that encroach within a required
57 setback area.

58 ~~2. The commission waives the site plan requirement for the application~~
59 ~~after considering the recommendations of the public works director and~~
60 ~~city planner.~~

61 2. The application provides only for the construction of a new detached
62 residential accessory structure that is not larger than 500 square feet
63 gross floor area, the city planner determines that a site plan is not
64 necessary for the review of the application, a previous unaltered as-
65 built survey of the site prepared by a registered land surveyor
66 demonstrating that the addition will meet all setback requirements that
67 apply to the site in Section 16.24.030 and subsection d below and will
68 not encroach into any easements of record, and the applicant provides
69 an affidavit signed by the applicant stating that:

- 70 a. All property corners have been located;
- 71 b. The applicant is aware of all setback requirements that apply to the
72 site under Section 16.24.030 and subsection c below, and the
73 applicant agrees to bear the cost of removing any structures that
74 encroach within a required setback area; and
- 75 c. The proposed residential accessory structure must be a minimum
76 of 15 feet from the side lot lines.

77 3. The commission waives the site plan requirement for the application
78 after considering the recommendations of the public works director and
79 city planner.

Strikethrough indicates deleted language and **Underline** indicates new language

REGULAR MEETING

I. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 6:01 PM on Tuesday, June 13, 2017, in Council Chambers of City Hall, Wasilla, Alaska by Jessica Dean, Chair.

II. ROLL CALL

Commissioners present and establishing a quorum were:

Eric Bushnell, Seat A
Darrell Breese, Seat B
Jessica Dean, Seat C
Simon Brown, Seat D
Brian Mayer, Seat E

Staff in attendance were:

Archie Giddings, Public Works Director
Tina Crawford, City Planner
Leslie Need, City Attorney
Tahirih DesJardin, Planning Clerk

III. PLEDGE OF ALLEGIANCE

A. Commissioner Giddings led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved as presented.

V. REPORTS

A. City Deputy Administrator

Ms. Carden provided information regarding the City's 4th of July events and parade and gave an update on her attendance at the International Shopping Centers in Nevada. She also provided information on new business licenses, a proposed one cent sales tax to pay for the new public safety building, and a proposed one and one-half percent MSB sales tax.

B. City Public Works Director

Mr. Giddings stated that the City Council approved a resolution recommending that the MSB deny a conditional use permit for a marijuana business located just outside the city limits on the Parks Highway.

C. City Attorney

Ms. Need provided an update on the Kopperud appeal.

D. City Planner

Ms. Crawford stated that the City Council approved the sign code revisions with two amendments.

E. Matanuska-Susitna Borough - Long Range Transportation Plan Update

Ms. Jessica Smith, MSB Long Range Transportation Planner, provided a presentation on the MSB Long Range Transportation Plan.

VI. PUBLIC PARTICIPATION *(Three minutes per person for items not on agenda)*

No one stepped forward.

VII. CONSENT AGENDA

A. Minutes of May 16, 2017, regular meeting

GENERAL CONSENT: Minutes were approved as presented.

VIII. NEW BUSINESS *(five minutes per person)*

A. Public Hearing

1. **Conditional Use Permit #17-02 (Reso. 17-13)**

Applicant: Tamas Deak, KPB Architects

Owner: J2S2 Properties

Request: Approval of a 12,287 SF bingo facility

Total Area: 2.52+/- acres

Location: 2430 & 2460 E. Parks Highway

Lots 2 and 3, Carson Plaza Subdivision

Zoning: Commercial

a. City Staff

Ms. Crawford provided a summary of Conditional Use Permit #17-02 (Resolution Serial #17-13).

b. Applicant:

Ms. Sandra Powers, Tudor Bingo Hall owner, stated they are looking forward to opening up the bingo hall the first part of October 2017 and that they are looking to hire locally. She also stated they are looking forward to working with local non-profit organizations.

Discussion moved to the Commission.

c. Private person supporting or opposing the proposal

Chair Dean opened the public comment portion of the public hearing.

Mr. Dennis Smedley stated he works for the company that would be working on the new project and hopes the Commission approves the project.

Mr. John Powers, Tudor Bingo owner, recommended that the Commissioners visit the bingo facility in Anchorage to see how it is run and to get an idea of how the one they are proposing to open in Wasilla.

Commissioner Brown stated that he works with a non-profit organization that is associated with the Tudor Bingo and is impressed with the work they do.

Mr. Stu Graham stated he is on the City Council but is speaking as a resident of the City and expressed concern with a portion of Lot 3 being used as a gravel parking lot.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

d. Applicant

Mr. Smedley stated that the eastern portion of Lot 3 is planned for snow storage.

Discussion moved to the Commission.

MOTION: Commissioner Brown moved to approve Conditional Use Permit No. 17-02 (Resolution Serial No. 17-13), as presented.

Discussion moved to the Commission.

VOTE: The motion to approved Conditional Use Permit No. 17-02 (Resolution Serial No. 17-13) as presented, passed unanimously.

- 2 Item: **Land Clearing Waiver #17-03 (Reso. #17-16)**
Request: Approval to allow 93.6% of Tract F to remain cleared of vegetation, which is 23.6% more than the 70% clearing allowed in WMC 16.33.050(A)(2) in order to open a car wash. Note: This lot was cleared of 100% of the vegetation by a previous owner.
Applicant: Wayne N. Whaley, P.L.S., Agent
Owner: Alaska Car Wash LLC
Total Area: 0.92 acres ±
Location: 1900 E. Palmer-Wasilla Highway
Tract F, Cottonwood Creek Mall Subdivision
Zoning: Commercial

a. City Staff

Ms. Crawford provided a summary of the request for the requested Land Clearing Waiver #17-03 (Resolution Serial #17-16).

Commissioner Mayer asked about wastewater from the car wash and asked if there will be any issues.

Mr. Giddings stated that the car was recently connected to City sewer so there shouldn't be any issues.

b. Applicant:

Mr. Wayne Whaley, Denali North, provided a statement on the proposed landscape waiver and proposed landscaping for the car wash.

c. Private person supporting or opposing the proposal
Chair Dean opened the public comment portion of the public hearing.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

d. Applicant
No further comments.

MOTION: Commissioner Mayer moved to approve Land Clearing Waiver #17-03 (Resolution Serial #17-16), as presented.

Commissioner Brown asked the Public Works Director is there are any traffic issues with the driveway onto the E. Palmer-Wasilla Hwy.

Mr. Giddings stated that the DOT approved the driveway and it is grandfathered in.

VOTE: The motion to approve Land Clearing Waiver #17-03 (Resolution Serial No. 17-16) as presented, passed unanimously.

3. **Resolution Serial No. 17-14:** Recommending that the Wasilla City Council repeal Wasilla Municipal Code Chapter 16.33, Landscaping Standards, and adopt in its place a new Chapter 16.33, Landscaping Standards, providing a revised regulatory framework for landscaping and land clearing requirements with updated regulations that are consistent with the City's comprehensive plan and are responsive to the needs of residents and business owners.

Ms. Crawford provided a brief overview of the previous discussions and the proposed landscape standards.

a. Private person supporting or opposing the proposal
Chair Dean opened the public comment portion of the public hearing.

Mr. Stu Graham stated that he is on the City Council but is speaking as a resident of the City. He suggested that the acronym "DBH" be defined in the resolution.

Ms. Crawford stated that she would add a definition in the ordinance that will be presented to the City Council for adoption.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

MOTION: Commissioner Bushnell moved to approve Resolution Serial No. 17-14, as presented.

VOTE: The motion to approve Resolution Serial No. 17-14 as presented, passed unanimously.

4. **Resolution Serial No. 17-15:** Recommending that the Wasilla City Council amend Wasilla Municipal Code Section 16.08.015, Site Plan – As-built Survey, to provide an exemption for residential accessory structures with a gross floor area of 500 square feet or less from the site plan requirements when certain conditions are met; and other minor revisions.

Ms. Crawford provided a brief summary of the recommendation of the proposed revisions to the site plan requirements for residential detached accessory buildings with a gross floor area of 500 square feet or less.

a. Private person supporting or opposing the proposal
Chair Dean opened the public comment portion of the public hearing.

Mr. Stu Graham stated that he is on the City Council but is speaking as a resident of the City. He expressed concerns with the proposed revisions and potential mistakes in locating property lines.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

MOTION: Commissioner Simon moved to approve Resolution Serial No. 17-15, as presented.

Discussion moved to the Commission.

VOTE: The motion to approve Resolution Serial No. 17-15 as presented, passed unanimously.

B. Committee of the Whole

MOTION: Commissioner Mayer moved to enter into the Committee of the Whole at 7:12 PM.

Entered into the Committee of the Whole for the following item:

1. Discussion regarding possible revisions to the regulations for farm animals in Wasilla Municipal Code Section 16.16.060(E).

MOTION: Commissioner Bushnell moved to exit the Committee of the Whole at 7:25 PM.

X. UNFINISHED BUSINESS

No unfinished business.

XI. COMMUNICATIONS

No statements made regarding the following items.

- A. Permit Information
- B. Enforcement Log

C. Matanuska-Susitna Borough Planning Commission agenda

XII. AUDIENCE COMMENTS (*three minutes per person*)

No comments.

XIII. STAFF COMMENTS

No comments.

XIV. COMMISSION COMMENTS

Commissioner Bushnell stated he was in Washington D.C. for the last meeting to advocate for property rights.

XV. ADJOURNMENT

The regular meeting adjourned at 7:26 PM.

JESSICA DEAN, Chair

Date

ATTEST:

TAHIRIH DESJARDIN, Planning Clerk

Adopted by the Wasilla Planning Commission -, 2017.