

By: Planning
Public Hearing: 12/12/17
Adopted: 12/12/17

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 17-24**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A DESIGN EXCEPTION TO ALLOW AN 8'X40' CONNEX USED BY KIDS KUPBOARD AS A LOCATION TO PROVIDE MEALS TO HUNGRY CHILDREN IN LEO M. NUNLEY PARK.

WHEREAS, an application for a design exception to the building construction standards in the Downtown Overlay District Design Standards (DE17-02) was submitted on November 7, 2017; and

WHEREAS, the application included the required site plan, drawings, and narrative that addresses the design exception criteria in §16.20.040(L) of the Wasilla Municipal Code; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 feet radius, the appropriate review agencies, the Wasilla Planning Commission, and the Wasilla City Council as required by §16.16.040(A)(2) of the Wasilla Municipal Code; and

WHEREAS, a notice of the Planning Commission public hearing was published in the Frontiersman on December 1, 2017; and

WHEREAS, the Planning Commission held a public hearing on this request on December 12, 2017; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the evaluation and recommendation by staff contained in the staff report, public testimony – both written

and verbal, the applicable provisions of the Downtown Overlay District Design Standards, Wasilla Municipal Code, 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

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein and the conditions indicated below:

1. The trim along the roof line and the upper portion of the connex must be painted with a deep forest green.
2. Landscaping beds with evergreen shrubs must be installed abutting all sides of the structure.

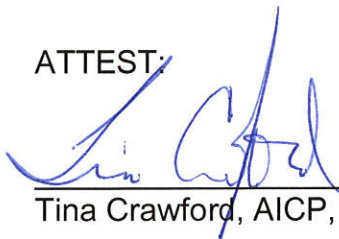
ADOPTED by the Wasilla Planning Commission on December 12, 2017.

APPROVED:

 12/18/17

Jessica Dean, Chair

ATTEST:



Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 17-24
FINDINGS OF FACT
Section 16.20.040(L), Design Exceptions

16.24.040(L) – Design Exceptions

The planning commission may grant design exceptions if a proposed project is a unique and exceptional design concept that enhances the downtown overlay district, or if by reason of unusual circumstances, the strict application of any provision of this section would result in exceptional practical difficulty or undue hardship due to the circumstances unique to the particular property in question as provided in this subsection. The planning commission may impose additional conditions to ensure that the design is consistent with the purpose and intent of this section.

- (1) Application.** *After the pre-application conference, the applicant shall submit an application for the design exception to the city planner with the appropriate application fee. The site plan for the application shall depict all information relevant to the requested waiver or modification.*

Finding: The applicant submitted the required application and fee on November 7, 2017.

- (2) Public hearing.** *The planning commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in § 16.16.040 for a conditional use.*

Finding: All notification requirements above have been met.

- (3) Consideration.** *In evaluating an application, the planning commission may consider any of the following alternatives to offset a design deficiency, if they find that the proposed alternative will serve the purpose of this section:*
- (a)** *Fences and walls may be used in lieu of landscaping and may be allowed to screen parking when there is not enough room to provide an effective landscape screen.*
 - (b)** *Additional enhanced architectural details, consisting of period and style appropriate appointments and materials not typically used due to high cost.*
 - (c)** *More and higher quality architecturally appropriate windows.*
 - (d)** *Quality public seating meeting the standards in this section, such as benches in front of shops and businesses.*
 - (e)** *Installation of quality decorative pavement/paver designs, especially in areas highly visible to the public such as driveway aprons and building entrances along main streets.*

- (f) Additional or alternative storm water design solutions such as bio swales, rain gardens and cisterns.*
- (g) Use of a new, innovative or non-traditional energy efficient building technology, such as solar panels and insulated prefabricated wall panels.*

Finding: The above alternatives are not applicable to this request.

(4) Decision. The planning commission may approve an application only if they find that the application meets one or more of the following standards:

- (a) The waiver or modification is consistent with the purpose of this section and will not materially adversely affect the surrounding area or the downtown overlay district as a whole;***

Finding: Due to the small size of the connex structure and the structural modifications and windows, the requested design exemptions are consistent with the purpose of this section and will not materially adversely affect the surrounding area or the downtown overlay district as a whole.

- (b) The proposed project is a unique and exceptional design concept that enhances the downtown overlay district; and***

Finding: The proposed use as a feeding location for children and the location within a platted alley right-of-way in a City park is a unique concept and will enhance the Downtown Overlay District.

- (c) Strict application would result in exceptional practical difficulty or undue hardship due to the circumstances unique to the particular property in question. A hardship shall not qualify as an undue hardship if it is of a person's own making.***

Finding: The strict application of the design standards would result in exceptional practical difficulty or undue hardship since the proposed structure is a connex versus a building that is built on site for commercial uses that needs to meet the pedestrian-scale design criteria for the downtown overlay.

