

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 18-08**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING ADMINISTRATIVE APPROVAL NUMBER 18-68 TO ALLOW AN ARTISAN/SPECIALTY SHOP SELLING A VARIETY OF PRODUCTS CONTAINING INDUSTRIAL HEMP DERIVED CANNABIDIOL (CBD) WITH MINOR MANUFACTURING OF HEMP PRODUCTS FOR DIRECT SALE IN THE SHOP.

WHEREAS, the City of Wasilla (“the City”) has the authority to execute powers that have been granted to it through legislative action and voter mandate, which include planning, taxation and assessments, economic development, police, roads, airport, utilities (e.g. water and sewer), parks, recreation, museum and library; and

WHEREAS, the City established the Wasilla Planning Commission (“the Commission”) with duties that include hearing and deciding all elevated permits and land use permit applications that require a public hearing; and

WHEREAS, the City has a Mission Statement to “...provide optimum service levels to the public as cost effectively as possible to ensure a stable and thriving economy, promote a healthy community, provide a safe environment and a quality lifestyle, and promote maximum citizen participation in government”; and

WHEREAS, the City adopted the updated 2011 City of Wasilla Comprehensive Plan (“the Plan”) that contains policy statements, goals, objectives, actions, standards, and maps that are intended to guide the decision-making of the City’s elected officials, commissions, and staff regarding future development and quality of life; and

WHEREAS, the City adopted a Land Development Code (Title 16) in 1996 to implement the Plan and to ensure that future development and growth in the City is consistent with the values of its residents, to identify and avoid, mitigate, or prohibit the

negative impacts of growth, and to ensure that the development is of the proper type, design, and location; and

WHEREAS, the City adopted the 2013 City of Wasilla Downtown Area Plan that contains a vision, goals, recommendations, goals, and objectives to guide decision making to ensure that future growth is consistent with the intent of the plan to enhance the downtown area; and

WHEREAS, the City amended Title 16 to add Section 16.20.040, Downtown Overlay District, which contains land development regulations and design requirements that implement the Downtown Area Plan; and

WHEREAS, Kerby Coman, Hempire Co., submitted Administrative Approval Permit Number 18-68 requesting approval to operate an artisan/specialty shop selling products containing industrial hemp derived CBD along with minor manufacturing of hemp products for direct sale in the shop on May 2, 2018; and

WHEREAS, the City Planner elevated the permit decision to the Planning Commission as outlined in §16.12.040 and to address uses and issues of community wide importance and are therefore subject to a broader public process and higher standards than approvals by the planner; and

WHEREAS, the application included the required site plan and narrative that addresses the general approval criteria in §16.16.050 of the Wasilla Municipal Code; and

WHEREAS, notice of the application was mailed to all property owners and business 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 public hearing was published in the Frontiersman on June 3, 2018; and

WHEREAS, the Planning Commission held a public hearing on this request on June 12, 2018; 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 Land Development Code and Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS WMC 16.16.050, General Approval Criteria, states that an elevated administrative approval may be granted by the Commission if all the general approval criteria are complied with; and

WHEREAS, WMC 16.16.050 further states that the burden of proof is on the applicant to show that the proposed use meets the general approval criteria and that findings are made indicating that the proposed can occur consistent with the Plan, harmoniously with other activities allowed in the district, and will not disrupt the character of the neighborhood; 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, with the following condition:

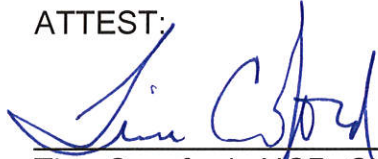
1. No paraphernalia may be sold on-site that is typically found in a head shop or a marijuana-related business, as defined in WMC 16.20.040.

ADOPTED by the Wasilla Planning Commission on June 12, 2018.

APPROVED:

 6-13-18
Brian Mayer, Vice-Chair Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Breese, Bushnell, Mayer
 No: Brown

EXHIBIT A
Wasilla Planning Commission Resolution 18-08
FINDINGS OF FACT – Section 16.16.050, General Approval Criteria

An administrative approval, use permit, elevated administrative approval, elevated use permit or conditional use may be granted if the following general approval criteria and any applicable specific approval criteria of Section 16.16.060 are complied with. The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the comprehensive plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case file.

16.16.050(1)&(5) *Neighbors/Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.*

Finding: Due deference has been given to the Downtown Area Plan, which is the neighborhood plan for this area.

16.16.050(2) *Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.*

Finding: The proposed use is substantially consistent with the city comprehensive plan and other city adopted plans.

16.16.050(3) *Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.*

Finding: The specific approval criteria under 16.16.060 are not applicable.

16.16.050(4) *Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*

Finding: Due deference was given to the comments and recommendations from the review agencies.

16.16.050(6) *Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the fire chief of the district in which the proposed use is located. Adequate access for emergency and police vehicles must be provided.*

Finding: If significant interior changes occur, the Borough Fire Chief's office will review the building for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare.

16.16.050(7) *Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians...*

Finding: The proposed use will not significantly impact the street system or create a danger to pedestrians.

16.16.050(8) *Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.*

Finding: The existing building complies with the minimum setbacks and maximum height requirements of §16.24.010.

16.24.050(9) *Parking. The parking, loading areas, and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.*

Finding: Since this is an existing building and there are no substantive changes to the exterior of the existing building or lot, the parking is not required to comply with the current development regulations.

16.16.050(10) *Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.*

Finding: The existing building has appropriate utilities.

16.16.050(11) *Drainage. The proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate runoff into public streets, adjoining lots and protect rivers lakes and streams from pollution. Uses may be required to provide for the conservation of natural features such as drainage basins and watersheds, and land stability.*

Finding: The site has adequate areas for drainage and on-site retention.

16.16.050(12) *Large Developments. Residential development of more than four units or non-residential development of more than ten thousand (10,000) square feet gross floor area may be required to provide a site plan showing measures to be taken for the preservation of open space, sensitive areas and other natural features; provision of common signage; provision for landscaping and provisions for safe and effective circulation of vehicles, pedestrians and bicycles. Nonresidential large developments must be located with frontage on one of the following class of streets: interstate, minor arterial, major collector or commercial.*

Finding: This criterion is not applicable since the existing building is less than 10,000 square feet.

16.16.050(13) *Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district.*

Finding: The propose use should not have different peak use characteristics than the surrounding area since the area is zoned and developed commercially.

16.16.050(14) *Off-Site Impacts. The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises. Radio transmitters and any electronic communications equipment regulated by the Federal Communications Commission is specifically excluded from regulation by this section. Welding, operation of electrical appliances or power tools, or similar activities that cause off site impacts as described above are specifically regulated by this subsection. Buffering may be required to ameliorate impacts between residential and nonresidential uses. The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in a condition that will meet the intent of these criteria.*

Finding: The proposed use will not produce any of the identified off-site impacts on the surrounding area and no additional buffering is required since the subject parcel is surrounded by commercial uses and/or zoning.

- 16.16.050(15)** ***Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and maintenance of landscaping, and any landscaping plan that is required for the proposed use under this title. The approval authority also may condition approval on the provision of the following:***
- a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.***
 - b. Adequately sized, located and screened trash receptacles and areas.***

Finding: Since there are no substantive changes to the lot or the existing building, there are no requirements to revise the landscaping on the lot to meet the current landscaping regulations.

- 16.16.050(16)** ***Walkways, Sidewalks and Bike Paths. Pedestrian walkways or bicycle paths may be required where necessary to provide reasonable circulation or access to schools, playgrounds, shopping areas, transportation or other community facilities. Improvements must be constructed to standards adopted by the engineer.***

Finding: Although there are currently no sidewalks in front of this building, the Main Street couplet project provides for installation of sidewalks as part of the scope of work.

- 16.16.050(17)** ***Water, Sewage and Drainage Systems. If a proposed use is within five hundred (500) feet of an existing, adequate public water system, the developer may be required to construct a distribution system and the connection to the public system. A developer may be required to increase the size of existing public water, sewer or drainage lines or to install a distribution system within the development. The commission may require any or all parts of such installation to be oversized. The developer must submit to the engineer an acceptable plan that shows that if within ten (10) years an increase in capacity will be required to serve other areas how these needs will be met by oversized facilities. When installation of oversized facilities is required, the developer shall install such facilities at their own expense. The developer shall be reimbursed the amount determined by the engineer to be the difference in cost between the installed cost of the oversized utility lines and the installed cost of the utility lines adequate to serve both the development concerned and all other land to be served by the lines which is owned or under the control of the developer, provided the developer may not be required to install facilities***

unless funds for such oversizing have been appropriated for the purpose by the city and there is a sufficient unencumbered balance in the balance in the appropriation. No reimbursement may be made unless the developer has entered into such agreement with the city, including conveyances of personal property including lines, lift stations and valves and conveyances of land or rights in land, as the city determines may be necessary to ensure complete control by the city of its sewer, drainage and water lines when they are extended to serve the property of the developer. Notwithstanding the requirement that the developer construct improvements to existing systems, the commission may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, the commission may require advance payment to the city of the estimated cost of work to be accomplished by the city. The developer shall reimburse the city for all expenses of such design or construction not paid in advance. A public system is adequate if, in the judgment of the engineer, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level as is being provided to the existing users. Prior to approval of a use for which a community water system is required, the developer must submit evidence showing that there is available a satisfactory source of water. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development. The water system and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state. The system must be built to city specifications available from the engineer.

Finding: The building has appropriate water and sewer connections.

16.16.050(18) *Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.*

Finding: The Matanuska-Susitna Borough Cultural Resources Office was notified of this application and did not submit any objections.

16.16.050(19) ***Appearance. The proposed use may be required to blend in with the general neighborhood appearance and architecture. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light & air.***

Finding: This criterion is not applicable since it is an existing nonconforming building. However, any substantive changes to the exterior are subject to the regulations for buildings within the Downtown Overlay District as identified in Title 16 of the Wasilla Municipal Code.

16.16.050(20) ***Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policy. The city finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication...***

Finding: No additional land is necessary for open space and facilities.

16.16.050(21) ***Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.***

Finding: There are no foreseeable problems anticipated from winter conditions.