

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 20-01**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING
CONDITIONAL USE PERMIT NUMBER 19-03 TO OPERATE A PULL TAB SALES
BUSINESS IN AN EXISTING COMMERCIAL BUILDING LOCATED IN THE
DOWNTOWN OVERLAY DISTRICT ON LOT 3A, BLOCK 7, WASILLA TOWNSITE
RSB SUBDIVISION.**

WHEREAS, David Visker, Jr., applicant, submitted Conditional Use Permit Number 19-03 requesting approval to operate a pull tab sales business in an existing commercial building located in the Downtown Overlay District on November 27, 2019; 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 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 January 5, 2020; and

WHEREAS, the Planning Commission held a public hearing on this request on January 14, 2020; 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, 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 conditions:

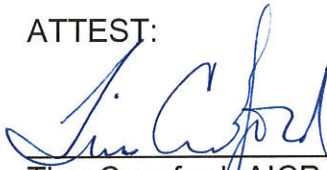
1. The Matanuska-Susitna Borough Fire Chief's office must review this proposal for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare prior to occupancy.
2. Any proposed revisions/renovations to the exterior of the building (e.g. windows, trim, paint color) must be submitted with the appropriate permit application to the City Planner for review and approval.
3. Signage is not approved as part of the application. All signage must be reviewed and approved by the City Planner through the appropriate sign permit process.

ADOPTED by the Wasilla Planning Commission on January 14, 2020.

APPROVED:

 1-23-2020
Eric Bushnell, Chair Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 20-01
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: This criterion is not applicable since this parcel is not part of an adopted neighborhood plan.

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

Finding: The subject property is subject to the 2011 Comprehensive Plan and 2013 Downtown Area Plan. The Comprehensive Plan's *Expected Future Land Use Map* designation for the subject property is, "Generally Commercial/Business" and the zoning is Commercial with the Downtown Overlay District.

The Downtown Overlay and the Downtown Area Plan both have goals and objectives to encourage a mix of land uses in downtown and establish a vibrant town center and gathering place for residents and visitors. Since there are currently no other pull tab sales businesses in the downtown overlay, the proposed use is substantially consistent with the adopted plans and zoning districts.

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: The City mailed 91 notices to neighboring property owners within 1200' and the 22 review agencies that are typically provided with

the opportunity to comment. Three comments were received regarding this application. One was from the property owner supporting the proposed business and two were from the Borough (one had no comments and one indicated that the property was not in a flood zone). Any comments received after the compilation of the packet will be provided at the public hearing.

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: The Borough Fire Chief's office will review the proposed business 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 business will not overload the street system with traffic or result in unsafe streets or dangers to pedestrians.

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

Finding: The existing building is a nonconforming commercial building that is not subject to the current dimensional standards.

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: The proposed location is an existing nonconforming commercial property that is not subject to the current parking requirements. However, there is adequate parking on the parcel for the proposed use.

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 building is connected to water, sewer, and other 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 proposed location is an existing nonconforming commercial property that is not subject to the current drainage requirements. However, there is adequate drainage on the parcel for the existing buildings.

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 development 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 proposed pull tab business will not result in significantly different peak use characteristics than the surrounding uses or area since the property is in an area that is predominantly developed and zoned commercial.

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 pull tab business 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: The site is an existing nonconforming commercial property that is not subject to the current landscaping requirements.

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: The proposed location is an existing nonconforming commercial property that is not subject to the current sidewalk and bike path requirements. However, these amenities will be provided as part of the Main Street Couplet project.

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 existing building is connected to water and sewer and the site has sufficient areas for drainage.

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 provide any comments or 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: The existing building is a nonconforming commercial building that is not subject to the current Downtown Overlay design standards. However, any changes to the exterior of the building require review and approval by the City Planner to ensure consistency with the downtown regulations.

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.