

By: Planning
Public Hearing: 02/11/20
Adopted: 02/11/20

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 20-06**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION DENYING
ELEVATED USE PERMIT #19-06 FOR A BED AND BREAKFAST WITH UP TO
FOUR GUEST ROOMS AS AN ACCESSORY USE TO AN EXISTING SINGLE-
FAMILY HOME ON LOTS 6 AND 7, BLOCK 3 LAKE VIEW SUBDIVISION.**

WHEREAS, Donald and Ramona Gibbs, owners, submitted a use permit application to allow a bed and breakfast with up to four guest rooms in an existing single-family home and cabin on December 9, 2019, along with the application fee; and

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

WHEREAS, objections were received by surrounding property owners; and

WHEREAS, WMC 16.12.040 allows the City Planner to elevate any use permit to the Planning Commission if it is determined that the permit satisfies one or more of the criteria listed in 16.12.040; and

WHEREAS, the City Planner determined that the proposed use described in the underlying application could have significant negative effects on or conflict with existing land uses adjoining the site in a manner or to a degree that warrants consideration by the commission or that the proposed use could conflict with adopted city policies or raises a particular issue or set of issues in a manner or to a degree that warrants consideration by the commission as described in WMC 16.12.040(A) and (C); and

WHEREAS, the use permit was elevated to the Planning Commission and an additional notice of the application was mailed to all property owners as required in WMC 16.16.020; and

WHEREAS, a notice of the Planning Commission public hearing was published in the Frontiersman on February 2, 2020; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on February 11, 2020 regarding the requested bed and breakfast taking into account the information submitted by the applicant, the information contained in the staff report, written and verbal testimony, the applicable provisions of the Wasilla Municipal 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.

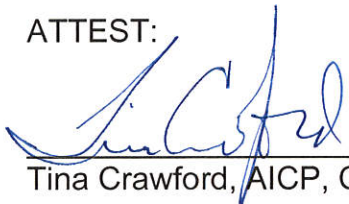
NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby denies this application with the Findings of Fact, attached as Exhibit A and incorporated herein.

ADOPTED by the Wasilla Planning Commission on February 11, 2020.

APPROVED:

 2-14-2020
Eric Bushnell, Chairman Date

ATTEST:


Tina Crawford, AICP, City Planner

VOTE: Yes: Brown, Rubeo, and Weinstein
No: Breese and Bushnell

EXHIBIT A
Wasilla Planning Commission Resolution 20-06
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. However, it should be noted that the home is located within a neighborhood zoned R1, Single-family, which requires approval of a Use Permit. Per WMC 16.12.020, the City must mail notices to all property owners within a 1,200' foot radius and allow them a 14-day period to provide comments regarding the proposed use. As indicated below, numerous residents have expressed concerns and are in opposition to the proposed use.

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

Finding: The proposed B&B is not consistent with the Comprehensive Plan's *Expected Future Land Use Map* designation, "Generally Residential" or the R1, Single-family Residential zoning that implements the adopted Comprehensive Plan.

The intent of the Generally Residential future land use is to allow a wide range of housing types and densities along with small-scale, non-obtrusive neighborhood commercial services that are compatible with the adjacent residential uses – specifically, scale, appearance, and function. Goal 4 in Chapter 4 of the City's Comprehensive Plan further states that development should "Promote positive neighborhood identities and build a strong civic base to enhance resident's quality of life."

The intent of the R1 zoning district is to "...protect and provide for low density, quiet residential areas on large lots..." and "...all development in this zone should maintain and enhance the single-family residential character of the neighborhood."

The proposed B&B will include up to three rooms in the main residence and one detached cabin ("tiny home") that may be rented on a daily basis by up to four different groups. The access to the property is via Lake View Avenue, which is a residential street and the lot is near the end of the subdivision versus near the exterior of the subdivision, which is closer to commercial zoning and Knik-Goose Bay Road. With the location of the home and the number of proposed guest rooms, this B&B has the potential to generate significantly more traffic and noise than the surrounding single-family homes. It also has the effect of increasing the permitted density for this lot from one single-family home to multi-family that has the potential to house five different families.

Both the future land use in the Comprehensive Plan and R1 single-family zoning district state that decisions should be made that enhance and maintain the resident's quality of life as a low-density quiet neighborhood.

16.16.050(3)

Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.

Finding:

A bed and breakfast must meet the definition in WMC 16.04.070 and comply with the special approval criteria in WMC 16.16.060(H) indicated below:

WMC 16.04.070 Definitions.

"Bed and breakfast (B&B)" means an owner-occupied residential dwelling with up to four guest rooms, and includes residential uses offering overnight accommodations to registered transient guests and in which a breakfast is customarily provided to registered guests and included in the charge for the room.

WMC 16.16.060(H) Bed and Breakfast (B&B).

A bed and breakfast may be allowed as an accessory to a residential use provided that the use of the dwelling unit or detached building for the B&B is clearly incidental and subordinate to the use for residential purposes by its occupants. One sign, not exceeding four square feet in area,

illuminated by indirect lighting and on the same lot as the B&B use is allowed.

The proposed B&B is consistent with these criteria. However, it should be noted that a B&B is not allowed as an administrative approval permit. It must be approved as a Use Permit that requires notice to property owners within a 1,200' radius, which allows them to provide comments regarding the proposed use.

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

Finding: The City mailed 41 notices to neighboring property owners within 1200' and the 22 review agencies that are typically provided with the opportunity to comment on December 12, 2019 and again on January 15, 2020 regarding the elevation to the Planning Commission.

Eight comments were received regarding the project; five were from residents and three from review agencies. All five residents are in opposition to the request, which is based on impacts to the quiet single-family residential neighborhood from increased traffic, continuous flow of transient guests, future conversion of additional homes to B&Bs, intensity of use, security issues, noise, lack of parking, and reduction in property values. Two agencies had no comment and ADEC stated that they would review a water approval for a B&B. Copies of the comments received by staff are included in this packet. 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 MSB Fire Marshall does not require review of a B&B unless there are six or more rooms for rent.

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: At full capacity by different couples/families, five families would occupy the single-family home (four transient families/couples for the B&B and the resident's family.) This would generate significantly more vehicular trips and traffic through the neighborhood than a single-family home. Additionally, the home is located near the back of the subdivision versus near the entrance, so it has the potential to impact numerous lots in the subdivision.

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

Finding: The existing single-family home on Lot 6 does not comply with the minimum setbacks of §16.24.010 since the home and the recent addition encroach onto the adjoining lot (Lot 7). However, the owners are in the process of combining the two lots into one lot, which will correct the setback issue.

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 aerial photo shows sufficient room for the six required parking spaces – two for the home and one per guest room for the B&B.

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 home is served by a private water and City sewer.

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.

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 B&B proposes four guest rooms in addition to the residents of the home. At full occupancy, this would be the equivalent of five families living in a multi-family building, which would generate more traffic and noise than a single-family home.

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: Since the B&B proposes four guest rooms in addition to the residents of the home, there may be additional noise greater than typically produced from a single-family home. At full occupancy, this would be the equivalent of four families living in the home (e.g. a multi-family apartment building) and one family in the cabin with all of them utilizing the property for outdoor recreational uses.

- 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: This criterion is not applicable since this is a single-family home and there are no landscaping requirements for a B&B.

- 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: There are no sidewalks within the neighborhood.

- 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 home is served by a private well and is connected to City sewer.

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.

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 appearance of the B&B is in character with surrounding neighborhood since up to three rooms are within a single-family home and one is within a small cabin.

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.