

By: Planning
Public Hearing: 10/12/21
Adopted: 10/12/21

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 21-10**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION AMENDING CONDITIONAL USE PERMIT NO. 21-06 FOR A 10,500 SQUARE FOOT RESTAURANT WITH OUTDOOR DINING AND AN ENTERTAINMENT AREA FOR SPECIAL EVENTS TO ADD CONDITIONS OF APPROVAL NECESSARY TO MITIGATE THE IMPACTS FROM THE UNPERMITTED CLEARING OF APPROXIMATELY 90 FEET OF EXISTING MATURE NATIVE VEGETATION THAT WAS REQUIRED TO BE RETAINED TO PROVIDE ADEQUATE SCREENING/BUFFERING BETWEEN THE RESTAURANT AND THE RESIDENTIAL HOMES TO THE NORTH. TRACT 3A, PIONEER OVERLOOK RSB.

WHEREAS, Tim Alley, The Boutet Company, agent for Nanez Properties (Chepo's), submitted a conditional use permit application (CU #21-07) on September 10, 2021; 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 Planning Commission public hearing was published in the Frontiersman on October 3, 2021; and

WHEREAS, the Planning Commission held a public hearing on this request on October 12, 2021; and

WHEREAS, the Wasilla Planning Commission deliberated on this request considering 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 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; 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. All conditions of approval in Resolution Serial #21-08AM remain in effect. Any changes to the approval must be submitted to the City Planner for review and approval. Substantial modifications to the approval require submittal of an amended conditional use permit application, including appropriate fees, and Planning Commission review and approval.
2. Submit updated clearing, grading, drainage, site, and landscape plans that indicates: (a) minimum 15-foot-tall berm and a 3:1 and a 2:1 slope (as shown on the grading plan dated 9/10/21). Updated plans must be submitted to the Planning Department for review and approval no later than October 29, 2021.
3. Submit revegetation plan to the Planning Department for review and approval no later than November 12, 2021. Revegetation plan must include trees and vegetation (shrubs, grasses, etc.) of a similar type and density that existed prior to clearing. Trees must be a minimum of eight feet tall at time of

planting and grouping/spacing must be designed to create previous screening/buffering effect and supplemented with native shrubs and grasses. Shrubs must be a minimum of two feet tall at time of planting. Revegetation must be planted no later than August 1, 2022.

4. Parking lot lighting fixtures must be shielded to prevent glare.

ADOPTED by the Wasilla Planning Commission on October 12, 2021.

APPROVED:

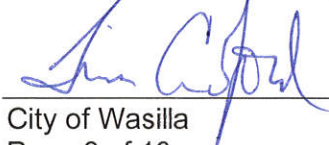


Eric Bushnell, Chair

ATTEST:

Tina Crawford, AICP, City Planner

VOTE: Passed unanimously



City of Wasilla
Page 3 of 13

Resolution Serial No. 21-10

EXHIBIT A
Wasilla Planning Commission Resolution 21-10
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 was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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

Finding: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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: This criterion is met. The City mailed 99 notices to neighboring property owners within 1200' and the 21 review agencies that are typically provided with the opportunity to comment. Three comments were received from property owners at the time of preparation of this staff report. One was in support and two were opposed to the request (see 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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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

Finding: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. The request proposes to relocate parking from the northeast corner to the northwest corner. With the proposed conditions of approval to address impacts from the lighting, this criterion is met.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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 was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. The unpermitted clearing of existing mature native vegetation and the natural slope/topography in this area of the lot significantly affected the ability to screen/buffer the homes to the north. However, with the proposed slope/berm and conditions of approval, this criterion will be met.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. The unpermitted clearing of existing mature native vegetation and the natural slope/topography in this area of the lot significantly affected the ability to screen/buffer the homes to the north. However, with the proposed slope/berm and conditions of approval, this criterion will be met.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. At that time, it was determined that the retention of 200± feet of existing mature native vegetation would provide adequate buffering for the residences to the north.

The unpermitted clearing significantly affected the ability to screen/buffer the homes to the north from the noise and light impacts from the proposed use. The proposal is inconsistent with WMC 16.33.060(D)(1), which states that the purpose of the buffer is to "...minimize or eliminate adverse impacts between adjoining uses and is intended to protect the lower intensity use from the higher intensity use and provide and aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other..."

However, with the approval of the proposed conditions, this criterion will be met.

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 was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. At that time, it was determined that the retention of 200± feet of existing mature native vegetation would provide adequate buffering for the residences to the north. The unpermitted clearing significantly affected the ability to screen/buffer the homes to the north from the noise and light impacts from the proposed use. However, with the proposed slope/berm and conditions of approval, this criterion will be met.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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...

Finding: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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.***

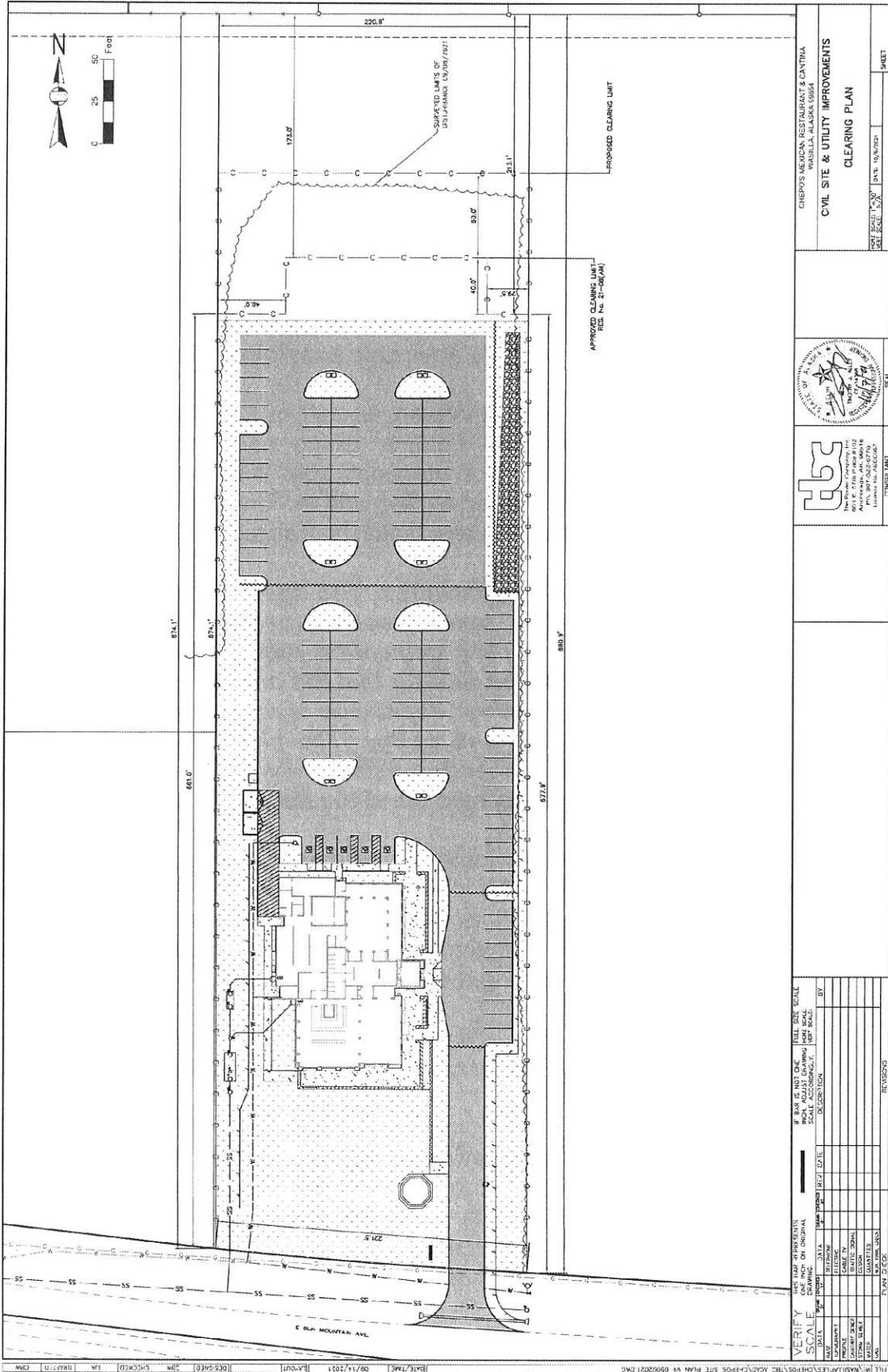
Finding: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

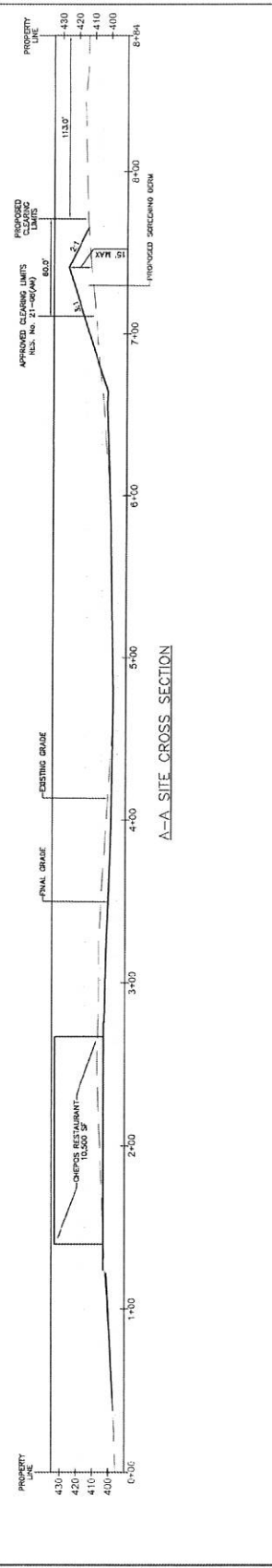
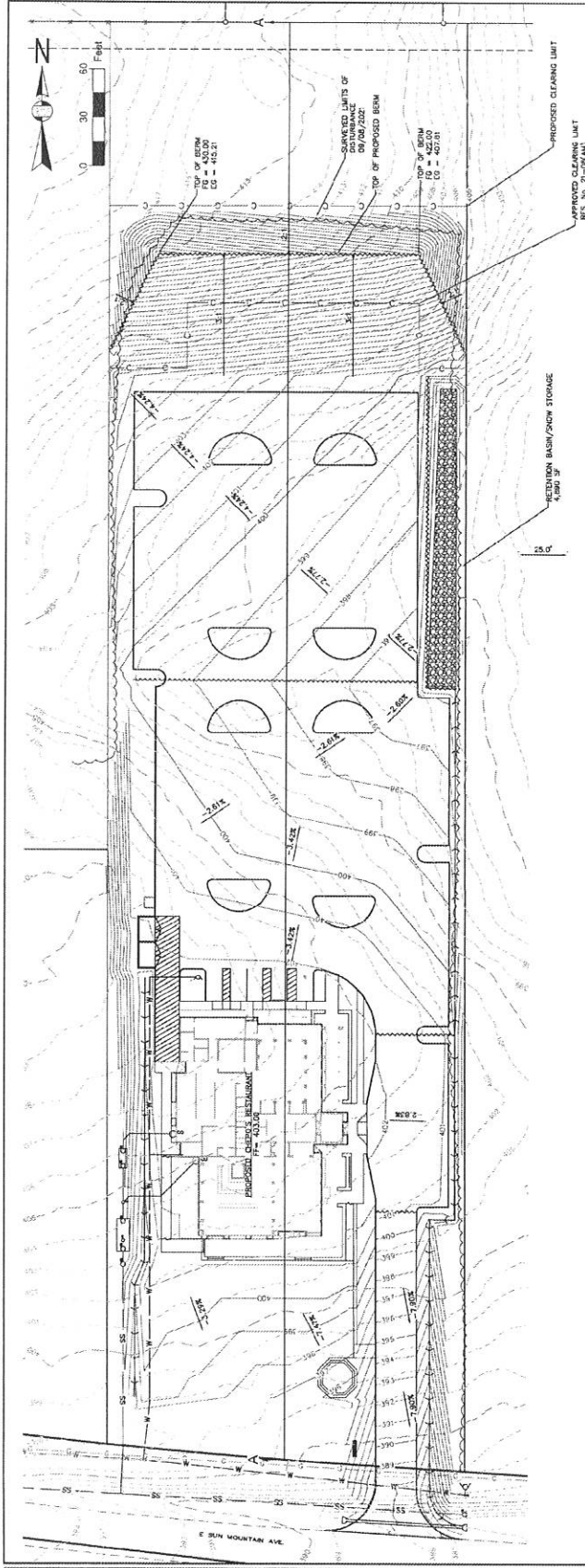
16.16.050(20) ***Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is 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: This criterion was reviewed as part of CUP #21-06 that approved the restaurant with outdoor dining and entertainment area for special events. It is not applicable since the request is for an amendment to the screening and buffering between the proposed use and the abutting residential homes to the north.

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

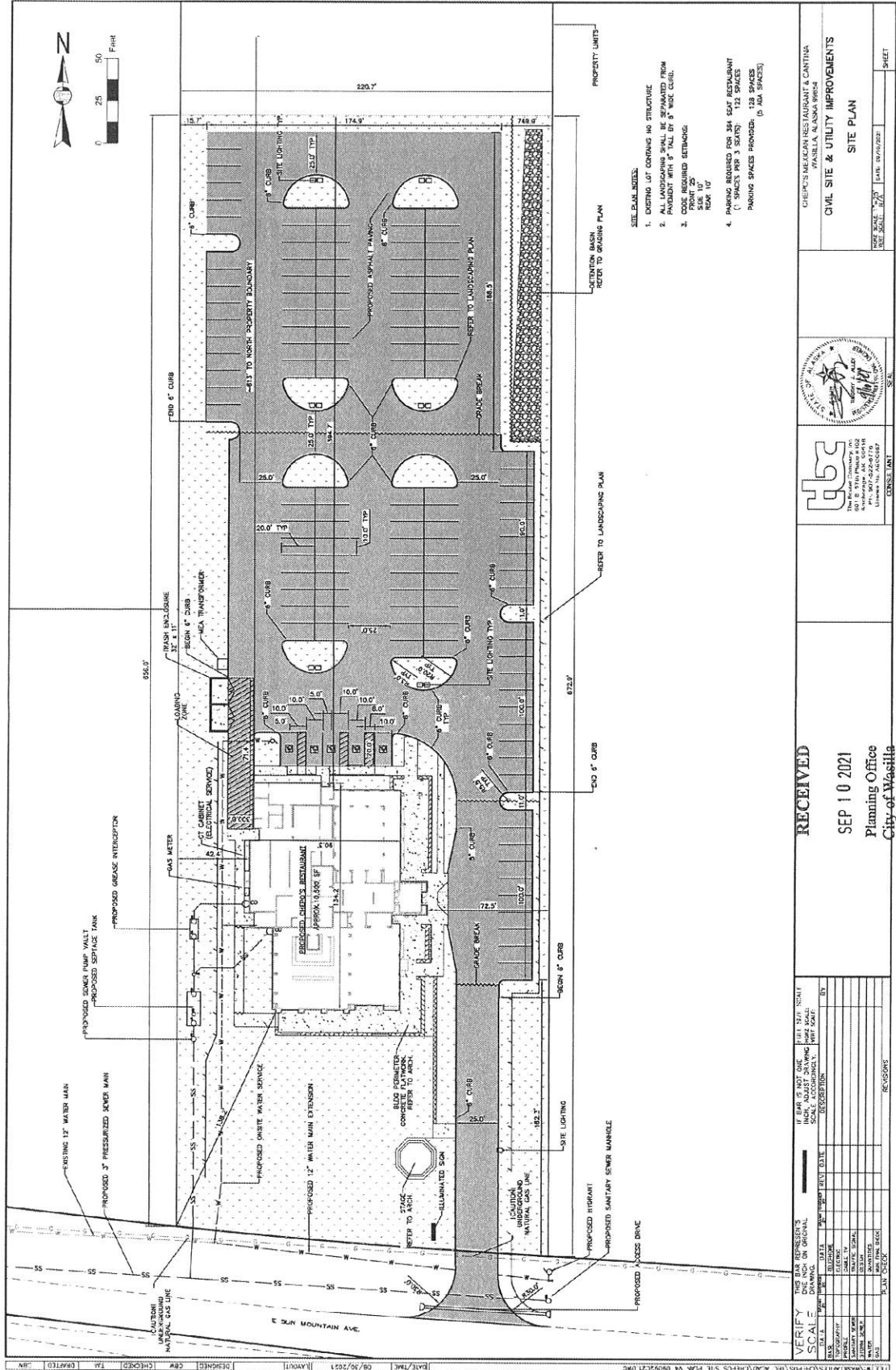
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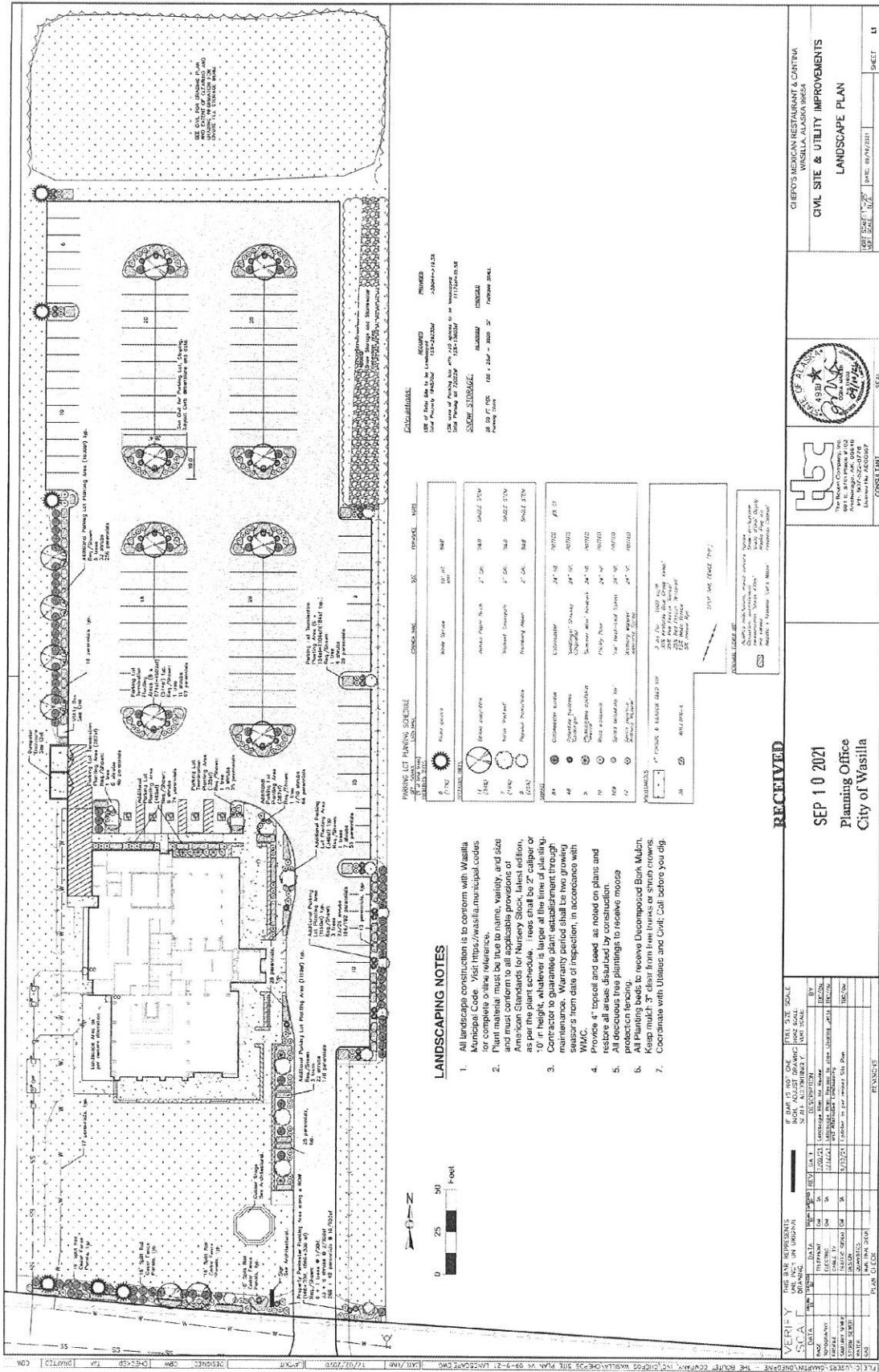




A-A SITE CROSS SECTION

<p>VERIFY SCALE: 1/8" = 1'-0"</p> <p>IF DRAWING IS NOT ON ORIGINAL SCALE, ADJUST DRAWING TO ORIGINAL SCALE.</p>		<p>DATE: 09/14/2021</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DATE: 09/14/2021</p>
<p>DATE: 09/14/2021</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DATE: 09/14/2021</p>		
<p>PROJECT: CIVIL SITE & UTILITY IMPROVEMENTS</p> <p>CLIENT: CHEF'S RESTAURANT, RESTAURANT & CANTINA</p> <p>LOCATION: WASILLA, ALASKA 99586</p>		
<p>CONSULTANT: H&B</p> <p>PROJECT: CIVIL SITE & UTILITY IMPROVEMENTS</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DATE: 09/14/2021</p>		
<p>SHEET</p>		





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SEP 10 2021
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94	08/27/21	ISSUED FOR PERMIT	...
95	08/27/21	ISSUED FOR PERMIT	...
96	08/27/21	ISSUED FOR PERMIT	...
97	08/27/21	ISSUED FOR PERMIT	...
98	08/27/21	ISSUED FOR PERMIT	...
99	08/27/21	ISSUED FOR PERMIT	...
100	08/27/21	ISSUED FOR PERMIT	...