

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

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 21-11**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING AN AMENDMENT TO THE DEADLINE FOR INSTALLATION OF THE REQUIRED PERIMETER LANDSCAPING FOR THE SHOPPES AT SUN MOUNTAIN DEVELOPMENT FROM SUMMER 2021 TO SUMMER 2022 (CONDITION OF APPROVAL IN CONDITIONAL USE PERMITS #18-01, #19-01, #19-02, AND #20-07 FOR THE SHOPPPES AT SUN MOUNTAIN CONDOMINIUM PLAT).

WHEREAS, Tim Alley, The Boutet Company, agent for Sun Mountain Development Group LLC, submitted an application for a Conditional Use Permit #21-08 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 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 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 required landscaping in the perimeter landscape beds must be installed no later than July 1, 2022.
2. All other conditions of approval for in Resolution Serial No. 19-01AM and 18-03 (CUP #18-01, #19-01, and #19-02) remain in effect. Any changes to the approvals 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 application fee, and Planning Commission review and approval.

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

ATTEST:



Tina Crawford, AICP, City Planner

VOTE: Passed unanimously

APPROVED:

 10-14-2021

Eric Bushnell, Chair Date

EXHIBIT A
Wasilla Planning Commission Resolution 21-11
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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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

Finding: This criterion was reviewed as part of the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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

Finding: The City mailed 63 notices to neighboring property owners within 1200' and the 21 review agencies that are typically provided with the opportunity to comment. One comment was received regarding this application from MSB Platting indicating that they had no

comments. 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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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

Finding: This criterion was reviewed as part of the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 approved landscaping plan for the development is consistent with the minimum landscape requirements in Title 16. However, the applicant states that they were unable to obtain the plants needed for the required perimeter planting beds for the development due to difficulties brought on by the Covid-19 pandemic.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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: This criterion was reviewed as part of the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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 the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.

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: This criterion was reviewed as part of the conditional use permits that approved the Shoppes at Sun Mountain development (CUP 18-01 & 19-01) and is not applicable since the request is for an amendment to the installation timeline for landscaping.