

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-23**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION TO APPROVE A
CONDITIONAL USE PERMIT SUBMITTED BY DOWL HKM ACTING ON BEHALF OF
COMING ATTRACTIONS THEATERS, INC. TO BUILD 12-PLEX CINEMA IN THE
COMMERCIAL ZONE LOCATED ON TRACT 2 OF PLAT 2009-54; TOWNSHIP 17N,
RANGE 01W, SECTION 13, LOT A007; SEWARD MERIDIAN, ALASKA.**

WHEREAS, DOWL HKM submitted an application for a conditional use permit, CU 09-03, for Coming Attractions Theaters, Inc. to build a 36,350 square foot building containing 1,703 seats served by 428 parking spaces on approximately seven acres immediately south of the Wal-Mart supercenter and north of Old Matanuska Road in the City of Wasilla;

WHEREAS, the Wasilla Planning Office mailed notices for the Planning Commission Public Hearing to property owners within 1,200 radial feet of the subject property and to applicable agencies;

WHEREAS, the public hearing date and time was publicly advertised;

WHEREAS, on October 27, 2009, the Planning Commission held a public hearing on this request;

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the evaluation and recommendations of the staff contained in the staff report, public testimony - both written and verbal comments, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, after due consideration, the Planning Commission determines that this application substantially meets the applicable criteria of Wasilla Municipal Code.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this application with Findings of Fact within Exhibit 'A' for Coming Attractions Theaters, Inc. to construct a 12-Plex Cinema with the following conditions:

1. The applicant shall enter into agreement with the City for modification of the water/sewer utility services by means of a utility service agreement. This agreement will spell out the developer's responsibilities and City cost associated with service modification.
2. The landscape plan shall be amended to include a minimum of 48 trees that are 8'- 0" or more in height.
3. The applicant shall submit a Landscape Guarantee per WMC 16.33.040(A) in the form of a cash deposit in escrow or a surety bond.
4. All exterior lights are required to be arranged and shielded to reflect the light away from adjoining land uses and to prevent glare/interference with traffic.
5. All trash receptacles and recycling shall be screened from public streets and all trash shall be confined to the screened area.
6. The applicant shall amend the pedestrian circulation plan on Sheets C1.1 through C1.4 to indicate pedestrian walkway connectivity with the Wal-Mart property to the north and with Tract 1 to the east of the subject property.
7. One RV parking space shall be permitted on the lot as indicated on the site plan.
8. The loading docking requirement is hereby waived to allow van delivers in place of loading dock and tractor trailer loading spaces.


APPROVED by the Wasilla Planning Commission on October 28, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Passed Unanimously



37. **Staff Finding:** The Comprehensive Plan or the City Parks and Recreation Plan do not support dedication of a portion of the property for a public open space. Staff finds that this criterion is met.

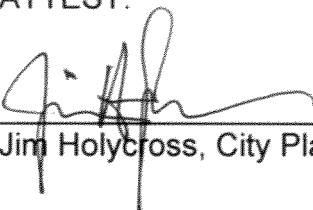
38. **Staff Finding:** Staff finds that the proposed theater development will not have significant impact on the surrounding area from the theater building generated blowing and drifting snow or glaciations. The area surrounding the proposed theater building is relatively open and will not change wind patterns appreciably that would create a venturi effect to redirect snow accumulation into one location but will rather allow the snow to be dispersed by the dispersed wind. Staff finds that this criterion is met.

ADOPTED: -, 2009



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

Wasilla Planning Commission Resolution 09-23

FINDINGS OF FACT

1. **Staff Finding:** A site plan was submitted which conforms to requirements for site plan submittal. The site plan if approved shall result in development conformance to the approved site plan. Staff finds that this criterion is met.
2. **Staff Finding:** The overall site plan including the parking lot plan detail was submitted with a Registered Professional Engineer in the State of Alaska stamp on it. Staff finds that this criterion is met.
3. **Staff Finding:** The applicant has submitted all necessary size drawings using proper ink and paper for the site plan at a scale of one inch (1") = fifty feet (50'). Staff finds that this criterion is met.
4. **Staff Finding:** The site plan submitted includes the owner's name and address, the name and address and firm name and the person who prepared the plan, the legal descriptions, and scale beneath the true north arrow. A property address has not yet been assigned at the time of this staff report. Staff finds that this criterion is met.
5. **Staff Finding:** The site plan includes a true north arrow. Staff finds that this criterion is met.
6. **Staff Finding:** A previous survey plat 2009-54 approved as a Waiver Subdivision by the Mat-Su Borough Platting Office and recorded in July 2009 did not require that all property corners be set. DOWL HKM worked to get the corners set and then submitted an updated site plan indicating the corners are set on 10/20/09. Staff finds that this criterion is met.
7. **Staff Finding:** The applicant noted all known easements therefore staff finds that this criterion is met.
8. **Staff Finding:** The overall site plan drawing submitted with this application indicates setbacks that comply with required setbacks of WMC, 16.24.030. Staff finds that this criterion is met.
9. **Staff Finding:** The location and dimensions of existing and proposed utility facilities, on-site water and wastewater facilities are indicated on the detailed site plan submitted with this application. Fuel storage facilities are not indicated on these drawings. Staff finds that this criterion is adequately addressed.
10. **Staff Finding:** Staff finds that there are no known or identified wetlands, lakes or streams within 100'; or on-site wastewater treatment facilities within 75' of the proposed theater building. Staff finds that this criterion is met.
11. **Staff Finding:** The location and horizontal dimensions of all existing and proposed permanent structures was shown on the site plans, Sheets 1 - 10 submitted with this application and indicated at a scale which is adequate to determine distances to each lot line. Staff finds that this criterion is met.

12. **Staff Finding:** The application indicated all vehicular access points. Staff finds that this criterion is met.

13. **Staff Finding:** The applicant submitted a parking lot plan detail indicating adequate car parking spaces on the theater property as certified by DOWL HKM Engineering who are licensed surveyors, engineers and architects in the State of Alaska. Staff finds that this criterion is met with consideration and allowance for deliveries to the front door of the building.

14. **Staff Finding:** The parking lot lighting layout with lighting cut sheet submitted is adequate for this proposal and staff finds that this criterion is met.

15. **Staff Finding:** The site plan indicates proposed pedestrian and vehicular access and on-site circulation improvements, including roadways, driving aisles, sidewalks, trails, paths, curbs and gutters, catch basins and culverts for the car parking portion of the parking requirements. The site plan does not show future connectivity of the pedestrian paths to Tract 1 to the east of the subject property and the Wal-Mart property to the north. A condition of approval shall be that the applicant shall amend the pedestrian circulation plan on Sheets C1.1 through C1.4 to indicate pedestrian connectivity with the Wal-Mart Property to the north and with Tract 1 to the east of the subject property. If this condition is met then staff finds that this criterion is met.

16. **Staff Finding:** The application has indicated how drainage will move on the site and where the drainage facilities including drainage swales are located. An NPDES Permit is required to be approved by the State DEC. Staff finds that this criterion is met.

17. **Staff Finding:** The applicant has adequately addressed the Wasilla landscaping code requirements on Sheets L1 and L2. Staff finds that this criterion is met.

18. **Staff Finding:** This application proposes minimal cut and fill as indicated on sheets C1.2 through C1.4. Drainage directions are indicated on the drawings which also indicate curbs, contours, catch basins, run-off detention in swales, and elevations. Staff finds that this criterion is met.

19. **Staff Finding:** This parcel is not part of an adopted neighborhood plan therefore this criterion is not applicable.

20. **Staff Finding:** The proposed commercial use is consistent with the 1996 Comprehensive Plan designation, "Mixed Use" since the proposed commercial use is typically one of the uses considered as a use within the 'mixed use' category. Staff finds that the comprehensive plan is outdated and in dire need of update to reflect the policy direction of the City in 2010. Staff finds that this criterion is met.

21. **Staff Finding:** The approval criteria under 16.16.060 do not apply as a retail movie theater business is not one of the special uses listed. This criterion is not applicable.

22. **Staff Finding:** The City has sent seventy-nine (79) notices to forty-eight (48) neighboring property owners within one thousand two hundred (1,200) feet, the usual twenty-five (24) agencies including the Alaska Department of Transportation and the Alaska Department of Environmental Conservation which are

typically provided with the opportunity to comment, and seven (7) Planning Commissioners for a total of 79 notices. The following comments were received:

- Mat-Su Borough Code Compliance commented that, "Parcel is not in a flood way according to map #9700C (zone C)."

23. Staff Finding: The State Fire Marshall's Office shall review and approve this proposal for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare.

24. Staff Finding: The Alaska Department of Transportation and Public Facilities (ADOT&PF) was notified of this request and provided the opportunity to comment or request a traffic impact analysis that would determine if this proposal would overload the street system or result in unsafe streets. ADOT & PF requested a TIA which was prepared by DOWL HKM. ADOT & PF reviewed the TIA and found that the addition of the 12-plex cinema would not merit another traffic light on Seward Meridian at this time and that proposed ingress/egress locations on Old Mat Road will suffice until such time as Wal-Mart is willing to allow access off of their roadway along the common boundary line shared with the theater complex. Staff finds that based upon ADOT & PFs review of the TIA that the proposed theater will not overload the street system with traffic or result in unsafe streets or dangers to pedestrians therefore this criterion is met.

25. Staff Finding: The applicant has indicated how this proposal meets the setback and height requirements of §16.24.010 as the maximum building height is less than thirty-five (35) feet while the building is adequately setback from all property lines. Staff finds that this criterion is met.

26. Staff Response: The applicant has submitted a parking lot plan detail indicating adequate car parking spaces, handicapped parking, perimeter landscaping, landscaped aisles, snow storage and lighting on the theatre property as certified by DOWL HKM Engineering Consultants who are licensed surveyors, engineers and architects in the State of Alaska. Staff agree with the applicant that loading spaces are not needed since deliveries will be made to the front of the theater building when the building is not in use as is typical for the theater industry and the applicant has made room for this consideration. Staff finds that sufficient numbers of parking spaces, snow storage and landscaping have been adequately addressed in WMC therefore this criterion is met.

27. Staff Finding: The applicant has been working with the City Public Works Department and the Public Works Director has indicated that he has no concerns with City Utilities serving this property. Staff finds that the existing utility facilities are adequate for this proposal. Staff finds that this criterion is met.

28. Staff Finding: The property's existing drainage flows from north to south as stated by the former City Public Works Director who lives in the nearby Southview Extension Subdivision northwest of the subject property. An important consideration is that storm water discharge is treated before leaving the site which may require on site retention such as the proposed drainage swales will provide. Staff including Public Works and Planning find that the applicant's site plan adequately addresses how stormwater runoff will be treated therefore this criterion is met. An NPDES Permit will be required from the State DEC.

29. Staff Finding: The proposed theater development with a building of 36,350 sq. ft. is considered a 'Large Development'. The applicant intends to address all necessary landscaping, parking and circulation; and indicates frontage on Old Matanuska Road, a major collector. Staff finds that this criterion is met.

30. Staff Finding: The traffic Impact Analysis submitted to ADOT & PF considered how trips generated by this development would affect relationships between am/pm peak traffic and the existing roadway system volume to capacity. It was found that the proposed theater would have very little marginal effect on these characteristics that would require mitigation at this time. Staff find that the proposed theater will not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district, and that the addition of this theater use to the system will have only a slight cumulative and marginal effect, therefore staff find that this criterion is met.

31. Staff Finding: Staff finds that the theater will not create off-site impacts from excessive noise, fumes, odors, etc, and those potential off-site impacts if any will be minimized by the theater building configuration which acts as a noise buffer between any noise that would be generated from the theater and the residential subdivision to its northwest. The applicant shall be required as a condition of approval to shield and direct all parking lot and building lighting so as to avoid glare interference with traffic on the nearby roadways or on adjacent residential uses. Staff finds that this criterion is met.

32. Staff Finding: An adequate grading plan was submitted by the applicant. The applicant has indicated the type, species, and number of trees, shrubs and perennial landscaping to be placed on the theater site. The subject property is a site of 7.6 acres requiring 48 trees 8'-0" or more in height; and 96 shrubs 2'-0" or more in height. The landscape plan indicates the locations of deciduous, coniferous, perennial planting beds with landscape boulders and planters comprising 17% of the parking area including the 10' perimeter and parking island landscaping. Staff finds that the landscape criterion is met with the addition of a condition of approval that trees shall be 8'-0" or more in height and that a landscape guarantee per WMC 16.33.040 is made.

33. Staff Finding: The applicant has indicated pedestrian walkways which support the site layout but which do not indicate how pedestrian connections can be made to the 5 acres to the east of the subject property as well as the Wal-Mart Super Center to the north. A condition of approval will be that the applicant shall amend the pedestrian plan on Sheets C1.1 through C1.4 to indicate connections to the Wal-Mart Super Center Property to the north and the 5 acre property to the east of the subject property. With these considerations in mind staff find that this criterion is met.

34. Staff Finding: The proposed theater development will be adequately served by the existing city utilities including water and sewer and the City Public works Director does not see a problem with connection to the City Sewer and Water Systems therefore staff finds that this criterion is met.

35. Staff Finding: Staff finds that there are no known historic resources at this site that would be adversely affected by the proposed project therefore this criterion is met.

36. Staff Finding: The architectural elevations indicate that the theater owner wants to make a positive statement in the community. Staff finds that the proposed theater building will blend with the neighborhood appearance and existing architectural design, scale and color therefore this criteria is met.