

By: Planning
Public Hearing: 07/13/10
Adopted: 07/13/10

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

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT SUBMITTED BY WESTERN ENTERPRISES, INC. FOR WASILLA CENTER DEVELOPMENT, LLC, TO CONSTRUCT A COMMERCIAL LEASE SPACE IN THE COMMERCIAL (C) ZONING DISTRICT; UNIT 1, WASILLA CENTER CONDOS, GENERALLY LOCATED ON KNIK-GOOSE BAY APPROXIMATELY ONE-QUARTER OF A MILE FROM THE PARKS HIGHWAY.

WHEREAS, Western Enterprises, Inc. has applied for a Conditional Use Permit, CU 10-02, to construct commercial lease space in the Wasilla Center Development plaza; and

WHEREAS, the proposed buildings will be consistent with the architecture of the current buildings and will be located in the Commercial Zone; and

WHEREAS, the City of Wasilla Planning and Public Works staff have reviewed the application and determined it is consistent with City Code and the Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla City Planning Commission approves Conditional Use Permit CU10-02 after due consideration and with the Findings of Fact attached as Exhibit A.

ADOPTED by the Wasilla Planning Commission on July 13, 2010.

ATTEST:



A. C. Buswell, III, Chairman



Marvin Yoder, Deputy Administrator

VOTE: YES: Buswell, Kelly, Wall, Webb
NO: Miller

Findings of Fact
Conditional Use Permit 10-02

16.16.050 General approval criteria.

A. 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.

1. Neighbors. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.

Response: There is no neighborhood plan.

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

Response: This project is in the Commercial Zone and is consistent with the Comprehensive Plan.

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

Response: Does not apply.

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

Response: Two neighbors replied, both were favorable. There were three agency responses with no additional requirements.

5. Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.

Response: (See #1)

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.

Response: The plans have been approved by the Central Mat-Su Fire Department.

7. Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians. When development is proposed and the volume of traffic is expected to exceed one hundred (100) vehicles during the peak hour as estimated by the city planner, a licensed professional engineer shall conduct an analysis of the vehicle trip generation characteristics of the development. The engineer may use the average trip generation factors in

the table in subsection B of this section, which are based upon the Institute of Transportation Engineers Informational Report, Trip Generation, Third Edition, to determine anticipated traffic for establishing the number, size, and design of driveways, access roads and intersection improvements needed to accommodate the development.

Response: The Driveway Permit was issued by the State DOT in a previous phase. The original application included a proposed future build-out. WMC 16.16.050 (B) estimates trips per day based on use. Depending how the space is classified the Square footage of the Business Park (when complete) may require a Traffic Analysis. For this review we took into account that the facility is on a State Highway and DOT has not responded to this request. Further we considered that when the couplet is built, one half of the traffic will exit on the other side of the property and that this development is building in phases. Based on these considerations we choose not to require a traffic study.

8. Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.

Response: The site plan prepared and stamped by Simpson Associates Inc. Show that the parcel can accommodate these buildings and that all setback requirements will be met.

9. Parking. The parking, loading areas and snow storage sites for the proposal shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.

Response: The plans indicate a total of 100 parking spaces will be available. 70 spaces are required for 21,000 sq/ft. of building space

10. Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.

Response: All utilities are on site. Public works has signed off on this application.

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, watersheds, and land stability.

Response: Drainage to be contained on the property. A retention pond is located on the NE corner of the property. Public Works has signed off on this.

12. Large Developments. Residential development of more than four units or nonresidential 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 classes of streets: interstate, minor arterial, major collector or commercial.

Response: Does not apply.

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.

Response: Does not apply.

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 this criteria.

Response: The proposed use will not impact surrounding properties.

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.

Response: The landscaping plans meet the city requirements.

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.

Response: The design plans show the location of the sidewalks, walkways etc.

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.

Response: See responses to #10 & 11.

18. Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.

Response: There are no identified Cultural resources on the site.

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 and air.

Response: The Architectural design is consistent with the earlier Phase.

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. No land may be accepted by the city unless:

- a. The location, shape, size and character of the area is suitable for the planned use;
- b. The uses authorized for an area are appropriate to the scale and character of the uses considering its size, density, expected population, topography, and the number and type of dwellings and uses to be conducted;
- c. The area must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved;
- d. If the final development plan provides for buildings, landscaping or other improvements in the dedicated area, the developer must provide a bond or other adequate

assurance that such improvements will be completed. The city shall release the bond or other assurance when the buildings, structures or improvements have been completed according to the development plan;

e. All land must be conveyed under one of the following options:

i. It may be conveyed to an agency that will agree to maintain in perpetuity the area and any buildings, structures, or improvements which have been placed on it.

ii. When no maintenance of the area is required, it may be conveyed to all new owners in undivided joint ownership.

iii. When the land is not dedicated to a public agency and maintenance of the common space is required, an association for maintenance of the area must be established. Covenants establishing the association must be approved as to form by the city attorney, and by the commission as to whether the covenants provide for maintenance of the area in a manner which assures its continuing use for its intended purpose.

iv. Conveyance of an area must be consistent with AS 34.07 the Horizontal Property Regime Act.

Response: Does not apply.

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

Response: The proposed development will not create adverse weather impacts in the surrounding area.