

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 11-16**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING PERMIT NO. AA 11-098 TO ALLOW CONSTRUCTION OF A 120 FEET TALL CELLULAR COMMUNICATION TOWER IN THE COMMERCIAL ZONING DISTRICT, LOCATED ON LOT 1, CREEKSIDE TOWN SQUARE SUBDIVISION, GENERALLY LOCATED ON THE WEST SIDE OF S. HERMON ROAD AND NORTH OF THE PARKS HIGHWAY.

WHEREAS, CELLCO Partnership submitted an administrative approval application, Permit No. A11-098, to the City Planning Department construct a 120 feet tall lattice cellular communication tower; and

WHEREAS, the City Planner elevated the applicant's request to the Planning Commission per WMC 16.12.040 and 16.16.020; and

WHEREAS, the application was submitted on September 23, 2011, and included the narrative and maps that address criteria listed in WMC 16.16.040, 16.16.050 and 16.16.070; and

WHEREAS, the Wasilla Planning staff mailed notices for this request to property owners within 1,200 radial feet of the proposed development; and

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

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicants, evaluation and recommendations of 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

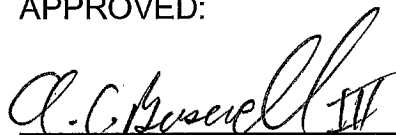
WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing basic facts and reasoning of the Commission; and

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves AA Permit No. 11-098 after due consideration of the application, testimony by the applicant, staff, and public, and the Findings of Fact attached as Exhibit A and incorporated herein with the following conditions:

1. Construction on the site must substantially comply with the site plans included in this packet. Any changes to the site plans must be submitted to the City Planner for review. Substantial modifications will require submittal of an amended conditional use application, including application fee and Planning Commission review and approval.
2. The proposed tower be constructed as a monopole and be painted a color that will minimize the impact on the view shed north from the Parks Highway.
3. Provide the City a copy of engineered stamped engineered drawings for the tower.

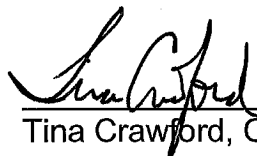
ADOPTED by the Wasilla Planning Commission on October 25, 2011.

APPROVED:



A.C. Buswell, III, Chairman

ATTEST:



Tina Crawford, City Planner

VOTE: YES: DeHart, Ledford, Miller and Webb
NO: Buswell and Kelly

**Exhibit A
Findings of Fact
Resolution 11-16**

16.16.050 *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.

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

Finding: The subject property is consistent with the Comprehensive Plan's *Expected Future Land Use Map* designation, "Generally Commercial/Business" and the Commercial zoning that implements the adopted Comprehensive Plan. Objective 4.2 in the Community Assets chapter of the City's Comprehensive Plan wants future development to "enhance the City's visual appearance and identity." The proposed 120' communication tower is located in an area along the Parks Highway that has open views of the mountain range. The proposed monopole tower is consistent with the existing monopole tower in the area.

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

Finding: This criterion is not applicable since there are no specific approval criteria in WMC 16.16.060 for communication towers.

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

Finding: The City mailed 83 notices to neighboring property owners within 1200' and the 25 review agencies that are typically provided with the opportunity to comment. Only two comments indicating no objections were received from two review agencies. Any comments received after the compilation of the packet will be provided at the public hearing and can be addressed at that time.

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 State Fire Marshall's Office will review the plans for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare prior to construction.

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: The proposed communication tower will not increase street traffic since it is not manned and will only have vehicles at the site for routine maintenance and repair.

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

Finding: The site plan for the tower complies with the minimum setbacks and maximum height requirements of §16.24.010. Note: By definition, communication equipment is "...antennas over thirty-five (35) feet in height.." so there is no height limitation.

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: Additional parking is not required.

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: Adequate utilities are available on this site.

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 development of the site for a communication tower should not produce any significant runoff.

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 proposed communication tower should generate minimal traffic.

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 is not applicable since the request is for a communication tower that is regulated by the FCC.

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: Although the site plan does not indicate any landscaping, the requirements are minimal (1 tree/1 shrub) since the size of the leased area is only 2,500± SF.

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 is not applicable since the area is developed predominantly with commercial uses and offices and is not close to schools, playgrounds, shopping areas, transportation, or community facilities.

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: Staff finds that this criterion is not applicable since water and sewer is not required for a communication tower.

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: There are no known historic resources on the site and no comments were received from the Matanuska-Susitna Borough Cultural Resources Office.

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 and air.***

Finding: The proposed communication tower is proposed as a monopole tower and will be 20' taller than the other tower in the immediate area. Since the subject parcel and the parcel immediately south that fronts on the Parks Highway is clear of vegetation, the construction of a monopole tower will have less impact on the visual appearance of the City and the viewshed along this highway.

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 is not applicable since the construction of the proposed communication tower does not support dedication of a portion of the property for a public open space or facility.

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: Staff finds that this criterion is met since no foreseeable problems associated with winter conditions are anticipated for the proposed communication tower.