

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 12-02**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING USE PERMIT NUMBER UP11-07 TO ALLOW A MULTI-FAMILY DWELLING IN THE COMMERCIAL (C) ZONING DISTRICT, LOCATED ON LOT 2, BLOCK 2, RICHMOND HILLS SUBDIVISION, GENERALLY LOCATED SOUTH OF THE PARKS HIGHWAY AND NORTH OF GLENWOOD AVENUE.

WHEREAS, Dmitriy Pavlus, agent for Northern Quality Homes, owner, submitted an application, Use Permit Number 11-07, to allow a multi-family dwelling to the City Planning Department on December 1, 2011; and

WHEREAS, the application included the narrative and site plan that addresses the criteria listed in WMC 16.16.050; and

WHEREAS, the planning staff mailed notices for this request to property owners within 1,200 radial feet of the proposed development; 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 public hearing date and time was publicly advertised; and

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; and

WHEREAS, the Planning Commission held a public hearing on this request on January 10, 2012; 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 Land Development 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. Construction on the site must substantially comply with the site plans date stamped December 1, 2011, attached as Exhibit B. Any changes to the site plans must be submitted to the City Planner for review. Substantial modifications will require submittal of an amended use permit application, including application fee and Planning Commission review and approval.
2. A real estate disclosure must be signed and recorded each time the property is sold that clearly indicates the proximity of the railroad track, the railroad crossing at Glenwood Avenue, and the train operation times and signaling requirements for this area. Each disclosure must be recorded with the Alaska State Department of Natural Resources Recorder's Office within 30 days of the date of the sale.
3. All existing vegetation located within the 25 feet strip along the western property line must be retained in perpetuity (shown as the 25 feet setback on Exhibit B.)


ADOPTED by the Wasilla Planning Commission on January 10, 2012.

APPROVED:



A.C. Buswell, III, Chairman

ATTEST:



Tina Crawford, AICP, City Planner

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

EXHIBIT A

Wasilla Planning Commission Resolution 12-02 (AM)

FINDINGS OF FACT – Section 16.16.050, General Approval Criteria

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, "Mixed Use." The intent of the Mixed Use designation is to "promote innovative arrangements of commercial, residential, recreation, and light industrial uses, included mixed-use and planned unit developments while preserving and enhancing the character of existing neighborhoods." The Comprehensive Plan further states that this designation is to "promote a complimentary mix of residential, commercial, light industrial, and recreation uses that minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another." Although the proposed multi-family structure is located outside the established neighborhood, it is located along and adjacent to a railroad crossing that requires signaling by the trains. The Alaska Railroad has expressed concerns regarding potential noise and vibrations complaints that they may receive from the new owners or tenants and recommend that the property be developed commercially, which is consistent with the current zoning district.

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 87 notices to neighboring property owners within 1200', 25 review agencies, and the City Council and Planning Commission members. Staff received comments indicating no objection from five MSB review agencies and one letter of objection from the Alaska Railroad. Copies are included in the packet. 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 multi-family structure will not significantly increase street traffic.

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

Finding: The site plan for the proposed multi-family structure site complies with the minimum setbacks and maximum height requirements of §16.24.010.

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: The site plan shows adequate parking and snow storage areas.

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 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 since only four dwelling units are proposed on the site.

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 multi-family structure should not generate significantly different peak use characteristics than the surrounding area since the area contains both commercial and residential zoning districts.

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: The proposed multi-family structure should not generate any off-site impacts.

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 proposed site plan shows landscaping that is consistent with the Wasilla Land Development Code.

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: No new sidewalks or bike paths are required for this development.

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:

The proposed multi-family structure will be required to connect to City sewer. City water is not currently available at this location.

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: Although the MSB Cultural Resources Division does not find any recorded historical sites on the property, they are requesting that they be allowed to conduct a free cultural resources survey on this site due to its location and topography.

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 appearance of the proposed structure will be consistent with the uses in the surrounding area.

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: The development of a multi-family structure with four dwelling units does not justify the dedication of a park since sufficient open space exists on the parcel.

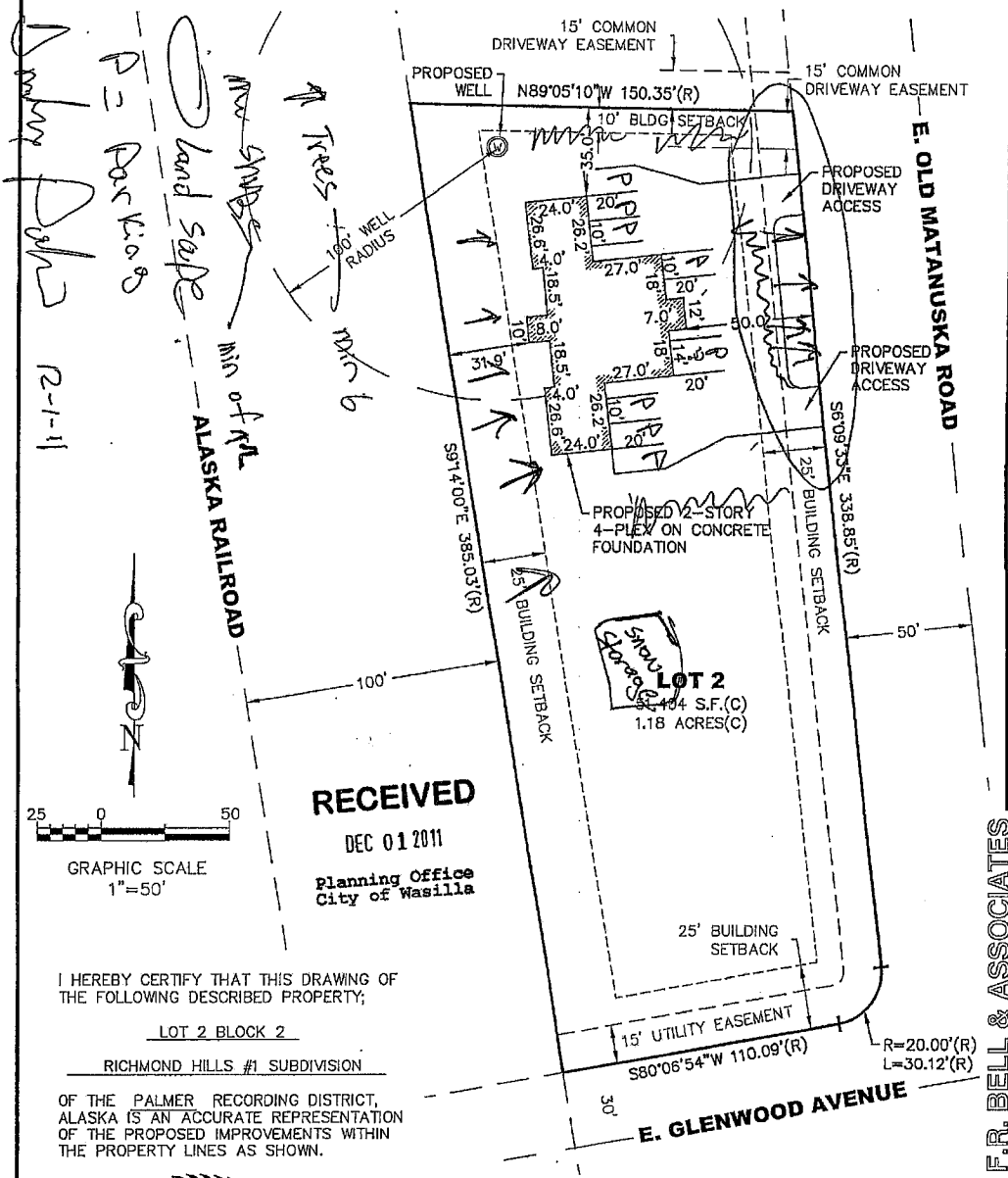
16.16.050(21) ***Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.***

Finding: No foreseeable problems associated with winter conditions are anticipated for the proposed multi-family structure.

EXHIBIT B

NOTES:

- 1) A FIELD SURVEY WAS NOT PERFORMED TO PRODUCE THIS DRAWING.
- 2) RECORD DIMENSIONS (R) PER RECORDED PLAT 84-22.
- 3) THIS LOT IS NOT SERVED BY A COMMUNITY WATER SYSTEM.
- 4) THIS LOT IS SERVED BY THE CITY OF WASILLA SEWER SYSTEM.
- 5) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY STRUCTURE DIMENSIONS AND THAT THE IMPROVEMENTS SHOWN MEET ALL SUBDIVISION COVENANTS AND LOCAL ZONING CODES AND ORDINANCES.
- 6) RECORD EASEMENTS OTHER THAN THOSE SHOWN ON THE RECORDED PLAT ARE NOT SHOWN HEREON.



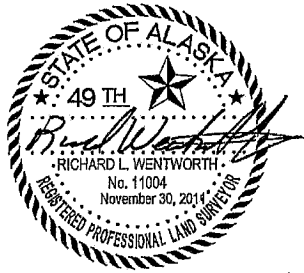
RECEIVED
 DEC 01 2011
 Planning Office
 City of Wasilla

I HEREBY CERTIFY THAT THIS DRAWING OF THE FOLLOWING DESCRIBED PROPERTY;

LOT 2 BLOCK 2

RICHMOND HILLS #1 SUBDIVISION

OF THE PALMER RECORDING DISTRICT, ALASKA IS AN ACCURATE REPRESENTATION OF THE PROPOSED IMPROVEMENTS WITHIN THE PROPERTY LINES AS SHOWN.



F. Robert
bell
and
assoc.
 ENGINEERS AND LAND SURVEYORS
 801 WEST FIREWEE LANE SUITE 201
 ANCHORAGE, ALASKA 99503-1601
 PHONE (907)-274-5257

SITE PLAN	
PREPARED FOR: NORTHERN QUALITY HOMES	MSB TAX ID#: 2548B02L002
DRAWN BY: RLW CHECKED BY: WSK	FIELD BOOK: N/A
JOB NO.: 2011-1699.07	MSB MAP#: WA 11
SCALE: 1"=50'	DATE: 11-30-2011

F.R. BELL & ASSOCIATES