

By: Planning
Public Hearing: 06/12/12
Adopted: 06/12/12

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 12-11**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT (CU #12-01), WHICH ALLOWS CONSTRUCTION OF A 10,400 SQUARE FEET BUILDING IN THE COMMERCIAL ZONING DISTRICT. THE PROPERTY IS LOCATED ON LOT 5, BLOCK 1, OVERLOOK BUSINESS PARK SUBDIVISION; GENERALLY LOCATED ON THE NORTH SIDE OF THE PARKS HIGHWAY JUST WEST OF HERMON ROAD.

WHEREAS, Andrew Gumley, owner of Special Events Alaska, submitted an application for a conditional use permit on May 22, 2012; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 foot radius and review agencies and the Wasilla Planning Commission as required by §16.16.040(A)(2) of the Wasilla Municipal Code; and

WHEREAS, a notice of the Wasilla Planning Commission public hearing was published in the Frontiersman on June 5, 2012; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on the requested conditional use taking into account the information submitted by the applicant, the information contained in the staff report, written and verbal testimony, the applicable provisions of the Wasilla Municipal Code and Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, the Wasilla Planning Commission has developed Findings of Fact summarizing the basic facts and reasoning of the Wasilla Planning Commission regarding the requested conditional use;

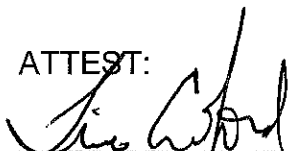
NOW THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission, after due consideration of the information submitted by the applicant, the information contained in the staff report, written and verbal testimony, the applicable provisions of the Wasilla Municipal Code and Comprehensive Plan, and other pertinent information brought before them, adopted the Findings of Fact attached as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission, approves the requested conditional use with the following conditions:

1. All exterior lighting must be arranged and shielded to reflect the light away from adjoining land uses and to prevent glare/interference with traffic.
2. The Matanuska-Susitna Borough Fire Chief's Office must review this proposal for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare prior to construction.
3. 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.

ADOPTED by the Wasilla Planning Commission on June 12, 2012.

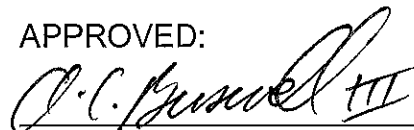
ATTEST:



Tina Crawford, City Planner

VOTE: Passed Unanimously

APPROVED:



A.C. Buswell, III, Chairman

EXHIBIT A
Wasilla Planning Commission Resolution 12-11

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 proposed use is consistent with the Comprehensive Plan's Generally Commercial/Business Future Land Use Map designation and the Commercial zoning that implements the Comprehensive Plan.

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

Finding: The specific approval criteria under 16.16.060 are not applicable since retail uses are not one of the special uses with additional criteria.

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

Finding: The City mailed 40 notices to neighboring property owners within 1200' and the 25 review agencies that are typically provided with the opportunity to comment. No comments were received. 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 MSB Fire Chief'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 area is currently developed with a mix of commercial uses and the proposed use should have similar vehicular traffic.

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

Finding: Staff finds that this criterion is met since the attached site plan submitted by the applicant 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 attached site plan indicates the required parking spaces and snow storage.

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: The site is adequately served by water and sewer and other utilities are currently available in the area.

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 proposed drainage plan indicates on-site storage of all runoff from the site. Additionally, in-depth review and approval of the plans will be required by the Public Works department prior to construction.

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: The site plan indicates sufficient open space, vehicle and pedestrian circulation, and landscaping and there are no sensitive areas or natural areas to be preserved on site and the site is located on Sun Mountain Avenue, which is designated as a Major Collector roadway. Signage will be reviewed for consistency with Title 16 at time of submittal of sign permit.

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: There should not be different peak use characteristics than the surrounding uses or area since the surrounding area is developed and zoned commercial.

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 use should not generate any negative impacts to the surrounding properties. No additional buffering is required since only vacant commercial land abuts the property lot lines.

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 site plan indicates the proposed dumpster location and landscaping. The proposed landscaping exceeds the minimum required landscaping for the site. Additionally, the applicant will be required to provide a landscape bond/guaranty equal to the amount of the estimated cost of the required landscaping.

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 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:

This criterion is met since the Public Works Director has determined that City utilities are in the immediate area and sufficient capacity exists for the proposed use. The applicant will

coordinate with the Public Works department to obtain all necessary City permits.

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: At this time there are no known historic resources on the site. However, the Matanuska-Susitna Borough Cultural Resources Office was notified of the plans to develop this site.

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: There is adequate spacing between the buildings and the proposed use will be compatible with the surrounding uses.

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 criteria is not applicable.

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 is met since no foreseeable problems associated with winter conditions are anticipated for the proposed use and all snow storage will be accommodated on site.