

By: Planning
Public Hearing: 12/11/12
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**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 12-19**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING USE PERMIT NUMBER U12-04 TO ALLOW A CATTERY AT A PERSONAL RESIDENCE IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED ON LOT 1, BLOCK 8, WASILLA ESTATES SUBDIVISION, GENERALLY LOCATED ON EAST OF LUCUS ROAD ON HOLIDAY DRIVE.

WHEREAS, Taunnie Boothby, owner, submitted an application, Use Permit Number 12-04, to allow a private cattery to the City Planning Department on October 26, 2012; and

WHEREAS, the application included the narrative and site plan that addresses the criteria listed in WMC 16.16.040, 16.16.050, and 16.16.060(J); 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 Wasilla 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 City Planning Department mailed notices for the Wasilla Planning Commission public hearing to property owners within 1,200 radial feet of the subject property and to applicable agencies; and

WHEREAS, the Wasilla Planning Commission held a public hearing on this request on December 11, 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. The use of a personal cattery on the property must be consistent with the revised site plan date stamped December 3, 2012, attached as Exhibit B.
2. No additional vegetation on the site may be removed without prior approval from the City Planner.
3. No more than eight cats over the age of six months may be housed or cared for on the property at any time.
4. All cats must be owned by the property owner and must be properly vaccinated at all times and have the required MSB animal licenses.
5. The cattery must comply with all other state or borough licensing or registration requirements.
6. No commercial cattery operations may occur on the property. This includes breeding, buying, selling, boarding, or offering for adoption any of the cats, whether for profit or not.
7. The cattery must comply with all of the following requirements:
 - a. The shelter for the cats must provide adequate air and ventilation and prevent exposure to inclement or adverse weather conditions,

overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions that may endanger the health or welfare of the cat;

- b. The cats must be physically restrained at all times or confined within the premises of the home or cattery structure;
 - c. The area used for the cattery must be free from bacteria, parasites, waste, filth, or other elements in amounts that would endanger the health or welfare of the cats;
 - d. Sufficient amounts of wholesome and nutritious food and fresh water must be provided at all times to keep the cats in healthy physical condition;
8. The Wasilla Planning Commission reserves the right of review and may revoke this permit for noncompliance with the conditions of approval.

ADOPTED by the Wasilla Planning Commission on -, 2012.

APPROVED:

ATTEST:

Doug Miller, Chairman

Tina Crawford, AICP, City Planner

EXHIBIT A
Wasilla Planning Commission Resolution 12-19

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: Although this area is not part of an adopted neighborhood plan, numerous comments have been received from neighbors expressing concerns about the proposed cattery and the impact on the surrounding neighborhood.

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 Residential" and the Rural Residential zoning that implements the adopted 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 proposed cattery complies with the specific approval criteria for a Cattery in WMC 16.16.060(J), which requires all cattery buildings, or other outside housing areas be separated from any residentially zoned lot line by a minimum of 50 feet. According to the revised site plan date stamped December 3, 2012, the cattery building and outside areas are 69± feet from the western property lot line (consisting of 19± feet and the 50 feet right-of-way for Cache) and more than 50 feet from the other residentially zoned lot lines.

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

Finding: The City mailed 145 notices to neighboring property owners within 1200', 25 review agencies, and the City Council and Planning Commission members. Staff received 12 comments from neighbors – eight were in opposition of the cattery and four expressed concerns whether the cats would be contained on the property at all times and the ability to enforce the conditions of the permit, and three comments from review agencies indicating no objections. Any additional 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: Fire safety and emergency access is currently available from Holiday Drive and Cache Drive.

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 cattery will not increase street traffic since it is a private cattery and will not generate any customer traffic.

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

Finding: The site plan for the cattery 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: Additional parking is not required for a private cattery.

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: This criterion is not applicable since no construction is proposed.

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: Since the proposal is for a private cattery at a residence, the peak use characteristics will be the same as the surrounding uses.

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: There should not be any significant off-site impacts since this is a private cattery for the resident's cats that will be housed in a detached accessory structure with a totally enclosed outdoor area.

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: No additional landscaping or vegetation will be removed to accommodate the private cattery. Additionally, since this is a private cattery, no additional landscaping is required by the 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: This criterion is not applicable since this is a private residence.

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: Adequate utilities are currently available at the single-family residence.

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: Since no new development or clearing is proposed, there should not be any impact to historic resources. Also, no comments were received by the MSB 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 site is approximately 1.5 acres, which appears sufficient for the proposed use. Additionally, there is significant vegetation that provides a buffer to the adjoining property owners to the east and north with roads along the south and west property lines.

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 subject property is approximately one and one-half acres and is currently developed with one single-family dwelling and associated accessory structures. Additional open space, drainage, or parks is not necessary.

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: There are no foreseeable problems associated with winter conditions anticipated for the proposed cattery.

