



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

COUNCIL MEMORANDUM

NO. 95-36

FROM: Clerk's Office

DATE: May 3, 1995

SUBJECT: Land Use Appeal; Case # D-9507; Lot 2, Block 8, East Wasilla Addition

The Wasilla-Knik-Willow Creek Historical Society has requested that Council postpone the above referenced issue until the next regular meeting of the Wasilla City Council, May 22, 1995 due to the absence of Mr. Heaven at this time.

Recommend: Postpone the Land Use Appeal; Case # D-9507; Lot 2, Block 8, East Wasilla Addition until the next regular meeting, 05/22/95.

Marjorie D. Harris, CMC
City Clerk

Wasilla-Knik-Willow Creek Historical Society

323 Main Street Wasilla, Alaska 99654 (907) 376-2005

5/1/95

Wasilla City Council
City of Wasilla
290 E. Herning St.
Wasilla, Alaska 99654-7091

Dear Members of the Wasilla City Council,

This letter constitutes an appeal to you of the City Planner's grant of a minor development permit #D-9507 to Michael E. Palmquist and Larry Hettrick on March 29, 1995. The permit concerns Lot 2, Block 8, Wasilla Town Site and involves both a core area lot reclassification from residential to commercial and a proposal to develop a business at the site. The Wasilla-Knik-Willow Creek Historical Society ("Historical Society") and the City of Wasilla Museum Department ("Museum") jointly make this appeal.

The issue of the appeal was discussed at the regular Planning Commission on April 11, 1995 and a motion was passed to hear the appeal and hold a public hearing on the issues.

However, due to some confusion at the meeting a decision was made to bring the appeal issue up for reconsideration at the next Planning Commission meeting. At the April 25, 1995 meeting the Planning Commission reconsidered the issue and after some debate reversed their earlier position and passed a motion to not hear the appeal. No findings or recommendations were formalized concerning the appeal request. This left the Wasilla-Knik-Willow Creek Historical Society and the City of Wasilla Museum Department no option, but to petition the Wasilla City Council to hear their appeal. Subsequently this appeal to the Wasilla City Council was filed the next day.

We would like to point out that before we became involved with this particular comprehensive plan and development code issue it is clear that Council Members and the Planning Department were already aware of a number of perceived inadequacies of the code. Until the code is corrected we feel it particularly important that the City Council take a role in acting as a court of review for citizen appeals such as ours.

As you are aware the Historical Society, along with the Museum Department have put forth substantial efforts in connection with the development of the Museum and the historical block in the Old Town Site. Indeed, in 1994, attendance at the Historical Complex increased 4,000 visitors, or 25%. This shows that the hard work by the Museum and Historical Society together with volunteers and the City support of a Historical Park, has paid off and has increased the vitality of the Historic Park. The granting of a development permit to construct and operate a commercial enterprise in the "Historic Block", adjacent the existing Historic Park is inconsistent with both the development code and the City of Wasilla Comprehensive Plan.

Development Code

The use of the property in question as a commercial enterprise is a conditional use of the property. Dev. Code # 16.43.342. However, the permit did not contain any conditions as to the use as the application for the permit was deficient in describing the proposed use. Mr. Palmquist is required to obtain a conditional use permit, the request for which has not been made. It appears that the planner should have required a more detailed description of the use of the property in order to determine whether appropriate conditions should be imposed.

In addition, the development code clearly requires that a developer guarantee the installation of the improvements by a combination of methods. Dev. Code # 16.43.631 et seq. Those methods include a performance bond, deposited in escrow and, by city ordinance, other forms of performance and maintenance guarantees. To our knowledge, the City Council has not prescribed other forms of guarantees; and as a consequence, the developer must provide a performance bond and/or a deposit in escrow rather than simply guaranteeing completion of the improvements by March 29, 1996, as is required in the development permit.

Mr. Palmquist proposes to infuse \$20,000 into the property. We ask each Council member to examine the property for themselves and ask the question "What will \$20,000 do for this property?" Twenty Thousand Dollars worth of improvements will leave the property

substantially similar to what it is now. Only now, much the same, it will be a business open to the public. As presented Mr. Palmquists development proposal does not reflect a good business plan.

Comprehensive Plan

The property at issue is surrounded by historical development with the Historical Park on one side and the Herning/Teeland Store on the other. As one can see by a review of the Wasilla Comprehensive Plan dated October of 1992, the overall plan for the City is to have the entire block used for preservation and historic purposes. See, Comprehensive Plan at 5-11 through 5-13. Indeed, the Plan states:

" Incompatible land uses restrict needed expansion. Both the library and the fire hall are marginally compatible uses that should be relocated. Once vacated each facility should be used for a Museum related purpose."

See, Comprehensive Plan at 5-12 and 5-13. Figures 22 and 23 of the Comprehensive Plan show schematically the goals of the Comprehensive Plan with respect to the historic block.

In addition, a major finding and recommendation of the Plan states:

"Although Wasilla has evolved into an urbanized area in recent years,the community has many historic resources which should be protected for the benefit of residents and visitors. The City should work closely with the Museum Department and the Wasilla-Knik-Willow Creek Historical Society in their efforts to expand the historic block in the Old Town Site."

Comprehensive Plan at 1-3. Given the clear intent of the city to remove incompatible uses from the historic block and the corresponding desire in support to develop the historic town site for historical purposes, the proposed commercial enterprise, together with its parking

burden, will not further the City's Comprehensive Plan, but rather, be directly contrary to it. If a city library is marginally compatible with the Historic Park, a commercial enterprise clearly is incompatible with the Historic Park and should not be allowed to exist.

The Planning Commission and the City Council have worked very hard, and continue to work hard in developing the comprehensive plan. Mr. Palmquist's proposal is precisely the reason why the city needs a Comprehensive Plan and should make its decision in furtherance of the Comprehensive Plan. To allow Mr. Palmquist to develop the property in the manner he proposes, and to the extent that he proposes, is so contrary to the Comprehensive Plan that, if the Plan is not followed in this case, there would appear to be no need for the Comprehensive Plan at all.

Allowing the commercial development of the property negates the work of the Planning Commission, and the City Council in developing the Plan as well as the City's support for the Historic Park, the efforts of the Museum and the Historical Society and most of all, the support by many individual volunteers who have donated their time and materials to improve the Historic Park and consequently, the community in which they live.

For these reasons, the Historical Society and the Museum request the City Council to reverse the City Planner's grant of the development permit.

Very truly yours,

WASILLA-KNIK-WILLOW CREEK
HISTORICAL SOCIETY

By: LeRoi Heaven
LeRoi Heaven
Its President

CITY OF WASILLA
MUSEUM DEPARTMENT

By: John Cooper
John Cooper
Its Director

1643
44

%% RECEIPT
DATE: 04/26/95 TIME: 12:48:51
REC # 00032785 DPR : CASH

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654

DESCRIPTION	TRN AMOUNT
LAND USE PERMIT FEE	\$200.00
CHECK	\$200.00
CHANGE	\$.00

WASILLA KNIX WILLOW CREEK
APPEAL

RECEIVED
PLANNING DEPARTMENT

APR 28 1995

Wasilla-Knik-Willow Creek Historical Society

323 Main Street Wasilla, Alaska 99654 (907) 376-2005

4/26/95

Duane Dvorak, City Planner
City of Wasilla Planning Dept.
290 E. Herning Ave.
Wasilla, Alaska 99654-7091

Dear Mr. Dvorak,

Within the framework of the City of Wasilla Development Code 16.43.541 and based upon the Wasilla Planning Commissions decision not to hear our appeal concerning Development Permit #D-9507, at their regular meeting of 4/25/95, please consider this letter notification of our intent to further appeal this matter to the Wasilla City Council.

Supplemental information concerning this appeal will be provided your office after the Wasilla-Knik-Willow Creek Historical Society Board Members have had a chance to confer on the matter at their regularly scheduled Board meeting this evening.

The required \$200 fee is provided with this notification.

Thank you for your time and attention.

Sincerely,

LeRoi Heaven

LeRoi Heaven, President

RECEIVED
PLANNING DEPARTMENT

APR 26 1995



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

April 27, 1995

Wasilla-Knik-Willow Creek Historical Society
LeRoi Heaven, President
323 Main Street
Wasilla, AK 99654

Wasilla Museum Department
John Cooper, Director
323 Main Street
Wasilla, AK 99654

Re: Case D-9507, appealing the issuance of a minor development permit to convert an existing single-family dwelling on a lot in the CA--Core Area zone from residential to commercial office/retail use. (322 Boundary Street - Lot 2, Blk 8, East Wasilla Addition)

Dear Mr. Heaven and Mr. Cooper:

Upon reconsideration, the Wasilla Planning Commission has declined to hear the appeal of the above referenced minor development permit. In accordance with Section 16.43.543 (Appeal to the City Council) of the Wasilla Municipal Code, you now have ten (10) calendar days from the date of the decision to appeal to the City Council. A timely filed appeal stays the decision of the staff regarding minor development permit D-9507 until a final decision is rendered as result of the appeal procedure. You have until the close of business (5:00 P.M.) on Friday, May 5, 1995 in order to file a timely appeal. Please be advised that the appeal must be filed with the City Clerk's Office. The City Clerk is responsible for scheduling items of business on the City Council agenda.

The Wasilla Planning Commission did not adopt any findings or conclusions in making the decision not to hear this appeal. The Commission did not adopt any findings or conclusions at the previous meeting on April 11, 1995, when it decided to hear the appeal in its entirety, prior to reconsideration at this last meeting. According to Section 16.43.541.C. (Appeals to the Commission) of the Wasilla Development Code, the decision whether to hear an appeal does not require findings and/or conclusions. There was a good deal of discussion on this issue, however, and you are welcome to contact the City Planning Clerk in order to listen to the audio tape record of the meeting proceedings. If you wish, you can obtain a copy of the tape through the City Clerk's Office for the cost of tape and tape duplication efforts.

If you have any questions regarding the appeal procedure as set forth in the Wasilla Development Code, please feel free to call me at 373-9094.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Dvorak', written in a cursive style.

Duane Dvorak
City Planner

cc: City Council
Mayor Stein
Planning Commission
City Clerk
Palmquist Development