

By: Joseph Metzger
Introduced: May 21, 2018
Public Hearing: June 4, 2018
Action: Approved

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. 18-19**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION APPROVING A CONDITIONAL USE PERMIT FOR A NEW COMMERCIAL USE WITHIN THE DENALI STATE PARK SPECIAL USE DISTRICT AT 13285 NORTH BYERS CREEK LANDING, TAX ID# 4327B02L002; LOCATED WITHIN TOWNSHIP 30 NORTH, RANGE 5 WEST, SECTION 4, SEWARD MERIDIAN.

WHEREAS, an application has been received by Bryan and Sheryl Lynch, for a conditional use permit for the construction of two cabins to be used as short term accommodation rentals within the Denali State Park Special Use District at 13285 N. Byers Creek Landing, Tax ID# 4327B02L002; located within Township 30 North, Range 5 West, Section 4, Seward Meridian; and

WHEREAS, MSB 17.17.060(A)(5) requires a conditional use permit for commercial uses within Denali State Park Special Use District; and

WHEREAS, unless this type of use is maintained under and in accordance with a lawfully issued permit, the construction of two cabins to be used as short term accommodation rentals is considered non-compatible development; and

WHEREAS, the subject lot remained vacant until 2015 when a single family residence, driveway, and gravel pad were constructed; and

WHEREAS, the proposed construction of two cabins for short term accommodation rentals is considered a commercial use; and

WHEREAS, the application material indicates the maximum height of the proposed cabins is approximately 13 feet above finished grade; and; and

WHEREAS, according to the application material, as measured from the closest structure, the proposed use will be set back approximately 42 feet from the northwest lot line, 62 feet from a private recreational easement on the northeast portion of the subject parcel, 120 feet from the northeast lot line, 81 feet from the southeast lot line, and 83 feet from North Byers Creek Landing right-of-way; and

WHEREAS, the subject parcel is located approximately 215 feet from the George Parks Highway right-of-way; and

WHEREAS, the proposed use will be located greater than 120 feet from the ordinary high water mark of Byers Creek; and

WHEREAS, according to the application material, there will be two signs installed on the right side of the driveway gate post. One sign will consist of the parcel address and the other will contain the business name. The signs will each be 10" x 18"; and

WHEREAS, the application material indicates a minimum of two dedicated parking spaces for each cabin; and

WHEREAS, low traffic volumes are predicted to be associated with the proposed use. According to the ITE Trip Generation Rates

- 9th Edition the proposed use is most closely associated as a recreational home. Using a factor of three to include the existing structure and two proposed cabins, traffic rates are expected to be a total of nine trips per day; and

WHEREAS, there is no outdoor industrial equipment or any processes that generate noise associated with the proposed use; and

WHEREAS, the surrounding properties have several different land uses including residential, recreational, undeveloped, and commercial; and

WHEREAS, according to the application material, the proposed use will provide visitors to Denali State Park with an additional lodging option that may allow visitors to increase their length of stay at the park; and

WHEREAS, the proposed cabins will be constructed of wood logs on the exterior and are designed to complement the natural landscape; and

WHEREAS, all of the site plans and operational information have been provided by the applicant; and

WHEREAS, access to the property is from North Byers Creek Landing onto an existing gated driveway; and

WHEREAS, the application material specifies the use of the two purposed cabins for short term accommodation rentals to be

used primarily during the summer months from May 1 through September 1; and

WHEREAS, the application material indicates the two identical cabins will be relatively small in nature; with an 11' x 13' footprint and 12'7 x 17' total size including overhangs; and

WHEREAS, the application indicates natural buffers such as trees and shrubbery will be kept in place to the extent possible; and

WHEREAS, each cabin will be equipped with fire extinguisher, smoke and carbon monoxide detectors, and two casement emergency egress windows; and

WHEREAS, the lot size is sufficient for use and the cabins will be made of wood logs and designed to complement the natural landscape; and

WHEREAS, the Planning Commission has reviewed this application with respect to standards set forth in MSB 17.17.090, 17.17.110, 17.17.130 and 17.17.180; and

WHEREAS, the Planning Commission conducted a public hearing on June 4, 2018 on this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Planning Commission hereby adopts the aforementioned findings of fact and makes the following conclusions of law supporting approval of Planning Commission Resolution 18-19:

1. The proposed use will be in accordance with the building height requirements (MSB 17.17.090).
2. The proposed use will be in accordance with the setback requirements (MSB 17.17.110).
3. The proposed use will be in accordance with the signage requirements (MSB 17.17.130).
4. The proposed use will not detract from the value, character or integrity of Denali State Park (MSB 17.17.180(A)(1)).
5. The application material has met all of the requirements of this chapter (MSB 17.17.180(A)(2)).
6. The proposed use will not be harmful to the public health, safety, convenience and welfare (MSB 17.17.180(A)(3)).
7. The proposed use provides sufficient access, setbacks, lot area, parking space, buffers, and other safeguards (MSB 17.17.180(A)(4)).

BE IT FURTHER RESOLVED, that the Planning Commission finds this application does meet the standards of MSB 17.17 and does hereby approve the conditional use permit for the construction of two cabins for short term accommodation rentals, with the following conditions:

1. The operation shall comply with all applicable local, state, and federal regulations.
2. All aspects of the operation shall comply with the description detailed in the application material and with the conditions of this permit. An amendment to the Conditional Use Permit shall be required prior to any expansion of the conditional use.
3. Borough staff shall be permitted to enter premises subject to this permit to monitor compliance with permit requirements. Such access will at minimum, be allowed on demand when activity is occurring, and/or with prior verbal or written notice, and/or at other times as necessary to monitor compliance. Denial of access to Borough staff shall be a violation of this Conditional Use Permit.
4. The applicant shall abide by all applicable standards in the Code of Federal Regulations pertaining to signage.
5. The applicant shall obtain final approval of their Borough Driveway Permit by March 28, 2019.
6. The applicant shall contain all associated parking with the rental cabins wholly on the subject parcel.

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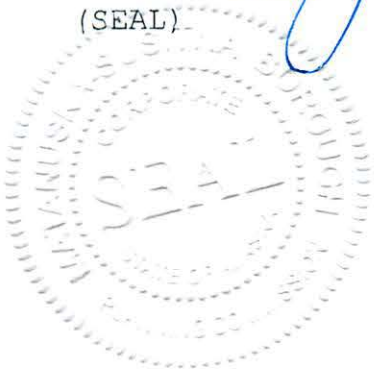
ADOPTED by the Matanuska-Susitna Borough Planning Commission
this 4th day of June, 2018.


COLLEEN VAGUE, Chair

ATTEST


MARY BRODIGAN, Planning Clerk

(SEAL)



YES: *Vague, Anderson, Patterson, Chuspro, Eldete,*
Glashan, and Mossanen
NO: