

By: Planning
Public Hearing: 07/09/19
Adopted: 07/09/19

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 19-06**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION DENYING VARIANCE NO. V19-01 REQUESTING SIX VARIANCES THAT INCLUDE: (1) ALLOWING LANDSCAPE ROCK INSTEAD OF VEGETATIVE MULCH IN LANDSCAPE BEDS; (2) WAIVING REQUIREMENT FOR LANDSCAPE GUARANTY; (3) WAIVING PERIMENTER LANDSCAPING; (4) WAIVING PARKING LOT AND VEHICULAR USE AREA LANDSCAPING; (5) WAIVING SCREENING AND BUFFERING BETWEEN COMMERCIAL/INDUSTRIAL AND RESIDENTIAL DUPLEX (NORTH); AND (6) WAIVING REQUIREMENT TO PLANT LANDSCAPING TO BREAK UP BUILDING FAÇADES GREATER THAN 35 FEET IN LENGTH FOR A PROPOSED COMMERCIAL WAREHOUSE ON LOT 4, BLUE GLACIER #2 SUBDIVISION.

WHEREAS, Trail Wills, owner, submitted an application for a variance on June 11, 2019, along with a site plan, landscape plan, and application fee; and

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

WHEREAS, a notice of the Planning Commission public hearing was published in the Frontiersman on June 30, 2019; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on the requested variances 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 Commission regarding the requested variance.

NOW THEREFORE BE IT RESOLVED, that the Wasilla City 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 and conditions of approval attached as Exhibit A and incorporated herein; and

BE IT FURTHER RESOLVED, that the Wasilla Planning Commission, denies the requested landscaping variances.

ADOPTED by the Wasilla Planning Commission on July 9, 2019.

APPROVED:


Eric Bushnell, Chair

ATTEST:


Tina Crawford, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 19-06
FINDINGS OF FACT – Landscape Variance Approval Criteria

§16.33.070(A)(1) Preapplication Conference.
The applicant shall schedule a preapplication conference with the planner to review the proposed waiver or modification.

Finding: The applicant met with the planner on-site to discuss proposed site plan and necessary waivers, including the waiver process.

§16.33.070(A)(2) Application and Site Plan.
After the preapplication conference, the applicant shall submit an application for the waiver or modification to the planner with the appropriate fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

Finding: The applicant submitted the required application packet and fee on June 11, 2019.

§16.33.070(A)(3) Public Hearing.
The commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.

Finding: All notice, comment period, and hearing procedures were met.

§16.33.070(A)(4) Decision.
The commission may approve an application only if the commission finds that the application meets all of the following standards:

- 1. Either (a) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (b) compliance with the landscaping requirements of this title will have an adverse effect on other property;**

2. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;

Finding: This criterion is not met. There are no natural features that preclude installation of the required landscaping and buffering/screening. Although a variance to the required perimeter and parking lot perimeter landscaping may not adversely affect other properties, the waiver of the screening/buffering will allow adverse impacts to the adjoining duplex to the north. Based on a review of the proposed site plan and the lot area, there is sufficient room to plant the 10-foot wide landscape bed along the cul-de-sac right-of-way that complies with the planting requirements and either plant additional trees or install an opaque fence along the northern property line to provide the required buffering/screening.

3. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;

Finding: This criterion is not met. There are no special conditions that support the variance requests. The clearing on the subject lot was done by the previous owner without obtaining the appropriate permits prior to clearing the lot. The City's landscaping regulations require that the illegal clearing be mitigated by the current property owner regardless of who cleared the lot.

4. The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;

Finding: This criterion is not met since the variances are not necessary to utilize the lot in a commercial or industrial manner and appears to be sought solely to relieve pecuniary hardship or inconvenience. All other property owners will be required to comply with these landscaping regulations when the lots are developed in the future.

Note: The landscape regulations were just updated in fall 2018 and now allow 100% clearing with replanting of 15% of the lot area versus the previous 30%. Additionally, industrially zoned parcels are now exempt from the internal parking island landscaping requirements.

5. The waiver or modification will not significantly affect adjacent property or water bodies; and

Finding: The variance to the screening/buffering requirements will allow negative visual and noise impacts to the duplex to the north. There are no adjacent waterbodies.

6. The waiver or modification is consistent with the spirit and intent of this chapter.

Finding: This criterion is not met since the variances are not consistent with the spirit and intent of the landscaping chapter. As stated in WMC 16.33.010, the purpose of the landscaping requirements is to:

- Ensure that new landscaping is an integral part of all development
- Visually enhance the community image through new landscaping improvements for industrial, commercial, community, and multifamily developments
- Soften the appearance and break up the visual impact of paved parking areas and surfaces
- Separate, screen, and buffer adjacent incompatible land uses through the use of landscape plantings, fencing, and other appropriate landscape architectural features
- Reduce noise and dust pollution.