

By: Planning
Public Hearing: 09/10/19
Adopted: 09/10/19

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 19-13**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V19-05 REQUESTING TWO VARIANCES THAT INCLUDE: (1) A WAIVER OF THE REQUIRED STREET TREES AND 10 FEET WIDE SITE PERIMETER LANDSCAPE PLANTING BED ALONG THE W. PARKS HIGHWAY RIGHT-OF-WAY AND (2) A VARIANCE OF FIVE FEET TO THE MINIMUM 10 FEET WIDE SITE PERIMETER LANDSCAPE PLANTING BED TO ALLOW A FIVE-FOOT WIDE PLANTING BED ALONG N. TOMMY MOE DRIVE FOR A PROPOSED USED CAR SALES BUSINESS ON LOT 5D, BLOCK 1, SNIDER #3 RSB SUBDIVISION.

WHEREAS, Sara Hutchings, owner, submitted an application for a variance on August 13, 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 September 1, 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, 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;
and

WHEREAS, the Wasilla Planning Commission adopted Findings of Fact, attached as Exhibit A, summarizing the basic facts and reasoning of the Commission regarding the requested variances; and

NOW THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves the requested landscaping variances with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. A landscape plan meeting the requirements in WMC 16.33 and consistent with the variances approved in this resolution must be submitted to the Planning Department no later than September 27, 2019.
2. Landscaping and vegetation on the site consistent with the approved landscape plan must be planted no later than July 1, 2020.

ADOPTED by the Wasilla Planning Commission on September 10, 2019.

APPROVED:

 9-13-2019
Eric Bushnell, Chair Date

ATTEST:


Tina Crawford, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 19-13
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 city planner to discuss proposed site plan and necessary waivers, including the variance/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 August 13, 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;**

Finding: This criterion is met. The unusual circumstances that apply to this lot are that the lot is only 0.25 acres in size and has frontage on three rights-of-way. Additionally, there is a landscaped seating area within the Parks Highway right-of-way along the southern lot line of the subject lot (see photos in packet).

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 met. The special conditions were not caused by the current or any previous property owner.

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

Finding: This criterion is met since the variances are necessary to have reasonable use of the lot.

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

Finding: This criterion is met since the variances will not significantly affect adjacent properties or water bodies. As stated above, there is a landscaped area within the Parks Highway right-of-way that contains shrubs and trees along with a seating area. Additionally, the applicant will be planting a site perimeter planting bed along Tommy Moe that contains all of the required planting but will be within a five feet wide planting bed instead of the required planting bed and will plant the required 10 feet wide site perimeter planting bed along Herning Avenue.

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

Finding: This criterion is met since the variances are consistent with the spirit and intent of the landscaping chapter.



