

By: Planning
Public Hearing: 12/08/20
Adopted: 12/08/20

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 20-25**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING VARIANCE NO. V20-02 REQUESTING A VARIANCE TO THE SCREENING/BUFFERING REQUIREMENTS IN WMC 16.33.060(D) TO ALLOW THE EXISTING 10' CONCRETE WALL TO SUBSTITUTE FOR THE PLANTING REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE OF LOT 1, SMITH-HAGEN SUBDIVISION AT THE NORTHEAST CORNER OF LOT 2, DAVID SMITH SUBDIVISION (EXTENDING APPROXIMATELY 138 FEET WEST FROM THE NORTHEAST CORNER OF LOT 2 ALONG THE NORTHERN LOT LINE OF LOT 2; AND EXTENDING 35 FEET SOUTH ALONG THE EASTERN LOT LINE OF LOT 2).

WHEREAS, Michael D. Smith, Smith Hagen Family Trust, submitted an application for a variance on November 6, 2020, along with supporting documentation 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 December 2, 2020; and

WHEREAS, the Wasilla Planning Commission conducted a public hearing on the requested variance 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 variance; and

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

1. The existing wall must remain in place as long as a concrete batch plant with screening operates on the property. However, if the use on the adjoining property changes from residential to a nonresidential use, the wall may be removed and replaced with the appropriate buffer as required in WMC 16.33.060(D).

ADOPTED by the Wasilla Planning Commission on December 8, 2020.

APPROVED:

 12-8-2020

Eric Bushnell, Chair

Date

ATTEST:


Tina Crawford, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 20-25
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 November 6, 2020.

§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 circumstance that applies to this lot is that a court ordered settlement required the installation of a 10-foot tall concrete wall along the property line of this parcel and the adjoining one to the south. At time of planting, this existing wall would block all view of the 35 shrubs (2' tall), 5 canopy trees (10'), and 5 understory trees (10') that are required to be planted for screening and buffering. Also, the type of activities on site, including material storage areas, make it difficult to maintain and protect the 20-foot wide planting bed from damage.

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 requiring a 10-foot wall were mandated as part of a settlement agreement with the adjoining property owner.

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

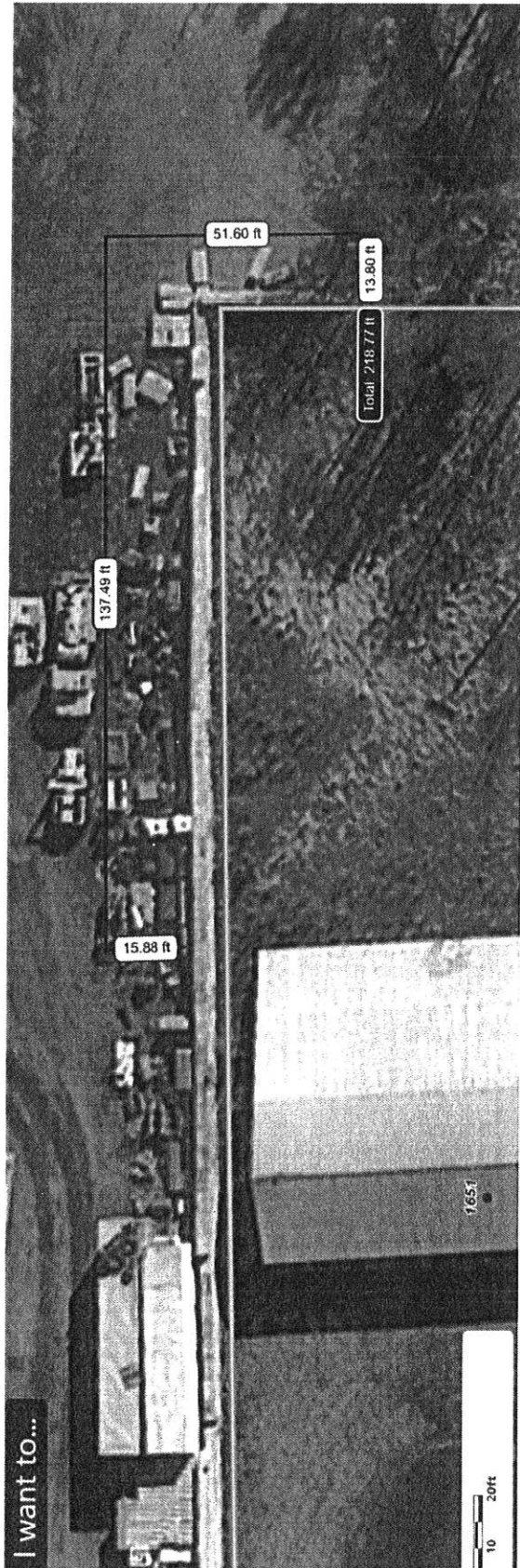
Finding: This criterion is met since the variance is not sought solely to relieve pecuniary hardship or inconvenience. As shown in the aerial photographs, the 10-foot tall concrete wall runs along the entire southern property line. This wall provides a taller and more effective screening/buffering effect than the required two-foot tall shrubs and 10-foot tall trees required between the home and the screening plant.

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

Finding: This criterion is met. The waiver or modification will not affect adjacent waterbodies. Additionally, the existing 10-foot tall concrete wall meets or exceeds the effectiveness of screening and buffering with a six-foot wooden fence and landscaping.

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

Finding: This criterion is met since the existing 10-foot tall concrete wall meets the intent to provide a visual buffer between incompatible uses.



Area within the blue box is the location of the required 16' wide Type B screening buffer.

