

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-21**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION TO ALLOW ALASKA INDUSTRIAL HARDWARE (AIH) TO USE AN EXISTING SIX FOOT PLANTER IN THE COMMERCIAL DRIVE RIGHT-OF-WAY (ROW) TO REPLACE A TEN FOOT REQUIRED PERIMETER PLANTER.

WHEREAS, WMC 16.24.040(D)4(b), states,

"Each parking lot containing ten (10) or more parking spaces shall include around its perimeter a planting bed having a minimum width of ten (10) feet. A planting bed located adjacent to a street shall contain trees, shrubs, flowers, boulders, mulch and fences. Any fence in a planting bed located adjacent to a street shall be set back at least three feet from the lot line to allow room for plantings on the street.", and


WHEREAS, a pre-application conference between AIH representatives and City staff was held and it was determined that AIH should ask the Planning Commission for a waiver or modification to landscape standards per WMC 16.33.070 to allow the existing six foot wide planter in the Commercial Drive ROW to replace the required ten foot wide perimeter planter and add three circular concrete aggregate planters to the north side of the existing six foot planters, and to waive the ten foot planter along the existing east property line next to the building where there is currently good parking.

NOW THEREFORE, BE IT RESOLVED, that per Exhibit A Findings of Fact, the Wasilla Planning Commission finds that the existing six foot planter in the Commercial Drive ROW sufficiently serves as a border and that a ten foot planter as required by

WMC 16.24.040(D)4(b) along the south and east boundaries of the property are hereby waived.

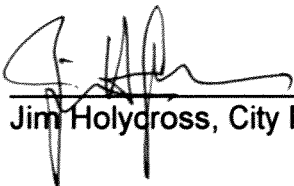
APPROVED by the Wasilla Planning Commission on October 27, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Pass Unanimously

Wasilla Planning Commission Resolution 09-21

FINDINGS OF FACT

1. **Staff Finding:** The applicant has attended two pre-application conferences first with the City Planner and second with the City Planner and Deputy Administrator to review this proposal. The applicant was given a checklist of things that needed to be addressed in the application for an administrative approval to build the addition during the first meeting with the City Planner. Subsequent to this the applicant determined they wanted another pre-application conference to discuss the redundancy of having two planters along the front lot line and a planter that would result in the removal of good existing parking that is currently located along the east property line that Alaska Industrial Hardware (AIH) shares with the Yamaha Sales business. As a result of the meeting it was agreed that the applicant would submit an application for a variance. The variance idea was subsequently changed to a waiver or modification application which is required to be notified as if it were a conditional use permit.
2. **Staff Finding:** The applicant originally submitted an application for a variance which was subsequently changed to a waiver or modification to landscape standards with notification made per conditional use permit notification requirements. The application and site plan depicts all necessary information needed to make a determination on this waiver or modification. The City Planner required an engineer's stamp which was placed on the site plan drawings.
3. **Staff Finding:** A public hearing was held before the Planning Commission on October 27, 2009. Notice and a comment period was provided and a public hearing was conducted per the requirements of WMC 16.16.040.
4. **Staff Finding:** Staff finds that it is impractical to have another planter as required by the code, side by side to the existing six foot wide planter already in place in the Commercial Drive right-of-way (ROW) adjacent to the property. Other property will not be adversely affected by this proposal to use the existing planter in the front and parking on the side lot lines.
5. **Staff Finding:** The special conditions that merit this waiver were not caused by the applicant but rather by the City's existing planter location and existing parking situation. The subject planter is located within the City's Commercial Drive ROW. The applicant did not cause the planter to be placed in this location adjacent to their front lot line and parking lot.
6. **Staff Finding:** This waiver is sought for practical purposes and is not sought solely to relieve pecuniary hardship or inconvenience. It is not reasonable to require another planter in the same location where an existing planter already exists. It is not practical to require good existing parking to be removed along the side property next to the Yamaha sales and then be replaced with a planter that would not be conducive to parking or traffic circulation.
7. **Staff Finding:** The proposed waiver to the provision of a ten foot planter bed along the front lot line and east side lot line will result in existing conditions remaining the same with no change and will not significantly affect adjacent property or water bodies.

8. **Staff Finding:** This waiver to allow the existing six foot planter to serve in place of the required ten foot planter; and to allow the existing parking along the east property line rather than placing a ten foot planter there in place of the parking is consistent with the spirit and intent of the chapter since the net result is a planter, with parking as it has existing along the existing building on the east property line for many years.

9. **Staff Finding:** (See also Finding 2) The applicant originally submitted an application for a variance which was subsequently changed to a waiver or modification to landscape standards with notification made per conditional use permit notification requirements. The application including site plan depicts all necessary information needed to make a determination on this waiver or modification. The planner required an engineer's stamp which was placed on the site plan drawings.

10. **Staff Finding:** The application was accepted and placed on the next available agenda which is October 13, 2009. The notice of the hearing was published in a newspaper of general circulation with the ad stating the time, date and place of the hearing, the name of the applicant, the address or general location of the property and subject or nature of the action which is a waiver or modification to landscape standards. Notice was sent to property owners within 1,200 feet of the subject property and applicable agencies; with all proper notification procedures followed.

11. **Staff Finding:** The opportunity for written comments to be received and public hearing notice made prior to the start of the hearing.


12. **Staff Finding:** A complete application was received in the Planning Office, and public notice was made on October 5, 2009, to 115 residents within 1,200 feet and 24 review agencies, with the public hearing scheduled with the applicant's permission for October 27, 2009.

ADOPTED: -, 2009



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner