



**MAYOR**                              **CITY PLANNER**  
Verne E. Rupright                  Jim Holycross

**WASILLA PLANNING COMMISSION**

Gary Hall, Seat A  
Daniel Kelly Jr., Seat B  
Brandon Wall, Seat C  
Jessie Laub-Elkins, Seat D  
Stan Tucker, Chairman, Seat E  
Clark Buswell, Seat F  
Robert Webb, Seat G

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**CITY OF WASILLA  
PLANNING COMMISSION MEETING AGENDA  
WASILLA CITY COUNCIL CHAMBERS**

Wasilla City Hall, 290 E. Herning Avenue, Wasilla, AK 99654 / 907-373-9020 phone

**REGULAR MEETING    7 P.M.    February 24, 2009**

- I.      CALL TO ORDER
- II.     ROLL CALL
- III.    PLEDGE OF ALLEGIANCE
- IV.    APPROVAL OF AGENDA
- V.     UNFINISHED BUSINESS
  - A.     Election of officers
    1.     Chair
    2.     Vice Chair
- VI.    REPORTS
  - A.     City Attorney
  - B.     City Council
  - C.     City Planner
  - D.     City Public Works Director
  - E.     Guest Speaker: Louis Friend, Executive Director of MASCOT will talk about present and future service - MASCOT, Wasilla, and the Region.
- VII.   PUBLIC PARTICIPATION
- VIII.  CONSENT AGENDA
  - A.     Minutes of February 10, 2009 meeting

IX. NEW BUSINESS

A. Public Hearings

1. For a variance to sign size standards of WMC 16.32.120.A.4, "For allowed nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed thirty-two (32) square feet in sign area, and one wall sign not to exceed six square feet in sign area."; and WMC 16.32.120.B, "Special regulations for residential districts are as follows: All allowed freestanding signs shall have a maximum height limit of six feet." If approved this variance will allow:
  - A) One pole sign, internally illuminated, 10' x 10' with a 10' base pole. This sign will be located on the northwest corner of Aspen Avenue and Lucille Street.
  - B) Three 4' x 12' internally illuminated cabinet signs located on the front parapet wall of the building facing Lucille Street; and
  - C) Two 4' x 8' internally illuminated cabinet signs, located on south gable end parapet facing Aspen Avenue.

The subject property is: Lot 8D, Wasilla Woods RSB, within Section 3, Township 17 North, Range 01 West, Seward Meridian, AK, located East of Lucille Street.

X. COMMUNICATIONS

- A. Calendar Review March/April 2009
- B. Permit Information
- C. Enforcement Log

XI. AUDIENCE COMMENTS

XII. STAFF COMMENTS

XIII. COMMISSION COMMENTS

XIV. ADJOURN

**REGULAR MEETING**

**I. CALL TO ORDER**

The regular meeting of the Wasilla Planning Commission was called to order at 7:00 PM on Tuesday, February 24, 2009, in Council Chambers of City Hall, Wasilla, Alaska by Stan Tucker, Chairman.

**II. ROLL CALL**

Commissioners present and establishing a quorum were:

- Mr. Daniel Kelly, Jr., Seat B
- Mr. Brandon Wall, Seat C
- Ms. Jessie Laub-Elkins, Seat D
- Mr. Stan Tucker, Seat E
- Mr. Robert Webb, Seat G

Commissioners absent and excused.

- Mr. Gary Hall, Seat A
- Mr. Clark Buswell, Seat F

Staff in attendance were:

- Mr. Jim Holycross, City Planner
- Ms. Tahirih Klein, Planning Clerk
- Ms. Holly Suozzo, Assistant City Attorney

**III. PLEDGE OF ALLEGIANCE**

A. Ms. Suozzo led the pledge of allegiance.

**IV. APPROVAL OF AGENDA**

GENERAL CONSENT: The agenda was approved as amended.

**V. UNFINISHED BUSINESS**

B. Election of officers

Mr. Tucker stated in the last Planning Commission meeting there was a tie vote for Chair and since there are five Commissioners present you need four votes to pass a motion for the new chair and stated Ms. Suozzo had information on how to reconcile the tie vote for the Chair.

Ms. Suozzo stated the method is to make a motion for each nominee and then vote and if there aren't enough votes for a nominee to become chair then move it to the next meeting and go through the process again.

Discussion moved to the Commission.

1. Chair

MOTION: Commissioner Webb moved to elect Stan Tucker as chair.

VOTE: Vote by ballot, count was three yah and two nah, motion did not pass.

MOTION: Commissioner Laub-Elkins moved to elect Dan Kelly as chair.

VOTE: Vote by ballot, count was three yah and two nah, motion did not pass.

2. Vice Chair

Mr. Tucker stated since neither nominee was voted in, election of officers will be moved to the next meeting.

## VI. REPORTS

A. City Attorney

Ms. Suozzo, Assistant City Attorney:

- Stated that she and Mr. Holycross were discussing how to create an ordinance for air rifles, and there is a code provision stating that an air rifle cannot be pointed at an individual and excludes officers of the law. The current ordinance may need more regulations in the future but that will be up to the Commission and Council.

Discussion moved to the Commission.

B. City Council

Mr. Holycross:

- Stated that he was not present at the City Council meeting but Mr. Kelly as Planning Commission representative and Ms. Suozzo representing the City Attorney were both present and he stated they discussed the timing of when the code amendments that have been adopted by the Planning Commission will be heard at a public hearing before City Council.

- Stated there will be a work session on March 9, 2009, on the conservation subdivision design and the other resolutions that have been forward to them.
- Stated on March 23, 2009, they will introduce the ordinances - PUD Code, conservation subdivision design, building height, and outdoor shooting ranges, and the public hearing for the ordinances will be on April 13, 2009.
- Stated there was discussion of creating an ethics code.

Mr. Kelly:

- Stated they learned from the Mat-Su Borough that part of the CIP process is to make sure the road projects are scored and the one-way couplet, Yenlo Street and Main Street, are listed as number ten on the list.

C. City Planner

Mr. Holycross, City Planner:

- Stated that Mr. Kelly asked about the Hazard Mitigation plan and what he found out after speaking with the State Emergency Management office and the Borough. Stated our current plan has been adopted and good until June 1, 2010. The City of Wasilla will submit a preliminary application of intent by June 1, 2009, and then the application itself will be due November 1, 2009, which will then help get grant money to hire a consultant and update the Hazard Mitigation plan. The representative at the State Emergency Management office will keep Mr. Holycross informed and send all the proper paperwork.
- Stated the Borough is going to sponsor an educational program called parliamentary procedure and open meetings act training, will be at the public safety building off of Lucille at 9:00 am and he recommends everyone to attend.
- Stated that a consultant has been selected for the Comprehensive plan update and we are now in contract negotiations. The company is USKH, Inc. and they will have a joint session with the City Council and Planning Commission which is training on the project and the consultant will discuss what the Planning Commission's role will be throughout the update of the Comprehensive plan.

D. City Public Works Director

Mr. Giddings, Public Works Director

- Stated they did meet with our consultant and they gave an update on the contract. The TIA for the Fern Street/Knik-Goose Bay project was completed and then reviewed by DOT and the one conclusion is the round about will not be selected because there is more through traffic. They are proceeding with a traffic signal design that will be ready to bid this summer but are short of funding and it's on the lobbying request for Juneau.

- E. Guest Speaker: Louis Friend, Executive Director of MASCOT will talk about present and future service - MASCOT, Wasilla, and the Region.

Mr. Friend provided a verbal presentation of how MASCOT has developed since 1999 and what their future plans are.

Discussion followed.

## VII. PUBLIC PARTICIPATION

None.

## VIII. CONSENT AGENDA

- A. Minutes of February 10, 2009 meeting

Ms. Laub-Elkins stated that there is a mention of who stated the motion but no name of who seconded the motion.

Ms. Klein stated she would look at past minutes and get back with the Commission on the process of the minutes and who seconded a motion.

GENERAL CONSENT: The minutes were approved as amended.

## IX. NEW BUSINESS

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1. For a variance to sign size standards of WMC 16.32.120.A.4, "For allowed nonresidential uses, including churches and synagogues, one freestanding sign, not to exceed thirty-two (32) square feet in sign area, and one wall sign not to exceed six square feet in sign area."; and WMC 16.32.120.B, "Special regulations for residential districts are as follows: All allowed freestanding signs shall have a maximum height limit of six feet." If approved this variance will allow:
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**Resolution Serial No. 09-08** - A Resolution of the Wasilla Planning Commission denying a request from Fonov Investments, LLC for a variance to sign size and height on approximately 1.4 acres in the rural residential (RR) zoning district; Lot 8D, Block 1, Wasilla Woods Subdivision.

Mr. Holycross then provided a brief background on the applicants request and then read in Resolution Serial No. 09-08.

Mr. Tucker asked if someone was present to speak for the property owner.

1. Nikolay Fonov

Mr. Fonov:

- Stated he has been in the Valley since 1995 and started a business in construction and as his business grew he needed to locate to a larger parcel and then acquired a parcel designated rural residential within the City of Wasilla limits. He was approved for a land use permit in 2008 to build a commercial building 10,000 square feet or smaller and he figured he could have larger signs to match the building size.
- Stated he then applied for a sign permit and found out that he was not allowed to have a wall sign bigger than six square feet or a pole sign larger than 32 square feet and no taller than six feet.
- Stated Mr. Holycross recommended he file for a zone change because the properties in the area are commercial and in a commercial zone you are allowed a bigger sign. Then about two weeks ago he recommended that Mr. Fonov withdraw his application and if he wanted to continue Mr. Holycross would recommend denial of the application.
- Stated that a sign company is leasing space from Mr. Fonov and that having the larger signs would be better for their business.

Discussion moved to the Commission.

Mr. Tucker opened the public hearing on Resolution No. 09-08.

1. Chandler Axemaker, General Manager of Sign Source

Mr. Axemaker:

- Stated he is here on behalf of the owner because he could not attend the meeting.
- Stated the company has put a lot of money and effort to move into Mr. Fonov's facility.
- Stated the sign for the building may seem large but when you are sharing the sign among five tenants it's not that large.

- Stated that Mr. Fonov went through all the proper channels to build this building and it is very nice, but not being able to have signs cripples his ability to lease those spaces.
- Stated they made their decision to move based on conversation with Mr. Holycross who did not guarantee but made it sound like a zone change would not be an issue, because it did come to their attention before they signed the lease. They feel like they went through the proper channels to cover themselves because they are a sign shop and it's an invaluable advertising tool to have the signs.
- Addressing the question about the sign being illuminated, there are signs in the area illuminated and the wall signs will be backlight cabinet signs and not neon or flashing.

Mr. Fonov stated there are other signs in the City limit's that are not to code.

Mr. Holycross stated that he has researched the files on certain businesses with signs in the area not to code and found that they were approved before the code for signs was adopted in 1996 and were probably grandfathered in.

Discussion moved to the Commission.

## 2. Joe Trout

Mr. Trout:

- Stated that as he understands it a six foot sign is two feet by three feet and a sign that size is not very large and you can't see it from the road.

Discussion moved to the Commission.

With no other audience comments, Mr. Tucker closed the public hearing.

Mr. Tucker asked Mr. Holycross if he had any summery statements.

Mr. Holycross stated the sign companies are difficult to work with and are aggressive about the signs they want and Mr. Holycross understands that's the nature of their business.

Mr. Holycross stated Mr. Fonov is a nice man but wouldn't take no for an answer and when Mr. Holycross originally thought of a zone change he then decided after talking with Mr. Yoder that's not the way to get a sign approved then advised Mr. Fonov to apply for a variance and also Mr. Holycross then advised Mr. Fonov it would not be approved.

Mr. Tucker asked if Mr. Fonov had any closing comments.

Mr. Fonov asked if it's possible to have smaller signs, but not as small as six square feet and maybe eliminate or make the signs smaller on the pole sign. The signs are a key thing for the businesses to have some type of advertisement.



Discussion moved to the Commission.

**MOTION:** Commissioner Laub-Elkins moved to adopt Wasilla Planning Commission Resolution Serial No. 09-08.

Commissioner Laub-Elkins asked to have the definition of a variance read into the record.

Ms. Suozzo read in the definition per section 16.28.010 (C) of a variance and then read in 16.28.010 (D).

Mr. Kelly stated state of Alaska law that needs to be followed by the Planning Commission is Title 29 and then read in the language for a variance.

Discussion moved to the Commission.

**MOTION:** Commissioner Kelly moved to amend Commission Resolution Serial No. 09-08 to include the staff report.

**VOTE:** Voting on the primary amendment, it passed unanimously.

Discussion moved to the Commission.

Mr. Tucker asked if there was no objection from the Commission asked Mr. Fonov if he is would like to make any comments.

Mr. Fonov stated the discussion by the Planning Commission regarding meeting the criteria for a variance was initially the same issues Mr. Holycross recommended. Mr. Holycross stated that Mr. Fonov did not qualify for a variance but you may qualify for a zone change in that area because most of it is commercial. Mr. Fonov also stated he withdrew the application for a zone change and changed it to a variance per Mr. Holycross' recommendation.

Discussion moved to the Commission.

Mr. Kelly called for the question.

**MOTION:** Commissioner Wall moved to adopt Wasilla Planning Commission Resolution Serial No. 09-08 as amended.

**VOTE:** Voting on the main motion as amended, it passed unanimously.

Mr. Tucker asked Ms. Suozzo if it is improper to change their request to a zone change.

Ms. Suozzo stated that she hasn't seen a zone change for a sign before, but it would be improper for her to answer that question without looking it up in code and she will let Mr. Holycross know what she finds.

Discussion moved to the Commission.

## **X. COMMUNICATIONS**

### **A. Calendar Review March/April 2009**

Mr. Tucker stated that Mr. Wall will be attending a meeting in March and asked for a volunteer for April.

Mr. Wall stated he would not be able to attend the March 23, 2009 meeting and asked if someone would be able to attend the meeting in March and he would attend a meeting in April.

Mr. Kelly stated he would be available to attend the meeting in March.

No comments were made regarding the following items.

- B. Permit Information
- C. Enforcement Log

## **XI. AUDIENCE COMMENTS**

None.

## **XII. STAFF COMMENTS**

### **A. Staff Comments**

Mr. Holycross

- Stated that what has happened tonight can be corrected and the update of the Comprehensive plan with policy changes that will look at commercial corridors.
- Stated the way our code is currently written so we allow mixed use in the rural residential zone and we allow commercial development of 10,000 square feet but we don't allow a large sign and it put Mr. Fonov in this position. Stated he looks forward to updating the Comprehensive plan and look specifically at that and possibly change it if that's what the community requests.
- Stated we have had other requests for bigger signs in the rural residential zone because they are allowed to build a commercial building up to 10,000 square feet.
- Stated when updating the Comprehensive plan look at creating a new zone for commercial corridors or some type of amendment to the existing code.

### XIII. COMMISSION COMMENTS

#### A. Commissioner Comments

Commissioner Laub-Elkins

- None.

Commissioner Webb

- Stated that he would have liked to give Mr. Fonov the sign but we were in a position where we couldn't just approve it per state regulations and according to Mr. Holycross maybe something can be worked out in the future.

Commissioner Wall

- Stated he appreciates Mr. Holycross' conclusion and recommendations at the end of his staff reports and it is odd that we will allow a mid-size commercial unit in a rural residential but none of the things that would normally go with a commercial unit.
- Stated he is on the same line, hopefully we can try to find a solution with the Comprehensive plan.

Commissioner Kelly

- Stated for clarification it is a RR zoning area not a residential area.
- Stated he appreciates Mr. Fonov being present and would like to see it resolved.

Commissioner Tucker


- Stated that this has been a very difficult evening but encourages the planning Commission and for a City to function people have to sit in on these things.
- Thanked Mr. Holycross for what he has done and appreciates the effort he puts into his work.

### XIV. ADJOURNMENT

The regular meeting adjourned at 9:13 PM.

ATTEST:

  
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STAN TUCKER, Chairman

  
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TAHIRIH KLEIN, Planning Clerk

Adopted by the Wasilla Planning Commission March 24, 2009.