

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 11-30**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 16.28.110, VARIANCE, TO INCLUDE SIGN VARIANCES; AND ADD WMC 16.32.260, VARIANCE PROVISIONS, TO ALLOW VARIANCES TO THE SIGN CODE AND CREATE SIGN VARIANCE CRITERIA AND PROCESS REQUIREMENTS.**

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**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Amendment of section.** WMC 16.28.110, Variance, is hereby amended as follows:

A variance is the relaxation of the density, setback, [OR] height, or sign standards of this [CHAPTER] title beyond those provided for by this chapter. Prior to submission of a variance application, the developer is encouraged to attend a pre-application conference with the planner. The purpose of the pre-application conference is to permit the applicant to explain the situation that gives rise to the need for a variance and for city staff to explain the standards that must be met before a variance may be granted and to indicate the types of information that will be necessary to justify the variance. The variance pre-application conference may be combined with any permit pre-application conference.

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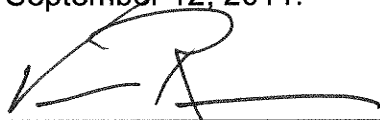
**Section 3. Adoption of section.** WMC 16.32.260, Variance Provisions, is hereby adopted to read as follows:

**16.32.260 Variance Provisions.**

**Variances to the setbacks, sign area, number of signs per parcel, and height of signs may be requested by a property owner, or authorized agent. The application process, notice requirements, and variance standards shall be the same as those for variances in Section 16.28.110. In granting a sign variance, the planning commission may prescribe conditions and safeguards to assure conformity with the purpose and intent of this chapter and consistency with the city comprehensive plan and any other applicable adopted city plans.**

**Section 4. Effective date.** This ordinance shall be effective upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on September 12, 2011.

  
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VERNE E. RUPRIGHT, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, MMC, City Clerk

[SEAL]

VOTE: Harris, Holler, Katkus, Menard, Woodruff in favor; Sullivan-Leonard absent

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**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**ORDINANCE SERIAL NO. 11-30: AMEND WMC 16.28.110, VARIANCE, TO INCLUDE SIGN VARIANCES; AND ADD WMC 16.32.260, VARIANCE PROVISIONS, TO ALLOW VARIANCES TO THE SIGN CODE AND CREATE SIGN VARIANCE CRITERIA AND PROCESS REQUIREMENTS.**

**Agenda of:** August 22, 2011

**Date:** August 3, 2011

**Originator:** Tina Crawford, City Planner *SC*

Route to:	Department	Signature/Date
	Chief of Police	
X	Public Works Director	<i>[Signature]</i> 8/4/11
X	Interim Deputy Administrator	<i>[Signature]</i> 8-4-11
X	Finance Director	<i>[Signature]</i> 8/4/11
X	City Clerk	<i>[Signature]</i>

**REVIEWED BY MAYOR VERNE E. RUPRIGHT:** *[Signature]*

**FISCAL IMPACT:**  yes\$ or  no Funds Available  yes  no

**Account name/number:** None  
**Attachments:** Proposed Ordinance Serial No. 11-30 (2 pp)  
WPC Resolution Serial No. 11-11 (3 pp)  
WPC Minutes – June 28, 2011 (5 pp)

**SUMMARY STATEMENT:** Currently the City's Land Development Code (Title 16) does not allow any variances to the sign regulations in Chapter 16.32. In order to provide flexibility in the sign regulations, especially for businesses with constrained sites, nonconforming signs, or other extenuating circumstances, staff drafted the proposed ordinance that would allow business owners to request a variance to the following sign requirements:

- Sign setback from the property line;
- Maximum size (sign area) for a freestanding sign;
- Maximum number of freestanding signs per lot or parcel; and/or
- Maximum sign height

After conducting the public hearing, the Wasilla Planning Commission adopted Resolution Serial No. 11-11 on June 28, 2011, which recommends that the City Council adopt the proposed amendment.

**STAFF RECOMMENDATION:** Adopt Ordinance Serial No. 11-30.

By: Planning  
Public Hearing: 06/28/11  
Adopted: 06/28/11

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 11-11**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL AMEND WMC 16.28.110, VARIANCE, TO INCLUDE SIGN VARIANCES; AND ADD WMC 16.32.260, VARIANCE PROVISIONS, TO ALLOW VARIANCES TO THE SIGN CODE AND CREATE SIGN VARIANCE CRITERIA AND PROCESS REQUIREMENTS.**

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WHEREAS, the Planning Staff requested to amend WMC 16.28.110, Variance, and add WMC 16.32.260, Variance Provisions; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on June 28, 2011, the Wasilla Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the WMC; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council adopt the following revisions:

**Amendment of section.** WMC 16.28.110, Variance, is hereby amended as follows:

**16.28.110 Variance.**

A variance is the relaxation of the density, setback, [OR] height, or sign standards of this [CHAPTER] title beyond those provided for by this chapter. Prior to

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submission of a variance application, the developer is encouraged to attend a pre-application conference with the planner. The purpose of the pre-application conference is to permit the applicant to explain the situation that gives rise to the need for a variance and for city staff to explain the standards that must be met before a variance may be granted and to indicate the types of information that will be necessary to justify the variance. The variance pre-application conference may be combined with any permit pre-application conference.

**Addition of section.** WMC 16.32.260, Variance Provisions, is hereby added as follows:

**16.32.260 Variance Provisions.**

**Variances to the setbacks, sign area, number of signs per parcel, and height of signs may be requested by a property owner, or authorized agent. The application process, notice requirements, and variance standards shall be the same as those for variances in Section 16.28.110. In granting a sign variance, the planning commission may prescribe conditions and safeguards to assure conformity with the purpose and intent of this chapter and is consistent with the city comprehensive plan and any other applicable adopted city plans.**

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption to the Wasilla City Council and to take effect upon adoption by the Wasilla City Council.

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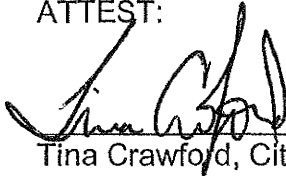
APPROVED by the Wasilla Planning Commission on June 28, 2011.

APPROVED:



\_\_\_\_\_  
A.C. Buswell, III, Chairman

ATTEST:



\_\_\_\_\_  
Tina Crawford, City Planner

VOTE:        Passed Unanimously

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**I. CALL TO ORDER**

The regular meeting of the Wasilla Planning Commission was called to order at 7:00 PM on Tuesday, June 28, 2011, in Council Chambers of City Hall, Wasilla, Alaska by A.C. Buswell, III, Chairman.

**II. ROLL CALL**

Commissioners present and establishing a quorum were:

- Vacant, Seat A
- Mr. Daniel Kelly, Jr., Seat B
- Mr. Steven DeHart, Seat C
- Ms. Glenda Ledford, Seat E
- Mr. Clark Buswell, Seat F
- Mr. Robert Webb, Seat G

Commissioners absent and excused were:

- Mr. Doug Miller, Seat D

Staff in attendance were:

- Mr. Archie Giddings, Public Works Director
- Mr. Bert Cottle, Deputy Administrator
- Ms. Tina Crawford, City Planner
- Ms. Tahirih Klein, Planning Clerk

**III. PLEDGE OF ALLEGIANCE**

- A. Commissioner Kelly led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

GENERAL CONSENT: The agenda was approved as amended.

**V. REPORTS**

- A. Chair Buswell called for a moment of silence to remember Commissioner King who passed away last week.

- B. City Attorney  
No report given.

- C. City Council  
Mr. Giddings stated the Rezone request for a parcel located off Knik-Goose Bay Road was denied and the other Rezone request was approved.

D. City Planner  
No report given.

E. City Public Works Director  
Mr. Giddings stated they are still waiting to hear from the Legislation on funding to go ahead with projects.

Mr. Cottle:

- Stated at the next Matanuska-Susitna Borough meeting, the moving of Iditarod Elementary will be discussed and there are three different locations being considered for the new school location;
- Stated the Borough is trying to get more schools built off of Knik-Goose Bay Road due to the need for another school in that area; and
- Stated on the Borough July 19, 2011, Assembly meeting the lease for Lake Lucille Park will be on the agenda for discussion.

**VI. PUBLIC PARTICIPATION** (*five minutes per person, for items not scheduled for public hearing*)

No one present.

**VII. CONSENT AGENDA**

A. Minutes of June 14, 2011, meeting.

GENERAL CONSENT: Minutes were approved as presented.

**VIII. NEW BUSINESS** (*five minutes per person*)

A. Public Hearing

1. **Resolution Serial No. 11-11:** Recommending that the Wasilla City Council amend WMC 16.28.110, Variance, to include sign variances; and add WMC 16.32.260, Variance Provisions, to allow variances to the sign code and create sign variance criteria and process requirements.

Ms. Crawford stated currently there are no provisions for a business owner to request a variance and the new provisions will provide a way for any property to request a variance to signs.

Chair Buswell opened the public hearing on Resolution Serial No. 11-11.

With no one present the public hearing was closed.

**MOTION:** Commissioner Kelly moved to approve Resolution Serial No. 11-11 as presented.



MOTION: Commissioner Kelly moved for a primary amendment to add the words "displays on electronic message center signs," to read as follows:

16.32.260 Variance Provisions.

Variances to the setbacks, sign area, number of signs per parcel, displays on electronic message center signs, and height of signs may be requested by a property owner, or authorized agent. The application process, notice requirements, and variance standards shall be the same as those for variances in Section 16.28.110. In granting a sign variance, the planning commission may prescribe conditions and safeguards to assure conformity with the purpose and intent of this chapter and is consistent with the city comprehensive plan and any other applicable adopted city plans.

Discussion moved to the Commission.

VOTE: The motion for the primary amendment to Resolution Serial No. 11-11 failed with Commissioner Kelly in favor and Commissioners DeHart, Ledford, and Webb against.

Discussion ensued.

VOTE: The motion to approved Resolution Serial No. 11-11 passed unanimously.

B. Committee of the Whole

MOTION: Commissioner Ledford moved to enter into the Committee of the Whole at 7:31 PM.

VOTE: The motion to enter into the Committee of the Whole passed unanimously.

1. Draft Wasilla Area Plans.

The Planning Commission discussed the recommend goals and objectives for the Downtown Area Plan.

MOTION: Commissioner Kelly moved to exit the Committee of the Whole at 8:35 PM.

VOTE: The motion to exit into the Committee of the Whole passed unanimously.

**X. UNFINISHED BUSINESS**

There was no unfinished business.

## **IX. COMMUNICATIONS**

No statements made regarding the following items.

- A. Permit Information
- B. Enforcement Log

## **X. AUDIENCE COMMENTS**

Ms. Dianne Woodruff:

- Stated that she is on the city council but is speaking as a member of the public; and
- Stated that she disagrees on the platting authority being given to the city of Wasilla because it is quite expensive, there are so few platting requests within the City, and that the Borough is doing a fine job.

Ms. Kelly Dau:

- Stated that she is a resident of Wasilla; and
- Stated that the rezone request was denied at the City Council and that the minimum requirements for mailings should be expanded to include the whole subdivision instead of just a few parcels within that subdivision.

## **XII. STAFF COMMENTS**

Ms. Crawford stated that she will work with the Planning Commission in the future, as needed, to prepare detailed substitute findings of fact when the Planning Commission does not concur with staff's findings. This will help the City Council better understand why the Planning Commission made their recommendation.

## **XII. COMMISSION COMMENTS**

Commissioner Kelly stated that he appreciated all those that attended the meeting tonight and that he attended the wake of Mr. King.

Commissioner DeHart stated that he appreciates the comments from the audience.

Chair Buswell stated that he appreciated everyone's attendance at the meeting and that Commissioner King will be missed.

**XIII. ADJOURNMENT**

The regular meeting adjourned at 8:46 PM.

ATTEST:

Tahirih Klein  
TAHIRIH KLEIN, Planning Clerk

A.C. Buswell III  
A.C. BUSWELL, III, Chairman

Adopted by the Wasilla Planning Commission July 12, 2011.