

By: Planning
Public Hearing: 09/08/15
Adopted: 09/08/15

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 15-16**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) TO DEVELOP AN EIGHT-LOT SUBDIVISION WITH ONE FOURPLEX PER LOT (A TOTAL OF 32 RESIDENTIAL DWELLING UNITS.)

WHEREAS, Fuller Properties, LLC, submitted an application on August 14, 2015 for approval of a PUD to develop an 8.05 acre parcel into an eight-lot subdivision with 32 residential dwelling units (one fourplex per lot); and

WHEREAS, the subject property is located on the south side of Spruce Avenue just east of N. Lacy Loop on Lot A14, Township 17 North, Range 1 West, Section 3, Seward Meridian; and

WHEREAS, WMC 16.16.070 states that a PUD is approved as rezoning overlay district; and

WHEREAS, the Planning Commission is required to make a recommendation with written findings to the City Council for all rezoning/PUD request; and

WHEREAS, the Wasilla Planning Office mailed notices of the request to 144 property owners within 1,200 radial feet of the proposed development; and

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

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information submitted by the applicant, the evaluation and recommendations of staff contained in the staff report, public testimony - both written

and verbal comments, the applicable provisions of the Wasilla Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, the Wasilla Planning Commission has developed Findings of Fact to summarize the basic facts and reasoning of the commission; and

WHEREAS, after due consideration, the Planning Commission hereby determines that this application meets all applicable provisions of Wasilla Municipal Code.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission recommends that the City Council approve this PUD application with the Findings of Fact attached as Exhibit A and incorporated herein and with the following conditions:

1. All development on the site must substantially comply with the site plan and landscape plans attached as Exhibit B. Any changes to the plans must be submitted to the City Planner for review. Minor revisions may be approved by the City Planner and all other changes must be approved as a rezoning request/amendment to the PUD.
2. No activity may commence on the site until all required construction guarantees have been posted with and approved by the City.
3. The applicant shall submit a final PUD overlay district plan to the City Planner within one year after the date of the approval of the preliminary PUD overlay district plan as required in WMC 16.20.030(F).
4. The applicant must obtain the required driveway permits from the City Public Works Department.

5. The applicant must obtain all necessary approvals from the State of Alaska Department of Environmental Conservation for the well and septic systems for each lot.

ADOPTED by the Wasilla Planning Commission on September 8, 2015.

APPROVED:



Glenda Ledford, Chairman Date

ATTEST:



Tina Crawford, AJCP, City Planner

VOTE: Passed Unanimously

EXHIBIT A
Wasilla Planning Commission Resolution 15-16
FINDINGS OF FACT

COMPLIANCE WITH WMC 16.16.050 – GENERAL APPROVAL CRITERIA

16.16.050 *An administrative approval, use permit, elevated administrative approval, elevated use permit or conditional use may be granted if the following general approval criteria and any applicable specific approval criteria of Section 16.16.060 are complied with. The burden of proof is on the applicant to show that the proposed use meets these criteria and applicable specific criteria for approval. An approval shall include a written finding that the proposed use can occur consistent with the comprehensive plan, harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood. Such findings and conditions of approval shall be in writing and become part of the record and the case file.*

16.16.050(1)&(5) *Neighbors/Neighborhoods. Due deference has been given to the neighborhood plan or comments and recommendations from a neighborhood with an approved neighborhood plan.*

Finding: This criterion is not applicable since this parcel is not part of an adopted neighborhood plan.

16.16.050(2) *Plans. The proposal is substantially consistent with the city comprehensive plan and other city adopted plans.*

Finding: The proposed use is consistent with the Comprehensive Plan's Mixed Use Future Land Use Map designation that implements the Comprehensive Plan.

16.16.050(3) *Special Uses. The proposal is substantially consistent with the specific approval criteria of Section 16.16.060.*

Finding: The specific approval criteria under 16.16.060 are not applicable since multi-family residential is not one of the special uses with additional criteria.

16.16.050(4) *Reviewing Parties. Due deference has been given to the comments and recommendations of reviewing parties.*

Finding: The City mailed 144 notices to neighboring property owners within 1200', 25 review agencies that are typically provided with the opportunity to comment, and the Planning Commission and City Council. At the time of packet preparation, four comments were received from review agencies that indicated the status of the plat, the requirement to obtain well and septic approvals from DEC, and no comments from MSB Cultural Resources and one comment from a neighbor expressing concerns about traffic, school capacity, and water/sewer. As indicated in the findings and the application packet, the development has direct access onto a major collector roadway (Spruce Avenue) and will obtain the necessary approvals to install appropriate well and septic on each lot.

Any comments received after distribution of the packet will be provided at the public hearing and be addressed at that time.

16.16.050(6) *Fire Safety and Emergency Access. The proposal shall not pose a fire danger as determined by the State Fire Marshal or the fire chief of the district in which the proposed use is located. Adequate access for emergency and police vehicles must be provided.*

Finding: Access for emergency vehicles will be provided from Spruce Avenue and the proposed subdivision road and the MSB Fire Chief will review the proposed subdivision for compliance with all applicable fire codes and emergency access as related to the public health, safety and welfare.

16.16.050(7) *Traffic. The proposed use shall not overload the street system with traffic or result in unsafe streets or dangers to pedestrians.*

Finding: This multi-family development will not overload the street system or create unsafe streets or dangers to pedestrians since the proposed subdivision will have a residential street that directly accesses onto E. Spruce Avenue, which is a major collector road.

16.16.050(8) *Dimensional Standards. The dimensional requirements of Section 16.24.010 are met.*

Finding: The attached site plan submitted by the applicant complies with the minimum setbacks and maximum height requirements of §16.24.010. The only modification granted by the PUD is the ability to construct a fourplex on each lot instead of the single-family or duplex allowed in the Rural Residential zoning district.

16.24.050(9) ***Parking. The parking, loading areas, and snow storage sites for the proposed development shall be adequate, safe and properly designed. The developer may be required to install acceptable lighting at pedestrian or vehicular access points.***

Finding: The site plan provides the required parking and snow storage areas.

16.16.050(10) ***Utilities. The proposed use shall be adequately served by water, sewer, electricity, on-site water or sewer systems and other utilities.***

Finding: A well and septic system will be installed on each lot, which will be reviewed and approved by the State DEC staff. Other utilities are currently available in the area.

16.16.050(11) ***Drainage. The proposed use shall provide for the control of runoff during and after construction. All roads and parking areas shall be designed to alleviate runoff into public streets, adjoining lots and protect rivers lakes and streams from pollution. Uses may be required to provide for the conservation of natural features such as drainage basins and watersheds, and land stability.***

Finding: The proposed drainage plan indicates adequate room for on-site drainage to prevent runoff from the site into the street.

16.16.050(12) ***Large Developments. Residential development of more than four units or non-residential development of more than ten thousand (10,000) square feet gross floor area may be required to provide a site plan showing measures to be taken for the preservation of open space, sensitive areas and other natural features; provision of common signage; provision for landscaping and provisions for safe and effective circulation of vehicles, pedestrians and bicycles. Nonresidential large developments must be located with frontage on one of the following class of streets: interstate, minor arterial, major collector or commercial.***

Finding: This criterion is not applicable since only one fourplex will be developed on each lot.

16.16.050(13) ***Peak Use. The proposed use shall not result in significantly different peak use characteristics than surrounding uses or other uses allowed in the district.***

Finding: There should not be different peak use characteristics than the surrounding uses or area since the surrounding area is developed with residential uses and the adjoining subdivision is a small-lot subdivision with 36 residential units with a similar overall land area.

16.16.050(14) *Off-Site Impacts. The proposal shall not significantly impact surrounding properties with excessive noise, fumes or odors, glare, smoke, light, vibration, dust, litter, or interference in any radio or television receivers off the premises, or cause significant line voltage fluctuation off the premises. Radio transmitters and any electronic communications equipment regulated by the Federal Communications Commission is specifically excluded from regulation by this section. Welding, operation of electrical appliances or power tools, or similar activities that cause off site impacts as described above are specifically regulated by this subsection. Buffering may be required to ameliorate impacts between residential and nonresidential uses. The owner of the property upon which the buffer is constructed is responsible for the maintenance of the buffer in a condition that will meet the intent of these criteria.*

Finding: The proposed use should not generate any negative impacts to the surrounding properties.

16.16.050(15) *Landscaping. The proposed use shall be designed in a manner that minimizes the removal of trees and vegetative cover, and shall conform to the standards in this title concerning the provision and maintenance of landscaping, and any landscaping plan that is required for the proposed use under this title. The approval authority also may condition approval on the provision of the following:*

- a. A fenced storage area for common use, adequate to store boats, trailers, snowmobiles, recreational vehicles and similar items.*
- b. Adequately sized, located and screened trash receptacles and areas.*

Finding: The proposed site plan meets the clearing, landscaping, and buffering requirements in Title 16.

16.16.050(16) *Walkways, Sidewalks and Bike Paths. Pedestrian walkways or bicycle paths may be required where necessary to provide reasonable circulation or access to schools, playgrounds, shopping areas, transportation or other community facilities. Improvements must be constructed to standards adopted by the engineer.*

Finding: Currently, no sidewalk or pathway system exists along E. Spruce Avenue and no sidewalk should be required since the proposed subdivision will only have eight lots.

16.16.050(17) *Water, Sewage and Drainage Systems. If a proposed use is within five hundred (500) feet of an existing, adequate public water system, the developer may be required to construct a distribution system and the connection to the public system. A developer may be required to increase the size of existing public water, sewer or drainage lines or to install a distribution system within the development. The commission may require any or all parts of such installation to be oversized. The developer must submit to the engineer an acceptable plan that shows that if within ten (10) years an increase in capacity will be required to serve other areas how these needs will be met by oversized facilities. When installation of oversized facilities is required, the developer shall install such facilities at their own expense. The developer shall be reimbursed the amount determined by the engineer to be the difference in cost between the installed cost of the oversized utility lines and the installed cost of the utility lines adequate to serve both the development concerned and all other land to be served by the lines which is owned or under the control of the developer, provided the developer may not be required to install facilities unless funds for such oversizing have been appropriated for the purpose by the city and there is a sufficient unencumbered balance in the balance in the appropriation. No reimbursement may be made unless the developer has entered into such agreement with the city, including conveyances of personal property including lines, lift stations and valves and conveyances of land or rights in land, as the city determines may be necessary to ensure complete control by the city of its sewer, drainage and water lines when they are extended to serve the property of the developer. Notwithstanding the requirement that the developer construct improvements to existing systems, the commission may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such a case, the commission may require advance payment to the city of the estimated cost of work to be accomplished by the city. The developer shall reimburse the city for all expenses of such design or construction not paid in advance. A public system is adequate if, in the judgment of the engineer, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level as*

is being provided to the existing users. Prior to approval of a use for which a community water system is required, the developer must submit evidence showing that there is available a satisfactory source of water. A source of water is satisfactory only if it can be shown that the proposed source will produce water sufficient in quality and quantity to supply the development. The water system and the connection between such distribution systems and the source must be sized and constructed to meet fire flow and hydrant requirements for fire protection and that the developer has obtained or can obtain a water appropriation permit or certificate for the water from the state. The system must be built to city specifications available from the engineer.

Finding: City utilities are not in the immediate area so the applicant will install a well and septic system on each lot. The applicant will coordinate with DEC to obtain all necessary approvals.

16.16.050(18) *Historic Resources. The proposed use shall not adversely impact any historic resource prior to the assessment of that resource by the city.*

Finding: Per the Matanuska-Susitna Borough Cultural Resources Office, there are no known historic resources on the site.

16.16.050(19) *Appearance. The proposed use may be required to blend in with the general neighborhood appearance and architecture. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light and air.*

Finding: The proposed use is a residential subdivision and all of the buildings will have a similar appearance and style (see building elevation drawings in packet.)

16.16.050(20) *Open Space and Facilities. The applicant may be required to dedicate land for open space drainage, utilities, access, parks or playgrounds. Any dedication required by the city must be based on a written finding that the area is necessary for public use or safety and the dedication is in compliance with adopted municipal plans and policy. The city finding shall conclude that a direct connection exists between the development and the need for the provision of the dedication...*

Finding: Due to the small size of the development, no additional open space or facilities is required.

16.16.050(21) Winter Hassles. The proposed use shall not significantly increase the impact on the surrounding area from glaciation or drifting snow.

Finding: There are no foreseeable problems associated with winter conditions are anticipated for the proposed use and all snow storage will be accommodated on site.

COMPLIANCE WITH WMC 16.16.070 - REZONING

A. Initiation. A rezoning may be initiated by the developer, the planner, any member of the commission, a city council member, the mayor, or by a petition bearing the signatures of the owners of at least fifty-one (51) percent of the owners of property within the area proposed to be rezoned.

Finding: This criterion is met since the subject rezoning was initiated by the property owner.

B. Restrictions. Rezoning of an area less than two acres shall not be considered unless the rezoning involves the contiguous expansion of an existing zone, or a planned unit development overlay district. Streets or other rights-of-way shall not be included in calculating the minimum area for a rezoning. The area to be rezoned shall be a logical, integrated area.

Finding: This criterion is met since the parcel is approximately 8.05 acres.

C. Procedure. The application, acceptance notice, review and decision procedures for a rezoning shall follow the procedures set forth for a conditional use in Section 16.16.040. If the commission fails to act within twenty (20) days of the close of the hearing the rezoning request shall be considered approved and shall be forwarded to the council.

Finding: All applicable application, notice, review, and decision procedures were followed consistent with Section 16.16.040.

D. Criteria. The commission shall make a recommendation to the council based on written findings that the appropriate following criteria have been addressed:

1. Due deference has been given to the neighborhood plan; or comments and recommendations from a neighborhood with an approved neighborhood plan;

Finding: This criterion is not applicable since there are not any approved neighborhood plans in the area. However, notices were mailed to all property owners within 1200' to inform them of the proposed development and allow them time to provide comments/concerns.

2. The proposed rezoning substantially complies with Section 16.16.050, and Section 16.20.030 in the case of the establishment or modification of a PUD overlay district;

Finding: The proposed PUD substantially complies with the applicable provisions of Section 16.16.050 General Approval Criteria and the PUD requirements in WMC 16.20.030. Detailed findings regarding consistency with the PUD requirements are included in this report. Additional in-depth review for consistency with Title 16 will be done by planning staff upon receipt of permit applications for future development on these parcels.

3. The proposed rezoning is in an area with adequate services, including as appropriate; roads, parking, sidewalks, water, sewer, gas, electricity, drainage, police and fire protection, or the developer has agreed to provide all the necessary improvements or services for the area;

Finding: The proposed development is in an area that has access to the services above or will provide them at time of development.

4. The comments from reviewing parties (Section 16.08.040) on the proposed rezoning have been adequately addressed;

Finding: At the time of packet preparation, three comments were received from review agencies that indicated the status of the plat and the requirement to obtain well and septic approvals from DEC and one comment from a neighbor expressing concerns about traffic, school capacity, and water/sewer.

Any comments received after distribution of the packet will be provided at the public hearing and be addressed at that time.

5. There is a demonstrated need for additional land in the zoning district to accommodate uses allowed;

Finding: There is a demonstrated need for more affordable housing options in the area, which is typically addressed by developing multi-family dwellings. The approval of the proposed development will allow construction of a fourplex per lot instead of the low-density single-family or duplex uses allowed by the RR zoning district.

6. The resulting district or expanded district will be a logical, integrated area; and

Finding: The density per acre is consistent with the small lot subdivision immediately west of the proposed development. The other adjoining properties are currently undeveloped. Additionally, the

location along E. Spruce Avenue, a major collector roadway, is an appropriate location for multi-family development.

7. The rezoning is in conformance with the city comprehensive plan.

FINDING: The proposed PUD is consistent with the intent of the Mixed Use future land use designation in the Comprehensive Plan. The implementation policies of the Comprehensive Plan states that the appropriate zoning for a FLUM should be the most appropriate for the area and should take into consideration the purpose of the zoning district, the proposed rezoning site, and the zoning and/or development pattern of the surrounding area. As stated above, the subject property is located along E. Spruce Avenue, which is a Major Collector roadway, and is adjacent to a small-lot subdivision that has the same overall density per acre.

COMPLIANCE WITH WMC 16.20.030 – PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

A. Purpose. *The purpose of the PUD overlay district is to promote innovative and efficient land use and design by permitting greater flexibility in zoning requirements than this title generally permits. This flexibility should result in a more efficient and aesthetic development of the project site, allowing higher residential density or increased intensity or mix of uses than would be permitted in the underlying zoning district, while preserving harmony with uses in the surrounding area.*

Finding: The relaxation of the density restrictions of Title 16 will allow a higher density that would otherwise be reached on this parcel. Developing more dense residential uses on the parcel is consistent with the adjoining small lot, high density subdivision and is very close to the commercial core of the city.

B. Application. *A PUD overlay district may be located in any zoning district, and may be used for any residential, commercial or industrial use or combination thereof. The terms and conditions of a PUD overlay district supplement the regulations in the underlying zoning district, and modify and supersede any conflicting regulations in the underlying zoning district. A PUD overlay district may be applied only to a parcel having an area not less than two acres, unless the planner finds one or more of the following factors justifies applying a PUD overlay district to a parcel having an area less than two acres:*

- 1. Applying a PUD overlay district will permit reasonable development of the parcel while preserving an unusual physical or topographic feature of importance to the area as a whole;**

2. ***The parcel is adjacent to an existing PUD overlay district, and will be developed as an extension of, or compatibly with, that existing district;***
3. ***The project will use design features that benefit the general public and surrounding area, and that would not be permitted in the underlying zoning district;***
4. ***The project will provide a desirable mixture of uses, or meet a need for affordable residential, commercial or industrial development that would not be feasible under the regulations in the underlying zoning district; or***
5. ***The PUD overlay district will facilitate redevelopment in the downtown area as described in the comprehensive plan.***

Finding: The proposed PUD meets this criterion since the parcel is approximately 8.05 acres.

C. Permitted Uses. The permitted uses in a PUD overlay district shall be specified in the ordinance establishing the district, and may include any uses permitted in the underlying zoning district by administrative approval, use permit or conditional use permit that are appropriate in furtherance of the goals of the comprehensive plan and designed to complement each other. In addition, the following uses are permitted in a PUD overlay district:

1. ***Multifamily dwellings.***
2. ***The following uses that only serve permitted residential uses within the PUD overlay district: community buildings; indoor or outdoor recreation facilities; and recreational vehicle storage.***
3. ***Retail commercial uses that serve principally the permitted residential uses within the PUD overlay district and the surrounding neighborhood.***

Finding: The site plan for the proposed PUD indicates that one multi-family structure (fourplex) will be developed on each proposed lot.

D. Design and Development Standards. All uses and structures in a PUD overlay district shall conform to the following design and development standards:

1. ***Buildings, parking areas, pedestrian, bicycle and vehicular ways, and utility easements shall be designed to promote public safety, minimize conflict between uses, and reasonably maintain topography and other natural features.***

Finding: The proposed PUD provides adequate building separation, parking areas, pedestrian and bicycle access and significantly maintains the topography and other natural features.

2. ***The design shall take into account the relationship of the site to the surrounding areas and between differing uses on the site, and shall minimize adverse impacts between the project and adjacent land uses, and different types of potentially incompatible land uses. Incompatibilities to be mitigated include traffic congestion, noise, visual intrusion and hours of operation.***

Finding: The proposed PUD development is consistent with the surrounding land uses and will not create negative impacts.

3. ***If existing topographical or other barriers within ten (10) feet of the perimeter of the PUD overlay district do not sufficiently mitigate incompatibilities with adjacent existing uses, one or more of the following shall be required:***
 - a. ***Structures located on the perimeter of the district shall be set back in accordance with the front yard setback of the underlying zoning district.***
 - b. ***Screening or buffering shall be provided on the perimeter of the district in accordance with Section 16.33.030(G).***

Finding: The proposed PUD meets or exceeds the screening and buffering requirements in Section 16.33.030(G) by retaining existing vegetation along the boundaries of the lots as shown on the site plan in Exhibit A.

4. ***Common open space shall meet the following requirements:***
 - a. ***The common open space shall be for amenity or recreational purposes, and appropriate to the size and character of the district, including its residential density, expected number of residents or employees, topography, and the number and type of dwellings.***
 - b. ***The common open space shall be suitably landscaped for its intended use, except that natural features worthy of preservation may be left unimproved.***
 - c. ***Any buildings, structures and improvements in the common open space shall be appropriate to the uses that are authorized for the common open space.***
 - d. ***Common open space shall be operated and maintained either through an association of owners of property in the PUD overlay district established under Chapter 34.08 of the Alaska Statutes, or by a public agency that has accepted a dedication of the common open space.***

Finding: The site plan indicates sufficient open space, vehicle and pedestrian circulation, and landscaping.

5. ***Changes in Required Dimensions. The minimum lot and yard dimension requirements in the underlying zoning district may be waived for a PUD overlay district as necessary to achieve a better design, where compensating design or structural measures ensure adequate separation for fire protection, visual and acoustical privacy, and adequate light and air. Individual parcels in a PUD overlay district may exceed the maximum lot coverage in the underlying zoning district; provided, that the entire PUD overlay district does not exceed the maximum lot coverage. Building height in a PUD overlay district may exceed the maximum permitted in the underlying zoning district by fifty (50) percent; provided, that the design of improvements in the PUD overlay district protects uses and structures both inside and outside the PUD overlay district from adverse impacts on privacy, light and air.***

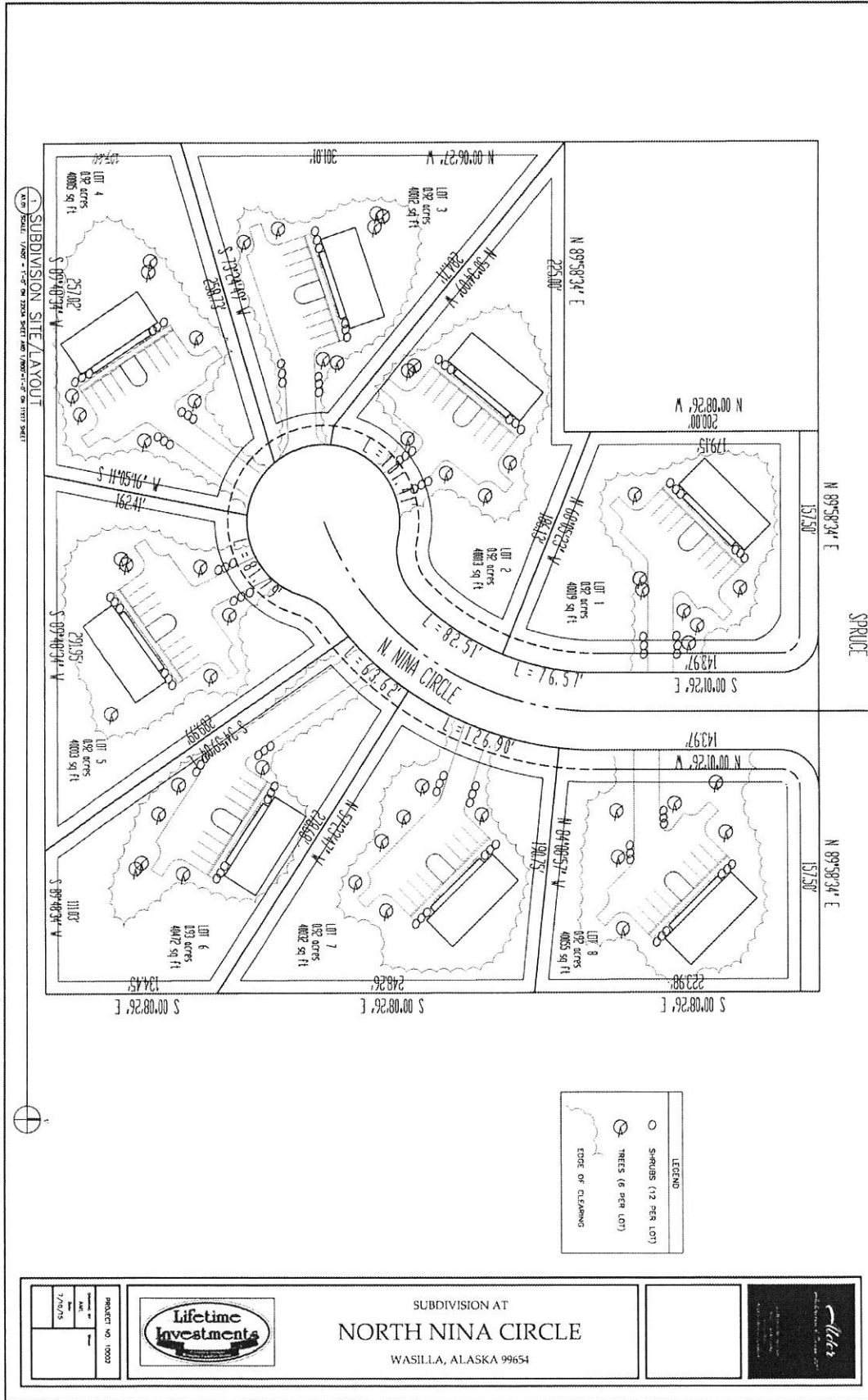
Finding: The proposed development meets all of the minimum setbacks, clearing requirements, and landscaping requirements.



6. ***Required Improvements. All streets, paving, curbs, sidewalks, utilities, street lighting and similar facilities must be developed according to city standards unless specifically waived upon recommendation of the public works director.***

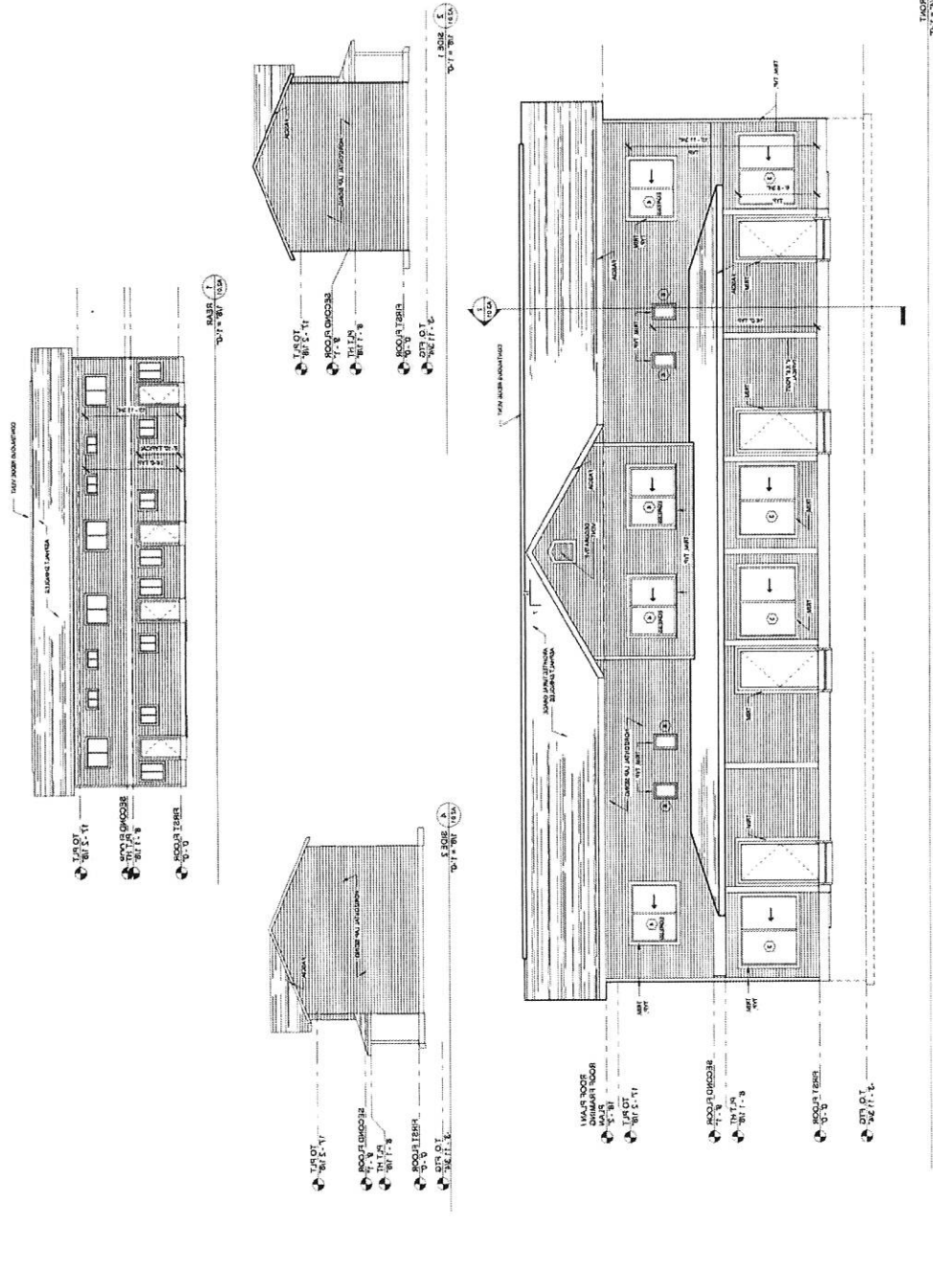
Finding: All improvements will be constructed to applicable city and borough standards.

7. ***Project Phasing. An application for initial approval of a PUD overlay zone may provide for the project to be constructed and finally approved in sequential phases.***

Finding: The applicant did not request approval to develop the property in phases.

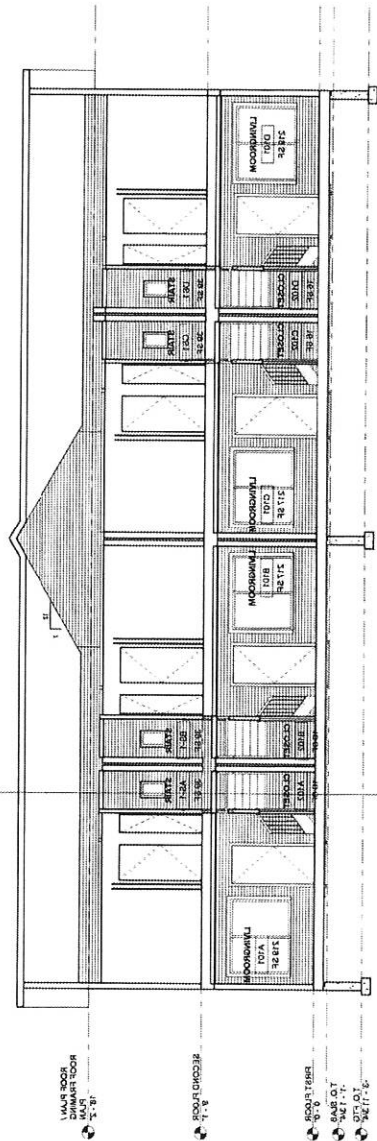


 <p>Msailla's Alaska KGB & Vine Four-plex</p>	 <p>Pictime Investments</p>	AS.01									
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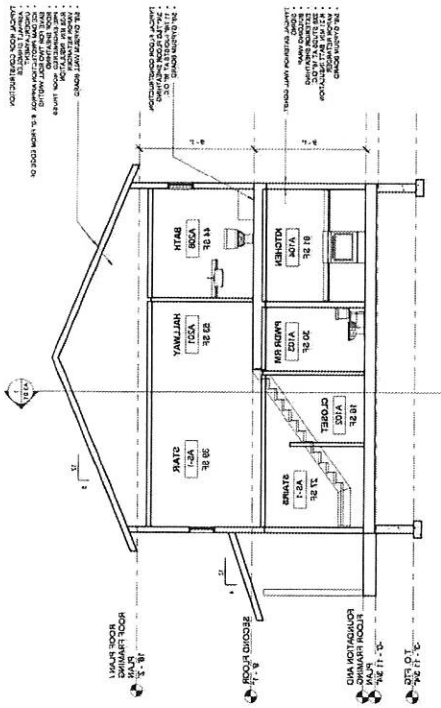




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V12.1 JNE & J.L.B.
3. BRIDGING SECTION



V12.2 JNE & J.L.B.
3. BRIDGING SECTION



<p>A3.01</p> <p>DRAFT</p> <p>DATE: 1/20/12 BY: JNE</p>		<p>Wasilla, Alaska KGB & Vine Four-plex</p>	
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