

By: Planning  
Introduced: 01/13/09  
Public Hearing: 01/27/09  
Adopted: 01/27/09

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 09-02**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING CITY COUNCIL ADOPTION OF WMC 16.20.030, PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT, REPEALING WMC 16.16.060(K), SPECIFIC APPROVAL CRITERIA-PLANNED UNIT DEVELOPMENT, AND AMENDING WMC 16.04.070, DEFINITIONS, WMC 16.12.010, APPROVALS BY PLANNER, WMC 16.16.070, REZONING, AND WMC 16.20.020, DISTRICT USE CHART, TO PROVIDE FOR A PLANNED UNIT DEVELOPMENT TO BE APPROVED AS AN OVERLAY ZONE INSTEAD OF AS A CONDITIONAL USE, AND PROVIDING FOR RELATED MATTERS.**

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WHEREAS, the City of Wasilla ("City") strongly supports development within its boundaries that conserves the City's natural resources, promotes outdoor recreation, and improves the community's appearance; and

WHEREAS, the amendment of the Planned Unit Development (PUD) code improves upon the prior code language by making the PUD district an overlay that is reviewed similar to a zone change rather than as a conditional use; and

WHEREAS, the amended PUD code gives a non-required option to developers that can result in the creation of innovative design that promotes the goals of the City comprehensive plan and of the City Council; and

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

WHEREAS, on January 27, 2009 the Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information and recommendations of the staff, public testimony - both

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

WHEREAS, on January 27, 2009, after due consideration, the Wasilla Planning Commission determined that the proposed code amendments and enactment of new code is consistent with the goals and policies of the City Comprehensive Plan; and

WHEREAS, the definition of "Planned unit development" in WMC 16.04.070, Definitions, is hereby amended to read as follows:

"Planned unit development (PUD)" means a use or combination of uses that are **developed under an overlay zoning district in which regulations with respect to permitted uses and structures, minimum dimensions, residential density and other requirements may be varied to allow design innovations and special features in exchange for additional or superior site amenities or community benefits** [DESIGNED TO OCCUPY THE SAME LOT AND COMPLEMENT EACH OTHER THROUGH DESIGN AND OPERATIONAL CHARACTERISTICS. THE DEVELOPER MUST DEMONSTRATE THAT CREATIVE APPROACHES ARE USED THAT WILL RESULT IN A MORE EFFICIENT, AESTHETIC AND HARMONIOUS DEVELOPMENT WITH USES IN THE SURROUNDING AREA, WHILE AT THE SAME TIME PROVIDING HIGHER POPULATION DENSITY OR INCREASED INTENSITY OR MIX OF USES THAN IS PERMITTED IN THE ZONE(S) IN WHICH THE PROJECT IS LOCATED. A PUD IS APPROVED AS A CONDITIONAL USE UNDER SPECIFIC APPROVAL CRITERIA].; and

WHEREAS, subsection A of WMC 16.12.010, Approvals by planner, is hereby amended to read as follows:

16.12.010 Approvals by planner.

A. Section 16.20.020 includes a use chart describing the type of permit needed before initiating a use of land. [SOME USES NOTED BY THE SECTION 16.20.020 CHART DO NOT REQUIRE A PERMIT BEFORE INITIATING USES. HOWEVER, OTHER USES REQUIRE APPROVAL IN THE FORM OF A PERMIT.] **There are** [PERMITS ARE GENERALLY OF] three types **of permit**: (1) administrative approval **("AA")**; (2) use permit **("UP")**; **and** [OR] (3) conditional use **("CU")**. [DEPENDING ON THE TYPE OF PERMIT, THERE ARE DIFFERENT PROCEDURES THAT APPLY, AS SET FORTH HEREIN]. This chapter describes the procedures that apply to [USES CATEGORIZED AS "]administrative approvals **and** [" ("AA") OR "use permits"] ("UP"); Sections 16.16.010 through 16.16.040 describe the procedures that apply to **the** elevation[S] of **administrative approvals and use permits** ["AA" AND "UP" PERMITS] for commission approval[, ] pursuant to Section **16.12.040** [16.20.040], and to [USES CATEGORIZED AS "]conditional uses[" ("CU")]. Applications are also required for [USES WITHIN THE MEANING OF PLANNED UNIT DEVELOPMENTS (SECTION 16.16.060(K)), FOR ]rezonings (Section 16.16.070), for subdivisions (Section 16.28.030), for signs (Section 16.32.060) and for variances (Section 16.28.110). [THE PROCEDURES AND REQUIREMENTS FOR SUCH USE APPLICATIONS ARE AS SET FORTH IN THIS CHAPTER.]; and

WHEREAS, subsection K of WMC 16.16.060, Specific approval criteria, is hereby repealed in its entirety; and

WHEREAS, WMC 16.16.070, Rezoning, is hereby amended to read as follows:

16.16.070 Rezoning.

**A rezoning is [REZONINGS ARE] a change[S] to zoning district boundaries, or the establishment, modification or repeal of a planned unit development overlay district,** as shown on the official zoning map. Application must be made on a form supplied by the [CITY TO THE] planner. Prior to submission of an application, the applicant is encouraged to contact the planner for the purpose of discussing the site, the proposed use and the approval procedure.

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.

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.

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.

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;

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;**

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;

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

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

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

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

E. Council. The council shall review and act on a rezoning by ordinance. **In addition to any other notice required by law, notice of the public hearing on the ordinance shall be given as provided in Section 16.16.040.A.2.** The council shall consider the application and commission recommendation at its next available meeting after receipt of the commission recommendation. Upon enactment of the ordinance, the

planner shall cause the official zoning map to be changed accordingly. The council's decision shall be final.; and

WHEREAS, WMC 16.20.020, District use chart, is hereby amended as follows:

Districts	RR Rural	R1 Single-Family	R2 Residential	RM Multifamily	C Commercial	I Industrial	P Public
<b>Uses</b>							
[PLANNED UNIT DEVELOPMENT]	[CU]	[CU]	[CU]	[CU]	[CU]	[CU]	[CU]

WHEREAS, WMC 16.20.030, PUD overlay district, is hereby adopted to read as follows:

**16.20.030 PUD 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.**

**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.

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.

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.

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.

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 (1) 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.

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.

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. Structures on an individual parcel in a PUD overlay district may exceed the maximum lot coverage in the underlying zoning district, provided that structures in 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.

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 engineer.

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.

E. Submission requirements. In addition to any other information required under this title, a PUD overlay district application shall contain the following elements:

1. Ten (10) copies of accurate site plans drawn to an appropriate scale and topographic maps showing present and proposed contours at intervals of not more than two feet unless the planner requests plans at a different scale or maps with different contour intervals. The maps and plans must be of standard

size format as required under the Matanuska-Susitna Borough platting code and show or contain:

a. Boundaries of the site;

b. The name and dimensions of all streets bounding or touching the site;

c. Proposed location and horizontal and vertical dimensions of all buildings proposed to be located on the site;

d. Proposed location and dimensions of any private open space or trails within the site;

e. Proposed public dedications within the site;

f. Location, dimensions and design of off-street parking facilities showing points of ingress and egress;

g. The location, direction and bearing of any major features such as controlled intersections, public buildings and railroad tracks;

h. Proposed grading, drainage and landscaping plans;

i. Existing and proposed utility systems including sewers, storm drains, water, electric, gas and communication lines;

j. A preliminary plat if a re-subdivision of the site is required or proposed;

k. Surrounding and underlying zoning and existing land uses and buildings;

2. A statement of objectives to be achieved by the PUD overlay district through the particular approach proposed by the applicant. This

statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The statement shall demonstrate how the PUD overlay district conforms to the purposes of the comprehensive plan, and the approval criteria;

3. A proposed development schedule, and phasing schedule if applicable, indicating the approximate dates when the development of the PUD overlay district and each phase of the PUD overlay district can be expected to begin and be completed;

4. Quantitative data for the following: total number and type of dwelling units, proposed coverage of buildings, approximate residential densities, total amount of nonresidential construction, the location and floor area of all existing and proposed buildings and other improvements, and any architectural renderings of typical buildings and improvements; and

5. Any other material requested by the commission or the planner.

F. Final plan. The applicant shall, within one year of the date of commission approval of the preliminary PUD overlay district plan, submit a final PUD overlay district plan to the planner, which shall incorporate all the changes and conditions required by the commission. The final PUD overlay district plan must include a mylar or electronic media copy of all necessary maps and drawings. The planner shall approve of the final PUD overlay district plan if the plan is substantially the same as the plan approved by the commission and all changes and conditions of the approval have been satisfactorily met. The

commission may grant one six month extension of the deadline for final PUD overlay district plan submittal.

G. No activity may commence on the site in furtherance of the approved PUD overlay district or PUD overlay district phase until all construction guarantees have been posted with and approved by the city.

H. The planner may approve alterations to an approved PUD overlay district plan that the planner determines to be minor. Any other alteration to an approved PUD overlay district plan is subject to approval as a rezoning. All development approved by the commission on the PUD plan will be administratively approved at the actual time of development.

I. In all PUD overlay districts exceeding one hundred (100) dwelling units and/or exceeding ten (10) acres, requires a traffic impact analysis to determine extent of traffic mitigation needed as recommended by a license traffic engineer; and

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 of this code to the Wasilla City Council.

ADOPTED by the Wasilla Planning Commission on January 27, 2009.

APPROVED:

  
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Stan Tucker, Chairman

ATTEST:

  
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Jim Holycross, City Planner

VOTE: Passed Unanimously