



	Approved	Denied
Action taken	3/10/03	
Other:		
Verified by:	<i>K. Smithers</i>	

WASILLA CITY COUNCIL MEMORANDUM

CM No. 03-08

TITLE: PJC No. 2 Subdivision Vacation of Public Use Easement; Aspen Business Park Vacation of Two Existing Cul-de-Sacs.

COUNCIL MEETING DATE: March 10, 2003

ADMINISTRATION INITIAL: *gmk*

REQUESTED BY: K. Smithers, City Clerk *KS*

PREPARED BY: J. Newman, Deputy Clerk

Date Prepared: February 26, 2003

FISCAL IMPACT: N/A

If yes, amount requested: \$ Account No.:

SUMMARY STATEMENT: We received notification from the Mat-Su Borough Platting Office that they granted vacation of two platted cul-de-sacs on Aspen Lane. They also granted the vacation of public use easement in PJC No. 2 Subdivision.

City staff reviewed the vacation applications and no objection was raised. Concurrence from the council is requested.

STAFF RECOMMENDED ACTION: Non objection to the vacation of public use easement within PJC No. 2 Subdivision and vacation of two existing cul-de-sacs within Aspen Business Park.

Attachments:

Notification from Mat-Su Borough Platting Division, dated 2/18/03.



**MATANUSKA-SUSITNA BOROUGH
PLATTING DIVISION**

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 745-9874 FAX 746-7407

February 18, 2003

CITY COUNCIL
CITY OF WASILLA
290 HERNING AVENUE
WASILLA, ALASKA 99654

RECEIVED

FEB 26 2003

CLERK'S OFFICE
CITY OF WASILLA

RE: PJC NO. 2 SUBDIVISION AND VACATION OF PUBLIC USE EASEMENT

Dear Council Members:

On February 6, 2003, the Platting Board of the Matanuska-Susitna Borough granted a vacation and approved a preliminary plat for P J C NO. 2 SUBDIVISION, pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035. The written *notification of action* is dated February 18, 2003

All pertinent data, including vicinity map, platting board minutes, and notification of action are attached.

If we do not hear from you within 30 days we will assume that the City of Wasilla has no objection to this vacation.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Hulbert".

Paul Hulbert
Platting Officer

attachments



**MATANUSKA-SUSITNA BOROUGH
PLATTING DIVISION**

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 745-9874 FAX 746-7407

February 18, 2003

RECEIVED

FEB 26 2003

CITY COUNCIL
CITY OF WASILLA
290 HERNING AVENUE
WASILLA, ALASKA 99654

CLERK'S OFFICE
CITY OF WASILLA

**RE: ASPEN BUSINESS PARK AND VACATION OF TWO EXISTING
CUL-DE-SACS**

Dear Council Members:

On February 6, 2003, the Platting Board of the Matanuska-Susitna Borough granted a vacation and approved a preliminary plat for ASPEN BUSINESS PARK, pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035. The written *notification of action* is dated February 18, 2003.

All pertinent data, including vicinity map, platting board minutes, and notification of action are attached.

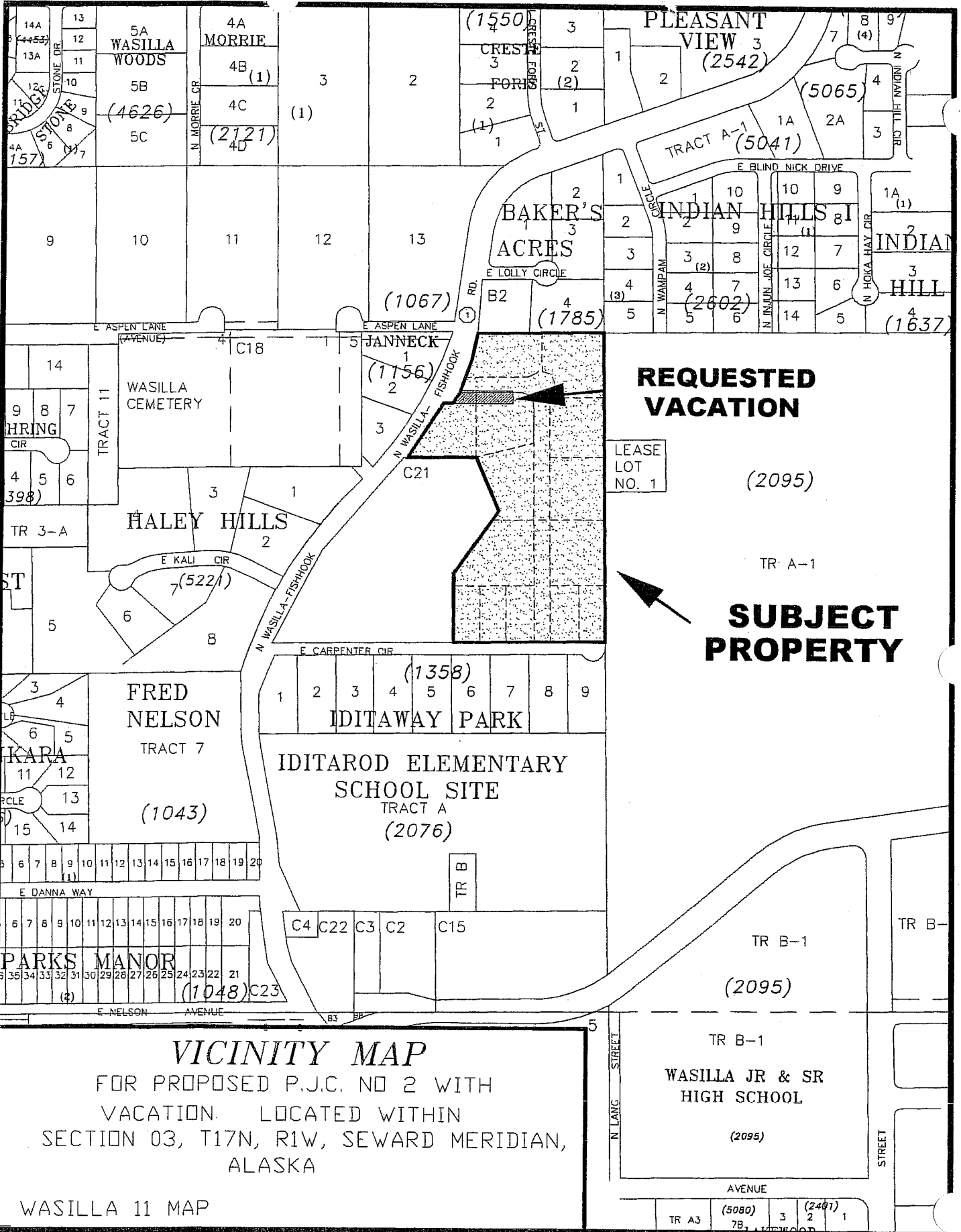
If we do not hear from you within 30 days we will assume that the City of Wasilla has no objection to this vacation.

Sincerely,

A handwritten signature in cursive script that reads "Paul Hulbert".

Paul Hulbert
Platting Officer

attachments



VICINITY MAP

FOR PROPOSED P.J.C. NO 2 WITH VACATION. LOCATED WITHIN SECTION 03, T17N, R1W, SEWARD MERIDIAN, ALASKA

WASILLA 11 MAP



MATANUSKA-SUSITNA BOROUGH
• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6485
PHONE 746-9874 • FAX 746-7407

February 18, 2003

NOTIFICATION OF PLATTING BOARD ACTION

PATRICK CARNEY
P O BOX 871746
WASILLA, AK. 99687

RE: P J C NO. 2 & VACATION

CS: 2003-017

Action taken by the Platting Board on FEBRUARY 6, 2003 is as follows:

The PRELIMINARY PLAT AND VACATION was APPROVED CONTINGENT UPON THE FOLLOWING CONDITIONS/REASONS (see attached)

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Ms. Janet Kincaid
Platting Board Chair

pc: /MSB/DPW

CONDITIONS AND/OR REASONS

The platting board approved the variance application for less than 40,000 sq. ft. from **MSB 16.20.280 AREA** contingent on the following:

1. A plat note stating that no construction of any habitable structures on the designated "Park" lot.
2. Provide documentation for the Home Owners Association Maintenance agreement of the park.

FINDINGS

Petitioner's criteria and response to the questions and answers:

CRITERIA: The granting of the variance will not be detrimental to the public health, safety, welfare or injurious to adjacent property because:

RESPONSE: *We are asking for a variance to lot size to provide the potential property owners of Harmony Pointe a park.*

CRITERIA: The conditions upon which the variance application is based do not apply generally to properties other than the property for which the variance is sought because:

RESPONSE: *There will not be any habitable structures in the park.*

CRITERIA: Due to unusual physical surroundings, shape, or topographical condition of the property for which the variance is sought or because of surrounding development or conditions, the strict application to the property of the requirements of Chapter 16.20 will result in undue substantial hardship to the owner of the property because:

RESPONSE: *The developer wants to provide a park for the residents of Harmony Pointe*

PRELIMINARY PLAT CONDITIONS

The Platting Board approved the preliminary plat of Harmony Pointe contingent on the following:

1. Update and correct the *certificate to plat* MS-54566 to include Lot 3 The Hornung Estate and provide *beneficiary acknowledgements*, if any;
2. Pay taxes in full for year of recording and any special assessments;
3. Resolve/Comply with DPW:
 - a. Need a drainage plan by P.E.
 - b. Request a pre-construction meeting with DPW prior to a NTP.
 - c. Submit a cost estimate to build subdivision roads;
 - d. Resolve utility easement per MEA/MTA and review with DPW.
 - e. Determine slope easements on grade.
 - f. As-built of improvements and utilities by RLS.
 - g. C7 and C30 increase to 25' (residential sub-collector).
4. Submit final plat in full compliance Title 16.
5. A temporary turnaround is required at Four Seasons Dr.

6. Plat Note to restricting access to the "park" lot from Charming Valley Circle.

FINDINGS

- (1)**FINDING** The preliminary plat for Harmony Pointe Subdivision is consistent with **AS 29.40.070 Platting Regulations** and **MSB 16.20 Subdivision Development Standards**.
- (2)**FINDING** The variance standards meet the criteria of **MSB 16.15.075 VARIANCE STANDARDS FOR APPROVAL**. The petitioner submitted a variance **MSB 16.20.280 AREA** to designate a lot with less than 40,000 sq. ft. for a park. The variance was approved.
- (3)**FINDING** All lots appear to meet the criteria for **MSB 16.20.280 AREA. (B) Rural districts**. Minimum lot sizes for rural districts shall be as follows: all lots within this district shall contain at least 40,000 square feet of area. At least 20,000 contiguous square feet of each lot shall be usable area and shall have a ground slope of less than 25 percent (*with the exception of the designated as a park*).
- (4)**FINDING** The lots appear to meet the criteria for **MSB 16.20.320 FRONTAGE**. Lots shall contain a minimum of 60 feet of frontage, unless located on a cul-de-sac, in which case minimum frontage may be 45 feet.
- (5)**FINDING** MTA is requesting a 15' T & E along every street.
- (6)**FINDING** MEA is requesting 15' T & E both sides of all roads
- (7)**FINDING** There was no response to the request for comments from ENSTAR Natural Gas.
- (8)**FINDING** No response to the request for comments from Gateway Community Council.
- (9)**FINDING** No public objections have been received.
- (10)**FINDING** One letter of non-objection received from Don Nardi, owner of Lot 8 Block 1 Clouds Rest
- (11)**FINDING** The petitioner agrees with the recommendations.
- (12)**FINDING** The roads have been constructed and meet MSB Standards..
- (13)**FINDING** Tax Parcels C13, A2 and D3 have access via a section line easement all total of 83' of access.
- (14)**FINDING** The above mentioned parcels are cleared and grubbed and are to be future gravel mining lots under contiguous ownership.

The meeting of the Matanuska-Susitna Borough Platting Board was called to order by Ms. Kincaid Chair, at 8:30 A.M. The meeting was held in the Assembly Chambers, Matanuska Susitna Borough, Dorothy Swanda Jones Building, 350 E. Dahlia Ave., Palmer, Alaska 99645.

Present and establishing a quorum were: Ms. Janet Kincaid, Mr. Jack Easley, Mr. Roger Anderson, Ms. Janet Whitfield and Mr. Bill Bruu,

Staff present were: Mr. Paul Hulbert, Platting Officer, Traci Jones and Jeff James, Platting Technicians, and Judy Thompson Administrative Secretary. Also present was Dan Graham, Director of Engineering in Public Works.

MINUTES

Mr. Anderson moved to approve the minutes of January 16, 2003. Ms. Whitfield seconded and added corrections and all voted in favor with the exception of Mr. Bruu, he abstained as he was absent from the meeting.

PUBLIC HEARINGS

TWIN PEAKS ESTATES

Ms. Thompson stated that on January 15, 2003, 69 public notices had been mailed with no objections, one return. Ms. Jones stated the petitioner's request and gave an overview.

Discussion by the board followed.

Ms. Kincaid opened the public hearing, having no one present to speak the public hearing was closed.

The petitioner, Guy Turner and his representative, Mr. Gary Lorusso, answered questions and stated that they agreed with the recommendations.

There was discussion by the board.

Ms. Whitfield moved to approve the preliminary plat of Twin Peaks Estates with 12 recommendations modifying No. 6 to read "Submit cost estimate to build required roads to residential standards. Request a pre-construction meeting with DPW, prior to any construction; Obtain Notice to Proceed." Modifying No. 7. to read "Provide slope easements as needed." Mr. Anderson seconded and all voted in favor. There were 14 findings, adding No. 15, "The petitioner agrees with the recommendations." Adding No. 16, "The owners of Parcel C9 & C13 are in agreement with the petitioner for the vacation of the easements and will complete a "Termination of Easement" when the road right of way is approved." Adding No. 17, "The Average Daily Traffic only requires residential road standards, however, 60' ROW has been provided for upgrade." Adding No. 18, "Recorded access easements will be provided on recorded plats." Adding No. 19, "Section line easement has been verified." Findings approved.

DNR RECREATIONAL CABIN SITES 2003

Ms. Thompson stated that there was a general advertising in the local newspaper but no individual public noticing was done. Mr. James stated the petitioner's request to review the proposed recreational area for conceptual approval to ensure compliance with the MSB code & platting authority. The area in question for the State's request are Quartz Creek West and Porcupine Butte West.

There was discussion by the board.

Ms. Kincaid opened the public hearing and having no one from the public wishing to speak the hearing was closed.

The petitioners, Pandora Willingham, and Kathy Means for the State Division of Natural Resources stated the intent and procedure for the State Recreational Cabin Sites.

Mr. Eric Simons, the surveyor for the state, stated that the lots would be stake it yourself but that the state would survey and do the appraisal.

Ms. Whitfield moved to approve the Recreational Cain Sites for 2003 concept request for the State of Alaska, Department of Natural Resources with 3 recommendations adding No. 4, "Recommend advise individuals of easements and access information to the area." Mr. Bruu seconded and all voted in favor. There were 8 findings, adding No. 9, "The petitioners agree with the recommendations." Adding No. 10, "The property is over 45 miles west of HWY and is considered remote area." Adding No. 11, "DNR states that it is a stake-it-yourself program but the state will survey and do the appraisal." Findings adopted.

EAGLE'S NEST @ KASHWITNA VAC OF PUBLIC INTEREST IN E. GOSHWAK CT.

Ms Thompson stated that on January 14, 2003, 163 notices were mailed and to date there are four returns and 5 objections. Mr. Hulbert stated that the petitioner wished to continue the case until February 20, 2003 to allow the "Y" Community Council to meet and have time to comment.

Ms. Kincaid opened the public hearing.

Mr. Stuart Kinsler, stated that he was opposed to the vacation of any easement in that area as there are fewer trails all of the time and needs access to river.

Ms. Cary Bahr-Kinsler, stated that there used to be access by gate but the lock had been changed so there was no access allowed now.

Mr. Don King, stated that he objected and felt the alternate access promised was not adequate and that it does not go to the section line easement. The alternate trail is in a swampy area and no good.

The public hearing was left open for the next hearing.

Mr. Bruu moved to continue the vacation until February 20, 2003, Mr. Anderson seconded and all voted in favor.

NORTHRIDGE ESTATES BLOCK 1, LOTS 18, 19, 20, PLAT NOTE AMENDMENT

Ms. Thompson stated that on January 15, 2003, that 39 notices were mailed and to date there has been 2 returns, 1 objection and 1 non-objection. Ms. Jones stated the petitioner's request and gave an overview of the case.

Ms. Kincaid opened the public hearing.

Mr. Charles Conrad stated that he has given a petition also for a change in driveway status and the state had told him that if this action was approved then he could have his driveway.

Mr. Henry Cottle, stated that he was in agreement with the plat note amendment.

Ms. Kincaid closed the public hearing.

The petitioner, William Bullard stated that the driveway is already there.

There was discussion by the board.

Mr. Anderson moved to approve the Northridge Estates Block 1, Lots 18 & 19 plat note amendment with 4 recommendations and Ms. Whitfield seconded and all voted in favor. There were 7 findings, amending No. 6, to read, "One objection was received from Howard Lowery." Adding No. 8, "The petitioner agrees with the recommendations."

CARR ESTATES SUBDIVISION

Ms. Thompson stated that on January 14, 2003, 33 notices were mailed and to date there is one return and 1 objection. Mr. James gave an overview, stating that the objection was not a Title 16 concern.

Ms. Kincaid opened the public hearing.

Mr. Jamie Hushower stated that the traffic increase was a concern and endangering the wildlife and damaging the water table.

Ms. Kincaid closed the public hearing.

The petitioner's representative, Mr. Pio Cottini, gave an overview and stated that he was in agreement with the recommendations.

There was discussion by the board, specifically concerning the driveway private easement for maintenance for the lots.

Ms. Whitfield moved to approve the Carr Estates subdivision with 4 recommendations, adding No. 5, "Resolve Enstar Gas utility easement and obtain agency sign off on the final plat." Adding No. 6, "Current valid driveway permits are required by ADOT for access to E. Maud Rd." Adding No. 7, "Plat note stating Access for all lots on to Maud Rd. shall be from common driveway as shown on plat." Adding No. 8, "Require construction of driveway adequate for emergency vehicle access prior to recording plat. The driveway to be 18' wide centered on the common line of 4 & 3 as per Subdivision Construction Manual, 15.2 A." Adding No. 9, Plat Note stating "Access for Lots 1 & 2 be restricted to the North 100' of common driveway between Lots 3 & 4." *Mr. Anderson seconded and motion failed with Mr. Bruu voting no and Mr. Anderson voting no. Ms. Kincaid asked Mr. Bruu if point could be handled to change his vote or Mr. Andersons vote, Mr. Bruu stated that since the petitioner was willing to over build the main driveway that he would change his vote and the motion passed with Mr. Anderson voting no.* There were 6 findings, amending No. 5 to read, "No agency objection has been received and one public objection has been received and addressed. The objection was not a Title 16 concern." Adding No. 7, "The petitioner agrees with the amended recommendations." Adding No. 8, "There is a 50' right-of-way dedication for Maud Rd." Adding No. 9, "The driveway maintenance agreement is not a requirement." Adding No. 10, "Section 15.2A of the Subdivision Construction Manual address driveway specifications." A. Entrances that serve 4 or fewer dwelling units may be designed to single family driveway standards. B. All entrances driveways serving more than four dwelling units conform to design service and access standards for residential streets." Adding No. 11. "The driveway will be built to 18' as per the petitioner" Findings adopted.

KACKMAN HEIGHTS

Ms. Thompson stated that on January 15, 2003, 9 notices were mailed and to date there are no returns and no objections. Mr. James gave an overview stating the petitioner's request.

Ms. Kincaid opened the public hearing and having no one present wishing to speak the hearing was closed.

The petitioner's representative, Mr. Warren Fiscus, stated that he had no objections to the recommendations with the exception of recommendation No. 2 concerning the older septic system. The board eliminated recommendation No. 2.

Ms. Whitfield moved to approve the Kackman Heights Subdivision Preliminary Plat with 7 recommendations, removing No. 2 and replacing it with, "Access to North Clark-Wolverine Road requires ADOT/PF approval and a current valid driveway permit." Mr. Bruu seconded and motion passed with Mr. Anderson voting no. There are six findings, adding No. 7, "The petitioner agrees with the amended recommendations." Adding No. 8, "Current physical access is constructed in private easement to be recorded." Adding No. 9, "Variance to usable area not required and Title 16 does not require DEC approval on old systems." Findings adopted.

VANCE'S VISTA

Ms Thompson stated that on January 15, 2003, 35 notices were mailed and to date there has been one return and 3 objections. Ms. Jones gave an overview and stated the petitioner's request.

Ms. Kincaid opened the public hearing and having no one present who wished to speak, the hearing was closed.

The petitioner, Mr. Greg Vance, stated that he agreed with the recommendations.

The petitioner's representative, Mr. Warren Fiscus, asked the board if Lot 3 met the criteria for frontage and they agreed that it did.

Ms. Whitfield, moved to approve the preliminary plat of Vance's Vista with 4 recommendations, adding No. 5, "Resolve utility easements and obtain utility sign-off on final plat." Adding No. 6, "Provide current valid driveway permit." Mr. Bruu seconded and all voted in favor. There were 9 findings, adding No. 10. "The petitioner agrees with the amended recommendations." No. 9, modified, "Three letters of objections received and addressed and not valid Title 16 objections. The Title 16 does not address water rights or covenants." Findings adopted.

NORTH HORSESHOE LAKE SUBDIVISION

Ms. Thompson stated that on January 15, 2003, 57 notices were mailed and to date there has been 2 objections and 1 non-objection. Mr. James gave an overview.

There was discussion by the board, Ms. Whitfield voiced concerns about the ownership of the boat launch and the responsibility.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner's representative, Ms. Alison Smith, with Mental Health Lands, stated that the land was conveyed to Mental Health Trust in 1994 and would divide it in 4 parts. The future lot 2 was to be purchased by Fish & Game and the launch and parking would be all that would be on Lot 2.

The petitioner's representative, Ms. Joy Cypra, answered the platting board's questions concerning right-of-way issues.

Mr. Bruu moved to approve preliminary plat of North Horseshoe Lake, with 7 recommendations, moving No. 1 to the findings and adding No. 8, "Provide utility sign-offs on final plat." Changing No. 7, to read, "Record 30' PUE from Lot 4A US Survey 3519 simultaneously and show graphically with this plat to obtain 60' ROW for N. Horseshoe Lake Rd." Mr. Anderson seconded. There were 7 findings, Adding No. 8, " Submit proposed Lot 2 maintenance agreement from MSB Land Management." Adding No. 9, "SC-80-037 was a state classification of Public Use in 1994, Land conveyed from DNR to Mental Health were not subject to this classification." Findings adopted.

HOLSONBAKE SUBDIVISION

Ms. Thompson stated that on January 15, 2003, 13 notices were mailed and to date there has been No objections and no returns. Mr. James gave an overview and stated that we had no soils information on one of the lots. The case was tabled until later in the meeting more information was gathered.

Mr. Hulbert stated that at the time of the original Holsonbake subdivision the lot had usable area and soils were accepted.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner, Mr. Carl Holsonbake, answered the board's questions and had no problem with the recommendations.

Mr. Bruu moved to approve the variance to MSB 16.15.075 usable area, with petitioner's response to the criteria as recommendations. Mr. Anderson seconded and all voted in favor. There were 4 findings.

Mr. Bruu moved to approve the preliminary plat of Holsonbake Subdivision No. 1, with 6 recommendations, Mr. Anderson seconded and all voted in favor. There were 7 findings, adding No. 8, "Previous subdivision soils were accepted by DEC."

ASPEN HEIGHTS

Ms. Thompson stated that on January 15, 2003, 109 notices were mailed and to date there has been 5 returns and no objections. Ms. Jones gave an overview and stated the petitioners request for resub and vacation.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner, Mr. Berkley Tilton, stated that he agreed with the recommendations. He also stated that Aspen St. would be paved in the spring.

Mr. Anderson moved to approve the vacation of the two platted cul-de-sacs that affect Lots 11 & 12 with the petitioner's response to the criteria. Mr. Bruu seconded and all voted in favor. Adding No 1 Finding, "E. Aspen Lane is a through street, thus making the existing cul-de-sac rights of way extraneous. Additionally the current owners of Lot 11 & 12 are proposing the vacation of the above described rights-of-way along with the dedication of right-of-way along E. Aspen Lane to aid in the overall acquisition of public rights-of-way along the roadway." Adding Finding No. 2, "The petition for vacation of ROW is consistent with AS 29.40.120-160. and MSB 16.15.035 B (1)." Adding Finding No. 3, "The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation." Adding Finding No. 4, "The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed." Adding Finding No. 5, "The right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided." Adding No. 6, "The vacation of Right-of-way for Aspen Lane is located with in the City of Wasilla. The City council has jurisdiction of the review and approval of the vacation." Finding No. 7, "Aspen Lane is built to residential standards." Adding No. 8, "Aspen Lane has been constructed from N. Lucille St through to N. Wasilla Fishhook Road. The dedication of 30 feet on this plat will legalize the right of

way access and meets the criteria of MSB 16.20.060 Dedication to Public and MSB 16.15.035 B (1) (a) Equal or Better access has been provided.”

Mr. Bruu moved to approve the preliminary plat of Aspen Business Park with 6 recommendations and Mr. Anderson seconded and all voted in favor. There were 10 findings, adding No. 11, “The petitioner agrees with the recommendations.” Adding No. 12, “Morrie Cr. Is rural residential and Aspen Lane is commercial.” Adding No. 13, “Lot 11 C is served by a well not in the boundary of the preliminary plat.” Adding No. 14, “Undocumented septic system is on the lot containing the present shop.” Findings adopted.

MAT SU MEADOWS

Ms. Thompson stated that on January 14, 2003, 10 notices were mailed and to date there are no returns and no objections. Ms. Jones gave an overview and stated the request of the petitioner.

There was discussion by the board.

Ms. Kincaid opened the public hearing and having no one wishing to speak the hearing was closed.

The petitioner, Ms. Vicki Janneck, stated that she agreed with the recommendations.

Ms. Whitfield moved to approve the preliminary plat of Mat Su Meadows with 4 recommendations, deleting No. 5. and amending No. 6 b, “Change the word “SHOW” to dedicate”. Mr. Bruu seconded and all voted in favor. There were 13 findings; adding No. 14, “The petitioner agrees with the recommendations.” Findings adopted.

WILLOW PARKWAY

Ms. Thompson stated that on January 14, 2003, 25 notices were mailed and to date there has been 1 concern and no returns. Ms. Jones gave an overview.

Ms. Kincaid opened the public hearing and having no one wishing to speak, closed the public hearing.

The petitioner’s representative, Mr. Paul Pilch, surveyor, agreed with the recommendations.

Ms. Whitfield moved to approve the variance to MSB 16,15.075 Standards for Approval, as the engineers report indicates the onsite septic system is feasible to construct despite the high water table, contingent upon staff’s one recommendation. Mr. Anderson seconded and all voted in favor. Additional findings are No. 1, “Petitioner’s response to the criteria”, No. 2, “Dept of Public Works comments that they have no objections.” No. 3, “The variance request for usable area meets the criteria of MSB 16.15.075 Variance Standards for Approval,” Findings adopted.

Ms. Whitfield moved to approve the preliminary plat of Willow Parkway with 6 recommendations, Modifying No. 4 to read, “Record a Public Use Easement document or show on the final plat easement to the property 60’ in width.” Modifying No. 5, “Obtain a current valid driveway permit

before constructing a new driveway.' Adding No. 7, "Resolve structural setbacks with code compliance." Mr. Anderson seconded and all voted in favor. There were 7 findings adding No. 8, "The petitioner agrees with the recommendations." Adding No. 9, "Mr. Les Ritchie verbally stated that he is willing to provide easement through PUE document." Revising No. 2 to read that "The Variance to MSB 16.15.075 Standards for Approval was approved." Findings adopted.

LUCILE CREEK SUBDIVISION

Ms. Thompson stated that on January 16, 2003, 44 notices were mailed and to date there has been no returns and no objections. Ms. Jones gave an overview stating the petitioner's request.

Ms. Kincaid opened the public hearing and having no one wishing to speak the hearing was closed.

The petitioners for the state, Eric Simons, and Chris Grundman answered the board's questions. Mr. Grundman stated that there was a 100-parcel per year sale requirement by the state.

Mr. Bruu moved to approve the preliminary plat of Lucile Creek Subdivision, with 15 recommendations, modifying No. 7a. add "off of Johnson Rd. " Change No. 9 to read, "Provide 40' corner radius at intersections onto Johnson Road." Mr. Anderson seconded and all voted in favor. There were 9 findings, adding No. 10, "The petitioners agree with the recommendations." Modifying No. 5, to read, "Lots 1-6, Block 5, exceed the 3:1 ratio due to unusable area and natural ground sloping. These lots do comply with MSB 16.20.300 (B) (1)." Correcting No. 4, to replace "met" in the first sentence with "meet". Findings adopted.

NORTH DIAMOND LAKE SUBDIVISION

Ms. Thompson stated that on January 16, 2003, 27 notices were mailed and to date we have had 2 returns and 2 concerns. Ms. Jones gave an overview of the petitioner's request.

Ms Kincaid opened the public hearing.

Ms. Shirley Marcheson, owner of Lot 11 was outside of recent noticing area but stated strong feelings regarding more density on a dying lake. She also felt the road was in no condition to handle more traffic.

Ms. Marcheson also spoke for Dick Thistle and Wayne Boski who could not attend and were opposed to the subdivision.

Mr. Mark Dubkowski, owner of Parcel D007, could have septic problems because of the ground water and soils. He stated that one of the Pt MacKenzie corridor plans showed The Alaska Rail Road going through this area.

Ms. Diane Dusak, owner of Lot 3, stated that the borough needs to limit lots in this subdivision to be as great as the surrounding lots to preserve wildlife and not over burden existing roads.

Ms. Mary Layn, owner of Lot 2 stated that the lake is fragile and needs protection. She had

questions concerning what would be done with Tract A.

Mr. Bill Seitz, Unit I Diamond Lake southern lots have a pond on them. Usable area would be a problem and he stated that he would like to see the same covenants as this subdivision.

Mr. George Dusak, owner of Lot 3, concerned about usage and clean up problem. He felt that the lake water level would be diminished by the added lots.

Mr. Howard Peterson, owner of D018, would like development but access to lake should be provided and there should be larger lots.

Ms. Kincaid closed the public hearing.

The petitioners Mr. Eric Simons and Chris Grumand, stated the intent of the subdivision and their request to stay within the borough regulations.

Ms. Whitfield moved to approve the North Diamond Lake Subdivision, with 9 findings, adding No. 10, "Plat Note stating that access to Lots 1 & 19 be limited to long cul-de-sac road." Mr. Anderson seconded and all voted in favor. There are 10 findings, adding No. 11, "The petitioner agrees with the recommendations." Adding No. 12, "This area is in the Pt Mackenzie Corridor Study." Adding No. 13, "W. Susitna Parkway is designated as a sub-collector." Adding No. 14, "Title 16 does not address wildlife preservation or water rights issues." Adding No. 15, "Dept of Natural Resources provides for public hearings for public comments." Amending No. 10, "Other public objections have been received and they are not concerning Title 16 issues." Findings adopted.

SUNSET VIEW ESTATES AND VACATION

Ms. Thompson stated that on January 15, 2003, 31 notices were mailed and to date there has been no objections and no returns and one concern. Mr. James gave an overview of the request, stating that the petitioner also requests a vacation.

Ms. Kincaid opened the public hearing and having no one present wishing to speak, the hearing was closed.

The petitioner's representative, Mr. Bob Hoffman, Bull Moose Surveying, stated that he had no problems with the recommendations.

There was discussion by the board.

Ms. Whitfield moved to approve the *vacation* of the last 470' of W. Hibbard Rd., with 4 recommendations adding No. 5, "Obtain current, valid ADOT driveway permit for Lots 1 & 2 for access to Big Lake Road. Amending No. 2, to add "Obtain Notice to Proceed prior to construction." Mr. Bruu seconded and all voted in favor. There were 7 findings adding No. 8, "This vacation meets AS 29.40.120 thru 29.40.160 and MSB 16.15.015 B (1)(c)." Adding No. 9, "Hibbard can not go to C1 as there is a high hill." Adding No. 10. "Big Lake Community Council did not respond."

Ms. Whitfield moved to approve the *variance* to MSB 16.20.300 (B) for Lot 1 with petitioner's response to the criteria. Mr. Anderson seconded and all voted in favor. The findings were the petitioner's response to the criteria.

Ms. Whitfield moved to approve the *preliminary plat* of Sunset View Estates with 15 recommendations deleting No. 3, adding No. 16, "Provide necessary dock construction permits." Adding No. 17, "Plat note stating that there will be a common access from Lots 1 & 2 to Big Lake Rd." Adding No. 18., "Submit dead end signage." Adding No. 19., "Shift proposed "T" Turnaround." Mr. Anderson seconded and all voted in favor. There were 7 findings, adding No. 8, "The petitioner agrees with the recommendations." Adding No. 9, "Vacation of portion of W. Hibbard Road approved." Adding No. 10. "The variance to MSB 16.15.300 (B) has been approved." Findings adopted.

RIDGECREST SUB BLOCK 2, LOTS 4 & 5 VACATION OF RIGHT OF WAY

Ms. Thompson stated that on January 15, 2003, 29 notices were mailed and to date there has been no returns and 3 objections and 1 non-objection. Mr. James gave an overview.

Ms. Kincaid opened the public hearing.

Ms. Shelly Plum, owner of Lot 3/ Block 3, stated that she was opposed to the vacation as it would create a turnaround in front of her day care.

Ms. Kincaid closed the public hearing.

The petitioner, Mr. Tom Rehard, stated his request and reasons for the request to the board and answered questions.

Mr. Anderson moved to approve the vacation of the southern 330' of N. Carriage Lane in Ridgecrest Subdivision with 5 recommendations, Ms. Whitfield seconded and motion failed with all voting no. Finding No. 1, "MSB 16.15.035 B states that A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present use or future use." Finding No. 2, " Does not meet with requirements of MSB 16.15.035 B (2) as better access was not provided." Finding No. 3, "Access is needed to D003." Finding No. 4, "The affected utilities have not objected." Finding No. 5. "Agency comments have not committed to objection." Finding No. 6, "Three objections have been received." Finding # 8, "Proposed Parks-Pittman connector will be an Arterial Rd. and there will be limited driveway access to arterial roads." Finding No. 9, "The petitioner could apply for an encroachment permit for a gate with temporary turnaround." Finding No. 10, "Topography of D003 depicts best accesses through N. Carriage Lane." No. 11, "The Borough Attorney is concerned with legal liability of gated access." Findings adopted.

HARMONY POINTE SUBDIVISION

Ms. Thompson stated that on January 14, 2003, 41 notices were mailed and to date there have been no objections and no returns. Ms. Jones gave an overview stating that one lot was going to be used for a park and petitioner was requesting a variance for that lot.

Ms. Kincaid opened the public hearing and having no one present wishing to speak the hearing was closed.

The petitioner's representative, Mr. Terry Nicodemus, stated that his client agreed with the recommendations.

Ms. Whitfield moved to approve the *variance* to MSB 16.20.280 for the lot in Harmony Pointe that is designated as a park, with 2 recommendations. Mr. Bruu seconded and all voted in favor with the criteria and response from the petitioner as findings.

Ms. Whitfield moved to approve *the preliminary plat* of Harmony Pointe with 6 recommendations modifying 3 d to read, "Resolve utility easement per MEA/MTA and review with DPW." Adding No. 5, "A temporary turnaround is required at Four Seasons Dr." Adding No. 6, "Plat Note restricting access to the "park" lot from Charming Valley Circle." Mr. Anderson seconded and all voted in favor. There were 10 findings, adding No. 11, "The petitioner agrees with the recommendations." Modifying No. 2, to state the variance was approved." Adding No. 12, "The roads have been constructed and meet MSB standards." Adding No. 13, "Tax Parcels C13, A2, and D3 have access via a section line easement all total of 83' of access." Adding No. 14, "The above mentioned parcels are cleared and grubbed and are to be future gravel mining lots under contiguous ownership." Findings adopted.

PJC NO 2 AND VACATION

Ms. Thompson stated that on January 14, 2003, 42 notices were mailed and to date there has been 2 returns and 3 objections and 3 concerns. Mr. James gave an overview.

Ms. Kincaid opened the public hearing.

Mr. Garvan Buccaria, gave the board several handouts and passed around various slides of the area. He was very much opposed to the development.

Ms. Carol Huizar owner of Parcel C11 was in favor of the development.

Ms. Barbara Carney, owner of C21 in favor has no objection to the roads.

Ms. Kincaid closed the public hearing.

The petitioner, Mr Pat Carney, had no objections to the recommendations.

Mr. Bruu moved to approve the *vacation* of the 50' public access easement as depicted on the preliminary plat of PJC NO. 2 with 3 recommendations adding No. 4, "Verify setbacks of structures for compliance with MSB Codes." Mr. Anderson seconded and all voted in favor. There were five findings, adding No. 6 "The vacation resolves house set back violations on proposed Lot 6, Block 1." Adding No. 7, "The petitioner agrees with the findings."

Mr. Bruu moved to approve the *preliminary plat* of PJC No. 2 with 10 recommendations eliminating no. 2, adding No. 11 "Obtain land use permit from the City of Wasilla." Adding No. 12, "Plat note stating that Lots 1, 2 & 3 Block 1 and Lots 1 & 2 Block 2 are to be served by City of Wasilla Water System." Adding No. 13, "Resolve with the City of Wasilla the stub outs for water prior to recordation of the plat." Adding No. 14, "Increase right of way on Carpenter Circle to 35' from the centerline." Adding No. 15, "Verify that structures meet set back requirements." Mr. Anderson seconded and all voted in favor. There are 6 findings adding No. 7, "The petitioner agrees with the recommendations." Adding No. 8, "The vacation was approved." Adding No. 9, "There were 3 objections and 3 concerns." Adding No. 10, "A through road promotes better access for emergency vehicles." Adding No. 11, "ADOT did not request additional ROW from proposed Lot 7 Block 1." Adding no. 12, "20,000 sq ft usable lots will be served by City Water System." Adding No. 13, MSB 16.20.280 B 2 allows 20,000 sq ft lots if served by community water." Findings adopted.

KALMBACH SOUTH MASTER PLAN WITH VARIANCES

Ms. Thompson stated that on January 14, 2003, 35 notices were mailed and to date there has been 1 return and 2 objections. Mr. Hulbert gave an overview, stating that the case should probably be continued to include expanded public noticing.

Ms. Kincaid opened the public hearing.

Mr. Roger Williams stated that he opposed the subdivision as it would impact the road system already in place that was not adequate.

Mr. Kevin Matlock, Of the Faith Luthern Church, stated that they had camp property and was concerned about safety with roads not being in very good condition and would be adversely affected by the new subdivision traffic.

Ms. Kincaid left the public hearing open for the continuation hearing.

The petitioner's representative, Mr. Horan, answered questions of the board.

Mr. Curt Holler, the engineer stated that the ROW for the road to taxi on a public airport would probably be 50' but that the private roads had no specifications as per FAA.

Mr. Bruu moved to continue the Master Plan hearing for Kalmbach Lake South Master Plan until March 6, 2003 to allow for more noticing. Mr. Anderson seconded and all voted in favor.

MISCELLANEOUS BUSINESS

Ms. Kincaid stated that she would be gone for the next meeting and that someone would have to stand in for chair since elections have not occurred. Mr. Bruu volunteered to chair the February 20, 2003 meeting.

RECONSIDERATIONS

MARJORIES MANOR

Ms. Thompson stated that on January 16, 2003, 45 notices were mailed and to date there has been one return and one objection. Mr. Hulbert gave an overview.

Ms. Kincaid opened the public hearing.

Mr. Bill Frick, stated that he had been working as mediator for the group of opposed individuals and Mr. Button.

Ms. Cindi Bettini, stated that she would like to see the original decision of October 2002 be used. She also stated that she was concerned with the water table and over development.

Mr. Mike Butcher, stated concern about prospective buyers of lots not being made aware that if used commercially they would have to upgrade the ROW.

Mr. Tim McGhan stated that he was concerned about residential versus commercial as per traffic and road construction.

Ms. Kincaid closed the public hearing.

The petitioner, Mr. Mark Button, stated that he wished to apologize for his previous actions in the Platting Board meeting.

The petitioner's representative, Mr. Terry Nicodemus, stated that he agreed with the recommendations.

Ms. Whitfield moved to approve the preliminary plat of Marjories Manor with 10 recommendations, modifying No. 2, "Upgrade W. Rosalie Ct to residential collector standards. Submit Cost estimate of construction and meet with DPW and obtain notice to proceed prior to construction." Modifying No. 10, add this sentence to the end of 10, "Submit cost estimate of construction and meet with DPW and obtain a Notice to Proceed prior to construction." Mr. Bruu seconded and all voted in favor. There were 13 findings, adding No. 14, "The petitioner agrees with the recommendations." Adding No. 15, "Residents on Rocky Lake are exploring creation of a Residential Special Land Use District. They have the paperwork but have not filed a petition as of this hearing." Adding No. 16, "By ADT standards there is potential for 20 more residential units before Rocky Rd. is required to be upgraded to Residential Collector Standards." Adding No. 17, "Arlene St. can only handle 10 more dwelling units." Findings adopted.

BOARD COMMENTS

Mr. Bruu would like to see meetings be limited by case #'s or so as not to exceed a specified time.

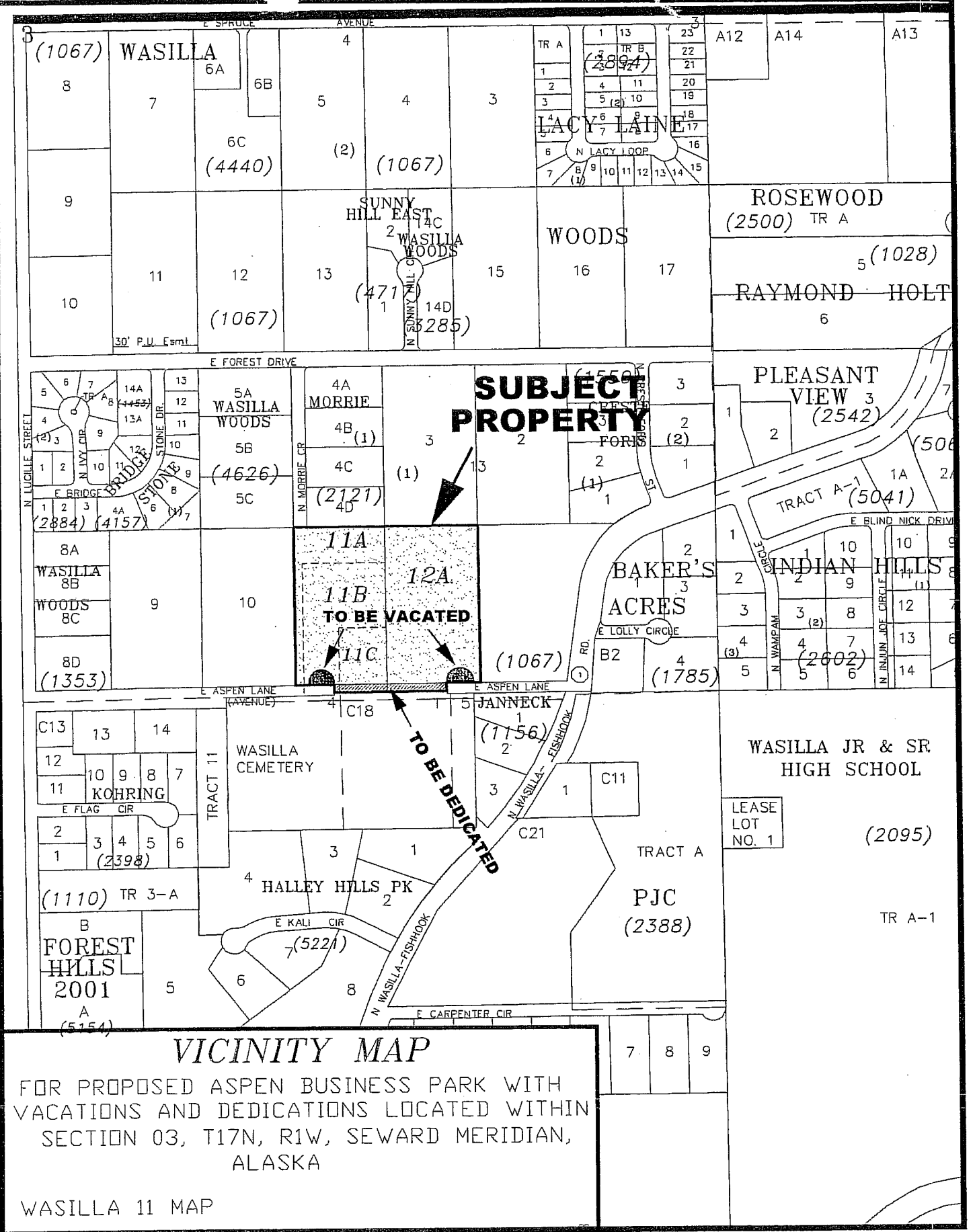
The other board members concurred.

The meeting was adjourned at 7:25 p.m.

Attest:

Ms. Janet Kincaid, Chair

Judy Thompson, Administrative Secretary



VICINITY MAP

FOR PROPOSED ASPEN BUSINESS PARK WITH
 VACATIONS AND DEDICATIONS LOCATED WITHIN
 SECTION 03, T17N, R1W, SEWARD MERIDIAN,
 ALASKA

WASILLA 11 MAP

7	8	9
---	---	---

LEASE
 LOT
 NO. 1

WASILLA JR & SR
 HIGH SCHOOL

(2095)

TR A-1

PLEASANT
 VIEW 3
 (2542)

TRACT A-1
 (5041)

BAKER'S
 ACRES

(1785)

**SUBJECT
 PROPERTY**

11A
 11B
 12A
TO BE VACATED

(1067)

(1067) WASILLA
 6A 6B

6C
 (4440)

(1067)

ROSEWOOD
 (2500) TR A

5 (1028)

RAYMOND HOLT

6

E FOREST DRIVE

5A WASILLA
 WOODS

4A MORRIE

5B
 (4626)

4B (1)

4C (2121)

4D

8A
 WASILLA

8B
 WOODS

8C

8D
 (1353)

WASILLA
 CEMETERY

JANNECK
 (1156)

2
 1
 (2398)

(1110) TR 3-A

B
 FOREST
 HILLS
 2001

A
 (5154)

4 HALLEY HILLS PK
 2

(5221)

TRACT A

PJC
 (2388)

E ASPEN LANE

E ASPEN LANE

TO BE DEDICATED

E KALI CIR

E CARPENTER CIR

CAVENUE

E FLAG CIR

TRACT 11

TRACT 11

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

E KALI CIR

STAFF REVIEW AND RECOMMENDATION
PUBLIC HEARING
FEBRUARY 6, 2003

PRELIMINARY PLAT **ASPEN BUSINESS PARK**

LEGAL DESCRIPTION: w/in SEC 03 T17N, R01W, SM, AK

PETITIONER: **JOHN & SANDRA TISHNER**
 ASPEN LAND TRUST

SURVEYOR/ENGINEER: **JOHN SHADRACH**

ACRES 9.825 **PARCELS: 4**

REVIEWED BY: **TRACI K. JONES** CASE: 2002-250

REQUEST

The request is to subdivide Lots 11 & 12 Block 1, Wasilla Woods Subdivision into four new lots to be known as Lots 11A, 11B, 11C and 12A, Aspen Business Park containing 9.825 acres. The petitioners also request a vacation of the two platted cul-de-sacs that affect Lots 11 & 12 and dedicating the south 30' for E. Aspen Lane.

AGENCY COMMENTS

- MSB** DPW: 1. Received soils test. Acceptable
2. Received as-built
3. No objection to the vacation, but verify Aspen Lane is built to residential standards or better.
4. Could dedicate west 50' of Lot 11 for tie-in to Moore Circle. No construction.
5. City of Wasilla review and inspection.

CC: **(Exhibit A)**

- PLNG: (1) Within City of Wasilla
(2) No objections.

UTILITIES

- MTA: O.K. as shown on preliminary plat.
- MEA: Requests easements 30' T & E centered on east line of lot 12A on the existing overhead power line and 30' T & E on existing overhead power line for Lots 11A, 11B, 11C as shown on preliminary map.

ENSTAR: No response to the request for comments.

CC City of Wasilla: No objection to the replat. We anticipate that the road name will be changed from Aspen Lane to Aspen Avenue. The City requires all assessments paid and obtain Land Use Permit.

DISCUSSION

The preliminary plat is located within the city limits of Wasilla on Aspen Lane (Avenue) and the parcels are zoned commercial. Aspen Lane is maintained by the City of Wasilla.

The petitioners wish to subdivide 9.82 acres into 4 new lots, dedicate a 30 feet right of way easement on the final plat and vacate 2 cul-de-sac rights of ways.

The Wasilla Woods plat #71-25 shows that Aspen Lane was to be constructed with 2 cul-de-sacs. One cul-de-sac access was from N. Lucille Street for Lot 11 and the other access was from N. Wasilla Fishhook Road for Lot 12. Aspen Lane has since been constructed from N. Lucille St through to N. Wasilla Fishhook Road. The dedication of 30 feet on this plat will legalize the right of way access.

There is a Shop on Lot 11B and a multi-family residence on Lot 11C (**EXHIBIT B – 1 page**).

Holler Engineering conducted the soils investigation. 2 test holes were dug on proposed Lot 11A & 11B and no ground water was encountered. The engineer stated that based on the proposed lot configuration, available soils information and the observed topography, proposed parcels 11A & 11B each contain over 20,000 sq. ft. of contiguous usable area (**EXHIBIT C – 7 pages**).

Department of Public Works stated they received soils test. Acceptable. Received as-built. No objection to the vacation, but verify Aspen Lane is built to residential standards or better. Could dedicate west 50' of Lot 11 for tie-in to Moore Circle. No construction. City of Wasilla review and inspection.

The City of Wasilla had no objection to the replat. Their letter stated they anticipate that the road name will be changed from Aspen Lane to Aspen Avenue. The City requires all assessments paid and obtain Land Use Permit.

MTA approved the preliminary plat as shown.

MEA: Requests easements 30' T & E centered on east line of lot 12A on the existing overhead power line and 30' T & E on existing overhead power line for Lots 11A, 11B, 11C as shown on preliminary map.

There was no objection received from the Public Hearing Notices.

The petitioners submitted a Petition for Vacation of Right of Way for the 2 cul-de-sacs.

The action for this petition is sought for the following reasons: E. Aspen Lane is a through street, thus making the existing cul-de-sac rights of ways extraneous. Additionally, the current right-of-way of Aspen Lane between the cul-de-sacs consists of two written easements. The owners of Lot 11 & 12 are proposing the vacation of the above described rights-of-way, along with the dedication of right-of-way along E. Aspen Lane to aid in the overall acquisition of public rights-of-way along the roadway (**EXHIBIT D – 2 pages**).

VACATION & PRELIMINARY PLAT CONCLUSION

VACATION: The petition for Vacation of Right of Way is consistent with **AS 29.40.120-160**. The petition for Vacation of Right of Way meets the criteria of **MSB 16.15.035 VACATIONS**. **(B)** A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The assembly shall review applications for vacations as follows: **(1)** The Assembly shall ordinarily approve vacations of public rights-of-way if:

- (a)** the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation;
- (b)** the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
- (c)** the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided.

The Vacation of Right of Way for Aspen Lane is located within the City of Wasilla. The City Council has jurisdiction of the review and approval of the vacation.

PRELIMINARY PLAT : The preliminary plat for Aspen Business Park is consistent with AS 29.40.070 Platting Regulations and MSB 16.20 Subdivision Development Standards.

Further discussion with the surveyor regarding accessing Lot 11A from Moore Circle is not feasible. The lots located on Moore Circle are zoned residential and the preliminary plat is zoned commercial.

VACATION RECOMMENDATION

Staff recommends approval of the vacation of the 2 cul-de-sac rights-of-way that are depicted on the preliminary plat for Aspen Business Park contingent on the following:

1. The City of Wasilla Council review and approval of the vacation within 30 days of the Platting Board action.
2. Record vacation resolution or show on the final plat

PRELIMINARY PLAT RECOMMENDATION

Staff recommends approval of the preliminary plat for four new lots to be known as Lots 11A, 11B, 11C and 12A, Aspen Business Park containing 9.825 acres contingent on the following:

1. Obtain a *certificate to plat* and *beneficiary acknowledgements*, if any;
2. Pay taxes in full for year of recording and any special assessments;
3. obtain the City of Wasilla sign-off on the Tax Certificate;
4. Obtain a Land Use Permit from the City of Wasilla. Provide platting with a copy;
5. Resolve with M.E.A. utility easements. Obtain sign-off on final plat; and
6. Submit final plat in full compliance Title 16.

FINDINGS

- (1)**FINDING** The preliminary plat for Aspen Business Park is consistent with AS 29.40.070 Platting Regulations and MSB 16.20 Subdivision Development Standards.
- (2)**FINDING** The petitioner for Vacation of Right of Way is consistent with **AS 29.40.120-160**. meets the criteria of **MSB 16.15.035 VACATIONS**.
- (3)**FINDING** The Wasilla Woods plat #71-25 shows that Aspen Lane was to be constructed with 2 cul-de-sacs. One cul-de-sac access was from N. Lucille Street for Lot 11 and the other access was from N. Wasilla Fishhook Road for Lot 12.
- (4)**FINDING** Aspen Lane has been constructed from N. Lucille St through to N. Wasilla Fishhook Road. The dedication of 30 feet on this plat will legalize the right of way access and meets the criteria of **MSB 16.20.060 DEDICATION TO PUBLIC**.
- (5)**FINDING** Holler Engineering submitted a soils investigation. The lots are consistent with **MSB 16.20.280 AREA (B) Rural districts**. Minimum lot sizes for rural districts shall be as follows: (1) all lots within this district shall contain at least 40,000 square feet of area. At least 20,000 contiguous square feet of each lot shall be usable area and shall have a ground slope of less than 25 percent.
- (6)**FINDING** The lots meet the criteria of **MSB 16.20.320 FRONTAGE**. The lots shall contain a minimum of 60 feet of frontage.
- (7)**FINDING** The City of Wasilla had no objection to the replat. Their letter stated they anticipate that the road name will be changed from Aspen Lane to Aspen Avenue. The City requires all assessments paid and obtain Land Use Permit.
- (8)**FINDING** MTA approved the preliminary plat as shown.
- (9)**FINDING** MEA: Requests easements 30' T & E centered on east line of lot 12A on the existing overhead power line and 30' T & E on existing overhead power line for Lots 11A, 11B, 11C as shown on preliminary map.
- (10)**FINDING** There was no objection received from the Public Hearing Notices.

The meeting of the Matanuska-Susitna Borough Platting Board was called to order by Ms. Kincaid Chair, at 8:30 A.M. The meeting was held in the Assembly Chambers, Matanuska Susitna Borough, Dorothy Swanda Jones Building, 350 E. Dahlia Ave., Palmer, Alaska 99645.

Present and establishing a quorum were: Ms. Janet Kincaid, Mr. Jack Easley, Mr. Roger Anderson, Ms. Janet Whitfield and Mr. Bill Bruu,

Staff present were: Mr. Paul Hulbert, Platting Officer, Traci Jones and Jeff James, Platting Technicians, and Judy Thompson Administrative Secretary. Also present was Dan Graham, Director of Engineering in Public Works.

MINUTES

Mr. Anderson moved to approve the minutes of January 16, 2003. Ms. Whitfield seconded and added corrections and all voted in favor with the exception of Mr. Bruu, he abstained as he was absent from the meeting.

PUBLIC HEARINGS

TWIN PEAKS ESTATES

Ms. Thompson stated that on January 15, 2003, 69 public notices had been mailed with no objections, one return. Ms. Jones stated the petitioner's request and gave an overview.

Discussion by the board followed.

Ms. Kincaid opened the public hearing, having no one present to speak the public hearing was closed.

The petitioner, Guy Turner and his representative, Mr. Gary Lorusso, answered questions and stated that they agreed with the recommendations.

There was discussion by the board.

Ms. Whitfield moved to approve the preliminary plat of Twin Peaks Estates with 12 recommendations modifying No. 6 to read "Submit cost estimate to build required roads to residential standards. Request a pre-construction meeting with DPW, prior to any construction; Obtain Notice to Proceed." Modifying No. 7. to read "Provide slope easements as needed." Mr. Anderson seconded and all voted in favor. There were 14 findings, adding No. 15, "The petitioner agrees with the recommendations." Adding No. 16, "The owners of Parcel C9 & C13 are in agreement with the petitioner for the vacation of the easements and will complete a "Termination of Easement" when the road right of way is approved." Adding No. 17, "The Average Daily Traffic only requires residential road standards, however, 60' ROW has been provided for upgrade." Adding No. 18, "Recorded access easements will be provided on recorded plats." Adding No. 19, "Section line easement has been verified." Findings approved.

DNR RECREATIONAL CABIN SITES 2003

Ms. Thompson stated that there was a general advertising in the local newspaper but no individual public noticing was done. Mr. James stated the petitioner's request to review the proposed recreational area for conceptual approval to ensure compliance with the MSB code & platting authority. The area in question for the State's request are Quartz Creek West and Porcupine Butte West.

There was discussion by the board.

Ms. Kincaid opened the public hearing and having no one from the public wishing to speak the hearing was closed.

The petitioners, Pandora Willingham, and Kathy Means for the State Division of Natural Resources stated the intent and procedure for the State Recreational Cabin Sites.

Mr. Eric Simons, the surveyor for the state, stated that the lots would be stake it yourself but that the state would survey and do the appraisal.

Ms. Whitfield moved to approve the Recreational Cain Sites for 2003 concept request for the State of Alaska, Department of Natural Resources with 3 recommendations adding No. 4, "Recommend advise individuals of easements and access information to the area." Mr. Bruu seconded and all voted in favor. There were 8 findings, adding No. 9, "The petitioners agree with the recommendations." Adding No. 10, "The property is over 45 miles west of HWY and is considered remote area." Adding No. 11, "DNR states that it is a stake-it-yourself program but the state will survey and do the appraisal." Findings adopted.

EAGLE'S NEST @ KASHWITNA VAC OF PUBLIC INTEREST IN E. GOSHWAK CT.

Ms Thompson stated that on January 14, 2003, 163 notices were mailed and to date there are four returns and 5 objections. Mr. Hulbert stated that the petitioner wished to continue the case until February 20, 2003 to allow the "Y" Community Council to meet and have time to comment.

Ms. Kincaid opened the public hearing.

Mr. Stuart Kinsler, stated that he was opposed to the vacation of any easement in that area as there are fewer trails all of the time and needs access to river.

Ms. Cary Bahr-Kinsler, stated that there used to be access by gate but the lock had been changed so there was no access allowed now.

Mr. Don King, stated that he objected and felt the alternate access promised was not adequate and that it does not go to the section line easement. The alternate trail is in a swampy area and no good.

The public hearing was left open for the next hearing.

Mr. Bruu moved to continue the vacation until February 20, 2003, Mr. Anderson seconded and all voted in favor.

NORTHRIDGE ESTATES BLOCK 1, LOTS 18, 19, 20, PLAT NOTE AMENDMENT

Ms. Thompson stated that on January 15, 2003, that 39 notices were mailed and to date there has been 2 returns, 1 objection and 1 non-objection. Ms. Jones stated the petitioner's request and gave an overview of the case.

Ms. Kincaid opened the public hearing.

Mr. Charles Conrad stated that he has given a petition also for a change in driveway status and the state had told him that if this action was approved then he could have his driveway.

Mr. Henry Cottle, stated that he was in agreement with the plat note amendment.

Ms. Kincaid closed the public hearing.

The petitioner, William Bullard stated that the driveway is already there.

There was discussion by the board.

Mr. Anderson moved to approve the Northridge Estates Block 1, Lots 18 & 19 plat note amendment with 4 recommendations and Ms. Whitfield seconded and all voted in favor. There were 7 findings, amending No. 6, to read, "One objection was received from Howard Lowery." Adding No. 8, "The petitioner agrees with the recommendations." *XXXXXX for lot 8 no*

CARR ESTATES SUBDIVISION

Ms. Thompson stated that on January 14, 2003, 33 notices were mailed and to date there is one return and 1 objection. Mr. James gave an overview, stating that the objection was not a Title 16 concern.

Ms. Kincaid opened the public hearing.

Mr. Jamie Hushower stated that the traffic increase was a concern and endangering the wildlife and damaging the water table.

Ms. Kincaid closed the public hearing.

The petitioner's representative, Mr. Pio Cottini, gave an overview and stated that he was in agreement with the recommendations.

There was discussion by the board, specifically concerning the driveway private easement for maintenance for the lots.

Ms. Whitfield moved to approve the Carr Estates subdivision with 4 recommendations, adding No. 5, "Resolve Enstar Gas utility easement and obtain agency sign off on the final plat." Adding No. 6, "Current valid driveway permits are required by ADOT for access to E. Maud Rd." Adding No. 7, "Plat note stating Access for all lots on to Maud Rd. shall be from common driveway as shown on plat." Adding No. 8, "Require construction of driveway adequate for emergency vehicle access prior to recording plat. The driveway to be 18' wide centered on the common line of 4 & 3 as per Subdivision Construction Manual, 15.2 A." Adding No. 9, Plat Note stating "Access for Lots 1 & 2 be restricted to the North 100' of common driveway between Lots 3 & 4." *Mr. Anderson seconded and motion failed with Mr. Bruu voting no and Mr. Anderson voting no. Ms. Kincaid asked Mr. Bruu if point could be handled to change his vote or Mr. Andersons vote, Mr. Bruu stated that since the petitioner was willing to over build the main driveway that he would change his vote and the motion passed with Mr. Anderson voting no.* There were 6 findings, amending No. 5 to read, "No agency objection has been received and one public objection has been received and addressed. The objection was not a Title 16 concern." Adding No. 7, "The petitioner agrees with the amended recommendations." Adding No. 8, "There is a 50' right-of-way dedication for Maud Rd." Adding No. 9, "The driveway maintenance agreement is not a requirement." Adding No. 10, "Section 15.2A of the Subdivision Construction Manual address driveway specifications." A. Entrances that serve 4 or fewer dwelling units may be designed to single family driveway standards. B. All entrances driveways serving more than four dwelling units conform to design service and access standards for residential streets." Adding No. 11. "The driveway will be built to 18' as per the petitioner" Findings adopted.

KACKMAN HEIGHTS

Ms. Thompson stated that on January 15, 2003, 9 notices were mailed and to date there are no returns and no objections. Mr. James gave an overview stating the petitioner's request.

Ms. Kincaid opened the public hearing and having no one present wishing to speak the hearing was closed.

The petitioner's representative, Mr. Warren Fiscus, stated that he had no objections to the recommendations with the exception of recommendation No. 2 concerning the older septic system. The board eliminated recommendation No. 2.

Ms. Whitfield moved to approve the Kackman Heights Subdivision Preliminary Plat with 7 recommendations, removing No. 2 and replacing it with, "Access to North Clark-Wolverine Road requires ADOT/PF approval and a current valid driveway permit." Mr. Bruu seconded and motion passed with Mr. Anderson voting no. There are six findings, adding No. 7, The petitioner agrees with the amended recommendations." Adding No. 8, "Current physical access is constructed in private easement to be recorded." Adding No. 9, "Variance to usable area not required and Title 16 does not require DEC approval on old systems." Findings adopted.

VANCE'S VISTA

Ms Thompson stated that on January 15, 2003, 35 notices were mailed and to date there has been one return and 3 objections. Ms. Jones gave an overview and stated the petitioner's request.

Ms. Kincaid opened the public hearing and having no one present who wished to speak, the hearing was closed.

The petitioner, Mr. Greg Vance, stated that he agreed with the recommendations.

The petitioner's representative, Mr. Warren Fiscus, asked the board if Lot 3 met the criteria for frontage and they agreed that it did.

Ms. Whitfield, moved to approve the preliminary plat of Vance's Vista with 4 recommendations, adding No. 5, "Resolve utility easements and obtain utility sign-off on final plat." Adding No. 6, "Provide current valid driveway permit." Mr. Bruu seconded and all voted in favor. There were 9 findings, adding No. 10. "The petitioner agrees with the amended recommendations." No. 9, modified, "Three letters of objections received and addressed and not valid Title 16 objections. The Title 16 does not address water rights or covenants." Findings adopted.

NORTH HORSESHOE LAKE SUBDIVISION

Ms. Thompson stated that on January 15, 2003, 57 notices were mailed and to date there has been 2 objections and 1 non-objection. Mr. James gave an overview.

There was discussion by the board, Ms. Whitfield voiced concerns about the ownership of the boat launch and the responsibility.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner's representative, Ms. Alison Smith, with Mental Health Lands, stated that the land was conveyed to Mental Health Trust in 1994 and would divide it in 4 parts. The future lot 2 was to be purchased by Fish & Game and the launch and parking would be all that would be on Lot 2.

The petitioner's representative, Ms. Joy Cypra, answered the platting board's questions concerning right-of-way issues.

Mr. Bruu moved to approve preliminary plat of North Horseshoe Lake, with 7 recommendations, moving No. 1 to the findings and adding No. 8, "Provide utility sign-offs on final plat." Changing No. 7, to read, "Record 30' PUE from Lot 4A US Survey 3519 simultaneously and show graphically with this plat to obtain 60' ROW for N. Horseshoe Lake Rd." Mr. Anderson seconded. There were 7 findings, Adding No. 8, " Submit proposed Lot 2 maintenance agreement from MSB Land Management." Adding No. 9, "SC-80-037 was a state classification of Public Use in 1994, Land conveyed from DNR to Mental Health were not subject to this classification." Findings adopted.

HOLSONBAKE SUBDIVISION

Ms. Thompson stated that on January 15, 2003, 13 notices were mailed and to date there has been No objections and no returns. Mr. James gave an overview and stated that we had no soils information on one of the lots. The case was tabled until later in the meeting more information was gathered.

Mr. Hulbert stated that at the time of the original Holsonbake subdivision the lot had usable area and soils were accepted.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner, Mr. Carl Holsonbake, answered the board's questions and had no problem with the recommendations.

Mr. Bruu moved to approve the variance to MSB 16.15.075 usable area, with petitioner's response to the criteria as recommendations. Mr. Anderson seconded and all voted in favor. There were 4 findings.

Mr. Bruu moved to approve the preliminary plat of Holsonbake Subdivision No. 1, with 6 recommendations, Mr. Anderson seconded and all voted in favor. There were 7 findings, adding No. 8, "Previous subdivision soils were accepted by DEC."

ASPEN HEIGHTS

Ms. Thompson stated that on January 15, 2003, 109 notices were mailed and to date there has been 5 returns and no objections. Ms. Jones gave an overview and stated the petitioners request for resub and vacation.

Ms. Kincaid opened the public hearing and having no one wishing to speak the public hearing was closed.

The petitioner, Mr. Berkley Tilton, stated that he agreed with the recommendations. He also stated that Aspen St. would be paved in the spring.

Mr. Anderson moved to approve the vacation of the two platted cul-de-sacs that affect Lots 11 & 12 with the petitioner's response to the criteria. Mr. Bruu seconded and all voted in favor. Adding No 1 Finding, "E. Aspen Lane is a through street, thus making the existing cul-de-sac rights of way extraneous. Additionally the current owners of Lot 11 & 12 are proposing the vacation of the above described rights-of-way along with the dedication of right-of-way along E. Aspen Lane to aid in the overall acquisition of public rights-of-way along the roadway." Adding Finding No. 2, "The petition for vacation of ROW is consistent with AS 29.40.120-160. and MSB 16.15.035 B (1)." Adding Finding No. 3, "The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation." Adding Finding No. 4, "The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed." Adding Finding No. 5, "The right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided." Adding No. 6, "The vacation of Right-of-way for Aspen Lane is located with in the City of Wasilla. The City council has jurisdiction of the review and approval of the vacation." Finding No. 7, "Aspen Lane is built to residential standards." Adding No. 8, "Aspen Lane has been constructed from N. Lucille St through to N. Wasilla Fishhook Road. The dedication of 30 feet on this plat will legalize the right of

way access and meets the criteria of MSB 16.20.060 Dedication to Public and MSB 16.15.035 B (1) (a) Equal or Better access has been provided.”

Mr. Bruu moved to approve the preliminary plat of Aspen Business Park with 6 recommendations and Mr. Anderson seconded and all voted in favor. There were 10 findings, adding No. 11, “The petitioner agrees with the recommendations.” Adding No. 12, “Morrie Cr. Is rural residential and Aspen Lane is commercial.” Adding No. 13, “Lot 11 C is served by a well not in the boundary of the preliminary plat.” Adding No. 14, “Undocumented septic system is on the lot containing the present shop.” Findings adopted.

MAT SU MEADOWS

Ms. Thompson stated that on January 14, 2003, 10 notices were mailed and to date there are no returns and no objections. Ms. Jones gave an overview and stated the request of the petitioner.

There was discussion by the board.

Ms. Kincaid opened the public hearing and having no one wishing to speak the hearing was closed.

The petitioner, Ms. Vicki Janneck, stated that she agreed with the recommendations.

Ms. Whitfield moved to approve the preliminary plat of Mat Su Meadows with 4 recommendations, deleting No. 5. and amending No. 6 b, “Change the word “SHOW” to dedicate”. Mr. Bruu seconded and all voted in favor. There were 13 findings; adding No. 14, “The petitioner agrees with the recommendations.” Findings adopted.

WILLOW PARKWAY

Ms. Thompson stated that on January 14, 2003, 25 notices were mailed and to date there has been 1 concern and no returns. Ms. Jones gave an overview.

Ms. Kincaid opened the public hearing and having no one wishing to speak, closed the public hearing.

The petitioner’s representative, Mr. Paul Pilch, surveyor, agreed with the recommendations.

Ms. Whitfield moved to approve the variance to MSB 16,15.075 Standards for Approval, as the engineers report indicates the onsite septic system is feasible to construct despite the high water table, contingent upon staff’s one recommendation. Mr. Anderson seconded and all voted in favor. Additional findings are No. 1, “Petitioner’s response to the criteria”, No. 2, “Dept of Public Works comments that they have no objections.” No. 3, “The variance request for usable area meets the criteria of MSB 16.15.075 Variance Standards for Approval,” Findings adopted.

Ms. Whitfield moved to approve the preliminary plat of Willow Parkway with 6 recommendations. Modifying No. 4 to read, “Record a Public Use Easement document or show on the final plat easement to the property 60’ in width.” Modifying No. 5, “Obtain a current valid driveway permit

before constructing a new driveway.' Adding No. 7, "Resolve structural setbacks with code compliance." Mr. Anderson seconded and all voted in favor. There were 7 findings adding No. 8, "The petitioner agrees with the recommendations." Adding No. 9, "Mr. Les Ritchie verbally stated that he is willing to provide easement through PUE document." Revising No. 2 to read that "The Variance to MSB 16.15.075 Standards for Approval was approved." Findings adopted.

LUCILE CREEK SUBDIVISION

Ms. Thompson stated that on January 16, 2003, 44 notices were mailed and to date there has been no returns and no objections. Ms. Jones gave an overview stating the petitioner's request.

Ms. Kincaid opened the public hearing and having no one wishing to speak the hearing was closed.

The petitioners for the state, Eric Simons, and Chris Grundman answered the board's questions. Mr. Grundman stated that there was a 100-parcel per year sale requirement by the state.

Mr. Bruu moved to approve the preliminary plat of Lucile Creek Subdivision, with 15 recommendations, modifying No. 7a. add "off of Johnson Rd. " Change No. 9 to read, "Provide 40' corner radius at intersections onto Johnson Road." Mr. Anderson seconded and all voted in favor. There were 9 findings, adding No. 10, "The petitioners agree with the recommendations." Modifying No. 5, to read, "Lots 1-6, Block 5, exceed the 3:1 ratio due to unusable area and natural ground sloping. These lots do comply with MSB 16.20.300 (B) (1)." Correcting No. 4, to replace "met" in the first sentence with "meet". Findings adopted.

NORTH DIAMOND LAKE SUBDIVISION

Ms. Thompson stated that on January 16, 2003, 27 notices were mailed and to date we have had 2 returns and 2 concerns. Ms. Jones gave an overview of the petitioner's request.

Ms Kincaid opened the public hearing.

Ms. Shirley Marcheson, owner of Lot 11 was outside of recent noticing area but stated strong feelings regarding more density on a dying lake. She also felt the road was in no condition to handle more traffic.

Ms. Marcheson also spoke for Dick Thistle and Wayne Boski who could not attend and were opposed to the subdivision.

Mr. Mark Dubkowski, owner of Parcel D007, could have septic problems because of the ground water and soils. He stated that one of the Pt MacKenzie corridor plans showed The Alaska Rail Road going through this area.

Ms. Diane Dusak, owner of Lot 3, stated that the borough needs to limit lots in this subdivision to be as great as the surrounding lots to preserve wildlife and not over burden existing roads.

Ms. Mary Layn, owner of Lot 2 stated that the lake is fragile and needs protection. She had

questions concerning what would be done with Tract A.

Mr. Bill Seitz, Unit I Diamond Lake southern lots have a pond on them. Usable area would be a problem and he stated that he would like to see the same covenants as this subdivision.

Mr. George Dusak, owner of Lot 3, concerned about usage and clean up problem. He felt that the lake water level would be diminished by the added lots.

Mr. Howard Peterson, owner of D018, would like development but access to lake should be provided and there should be larger lots.

Ms. Kincaid closed the public hearing.

The petitioners Mr. Eric Simons and Chris Grumand, stated the intent of the subdivision and their request to stay within the borough regulations.

Ms. Whitfield moved to approve the North Diamond Lake Subdivision, with 9 findings, adding No. 10, "Plat Note stating that access to Lots 1 & 19 be limited to long cul-de-sac road." Mr. Anderson seconded and all voted in favor. There are 10 findings, adding No. 11, "The petitioner agrees with the recommendations." Adding No. 12, "This area is in the Pt Mackenzie Corridor Study." Adding No. 13, "W. Susitna Parkway is designated as a sub-collector." Adding No. 14, "Title 16 does not address wildlife preservation or water rights issues." Adding No. 15, "Dept of Natural Resources provides for public hearings for public comments." Amending No. 10, "Other public objections have been received and they are not concerning Title 16 issues." Findings adopted.

SUNSET VIEW ESTATES AND VACATION

Ms. Thompson stated that on January 15, 2003, 31 notices were mailed and to date there has been no objections and no returns and one concern. Mr. James gave an overview of the request, stating that the petitioner also requests a vacation.

Ms. Kincaid opened the public hearing and having no one present wishing to speak, the hearing was closed.

The petitioner's representative, Mr. Bob Hoffman, Bull Moose Surveying, stated that he had no problems with the recommendations.

There was discussion by the board.

Ms. Whitfield moved to approve the *vacation* of the last 470' of W. Hibbard Rd., with 4 recommendations adding No. 5, "Obtain current, valid ADOT driveway permit for Lots 1 & 2 for access to Big Lake Road. Amending No. 2, to add "Obtain Notice to Proceed prior to construction." Mr. Bruu seconded and all voted in favor. There were 7 findings adding No. 8, "This vacation meets AS 29.40.120 thru 29.40.160 and MSB 16.15.015 B (1)(c)." Adding No. 9, "Hibbard can not go to CI as there is a high hill." Adding No. 10. "Big Lake Community Council did not respond."

Ms. Whitfield moved to approve the *variance* to MSB 16.20.300 (B) for Lot 1 with petitioner's response to the criteria. Mr. Anderson seconded and all voted in favor. The findings were the petitioner's response to the criteria.

Ms. Whitfield moved to approve the *preliminary plat* of Sunset View Estates with 15 recommendations deleting No. 3, adding No. 16, "Provide necessary dock construction permits." Adding No. 17, "Plat note stating that there will be a common access from Lots 1 & 2 to Big Lake Rd." Adding No. 18., "Submit dead end signage." Adding No. 19., "Shift proposed "T" Turnaround." Mr. Anderson seconded and all voted in favor. There were 7 findings, adding No. 8, "The petitioner agrees with the recommendations." Adding No. 9, "Vacation of portion of W. Hibbard Road approved." Adding No. 10. "The variance to MSB 16.15.300 (B) has been approved." Findings adopted.

RIDGECREST SUB BLOCK 2, LOTS 4 & 5 VACATION OF RIGHT OF WAY

Ms. Thompson stated that on January 15, 2003, 29 notices were mailed and to date there has been no returns and 3 objections and 1 non-objection. Mr. James gave an overview.

Ms. Kincaid opened the public hearing.

Ms. Shelly Plum, owner of Lot 3/ Block 3, stated that she was opposed to the vacation as it would create a turnaround in front of her day care.

Ms. Kincaid closed the public hearing.

The petitioner, Mr. Tom Rehard, stated his request and reasons for the request to the board and answered questions.

Mr. Anderson moved to approve the vacation of the southern 330' of N. Carriage Lane in Ridgecrest Subdivision with 5 recommendations, Ms. Whitfield seconded and motion failed with all voting no. Finding No. 1, "MSB 16.15.035 B states that A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present use or future use." Finding No. 2, " Does not meet with r equirements o f MSB 1 6.15.035 B (2) a s b etter a ccess w a s n o t provided." Finding No. 3, "Access is needed to D003." Finding No. 4, "The affected utilities have not objected." Finding No. 5. "Agency comments have not committed to objection." Finding No. 6, "Three objections have been received." Finding # 8, "Proposed Parks-Pittman connector will be an Arterial Rd. and there will be limited driveway access to arterial roads." Finding No. 9, "The petitioner could apply for an encroachment permit for a gate with temporary turnaround." Finding No. 10, "Topography of D003 depicts best accesses through N. Carriage Lane." No. 11, "The Borough Attorney is concerned with legal liability of gated access." Findings adopted.

HARMONY POINTE SUBDIVISION

Ms. Thompson stated that on January 14, 2003, 41 notices were mailed and to date there have been no objections and no returns. Ms. Jones gave an overview stating that one lot was going to be used for a park and petitioner was requesting a variance for that lot.

Ms. Kincaid opened the public hearing and having no one present wishing to speak the hearing was closed.

The petitioner's representative, Mr. Terry Nicodemus, stated that his client agreed with the recommendations.

Ms. Whitfield moved to approve the *variance* to MSB 16.20.280 for the lot in Harmony Pointe that is designated as a park, with 2 recommendations. Mr. Bruu seconded and all voted in favor with the criteria and response from the petitioner as findings.

Ms. Whitfield moved to approve *the preliminary plat* of Harmony Pointe with 6 recommendations modifying 3 d to read, "Resolve utility easement per MEA/MTA and review with DPW." Adding No. 5, "A temporary turnaround is required at Four Seasons Dr." Adding No. 6, " Plat Note restricting access to the "park" lot from Charming Valley Circle." Mr. Anderson seconded and all voted in favor. There were 10 findings, adding No. 11, "The petitioner agrees with the recommendations." Modifying No. 2, to state the variance was approved." Adding No. 12, "The roads have been constructed and meet MSB standards." Adding No. 13, "Tax Parcels C13, A2, and D3 have access via a section line easement all total of 83' of access." Adding No. 14, "The above mentioned parcels are cleared and grubbed and are to be future gravel mining lots under contiguous ownership." Findings adopted.

PJC NO 2 AND VACATION

Ms. Thompson stated that on January 14, 2003, 42 notices were mailed and to date there has been 2 returns and 3 objections and 3 concerns. Mr. James gave an overview.

Ms. Kincaid opened the public hearing.

Mr. Garvan Buccaria, gave the board several handouts and passed around various slides of the area. He was very much opposed to the development.

Ms. Carol Huizar owner of Parcel C11 was in favor of the development.

Ms. Barbara Carney, owner of C21 in favor has no objection to the roads.

Ms. Kincaid closed the public hearing.

The petitioner, Mr Pat Carney, had no objections to the recommendations.

Mr. Bruu moved to approve the *vacation* of the 50' public access easement as depicted on the preliminary plat of PJC NO. 2 with 3 recommendations adding No. 4, "Verify setbacks of structures for compliance with MSB Codes." Mr. Anderson seconded and all voted in favor. There were five findings, adding No. 6 "The vacation resolves house set back violations on proposed Lot 6, Block 1." Adding No. 7, "The petitioner agrees with the findings."

Mr. Bruu moved to approve the *preliminary plat* of PJC No. 2 with 10 recommendations eliminating no. 2, adding No. 11 "Obtain land use permit from the City of Wasilla." Adding No. 12, "Plat note stating that Lots 1, 2 & 3 Block 1 and Lots 1 & 2 Block 2 are to be served by City of Wasilla Water System." Adding No. 13, "Resolve with the City of Wasilla the stub outs for water prior to recordation of the plat." Adding No. 14, "Increase right of way on Carpenter Circle to 35' from the centerline." Adding No. 15, "Verify that structures meet set back requirements." Mr. Anderson seconded and all voted in favor. There are 6 findings adding No. 7, "The petitioner agrees with the recommendations." Adding No. 8, "The vacation was approved." Adding No. 9, "There were 3 objections and 3 concerns." Adding No. 10, "A through road promotes better access for emergency vehicles." Adding No. 11, "ADOT did not request additional ROW from proposed Lot 7 Block 1." Adding no. 12, "20,000 sq ft usable lots will be served by City Water System." Adding No. 13, MSB 16.20.280 B 2 allows 20,000 sq ft lots if served by community water." Findings adopted.

KALMBACH SOUTH MASTER PLAN WITH VARIANCES

Ms. Thompson stated that on January 14, 2003, 35 notices were mailed and to date there has been 1 return and 2 objections. Mr. Hulbert gave an overview, stating that the case should probably be continued to include expanded public noticing.

Ms. Kincaid opened the public hearing.

Mr. Roger Williams stated that he opposed the subdivision as it would impact the road system already in place that was not adequate.

Mr. Kevin Matlock, Of the Faith Luthern Church, stated that they had camp property and was concerned about safety with roads not being in very good condition and would be adversely affected by the new subdivision traffic.

Ms. Kincaid left the public hearing open for the continuation hearing.

The petitioner's representative, Mr. Horan, answered questions of the board.

Mr. Curt Holler, the engineer stated that the ROW for the road to taxi on a public airport would probably be 50' but that the private roads had no specifications as per FAA.

Mr. Bruu moved to continue the Master Plan hearing for Kalmbach Lake South Master Plan until March 6, 2003 to allow for more noticing. Mr. Anderson seconded and all voted in favor.

MISCELLANEOUS BUSINESS

Ms. Kincaid stated that she would be gone for the next meeting and that someone would have to stand in for chair since elections have not occurred. Mr. Bruu volunteered to chair the February 20, 2003 meeting.

RECONSIDERATIONS

MARJORIES MANOR

Ms. Thompson stated that on January 16, 2003, 45 notices were mailed and to date there has been one return and one objection. Mr. Hulbert gave an overview.

Ms. Kincaid opened the public hearing.

Mr. Bill Frick, stated that he had been working as mediator for the group of opposed individuals and Mr. Button.

Ms. Cindi Bettini, stated that she would like to see the original decision of October 2002 be used. She also stated that she was concerned with the water table and over development.

Mr. Mike Butcher, stated concern about prospective buyers of lots not being made aware that if used commercially they would have to upgrade the ROW.

Mr. Tim McGhan stated that he was concerned about residential versus commercial as per traffic and road construction.

Ms. Kincaid closed the public hearing.

The petitioner, Mr. Mark Button, stated that he wished to apologize for his previous actions in the Platting Board meeting.

The petitioner's representative, Mr. Terry Nicodemus, stated that he agreed with the recommendations.

Ms. Whitfield moved to approve the preliminary plat of Marjories Manor with 10 recommendations, modifying No. 2, "Upgrade W. Rosalie Ct to residential collector standards. Submit Cost estimate of construction and meet with DPW and obtain notice to proceed prior to construction." Modifying No. 10, add this sentence to the end of 10, "Submit cost estimate of construction and meet with DPW and obtain a Notice to Proceed prior to construction." Mr. Bruu seconded and all voted in favor. There were 13 findings, adding No. 14, "The petitioner agrees with the recommendations." Adding No. 15, "Residents on Rocky Lake are exploring creation of a Residential Special Land Use District. They have the paperwork but have not filed a petition as of this hearing." Adding No. 16, "By ADT standards there is potential for 20 more residential units before Rocky Rd. is required to be upgraded to Residential Collector Standards." Adding No. 17, "Arlene St. can only handle 10 more dwelling units." Findings adopted.

* *make not call!*
BOARD COMMENTS

Mr. Bruu would like to see meetings be limited by case #'s or so as not to exceed a specified time.

The other board members concurred. *# a lake*

The meeting was adjourned at 7:25 p.m.

Attest:

Ms. Janet Kincaid, Chair

Judy Thompson, Administrative Secretary