



	Approved	Denied
Date Action Taken:	9/11/06	
Other:		
Verified by:	<i>K. Smith</i>	

**WASILLA CITY COUNCIL ACTION MEMORANDUM**

**AM No. 06-51**

**TITLE: EMERALD ESTATES; VACATION OF DRAINAGE EASEMENT**

Agenda of: September 11, 2006

Date: August 28, 2006

Originator: Archie Giddings, Public Works Director

Route to:	Department	Signature/Date
X	Public Works & Recreation Facility Maintenance Director	<i>[Signature]</i> 8/28/06
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>[Signature]</i> 8/28/06
X	City Clerk	<i>[Signature]</i>

**REVIEWED BY MAYOR DIANNE M. KELLER:** *Dianne M. Keller*

**FISCAL IMPACT:**  yes\$ \_\_\_\_\_ or  no Funds Available  yes  no  
Account name/number:

Attachments: Notification From MSB Platting Division Regarding Elimination Of Drainage Easement In Emerald Estates, dated August 22, 2006.

**SUMMARY STATEMENT:** We received the attached notification from the Mat-Su Borough Platting Division regarding the elimination of drainage easement in Emerald Estates, as approved by the Borough Platting Board.

The drainage easement in question would send drainage onto private property. The new drainage plan does not utilize this easement as it diverts the road drainage away from private property. This vacation supports adjacent residents concerns regarding drainage. Therefore, we recommend that the Wasilla City Council approve the elimination as equal or better drainage will be provided.

**ACTION:** To approve the elimination of drainage easement in Emerald Estates. (MSB Case: 2005-097)



**MATANUSKA-SUSITNA BOROUGH**  
**Planning and Land Use Department**  
**Platting Division**

350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 745-9853 • Fax (907) 746-7407

August 22, 2006

CITY OF WASILLA  
290 E HERNING  
WASILLA, AK. 99654

RE: EMERALD ESTATES ELIMINATION OF DRAINAGE EASEMENT,  
**CASE: 2005-097**

Please respond if you have any objections within 30 days of The Platting Board Notification of Action (August 11, 2006).

**REASON FOR REQUEST:** The drainage easements will be provided for in the redesign to replace the easement.

**SUMMARY STATEMENT:** On August 3, 2006 (written decision August 11, 2006) the platting board approved the vacation.

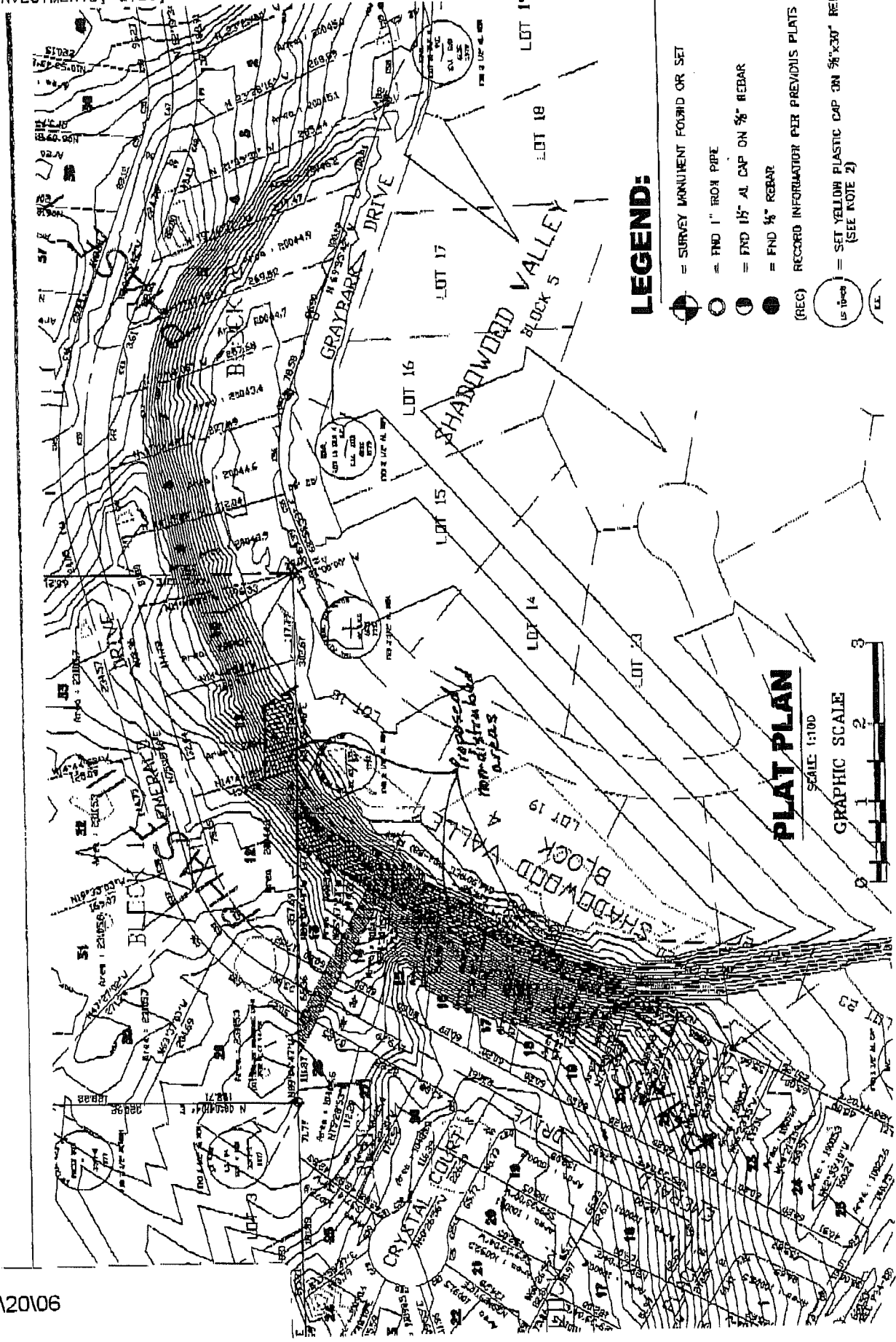
**RECOMMENDATION:** Staff recommends the City Council approve the elimination as the platting board's decision to vacate is consistent with MSB 16.15.035(B)(1)(a) as equal or better access is provided to all areas affected by the elimination.

Regards;

  
Paul Hulbert, Platting officer

**ATTACHMENT(S):** Minutes 8-3-06 (2 pages)  
Vicinity Map (1 page)  
Notification of Action (6 pages)







## MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department  
Platting Division

350 East Dahlia Avenue • Palmer AK 99645  
Phone (907) 745-9874 • Fax (907) 746-7407

AUGUST 11, 2006

### NOTIFICATION OF PLATTING BOARD ACTION

RE: **EMERALD ESTATES MASTER PLAN AND VARIANCE  
AND DRAINAGE EASEMENT ELIMINATION**

KND INVESTMENTS, LTD  
20441 PTARMIGAN BLVD.  
EAGLE RIVER, AK. 99577

CASE: **2005-097**

Action taken by the Platting Board on August 3, 2006 is as follows:

THE MASTER PLAN AND VARIANCE AND DRAINAGE PLAN WERE 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,

*for Sandy Green, Acting Platting Officer*  
Ms. Janet Kincaid  
Platting Board Chair

CC:

Smith Schuller Company  
2331 Scarborough Dr.  
Anchorage, Ak. 99504//MSB/DPW

## REASONS for

The platting board approved the Variance to allow W. Emerald Drive and N. Elkhorn Drive to exceed 1400' in length with recommendations and findings as written for July 6, 2006 which are as follows:

The variance is supported with the following response to criteria:

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

*The road design is now utilizing cul-de-sac designs that technically do not break the block lengths but the intent is to form shorter streets that can still be accessed safely. Emergency vehicle will be able to maneuver and access all lots adequately.*

- B. 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:

*The roadway design does not extend past the recommended block length. Because the lots are in a serpentine layout is the block length called into question.*

- C. 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:

*Strict interpretation of the requirement would result in a less efficient design and create a less desirable development layout. Roadway construction and grading would be increased without this variance being granted.*

## VARIANCE FINDINGS

1. The code states "For rural districts, the length of a block shall be not less than 400', nor more than 1400' or less than 800' along collector or arterial roads." The subject parcels are within the City of Wasilla, an urban area.
2. The City of Wasilla has no objection to the variance.
3. There are no agency objections.
4. Interior roads connect to W. Emerald Drive and N. Elkhorn Drive. It is impractical to extend the roads to adjacent parcels without the possibility of interconnection.

## CONDITIONS FOR ELIMINATION OF DRAINAGE EASEMENT

The platting board approved the elimination of the 15' drainage easement subject to the following conditions:

1. City Council approval within 30 days of the date of the written decision;
2. Record a vacation resolution simultaneously with Phase I plat.

#### **FINDINGS FOR ELIMINATION OF DRAINAGE EASEMENT**

1. The request for elimination of the existing 15' drainage easement is consistent with **MSB 16.15.032 Elimination or modification of Utility, Drainage, Sanitation, and Screening Easements** and **MSB 16.10.065 Notice; Public Hearing**.
2. Drainage easements will be provided as required for the redesign.

#### **CONDITIONS FOR PRELIMINARY PLAT**

The platting board approved the Master Plan of Emerald Estates contingent upon the following:

1. For each phase, pay taxes and special assessments in full for the year of recording by certified funds or cash.
2. Obtain a *Certificate to Plat* and *Beneficiary Affidavits* for each Phase, as required.
3. Pay postage and advertising fees of \$163.27.
4. Comply with COW Public Works Dept. comments:
  - Water and sewer must be installed per City of Wasilla standard specifications
  - Developer must execute mainline extension agreements for water and sewer
  - Based on submitted drawings of sewer line, we will assume that each lot will have its own tank and pump vault
  - Construction plans for sewer and water need to be submitted to the City of Wasilla for review prior to construction, in addition to ADEC approval to construct the mains
  - Fire hydrant spacing and size must be approved by Chief Jack Krill Jr., Matanuska-Susitna Borough Fire Chief
  - Comply with Public Works Director memo dated June 12, 2006 regarding the drainage improvements
5. Submit copy of City of Wasilla water and sewer hookup approval. Obtain ADEC approval.
6. Provide street names to be approved by staff. Install road name and stop signs.
7. Comply with City of Wasilla Planning Commission Resolution Serial No. 06-21.

8. Construct all new roads to city standards and approved by the COW.
9. Add plat note restricting lot access to Lucille Street.
10. Provide utility easements.
11. Show the 30' public use easement on the north side of Lot 1, Block 3. As it will reduce the usable area; redesign the lot to have 20,000 square feet usable.
12. Verify vertical curves meet minimum sight distance requirements for 25 mph.
13. Submit Master Plan for review by MSB platting staff after Platting Board approval.
14. Submit 4 approved, signed copies of Master Plan.
15. Submit final Phase plats in full compliance with Title 16.

### **FINDINGS**

- 1) The preliminary plat for Emerald Estates is consistent with **AS 29.40.070 Platting Regulations, AS 29.40.120 Alteration or Replat Petition, and MSB 16.15.015 Preliminary Plat.**
- 2) The Master Plan is valid for three years after Platting Board approval, whereupon a one-year extension may be granted by the Platting Officer. Request for extension must be in writing and must be received by platting staff prior to expiration date of plat.
- 3) The City of Wasilla Planning Commission has approved an elevated Land Use Permit for Subdivision for Emerald Estates as Resolution Serial No. 06-21 on July 25, 2006.
- 4) The new lot configuration conforms to the City of Wasilla R2 and RR zoning density requirements.
- 5) All lots will be served by City of Wasilla water utility and lots in Phases I and III will be connected to City sewer as required.
- 6) The City of Wasilla Public Works Department has no objection to connecting the proposed subdivision to the public water and sewer utilities; and comments that the road design for horizontal and vertical alignment must meet MSB Title 16 minimum curve radii and minimum grades using residential standards.
- 7) City of Wasilla Planning Commission recommendations are to be incorporated into the final plat approval as required.
- 8) A Land Use Permit for Subdivision must be obtained prior to plat recordation in accordance with Titles 16.12.020 and 16.28.030 of the Wasilla Municipal Code.



- 9) There are no agency objections.
- 10) Cultural Resources Department requests to document any cultural remains that may come to light as a result of subdivision activity. Cultural remains may include features such as garbage pits, depressions and/or other non removable indications of human activity, as well as, artifacts, buildings, machinery, etc.
- 11) Public objections have been received. The objections in part are:
  - a. insufficient/bad drainage
  - b. inadequate storm water plan
  - c. too many lots
  - d. putting residences on steep slopes
  - e. too much impact on services
  - f. lack of sidewalks along Greybark, Elkhorn, and Lone Cub
  - g. lack of communication between COW and MSB
  - h. lack of school bus pullouts
  - i. lack of walkways; interconnecting roads
  - j. lot sizes not in character with adjoining subdivisions
  - k. lack of providing parks
- 12) The City has issued a land use permit for clearing and grubbing and utility installation for the existing site work completed by the developer.
- 13) At the request of Sandra Garley, Planning Director for the City of Wasilla, and neighbors, the Platting Board continued the public hearing until July 20, 2006 to allow the City Planning Commission to consider the matter at their July 11, 2006 meeting.
- 14) At the meeting of July 11, 2006 the City planning Commission did not complete their review, continuing their meeting to July 25, 2006 and moved to call the Borough Platting Board to review and consider ADOT/PF comments regarding the road realignment of Elkhorn and Aspen per their letter of June 19, 2006 and require an extension of Aspen west of Lucille meet DOT recommendations.
- 15) ADOT/PF has revised their comments regarding a redesign of Aspen and Elkhorn for a future signal and has found the road design adequate to accommodate a stop light. ADOT/PF, both City and Borough engineers find the Lucille/Aspen intersection is acceptable as a 4-way intersection.
- 16) As Lucille Street is not a state road, no state roadway permit is necessary for the Aspen/Lucille intersection.
- 17) The Platting Board decision is final unless appealed to the Board of Adjustment and Appeals under MSB 15.39.
- 18) The variance and elimination were approved by the Platting Board.

19) There was no traffic impact analysis asked for by the State, Borough or City of Wasilla due to the multiple accesses provided by the design.

20) The petitioner agrees with the recommendations.

21) The petitioner has stated that they will record covenants with the plat.

22) City of Wasilla, Dept of Public Works Letter from Mr. Archie Giddings, Director stated that "The City of Wasilla agrees to the long range planning for this subdivision's proposed north access to Lucille Street (Elkhorn Drive) to line up with Aspen Ave. The Public Works Dept will request that any development of Tax Parcel A5 adjacent to this subdivision be required to dedicate the right-of-way necessary to make Elkhorn Drive line up Aspen Avenue. In addition, any development of Tax parcel A5 will need to reconstruct the road to the new alignment to gain access to Lucille Street."

Pages 1 - 3 of the MSB Platting Board Minutes of August 3, 2006.

Pages 4 – 16 of the Minutes deal with other cases before the Platting Board on August 3 and so were not included in this agenda packet.

Matanuska-Susitna Borough  
Platting Board

August 3, 2006  
Regular Meeting

### I. CALL TO ORDER

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

Present and establishing a quorum were, Ms. Janet Kincaid, Chair, Mr. Alan Larson, Mr. Patrick Johnson, Mr. Steven Heinrich, Ms. Eleanor Goughnour, and Ms. Linda Neslund.

Staff present were Ms. Sandra Swanger Jensen, Acting Platting Officer, Claudia Roberts, Platting Tech, Nancy Cameron, Platting Tech, Judy Thompson, Admin Secretary, and Jim Spangler, Dept of Public Works.

### II. APPROVAL OF MINUTES

MOTION: Mr. Heinrich moved to approve the minutes of July 6, 2006 and Mr. Johnson seconded.

VOTE: The motion passed with all voting in favor.

### III. OLD BUSINESS

#### A. EMERALD ESTATES

Judy Thompson (Secretary)

- On June 16, 2006 334 notices were mailed and to date there have been 13 returns and 11 objections and one concern and one non-objection.

Ms. Claudia Roberts (Platting Tech)

- Gave an overview of the history of the case and a review of the agency comments.
- Stated that the City of Wasilla would support variance to block length.
- There is also an elimination of the drainage easement for relocation.
- Have new recommendations for the elimination of the drainage easement.
- Recommend approval as per all agencies and have added recommendations as per city planning commission.
- Mr. Giddings letter added as a finding.

Ms. Kincaid (Chair)

- Opened the public hearing

CD: 8:35

Mr. Steve Stoll (owner near)

- Stated that he is glad this is going forward finally but have a concern about the traffic.

Matanuska-Susitna Borough  
Platting Board

August 3, 2006  
Regular Meeting

- Stated that the information for Aspen Drive seems to be incomplete and don't think that City has taken the traffic issue into consideration.
- Should consider Elk Horn on Lucille and think it is dangerous and has bad site distance.
- Stated that the City has not dealt with these issues thoroughly and thank the borough for trying.

Ms. Joyce Lund(1055 Pinion)

- Have resolved some issues and have decreased the lot density.
- Seems that codes are not being adhered to by the City and needs to be accountability that the codes are followed.
- Need to follow all the Federal guidelines
- Storm water system cannot deal with these issues, as is
- Steep slopes have not been addressed and have not been resolved
- Permits need to be in hand with a plan and not come in later

Ms. Diane Woodruff (L/21 B/4 Shadowwood)

- Read her comments into the record and agreed that this design is better.
- State that a Plat note is needed for the buffer on the slope.
- Stated that the grade on the road will be a problem.

Ms. Tawny Boothby (Owner Near)

- Have a business degree in management, flood plain management and have a concern storm water drainage, urban run-off, and drainage in general.
- Concerned about traffic patterns and Aspen needs to be completed and joined.

Ms. Eleanor Wilde (Owner Near)

- City recommendations were good and would like to see a plat note of them so that the future developers will be aware of them.

Ms. Kincaid (Chair)

- Closed the public hearing.

Ms. Dee Duffus (Petitioner)

- Stated that she has met with the Borough and City and discussed the traffic issues
- Agreed with the recommendations.

MOTION: Mr. Heinrich moved to approve the variance for 1400' block length to be exceeded based on the petitioner's response to criteria Mr. Larson seconded

VOTE: The motion passed with all in favor. There were 4 findings.

MOTION: Mr. Heinrich moved to eliminate the 15' drainage easement subject to 2 recommendations and Mr. Larson seconded.

VOTE; The motion passed with all in favor; there were 2 findings.

MOTION: Mr. Heinrich moved to approve the preliminary plat of Emerald Estates with 15 recommendations. Mr. Larson seconded.

VOTE: The motion passed with all in favor. There were 18 findings. Adding No. 19, "No traffic impact analysis due to multiple accesses. Adding No. 21 "The petitioner agrees with the recommendations. Adding No. 22 "The petitioner has stated that there will be covenants." Amend No. 18 "The variance was approved."

### B. JANICE ESTATES

CD 9:01

Ms. Thompson (Secretary)

- Stated that on July 13, 2006, 16 notices were mailed.
- There have been no returns and no objections.

Ms. Jensen (Acting Platting Officer)

- Gave a review of the request and agency comments.
- Stated that there is a handout showing a dedication that was requested.
- Reviewed the Driveway approach permit from DOT.
- This plat is a redesign with dedication.
- Access to lot A5 is provided with the new dedication as per handout.

Mr. Johnson (Member)

- Is 60' enough of an access at this point.

Mr. Spangler (DPW)

- Stated that is all that is required.

Ms. Kincaid (Chair)

- Opened the public hearing.
- Closed the public hearing and asked the petitioner to come forward.

Mr. Terry Nicodemus (Petitioner's Representative)

- Stated that he agreed with the recommendations but have issues with 9 and 13.
- No. 13 thinks that it should be 25 setback shown and not 50 ft.
- No. 9 he stated that A5 is not a legal property and cannot see that giving it access through this subdivision seems to make the adjacent problems go away without the individual doing due diligence.

Mr. Spangler (DPW)

- Felt that the 50' setback requirement is reasonable for future development.