

Requested By: Planning Commission
Prepared By: Administration
Meeting date: August 11, 2003
Adopted: August 11, 2003
Vote: Unanimous

**CITY OF WASILLA
RESOLUTION SERIAL NO. 03-21(SUB)**

**A RESOLUTION OF THE WASILLA CITY COUNCIL APPROVING CONDITIONAL
USE PERMIT C03-63, FOR LAKE SIDE TERRACE PLANNED UNIT DEVELOPMENT,
WITHIN SECTION 3, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN,
ALASKA.**

WHEREAS, the applicant, Steve Norton, of Steve Norton Enterprises, LLC, has requested approval of conditional use permit C03-63, to develop the undeveloped portion of Lake Side Terrace Planned Unit Development, (P.U.D.); and

WHEREAS, Lake Side Terrace Townhouses, Inc. is wishing to rectify encroachments, and create eight larger lots on the undeveloped portion of the subdivision adjacent to Yakima Street; and

WHEREAS, in the late 1970's and early 1980's the Matanuska-Susitna Borough was responsible for planning powers and approved the original Lake Side Terrace Planned Unit Development with conditions; and

WHEREAS, all parcels within the plan were not developed and two decades have lapsed since any additional multi-family structures have been constructed; and

WHEREAS, in compliance with WMC 16.16.040 the Wasilla Planning Office posted public notices, mailed public hearing notices to property owners within 1200 radial feet of the proposed development and published advertisement of public hearing; and

WHEREAS, the Wasilla Planning Commission conducted the required public hearing on July 22, 2003 and considered the information submitted as required by Wasilla Municipal Code with the following findings:

1. Previously approved dimensional standards were not followed by developers.
2. There have been numerous encroachments created over the past two decades.

All existing encroachments must be accepted by the city.

3. Many existing lots remain undeveloped. The city has installed utilities within some of the common areas and undeveloped lots. This proposal will resolve these existing conflicts.
4. Original proposed density configuration was never met for the formerly approved plan.
5. Developer is willing to participate in sharing with the City the cost for the paving of Seneca Street.
6. In the early 1980's this project was an approved planned unit development but was never completed.
7. The current existing zoning for the area is an appropriate use for this project.
8. Under the current and future land use map within the Comprehensive Plan adopted 1996; the zoning of this area is shown as commercial and multi-family residential. This development is an allowed use within the commercial district.
9. The Comprehensive plan encourages the development of starter homes and gives the City a broader range of housing options.
10. In compliance with Wasilla Municipal Code, the proposed development is harmonious with existing multi-family housing.
11. The State Fire Marshal is the authority having jurisdiction on setbacks of congregate dwelling units of three or more regarding building.
12. Sewer easement exists across several lots including, Lots 65, 66, 67, and 68, Block 3; and the East 50 feet of the West 70 feet of the common area of Block 3; Lake Side Terrace P.U.D.
13. Public Works has concerns regarding the lack of storm water drainage across the southern portion of this subdivision.
14. City sewer and water is in the subdivision.

NOW THEREFORE BE IT RESOLVED that the Wasilla City Council approves Conditional Use Permit Number C03-63 for Lake Side Terrace Planned Unit Development with the following conditions:

1. In accordance with WMC 16.24.030(D), amnesty is to be granted for setback violations for Lots 1-40, and Lots 49-64, Block 2 of Lake Side Terrace P.U.D. However, setbacks must meet the requirements of the State Fire Marshal.

2. Setbacks established for undeveloped lots shall require no side lot line setback requirements, twenty-five foot front yard setback, and a one-foot rear setback. However, setbacks must meet the requirements of the State Fire Marshal.
3. Existing on-street parking areas, private utility lines and mailboxes shall be accepted as allowed encroachments. However, they are subject to removal procedures as outlined in Wasilla Municipal Code 12.16 when deemed necessary by Wasilla Public Works Department.
4. All proposed on-street parking areas, private utility lines, and mailboxes shall be reviewed on an individual basis upon application for an encroachment permit with Wasilla Public Works Department and determined if they will be allowed.
5. Driveways along E. Lake Shore Avenue shall be restricted to a width of 28' or less as determined by Wasilla Public Works Department. The developer will need to demonstrate to the City Engineer that adequate storm water drainage, snow storage, and maintenance will occur along E. Lake Shore Avenue.
6. Driveways along Seneca Avenue will be restricted to 12' feet in width. The developer will need to demonstrate to the City Engineer that adequate storm water drainage, snow storage, and maintenance will occur along E. Lake Shore Avenue.
7. As development occurs, all driveways shall require individual permits with the Wasilla Public Works Department. Relaxation of Wasilla Municipal Code Section 12.12 may be required to allow driveway development to occur as illustrated on preliminary plat dated 7/15/03.
8. As development occurs, all structures shall require individual permits with the Wasilla Planning Office. Relaxation of Wasilla Municipal Code Title 16 may be required to allow housing structures to occur as illustrated on preliminary plat dated 7/15/03.
9. Utility easements are recommended at the locations where the association's utilities cross individual lots outside of the common areas.
10. Utility easements are required at all locations within subdivision (Individual lots and common areas) where public utilities are located.

11. A 20' storm water drainage easement is required from E. Seneca Street to E. Lake Shore Avenue in the common area between Lots 80 and 81. Also between Lot 65 and the West Property Line of Lake Side Terrace P.U.D.
12. Should a developer wish to pursue housing development on Lots 65 thru 68 they will need to relocate municipal sewer infrastructure at the developer's expense, and have the approval of Wasilla Public Works Department, before the city will relinquish any part of the sewer easement that was granted.
13. The Developer is required to replat Block 2 if they wish to construct larger dwelling units as proposed between Lots 41 through Lots 48.
14. All future habitable structures are required to be connected to city water and sewer.

BE IT FURTHER RESOLVED, the Wasilla City Council recommends vacation of the East 20-feet of the existing 40-foot wide green area along the Western boundary of Lakeside Terrace P.U.E. Subdivision, and

BE IT FURTHER RESOLVED, that the Wasilla City Council recommends the removal of the 40' wide greenbelt located along the South property line of Block 3, as shown on Matanuska-Susitna Borough General Land Use and Support of Information Report dated 6/12/78 for Lake Side Terrace Planned Unit Development; and

BE IT FURTHER RESOLVED, that the Wasilla City Council will consider the applicant's request for partnering with the City to possibly fund future paving of W. Seneca Avenue.

ADOPTED by the Wasilla City Council on August 11, 2003.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE L. SMITHERS, CMC
City Clerk

[SEAL]