

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2011-014

A RESOLUTION APPROVING A FINAL CONDITIONAL USE FOR A PLANNED UNIT DEVELOPMENT (PUD) IN THE R-1A DISTRICT IN ACCORDANCE WITH AMC 21.50.020 AND 21.50.130 WHICH WILL ALLOW 216 DWELLING UNITS, A DENSITY OF 5.4 DWELLING UNITS PER ACRE (DUA), PER AN APPROVED SITE PLAN, ON A 40 ACRE TRACT, TRACT 1, KINCAID ESTATES SUBDIVISION, GENERALLY LOCATED AT 9101 WEST PARK DRIVE.

(Case 2011-013; Tax I.D. No. 011-291-21)

WHEREAS, a request has been received from The Petersen Group, owner, for a conditional use permit to allow a PUD with a density of 5.4 DUA in the R-1A zoning district for Tract 1, Kincaid Estates Subdivision, generally located at 9101 West Park Drive;

WHEREAS, the proposed development will consist of 216 dwelling units, 76 single family units and 70 duplexes (140 units) on a single tract;

WHEREAS, the intent of a PUD is to allow for increased density and reflect:

- a. creative use of the land,
- b. imaginative architectural design,
- c. consolidation of usable open space,
- d. mixing of residential densities and housing types,
- e. enhancing the surrounding environment,
- f. Maintaining population densities that are consistent available public services and the Comprehensive Plan; and

WHEREAS, notices were published and mailed, and the, the Planning and Zoning Commission held a public hearing on this item on April 11, 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
 1. The proposal as conditioned and shown on the site plan meets the PUD standards of AMC 21.50.020 and 21.50.130, in particular the development shows a mixing of compatible land uses, residential densities, and housing types. The project conforms to the Comprehensive Development Plan as required by AMC 21.05. Comprehensive Plan policies 3, 7, 8, 11, 12, 16, 45, 49, 50 and 55 are applicable to and supported by this development.
 2. Although the adjoining neighborhood has single family housing, there has been the intent to allow some duplexes in Kincaid Estates, and there

is R-2A duplex zoning in Kincaid Estates. With conditions for additional landscaping and limits to the location to the location of the duplex units proposed in this application, duplexes within Tract 1 will not be incompatible with surrounding single family uses.

3. AMC 21.45.200 talks about transition space for a conditional use, and of those types of transition or buffering the Commission talked about, the idea of additional vegetation seems to add the most value to the neighborhood. As pointed out during the hearing, this is a gravel pit fairly devoid of large vegetation, and the Commission has required fairly large caliper vegetation on the north property line, which should enhance both the existing part of WestPark and this new planned unit development.
4. The Commission has attempted to create the best possible compatibility by having single family dwellings on the north property line in response to concerns from some property owners' preference for single family continuity, and hopefully it helps alleviate concerns about any property values.
5. Mixing densities has been a successful strategy in other developments as well, such as Discovery.
6. The Commission listened to concerns from nearby residents about ground water and impacts to the residences that depend on wells. Because of past apparent connection between the use of well water during construction and impacts on arsenic or other unidentified sludge in nearby well water, the Commission specified that groundwater will not be used, and wells will not be used from this particular tract. There have been deep monitoring wells placed near the groundwater pond since West Park construction started up, and the Commission was shown evidence from that test well that nitrate levels have diminished over the years since the test well went in and construction took place, and apparently that well was placed at the suggestion of earlier studies.
7. With regard to traffic, the Commission heard concerns about the impacts to traffic since this is a denser layout than in the existing subdivision. The Commission decided that the burden of alleviating any traffic at the WestPark/West Dimond intersection should not fall on the last developer of the subdivision. The Commission heard that the overall traffic from the whole WestPark development is less than originally projected, not because of this development, but because some of the originally intended will not happen because there is open space and there is a school, which has yet to be built and is down the line some years.
8. The impacts of the project appear to have been dealt with and the community concerns appropriately addressed in the manner appropriate. The development buildout of a dusty gravel pit will be an

enhancement to the community over the middle- and long-term after construction is finished. This proposal has attractive levels of landscaping and creative use of open space, which appears to enhance the community as it is built-out.

9. The Commission approved this by a vote of 8 in favor and none opposed.

B. The Commission APPROVES a final conditional use permit to allow 216 dwelling units, 76 single family and 70 duplexes, subject to the following conditions:

1. A Notice of Zoning Action, the Resolution of Approval, and a copy of the approved site including phasing of street construction shall be filed with the State Recorder's Office. Proof of such shall be provided to the Planning Department.

This is a final approval for a conditional use for a Residential Planned Unit Development in the R-1A Zoning District for a maximum of 216 dwelling units (5.4 dua) in a mix of single family and duplex styles, essentially as shown on the site plan, scale 1" = 60'; dated February 21 and 22, 2011, as updated and revised, prepared by Lantech, Inc. as modified by this report. This approval is subject to the standards of AMC 21.50.130 A., B., and C.

2. At each phase of the development the applicant shall submit a detailed site and landscape plan for that phase addressing the conditional use standards. The phase site plans shall be administratively reviewed. However, an increase in density or major site plan change will require either a minor or major conditional use amendment to be approved by the Planning and Zoning Commission.

3. All new utilities shall be installed underground.

4. The final condominium declaration will be provided at the time of approval of the first phase site plan.

5. Any two adjacent buildings shall be separated from each other by a distance equal to one-half the height of the taller building. Adjustments to pad locations to meet this standard may include reduction in building height, reduction in pad or footprint size, or other structural changes. The adjustment(s) shall not be made at the expense of required open space. Any adjustments in building pad locations are subject to approval by the Planning Department.

6. The applicant shall employ building construction techniques to mitigate and reduce airport noise impacts to interior noise levels in the homes.

Walls and ceiling-floor assemblies which are common to any two dwellings shall have a minimum STC [sound transmission class] acoustic rating of 55 and a minimum fire rating of one hour.

The homeowner's documents shall include a prominent statement that "The property lies between the 60 and 70 DNL (average day-night noise level) contours when the north-south airport runway is in use. These noise levels are an average and may increase. The FAA has determined that 65 DNL is the maximum appropriate DNL level for a residential neighborhood."

7. All required parking will be inside the garages or on the individual driveways at the residences and provided with an electrical outlet.
8. The required perimeter buffer landscaping, adjacent to West Park Drive, West Dimond Boulevard and Sand Lake Boulevard, shall be installed not later than August 15 of the year following the beginning of construction in phase one. Perimeter landscaping, including the existing vegetation on West Dimond and Sand Lake Boulevards shall have a minimum 25 percent evergreen trees. Landscaping along WestPark Drive shall be per the landscape plan for Kincaid Estates Subdivision, Tracts 1 through 10.

An updated concept landscape plan for all five phases of the development shall be submitted at the time of the phase 1 site plan submittal. The concept plan shall contain approximate numbers, types, and general locations of trees and shrubs.

For each phase of development, a specific landscape plan which meets the requirements of AMC 21.45.125 shall be submitted for that phase.

Landscaping in the common ownership open space areas, where there is no potential conflict with a home-site, will require a performance bond as part of the subdivision agreement. Landscaping associated with individual buildings, as shown on the phase site plans, shall be in place before a certificate of occupancy is issued for that structure.

Required landscaping will be inspected by Code Enforcement with each certificate of occupancy. All plant materials shall be guaranteed for a period of two years following the date of acceptance by Code Enforcement. Any failed plantings shall be replaced in a timely manner.

9. All construction and improvements related to this approval shall be substantially in compliance with the application, narrative, and plans on file with the department except as modified by these conditions of approval:

Solara at West Park Subdivision Planned Unit Development, site, landscaping, grading, phasing, snow storage, open space, and utility

plans; scale 1" = 60'; dated February 21 and 22, 2011, as updated and revised, prepared by Lantech, Inc.

10. This approval is subject to all standards for a Conditional Use, Residential Planned Unit Development Conditional Use, and the petitioner's application, narrative and submittals.

11. A pedestrian walkway to Tract 2 shall be constructed as part of phase 4.

The applicant shall provide a pedestrian pathway to Sand Lake Boulevard approximately in the area as shown on the site plan as part of phase 5.

12. Snow storage areas shown on the site plan are for snow removed from driveways and areas of common ownership. These snow storage areas shall be a minimum 8 feet on any dimension. Snow from individual driveways will be cleared by the homeowners association and be placed in these storage areas shown on the plan, and not in the right-of-way. Snow storage is not allowed in areas of required parking or required landscaping. This paragraph shall be included in the homeowner's documents.

The five foot wide space from back of curb to outer edge of sidewalk may be used by municipal street maintenance for snow storage when plowing the internal streets.

13. With each phase site plan, the applicant shall include a fence plan for that phase indicating a common design theme (style, material, color, etc) for all fences, whether the fence belongs to the homeowners association or to individual unit owners. Title 21.45.110 fence standards are the minimum standards which shall apply. This paragraph shall be added to the homeowner's documents.

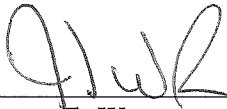
14. The south access point to West Park Drive will be built as the project begins and a turn-around or hammerhead will be built to allow for fire apparatus turn-around, essentially as shown on the short plat. The second, north, access onto West Park shall be constructed at the beginning of phase 2 and will connect to the phase 1 street, essentially as shown on the site plan. Exact timing, location and road construction standards for the second access shall be per Fire, Traffic, and PM&E standards. Final internal road standards, including sidewalks and gutters, shall be per Fire, Traffic, and PM&E standards.

15. Use trees of 4 inch caliper on the north side of the property line. These 4 inch caliper trees shall be in addition to the required landscaping for each phase of the condominium development with one per dwelling unit in addition to that required by the condominium ordinance for landscaping.

16. Only single family houses shall be located along the north side of the property.
17. No use of existing wells in this subdivision.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 11th day of April, 2011.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 6th day of June, 2011. This written decision/resolution of the Planning and Zoning Commission is final and any party may appeal it within twenty (20) days to the Board of Adjustment pursuant to the Anchorage Municipal Code 21.30.030.



Jerry T. Weaver, Jr.
Secretary



Arthur D. Isham
Chair

(Case 2011-013, tax id 011-291-21)

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