E. NEW BUSINESS

 A.A. Mattox 2023 Replat; KPB File 2023-050 Geovera, LLC / Church on the Rock Homer Location: Pennock Street & East End Road City of Homer

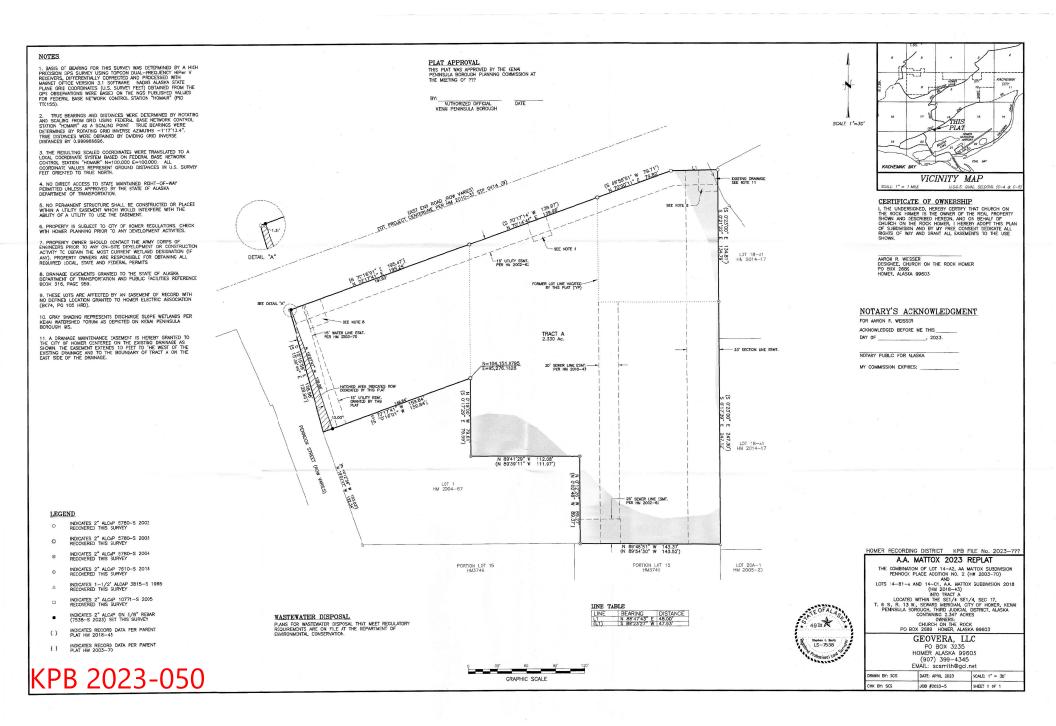












ITEM 4 - A.A. MATTOX 2023 REPLAT

KPB File No.	2023-050
Plat Committee Meeting:	June 12, 2023
Applicant / Owner:	Church of the Rock
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	City of Homer

Parent Parcel No.:	No.: 177-054-09, 177-054-12, 177-054-13	
Legal Description:	Lot 14A-2 AA Mattox Subdivision Pennock Place Addition No 2 HM2003-70 and	
	Lot 14-C1 and Lot 14-B1-A of A.A. Mattox Subdivision 2018 HM218-43	
Assessing Use:	Institutional (Lot 14-B1-A), Commercial (Lot 14-C1), and Residential (Lot 14A-2)	
Zoning:	Residential Office District	
Water / Wastewater	City	

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will combine three lots into one lot and give a small dedication to Pennock Street.

<u>Location and Legal Access (existing and proposed):</u> The proposed preliminary plat is located at the corner of East End Road and Pennock Street. Currently legal access is directly to state maintained East End Road, access is available to Pennock Street also, but has not been utilized.

There are improvements to the property with two structures being located on the plat.

A 33-foot-wide section line easement is shown on the east side of the plat. The section line easement should be verified as it was not shown on previous plats. **Staff recommends:** the surveyor do some research into the easement and patent information and report the findings back to staff.

The block is incomplete and exceeds allowable lengths per code, being more than 1320 feet to a connecting cross street to the south at Virginia Lynn Way between Pennock Street and Mattox Road. **Staff recommends:** the plat committee concur that a dedication is not possible with this plat and exception to 20.30.170 Block-Length Requirement is not needed.

KPB Roads Dept. comments	Roads Director: Griebel, Scott
	Comments: No comments
SOA DOT comments	The ROW for East End Road appears to be shown correctly

<u>Site Investigation:</u> The terrain of the proposed subdivision is relatively flat with slopes headed towards the southeast across the property. There is a drainage ditch in the northeast corner of the plat which has an easement extending 10 feet west of the ditch and east to the property line. The easement is granted to the City of Homer with this plat.

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation**: the U.S. Army Corps of Engineers wetland determination plat note remain on the final plat.

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie
	Floodplain Status: Within City of Homer

	Comments: Exempt
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: VACANT Comments:
State of Alaska Fish and Game	No objections

Staff Analysis The property was originally subdivision by A.A. Mattox 1958 Addition HM 3746 as Lot 14. AA Mattox Subdivision Pennock Place Addition HM 2002-62 subdivided in three lots (14-A, 14-B and 14-C). AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 divided Lot 14-A into two lots (14A-1 and 14A-2). AA Mattox Subdivision Pennock Place Addition No 3 HM 2004-67 adjusted the lines of Lot 14A-1, AA Mattox Subdivision Pennock Place Addition HM 2003-70 and 14-B, AA Mattox Subdivision Pennock Place Addition HM 2002-62 into two new lots (Lot 1 and Lot 14-B1). AA Mattox Subdivision 2018 HM 2018-43 adjusted the lines of Lot 14-B1, AA Mattox Subdivision Pennock Place Addition No 3 HM 2004-67 and Lot 14-C, AA Mattox Subdivision Pennock Place Addition HM 2002-62 into Lots 14-B1-A and Lot 14-C1. With this plat, Lots 14-C1, 14-B1-A, AA Mattox Subdivision 2018 HM 2018-43 and 14A-2, AA Mattox Subdivision Pennock Place Addition No 2 HM 2003-70 will be combined into one lot and a small dedication will be taken out for Pennock Street.

A soils report will not be required as this plat is inside the City of Homer. The appropriate wastewater note is on the plat.

Notice of the proposed plat was mailed to the beneficial interest holder on May 8, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The City of Homer Planning Commission heard and reviewed the preliminary plat AA Mattox 2023 Replat at their April 5, 2023 meeting. There was unanimous consent by the Planning Commission with 5 comments that have been taken care of prior to submittal to KPB for review.

<u>Utility Easements</u> Parent plats granted 15 foot utility easements adjacent to right of ways that have been carried over to this plat. A new 15 foot utility easement is being granted along Pennock Street to accommodate the dedication to the street.

There are storm sewer easement crossing the eastern and southern part of the plat from previous plats that have been carried forward also that are shown on the plat.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

Clinty provider reviews	
HEA	No comments
ENSTAR	No comment or recommendations
ACS	No objections
GCI	Approved as shown

CITY OF SEWARD:	The assessment does not need to be paid off for the re-platting. The assessment
SPECIAL	would move to the new parcel.
ASSESSMENTS	

KPB department / agency review:

A 1.1	
Addressing	Reviewer: Sjogren, Bobbi
	Affected Addresses:
1	1061 EAST END RD, 1091 EAST END RD
E	Existing Street Names are Correct: Yes
L	List of Correct Street Names:
E	EAST END RD, PENNOCK ST
E	Existing Street Name Corrections Needed:
	All New Street Names are Approved:
	interference I Object N I was
	List of Approved Street Names:
	ist of Street Names Denied:
	List of Street Names Deffied.
	Comments:
	ADDRESSES WILL NEED REVIEWED BY THE CITY OF HOMER
	ADDRESSING AUTHORITY
	Reviewer: Ogren, Eric
· ·	Comments: No comments
	Reviewer: Raidmae, Ryan
I I	There are not any Local Option Zoning District issues with this proposed
	plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
	Review Not Required
Assessing	Reviewer: Windsor, Heather
	Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add the KPB file number to the title block.

KPB 20.25.070 - Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to

mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

- 2. Legal description, location, date, and total area in acres of the proposed subdivision;
- 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: In the legal change the statement "The Combination of" to "A Subdivision to Combine"

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions, or limitations of reservations that could affect the subdivision;
 - **Staff recommendation:** Instead of Tract A, label new parcel as "Lot 14D" keeping with the same designation nomenclature numbering of the lot.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: Lot to the east needs corrected.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 - Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments:

Staff recommendation: comply with 20.40.

KPB 20.60 - Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: add a Certificate of Acceptance for Pennock Street dedication and drainage easement.

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information. Need overall distances shown on lines where appropriate.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: comply with 20.60.190.

- Add the date of June 12, 2023 to the Plat Approval certificate
- Add an Acceptance Certificate for the road dedication and the drainage easement to appropriate entity.

RECOMMENDATION:

SUBJECT TO, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT







Kenai Peninsula Borough Planning Department

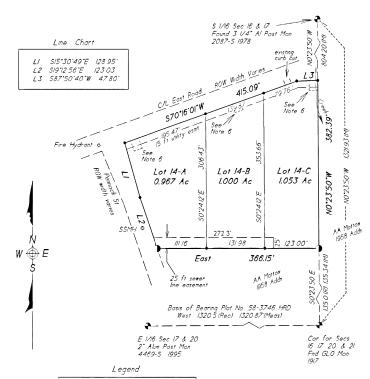
KPB File 2023-050 5/5/2023

A

Aerial with 5-foot Contours



A.A. MATTOX 1958 ADDITION CATED IN SE 4564 SEC. 17, T65-R13W S.M. ALASKA 1189 57 E 1 E 6 0 502.0 517 516 Fx 3 FILL 50 BOAC 208 1-22AS 0 TRACT A TRACT B ON ni N89° 26W 1567 3 0 34AC No 3716 FILED FOR RECORDING 13 0.74AC 18 May 1158 12:158M. Vol. 12 Knige: 180 Homer Recoding Precinct Werr, of Alaska 1-00AC At the Request of the Wallow WES 34 TOWN CLEAR 195 14 1-19 AC 9 0 3 146 1 H70-18:30 E 0.87AC off Estate 3400 1092 3 09 AC 4)0 18 10 ZZAC 103 0 15 19749 (r) 748-7 1320 WEST 20 COR SEC A. MATTOX OF HOMER, ALASKA, RCH OF THE RECORDS AND OF BY A A MAT H SEARCH OI OF EXISTEN DESIGNATED EFERENCE DESIGNATED BY NUMBERS TOR LEFERENCE LD LOTS LAAND 16 ARE STRICTLY CONFORM DEEDS CONFORMABLE TO I'REVIOUS DEEDS RUACHED ON BY KALLMAN ROAD) BE EFFECTED FOR LOTS 34110,11,15,18 HAL VAGUE AND HILLERINITE DESCRIPTIONS EAST 208 SHOULD BE SCALE 1 100 SURVEYILD HAWN BY Mening h Johnson 2/ 0/58



- Tound 1 1/2" Alum Cap 3815-5 1985
- Set 2" Al Cap on 5/8" rebar for this survey

Notes

- I All wastewater disposal systems shall comply with existing applicable laws at the time of construction
- 2 No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement
- 3 WASTEWATER DISPOSAL Plans for mastemater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation
- 4 No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation
- 5 This subdivision is subject to the zoning regulations of the City of Homer The creek in Lot 14-C is subject to Army Corps of Engineers wetlands restrictions
- 6 Drainage easements granted to State of Alaska Dept of Transportation and Public Facilities reference Bk 316 Page 959
- 7. General easement granted to Homer Electric Association for the construction operation and maintainence of electric transmission lines and/or telephone distribution lines, no location given reference BK 74 Page 105
- 8 The location of East End Road was calculated using data from Plat No 58-3746 HRD and the dimensional data from the State of Alaska Dept of Transportation and Public Facilities right-of-way "takes" as per Bk 316 Page 955 HRD



of NCV 20.07

for RICHARD SYMHAGE!

May Jum Pine
Notory Public for Alaska 7.30.00

Nancy Symbout 11.9.12
Nancy Symbol Seerold Inner HTM Date
331 E Proper Suite A
Homer Ak 99603

Notary Public for Alaska 336 C6

Louise J. Cross-Hall 11.11.02

Louise J. Gross-Hall General Partner HTM Date
331 E. Planeer Suite A

Homer As 19803

Notary's Acknowledgement
Subscribed and sworn to me before me this U day
of Notary Public for year 1 36.00

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

September 23, 2002

Authorized Official

KENAI PENINSULA BOROUGH
By Mary Soll

2002 - 62
HOMEN_RECOIST

Date 1/1/4_2002

Time _ 8 : 3 / _ A.:

Requested by SYNHORST

Address

Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge

Ay W MA 11-07-02 Roger W Imholi LS 5780 Date

Ownership Certficate

We hereby certify that me are the amners of the real property sham and described hereon and that me hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-may to public use and grant all easements to the use sham.

We further certify that the Deed of Trust affecting this property does not contain restrictions which mould prohibit this subdivision: or require signature and approval of the beneficiary

Thomas E Hall General Partner HTM Date
331 E Pianeer Suite A Artner HTM Date
Manar At 99603



Vicinity Map 1-1000 ft



AA Mattox Subdivision

Pennock Place Addition

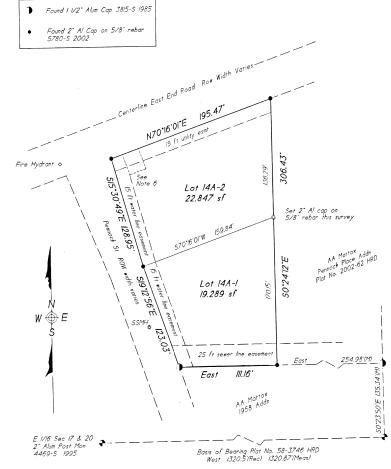
Being a subdivision of Lot 14 AA Mottox 1958 Addition as shown on Record Plat No. 58-3746 Homer Recording District

> Located within the SE I/4 SE I/4 Sec I7, T6S RIJW SM. within the City of Homer Third Judicial District, Alaska

Contains 3020 Acres more or less

Clients: HTM 331 E Pioneer Suite Homer Ak 99603	÷ A	Surveyor Roger W Imhoff RLS PO Box 2588 Homer Ak 99603
Drawn RWI	FB 2002-3	Date 7-08-02
Scale l"=100 ft	File AAMattox-pennock vcd	KPB File No 2002-208





Notes

- I. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3. WASTEWATER DISPOSAL: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
- 4. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- 5. This subdivision is subject to the zoning regulations of the City of Homer.
- 6. Drainage easements granted to State of Alaska Dept of Transportation and Public Facilities reference Bk 316 Page 959.
- 7. General essement granted to Homer Electric Association for the construction, operation, and maintainence of electric transmission lines and/or telephone distribution lines, no location given reference Bk 74 Page 105.
- 8. The location of East End Road was calculated using data from Plat No. 58-3746 HRD, and the dimensional data from the State of Alaska Dept of Transportation and Public Facilities right-of-way Takes' as per Bt 316 Page 955 HRD.

Cor for Secs 16. 17. 20. & 21 Fnd GLO Mon 1917

Surveyor's Certificate

Legend

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details pire correct to the best of my knowledge.

Roser W. Imhaff LS 5780 Date



Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

July 14, 2003

KENAI PENINSULA BOROUGH

By: ____ Mary Joll ___

Pomer RECRIST Date 11/17 20 0 3 Time 8: 19 A.M. Requested By Timbe 6 Address

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

The Elan Group LLC
by Kathy L. Westerburg Date \$ 1/2 2/6
PO Box 2376
Homer Ak 99603

Notary's Acknowledgement
Subscribed and sworn to me before me this 22 day
of 12023
for Kithylle Shift chara

Notary Holic for Aldska / 18/07

Vicinity Map 1"-1000 ft



AA Mattox Subdivision

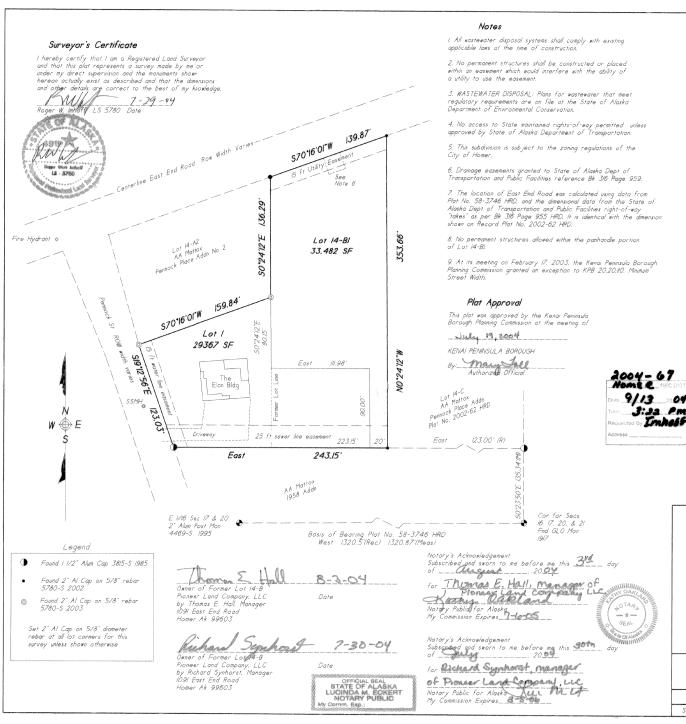
Pennock Place Addition No. 2

Being a subdivision of Lot 14-A AA Mattox Pennock Place Addition as shown on Record Plat No. 2002-62 Homer Recording District

> Located within the SE 1/4 SE 1/4 Sec. 17. T6S. R13W. SM. within the City of Homer Third Judicial District. Alaska

Contains 0.967 Acres, more or less

Clents Elan Group PO Box 2376 Homer Ak 99603		Surveyor: Roger W. Imhoff. RLS PO Box 2588 Homer Ak 99603
Drawn RW!	FB	Date 5-08-03
Scale I" - 50 ft	File AAMattox-westerburg.vcd	KPB File No 03 145



Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

The Elan Group LLC by Kathy L. Westerburg PO Box 2376 Homer Ak 99603

Date 8/3/04

Notory's Acknowledgement
Subscribed and sworn to me before me this 3rd day
of 2094
for Mathy Westerburg for Elan Compute

Notary Public for Alaska My Commission Expires

Vicinity Map 1"-1000 ft



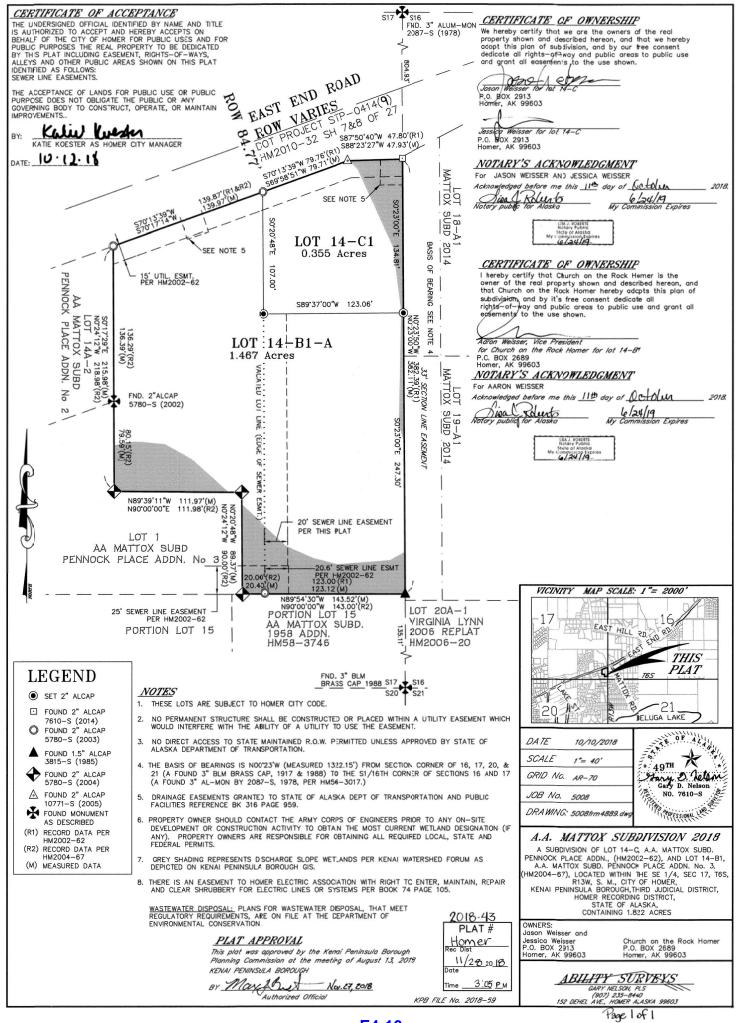
AA Mattox Subdivision Pennock Place Addition No. 3

Being a subdivision of Lot 14-Al AA Mattox Pennack Place Addition No. 2 as shown on Record Plat No. 2003-70 HRD and Lot 14-B AA Mattox Pennack Place Addition as shown on Record Plat No. 2002-62 HRD

Located within the SE I/4 Sec. I7. T65, RI3W, SM, within the City of Homer Homer Recording District Third Judicial District, Alaska

Contains 1.443 Acres, more or less

Clients Elan Group PO 8ox 2376 Homer Ak 99603		Surveyor: Roger W. imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn RWI	FB 2004-5	Date 5-14-04
Scale I" = 50 ft	File AAMattox-westerburg.vcd	KPB File No 04-190



The deadline was established so that there was time for staff to get the materials distributed to the website and the Commission and anything submitted after the deadline there was no guarantee that the Commission would receive the information or the public to have access as well to that material.

Deputy City Clerk Krause responded stating that policy follows generally what is established by Council and that she will consult with the City Clerk to see if that can be amended.

Chair Smith called for a point of order and requested any additional questions from the Commission hearing none, he requested a motion.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-023 AND RECOMMEND APPROVAL OF CONDITIONAL USE PERMIT 23-04 WITH FINDINGS ONE THROUGH ELEVEN.

There was a brief comment on the conditional use permit being very straight forward.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

9. A. A.A. Mattox 2023 Replat Preliminary Plat - Staff Report PC 23-024

Chair Smith introduced the item by reading of the title and deferred to Acting City Planner Engebretsen.

Acting City Planner Engebretsen provided a summary review of Staff Report 23-024 commenting on the very small creek and drainage with historical overflows and the process conducted by the City over time in this area regarding right of way dedication.

There was no applicant present.

Chair Smith opened the Public Comment Period seeing no one that was attending the meeting in person or via Zoom coming forward to provide comment, he closed the Public Comment Period and opened the floor to questions from the Commission.

There were no questions from the Commission.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 23-024 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE LOT LINES TO CREATE A LARGER LOT FROM THREE SMALLER LOTS WITH THE FOLLOWING COMMENTS:

- 1. CREATE A PLAT NOTE STATING "PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION IF ANY. PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STTE AND FEDERAL PERMITS IF ANY."
- 2. THERE WILL NEED TO BE RIGHT OF WAY DEDICATION ON THE EAST SIDE OF PENNOCK STREET. EXACT DEDICATION REQUIREMENT IS UNKNOWN AS THE RIGHT OF WAY VARIES ADJACENT TO THE LOT. PAST CITY REQUIREMENTS REQUESTED 9.85 FEET. DIMENSIONS SHALL BE VERIFIED.

- 3. DEDICATE A 15 FOOT UTILITY EASEMENT FRONTING THE UNDETERMINED DEDICATION ON EAST SIDE OF PENNOCK STREET.
- 4. THE PROPERTY OWNER WILL NOT BE REQUIRED TO ENTER INTO AN INSTALLATION AGREEMENT WITH THE CITY.
- 5. DEDICATE A 20 FOOT DRAINAGE EASEMENT CENTERED ON THE DRAINAGE ON THE NORTHEASTERN PROPERTY CORNER.

There was a brief comment on the known drainage issues being addressed with the easement.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. B. Bunnell's Subdivision 2023 Replat Preliminary Plat - Staff Report PC 23-025

Chair Smith introduced the item by reading of the title and deferred to Acting City Planner Engebretsen.

Acting City Planner Engebretsen provided a summary review of Staff Report PC 23-025. She noted that there was a previous action that dedicated a 15 drainage easement centered on the creek and the City would like to continue that easement. Ms. Engebretsen continued by providing a brief description of the creek path and this dedication will assist in prevention of future flooding. She then noted an oversite in not carrying over the recommendation regarding dedication of a 15 foot utility easement and the Commission will need to address that issue. Ms. Engebretsen stated that she can provide additional clarification if needed when appropriate.

Gary Nelson, Ability Surveys, applicant, provided a brief history of the project and noted that they would like to offer a counter recommendation to staff recommendation number four, noting that this has taken the owner by surprise and will add an additional cost of \$10,000 or more to the project. He stated that the property owner is trying to rectify a bad situation and suggested that instead of bonding and requiring installation if it could be changed to say no building permit would be offered or approved for Lot 51 A until services are installed. Mr. Nelson acknowledged that services must be installed but the cheapest way to take care of the situation is to abandon in place the stub services and install new ones 50 feet north of the existing location. Further adding that to hire a contractor to do this work before it's needed is really adding expense and the services will not be needed until someone wants to build on that lot. He continued explaining how the process would work, tying up capital and advocating for the requirement to be delayed until needed.

John Hendrix, property owner and applicant, provided historical ownership and use of the land, issues and legal options available. He noted that they are giving up 15 feet on the Swatzell side and now the City is asking to give an additional 15 feet for the creek and pay additional for the removal of the existing services which is unreal to him. He questioned how much a person has to give to do it right.

Chair Smith opened the public comment period and confirmed with the Clerk that there was no one on Zoom that wanted to comment and noted that there was no one present in chambers who wanted to comment he closed the public comment period. He then opened the floor to questions from the Commission and noted that Ms. Engebretsen can provide guidance on the amendment as well at this time.

Ms. Engebretsen stated that amending may not be under the purview of the Commission and requested a moment to review code as she believed that lay in Title 11.

Commissioner Highland commented that she did not recollect ever amending recommendations and felt that Public Works would be involved. She further noted that she did not believe they needed a decision tonight.

Chair Smith requested a motion and second before continuing discussion.

VENUTI/CHIAPPONE MOVED TO POSTPONE THIS ITEM TO THE NEXT MEETING TO ALLOW A RESPONSE FROM PUBLIC WORKS ON THIS ISSUE.

Ms. Engebretsen cited for the record the following: Homer City Code 22.10.050 Improvement requirements – General. (a)(2) All other utilities and public improvements to be constructed in the rights-of-way and easements dedicated by the plat, including water, sewer, electric, communications, and gas lines, and applicable means for non-motorized transportation; adding that the Commission cannot exempt the requirement under Homer City Code 22.10.050 (b) *The Commission may exempt a plat from the provisions of subsection (a) of this section as provided in Homer City Code 22.10.040*, since this plat does involve the dedication of a right of way. She acknowledged the expense and frustration but noted that this action was a standard in city code, and frequently when you see a lot line vacation a service has to be abandoned, dug up and in this case relocated with installation of a new service for the northern lot.

Chair Smith requested Mr. Nelson to come forward to speak on the record.

Mr. Nelson stated that Ms. Engebretsen left out the language, "or an installation agreement being in place."

Ms. Engebretsen responded that Mr. Nelson was correct, and further commenting that typically people perform all the relocations before they record because it is easier, since they do not want it to be left hanging out there that long, other options are through the bonding process and Public Works usually handles all those details.

Mr. Nelson opined that installation agreements are commonly used and Ms. Engebretsen agreed but added that there is always an installation agreement but whether you install all those improvements before recording the plat, and typically on a bigger plat it is, you can choose either way to record this particular plat, if you have the installation agreement in place.

Mr. Nelson restated that was his desire to have the conditions in the subdivision development agreement that whatever is figured out, and a building permit could not be issued until such time as those improvements are installed but they can talk about it more with this postponement.

Chair Smith called for a point of order noting the motion on the floor for postponement. He requested discussion on the motion.

Ms. Engebretsen stated that she did not believe the Commission has purview on this, but if the Commission would like to postpone and since the applicant is requesting this for a more thorough review, staff can do that however this does not preclude the Commission from approving this plat tonight but if the Commission would prefer to consider it in the future with more information staff can facilitate that.

Chair Smith inquired about the details of the additional recommendation that Ms. Engebretsen stated was omitted when she was providing her report.

Ms. Engebretsen noted that the recommendation to dedicate a 15 foot utility easement was in the report under Public Works comments but was not carried forward under Staff recommendations.

Ms. Engebretsen fielded questions regarding the following:

- There is nothing that the applicant can do if this action is postponed tonight to change the outcome
- the Commission can recommend approval to the Borough, the installation issue is a discussion for Public Works as it is addressed by Title 11 in Homer City Code
- Under Title 22 the Commission cannot waive this exemption
- this action will come back at the next meeting with a little more information in the staff report but nothing else will have changed
- the requirement of the new stub is because they are dealing with two lots
- If the applicant purchased the lot they could then vacate the lot line and still would be required to abandon and excavate the old service.

Commissioner Stark commented that approving the motion to postpone provides the applicant additional time to speak with staff regarding the application and referenced the advice of the Mayor to have most if not everything resolved and identified prior to approving the plat even though it is preliminary.

Chair Smith stated that the applicant was wishing to speak to the Commission and requested a motion to suspend the rules to allow them to speak. He then acknowledged his error previously allowing Mr. Nelson to speak earlier in the meeting.

HIGHLAND/CHAIPPONE MOVED THAT THE COMMISSION SUSPEND THE RULES TO ALLOW THE APPLICANT TO ADDRESS THE COMMISSION.

There was no discussion.

VOTE: NON-OBJECTION, UNANIMOUS CONSENT.

Motion carried.

Mr. Hendrix jokingly offered to pay the city to install the new service stub in order to move this process along. He reiterated that he is trying to cure an old problem but can just as well use the parking lot as is and start litigation.

Chair Smith countered that he understands that a postponement delays the applicant's grief but assured the applicant that they are trying to reach a successful outcome and this postponement will allow Mr. Nelson to speak with Public Works. He noted that this item will be on the agenda under pending business.

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12.A. City Manager's Report CM Report for March 28, 2023

13. COMMENTS OF THE AUDIENCE

14. COMMENTS OF THE STAFF

Acting City Planner Engebretsen commented her appreciation for a very efficient meeting.

Deputy City Clerk Krause echoed Ms. Engebretsen's comments regarding the short meeting.

15. COMMENTS OF THE COMMISSION

Commissioner Highland commented that they had a short meeting, a little complication but she suspected that it will get taken care of, and thanked everyone.

Commissioner Stark expressed his appreciation for the Commissioners attending in person and on Zoom and the Acting City planner for a very succinct Planner's Report. He advised that he will require one additional eye surgery but will gladly provide the report via Zoom and in person after he gets back as always. He then requested Julie to contact him regarding information for the CDL feedback on the Transportation survey.

Commissioner Venuti commented that it was an interesting and short meeting.

Commissioner Chiappone stated that he will not be at the next two meetings as he will be traveling out of the country, and thanked Julie for filling in.

Chair Smith expressed his appreciation for the efficient meeting and the efforts of the staff. He thanked Julie for filling in noting that it was always a pleasure working with her.

16. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:30 p.m. The next Regular Meeting is Wednesday, April 19, 2023 at 6:30 p.m. A worksession is scheduled for 5:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom webinar.

Renée	Krause	
Renee Krause, MMC, Deputy City Clerk II		
Approved:	April 19, 2023	

Quainton, Madeleine

From: Jean Hughes <jhughes@ci.homer.ak.us>

Sent: Monday, May 1, 2023 11:17 AM

To: Quainton, Madeleine

Subject: <EXTERNAL-SENDER>FW: Revised A.A. Mattox 2023 Replat

Attachments: A.A. Mattox 2023 Replat Preliminary_20230427.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Moring Madeleine,

The City of Homer Planning and Public Works Department(s) have reviewed the above referenced plat and the right-of-way dedication (as depicted), and we have no objections to the proposed plat.

Thank you!

-----Original Message-----

From: Stephen C. Smith <scsmith@gci.net> Sent: Thursday, April 27, 2023 4:27 PM To: Jean Hughes <jhughes@ci.homer.ak.us>

Cc: Julie Engebretsen < JEngebretsen@ci.homer.ak.us>

Subject: Revised A.A. Mattox 2023 Replat

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Jean and Julie,

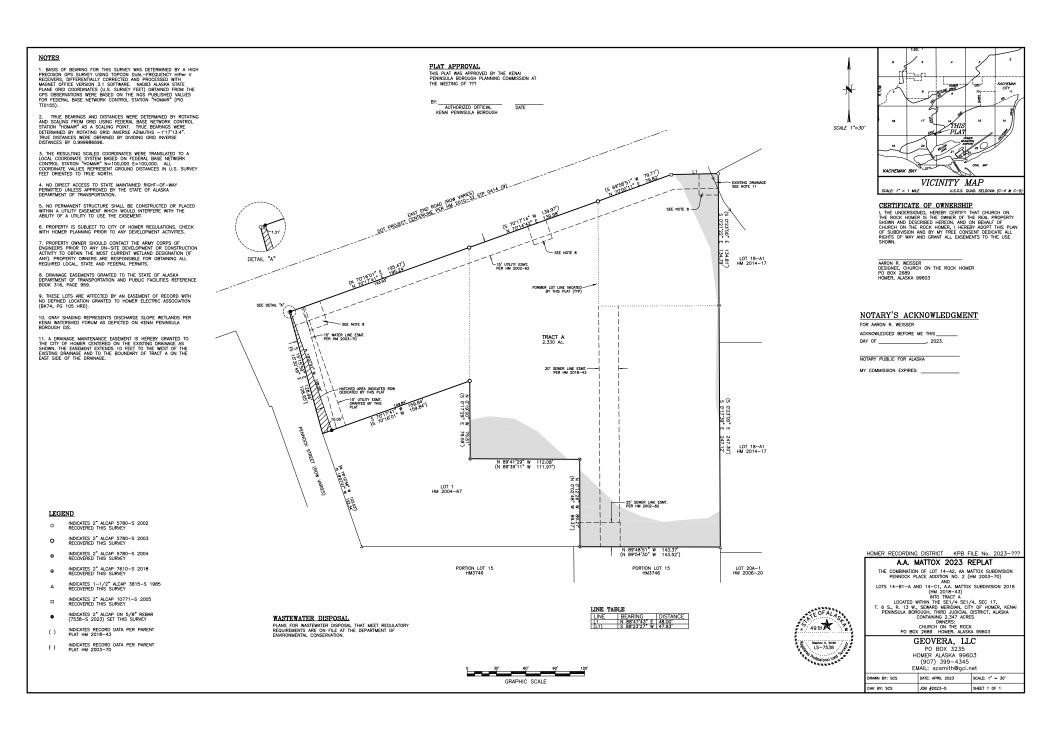
Attached is a revised plat of A.A. Mattox 2023 Replat. We tied all of the existing corners and now the plat shows a resulting acreage of Tract A after the dedication of right-of-way along Pennock Street.

The plat shows a tie from the SW corner of Tract A to the SW corner of the Tract to the south. I used that bearing to extend the right-of-way line up to East End Road. The existing Pennock Street right-of-way to the south is 40 feet wide so I moved the right -of-way line 10 feet east so that there will be 30 feet from centerline if the other side of the street gets dedicated in a similar way.

Let me know if this works for the city. I would like to get this in to the borough as soon as possible, so if you find this configuration acceptable, please email me to let me know and I will forward that email on to the borough. Thanks for taking a look at this. I appreciate it.

Steve

Stephen C. Smith, P.L.S.





Planning 491 East Pioneer Avenue Homer, Alaska 99603

Planning@ci.homer.ak.us (p) 907-235-3106 (f) 907-235-3118

Staff Report 23-024

TO: Homer Planning Commission

FROM: Julie Engebretsen, Economic Development Manager

THROUGH: Rick Abboud, AICP, City Planner

DATE: 4/5/2023

SUBJECT: A.A. Mattox 2023 Replat Preliminary Plat

Requested Action: Approval of a preliminary plat to vacate lot lines, creating one large lot from

three smaller lots.

General Information:

Applicants:	Aaron Weisser, Designee Church on the Rock	Geovera, LLC PO Box 3235
	PO Box 2689	Homer, AK 99603
	Homer, AK 99603	Homer, AN 33003
	,	
Location:	Corner of Pennock Street and East End Road	
Parcel ID:	17705409, 17705412, 17705413	
Size of Existing Lot(s):	0.52, 0.36 and 1.47 acres	
Size of Proposed Lots(s):	2.347 acres	
Zoning Designation:	Residential Office District	
Existing Land Use:	Professional Office, church administrative and small gathering	
	space.	
Surrounding Land Use:	North: Professional Office, Vacant	
	South: Residential and vacant	
	East: Multifamily housing, special needs housing	
	West: Residential, professional office	
Comprehensive Plan:	Chapter 4 Goal 1 Implementation item 1-D-4: Encourage a	
	concentrated development pattern to reduce the need for vehicle	
	trips and encourage non-motorized transportation.	
Wetland Status:	Potential discharge slope wetlands as shown on the preliminary	
	plat	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	

Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 55 property owners of 67 parcels as shown on
	the KPB tax assessor rolls.

Analysis: This subdivision is within the Residential Office District. This plat vacates the lot line between three lots, creating one large lot. The property has an existing small office (approximately 800 sq feet) and a larger building around 5,500 square feet that serves as the administrative offices and auxiliary uses for Church on the Rock. Small assemblies are also held in this building; Sunday church services are conducted at another location.

Homer City Code 22.10.051 Easements and rights-of-way

A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: Dedicate a 15' utility easement fronting the newly (undetermined) dedication off Pennock Street. An easement already exists along East End Road.

B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements.

C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities required by HCC 11.04.120.

Staff Response: The plat meets these requirements. No trails are shown on adopted City plans through the property. East End Road has a sidewalk along the length of the property.

D. The City Council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by subsection (c) of this section, if the City Council determines that accepting the dedication would be Consistent with the adopted plans of the City.

Staff Response: The plat meets these requirements. No additional easements are proposed.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
- 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
- Legal description, location, date, and total area in acres of the proposed subdivision;
- 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements.

B. North point;

Staff Response: The plat meets these requirements.

C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: Staff requests a 20-foot drainage easement centered on the drainage on the northeastern property corner. DOT has an easement for the culvert outfall, but the easement does not extend further down the creek. Further south, properties have granted a 20-foot drainage easement.

Staff recommends acquiring a drainage easement as part of this plat. (Its likely on the outfall and a very small portion of the creek are on the subject property.)

G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements. Municipal water and wastewater system information is on file with the Public Works Department.

L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements. No known encroachments.

O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

- 1. There will need to be some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
- 2. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
- 3. The property owner(s) will not be required to enter into an installation agreement with the City.
- 4. Dedicate a 20 foot drainage easement centered on the drainage on the northeastern property corner.

Fire Department Comments: *No comments provided.*

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

- 1. Include a plat note stating "Property owner should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state and federal permits."
- 2. There will need to be some right-of-way dedication off the east side of Pennock Street. Not sure what exactly that the dedication will be because it appears the right-of-way varies adjacent to the lot. In the past the City has been asking 9.85 feet. This dimension will need to be verified.
- 3. Dedicate a 15 foot utility easement fronting the newly (undetermined) dedication off Pennock Street.
- 4. The property owner(s) will not be required to enter into an installation agreement with the City.
- 5. Dedicate a 20-foot drainage easement centered on the drainage on the northeastern property corner.

Attachments:

- 1. Preliminary Plat
- 2. Surveyor's Letter
- 3. Public Notice
- 4. Aerial Maps

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

A.A. Mattox 2023 Replat Preliminary Plat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Planning Commission on Wednesday, April 5, 2023 at 6:30 p.m. In-person meeting participation is available in Cowles Council Chambers located downstairs at Homer City Hall, 491 E. Pioneer Ave., Homer, AK 99603. To attend the meeting virtually, visit zoom.us and enter the Meeting ID & Passcode listed below. To attend the meeting by phone, dial any one of the following phone numbers and enter the Webinar ID & Passcode below, when prompted: 1-253-215-8782, 1-669-900-6833, (toll free) 888-788-0099 or 877-853-5247.

Meeting ID: 979 8816 0903 Passcode: 976062

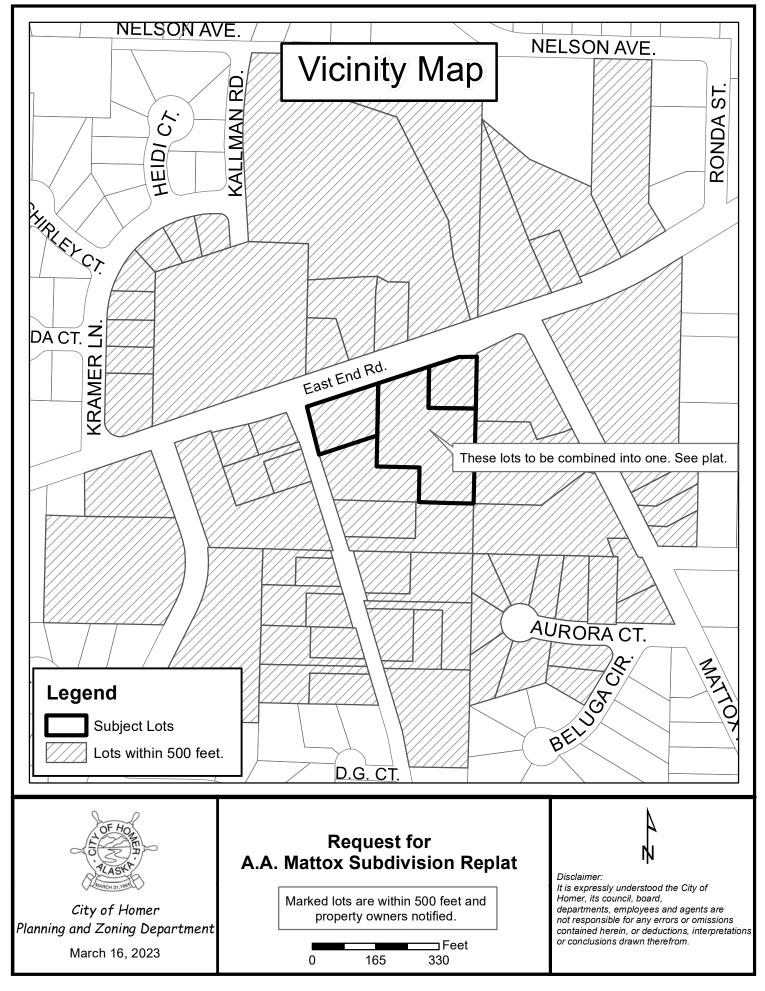
Additional information regarding this matter will be available by 5 p.m. on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for April 5, 2023 at https://www.cityofhomer-ak.gov/calendar. It will also be available at the Planning and Zoning Office at Homer City Hall and at the Homer Public Library.

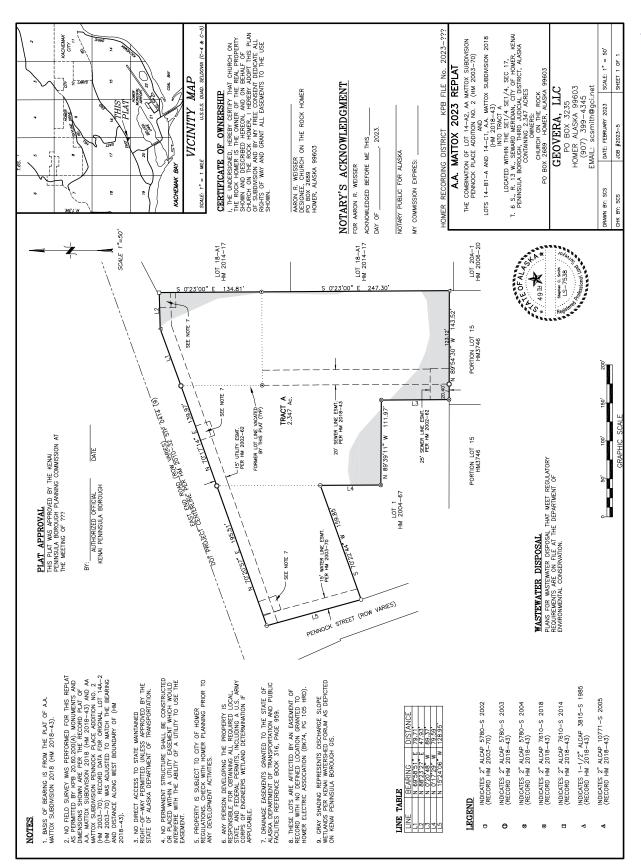
Written comments can be emailed to the Planning and Zoning Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 4 p.m. on the day of the meeting.

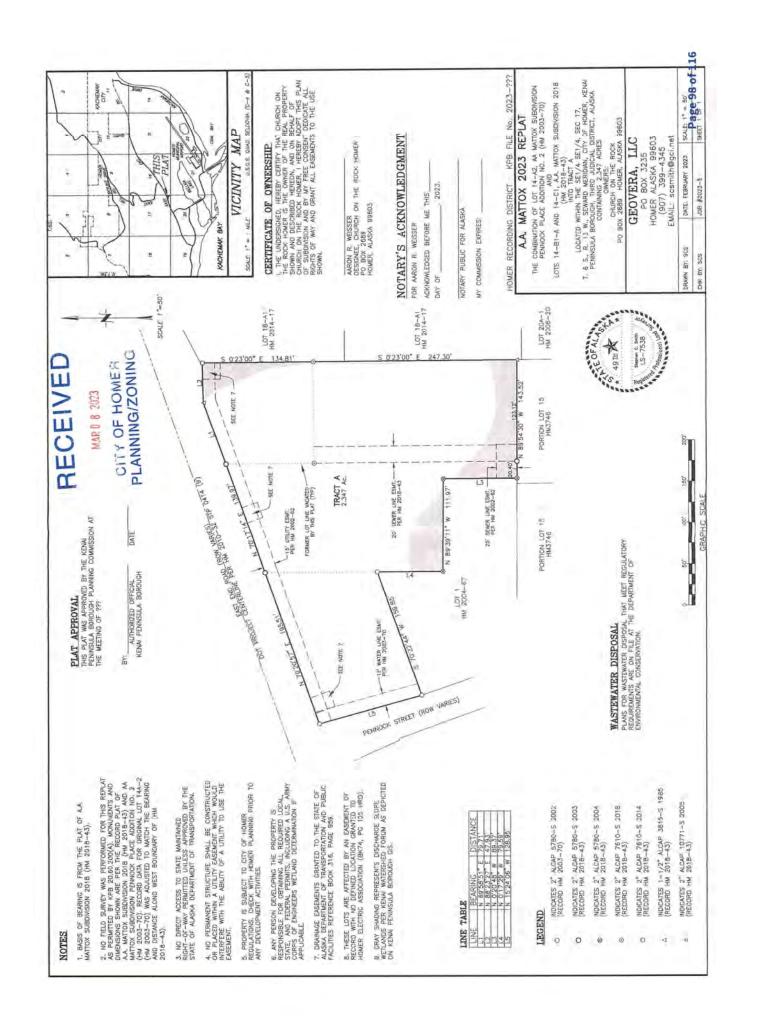
If you have questions or would like additional information, contact Rick Abboud at the Planning and Zoning Office. Phone: (907) 235-3106, email: <u>clerk@cityofhomer-ak.gov</u>, or in-person at Homer City Hall.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

VICINITY MAP ON REVERSE







Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

February 10, 2023

City of Homer Planning Department Rick Abboud, Planning Director 491 E. Pioneer Ave. Homer, Alaska 99603

RE: A.A. Mattox 2023 Replat

Rick,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of A.A. Mattox 2023 Replat, and a \$300.00 check for the submittal fee.

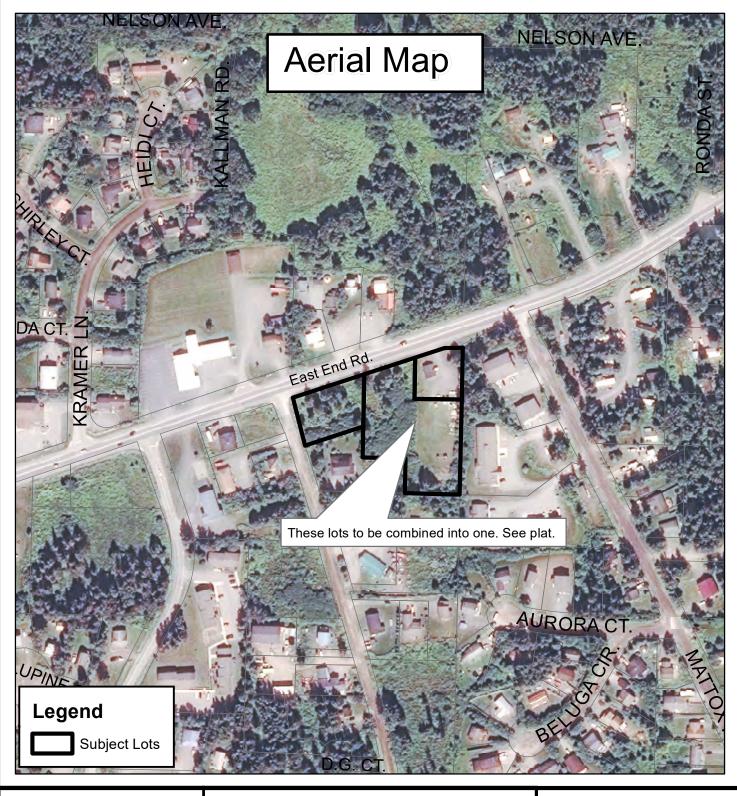
This plat combines Lot 14-A2, (HM 2003-70) and Lots 14-B1-A and 14-C1, (HM 2018-43). Into a single lot in accordance with KPB 20.60.200(A). No field survey is being done.

Existing easements as shown on the parent plats will remain. Notes from the parent plats have been carried forward on this plat.

Please let me know if you have any questions. You can reach me at any time at (907) 399-4345. Thanks!

Sincerely,

Stephen C. Smith P.L.S.





City of Homer Planning and Zoning Department March 30, 2023

Request for A.A. Mattox Subdivision Replat





Disclaimer:

It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn the



A.A. Mattox Subdivision Replat



Legend

- Mileposts
- City Limits
- Highways
- Major RoadsRoads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes

Type any notes here.

DATE PRINTED: 3/30/2023