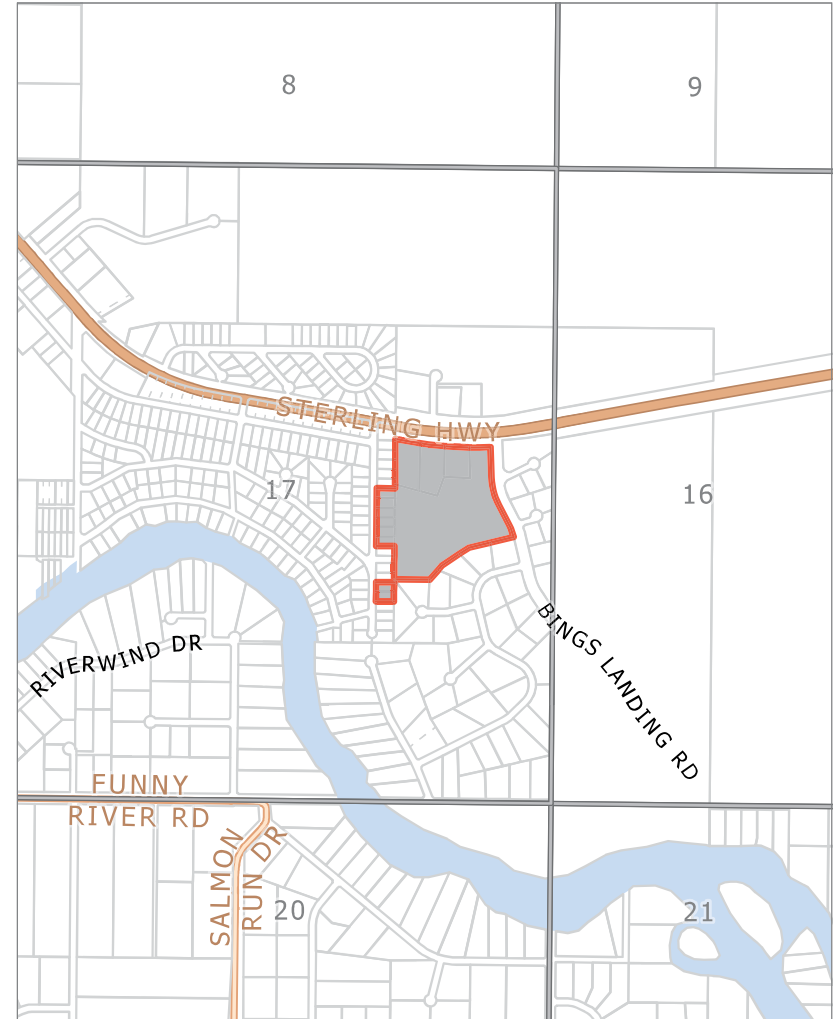
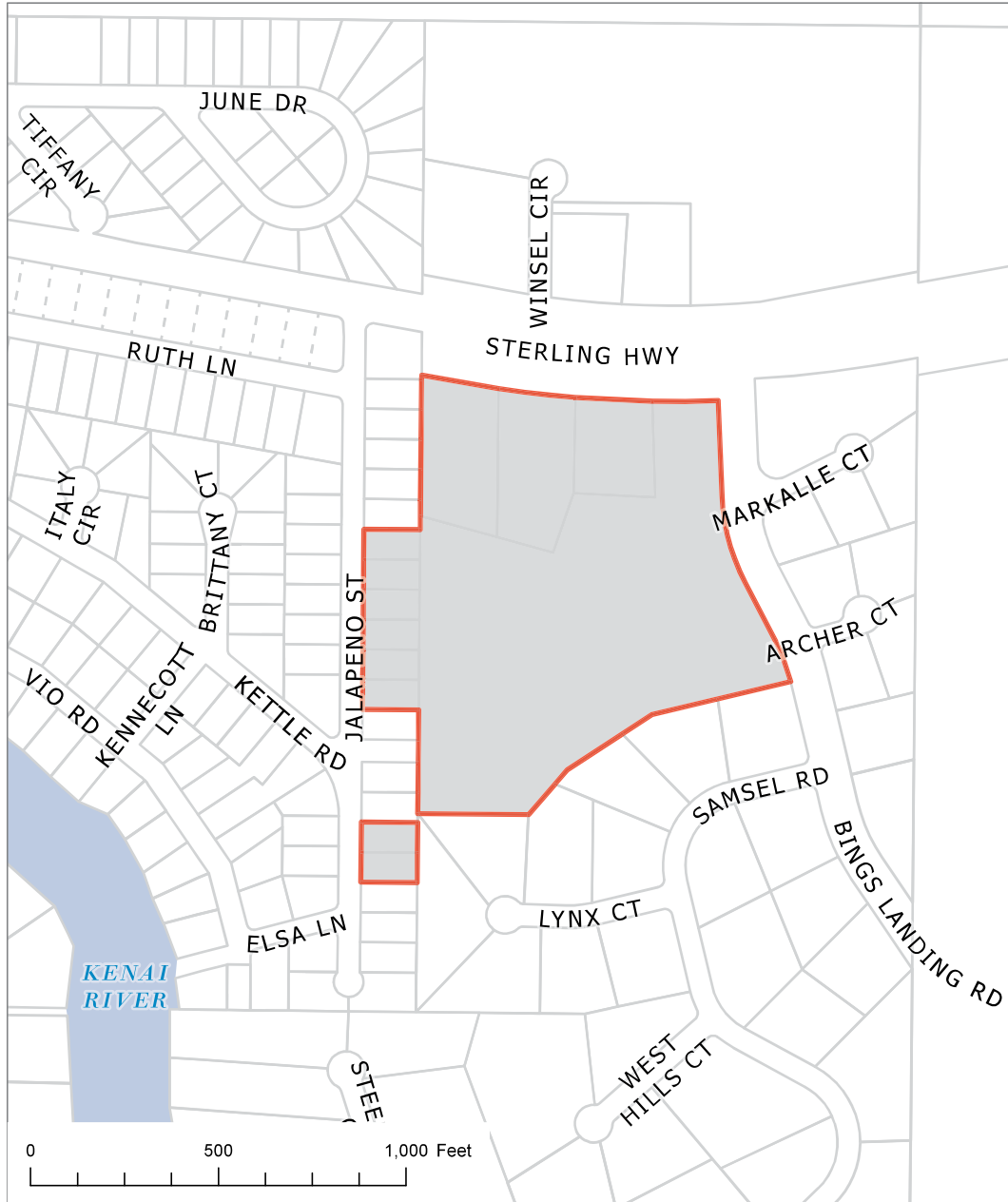


E. NEW BUSINESS

- 8. Bings Landing Subdivision Gregory Addition; KPB File 2023-110
McLane Consulting Group
Keys, Collins, Christine S & Bradley J Goetz Trust Agreement,
Roberts
Location: Sterling Hwy., Jalapeno St., Bings Landing Rd.
Sterling Area**



KPB File 2023-110
T 05N R 08W SEC 17
Sterling



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

AGENDA ITEM E. NEW BUSINESS

**ITEM #8 - PRELIMINARY PLAT
BINGS LANDING SUBDIVISION GREGORY ADDITION**

KPB File No.	2023-110
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Kenneth Keys, Gregory and Lorelei Collins, Trust Agreement of Christine S Goetz and Trust Agreement of Bradley J Goetz, and Patrick and Sarah Roberts, all of Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Sterling

Parent Parcel No.:	065-082-58, 065-082-59, 065-082-60, 065-082-61, 065-210-65, 065-210-66, 065-210-67, 065-210-71, 065-210-72, 065-230-20, 065-230-21, and 065-230-22
Legal Description:	T 5N R 8W SEC 17 SEWARD MERIDIAN KN 0001778 Gregory Sub Addn No 4 Lots 7-12 Block 6 and Lots 3 and 4 Block 5 T 5N R 8W SEC 17 Seward Meridian KN 2000062 Bings Landing Sub Part Three Amended Tracts A, B, C, and D
Assessing Use:	Multiple Cabins and Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site
Exception Request	20.30.030(A) and 20.30.170

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure twelve parcels into nine lots and one tract. The lots will vary in size from .551 acres up to 2.112 acres. The tract will be 10.731 acres.

Location and Legal Access (existing and proposed): This subdivision is located on state-maintained Sterling Highway at approximately mile 80.5. This subdivision is proposing a 30-foot-wide frontage road with a cul-de-sac road and bulb on one end of it, as a dedication. Lots two through five have access to the cul-de-sac. Lots one and two will have access via the frontage road. Lot one and Tract D2 will have access to 100'-wide Bings Landing Road. Lots 3A, 6, and 7 will have access to 60'-wide Jalapeno Street. Lot eight will have access to Dale Lane. An exception to not continue Dale Lane has been received.

The RSA Director has reviewed the design and did provide comments regarding the lack of a turnaround area for Dale Lane and the frontage road being less than the minimum 60 feet to be considered for borough maintenance.

Staff recommends: the surveyor and owners consult with the RSA Director on his concerns to get a resolution and report the results to staff.

The names Keys Court and Frontage Road have been denied. **Staff recommends:** possible names be sent to the KPB Addressing Officer for review and approval.

Block lengths for this area are not compliant and the surveyor has requested an exception to KPB 20.30.170. Tract D2 can be further divided in the future to add roads.

PER DOT: The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Dale Ln ROW dead ends with no provision for an equipment turn-around. The frontage Rd may never qualify for maintenance if additional dedication is not granted.
SOA DOT comments	No comment

Site Investigation: Terrain for the area is relatively flat except for the south end of Tract D2. There appears to be a rise of a hill in the southeast with some steep slope apparent. **Staff recommends:** contours may be removed for the final, but areas of steep slope be identified for on final.

There are no classified wetlands within the boundary of the subdivision.

There are improvements on several of the lots along the west and Tract D. Lot 3A, 6, 7 and Tract D2 will maintain the existing structures on them when the platting is complete. There is concerned with the structures located along the southern boundary. **Staff recommends:** *when the surveyor performs the field work please determine if there are any encroachments and verify in writing to staff if any were found.*

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments 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	

Staff Analysis The lots front along Jalapeno Street to the west were created by Gregory Subdivision Addition No 4, KN 2000-62 from government lots one and three and two aliquot described parcels. Bings Landing Subdivision Part Three Amended, KN 2000-62, created former Tracts A, B, C, and D from an aliquot described parcel.

All necessary plat notes have been carried forward from the parent plats.

A soils report will be required and an engineer will sign the final plat.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

The property is not located within an advisory planning commission limit.

Utility Easements The parent plat for the parcels along Jalapeno Street only granted a ten-foot utility easement along the east boundary and this appears to be shown correctly. The proposed plat will be granting ten-foot utility easements along Jalapeno Street, but **staff recommends:** *the depiction of the easement and building setback be added to proposed Lot 3A.*

The parent plat, KN 2000-62, granted ten-foot utility easements a long all dedicated rights-of-way and appear to be shown correctly. The plat also granted an easement for under ground electrical line and was correctly carried forward.

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:

HEA	No comments
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 37480 JALAPENO ST, 37460 JALAPENO ST, 37450 JALAPENO ST, 37430 JALAPENO ST, 37370 JALAPENO ST, 37350 JALAPENO ST, 37300 JALAPENO ST, 37290 JALAPENO ST, 32215 STERLING HWY, 32165 STERLING HWY, 32115 STERLING HWY, 37485 BINGS LANDING RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: JALAPENO ST, STERLING HWY, MARKALLE CT, ARCHER CT, BINGS LANDING RD, DALE LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: List of Street Names Denied: KEYS CT, FRONTAGE RD</p> <p>Comments: Addresses will be deleted and new addresses assigned. Please provide new street names, both names are already in use.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan The existing Local Option Zoning District, Bings Landing, is located directly South and adjacent too the new subdivision, Gregory Addition.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>

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 KPB No 2023-110 to title block.

Add meeting date of November 13, 2023 to Plat Approval.

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: *Please verify the address for Kenneth Keys. The tax roll indicates a different address. If the address is correct, we recommend the owner contact the Assessing Department to have their address updated.*

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 recommendation: *Please correct the width of Markalle Court and Archer Court. KN 2002-95 indicates they are 50-feet-wide.*

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: *Please add labels for Lot 1 Block 6 to the northwest.*

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 recommendation: *contours may be removed from the final.*

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

Staff recommendation: *There are some structures at the south boundary of Tract D. When doing the field work please notify staff in writing if any encroachments are found and what the resolution will be.*

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.*

20.30.160. Streets-Name requirements. Streets shall be named to conform to KPB Chapter 14.10

Staff recommendation: The names Frontage Road and Keys Ct already exists. Please submit possible names to the KPB Addressing Officer for review and approval.

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.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030(A) Proposed Street Layout and 20.30.170 Block Length

Surveyor's Discussion:

Staff Discussion: Staff has combined the exception requests as the findings were similar for both. The Plat Committee can make a motion to vote on them separately if they choose.

Surveyor Findings:

1. Right-of-way (*Dale Ln*) is not constructed.
2. Surrounding area lots are subdivided lots with current, constructed, superior access.
3. Current Tract D (KN2000-62) is a large parcel with superior access from Bings Landing Road.

Staff Findings:

4. Lot 8 will be the only lot accessing Dale Ln.
5. Terrain for the area is relatively flat.
6. Tract D currently has several improvements located throughout the tract.
7. The exiting portion of Dale Lane was dedicated on K-1778.
8. No turn around area was proposed.
9. Future development of Tract D2 can provide a road.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the committee may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The committee shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is

the most practical manner of complying with the intent of this title;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, 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.

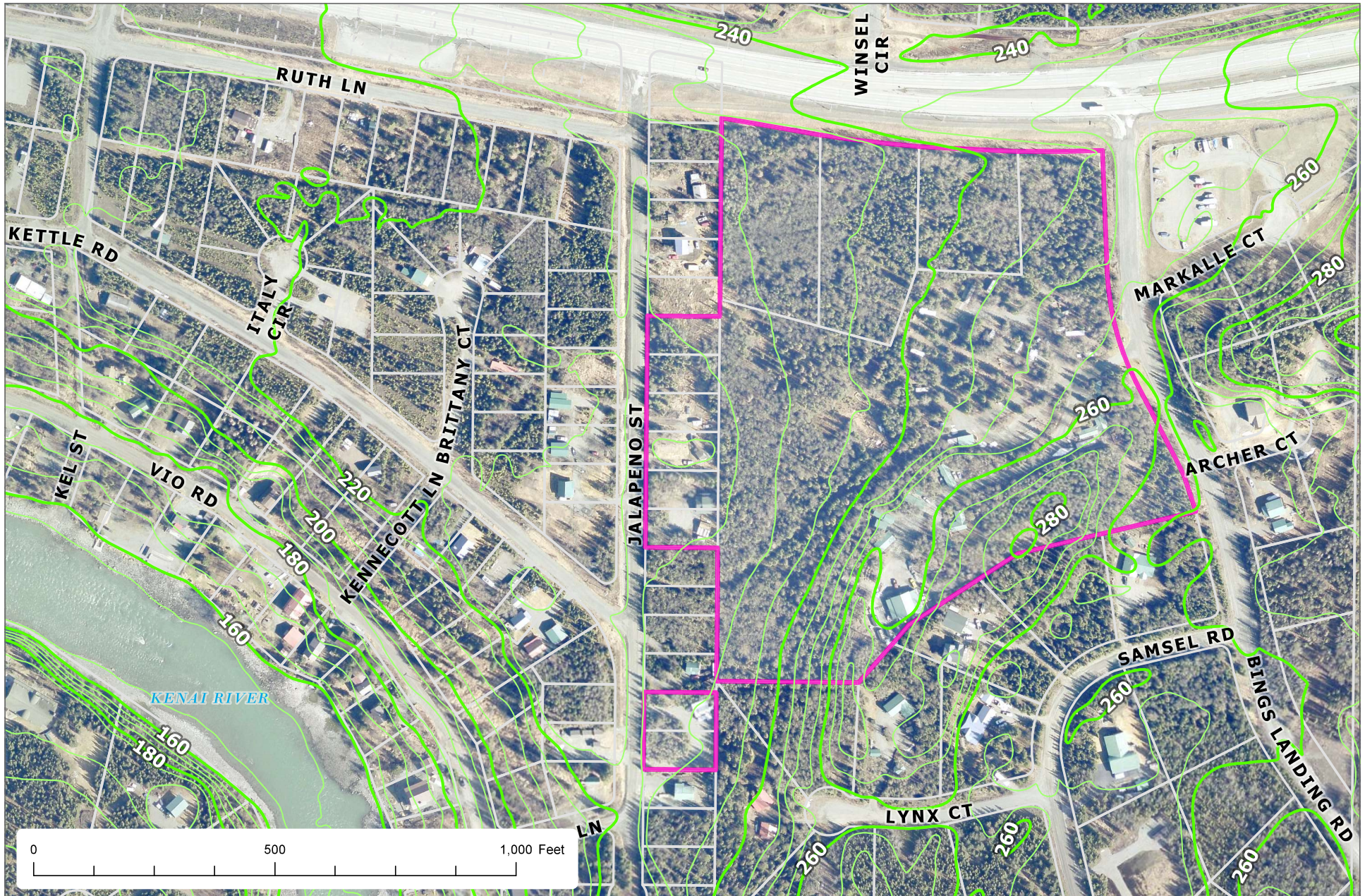
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

