

AGENDA ITEM E. NEW BUSINESS

**ITEM 5 - Fourth of July Creek Subdivision
Seward Marine Industrial Center
Fire Department Replat**

KPB File No.	2021-080
Plat Committee Meeting:	January 10, 2022
Applicant / Owner:	City of Seward, Seward, Alaska
Surveyor:	Stacy M. Wessel / Enterprise Engineering, Inc.
General Location:	Delphin Street, Nash Road and Jellison Avenue, City of Seward

Parent Parcel No.:	145-340-20, 145-340-28, 145-340-41
Legal Description:	Block 2 and Block 5, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Plat SW 97-27 and; Tract A3, Fourth of July Creek Subdivision, Seward Marine Industrial Center, Polar Seafood Replat, Amended, Plat SW 2007-2.
Assessing Use:	Residential and Commercial
Zoning:	Industrial Zoning District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The Kenai Peninsula Borough Plat Committee heard and approved the preliminary plat at the June 28, 2021 meeting. The proposed plat will reconfigure lot lines between two lots and a private road tract. A portion of the private road tract will be removed and will be added to one of the proposed parcels. The private road tract is approximately 9.7 acres and the new lots will be 2.7 and 4.0 acres. Exceptions were granted by the Plat Committee to KPB 20.30.030 - proposed street layout-requirements, KPB 20.30.170 – Blocks- Length requirements, and KPB 20.30.190 – Lots-Dimensions (Tract A3).

This plat is being brought back to the plat committee as the survey has requested an exception to KPB 20.60.200 Survey and Monumentation for the portion of the private road tract that is not being changed.

EXCEPTIONS REQUESTED:

KPB 20.60.200 – Survey and Monumentation (Portions of Tract A4)

Surveyor's Discussion: AK Lands, Land Surveying is requesting an exception to KPB code 20.60.200 for the Fourth of July Creek Subdivision Seward Marine Industrial Center Fire Department Replat, KPB File: 2021-080.

The Fire Department Replat involves subdividing Block 2 and Block 5, Fourth of July Creek Subdivision Seward Marine Industrial Center, plat 97-27 and a portion of Tract A3, Fourth of July Creek Subdivision Seward Marine Industrial Center Polar Seafoods Replat Amended, plat 2007-2 creating two new parcels. Block 2 will be expanded from 2 acres to 4 acres, absorbing .5 acres +/- out of 10.2 acres of Tract A3 between Block 2 and Block 5 and a portion of Block 5. The remainder of Block 5 is the second new lot.

AK Lands is requesting that all survey markers along the portions of Tract A4, not affected by the change in boundary, need not be located (or re-established if missing), and remain survey markers of record depicted on the final plat. The survey markers along Tract A4, bordering various parcels/blocks are not critical for the current subdivision. There are several primary survey markers surrounding the Seward Marine Industrial Center from US Survey 4827 and Alaska Tidelands Survey No. 1222. Within the industrial area, there have been numerous subdivisions from the 1990s to currently setting several primary and secondary survey markers.

I have attached the final draft Fire Department Replat showing where the survey markers of record will be depicted on the final plat. Granting this exception to KPB Code will provide the City of Seward with two new lots that facilitates a new Fire Department Training Facility and economic opportunity for the second lot.

Staff Discussion: The creation of a tract for access purposes was created with Fourth of July Creek Subdivision Seward Marine Industrial Center, SW 97-27. The tract has been modified through the years to provide additional access, dedicate portions, or remove access that is no longer needed. This platting action will be removing a portion of the private access tract and adjusting the boundary between Block 2 and Block 5.

KPB code requires survey markers on all lot corners and along line segments at each bearing change. These survey markers are to be located during the platting process and if missing or disturbed, be re-established with new survey markers. The surveyor is proposing to show record survey marker information along portions of Tract A4.

The granting of the exception will not change the original approval date of the preliminary plat. The approval date will remain June 28, 2021 and is valid for two years with time extensions permitted as outlined in KPB 20.25.110.

If approved the majority of the survey markers on Tract A4 boundary will be per record information. Survey markers will still be found or set on the lines that are being changed as well as Lot 3A Block 4.

If denied, all monuments along Tract A4 will be required to be found or re-established and shown on the final plat.

Findings:

1. Tract A4 is a private tract.
2. Portions of Tract A4 have been developed with a service road which provides physical access for the lessees, City officials, and other authorized personnel.
3. The service access easement serves as legal access to many industrial parcels around the area.
4. The City of Seward is the owner of all lands within the subdivision, including Tract A4.
5. The Seward Planning and Zoning Commission reviewed and recommended approval of the preliminary plat on March 2, 2021.
6. The purpose of the plat is to reconfigure two lots in the northeast corner.
7. The Kenai Peninsula Borough Plat Committee approved the subdivision plat on June 28, 2021.
8. Exceptions were granted for street layout requirements, block length, and lot dimensions for Tract A4.
9. The survey markers for Tract A 4 were originally set 24 years ago in 1997.

Staff reviewed the exception request and recommends granting approval.

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 commission (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 commission (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;
Findings 1-8 appear to support this standard.
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;

Findings 1-8 appear to support this standard.

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.

Findings 1-8 appear to support this standard.

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 THE EXCPETION REQUESTED TO THE ALL READY APPROVED PRELIMINARY PLAT, 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