

AGENDA ITEM E. NEW BUSINESS

ITEM 7 - TOYON SUBDIVISION 2021 REPLAT

KPB File No.	2022-011
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Kenaitze Indian Tribe of Kenai, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Mission Avenue, City of Kenai

Parent Parcel No.:	047-086-09 and 047-086-10
Legal Description:	Toyon Subdivision, Plat K-1592, Lots 1 and 2
Assessing Use:	Commercial / Lodge-Cabins
Zoning:	Townsite Historic
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one lot that will be 3.51 acres in size. The plat will also finalize the vacation of two 20 foot access easements.

Location and Legal Access (existing and proposed): The proposed plat is located in the City of Kenai in the area considered 'Old Town Kenai'. The new lot will front along Mission Avenue, a city maintained right of way with varying widths.

Alaska Avenue is a city maintained right of way with varying widths and provides additional access along the western boundary. Alaska Avenue is a dead end street, ***Staff recommends a cul-de-sac be dedicated for Alaska Avenue, and the City of Kenai accept the right of way dedication.***

A 10 foot public access easement is located along the west of the subdivision. It provides a connection from Alaska Avenue to City of Kenai lands located to the south of the subdivision.

The plat will finalize the vacation of two 20 foot access easements that were granted by Toyon Subdivision, K 1592. The access easements provide additional access through Lot 1 to Lot 2. This plat will be combining the lots. The owners wish to eliminate the access easements that will no longer be needed. The access easement vacations are scheduled to be heard by the Planning Commission at the February 28, 2022 meeting.

The block is compliant in length. Dedications have been granted to try to create a closed block. Due to steep slopes and tidal wetlands, the ability to get a closed block is unlikely. ***Staff recommends the plat committee concur that an exception is not required nor any additional dedications in an attempt to improve the block.***

Mission Avenue and Alaska Avenue are right of ways with varying widths. The portion of Mission Avenue abutting this subdivision was dedicated as 30 foot wide. KPB Code requires a minimum right of way width of 60 feet wide. A 5 foot public street easement was granted by the parent plat along a portion of Mission Avenue and is depicted on the plat. ***Staff recommends the label for the 5 foot street easement include "granted by K 1592" within the label or add a plat note.***

The City of Kenai Planning and Zoning did not request any additional right of way width. The proposed subdivision falls within the City of Kenai's Historic Zoning. Allowing the substandard right of way width also complies with of the Historic Preservation guidelines outlined in the Kenai Peninsula Borough Comprehensive Plan. ***Staff recommends the plat committee concur that neither an exception, nor right of way dedication, are required in an effort to improve the right of way width unless requested by the City of Kenai.***

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment.

Site Investigation: The proposed lot is relatively flat with no low wet areas. Steep slopes are present along the southern portion of the subdivision. **Staff recommends the top and toe of any steep slopes be depicted and labeled.**

South of the subdivision are tidal wetlands associated with Cook Inlet and the mouth of the Kenai River. This subdivision is atop the bluff and is not impacted by any flood hazards or habitat protection districts.

Parent Lot 1 contains an apartment building and parking lot. Parent Lot 2 contains a lodge, multiple smaller structures, and a parking lot.

The City of Kenai Planning and Zoning found the uses and design of the lot to comply with their municipal code.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Russell, Pam Comments: No Comments</p>
State of Alaska Fish and Game	No objections. The proposed actions will not affect public access to public lands and waters.

Staff Analysis The parcels included within this subdivision were originally part of the Townsite of Kenai U.S. Survey 2970B. US Survey 2970 B dedicated Mission Avenue and Alaska Avenue. Alaska Avenue was dedicated as a through right of way that connected to Mission Avenue to the east of this proposed plat. In 1968, Toyon Subdivision, K-1592, was recorded. K-1592 combined multiple lots and vacated a portion of Alaska Avenue. K-1592 granted two 20 foot access easements to provide additional access to Lot 2 as well as additional 5 foot street easement along a portion of Mission Avenue.

The proposed plat will be combining the two parent lots. Access is currently constructed within both access easements however, a fence prohibits the use of the north easement.

Per the City of Kenai Planning and Zoning Commission Resolution No. 2022-03, city water and sewer are located along Mission Avenue. A soils report will not be required. An installation agreement or documentation from the City of Kenai that one is not required will need to be submitted.

Notice of the proposed plat was mailed to the beneficial interest holder on February 9, 2022. 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.

Utility Easements US Survey 2970B did not grant any utility easements. Toyon Subdivision, K 1592, did not grant any utility easements. A utility easement was granted by recorded document and is included in plat note 5 on the plat.

The plat is proposing to grant 10 foot utility easements along Mission Avenue and Alaska Avenue. The utility easements are depicted and labeled. **Staff recommends** the label include "granted by this plat" or include in a plat note.

The eastern boundary line with a width of 55.5 feet is adjacent to additional Mission Avenue right of way. **Staff recommends** the utility easement depiction continue along the eastern property line with the appropriate labels.

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	Requests a 10 foot utility easement adjoining the northwest boundary from Mission Avenue to Alaska Avenue.
ENSTAR	No objection.
ACS	No objections.
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek Affected Addresses: 1001 MISSION AVE 929 MISSION AVE Existing Street Names are Correct: Yes List of Correct Street Names: MISSION AVE ALASKA AVE OVERLAND AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: City of Kenai will advise on affected addresses.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Aldridge, Morgan 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.
Assessing	Reviewer: Wilcox, Adeena Comments: No Comment

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

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:

- *The block designation was dropped on the parent plat and not included on the Certificate to Plat. Remove the block designation from the description.*
- *Remove the Kenaitze Indian Tribe IRA from the owners list. The deed was only issued to the Kenaitze Indian Tribe and is the only required owner to be listed.*

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 recommendation: *The section labels are hard to read due to overstrikes. Make the labels easier to read. The scale also appears to be slightly off, please verify.*

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:

- *If Overland Avenue is going to be shown, include a width label.*
- *The plat for Lot 1-B Block 6 and Lot 1-A Block 6 should be changed to 75-16.*

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.*

20.30.100. Cul-de-sacs.

A. Streets designed to have one end permanently closed shall be no more than 1000 feet long. The closed end of the cul-de-sac shall have a suitable turnaround with a minimum radius of 50 feet to the property line. The turnaround shall be constructible to a 4 percent grade or less.

B. Hammerhead or T -type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for planning commission review.

- C. Temporary turnarounds and self-vacating turnarounds shall not be granted or reserved on plats.
Staff recommendation: *Provide a turnaround area for the end of Alaska Avenue. The layout could be a Y or T type turn around and will need to be approved by the City of Kenai.*

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: City water and wastewater services are provided to this subdivision. Any improvement will need to be approved by the City of Kenai.

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.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation:

- *Add to plat note 4, “The Kenai City Council consented to the vacations at the meeting of MEETING DATE.”*
- *Correct the spelling of “Kenai” within plat note 5.*
- *Plat note 6 should be removed.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation:

- *The Certificate of Acceptance for the vacation is not required. The City Council’s approval is the only requirement for the City to accept a vacation.*
- *Update the Certificate of Acceptance to include the Alaska Avenue right of way turn around dedication.*
- *Remove “Kenaitze Indian Tribe IRA” from the owner’s signature line.*
- *Comply with 20.60.190.*

KPB 20.70 – Vacation Requirements

Staff recommendation. *To finalize the vacation of the access easements, the plat will need to be recorded within one year of the consent received by the Kenai City Council.*

RECOMMENDATION:

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