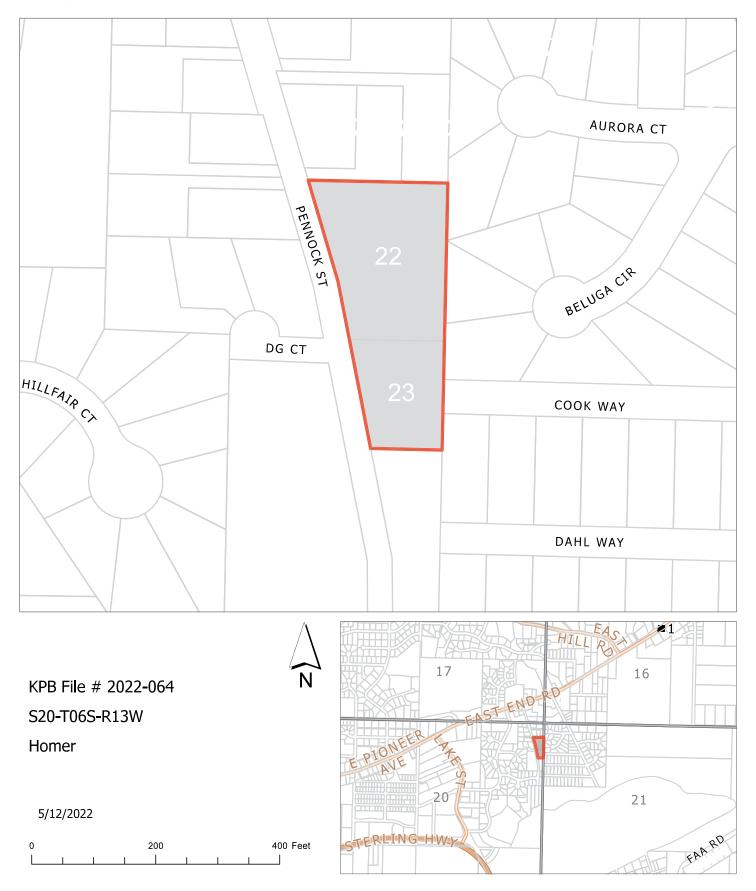
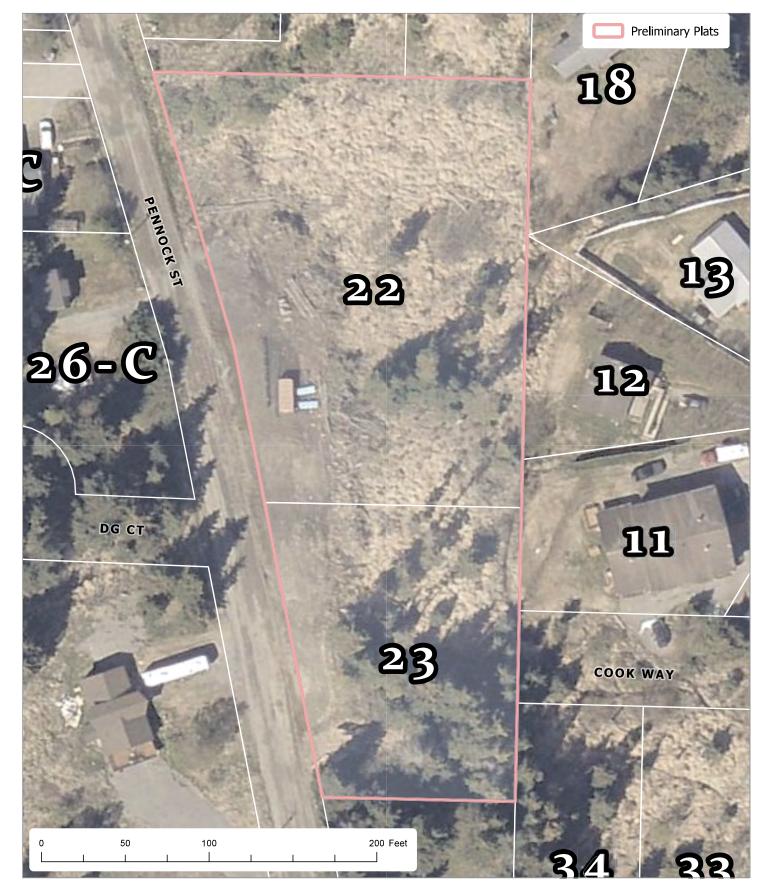
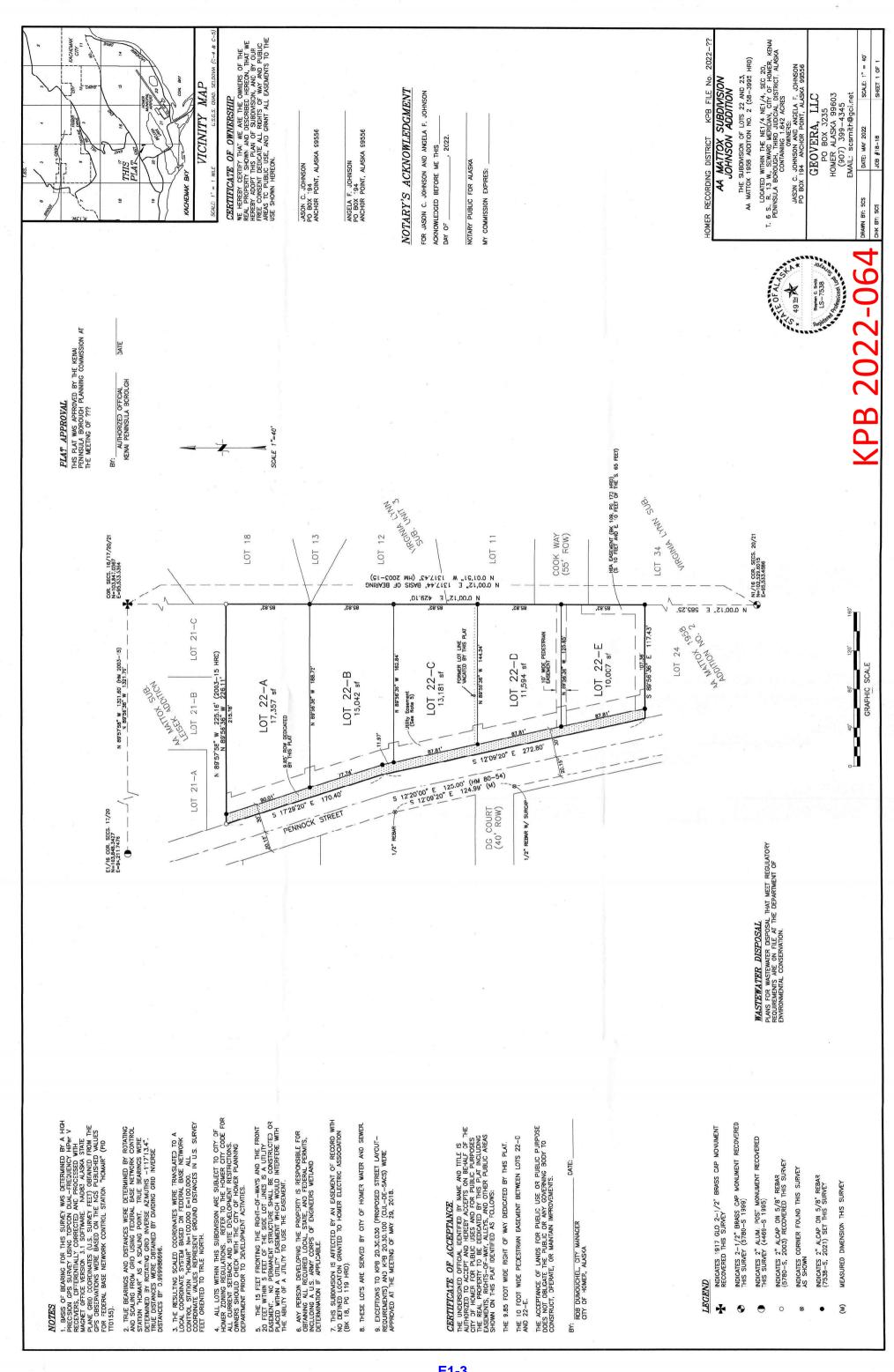
E. NEW BUSINESS

1. AA Mattox Johnson Addition; KPB File 2022-064 Geovera LLC / Johnson Location: Pennock Street City of Homer







AGENDA ITEM E. NEW BUSINESS

ITEM 1 - AA MATTOX SUBDIVISON JOHNSON ADDITION

KPB File No.	2022-064
Plat Committee Meeting:	June 13, 2022
Applicant / Owner:	Jason and Angela Johnson of Anchor Point, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	Pennock Street, City of Homer

Parent Parcel No.:	177-302-91 and 177-302-92
Legal Description:	Lots 22 and 23 of AA Mattox 1958 Addition No. 2, Plat HM 58-3995
Assessing Use:	Residential
Zoning:	Urban Residential District
Water / Wastewater	City

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat will subdivide two lots into five lots ranging in size from 10,007 square feet to 17,357 square feet. The plat will also dedicate 9.85 foot width of Pennock Street.

Location and Legal Access (existing and proposed): The proposed plat is located on Pennock Street within the City of Homer and north of Beluga Lake. Pennock Street is located off of state maintained East End Road and provides a connection to multiple cul-de-sacs and other access routes to provide looped access. Pennock Street is a varying width right-of-way managed by the City of Homer. The right-of-way was dedicated with varying widths that were around 40 feet wide. As replats occur along the right-of-way, the City of Homer has been requesting additional right-of-way in an attempt to bring the right-of-way closer to a compliant 60 foot width. This plat will be dedicating 9.85 feet to bring the eastern portion of the right-of-way to a 30 foot width.

Cook Way is a 50 foot wide right-of-way located to the east of the subdivision. The right-of-way ends at proposed Lot 22-D and Lot 22-E. An exception to not continue the dedication or provide a cul-de-sac has been requested.

Section line easements within and adjacent to this property were vacated by a Section Line Easement Vacation Plat, HM 85-109. The section line easement located adjacent to the proposed subdivision and south of Cook Way is still present per KPB information. **Staff recommends** the 33 foot section line easement adjacent to the subdivision be depicted and labeled.

As requested by the City of Homer, a 10 foot wide pedestrian easement centered on the common lot line for Lots 22-D and 2-E will be granted by this plat. **Staff recommends** the label for the easement include "granted by this plat."

The block is not compliant. Due to numerous rights-of-way that end in cul-de-sacs or are not dedicated through the block is longer than allowed by code. Virginia Lynn Way is not dedicate through although it appears to be constructed through property owned by the City of Homer. The past vacations of section line easements within this subdivision as well within the general area does not provide additional access to improve the block. A continuation of Cook Way would improve the block but would result in a reduced lot south of the dedication that appears to comply but will be significantly less than the size proposed if a 60 foot wide dedication is granted. An exception has been requested to not dedicate and extension of Cook Way. If the exception is granted, this plat will not be able to bring the block into compliance. **Staff recommends** if the exception is granted, the plat committee concur that the block length requirements will not be met with this plat.

KPB Roads Dept. comments	Out of Jurisdiction: Yes

	Roads Director: Uhlin, Dil
	Comments: No comments
SOA DOT comments	No comment

<u>Site Investigation:</u> Low wet areas appear to be present within the eastern portion of the subdivision per the KPB GIS data from the Kenai Watershed Forum. A plat note to regarding wetland determinations is present. **Staff recommends** the wetlands be shown on the final.

There does not appear to be any steep slopes present. There are no visible encroachments issues present. There does appear, per KPB GIS Imagery, that there may be something present on parent Lot 22. If what is seen is permanent improvements, they appear to be within proposed Lot 22-C. **Staff recommends** the surveyor verify that the proposed lot line location will not create an encroachment issue and disclose the planning department with the submittal of the final any issues found.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: Located in Zone D - Non-Regulatory B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis This is a replat of lots created by AA Mattox 1958 Addition No. 2, HM 3995.

On May 9, 2018, the Kenai Peninsula Borough Plat Committee heard AA Mattox Subdivision Johnson Addition, KPB File 2018-047, and granted conditional approval. Per a letter submitted by the surveyor, "The approval expired because the owners thought they were going to sell the property without going forward with the subdivision plat. That sale fell through and the owners constructed an extension of the water main and installed water and sewer services to all of the lots. They now want to go forward with the subdivision."

Per KPB Code at the time of the initial approval, the approval was valid for two years but a time extension could be requested. An extension was not received and the approval lapsed. In order to move forward a new petition is required with a new hearing.

The City of Homer Advisory Planning Commission reviewed the proposed plat at their April 18, 2018 meeting. The surveyor submitted this preliminary plat to the City of Homer for additional review. Staff responded that due to the limited changes from the first proposal, it would not require a hearing with the Planning and Zoning Commission. KPB staff reviewed the previous approval and the requirements they requested. The requests made by the Homer Advisory Planning Commission have all been addressed or carried over onto the new preliminary plat.

A soils report will not be required as the lots are connected to the City of Homer services.

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.

<u>Utility Easements</u> The original plat did not grant any utility easements. This plat is proposing to grant 15 foot wide utility easement adjacent to right-of-way that increase to 20 feet within 5 feet of the side lot lines. The depiction along Pennock Street is present with a reference to a plat note. **Staff recommends** the plat note include "granted this plat."

KPB Code 20.30.060(D), states the front ten feet adjoining rights-of-way shall be designated as a utility easement. This would include along the dedication of Cook Way. Plat note 5 indicates the intention of creating 15 foot utility easements. An exception to not dedicate any portion of Cook Way has been requested. If denied, utility easements will be required along the dedication. If approved, dedications are required along the blunt end of Cook Way dedication. **Staff recommends** the depiction of the utility easements be shown and reference plat note 5 be added along Cook Way.

Two easements have been issued by recorded document. One is present within the plat notes and has no definite location disclosed. The other has a specific location and is noted and depicted within proposed Lot 22-E.

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	
ENSTAR	
ACS	No objections
GCI	

KPB department / agency review:

KPB department / agency i	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	3962 PENNOCK ST
	3994 PENNOCK ST
	Existing Street Names are Correct: Yes
	Existing street Harriss and Seriest. 199
	List of Correct Street Names:
	PENNOCK ST
	DG COURT
	COOK WAY
	OCON WINT
	Existing Street Name Corrections Needed:
	Existing Street Harne Seriestions Hesass.
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	List of otroot Names Berned.
	Comments: City of Homer will advise on affected addresses.
Code Compliance	Reviewer: Ogren, Eric
	Comments: No comments
Planner	Reviewer: Raidmae, Ryan
	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
	The view met medulied

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.

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: Provide lot and subdivision labels along the west side of Pennock Street. Please note a final has been submitted for Lot 25 of AA Mattox Sub 1958 Addition. Prior to printing the mylar verify the status in case the labels and lot depictions will require updating.

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.

20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).
Staff recommendation: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

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: It was stated that the lots are connected to City of Homer services. A soils report will not be required and the correct plat notes are present.

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.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: An installation agreement, documentation one is not required, or documentation that all requirements have been satisfied will be required from the City of Homer.

Page **4** of **7**

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:

Update the date in note 9 if the exceptions are granted.

EXCEPTIONS REQUESTED:

A. KPB 20.30.030 – Proposed street layout – requirements extension of Cook Way to Pennock Street.

<u>Staff Discussion:</u> The block does not have a dedicated connection to Mattox Road from Pennock Street. The City of Homer does own Lot 2 Block 4 of Lakeside Village Sub Amended. This is the lot to the west of the Virginia Lynn Way dedication and a portion of that lot appears to be used for a connection between Virginia Lynn Way and Pennock Street. This would provide a connection to Mattox Road and provide for a closed block although the lengths exceed code allowable distances.

Findings:

- 1. The proposed plat is within the City of Homer.
- 2. Development within the subdivision must comply with the requirements of the zoning district.
- 3. The proposed plat is in the Urban Residential District.
- 4. The Homer Advisory Planning Commission approved the original preliminary plat on April 18, 2018.
- 5. The Homer Advisory Planning Commission did not request a right-of-way continuation of Cook Way.
- 6. The Homer Advisory Planning Commission requested a 10 foot wide pedestrian easement that connects Pennock Street to Cook Way.
- 7. The City of Homer determined the preliminary plat did not require a new hearing.
- 8. The plat is dedicating 9.85 feet of right-of-way for Pennock Street.
- 9. Pennock Street, East End Road, and Mattox Road define the block that does not close.
- 10. If Lot 2 Block 4 of Lakeside Village Sub Amended, which is currently being used for access, dedicates a portion of Virginia Lynn Way the block will be closed.
- 11. Numerous rights-of-way have been dedicated between Pennock Street and Mattox Road but none connect the two rights-of-way.
- 12. North-south and east-west section line easements have been vacated within the block.
- 13. The KPB Plat Committee granted the exception at the May 9, 2018 meeting for the original preliminary plat submitted.

Denial of the exception will require a 60 foot wide dedication of right-of-way to connect Cook Way to Pennock Street.

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.

Page **5** of **7**

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 and 10-13 appear to support this standard.
- 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 and 10-13 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 and 10-13 appear to support this standard.
- **B. KPB 20.30.100 Cul-de-sacs** dedicating a cul-de-sac turnaround at the end of Cook Way if the first exception is granted.

<u>Staff Discussion:</u> If exception to KPB 20.30.030 is granted a request to not provide a turnaround area at the end of Cook Way is requested. Per KPB Code 20.30.100, if a street is to be permanently closed a cul-de-sac should be provided. Additionally, hammerhead or t-type turnarounds may be dedicated to provide a turnaround area.

Findings:

- 1. The proposed plat is within the City of Homer.
- 2. Development within the subdivision must comply with the requirements of the zoning district.
- 3. The proposed plat is in the Urban Residential District.
- 4. The Homer Advisory Planning Commission approved the original preliminary plat on April 18, 2018.
- 5. The Homer Advisory Planning Commission did not request a turnaround area at the end of Cook Way.
- 6. Requiring a cul-de-sac will limit any future need to acquire a through dedication.
- 7. A compliant bulb will greatly diminish the size of the proposed lots.
- 8. The Homer Advisory Planning Commission requested a 10 foot wide pedestrian easement that connects Pennock Street to Cook Way.
- 9. The City of Homer determined the preliminary plat did not require a new hearing.
- 10. The plat is dedicating 9.85 feet of right-of-way for Pennock Street.
- 11. The KPB Plat Committee granted the exception at the May 9, 2018 meeting for the original preliminary plat submitted.

Denial of the exception will require a compliant turnaround area to be dedicated at the end of Cook Way. Staff would recommend this to be a t-type or hammerhead to allow possible extension of the right-of-way.

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:

Page **6** of **7**

- 1. That special circumstances or conditions affecting the property have been shown by application; Findings 1-11 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 1-11 appear to support this standard.
- 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 1-11 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:

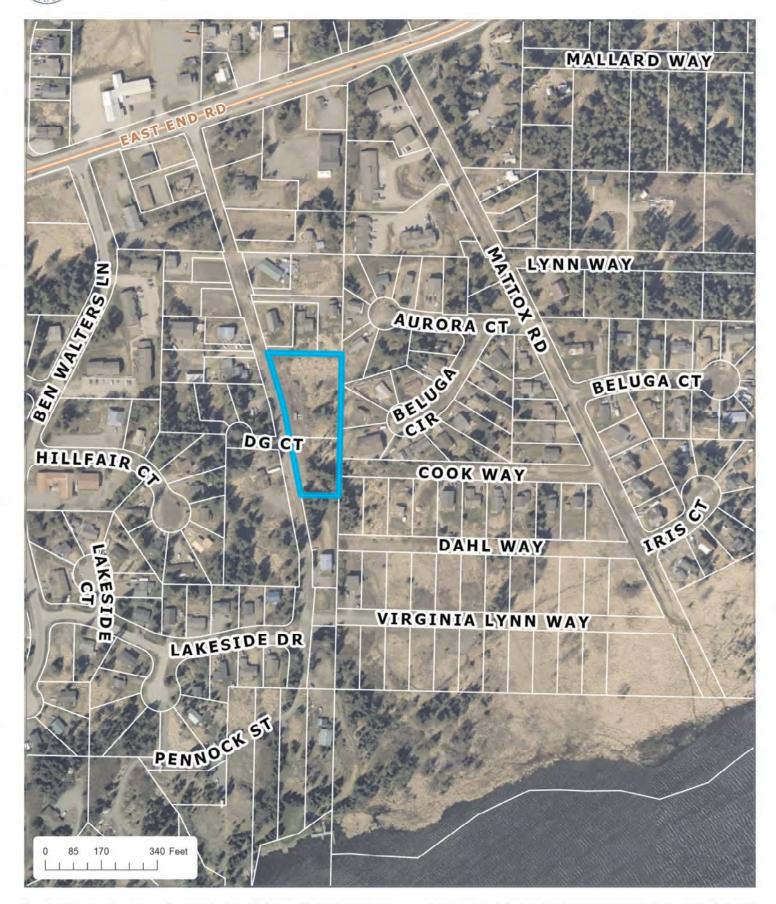
- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL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

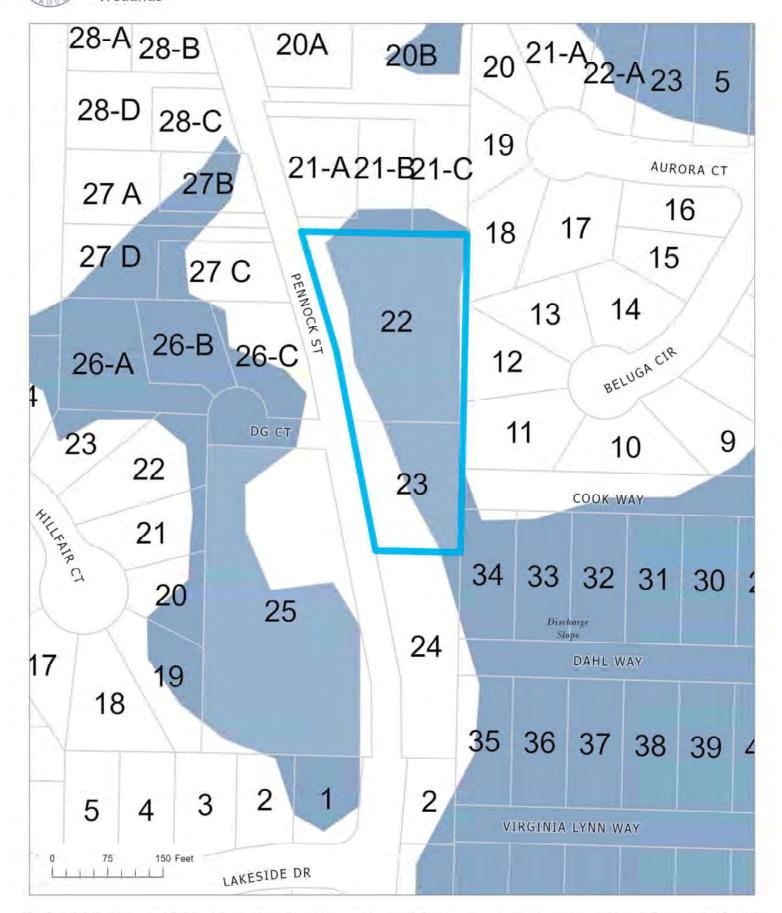
NOTE: 20,25,120. - REVIEW AND APPEAL.

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.

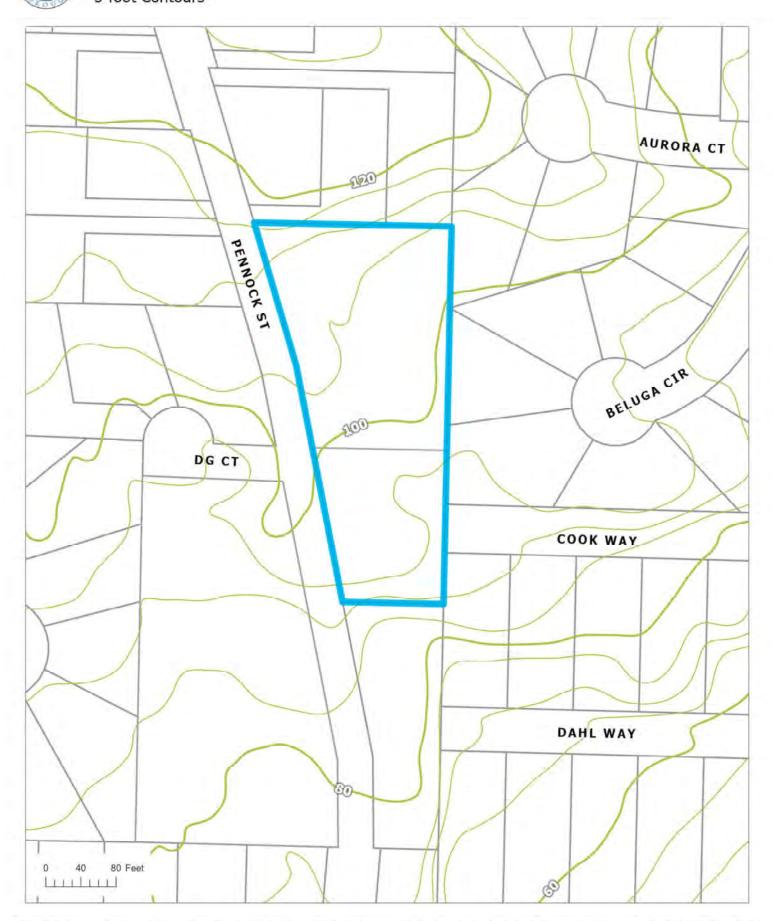
A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT





KPB File Number 2022-064 6/3/2022



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