E. NEW BUSINESS

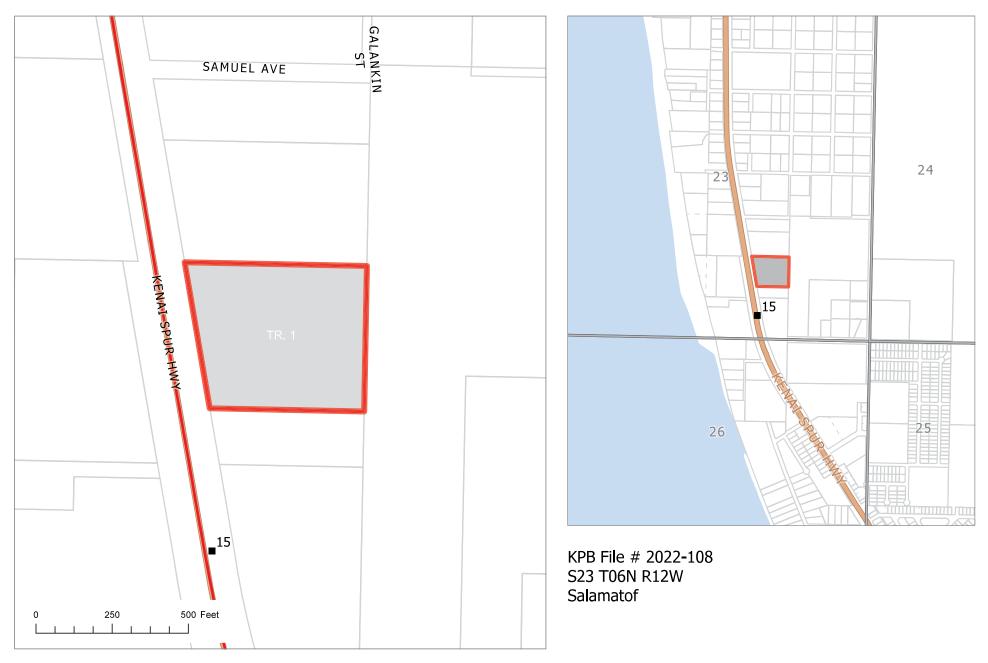
8. McCollum Tract 2022 Addition; KPB File 2022-108 Segesser Surveys / Northwest Development Inc. Location: Kenai Spur Highway Salamatof Area

Kenai Peninsula Borough Planning Department

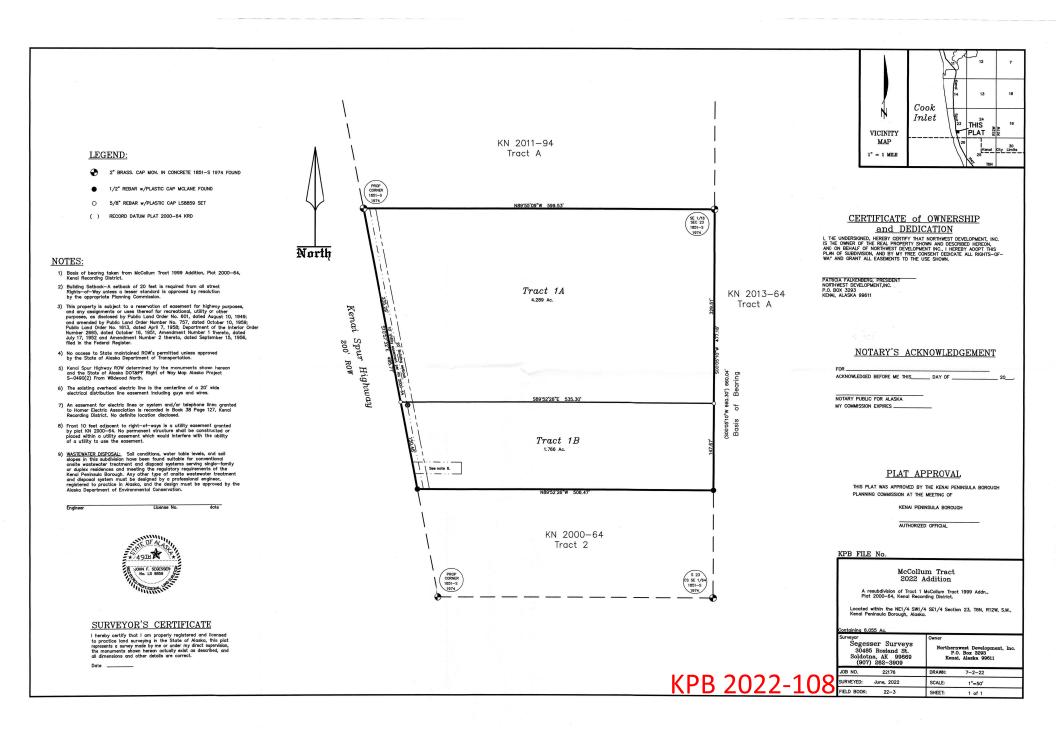
Vicinity Map

7/15/2022









AGENDA ITEM E. NEW BUSINESS

ITEM 8 - McCollum Tract 2022 Addition

KPB File No.	2022-108	
Plat Committee Meeting:	August 8, 2022	
Applicant / Owner:	Northwest Development Inc of Kenai, AK	
Surveyor:	John Segesser/ Segesser Surveys Inc	
General Location:	Salamatof	

Parent Parcel No.:	017-130-54	
Legal Description:	Tract 1 McCollum Tract 1999 Addition KN 2000-64	
Assessing Use:	General Commercial	
Zoning:	Commercial District	
Water / Wastewater	On site	

STAFF REPORT

<u>Specific Request / Scope of Subdivision:</u> The proposed plat is taking a previously platted commercial tract and dividing it into two new tracts. Property is located in the Salamatof area of Kenai.

<u>Location and Legal Access (existing and proposed)</u>: The proposed subdivision is located along the Kenai Spur Highway. Both lots will continue to have access to the Kenai Spur Highway. A developed driveway is currently in place. The Kenai Spur Highway is a state maintained right of way. Kenai Spur Highway is a 200-foot dedication. Plat needs to show the centerline of the Kenai Spur Highway. No new dedication is proposed.

Current access to the property is by an access point north of the building and open flow movement from the property to the south and out their single access point. This subdivision proposes to put the access point on Tract 1B, removing access for Tract 1A.

KPB Roads Dept. comments	Out of Jurisdiction: Yes
	Roads Director: Painter, Jed
	Comments: No comments
SOA DOT comments	The 200' ROW shown correctly

<u>Site Investigation:</u> There are no low wet areas present on the property. The terrain is relatively flat with no steep slopes.

There is one building on the property that will be contained on Tract 1B. The rest of the area of both tracts is being used for parking and outside storage.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Parcel located in Zone D which is 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

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	Comments: No Comments
State of Alaska Fish and Game	No objections

<u>Staff Analysis</u> The property in the proposed plat was originally surveyed as the McCollum Tract filled under plat number KN 74-113. The survey showed a North Kenai Road dedication of 200 feet width on the west side of the tract, but not entirely inside the tract. No setbacks or utility easements were indicated on this survey

The property was then divided by the subdivision McCollum Tract 1999 Addition KN 2006-64. Subdivision KN 2006-64 put in place a 20-foot building setback from right of ways and a 10-foot utility easement in the front 10 feet of the building setback. These easements are being transferred to the new subdivision.

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

<u>Utility Easements:</u> There is an existing overhead electric line easement as noted on the plat, brought from the previous subdivision McCollum Tract 1999 Addition. The size is 20 feet wide centered on the power line and poles. HEA has requested this be changed to a 30 foot easement on the new subdivision, centered on the overhead line and poles.

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	Revise the width to 30' for the existing easement in Note #6
ENSTAR	No Comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	Reviewer: Haws, Derek
G	Affected Addresses:
	42160 KENAI SPUR HWY
	Existing Street Names are Correct: Yes
	List of Correct Street Names: KENAI SPUR HWY
	Existing Street Name Corrections Needed: All New Street Names are Approved: No
	List of Approved Street Names: List of Street Names Denied:
	Comments:
	42160 KENAI SPUR HWY will remain with lot 1B.
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.
Assessing	Reviewer: Windsor, Heather

Comments: no Comments

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

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Revise the width to 30' for the existing easement in Note #6 per HEA comment.

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: Fix typo in owner's name

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: Centerline of Kenai Spur Highway should be shown if whole ROW won't fit.

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

Staff recommendation: Looks as if the parking lot may encroach out into the road dedication

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.

20.30.050. Legal access.

- A. The applicant shall provide an access plan to the planning department verifying the existence of legal access to the subdivision boundary. The plan shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB Chapter 20.30 is practical and economical. In this title, legal access exists where an unrestricted, public right-of-way connects the subdivision to the state highway system, the state marine highway system or a regularly served public airport, and one of the following is met:
 - 1. Ingress and egress will be provided over section line easements located within a surveyed section;
 - 2. The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;
 - 3. That access is a State of Alaska maintained road or municipal maintained road;
 - 4. The applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree; or
 - 5. The right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission.

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- B. The following situations may qualify for a waiver of the legal access requirement:
 - 1. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon presentation of credible and convincing evidence by the applicant that permanent public access by air, water, or railroad is both practical and feasible, the planning commission may waive the legal access requirements of KPB 20.30.050(A). If access other than by road is approved, the mode of access shall be noted on the plat.
 - 2. Where only a 30-foot dedication exists over all or a portion of the legal access to a subdivision, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the other 30 feet will be dedicated in the future.
 - 3. Where a road is in use for physical access but there is no right-of-way document for all or part of the access road, the provisions of KPB 20.30.050(A) may be considered met if it is reasonable to expect that the right-of-way will be dedicated in the future.

Staff recommendation: It appears there is one access being utilized for both tracts. A joint ingress – egress easement for access should be drawn up and filed and shown on the Final plat.

Surveyor / client needs to check with the State of Alaska if joint use of this access drive is a permitted use, and add a note to the Final plat.

20.30.120. Streets-Width requirements.

- A. The minimum right-of-way width of streets shall be 60 feet.
 - 1. Half streets shall generally not be allowed except to provide the logical extension of a right-ofway where the remaining half street can reasonably be expected to be dedicated in the future.
 - 2. When a design change required as a condition of preliminary approval results in a half right-of-way that was not shown on the original preliminary plat, adjoiners to the new half right-of-way will be sent a copy of the plat committee minutes and a sketch showing the new half right-of-way and per KPB 2.40.080 can request a review of the plat committee decision by the full Planning Commission.
- B. Additional right-of-way or easement width may be required to provide for the construction of side slopes or to otherwise accommodate right-of-way construction standards set forth in KPB Title 14.

Staff recommendation: Show centerline of road

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.
- B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240

Staff recommendation: Tract 1B is 3.63 longer than wide. A request for exception to KPB Code has been submitted.

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:

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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.

20.60.010. Preparation requirements generally. The final plat shall be prepared in accordance with this chapter and the preliminary plat as approved. Information required for the preliminary plat by KPB 20.25.070 shall be included on the final plat except that the information required by KPB 20.25.070 (K) - (N) shall not be included. The approximate dimensions required by KPB 20.25.070(J) shall be replaced with accurate dimensions as required by KPB 20.60.110 and KPB 20. 60.120. If the final plat contains only a portion of the preliminary plat, it must comply with KPB 20.25.110(B).

Staff recommendation: Add record datum information to the drawing as indicated in legend.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation: Add bearings and distances to the lines below the tracts in the subdivision below on the drawing.

20.60.200. Survey and monumentation.

Staff recommendation: There is an icon in the northwest corner of Tract 1B that is not in the legend, either remove from drawing or add to legend.

EXCEPTIONS REQUESTED:

A. KPB 20.30.190. Lots-Dimensions – Width to Depth

Surveyor's Discussion: No discussion

Staff Findings:

- 1. KPB Code 20.30.190 requires the depth to width ratio be no greater than 3:1.
- 2. Lot 1B will have a ratio of 3.6:1.
- 3. These lots are existing and will not change. A division road is not feasible to change the depth.

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:

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- 1. That special circumstances or conditions affecting the property have been shown by application; Findings 3 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 3 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 3 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.

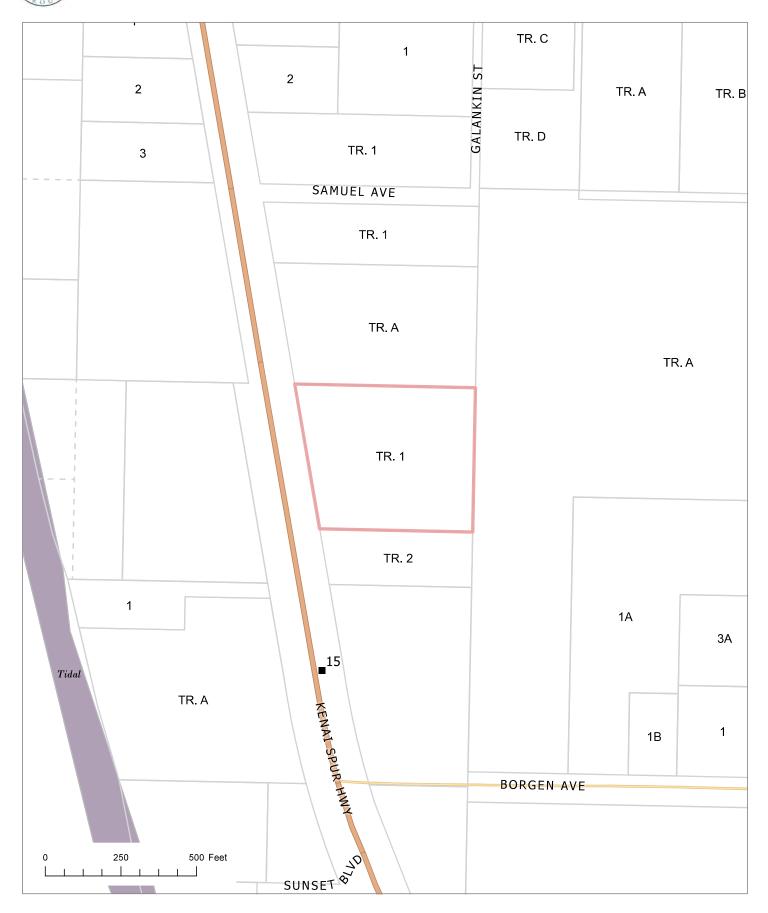
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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 2022-108 7/15/2022

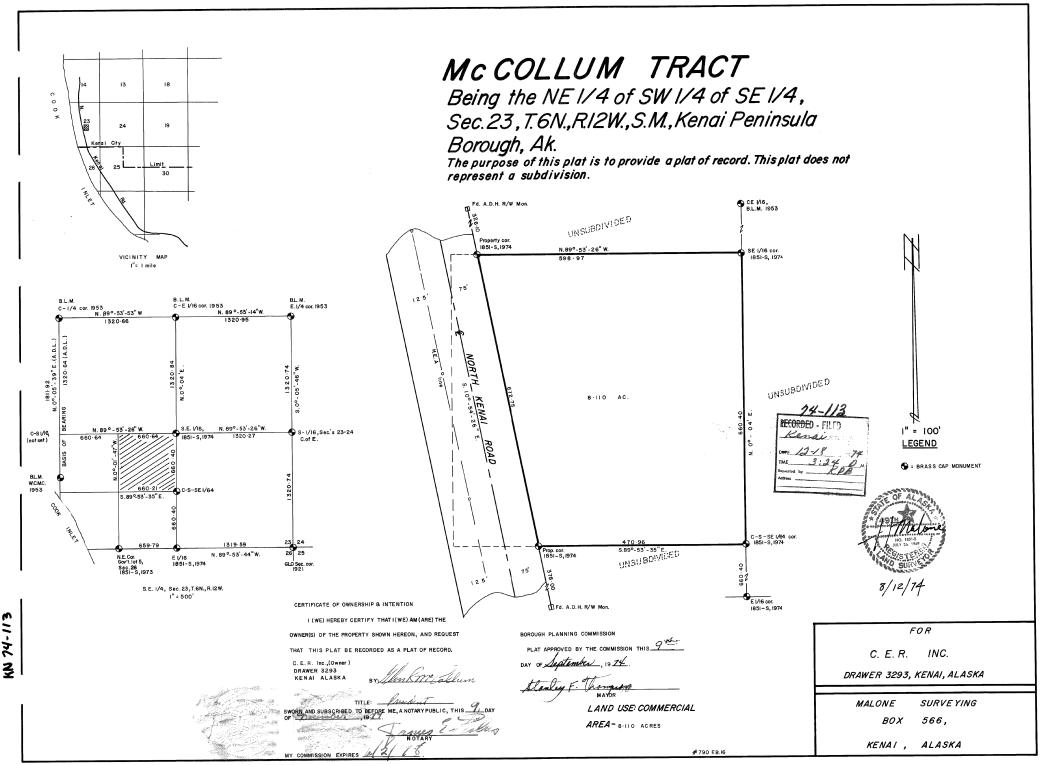


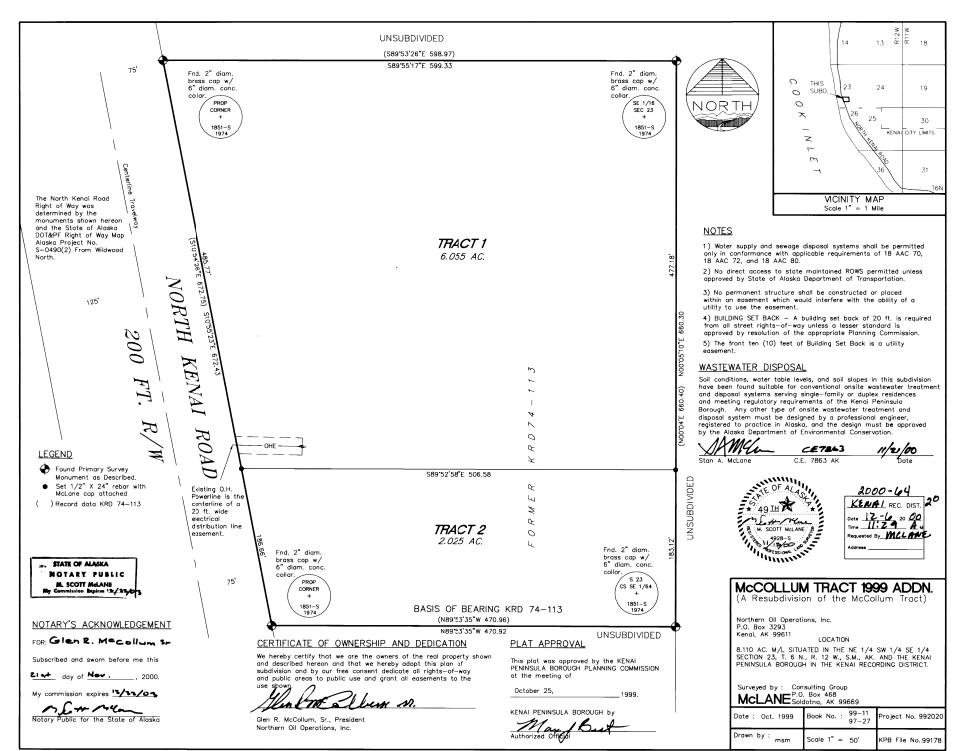


7/15/2022









UPS Store Soldotna

Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907)

PRELIMINARY PLAT SUBMITTAL FORM

	00L 10 CU
PRELIMINARY PLAT REVISED PRELIMINARY	PLAT (no fee required)
PHASED PRELIMINARY PLAT PRELIMINARY	PLAT FOR PRIVATE STREETS / GATED SUBDIVISION
 all requirements of chapter 20, excluding 20.30.210 	and 20,50 apply and must be met.
SUBDIVISION PLAT NAME: must be a unique name	ne, contact staff for assistance if needed.
MCCOLLUM TRACT 202	2 ADON.
PROPERTY INFORMATION:	
legal description	
TONET 1 KN 2000-	-64
Section, Township, Range Sec 23 T6	N RIZW
General area description	
City (if applicable)	Total Acreage 6,055
SURVEYOR	
Company: Segesser Surveys Inc	Contact Person: John Segesser
Mailing Address: 30485 Rosland St.	City, State, Zip Soldotna, AK 99669
Phone: 907-262-3909	e-mail: seggy@ptialaska.net
PROPOSED WASTEWATER AND WATER SUPPLY WASTEWATER on site City community SUBMITTAL REQUIREMENTS	WATER on site City community
A preliminary plat application will be scheduled	for the next available plat committee meeting
after a complete application has been received.	A Target Sept. Sep
□ 1 – full size paper copy	
□ 7 – reduced sized drawing (11 x 17)	
preliminary plat NON-REFUNDABLE submittal fe	
	d within city limits or Bridge Creek Watershed District
certificate to plat for <u>ALL</u> parcels included in the	
 documentation showing proof of signatory auth ALL requirements of KPB 20.25.070 (see page 2 	nority (partnerships, corporations, estates, trusts, etc.) for checklist) and KPB 20.25.080
EXCEPTIONS REQUESTED TO PLATTING CODE: A	
substantial evidence justifying the requested exce	[2] - 10 T. 10
exception request, and the facts relied upon, MUS	(I) THE STATE OF T
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. <u>0.177110 m</u>	

APPLICANT: SIGNATURES OF ALL LEGAL PROPERTY OWNERS ARE REQUIRED. Additional signature sheets can be attached. When signing on behalf of another individual, estate, corporation, LLC, partnership, etc., documentation is required to show authority of the individual(s) signing. Contact KPB staff for clarification if needed.

OWNER(s)

UWNEK(S)	To be continued
Name (printed): YATRICIA FALVENBERG.	Signature: Julianher
Phone (907) 394-2646	e-mail: pet rambow a yah
	,
Name (printed):	Signature:
Phone:	e-mail:
Name (printed):	Signature:
Phone:	e-mail:
Phone:	e-mail:
FOR OFFICE USE ONLY	