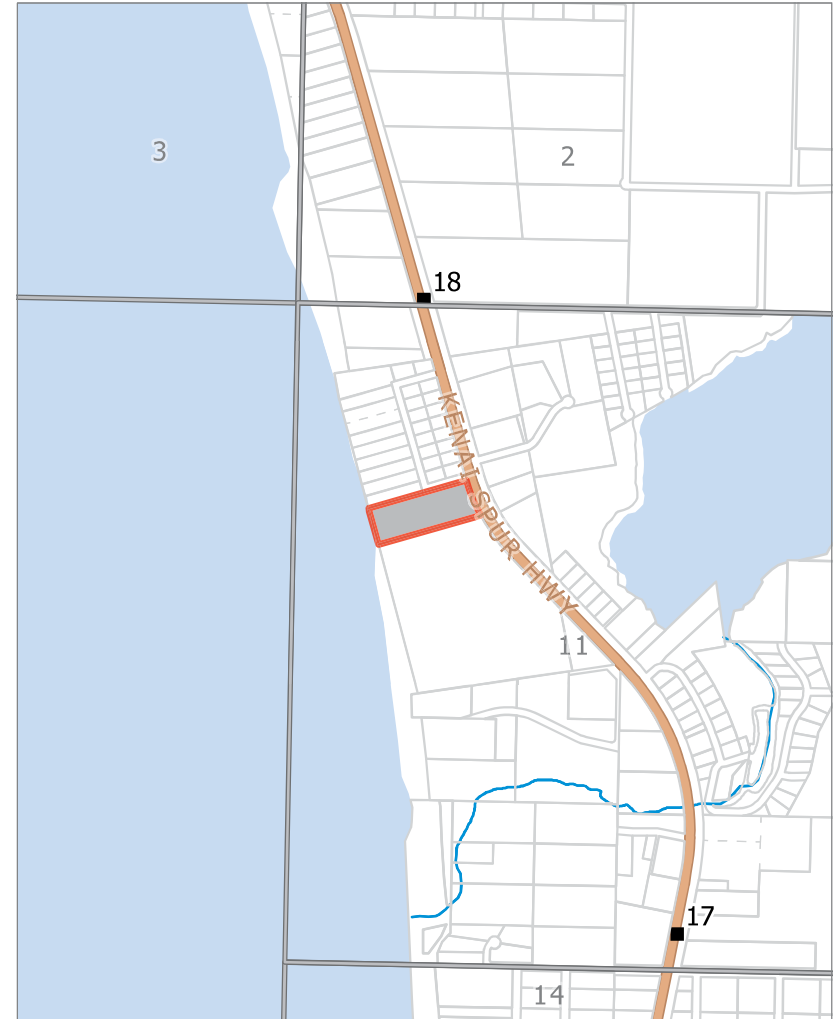


## **E. NEW BUSINESS**

- 8. The Place Subdivision; KPB File 2022-179  
Edge Survey & Design, LLC / The Place Motel Bar & Grill, LLC  
Location: Sparrow Land & Kenai Spur Highway  
Salamatof Area / Nikiski APC**



KPB File # 2022-179  
S11 T06N R11W  
Salamatof



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AGENDA ITEM E. NEW BUSINESS

**ITEM 8 – THE PLACE SUBDIVISION**

<b>KPB File No.</b>	2022-179
<b>Plat Committee Meeting:</b>	January 9, 2023
<b>Applicant / Owner:</b>	The Place Motel, Bar and Grill LLC of Kenai, Alaska
<b>Surveyor:</b>	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Mile 17.75 Kenai Spur Highway, Sparrow Lane, Salamatof Area, Nikiski APC

<b>Parent Parcel No.:</b>	017-260-11
<b>Legal Description:</b>	A portion of US Survey 1098 west of the Kenai Spur Highway as defined in Book 112 Page 499, KRD
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On Site

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 4.9 acre parcel into two lots that will be 2.442 and 2.469 acres.

**Location and Legal Access (existing and proposed):** The subdivision is located near mile 17.75 of state maintained Kenai Spur Highway and along Sparrow Lane. Sparrow Lane is a 60 foot wide dedicated right-of-way that is not currently constructed. It runs a distance of 360 feet along the northern boundary of the subdivision. A constructed access is within the Sparrow Lane from the Kenai Spur Highway that will provide access to proposed Lot 1. An additional access is from the Kenai Spur Highway that will provide access to Lot 2. Cook Inlet is located along the western boundary. ***Staff recommends the source for the Kenai Spur Highway should be cited within the depiction or within a plat note, add a “width varies” label or a defined width within the highway depiction.***

The block does not comply. Due to a large acreage lot to the south and Cook Inlet the block is incomplete and unable to have right-of-way dedications to close the block. Using Cook Inlet to define the block, the block still exceeds limits along the Kenai Spur Highway and due to lack of right-of-way continuations does not close. Requiring a dedication to try to improve the block will result in a dedication to Cook Inlet and the distance between the dedication and Sparrow Lane cannot be placed in any location to comply with minimum block length requirements. ***Staff recommends the plat committee concur that an exception is not required as a dedication will not improve the block.***

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	

**Site Investigation:** The only low wet areas is the area below the bluff and adjacent to Cook Inlet. Steep terrain is shown by depicting the top and toe of the bluff along the inlet.

The property is within a flood hazard area and the appropriate note should be added.

The property contains a building that is known as The Place, a motel, bar, and grill. Per KPB GIS Imagery, the building appears to be very close to the property line. The soils report has already been submitted and it depicts the building within the property boundary but indicates a well may be outside of the lot line. ***Staff recommends the***

surveyor verify the location of the structure and well during the field survey to verify if either is encroaching into the Sparrow Lane right-of-way.

This plat will be creating a buildings setback as well as granting utility easements along the rights-of-way. These are depicted along the Kenai Spur Highway but not along Sparrow Lane. **Staff recommends** if the structures are within the property but within the setback or utility easements being granted, the structure will need to be shown on the final and plat notes will be required that state the structure pre-dates the setback and/or utility easement.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: VE Map Panel: 02122C-0040E In Floodway: False Floodway Panel:
	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 property was originally part of a homestead entry survey. The survey was for 160 acres. The property has had multiple subdivisions done as well as selling off property through deeds. The parcel within this subdivision is one of the lots that was created by a deed.

A soils report will be required and an engineer will sign the final plat. The report has been submitted and states the soils are suitable for conventional onsite wastewater treatment systems. Staff will review the report to verify it complies with code requirements.

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.

Nikiski Advisory Planning Commission minutes were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**Utility Easements** There are no previously platted easements to carry forward. The certificate to plat included an easement granted by document that is within the plat notes.

The plat intends to grant 15 foot utility easements along the rights-of-way. The easement along the Kenai Spur Highway, as well as the setback, are depicted and labeled. This plat should also be creating a setback and utility easement along Sparrow Lane. As discussed the building may be within those areas and once the field survey is done a depiction of the structure and additional plat notes may be required. Staff would like to note that the setback and utility easement should be granted but the building will be exempt. No improvements or additions may encroach into those areas and if the building were to be removed and replaced the new improvements would be subject to the full setback and utility easement. **Staff recommends** depict the easements along Sparrow Lane and include in the labels or within the plat note that the easements are being created by this plat.

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	Locate the existing overhead three phase electric line. If it is located within the subdivision boundary, then provide a label or note stating, "The existing overhead powerline is the centerline of a 40 ft. wide electrical distribution line, including guys and anchors, granted this plat." If either of the two poles are located within Lot 2, then provide additional 15 foot wide easements for the service lines that are located within Lot 2 and servicing Lot 1.
ENSTAR	No comments or recommendations
ACS	
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek  Affected Addresses:  53791 SPARROW LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  SPARROW LN  TIDE PL  KENAI SPUR HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: 53791 SPARROW LN will remain with lot 1.</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**



**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:** Update the location to NW1/4 and add "LLC" to the 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:** The subdivision depiction needs added. Update the name of the lake to Lower Salamatof.

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:** Add a label for Cook Inlet.

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**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.

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**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:* Soils report is required and an engineer will be required to sign the plat.

**Staff recommendation:** comply with 20.40.

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**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:** Place the following notes on the plat.

- FLOOD HAZARD NOTICE:

*Some or all of the property shown on this plat has been designated by FEMA as a flood hazard area district as of the date this plat is recorded with the district recorder's office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code. Map Panel 02122C-0040E*

- *If the exception is granted add "There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography."*

*Update the following notes.*

- *Note 5 needs the date updated and add "KRD" or "Kenai Recording District" with the document information.*
- *Note 12 will need the year updated.*

20.60.190. Certificates, statements, and signatures required.

**Staff recommendation:** *Unless documentation is provided, all members of the LLC will be required to sign the final plat. Update the certificate of acceptance to plural pronouns, add additional member information and signature lines. Add additional notary acknowledgments. Comply with 20.60.190.*

### **EXCEPTIONS REQUESTED:**

#### **KPB 20.30.190 – Lots-Dimensions**

**Staff Discussion:** KPB Code 20.30.190 requires lots have the average depth be no greater than three times the average width, or 3:1 depth to width ratio.

#### **Surveyor's Findings:**

1. Parent deed parcel dimensions limits subdivision options.
2. Useable upland area near 3:1 depth to width ratio.
3. With the annual erosion rate of the bluff the upland portion will meet depth to width ratio in time.
4. Proposed parcels have adequate space for well, septic, and future development.

#### **Staff's Findings:**

5. KPB Code requires a 3:1 depth to width ratio.
6. Cook Inlet is along the western boundary.
7. Steep slopes are found within the western portion.
8. Terrain limits the subdivision designs available.
9. Lot 1 has a ratio of 4.7:1.
10. Lot 2 has a ratio of 4.8:1.
11. Using upland area only, Lot 1 has a ratio of 3.03:1.
12. Using upland area only, Lot 2 has a ratio of 3.7:1.
13. Soils report states there is more than 20,000 square feet available for wastewater and replacement systems.
14. Lots will be approximately 2.4 acres.
15. Lots will have approximately 1.9 acres of upland area.

Denial of the exception will require a redesign that brings the blocks into compliance.

Staff reviewed the exception request and recommends granting approval subject to a plat note "There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography."

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 1-4, 6-8, and 13-15 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 1-4, 6-8, and 13-15 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 1-4, 6-8, and 13-15 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.

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**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**





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