

E. NEW BUSINESS

3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057

Joshua Varney / Leirer Family Limited Partnership, Leirer, Laurie

**Location: Phoenix Rd., Bayview Place, Aialik St., Dairy Hill Lane,
Third Ave. & Seward Hwy.**

City of Seward



Kenai Peninsula Borough Planning Department

Vicinity Map

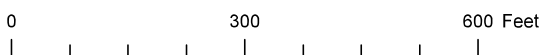


KPB File 2023-057

T 01S R 01W SEC 03 & 04

Seward

5/22/2023





Aerial View



AGENDA ITEM E. NEW BUSINESS

ITEM #3 - DAIRY HILL SUBDIVISION ADDITION NO 1

KPB File No.	2023-057
Plat Committee Meeting:	June 12, 2023
Applicant / Owner:	Leirer Family Limited Partnership of Seward, Alaska
Surveyor:	Joshua Varney / Lounsbury & Associates Inc
General Location:	Phoenix Road, Bayview Place, Aialik Street, Dairy Hill Lane, Third Avenue, and Seward Highway, City of Seward

Parent Parcel No.:	145-104-14
Legal Description:	Tract 5, Dairy Hill Subdivision, Plat SW 2000-21
Assessing Use:	Residential
Zoning:	Resource Management (RM) and Single-family Residential (R1)
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 15.3 acre parcel into three tracts ranging in size from 30,749 square feet (.71 acres) to up to 51,919.64 square feet (11.919 acres).

Location and Legal Access (existing and proposed): Currently the plat fronts on several dedications adjacent to the property. Dairy Hill Lane to the south has a varied width right-of way. To the east is Seward Highway with a varied width right-of-way also. Coming up from the south to intersect Dairy Hill Lane and Seward Highway is Third Avenue with a varied width right-of-way widening out of 60-foot right-of-way. Alice Drive is also to the east, just north of Seward Highway having a width directly adjacent to this plat of 65 feet. Phoenix Road along the northeast side of the plat has a 60-foot width right-of-way. Bayview Place along the northwest side of the plat has a 60-foot-wide right-of-way. Aialik Street located on the northwest corner of the plat also has a 60-foot-wide right-of-way.

This plat is proposing to dedicate a cul-de-sac running south of the in the northwest corner of the subdivision at the intersection of Aialik Street and Bayview Place. The dedication will be and extension of Bayview Place at a length of 304 feet to the center of the cul-de-sac bulb.

The plat is also proposing a dedication of the intersection of Bayview Place and Phoenix Road to take the pointed portion off where driving is occurring. **Staff recommends:** *applying curves to the ends at each street to smooth the turning.*

The block is defined by Bayview Place, Phoenix Road, Seward Highway, Dairy Hill Lane and a possible section line easement, making it compliant.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	No comment - Engineering

Site Investigation: According to KPB data and the Kenai Watershed Forum, there appears to be areas with a classification of Kettle located in the southeast corner of proposed Tract 5A. Scheffler Creek is running through the proposed subdivision in a north to south direction. The eastern part of the subdivision is relatively flat with a slope to the south.

The western side of the plat has some steep slopes shown by the topography on the plat. **Staff recommends:** *showing top and toe of steep slopes over 20% on the final.*

KPB satellite imagery indicates this property may contain wet areas. **Staff recommendation:** *place a note on the final plat indicating any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.*

KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie Floodplain Status: Within City of Seward Comments: No comments
	B. Habitat Protection
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks
	Reviewer: VACANT Comments:
State of Alaska Fish and Game	No objections

Staff Analysis

In 2000 the subdivision Dairy Hill Subdivision, Plat SW 2000-21 created the configuration that we currently have. Dairy Hill Subdivision Plat SW 2000-21 contains lands that were originally part of US Survey 241, part of Bay View Addition to Seward Townsite, Plat SW 10 and cliff Addition to Seward Townsite, Plat SW 3.

Per the City Resolution 2023-11 Tracts 5B and 5C will be connecting to city water and sewer. Tract 5A will remain undeveloped at this time. A soils report will not be required. An installation agreement or notice that one is not required will need to be submitted from the City of Seward.

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.

The City of Seward heard the preliminary plat at their May 9, 2023 Planning and Zoning Commission meeting. Resolution 2023-011 was adopted and recommended approval. The Resolution does state that the applicant must enter into a subdivision agreement with the city.

Utility Easements The utility easement from the previous plat are shown correctly on the plat, they should be labeled with the source data for these easements.

Easements listed in the plat notes should be referenced on the plat at the location of their use if possible.

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	This plat is not located inside HEA service area. No additional comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	
CHUGACH ELECTRIC	No comments. The plat for review is not located within our service area.
TELALASKA	

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 1601 PHOENIX RD, 213 DAIRY HILL LN, 212 DAIRY HILL LN</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CHISWELL ST, AIALIK ST, BAYVIEW PL, PHOENIX RD, ALICE DR, SEWARD HWY, DAIRY HILL LN, CHAMBERLIN RD, VISTA AVE, FIRST AVE.</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: ADDRESSES WILL NEED REVIEWED BY THE CITY OF SEWARD ADDRESSING AUTHORITY</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. Review Not Required</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

- Add KPB file number 2023-057 to drawing.
- Lot labels, blocks, subdivision designations need updated throughout.
- Carry over plat notes from parent plat that apply.
- L4 is missing from the table.
- Lot labels and subdivision labels should carryover to page 2.

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:** *include NE ¼ of Section 4 to the legal description.*
- C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;
- Staff recommendation:** *Source information for Seward Highway, other streets need ROW width added.*
- 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 Chugach Forest should be labeled.*
- 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:** *several lots are missing correct plat numbers and block designations. These will need to be added.*

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.*

20.30.060. Easements-Requirements.

- D. Unless a utility company requests additional easements, the front ten feet adjoining rights-of-way shall be designated as a utility easement, graphically or by note. Within the boundaries of an incorporated city, the width and location of utility easements will be determined by the city and affected utility providers.
- Staff recommendation:** *depict the source of easements being carried over from parent plats.*
*The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Grant utility easements requested by the utility providers.***

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. **Staff recommendation:** *depict the minimum 50 foot radius for cul-de-sac portion of the proposed Bayview Place dedication.*

20.30.250. Building setbacks-Within cities. The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. Building setbacks as depicted, or noted, on recorded plats shall not be carried forward on a new subdivision plat located within a municipal zoning district. Provide a plat note stating, "Per KPB 20.30.250 the building setback of record has been removed. All development must comply with the municipal zoning requirements."

Staff recommendation: provide a note stating "This plat is subject to City of Seward planning and zoning regulations."

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: If connecting to city water and sewer no soils report required and the correct wastewater note should be used.

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.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: An acceptance will be needed for the new right-of-way dedications and drainage easements.

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: City of Seward will need to send notification to the Borough when installation agreement has been satisfied before plat can be finalized.

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.

- "No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation."
- No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *The wording of the certificate of ownership should be revised to be on behalf of the LLC. The name and title of the person signing the mylar will need to be added to the signature line. Signature lines for all authorized signors need to be shown. A certificate of acceptance needs to be provided for the new right-of-way dedications and comply with 20.60.190.*

KPB 20.60.190 corrected the Notary's Acknowledgement so it is an acknowledgement instead of a combination of an acknowledgement and a jurat.

Staff recommendation: *The Notary's Acknowledgement on the final plat must comply with 20.60.190.*

The signer should match the name being notarized.

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.

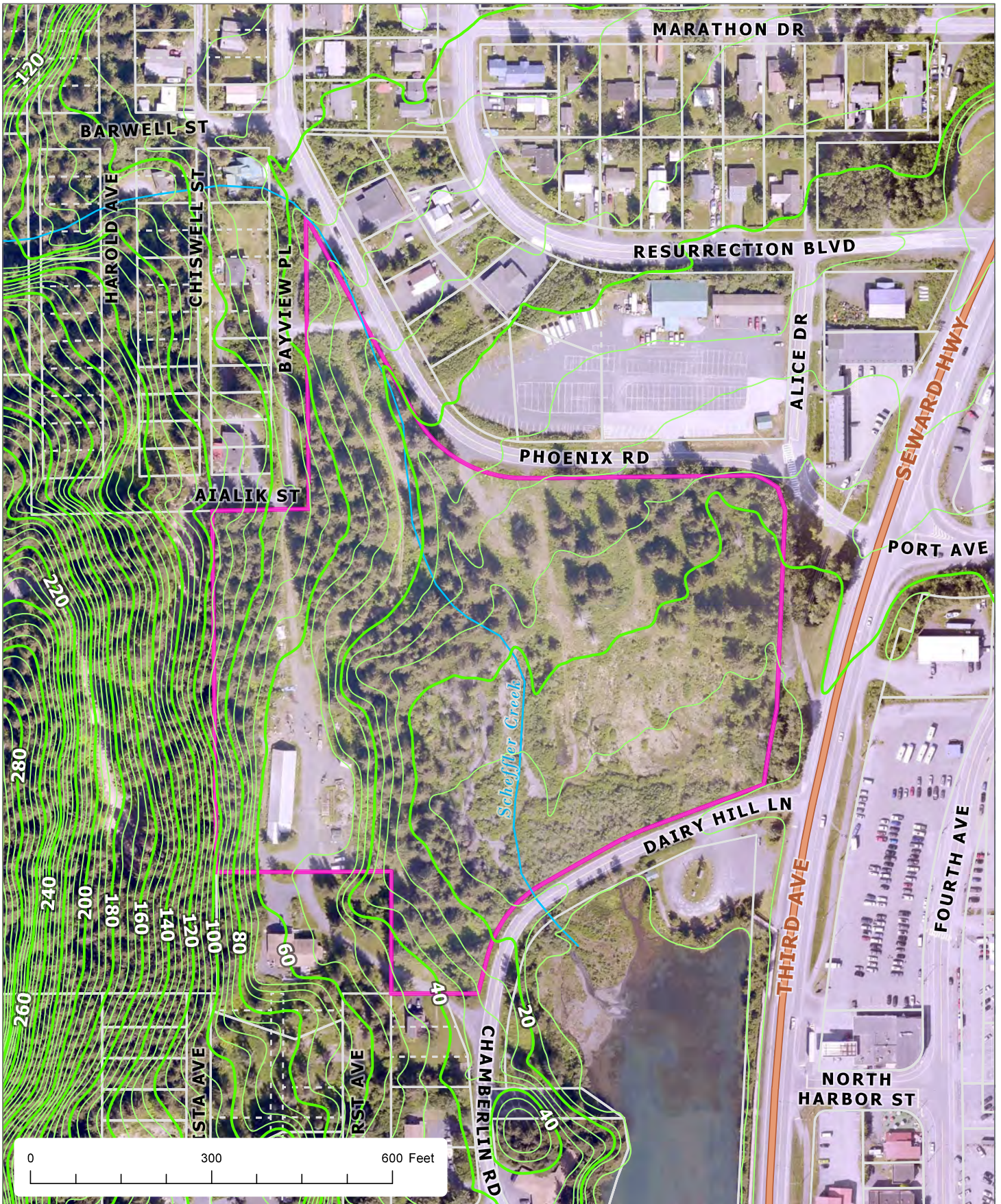
NOTE: 20.25.120. - REVIEW AND APPEAL.

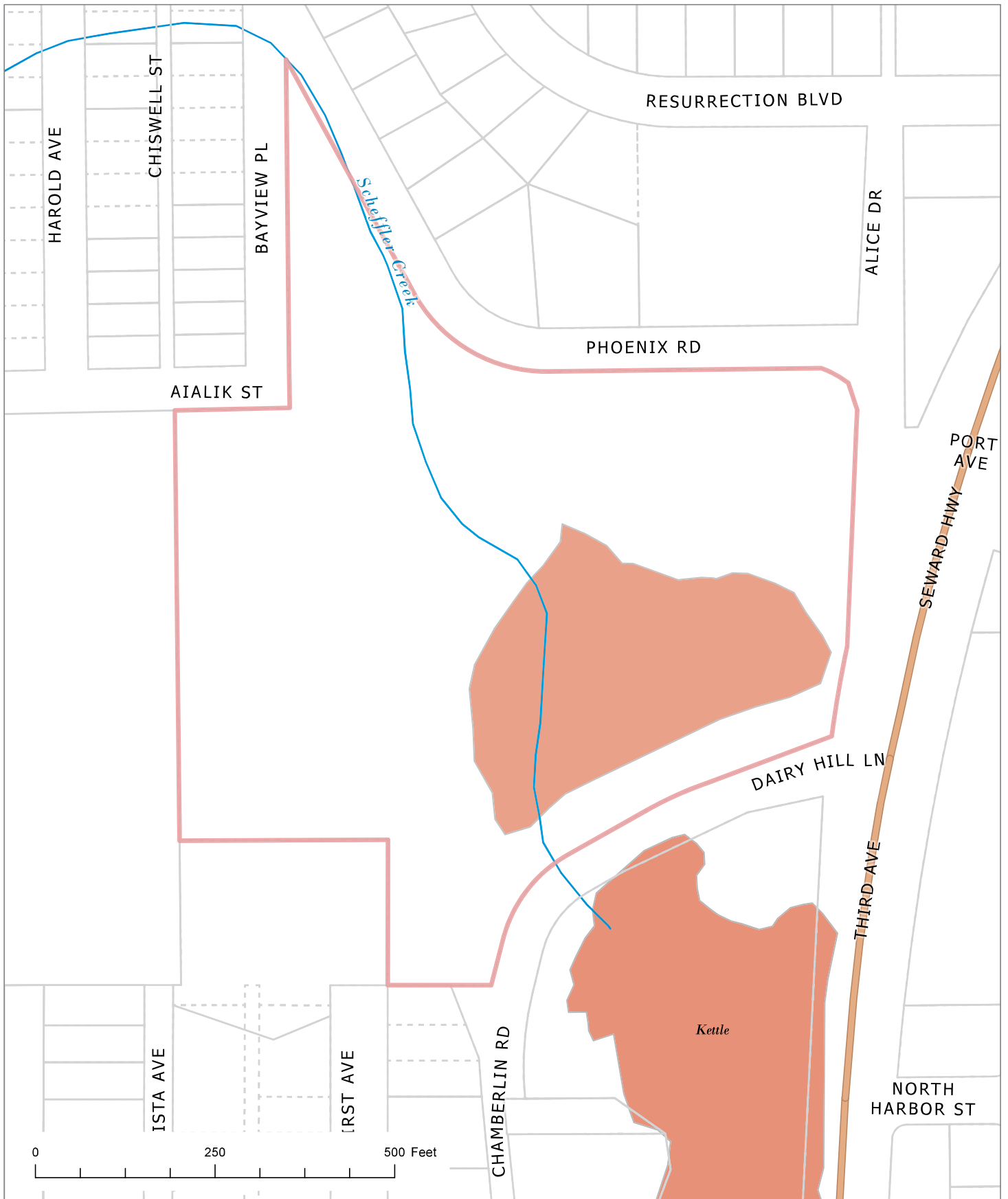
A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

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







Survey No. 1117

PLAT OF

CLIFF ADDITION SEWARD TOWNSITE

T.1S. R.1W, Seward Meridian
ALASKA

Scale: 1 inch = 100 feet
Survey commenced July 28, Completed Sept. 27, 1915
Area Subdivided: 25.15 Acres

LEGEND:

Black corners are 3/4 inch iron pins, 1/4 inch diameter, 1/4 inch long, sunk 1 foot beneath surface of the ground are located at intersection of center lines of streets and indicated thus:

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

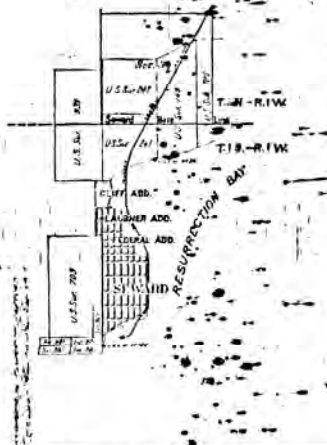
Washington, D.C., May 22, 1918
I hereby certify that this plat of CLIFF ADDITION to SEWARD TOWNSITE in the T.1S. R.1W. Seward Meridian, Alaska, as surveyed under instructions dated May 15, 1915 by J. Frank Warner and F.H. Whelan, U.S. Surveyors, in accordance with the provisions of the act of March 15, 1914 (38 Stat. 205) is strictly conformable to the field notes of the survey thereof on file in this office which have been examined and approved.

Approved: May 22, 1918.

William C. Edes
Chief of Alaska Engineering Commission

Territory of Alaska
Third Division
Ketchikan District
This Plat was filed at the request of J. Christensen, Manager of Land and Industrial Department, Alaska Engineering Commission at 2 o'clock P.M. April 22, 1918 as of Dec. 3, 1916.
Wm. H. Whelan
U.S. Commissioner and Co-Official Recorder

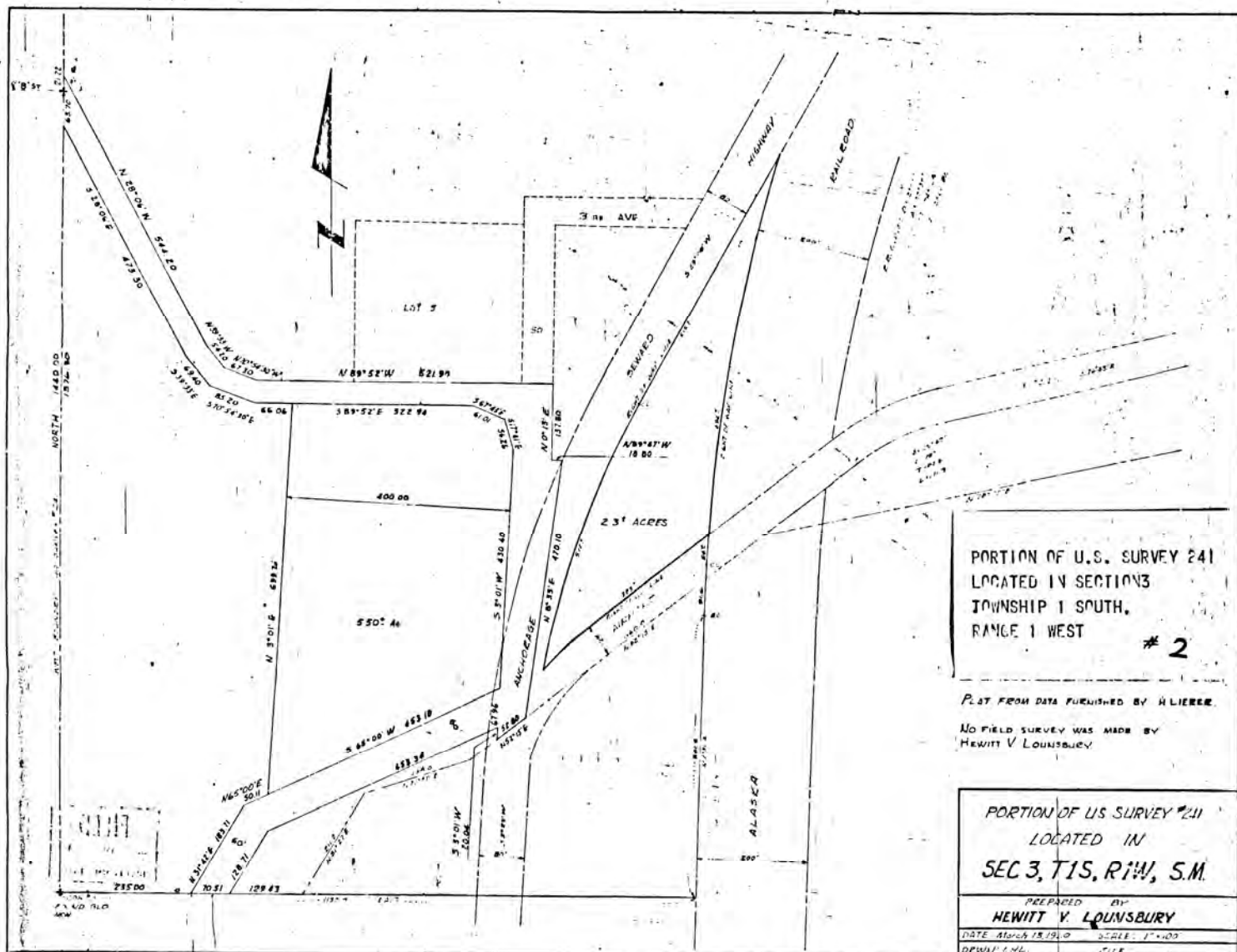
CLIFF ADDITION
TO SEWARD TOWNSITE
TOWNSHIP 1 SOUTH
RANGE 1 WEST PLAT NO. 3
#32

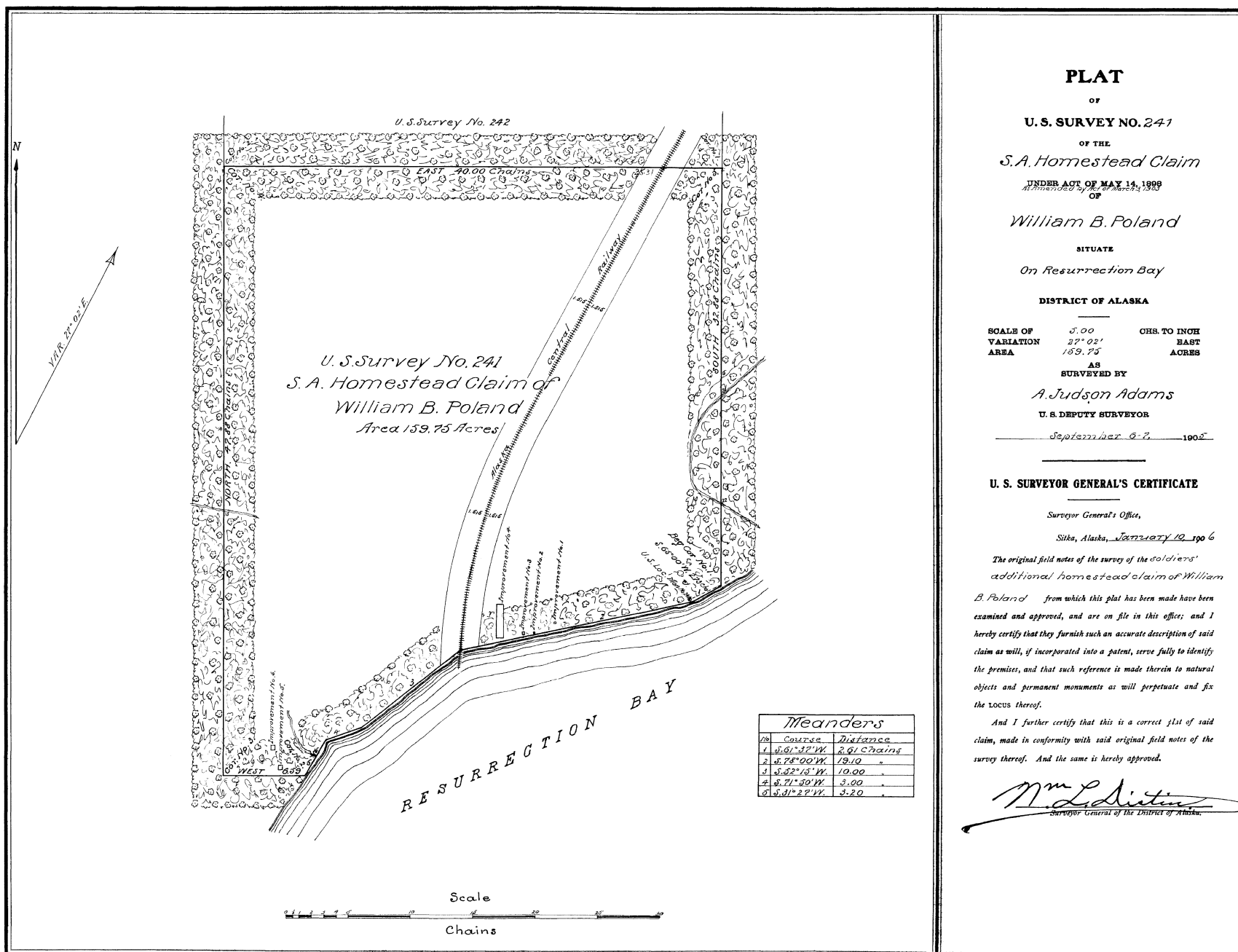


8000 MS

SW 241A

(SWU00241A COMPUTER NUMBER ASSIGNED - NOT RECORDED)





Survey No. 1117
PLAT OF
CLIFF ADDITION
TO
SEWARD TOWNSITE
T.1S. R.1W., Seward Meridian
ALASKA

Scale: 1 inch = 100 feet
Survey commenced July 28, Completed Sept. 27, 1915.
Area Subdivided 25.15 Acres.

LEGEND

Block corners are Fir posts 3X3X30 inches; lot corners 1/2X1/2X30 inches. Iron post reference monuments 1 inch diameter 1/4 inches long, sunk 1 foot beneath surface of the ground are located at intersection of center lines of streets and indicated thus.....

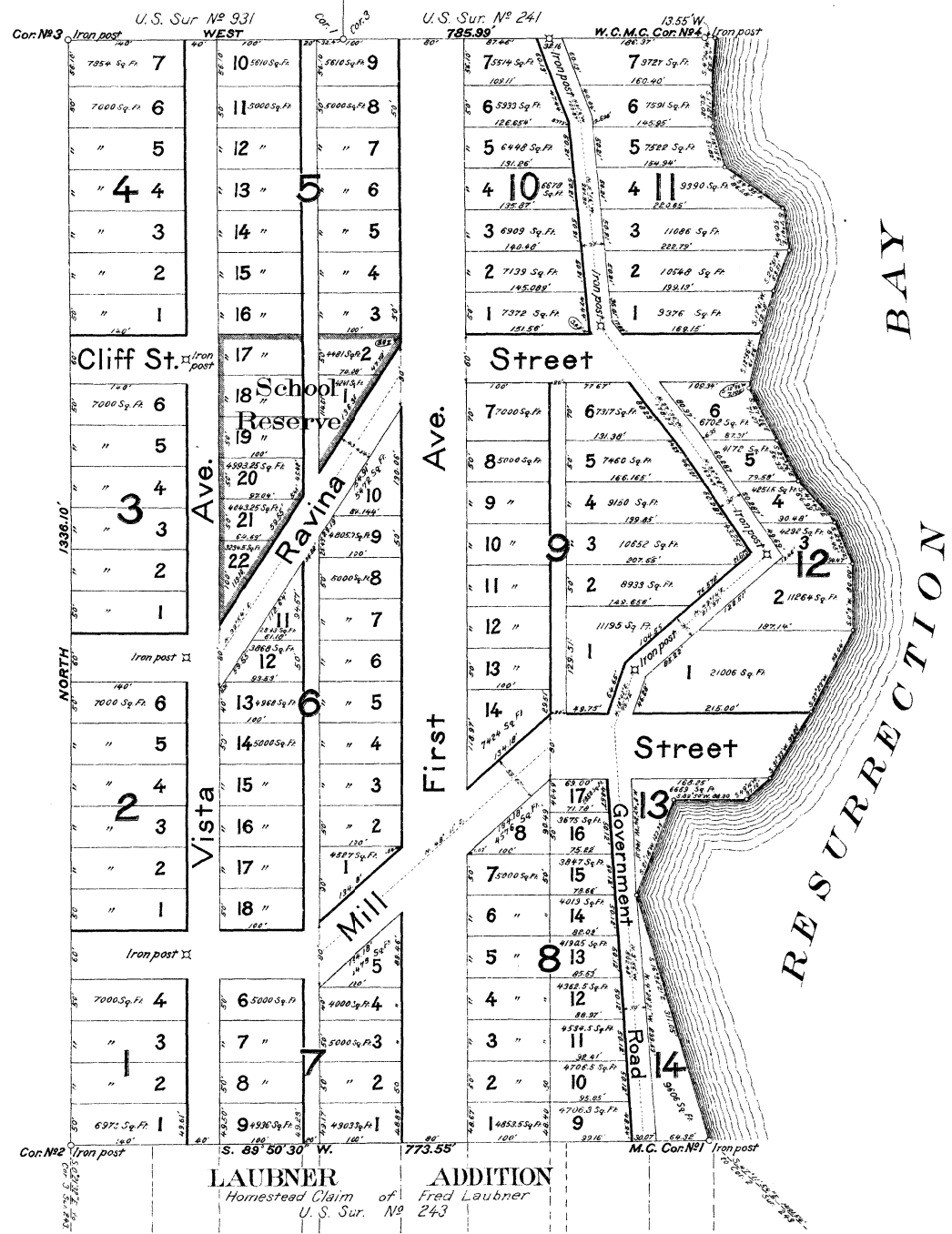
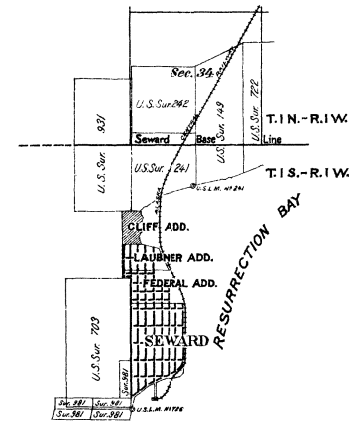
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE

Washington, D.C., May 22, 1916
I hereby certify that this plat of CLIFF ADDITION TO SEWARD TOWNSITE in Twp. 1 S., R. 1 W., Seward Meridian, Alaska, as surveyed under instructions dated May 15, 1915 by J. Frank Warner and V.H. Wilhelm, U.S. Surveyors, in accordance with the provisions of the act of March 12, 1914 (38 Stats. 305) is strictly conformable to the field notes of the survey thereon on file in this office which have been examined and approved.

Capalman
Commissioner

Approved..... May 22, 1916.

Milhaus C Edes
Chairman Alaska Engineering Commission



LAUBNER ADDITION
Homestead Claim of Fred Laubner
U.S. Sur. No. 243

CALL TO ORDER

The May 9, 2023 regular meeting of the Seward Planning & Zoning Commission was called to order at 7:00 p.m. by Chair Clare Sullivan.

OPENING CEREMONY

Commissioner Nathaniel Charbonneau led the pledge of allegiance to the flag.

ROLL CALL

There were present:
Clare Sullivan presiding, and
Vanessa Verhey
Victoria Monaco
Troy Staggs

Nathaniel Charbonneau
Brenan Hornseth
Sean Ulman

Comprising a quorum of the Commission; and

Courtney Bringhurst, City Planner
Brenda Ballou, City Clerk

Excused – Staggs
Absent – None

CITIZEN COMMENTS ON ANY SUBJECT EXCEPT THOSE ITEMS SCHEDULED FOR PUBLIC HEARING – None

APPROVAL OF AGENDA AND CONSENT AGENDA

Motion (Charbonneau/Monaco)

Approval of Agenda and Consent Agenda

Motion Passed

Unanimous

The clerk read the following approved consent agenda items:

Approval of the April 4, 2023 P&Z Meeting Minutes.

SPECIAL ORDERS, PRESENTATIONS AND REPORTS

Proclamations and Awards – None

City Administration Report.

City Planner Courtney Bringhurst stated she had attended the American Planning Association national conference in Philadelphia and it had been a great opportunity to interact with

other planners. She included in tonight's packet a comprehensive write up of key takeaways from several areas, including public engagement, housing, zoning and equity, parking, and accessible and inclusive environments. She learned a lot and wanted to incorporate many of the best practices into the commission's work.

Other Reports and Announcements – None

Presentations – None

PUBLIC HEARINGS

Resolutions Requiring Public Hearing

Resolution 2023-011, Recommending Kenai Peninsula Borough Approval Of The Preliminary Replat Of Dairy Hill Subdivision, Tracts 1-5, Tract 5; Located At 212 & 213 Dairy Hill Ln & 1601 Phoenix Rd; Creating Dairy Hill Subdivision Addition No. 1, Tracts 5A, 5B & 5C.

Motion (Charbonneau/Verhey)

Approve Resolution 2023-011

Bringhurst said this resolution would create two new parcels, both of which already had access to sewer and water. There was a road continuation platted, but the road would need to be constructed. Electric would have to be brought in, as well as a fire hydrant at the end of the newly-constructed cul-de-sac portion of the new road. The remainder of the parcel would remain in its current state. Lot 5A would be the only lot in the flood zone.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Steve Leirer, inside the city, had provided a laydown earlier today. He wished to divide the property so that new homes could be constructed on a portion of the land.

Jennifer Carr, inside the city, lived near this property. She came to the meeting tonight to understand where the housing was proposed to be developed.

No one else appeared and the public hearing was closed.

Bringhurst said lots 5A and 5B were proposed to be developed.

Charbonneau was pleased that the utility easements were already in place. He had walked the property and thought the lots in question looked buildable. Monaco concurred; she had also walked the property and thought the lots looked good for developing.

Motion Passed

Unanimous

Resolution 2023-012, Recommending City Council Approval Of The Land Use Amendment To Rezone A Portion Of Proposed Tract 5A, Dairy Hill Subdivision Addition No. 1, From Single-Family Residential (R1) Zoning District To Resource Management (RM) Zoning District.

Motion (Charbonneau/Monaco)

Approve Resolution 2023-012

Bringhurst said Tract 5A was one parcel, but was currently split into two zones. This resolution would remove the split and make the entire Tract 5A a single zone of Resource Management (RM).

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened.

Steve Leirer, inside the city, said this rezone would correct the split zoning on Tract 5A. He wanted to remove the R1 zoning and make it all RM.

No one else appeared and the public hearing was closed.

Motion Passed

Unanimous

Resolution 2023-013, Recommending The City Council Amend Portions Of Seward City Code; 15.10.140(B) Definitions, Pertaining To Bunkhouse, Lot, And Long-Term Rental; 15.10.222 Development Requirements Table, Updating The Minimum Buildable Lot Size For Single- And Two-Family Residential Zoning Districts, And Adding Table Notes For Lot Frontage; And 15.10.226 Land Uses Allowed Table, Adding Long-Term Rental, And Changing The Outright Use Of Dormitories In The Office Residential And Institutional Zoning Districts To Require Conditional Use Permits.

Motion (Charbonneau/Verhey)

Approve Resolution 2023-013

Bringhurst said the commission had conducted work sessions on this topic starting in November last year and going through April this year.

Notice of the public hearing being posted and published as required by law was noted and the public hearing was opened. No one appeared and the public hearing was closed.

Sullivan thought the commission had done a lot of work on developing this resolution. Charbonneau concurred and thought the commission had been thorough.

Motion Passed

Unanimous

UNFINISHED BUSINESS – None

NEW BUSINESS

Other New Business Items

Discuss 2023 Planning and Zoning Priorities for the joint work session with city council on May 22, 2023.

Bringhurst reviewed the commission's 2023 priorities.

Discuss the topic for the May 23, 2023 work session: Cemetery Presentation and Cemetery Master Plan Review.

INFORMATIONAL ITEMS AND REPORTS

Reminder: P&Z Joint Work Session with City Council on May 22, 2023 at 6:00 p.m. A quorum is required.

Reminder: P&Z Work Session on May 23, 2023 at 6:00 p.m.

Reminder: P&Z Meeting on June 6, 2023 at 7:00 p.m.

CITIZEN COMMENTS – None

COMMISSION AND ADMINISTRATION COMMENTS AND RESPONSES TO CITIZEN COMMENTS

Ulman thanked Bringhurst for the great information from the APA conference.

Hornseth appreciated Bringhurst for bringing good information back to the commission and thanked the clerk for working with the commission.

Charbonneau thanked administration and the clerk.

Verhey was pleased to see members of the public at the meeting tonight. She thanked Bringhurst and the clerk.

Monaco thanked Bringhurst for attending the APA conference and wished the clerk well.

Sullivan appreciated everyone coming to tonight's meeting. She was thankful that there had been public interaction. She thanked Bringhurst for the meeting and thanked the clerk for her years of service.

ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

Brenda Ballou
City Clerk

Clare Sullivan
Chair

(City Seal)

DRAFT