

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BARNETT’S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK LOT 38 REPLAT

KPB File No.	2021-058
Planning Commission Meeting:	May 24, 2021
Applicant / Owner:	Travis and Megan Drake, Echo Trading Company, LLC all of Homer, Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	City of Homer

Parent Parcel No.:	177-021-56, 177-021-30
Legal Description:	Lot 38 of Barnett’s South Slope Subdivision Quiet Creek Park Unit 2, HM 2018-40 and Tract E-1 of Barnett’s South Slope Subdivision Quiet Creek Park Unit 3, HM 2020-46
Assessing Use:	Residential
Zoning:	Rural Residential District
Water / Wastewater	City water and sewer

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will reconfigure a common lot line between a tract and a lot. The Tract will decrease from 6.904 acres to 6.477 acres and the lot will increase from 16,796 sq. ft. to 35,414 sq. ft.

Legal Access (existing and proposed):

The subdivision is accessed from Nelson Avenue and Sanjay Court, both of which are 60 foot right of ways under the jurisdiction of the City of Homer. Nelson Avenue is a paved road. Nelson Avenue connects to South Slope Drive, which provides access to East Hill Road. Nelson Avenue also connects to East End Road.

This plat is not extending Sanjay Court right of way but future subdivision phases will complete the Sanjay Court right of way. Construction of Sanjay Court is in progress. A 30 foot public access and utility easement, per HM 2019-002214-0, extends from the end of Sanjay Court dedication to provide legal and physical access to Lot 8-A-1.

The subdivision is not located within a block that complies with the KPB block length requirement.

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KPB Roads Dept. comments	Out of jurisdiction; no comments
SOA DOT comments	No comment

Site Investigation:

This subdivision is affected by sloping terrain, drainages, and wetlands. Proposed Tract E-1-A has a drainage easement granted by HM 2018-40 and HM 2020-46. Per KPB GIS data there are no wetlands or bodies of water within the subdivision. Parent plats depict areas identified as wetlands based on the Army Corps of Engineer determination. **Staff recommends** any area shown as wetlands per the parent plats be carried forward. The proper note about contacting the Army Corps of Engineers before development is on the plat.

Slopes greater than 20 percent are depicted on the plat and are located along the western boundary of proposed Tract E-1-A.

Floodplain Hazard Review	Not within flood hazard zone; no comments
Anadromous Waters Habitat Protection District Review	Is not within an AWHPD; no comments
State Parks Review	No comments

Staff Analysis

The proposed subdivision is within a phased development that was started in 2014 and obtained final approval in 2018. Lot 38 was created with Unit 2, HM 2018-40. Lot E-1 was created from of Unit 3, HM 2020-46. The portion of Tract E-1 being added to Lot 38 was designed as Lot 39. This plat will not increase the number of lots that have been approved.

City water and wastewater services are being extended within this phased development and all lots are required to connect to the city utilities.

Future phase will extend Sanjay Court. The submittal states the developers of the subdivision are working on the construction of roads and installation of utilities for the next phase. City water and sewer are available from Nelson Avenue and Sanjay Court. A soils analysis report will not be required.

The City of Homer Planning Commission reviewed the subject plat at their March 17, 2021 meeting. They recommended approval subject to the following conditions:

1. Include a plat note stating "Property owners should contact the Army Corps of Engineers prior to any on-site development or construction activity to obtain the most current wetland designation if any. Property owners are responsible for obtaining all required local, state, and federal permits."
2. Carry forward any relevant plat notes from the parent plats.

Notice of the proposed plat was mailed to the beneficial interest holder on May 12, 2021. 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.

A preliminary plat has been submitted that abuts the eastern boundary of this subdivision. The design of that plat will not impact this subdivision design. If the plat to the east is finalized prior to the finalization of this plat **Staff recommends** the correct status labels are shown.

Utility Easements

The drainage easement and public access easement of record have been correctly depicted and noted.

This plat will extend the 15 foot utility easement along the northwest boundary of Lot 38-A to align with the future extension of Sanjay Ct. **Staff recommends** a label or plat note be added to state that this portion of the easement is being granted by this plat.

Staff recommends the plat depict or note the easement of record granted to ENSTAR per documents HM 2021-001579-0.

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.

Utility provider review:

HEA	No comment
ENSTAR	
ACS	
GCI	No comment

KPB department / agency review:

Addressing – Derek Haws	No affected addresses, no other comments.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This is located within the City of Homer and not subject to local option zoning districts material site reviews by KPB.
Assessing – Adeena Wilcox	No comments.
Advisory Planning Commission	N/A

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

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 subdivision name is compliant but Staff would recommend removing the lot from the name. Suggestion would be Barnett's South Slope Subdivision Quiet Creek Park Drake Replat.*

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: *Correct the lots status labels for the parcels north of Nelson Avenue (Lot 18 to 16, 19 to 17, 20 to 18 and Tract C to Lot 19).*

J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff recommendation: *Rename the large Tract to E-2 to reduce the length of the lot identifier.*

20.30.180. Pedestrian ways required when. Pedestrian ways not less than 8 feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

Staff comments: *A 10 foot wide pedestrian trail easement is located on the south boundary. Per HM 2019-23 a 10 foot wide pedestrian trail easement is located on the north boundary of Lot 8-A-1 and provides a connection from Nelson Avenue (south) to the Homer High School property.*

Staff recommendation: *Depict and label the 10 foot wide pedestrian access easement per HM 2019-23.*

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 comments: The City of Homer does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: This platting action will connect to an existing city supplied wastewater system that has been approved by the City of Homer. The correct wastewater disposal note is on the plat.

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: *Provide a copy of the installation agreement or provide documentation from the City of Homer that an installation agreement is not required.*

20.60.170. Other data required by law.

A. The plat shall show all other data that are or may be required on the plat by statute or ordinance.

B. Private covenants and restrictions of record in effect at the time the final plat is approved shall be referenced on the plat. The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.

Staff recommendation: *This subdivision is affected by covenants, conditions, restrictions, and or easement of record per HM 2018-003491-0 and HM 2018-003524-0. Provide a plat note stating, 'Per KPB 20.60.170(B) The borough will not enforce private covenants, easements, or deed restrictions. The borough will not enforce private covenants, easements, or deed restrictions.' Comply with 20.60.170.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation:

- *An additional Certificate of Ownership is required for the Drakes as the current wording only references Echo Trading Compnay LLC and Delta Storage and Transfer.*

- *As this plat is obtaining separate approval, the Plat Approval note can be edited to only reference the approval date for this platting action.*

- *Within the Certificate of Ownership, identify which lot each signer is the owner of.*

Comply with 20.60.190.

EXCEPTIONS REQUESTED:

KPB 20.30.030 Proposed Street Layour (projection of Sanjay Court)

KPB 20.30.170 Blocks – Length requirements

Surveyor's Discussion: The 30 foot wide public access easement within the adjoining parcel to the south of this plat (HM 2018-003011-0) was vacated by plat HM 2019-23. The current parcel to the south (Lot 8-A-1 HM 2020-3) has functional access by way of a 30 foot public access, utility and maintenance easement (HM 2019-002214-0) through proposed Tract E-1-A. The final phase of the previously approved subdivision within proposed Tract

E-1-A is in the final stages of construction. The Unit 4 plat will dedicate the Sanjay Court 60 foot right-of-way that terminates in a cul-de-sac.

Staff Discussion: These two sections of code are being combined into one exception request as both deal with the extension and connection of right of ways.

Due to terrain, development plans with cul-de-sacs, and existing right of way and improvements the ability to create a closed block is limited. A dedication within former lot 38 will not improve the block and will create additional block width issues. Tract E-1-A is proposed to be further subdivided as part of a phased development plan that will include the extension of Sanjay Court and terminate in a cul-de-sac.

The original phased development approved without a through dedication.

The City of Homer Planning Commission reviewed, and approved, this plat at their March 17, 2021 meeting.

If denied, a 60 foot right of way will be required to be extended from Sanjay Court and provide a connection to another right of way.

Surveyor Findings:

1. The 30 foot wide public access easement within the adjoining parcel to the south of this plat (HM 2018-003011-0) was vacated by plat HM 2019-23.
2. The current parcel to the south (Lot 8-A-1 HM 2020-3) has functional access by way of a 30 foot public access, utility and maintenance easement (HM 2019-002214-0) through proposed Tract E-1-A.
3. The final phase of the previously approved subdivision within proposed Tract E-1-A is in the final stages of construction. The Unit 4 plat will dedicate the Sanjay Court 60 foot right-of-way that terminates in a cul-de-sac.

Staff Findings:

4. The block is limited due to terrain, development plans with cul-de-sacs, and existing right of ways.
5. A dedication within former lot 38 will not improve the block and will create additional block width issues.
6. The original phased development approved without a through dedication.
7. The City of Homer Planning Commission reviewed, and approved, this plat at their March 17, 2021 meeting.

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:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-7 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 1-7 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 1-7 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