

AGENDA ITEM E. NEW BUSINESS

ITEM 4 – DON’S PLACE SUBDIVISION HEAZLETT REPLAT

KPB File No.	2021-060
Planning Commission Meeting:	May 24, 2021
Applicant / Owner:	James and Susan Heazlett
Surveyor:	John Segesser / Segesser Surveys
General Location:	On Eagle Avenue / Nikiski area

Parent Parcel No.:	013-215-27, 013-215-28, 013-215-29, 013-215-30, 013-215-31
Legal Description:	Lots 28, 29, 30, 31, 32, Block 1, Don’s Place Subdivision KN 83-44
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	On - Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine five lots to create one 4.60 acre lot.

Legal Access (existing and proposed):

The proposed subdivision fronts along Eagle Avenue, a 60 foot wide right of way, with Bluejay Circle, a 50 foot right of way. Eagle Avenue and Bluejay Circle are constructed and maintained by the Kenai Peninsula Borough. Two routes provide access to the subdivision. Sunset Street connects Eagle Avenue to the Kenai Spur Highway. Eagle Avenue also connects to the Kenai Spur Highway by way of Marhenke Street, Rediske Avenue, and Rector Street.

Bluejay Circle that abuts this subdivision was originally named Bluejay Place. Several street names have been changed by Street Name Resolutions. The correct street names are reflected on the preliminary plat.

Bluejay Circle is approximately 375 feet long and was dedicated as a 50 foot wide right of way ending in a cul-de-sac. Bluejay Circle is the only access to four lots and provides alternative access to two corner lots. Lot 28, which is included in this subdivision, appears to have a driveway off Bluejay Circle. Per KPB GIS imagery and KPB Assessing records Lot 27 is the only lot on Bluejay Circle to have improvements. The roads department had no comment on the preliminary plat. **Staff recommends the planning commission concur that additional right of way width for Bluejay Circle is not required as the dedicated right of way is sufficient to provide access to the four lots.**

The parent lots are part of a subdivision that divided lands around multiple lakes. The placement of right of ways and creating lots along the lakes created blocks that are incomplete as there are several right of ways ending in cul-de-sacs. Due to the lake and the subdivision design, the block length is not compliant. **Staff recommends the planning commission concur that an exception to KPB 20.30.170 Block Length is not required as this platting action cannot provide right of way dedications to help with block length due to the location of the lake and existing development.**

KPB Roads Dept. comments	Within jurisdiction; The RSA has no comments at this time
SOA DOT comments	Not on State road system; no comment

Site Investigation:

The preliminary plat has an unnamed lake to the south. Per KPB GIS data, there are areas along the lake and within parent lot 31 and 32 that may have low wet areas or standing water. The parent plat also used witness markers, which generally means the area contains water, low wet areas, or steep terrain. **Staff recommends the low wet areas be depicted as well as labeled and provide source for the ordinary high water. 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.

It appears that improvements exist on Lots 28, 29, 30, and 31. This platting will remove the interior lot lines so that all improvements on one parcel.

Floodplain Hazard Review	Not within flood hazard area, no comments.
Anadromous Waters Habitat Protection District Review	Not within a HPD, no comments.
State Parks Review	No comments.

Staff Analysis

This preliminary plat will combine five lots that were created by Don’s Place Subdivision Amended KN 83-44. The parent plat, which was 160 acres in size, dedicated multiple rights of way and created 102 lots and tracts.

Per KPB 20.60.200(A), “all subdivisions shall be surveyed except subdivisions which only eliminate existing property lines.” This plat will not require a field survey. If a field survey is not performed, a plat note should be added to reflect that. In addition, the record from which all bearings and distances are taken from shall be noted and any computed information must be noted as such. **Staff recommends a plat note be added if a field survey is not performed “A field survey was not performed for this subdivision as allowed by KPB 20.60.200(A).” and that all record information site the source.**

Per KPB 20.40.020(A)(2), a wastewater review is not required if “The plat increases lot size by 1,000 square feet or more of area suit for conventional development.” Plat note 7 addresses that a soils analysis report is not available or required. **Staff recommends reword plat note 7 to state, “The purpose of this platting action is to combine 5 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020(A). An Engineer’s Subdivision and Soils Report is not available for this subdivision. Soil conditions may be unsuitable for onsite wastewater treatment. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.”**

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.

The property is not within an advisory planning commission.

Utility Easements

The parent plat granted a 10 foot utility easement adjoining the right of way. The easement of record has been noted on the preliminary plat.

Plat note 5 refers to an easement granted to Homer Electric Association. **Staff recommends the plat note be updated to include “no definite location stated.”**

Utility provider review:

HEA	No comments
ENSTAR	No comments
ACS	
GCI	No comments

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 51280 Bluejay Circle, 51481 Eagle Avenue. Existing street names are correct. 51280 Bluejay Circle and 51481 Eagle Avenue will remain on Lot 28A.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	There are no local option zoning district issues or material site issues associated with this subdivision.
Assessing – Adeena Wilcox	No comments.
City Advisory Comments	N/A
Advisory Planning Commission	N/A
Nikiski EMS	No issues

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.

- 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: *Revise the legal description to ‘ ... Don’s Place Subdivision Amended, Plat 83-44 ...’*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

20.30.240. Building setbacks.

- A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format:
 Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: *Depict and label the 20 foot building setback adjoining the right of way.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils analysis not required per 20.40.020(A)(2).

Staff recommendation: *Update the wastewater disposal note and 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.*

20.60.110. Dimensional data required.

B. The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.

Staff recommendation: *Provide a plat note that states, 'The natural meanders of ordinary high water (or mean high water line as applicable) is for area computations only, the true corners being on the extension of the sidelines and the intersection with the natural meanders.' Comply with 20.60.110.*

20.60.130. Boundary of subdivision. The boundary of the subdivision shall be designated by a wider border and shall not interfere with the legibility of figures or other data. The boundary of the subdivided area shall clearly show what survey markers, or other evidence, was found or established on the ground to determine the boundary of the subdivision. Bearing and distance ties to all survey markers used to locate the subdivision boundary shall be shown.

Staff recommendation: *Boundary is causing overstrikes on symbols and needs revised.*

20.60.170. Other data required by law.

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: *Update the KPB reference to 20.60.170(B) to note that KPB will not enforce covenants, easements, or deed restrictions. Comply with 20.60.170.*

20.60.200. Survey and monumentation.

- **Staff recommendation:** *The symbols used on the face of the plat should match in size to those in the legend. Comply with 20.60.200*
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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