

AGENDA ITEM E. NEW BUSINESS

ITEM 5 – BOS'N LANDING 2021 REPLAT

KPB File No.	2021-062
Planning Commission Meeting:	May 24, 2021
Applicant / Owner:	Edward N Krohn Estate
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Lou Morgan Road, Starboard Beam Circle, Focsle Circle, Sterling area

Parent Parcel No.:	063-560-37, 063-560-50
Legal Description:	Tract A Bos'n Landing Subdivision Krohn Addition, KN 2002-104 Lot 13 Block 2 Bos'n Landing Subdivision Part Two KN 77-148
Assessing Use:	Residential
Zoning:	Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 1.22 acre lot and a 27.43 acre tract into eight lots ranging in size from 1.578 acres to 2.822 acres. Two tracts will also be created and will be 5.1 acres and 5.782 acres.

Legal Access (existing and proposed):

The two tracts will have access via State DOT maintained Lou Morgan Road, a 60 foot right of way. All other lots will have access by way of Starboard Beam Circle and Focsle Circle. Both are 60 foot wide dedicated right of ways that end with cul-de-sacs and located off Focsle Drive. Per KPB GIS data, Starboard Beam Circle and Focsle Circle are constructed but not maintained by the Kenai Peninsula Borough at this time. The Kenai Peninsula Borough maintains Focsle Drive, which connects to Lou Morgan Road. Proposed Lot 9A fronts Focsle Circle and Sir Martin Road. Sir Martin Road is constructed and maintained by the borough but access may be difficult due to terrain and an anadromous stream.

There is a public access easement that affects the subdivision. The document granting the easement is noted in plat note 4.4. Referring to parent plats, plat KN 2002-104 depicted the public access easement as a 20 foot easement along Lou Morgan Road. ***Staff recommends the boundary of the subdivision be corrected to match KN 2002-104 showing Lou Morgan Road as a 60 foot wide right of way, This platting action will dedicate 20 feet of right of way to match the easement per KN Bk. 127 Pg. 918. Staff recommends a certificate of acceptance be added to the plat for the State of Alaska DOT to sign the acceptance of the Lou Morgan Road right of way dedication.***

Block length is not compliant as it exceeds the maximum length and close. Due to the turns of Lou Morgan Road, improvements, and already existing cul-de-sacs, requiring a dedication to comply with block length will create other issues and code requirement conflicts such as double frontage. The only area a dedication could occur and not conflict with existing dedications is along the western boundary. The intent would be to connect between two sections of Lou Morgan Road. The ability to get a full dedication will be difficult as there is currently a structure located to the south that would be close to the dedication. ***Staff recommends the planning commission concur that an exception is not required due to any required dedications would not improve the block and create other concerns and code issues.***

KPB Roads Dept. comments	Within jurisdiction, no comments
SOA DOT comments	The ROW for the Lou Morgan Road, aka Jet Drive, a state road, is 50' each side of centerline and is correctly depicted.

Site Investigation:

The preliminary plat depicts the contours and the steep slopes are shaded. The areas of inundation are shown within proposed Lots 9A and 10A bordering an unnamed anadromous stream. **Staff recommends the following plat note be added to the plat:**

"ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE:

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18, as may be amended, for restrictions that affect development in this subdivision. Width of the habitat protection district shall be in accordance with KPB 21.18.040."

The subdivision is affected by a areas identified as 'Depression' and 'Riverine'. The correct note is on the plat to alert the land owners that any development may require approval from Local, State or Federal agencies.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Is totally or partially within HPD.
State Parks Review	No comments.

Staff Analysis

The parent parcels have been involved in several subdivisions and changes through the years. The most recent plat, KN 2002-104, combined ten lots into one tract. The preliminary plat will divide that tract into a similar design that previously existed. The biggest change is the inclusion of Lot 13 Block 2, resulting in a change from the former design for the creation of Lots 12A and 13A.

The new lots will require a soils analysis report to be submitted for review and approval by staff. An engineer will need to sign the final plat.

The two tracts are larger than 200,000 square feet and appear to provide multiple areas that are greater than 20,000 square feet of contiguous area for the placement of a wastewater system. A soils analysis report is not required for the two tracts. The correct wastewater disposal notes are provided on the plat. Due to a recent code change, **Staff recommends the note for the tracts be revised to remove the reference to a nominal 5 acres.**

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 property is not within an advisory planning commission.

Utility Easements

Per plat KN 87-84, "20' building set back shall be the utility easement except that clearing is restricted to front 10' of the set back." Tracts A-2 and a portion of Tract A-1 are subject to the 20 foot utility easement along Lou Morgan Road. This utility easement coincides with the building setback and the public access easement. **Staff recommends the easement of record per KN 87-84 be depicted and labeled.**

There are numerous utility easements granted through the years that are depicted and labeled with the source. Per KPB Code 20.30.060(D), the front ten feet adjoining rights-of-way shall be designated as a utility easement. **Staff recommends a plat note be added that identifies the 10 foot adjoining rights-of-way is a utility easement.**

Utility provider review:

HEA	No comments
ENSTAR	No comments
ACS	
GCI	No comments

KPB department / agency review:

Addressing – Celina Robinson	Affected addresses: 37360 Focsle Circle, 36538 Lou Morgan Road Existing Street names shown are correct. 37360 Focsle Circle will remain with Lot 12A 36538 Lou Morgan Road will remain with Tract A-1
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

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: *The block designation, Block 2, needs added to Lot 13 description.*

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 comments: *View could be adjusted so the subject subdivision is closer to the center of the vicinity map. This is only a suggestion.*

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: *Provide status labels for the parcels to the east of Lot 9A.*

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 on all dedicated right of ways.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *Remove nominal 5 acres from the wastewater disposal note.*

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: *Provide a certificate of acceptance for the State of Alaska DOT to accept the 20 foot right of way dedication on Lou Morgan Road.*

- 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 in addition to those mentioned within the staff report.

- *No access to state maintained rights-of-way permitted unless approved by the State of Alaska Department of Transportation.*

Correct plat note 4.1 as it currently starts a sentence with "And".

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