

AGENDA ITEM E. NEW BUSINESS

ITEM 5 - Baleen Cove Subdivision

KPB File No.	2021-045
Plat Committee Meeting:	June 14, 2021
Applicant / Owner:	Vann Revocable Trust PO Box 561 Kasilof, AK 99610
Surveyor:	John Segesser/Segesser Surveys
General Location:	City of Kenai

Parent Parcel No.:	040-410-52
Legal Description:	That portion of the S1/2 SE1/4 SW1/4 in Section 17, Township 5 North, Range 11 West, lying North of the Northerly Right of Way of Kalifornsky Beach Road. Excepting Therefrom any portion lying within VIP Country Estates Subdivision, Part 5, KN 85-124.
Assessing Use:	Residential
Zoning:	Limited Commercial
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 10.6 acre parcel into 7 lots ranging in size from 1.1 acres to 2.1 acres.

Legal Access (existing and proposed): The subdivision is fronted by Kalifornsky Beach Road which is a 200 foot wide improved right of way under State of Alaska DOT jurisdiction. Any access directly to Kalifornsky Beach Road must be approved by the State of Alaska DOT, and the correct plat note has been provided. Access is also provided by VIP Dr. and Baleen Avenue, both of which are 60 foot wide dedicated right of way that are improved and under the jurisdiction of the City of Kenai.

This plat is also depicting a record 30 foot public access easement that affects the south and east 30 feet of the subdivision. This public access easement is within the City of Kenai. Any improvement for access within the public access easement is subject to approval by the City of Kenai.

The block is defined by Kalifornsky Beach Road, VIP Drive, Baleen Avenue, and Pirate Lane. All right of ways are improved and used for access. The block length along Kalifornsky Beach Road is 1,750 in length and is longer than allowed by KPB subdivision code.

KPB Roads Dept. comments	Not within KPB jurisdiction, no comments.
SOA DOT comments	None of the concrete ROW monuments are shown as found along Kalifornsky Beach Road. If any of these monuments do still exist in the vicinity of this survey we would like for them to be shown on this plat.

Site Investigation:

The subdivision is not affected by any steep terrain or low wet areas. The property is generally flat and covered with mature spruce trees.

Floodplain Hazard Review	Within city of Kenai, no comments.
Anadromous Waters Habitat Protection District Review	Not affected by a HPD.
State Parks Review	No comments.

Staff Analysis

This parcel is an unsubdivided remaining parcel as all property around has been subdivided. The proposed lots comply with minimum lot size and the 3:1 depth to width ratio.

These lots will be served by private water and wastewater systems. An approved soils report, prepared by a licensed engineer, is required for final plat approval.

The property is located within the City of Kenai and is zoned Rural Residential. All development will be subject to the City of Kenai zoning regulations.

The City of Kenai Planning and Zoning Commission met on April 28, 2021 to review the preliminary plat. The Planning and Zoning Commission recommended approval subject to the following:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Delineate the access easement as set forth under Plat Note 4 on the face of the plat.
3. Add to the Plat Note number 4 that the City of Kenai does not recommend that the access easement be used as primary access into the subdivision.
4. Specify the acreage or square footage of each lot on the face of the plat.
5. The surrounding property notation for Lots 8 and 9, Block 3, should be changed to Lot 8A, Block 3, KN 2014-86.

Staff recommends the plat comply with the City of Kenai Planning and Zoning Commission recommendations.

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.

Utility Easements

This parcel is not affected by any utility easements of record.

A 15 foot utility easement adjoining all right of ways will be granted with this platting action.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommendation** is to grant utility easements requested by the utility providers.

Utility provider review:

HEA	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Reviewed, no comments.
GCI	Reviewed, no comments.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 725 BALEEN AVE Comments: City of Kenai will advise on affected addresses.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This plat is within the City of Kenai and not subject to Local Option Zoning Districts or KPB material site reviews.

Assessing – Adeena Wilcox	No comments.
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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.

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 Block 3 to lots 13, 14 and 15 for KN 76-169 to the west.
- Add 85-124 and Block 3 to lots 10, 11 and 12 east of VIP Dr.
- Revise lot 1 to lot 6 and add Block 3 to lots west of Seine St.
- KN 2014-86 lot 8 is actually 8A, revise.
- Lot 7 label east of Seine St., Plat is KN 2000-31, Block 2 and lot 7-A, revise.
- Lot 8 and 9 east of Seine St should have plat no. label, KN 85-124.

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 recommendation: *The City of Kenai does not meet the specified requirements for the application and consideration of different standards.*

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:

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 documentation from the City of Kenai that an installation agreement is in place or documentation that an installation agreement is not required.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Revise the Certificate of Ownership and Dedication so that it is singular and states that Vann Revocable Trust is the owner of the subdivision. Comply with 20.60.190.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: A soils report will be required and an engineer will sign the final 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.

EXCEPTIONS REQUESTED:

KPB 20.30.030 Projection of Right of Way

KPB 20.30.170 Block Length

Surveyor's Discussion:

Staff Discussion: These two sections of code are being combined as both deal with the extension of Seine Street right of way. The plat committee may act on each section of code separately if they choose.

The plat is located within a block that exceeds the KPB block length requirements. The block length along Baleen Avenue is 1,897 feet and the block length along Kalifornsky Beach Road is 1,763 feet. The maximum block length allowed per KPB code is 1,320 feet.

Seine Street is a 60 foot wide dedicated right of way that is north of the subdivision and could be extended with this platting action.

Any new right of way connections to Kalifornsky Beach Road would require AK DOT approval.

This platting action can provide for the extension of Seine Street right of way.

If denied, this platting action will be required to extend Seine Street to Kalifornsky Beach Road.

Findings:

1. The block length along Baleen Avenue is 1,897 feet and the block length along Kalifornsky Beach Road is 1,763 feet. The maximum block length allowed per KPB code is 1,320 feet.
2. Seine Street is a 60 foot wide dedicated right of way that is north of the subdivision and could be extended with this platting action.
3. Any new right of way connections to Kalifornsky Beach Road would require AK DOT approval.
4. This platting action can provide for the extension of Seine Street right of way.
5. All lots within this subdivision will have access on Baleen Avenue.
6. Baleen Avenue and VIP Drive are improved and maintained by the City of Kenai.
7. The City of Kenai recommend that Baleen Avenue be the primary access to the lots within this subdivision.
8. The City of Kenai did not provide comments on the extension of Seine Street and did not mention any concerns with legal access.

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 3, 5-8 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 3, 5-8 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 3, 5-8 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