

AGENDA ITEM E. NEW BUSINESS

ITEM 13 - ROSS SUBDIVISION GERKE ADDITION

KPB File No.	2021-075
Plat Committee Meeting:	June 14, 2021
Applicant / Owner:	Keith N. and Edna I. Gerke PO box 8474 Nikiski, AK 99635
Surveyor:	John Segesser / Segesser Surveys
General Location:	Nikiski

Parent Parcel No.:	014-330-03
Legal Description:	Lot 3, Block 4 Ross Subdivision Addition No. 1, Plat KN 77-46.
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 24 acre parcel into two lots with one being 20.8 acres and one being 3.2 acres.

Legal Access (existing and proposed): Legal access to the subdivision is provided from Alexander Road, a 100 foot wide right of way that is improved and maintained by the State of Alaska DOT. Legal access also exists from the south by way of Boondocker Street, a 60 foot wide dedicated right of way that is maintained by KPB Roads Dept.

A 33 foot public access easement affects the south boundary. This easement was labeled as a section line easement per plat KN 77-46. KPB research shows that there was not a legal section line easement, but with the recording of the parent plat it granted an easement with all the same qualities of a section line easement. **Staff recommends** the easement be depicted and labeled on the plat with a note stating that the public access easement is granted per plat KN 77-46.

A section line easement adjoins the south boundary with a 33 foot width in the unsubdivided lands and a 50 foot width in the subdivided lands. **Staff recommends** that the plat depict the 33 foot and 50 foot section line easement adjoining to the south of the subdivision.

The subdivision does not comply with the block length standards. The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements. The public access easement / section line easement is affected by Boondocker Lake.

KPB Roads Dept. comments	Within KPB jurisdiction, no comments.
SOA DOT comments	No review provided

Site Investigation: The subdivision is affected by rolling terrain. There are some steep slopes and low wet areas located in the southeast corner which affect Lot 3A and Lot 3B.

The parcel is vacant with no improvements at this time.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD

State Parks Review	No comments.
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Staff Analysis The parent parcel was created by subdivision plat recorded in 1977.

This plat will create one new 3 acre parcel from the parent parcel. The remainder parcel is 20.8 acres and can be further subdivided in the future.

A soils report will be required for Lot 3B and an engineer will sign the final plat. Lot 3A is larger than 200,000 sq. ft. and will not require a soils analysis report.

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 This plat will be granting utility easements that adjoin the dedicated right of ways. The parent parcel is affected by a utility easement (not defined), and several pipeline easements. All the easements of record have been described in the plat notes. **Staff recommends** the location of the pipeline easement be located and shown on the final plat.

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	Reviewed, no comments.
ENSTAR	Reviewed, no comments.
ACS	Would like to have the easement clarified for our 1967 cable.
GCI	Reviewed, no comments.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: None Comments: No affected addresses.
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.
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.

- 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: Confirm and then depict and label the following.

- 33 foot public access easement on the south boundary of Lot 5 Block 4 KN 77-46.

- The 33 foot section line easement on the north boundary of the unsubdivided parcel.
- The 50 foot section line easement within, and also extending east, on the north boundary of Lot 1 Block 1 KN 77-187.

- F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;
Staff recommendation: *Depict and label the public access easement per plat KN 77-46 that affects the south boundary of this plat.*
- 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: *Lot 4 Block 4 Plat KN 77-46 to the west needs to be revised to Plat KN 83-262 Lot 4D Block 4.*
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;
Staff recommendation: *Provide a label for the name of Boondocker Lake.*

20.30.190. Lots-Dimensions.

- A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.
Staff comments: *The depth of Lot 3B is 640.62 feet and the width is 215 feet. The depth to width ratio of Lot 3B is 2.97:1 and complies with the 3:1 depth to width ratio requirement.*

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.
- B. 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.
- C. 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.
Staff recommendation: *Depict and label the 20 foot building setback that affects the dedicated right of way of Alexander Road and Boondocker Street.*

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

- Platting Staff Comments:** *A soils analysis report will be required for Lot 3B Block 4. The correct wastewater disposal notes are 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.*

20.60.120. Accuracy of measurements. All linear measurements shall be shown to the nearest 1/10 foot, and angular measurements shall be at least to the nearest minute. All lot areas shall be shown to the nearest 10 square feet or to the nearest 1/1,000 of total acres. Meander lines, dry land areas and submerged land areas shall be shown in addition to total area when applicable. All boundary closures shall be to a minimum accuracy of 1:5,000. Boundary and lot closure computations must be submitted with the final plat.

Staff recommendation: *Provide the total acreage and upland acreage for both Lot 3A and 3B. Provide boundary and lot closure computations with the paper final plat. KPB will verify closure complies with 20.60.120.*

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.

C. The plat must adhere to the requirement of the local option zone, where applicable.

Staff recommendation: *Correct plat note 4 to reference KPB 20.60.170(B). Comply with 20.60.170.*

EXCEPTIONS REQUESTED:

KPB 20.30.030. Proposed street layout-Requirements.

KPB 20.30.170. Blocks-Length requirements

Surveyor's Discussion: My client only wants to take Lot 3B from the parent lot and Lot3A is large enough to be subdivided into smaller lots in the future.

Staff Discussion: These two sections of code are being combined into one request, as both have to do with the extension and/or connection between Boondocker Street and Freda Drive. The plat committee can act on each request separately if they choose.

Boondocker Street is a 60 foot wide right of way that provides access to the south side of the subdivision. Boondocker has been improved and is maintained by KPB Roads Dept. Boondocker Street connects to a 66 foot public access easement / section line easement that connects to Windy Road to the west.

Freda Drive is a 60 foot wide right of way on the north side of Alexander Road. Freda Drive is improved but not maintained by KPB Roads Dept.

The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements. The public access easement / section line easement is affected by Boondocker Lake. The east-west block length is 3,980 feet in length and does not comply with KPB standards.

The subdivision is affected by rolling terrain. The extension of Boondocker Street to Freda Drive does not appear to be affected by steep slopes. A underground high volume gas pipeline crosses from the southwest to the northeast of the subdivision. Any extension of right of way will cross the underground gas pipeline.

Lot 3A is 20.8 acres and can be further subdivided in the future. The future subdivision can provide dedicated right of way to provide a connection.

No lots are denied access.

If denied, this plat will be required to extend Boondocker Street to the north and either connect to Freda Drive or intersect Alexander Road in a location to not form an offset intersection.

Findings:

1. Boondocker Street is a 60 foot wide right of way that provides access to the south side of the subdivision.
2. Boondocker has been improved and is maintained by KPB Roads Dept.
3. Boondocker Street connects to a 66 foot public access easement / section line easement that connects to Windy Road to the west.
4. Freda Drive is a 60 foot wide right of way on the north side of Alexander Road.
5. Freda Drive is improved but not maintained by KPB Roads Dept.
6. The block is defined by Windy Road, Alexander Road, Sasha Street, and public access easement / section line easements.
7. The public access easement / section line easement is affected by Boondocker Lake.
8. The east-west block length is 3,980 feet in length and does not comply with KPB standards.
9. The subdivision is affected by rolling terrain.
10. The subdivision, excluding the southeast corner, is not affected by low wet lands.
11. The extension of Boondocker Street to Freda Drive does not appear to be affected by steep slopes.
12. A underground high volume gas pipeline crosses from the southwest to the northeast of the subdivision.
13. Any extension of right of way will cross the underground gas pipeline.
14. Construction of a roadway over a gas line requires approval from the gas company.
15. Lot 3A is 20.8 acres and can be further subdivided in the future.
16. The future subdivision can provide dedicated right of way to provide a connection.
17. No lots are denied 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, 12-16 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, 12-16 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, 12-16 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