

AGENDA ITEM E. NEW BUSINESS

ITEM 14 - TKC Subdivision

KPB File No.	2021-065
Plat Committee Meeting:	June 14, 2021
Applicant / Owner:	TKC LLC PO Box 10658
Surveyor:	John Segesser/Segesser Surveys
General Location:	City of Kenai

Parent Parcel No.:	043-110-06
Legal Description:	Government Lot 107, Section 31 Township 6 North, Range 11 West
Assessing Use:	Residential
Zoning:	Suburban Residential
Water / Wastewater	City water and sewer

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 2.5 acre parcel into 3 lots ranging in size from 14,770 sq. f.t to 44,577 sq. ft. The plat will also dedicated right of way for Second Avenue and McKinley Street.

Legal Access (existing and proposed): The subdivision is located on the corner of Second Avenue and McKinley Street. Both streets have been improved and are maintained by the City of Kenai. This platting action will be providing a 33 foot right of way dedication for each road which will create a 66 foot wide right of way for Second Avenue and a 63 foot wide right of way for McKinley Street. Both right of ways will not comply with the width requirement.

The plat lies within a complete block defined by McKinley Street, Second Avenue, N. Gill Street, and Third Avenue. The block length complies with KPB requirements.

KPB Roads Dept. comments	Not within KPB jurisdiction, no comments.
SOA DOT comments	No comments.

Site Investigation: The site is generally flat and not affected by low wet areas. Aerial imagery shows a residential structure as depicted in Lot 3. The preliminary plat depicts the new construction on the plat. The new construction consists of four buildings on proposed Lot 1A and 4 buildings on proposed Lot 4. Asphalt driveways have been constructed to provide access from the buildings to the streets.

The property is served by City of Kenai water and wastewater services.

Floodplain Hazard Review	Within City of Soldotna/Kenai, no comments.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

Staff Analysis The parent parcel is Government Lot 107 per BLM survey finalized in 1953.

The City of Kenai Planning and Zoning Commission reviewed the plat at their April 23, 2021 meeting and recommended approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local reegulations.

2. The plat number referenced for the Kenai Christian Church lot which lies to the south is labeled incorrectly; the plat number should be changed to KN 2011-52.

The City of Kenai staff report also outlined the following information.

The Planning and Zoning commission reviewed and passed Resolution PZ 2021-01 on January 27, 2021, allowing for eight additional single family dwelling units to be constructed on a 2.5 acre parcel. Subsequent to the issuance of the Conditional Use Permit, the property owner decided to divide the 2.5 acre parcel into three lots. It is the intent of the property owner, to construct eight family dwellings. The proposed Lot 1A will contain four family dwellings; Lot 3 will contain the existing single family dwelling' and the proposed Lot 4 will contain four family dwellings. The proposed plat includes a footprint of the proposed family dwelling to assure that the building setback requirements as set forth under condition number three of the conditional Use Permit, Resolution PZ 2021-01.

The existing building on Lot 3 is connected to City water and sewer services. There are water and sewer lines located in the rights-of-way of McKinley Street and Second Avenue and the eight family dwelling units will connect to those services. An installation agreement is not required.

The building setback requirements for subdivisions located within cities shall be governed by the provisions of municipal zoning districts. The correct plat note is provided.

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 The parent parcel is not subject to any platted utility easements of record or utility easements granted by separate document. This plat will grant 15 foot utility easements adjoining the dedicated right of ways.

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: 1614 SECOND AVENUE Comments: City of Kenai will advise on affected addresses. 2ND AVENUE should be SECOND AVENUE.
Code Compliance – Eric Ogren	No comments.
Planner – Bryan Taylor	This is located within the City of Kenai and is not subject to Local Option Zoning Districts or KPB review of material sites.
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.

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: *Label 2nd Avenue as Second Avenue.*

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 3 to the north has incorrect plat number, revise from KN 84-69 to KN 84-59. Lot 1 to the east has incorrect label, revise Lot 1 to Lot 1-A and Plat number KN 83-18 to Plat number KN 88-37. Lot 6 to the south has incorrect label, revise Lot 6 to Lot 1A and Plat number KN 83-184 to Plat number 2011-52.*

20.30.200. Lots-Minimum size.

Except in cities where zoning and subdivision regulations establish different minimums, lots must be designed to meet the following area requirements:

A. Lots shall contain at least 6,000 square feet if served by public wastewater disposal and water systems.

Staff Comments: *The lot size complies with minimum size requirements as all lots will be supplied with City water and wastewater services.*

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.*

Staff recommends that the plat notes be numbered sequentially.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments: *This development is required to connect to the City of Kenai water and wastewater utility. The correct wastewater 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.*

20.60.040. 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: *The correct certificate of acceptance is on the plat and will require signature by the City of Kenai.*

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: *The City of Kenai stated that an installation agreement is not required for this platting action.*

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Correct the certificate of ownership and dedication so that the owner is TKC LLC with Kenneth L. Dunbar, member and Patricia Dunbar, member as the individuals signing the plat. Comply with 20.60.190.*

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