

AGENDA ITEM E. NEW BUSINESS

ITEM 2 – BODNAR SUBDIVISION 2021 REPLAT

KPB File No.	2021-114
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Joel and Kerri Nelson of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	City of Soldotna

Parent Parcel No.:	060-052-11, 060-052-12, 060-120-02
Legal Description:	Lot 20 Bodnar Subdivision (K1328), Lot 21A and Tract 4-A Kobuk Street ROW and Parcel Replat (KN 85-125), Section 32, Township 5 North, Range 10 West, S.M.
Assessing Use:	Commercial / Residential
Zoning:	Multi-Family Residential
Water / Wastewater	City of Soldotna

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine three lots into one parcel that will be 0.69 acres.

Location and Legal Access (existing and proposed): The subdivision is located at the corner of Marcus Avenue and S Kobuk Street within the City of Soldotna. Both right of ways are 60 foot wide dedications that have been constructed and are maintained by the City.

The subdivision is within a closed and compliant block.

KPB Roads Dept. comments	Outside of jurisdiction, no comments
SOA DOT comments	Not on the State road systems, no comment

Site Investigation: The proposed subdivision is within the City of Soldotna. The site is relatively flat and contains no low wet areas.

Floodplain Hazard Review	Within the City of Soldotna, no comments
Anadromous Waters Habitat Protection District Review	Is not within HPD, no comments
State Parks Review	No comments

Staff Analysis The preliminary plat will be combining three lots into one lot. The property was originally subdivided by Bodnar Subdivision, Plat K 1328, and was recorded in 1963. Plat K 1328 created Lot 20, 21, and what was referred to as American Legion property. In 1985 the Kobuk Street ROW and Parcel Replat (Plat KN 85-125) replatted Lot 21 with the American Legion property. The American Legion property was given the lot designation of Tract 4-A. Plat KN 85-125 also dedicated the radius return right of way at the intersections and a small portion of Marcus Avenue right of way from the American Legion property.

This plat was submitted to the Planning Department as an abbreviated plat (per KPB 20.10.040). During the staff review it was determined that the plat did not qualify as a right of way dedication, or an exception to KPB code, would be required in order to comply with 20.30.130. An exception has been requested.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat at their August 4, 2021 regular meeting. There was discussion among their members regarding the zoning and uses for the lot. Currently the lots are used for education purposes. A school named The Study is located on the property. The need to combine the lots is to comply with City Municipal Code to allow a second structure. The City of Soldotna Planning and Zoning unanimously adopted Resolution PZ 2021-005 that recommends approval to the Kenai Peninsula Borough Planning Commission.

A soils report will not be required. Municipal water and sewer are available and according to the City Resolution, an installation agreement is not required.

Notice of the proposed plat was mailed to the beneficial interest holders on August 11, 2021. The beneficial interest holders 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.

Utility Easements The parent plats did not grant any utility easements. Multiple easements have been recorded by document and are included in the notes found on the plat. Code requires the front 10 feet adjacent to right of ways be granted as a utility easement.

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 or work with the utility providers to obtain approval.

Utility provider review:

HEA	
ENSTAR	No comments or objections.
ACS	No objections.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	Affected Addresses: 220 Marcus Avenue and 212 Marcus Avenue (City of Soldotna will advise on affected addresses). Existing street names listed are correct.
Code Compliance – Eric Ogren	Code Compliance review not available
Planner – Bryan Taylor	Review not required, within the City of Soldotna
Assessing – Matt Bruns	No concerns from Assessing Department

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:

- Provide a consistent manner in labels neighboring parcels. Some contain plat number while others contain the number and subdivision name.
- Lot 1-A, Block 1 of Schwankl Subd should be corrected to Kobuk Street ROW and Parcel Replat.

- Lot 1-A of Airport Subdivision should be corrected to include "Block 1" and correct Airport Subd to Kobuk Street ROW and Parcel Replat.
- Tract 3-A of Binkley Airport Tracts should be corrected to Kobuk Street ROW and Parcel Replat.

KPB 20.40 -- Wastewater Disposal

20.40.010 Wastewater disposal.

Platting Staff Comments:

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: *If the exception is denied, an acceptance for the right of way dedication will be required to be signed by the City of Soldotna.*

20.60.110. Dimensional data required.

A. The bearing and length of every lot line, block line, and boundary line shall be shown. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Information shall be shown for all curves, including radius, central angle, arc length, chord length and chord bearing. The initial point of survey shall be shown and labeled. All non-radial lines shall be labeled. If monumented lines were not surveyed during this platting action, show the computed data per the record plat information.

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.

C. Any discrepancy between the survey and the record description, and the source of all information used in making the survey shall be indicated. When an inconsistency is found including a gap or overlap, excess or deficiency, erroneously located boundary lines or monuments, or when any doubt as to the location on the ground of the true boundary or property rights exists, the nature of the inconsistency shall be clearly shown on the drawing.

Staff recommendation:

- *The curve data for C1 is required.*
- *The sub distances along the north and south boundary are not a requirement and may be removed.*
- *If the exception is granted a field survey is not required. The information shown on the western subdivision line is not depicted on either of the record plats. If this is a computed bearing and distance please note as such.*
- *Comply with 20.60.110.*

20.60.150. Utility easements.

A. The utility easements approved by the planning commission shall be clearly shown on the final plat in dimensioned graphic form or as a note.

B. The following note shall be shown on the final plat:

No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.

Staff recommendation: *Depict and label the 10 foot utility easement being granted by this plat adjoining Marcus Avenue. Comply with 20.60.150.*

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:

- *Add a plat note for any exceptions granted.*
- *Within note 4.4 include that the access agreement will be terminated with merger of title when the plat is recorded.*
- *The front 10 feet adjoining dedicated right of ways is granted as a utility easement.*

EXCEPTIONS REQUESTED:

KPB 20.30.130 – Streets-Curve Requirements

Staff Discussion: During the abbreviated review staff determined that the deflection angle of the property along Marcus Avenue is greater than 10 degrees. In order to comply a right of way curve dedication would be required to correct the alignment.

Surveyor's Findings:

1. City of Soldotna will not require the additional R/W.
2. Marcus Avenue is constructed and has a short tangent which is perpendicular to Kobuk Street. This allows for site visibility at the stop sign.
3. The R/W was dedicated as part of a red-dedication of R/W through the area shown on 'Kobuk Street ROW & Parcel Replat' KN 85-125

Staff Findings:

4. Utilities are in place.
5. The area of concern is not at an intersection.
6. The right of way width is 60 feet.
7. The right of way is constructed and been in use for many years.
8. The road is constructed with a slight curve.
9. The current right of way angle is greater than 10 degrees in deflection.

If the exception is denied a curved right of way dedication on the southeast portion along Marcus Avenue will be required. If denied the plat will also require a Certificate of Acceptance to be added to be signed by the City of Soldotna. Per KPB 20.30.200(A), a field survey is not required. If a dedication is required, a field survey will be required.

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 1-8 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 1-8 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 1-8 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