

AGENDA ITEM E. NEW BUSINESS

ITEM 6 – TOWNSITE OF KENAI KENAITZE COURTHOUSE REPLAT

KPB File No.	2021-118
Plat Committee Meeting:	September 13, 2021
Applicant / Owner:	Kenaitze Indian Tribe IRA of Kenai, Alaska
Surveyor:	Mark Aimonetti, Jason Young / Edge Survey and Design, LLC
General Location:	City of Kenai

Parent Parcel No.:	047-071-07, 047-071-08, 047-071-09, 047-071-35
Legal Description:	Tract B Block 5 of Townsite of Kenai 2021 Kenaitze Replat, Plat KN 2021-18, a portion of Lot 4 Block 5 and all of Lot 5 Block 5 of Original Townsite of Kenai, U.S. Survey 2970.
Assessing Use:	General Commercial
Zoning:	Townsite Historic District
Water / Wastewater	City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine four parcels into one 5 acre tract and finalize the vacation of multiple utility easements.

Location and Legal Access (existing and proposed): The proposed subdivision is located in the City of Kenai in the area considered Old Town Kenai. The roads in the area vary in width and do not meet minimum width standards. The subdivision will create one large lot with access from Overland Avenue, Mission Avenue, and Upland Street.

The block is closed and compliant in length.

Per KPB Code 20.30.120, minimum right of way width is 60 feet. The right of way dedications in this area vary from 30 feet to 50 feet in width. The right of ways are all constructed and maintained by the City of Kenai. The City of Kenai approved the preliminary plat at their August 11, 2021 meeting. There was no request for additional right of way width. The City of Kenai does have multiple 5 foot street easements around portions of the subdivision that provide additional width if needed. This subdivision is zoned by the City of Kenai as Townsite Historic District. The Kenai Peninsula Borough Comprehensive Plan can support allowing non-compliant right of way widths as the current design supports historic preservation and helps maintain the character of the historic district. **Staff recommends the plat committee concur that an exception is not required and no additional right of way dedications required unless requested by the City of Kenai.**

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

Site Investigation: The area is relatively flat and does not contain any low wet areas.

River Center Review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Soldotna/Kenai Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan
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	Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
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Staff Analysis The proposed subdivision is made of parcels originally created with U.S. Survey 2970, Townsite of Kenai. The lots within this block have been combined and right of ways have been vacated over multiple platting actions. The result is one large tract and seven smaller lots. Kenaitze Indian Tribe owns all but two of the lots within the block. This plat will combine four of their lots with the large tract. Lot 4 is only a portion of the lot as a portion was deeded off and is already combined with the tract. Lot 5 has been split as well resulting in two separate parcels. They will both be included in the new tract.

Per the City of Kenai staff report, the Kenaitze Indian Tribe wishes to renovate and expand their tribal court building. The proposed expansion will not meet the City of Kenai's current setback requirements. The combining of lots will allow the expansion to be compliant with zoning codes.

The City of Kenai heard and approved the preliminary plat at their August 11, 2021 meeting subject to the following.

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The Kenai City Council must declare that the portion of the ten-foot utility easement to be vacated is not needed for a public purpose and approve the vacation of the utility easement as shown on the preliminary plat.
3. Prior to issuance of a building permit, a Landscape/Site plan must be submitted to the City of Kenai for review and approval.

Per the City of Kenai Planning and Zoning Commission Resolution 2021-31, the buildings located on the proposed lot are connected to City water and sewer services and an installation agreement is not required. A soils report will not be required.

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 beneficial interest holders affect the property.

Utility Easements A petition to vacate multiple utility easements has been received and is scheduled to be reviewed by the Planning Commission at the September 13, 2021 meeting. If the vacation is approved by the KPB Planning Commission, per municipal code, the application will be sent to the City of Kenai council for their consent or veto. If the vacation is denied, or vetoed, the plat will be required to correctly depict utility easements of record.

The parent plats granted 10 foot utility easements adjoining sections of the dedicated right of ways but not all right of ways. The proposed plat will grant 10 foot utility easements along all right of ways.

Plat KN 2012-11 granted utility easements along the property lines in the southwest corner. The northern portion of the 10 foot utility easement adjoining the former lot line is requested to be vacated. When the easement extends to the southeast the width varies. Per KN 2012-11 a 20 foot utility easement was granted centered on the existing utility line. The plat only had the authority to grant the easement within the subdivision boundary. Staff did not find any record of the remaining 20 foot width being granted within Lot 5 Block 5. **Staff recommends** the depiction of the portion being vacated be corrected to match what was actually granted. **Staff recommends** this platting action grant the remaining width for the 20 foot wide utility easement that extends from Mission Avenue.

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	ACS has no objections to the vacation of the interior lot line. However, records indicate we have fiber optic and/or copper cables for current/future service in the PUEs proposed for abandonment, and would object to their removal.
GCI	Approved as shown.

KPB department / agency review:

Addressing – Derek Haws	<p>Affected Addresses: 1010 MISSION AVE 509 OVERLAND AVE 513 OVERLAND AVE 508 UPLAND ST 510 UPLAND ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: OVERLAND AVE MISSION AVE COOK AVE UPLAND ST HIGHLAND AVE</p> <p>Comments: CITY OF KENAI WILL ADVISE ON AFFECTED ADDRESSES.</p>
Code Compliance – Eric Ogren	<p>Reviewer: Hindman, Julie Comments: Code Compliance review not available</p>
Planner – Bryan Taylor	<p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Assessing – Matt Bruns	No concerns from Assessing Dept.
ADF&G	No objections.

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:

- *Update the description for Lot 4 and 5 to read "Lot 5 Block 5 and portion of Lot 4 Block 5 Original Townsite of Kenai U.S. Survey 2970 A and B."*
- *Correct the spelling of Kenaitze for the ownership information.*

- 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 recommendation: *Provide a label for the Kenai River. Adjust the labels for the sections so they stand out more (bolder, halo, etc.)*

- 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 proposed 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:

- *The plat information east of Upland Street should be made clear to which lots the label applies. 2970 is for Lot 5 and Lot 6 while 83-99 is for Lot 1 and Tract D.*
- *Remove "Block 4" from the US Survey lot located to the northwest.*
- *Remove Block labels from Lot 192-A3 and Lot 16B.*

KPB 20.30 Design Requirements

Platting staff comments: *Staff reviewed the plat and all the items required by 20.30 were met, unless otherwise noted below:*

- 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.*

KPB 20.40 -- Wastewater Disposal

- 20.40.010 Wastewater disposal.

Platting Staff Comments: City water and sewer. An installation agreement is not required as buildings are already connected.

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.*

- 20.60.180. 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:

Remove the word "also" from plat note 4.

Plat note 9 states the location is not defined but the easement is depicted on the plat. The label on the plat can be reworded to refer to Plat Note 9 and then remove "location not defined" from the note.

Note 8 should have "A" removed from the beginning.

Note 10 should make "easements" in the singular.

KPB 20.70 – Vacation Requirements

Staff recommendation. *If the utility easement vacations will be finalized by the plat, it must be finalized within one year of vacation consent.*

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