

JULY 28, 2021
PLANNING AND ZONING COMMISSION MEETING
ADDITIONAL MATERIAL REVISION

REQUESTED REVISIONS TO THE PACKET

ACTION	ITEM	REQUESTED BY
Add to Item H1	December 11, 2013 Planning and Zoning Packet	Planning Department
Add to Item H1	Letter from Scott Huff, Platting Manager, Kenai Peninsula Borough	Planning Department

4a

STAFF REPORT	
To: Planning & Zoning Commission	Prepared by: nc
Date: November 27, 2013	Res: PZ13-41

GENERAL INFORMATION

Applicant: Segesser Surveys 907-262-3909
30485 Rosland Street
Soldotna, AK 99669

For: Kathleen Martin 907-252-8163
P.O. Box 521
Cooper Landing, AK 99572

Requested Action: Revised Preliminary Subdivision Plat – Kee’s Tern Subdivision
Legal Description: Located within Government Lot 4 and the SE1/4 SW1/4 Section 31, T6N, R10W, S.M.
Street Address: 4255 North Dogwood Road
KPB Parcel No.: 04906060
Existing Zoning: RR – Rural Residential
Current Land Use: Vacant
Land Use Plan: Rural Residential

ANALYSIS

This plat subdivides a large parcel containing over 30 acres into a subdivision resulting in 24 individual lots. The lots in the subdivision range in size from 1 acre to 1.39 acres and meet the minimum lot size for the zone and Alaska Department of Environmental Conservation (ADEC) requirements for on-site water and sewer. The minimum lot width within the Rural Residential zone (KMC 14.24.020) of 90 feet is met for all lots in the subdivision except Tract A which will require an exception from City Council pursuant to KMC 14.10.090 after a report by the Planning Commission.

The City of Kenai requires development of dedicated rights-of-way. The 30’ foot dedication off North Fern Street is a half-dedication matching the existing dedication of North Fern Street. The plat also identifies a 60’ foot wide tract into the subdivision off North Dogwood Road identified as Tract A. Tract A is a parcel whose use and access appears limited solely to the owners of Kee’s Tern Subdivision and Emergency Service Vehicles by plat note. The plat notes provide that Tract A is owned by KEE’s Tern

Subdivision Home Owners Association. All roads within the Kee's Tern Subdivision are intended to be private roads and will not be maintained by the City of Kenai unless brought to City standards, and Tract A is dedicated to and accepted by the City.

The Kenai Peninsula Borough also has design requirements and development standards that will have to be met and/or grant waivers for development of this private subdivision such as:

- 20.20.200 Address Lots - Access to Streets "each lot shall abut on a dedicated street." Since Tract A is not a "dedicated street" an exception must be granted by the Borough Planning Commission.
- 20.20.150 Streets – Name requirements "Streets shall be named to conform to adjacent areas and to avoid duplication, and in the uniform manner prescribed by the commission." The plat identifies Tract A as a parcel not a street.

The following synopsis provides action the City has taken with this plat to date:

- December 28, 2012, Preliminary Plat Kee's Tern Subdivision was received for review.
- January 9, 2013, the original preliminary plat (PZ13-01) was reviewed and approved by the Planning & Zoning Commission with several contingencies, including granting exceptions to KMC 14.10.080(e) Public Water System and (f) Sanitary Sewer Services. The Planning Commission cannot grant exceptions they must make recommendations to Kenai City Council.
- May 22, 2013, the Planning and Zoning Commission approved PZ13-25, a recommendation to the Kenai City Council to approve exceptions to KMC 14.10.080, Minimum Improvements Required, by not requiring the developer to provide a public water supply and sanitary sewer lines for the Kee's Tern Subdivision, and amending PZ13-01 to require that roads be constructed to the minimum standards required by City code.
- June 5, 2013, the Kenai City Council approved Resolution No. 2013-36 granting public water and sewer system exceptions to KMC 14.10.080, Minimum improvements, for Kee's Tern Subdivision pursuant to KMC 14.10.090, Variations and Exceptions. **This carry's over with this plat.**
- June 26, 2013, the Planning and Zoning Commission approved PZ13-31(PZ13-25) recommending the Kenai City Council approve an exception for Kee's Tern Subdivision to KMC 14.10.080, Minimum Improvements Required, for construction of Subdivision roads that vary from minimum code requirements.
- July 3, 2013, the Kenai City Council approved Resolution No. 2013-55 granting road development standard exceptions to KMC 14.10.080 Minimum Improvements Required, for Kee's Tern Subdivision pursuant to KMC 14.10.090, Variations and Exceptions.

The Martins intend to create a Homeowners Association to maintain the roads and accept ownership of Tract A. All parcels within the subdivision are subject to current City of Kenai Building and Zoning Codes. All streets are intended to be privately maintained by

the Homeowners Association. There have been multiple correspondence/meetings between the Martins and City Administration to attempt to develop plat notes that outline requirements for future development within the subdivision.

RECOMMENDATIONS

This is a revised preliminary plat that subdivides a large parcel into a 24-lot subdivision and creates Tract A as a parcel whose use and access is limited solely to the owners of Kee's Tern Subdivision and Emergency Service Vehicles. Tract A is intended to be maintained by a Homeowners Association.

The property is located in the Rural Residential zone. The lots meet the development requirements for the zone. The property is located off North Dogwood Road which is developed and maintained by the City of Kenai.

The lots in the subdivision meet ADEC standards for on-site water and sewer. The Kenai City Council granted an exception to KMC 14.10.080(e) Public Water System and (f) Sanitary Sewer Services. If in the future the City should extend water and sewer mains down North Dogwood Road, there will be sufficient room in the rights-of-way place the main lines.

Recommend approval of the revised preliminary plat subject to the following:

1. Installation agreement will be required: The City will work with the property owner to develop the Installation Agreement after preliminary plat approval. Improvements may include but not be limited to the following:
 - a. Road design must be stamped by an engineer licensed in the State of Alaska.
 - b. Signage including but not limited to stop signs, speed limit signs and street signs.
 - c. As-built drawings must be submitted to the City in both paper and digital format (Adobe & AutoCAD).
 - d. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
2. City must be notified if gates are intended to be placed on the road way and approve plan for gates that assure adequate emergency vehicle access.
3. Homeowners Association must be formed and approved by the City of Kenai Planning & Zoning Commission prior to plat being finalized.
4. Receive approval from the Kenai Peninsula Borough on exception to requirements in KPB 20.20.200.
5. City requests opportunity to consider and comment on any new changes and/or additions added to plat.
6. The following plat notes must be sufficiently modified as follows:
 - a. Plat Note 2. States "Tract A is a parcel whose use and access is limited solely to the owners of ..." This entails that others; mail carriers,

- guests, utility companies, etc. (anyone who is not an owner or emergency service vehicle) cannot use and access. Should be revised to reflect that use is limited for benefit of lot owners as provided in Plat Note 5.
- b. Plat Note 2 needs to be revised as to correct either punctuation or add words in the following “and to the mandatory payment of assessment, insurance dues.”
 - c. Plat Note 3 should explain who will be responsible for the prior review of site plans and construction.
 - d. Plat Note 5. Replace last sentence with “Roadways constructed to Kenai Peninsula Borough Category III standards do not meet minimum standards required by City of Kenai and therefore if at any future time The City takes over ownership and/ or maintenance responsibilities of roadways within the subdivision roadways will have to be improved to meet current City of Kenai Standards. The cost of roadway improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
7. Pursuant to KMC 14.10.090, recommend City Council approve exception to KMC 14.10.070(e)(3) and KMC 14.24.020 which require all lots in this zoning district to have a minimum width of 90 feet and Tract A is only 60 feet based on the following: allowing Tract A to have a width of 60 feet allows reasonable development of the subdivision given that Tract A is intended to be used for roadway purposes only and such an exception preserves public welfare and interests of the City and the general intent and spirit of the City’s subdivision regulations.

ATTACHMENTS:

1. Resolution No. PZ13-01
2. Resolution No. PZ13-25
3. Resolution No. 2013-36
4. Resolution No. PZ13-31(PZ13-25)
5. Resolution No. 2013-55



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ13-43
SUBDIVISION PLAT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT THE ATTACHED SUBDIVISION PLAT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

WHEREAS, the attached plat KEE'S TERN SUBDIVISION was referred to the City of Kenai Planning and Zoning Commission on December 11, 2013, and received from Segesser Surveys.

WHEREAS, the City of Kenai Planning and Zoning Commission finds:

1. Plat area is zoned RR – Rural Residential and therefore subject to said zone conditions.
2. Water and sewer: Not available.
3. Plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Kenai for the referenced property.
4. Installation agreement will be required.
5. Status of surrounding land is shown.
6. Utility easements must be shown on the final plat.
7. Plat shall verify that no encroachments exist. If an encroachment exists; plat does not create nor increase the encroachment.
8. Receive approval from the Kenai Peninsula Borough on exception to requirements in KPB 20.20.200 referencing Street names.
9. CONTINGENCIES:
 - a. See Page 2.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDS THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVE KEE'S TERN SUBDIVISION SUBJECT TO ANY NEGATIVE FINDINGS AS STATED ABOVE.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, December 11, 2013.

CHAIRPERSON: _____

ATTEST: _____

Recommend approval of the revised preliminary plat subject to the following:

1. Installation agreement will be required: The City will work with the property owner to develop the Installation Agreement after preliminary plat approval. Improvements may include but not be limited to the following:
 - a. Road design must be stamped by an engineer licensed in the State of Alaska.
 - b. Signage including but not limited to stop signs, speed limit signs and street signs.
 - c. As-built drawings must be submitted to the City in both paper and digital format (Adobe & AutoCAD).
 - d. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
2. City must be notified if gates are intended to be placed on the road way and approve plan for gates that assure adequate emergency vehicle access.
3. Homeowners Association must be formed and approved by the City of Kenai Planning & Zoning Commission prior to plat being finalized.
4. Receive approval from the Kenai Peninsula Borough on exception to requirements in KPB 20.20.200.
5. City requests opportunity to consider and comment on any new changes and/or additions added to plat.
6. The following plat notes must be sufficiently modified as follows:
 - a. Plat Note 2. States “Tract A is a parcel whose use and access is limited solely to the owners of ...” This entails that others; mail carriers, guests, utility companies, etc. (anyone who is not an owner or emergency service vehicle) cannot use and access. Should be revised to reflect that use is limited for benefit of lot owners as provided in Plat Note 5.
 - b. Plat Note 2 needs to be revised as to correct either punctuation or add words in the following “and to the mandatory payment of assessment, insurance dues.”
 - c. Plat Note 3 should explain who will be responsible for the prior review of site plans and construction.
 - d. Plat Note 5. Replace last sentence with “Roadways constructed to Kenai Peninsula Borough Category III standards do not meet minimum standards required by City of Kenai and therefore if at any future time The City takes over ownership and/ or maintenance responsibilities of roadways within the subdivision roadways will have to be improved to meet current City of Kenai Standards. The cost of roadway improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
7. Pursuant to KMC 14.10.090, recommend City Council approve exception to KMC 14.10.070(e)(3) and KMC 14.24.020 which require all lots in this zoning district to have a minimum width of 90 feet and Tract A is only 60 feet based on the following: allowing Tract A to have a width of 60 feet allows reasonable development of the subdivision given that Tract A is intended to be

used for roadway purposes only and such an exception preserves public welfare and interests of the City and the general intent and spirit of the City's subdivision regulations.



CITY OF KENAI PLANNING DEPARTMENT **PLANNING DEPARTMENT**
PRELIMINARY PLAT SUBMITTAL FORM

RECEIVED
 CITY OF KENAI
 NOV 25 2013

APPLICANT	<i>Kathleen A. Martin</i>
MAILING ADDRESS	<i>HC1 Box 5281</i>
CITY, STATE, ZIP	<i>Kenai, HI 96749</i>
PHONE	<i>(907)252-8163 / 808-966-7867</i>

NAME OF PLAT <i>KEE'S TERN Subdivision</i>		
	Preliminary Plat <input type="checkbox"/>	Revised Preliminary Plat <input checked="" type="checkbox"/>

CURRENT ZONING WHERE APPLICABLE: *RR*

USE: Residential Recreational Commercial Other

SEWER: On Site City Community
 WATER: On Site City Community

Vacation of Public Right-of-Way Yes No *Right of way not public.*

STREET NAME: *ALL ROADWAYS WITHIN KEE'S TERN SUBDIVISION*

EXCEPTIONS REQUIRED AND REQUESTED: *Those already requested + granted:
 Public water + Sanitary sewer lines*

COMMENTS: *Private subdivision with private roads.*

Kathleen A. Martin
 Applicant's Signature

October 30, 2013
 Date

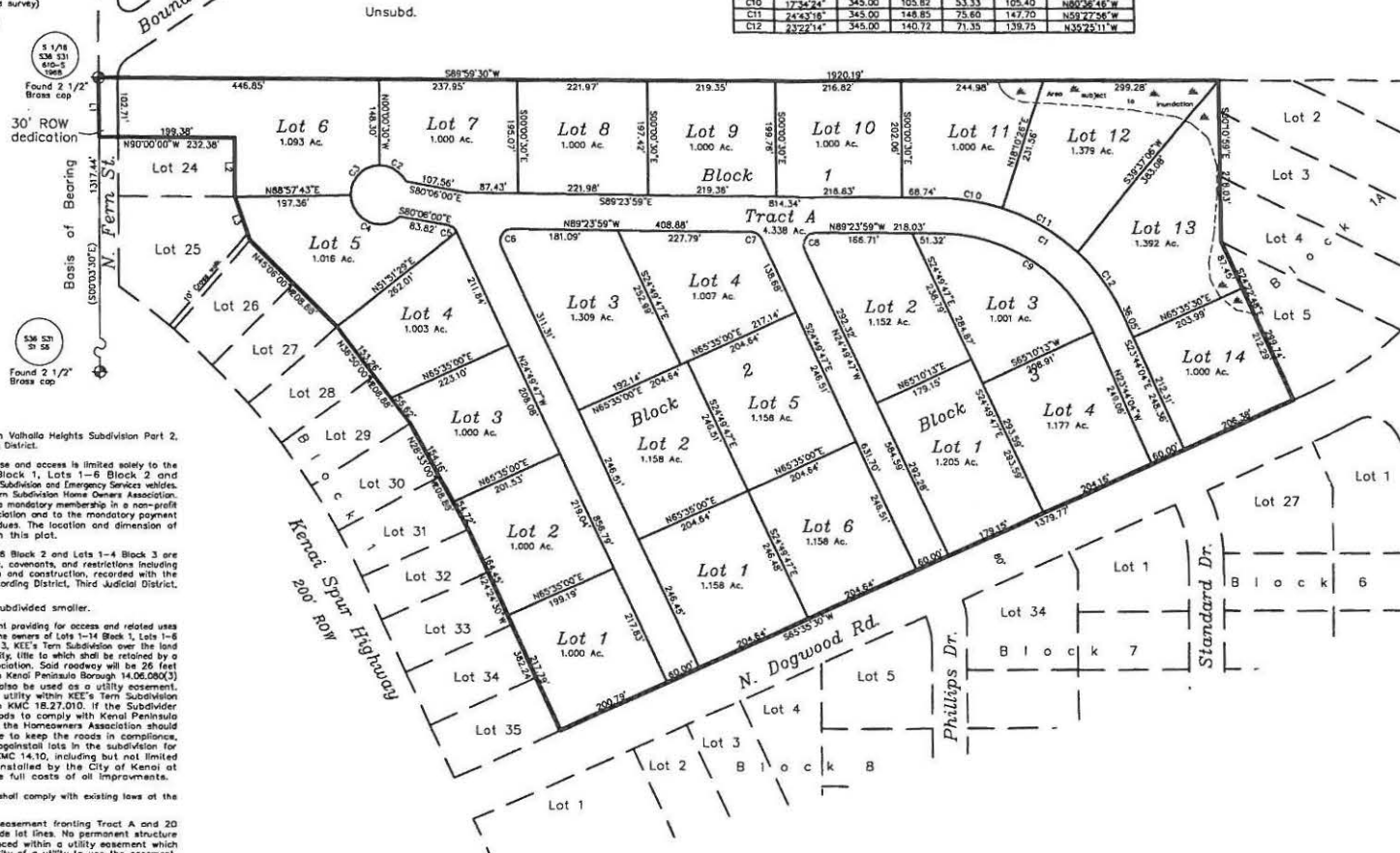
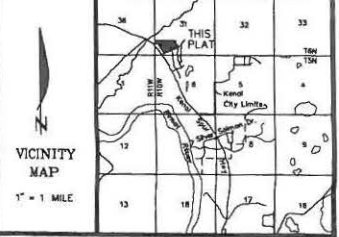
10/10/2013

LEGEND:

- ⊕ MONUMENT (found this survey)
- REBAR (found this survey)
- REBAR (set this survey)
- () RECORD DATUM

LINE	BEARING	LENGTH
L1	N00°32'31"W	102.71
L2	N00°33'30"W	100.00
L3	N18°21'00"W	76.20

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	85°39'54"	315.00	361.01	203.26	341.58	N56°34'01"W
C2	83°02'19"	50.00	55.01	30.66	52.28	N58°22'21"W
C3	81°01'47"	50.00	79.44	50.91	71.34	S44°28'36"W
C4	132°11'31"	50.00	115.36	112.81	91.42	S6°28'03"E
C5	85°16'13"	20.00	19.29	10.47	18.55	N52°27'54"W
C6	115°25'49"	20.00	40.29	31.66	33.62	S32°32'07"W
C7	84°34'11"	20.00	22.54	12.64	21.37	N52°06'53"W
C8	115°25'49"	20.00	40.29	31.66	33.62	S32°32'07"W
C9	85°39'54"	285.00	326.83	183.90	309.05	N56°34'01"W
C10	17°34'24"	345.00	105.82	53.33	105.40	N80°36'46"W
C11	24°43'18"	345.00	148.85	75.60	147.70	N50°27'58"W
C12	23°27'14"	345.00	140.72	71.35	139.73	N50°28'11"W



NOTES:

- 1) Basis of bearing taken from Valhalla Heights Subdivision Part 2, Plat K-1634, Kenai Recording District.
- 2) Tract A is a parcel whose use and access is limited solely to the owners of Lots 1-14 Block 1, Lots 1-6 Block 2 and Lots 1-4 Block 3 of KEE's Tern Subdivision and Emergency Services vehicles. Tract A is owned by KEE's Tern Subdivision Home Owners Association. All lot owners are subject to a mandatory membership in a non-profit corporate Homeowners Association and to the mandatory payment of assessment, insurance dues. The location and dimension of Tract A are as shown on this plat.
- 3) Lots 1-14 Block 1, Lots 1-6 Block 2 and Lots 1-4 Block 3 are subject to certain conditions, covenants, and restrictions including prior review of any site plan and construction, recorded with the District Recorder, Kenai Recording District, Third Judicial District, State of Alaska.
- 4) These lots shall not be subdivided smaller.
- 5) A permanent roadway easement providing for access and related uses is reserved for the benefit of the owners of Lots 1-14 Block 1, Lots 1-6 Block 2, and Lots 1-4 Block 3, KEE's Tern Subdivision over the land labeled as Tract A in perpetuity. Title to which shall be retained by a corporate Homeowners Association. Said roadway will be 26 feet wide and built to comply with Kenai Peninsula Borough 14.06.080(3) Category III. Tract A may also be used as a utility easement. Specific locations for each utility within KEE's Tern Subdivision will be in accordance with KMC 18.27.D10. If the Subdivider should fail to build the roads to comply with Kenai Peninsula Borough 14.06.080(3) or if the Homeowners Association should fail to provide maintenance to keep the roads in compliance, assessment will be levied against all lots in the subdivision for improvements required by KMC 14.10, including but not limited to streets improved or installed by the City of Kenai at some future time for the full costs of all improvements.
- 6) All waste disposal systems shall comply with existing laws at the time of construction.
- 7) There is a 15 foot utility easement fronting Tract A and 20 feet within 5 feet of the side lot lines. 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.
- 8) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

RECEIVED
CITY OF KENAI
NOV 26 2013
PLANNING DEPARTMENT



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____

CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KATHLEEN A. MARTIN
P.O. BOX 527
COOPER LANDING, AK 99572

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 20____

FOR _____
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL

KPB FILE No. 2013-023

Kee's Tern Subdivision

Located within Government Lot 4 and the SE1/4 SW1/4 Section 31, 19A, R10D, S4M, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 31.853 Ac.

SEGESSER SURVEYS
30485 Rosland St.
Soldotna, AK 99689

JOB NO.	12057	DRAWN:	11-23-13
SURVEYED:	June, 2012	SCALE:	1"=100'
FIELD BOOK:	12-1	SHEET:	1 of 1

Engineer License No. d01e



Suggested by: Planning and Zoning Commission

CITY OF KENAI

RESOLUTION NO. 2013-55

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, GRANTING ROAD DEVELOPMENT STANDARD EXCEPTIONS TO KMC 14.10.080, MINIMUM IMPROVEMENTS REQUIRED, FOR KEE'S TERN SUBDIVISION PURSUANT TO KMC 14.10.090, VARIATIONS AND EXCEPTIONS.

WHEREAS, the Planning and Zoning Commission reviewed a preliminary plat for Kee's Tern Subdivision on December 28, 2012, and recommended approval subject to certain conditions on January 9, 2013; and,

WHEREAS, on May 22, 2013, the Planning and Zoning Commission amended its recommended conditions imposed for approval; and,

WHEREAS, at the Planning and Zoning Commission meeting on May 22, 2013, the developer of the subdivision requested an exception from building the subdivision roads to City standards and instead requested the roads be built to Kenai Peninsula Borough standards, however the Planning Commission took no action on this request as the request was submitted at the meeting for the first time without public notice and did not have administrative support; and,

WHEREAS, on June 5, 2013, the City Council approved waivers to KMC 14.10.080 for water and sewer requirements but not for road requirements because the Planning and Zoning Commission had not made a recommendation regarding a waiver of roads standards; and,

WHEREAS, the developer subsequently timely submitted a request for exceptions to KMC 14.10.080 to construct roads within Kee's Tern Subdivision to Kenai Peninsula Borough Road Standards; and,

WHEREAS, Planning and Zoning Commission Resolution No. PZ13-31, passed on June 26, 2013, recommends that the City Council Approve Exceptions to KMC 14.10.080 road development standards as provided on Exhibit A to this Resolution; and,

WHEREAS, KMC 14.10.090, variations and exceptions allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the sub-divider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements when the tract to be subdivided is of unusual shape or size or is surrounded by such development or unusual conditions that strict application of the

improvement requirements would result in real difficulties, substantial hardship, or injustice; and,

WHEREAS, waiving the road development standards in Kenai Municipal Code and allowing the developer to build roads to the alternate standards proposed will allow for economical development of the subdivision in a reasonable manner and at the same time protect the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements; and,

WHEREAS, the exceptions to the minimum standards approved will meet the traffic and maintenance needs of the subdivision and are supported by the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA,

Section 1. That pursuant to KMC 14.10.090, the City Council waives the requirements in KMC 14.10.080 that require the developer to construct the roads within Kee's Tern Subdivision to the standards in Kenai municipal code based on the findings stated above.

Section 2. That pursuant to the recommendations of the Planning and Zoning Commission the City Council approves the following exemptions to the minimum road improvement standards for Kee's Tern Subdivision allowing for a 26 foot shoulder to shoulder width and inclusion of 4 inches of D-1 material on top of 6 inches of 2 inch gravel sub-base as provided in Exhibit A attached hereto.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 3rd day of July, 2013.


PAT PORTER, MAYOR

ATTEST:


Sandra Modigh, City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ13-31 (PZ13-25)
SUBDIVISION PLAT IMPROVEMENTS EXCEPTIONS**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THE KENAI CITY COUNCIL APPROVE AN EXCEPTION FOR KEE'S TERN SUBDIVISION TO KMC 14.10.080, MINIMUM IMPROVEMENTS REQUIRED, FOR CONSTRUCTION OF SUBDIVISION ROADS THAT VARY FROM MINIMUM CODE REURMENTS.

WHEREAS, the attached plat **KEE'S TERN SUBDIVISION** was referred to the City of Kenai Planning and Zoning Commission on December 28, 2012, and was recommended for approval on January 9, 2013, subject to certain conditions; and,

WHEREAS, the Kenai City Council approved exceptions to KMC 14.10.080(e)&(f) as recommended for approval by the Planning and Zoning Commission on May 22, 2013 subject to certain conditions; and,

WHEREAS, the City of Kenai Planning and Zoning Commission must recommend to the City Council the waiver of minimum improvements required for Council approval; and,

WHEREAS, the developer of Kee's Tern Subdivision has requested that internal subdivision roads be constructed to a standard that varies from the minimum City Code requirements; and,

WHEREAS, the alternate road standards proposed will protect the public welfare and interests of the City and preserve the general spirit and intent of the City's regulations and requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Kenai that the petition exceptions to the minimum improvements required for Kee's Tern Subdivision is hereby recommended to the Kenai City Council subject to following.

1. It is recommended that the Kenai City Council approve the following exceptions to the minimum road improvements required for Kee's Tern Subdivision pursuant to KMC 14.10.090 Variations and Exceptions:
 - i. Grant exception of 30-foot (30') to 26-foot (26') shoulder to shoulder width.
 - ii. Grant an inclusion of 4-inches (4") of D-1 material on top of the six-inches (6") Borough type two (2) gravel.

2. The Planning Commission makes the following findings in support of the variations and exceptions approved in Section 1;
 - i. Width of road is consistent for traffic needs.
 - ii. 4-inches (4") of D-1 is required for future maintenance of roads.
 - iii. City Manager stated 30-feet (30') was a wide road, and suggested reducing the road width to 26-feet (26').

**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,
ALASKA, ~~JUNE 26, 2013.~~**

CHAIRPERSON: _____

ATTEST: _____



Suggested by: Administration

CITY OF KENAI

RESOLUTION NO. 2013-36

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, GRANTING PUBLIC WATER AND SEWER SYSTEM EXCEPTIONS TO KMC 14.10.080, MINIMUM IMPROVEMENTS, FOR KEE'S TERN SUBDIVISION PURSUANT TO KMC 14.10.090, VARIATIONS AND EXCEPTIONS.

WHEREAS, the Planning and Zoning Commission reviewed a preliminary plat for Kee's Tern Subdivision on December 28, 2012, and recommended approval subject to certain conditions on January 9, 2013; and,

WHEREAS, on May 22, 2013, the Planning and Zoning Commission amended its recommended conditions imposed for approval; and,

WHEREAS, Planning and Zoning Commission Resolution No. PZ13-25, passed on May 22, 2013, recommends that the City Council Approve Exceptions to KMC 14.10.080(e)and(f), Minimum Improvements Required, to waive the requirement that the developer of Kee's Tern Subdivision provide a public water supply and sanitary sewer lines for each lot in the subdivision; and,

WHEREAS, at the Planning and Zoning Commission meeting on May 22, 2013, the developer of the subdivision additionally requested an exception from building the subdivision roads to City standards and instead requested the roads be built to Kenai Peninsula Borough standards, however the Planning Commission took no action on this request; and,

WHEREAS, KMC 14.10.090, variations and exceptions allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the sub-divider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements when the tract to be subdivided is of unusual shape or size or is surrounded by such development or unusual conditions that strict application of the improvement requirements would result in real difficulties, substantial hardship, or injustice; and,

WHEREAS, waiving the requirement of KMC 14.10.080(e) requiring the provision of a public water supply to each lot is reasonable as the proposed lot sizes are over 40,000 square feet and can adequately support on site water, City fire protection is available and onsite water is consistent with the surrounding neighborhood; and,

WHEREAS, waiving the requirement of KMC 14.10.080(f) requiring the provision of sanitary sewer lines to serve each lot is reasonable as the lot sizes are over 40,000 square feet and can adequately support on-site sewer systems, bringing a sewer system to the subdivision is cost prohibitive as it would require boring under the Kenai Spur Highway, and soils are adequate to support on-site waste water; and,

WHEREAS, the Planning and Zoning Commission conditioned its recommendation for exceptions to water and sewer requirements that if water and sewer are extended to the first entrance to the subdivision prior to the full development of the subdivision and installation of other utilities, water and sewer must be extended to serve the subdivision.

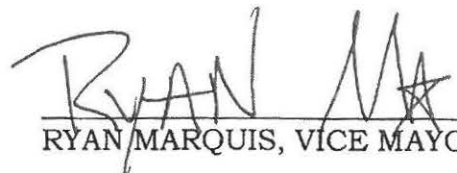
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA,

Section 1. That pursuant to KMC 14.10.090, the City Council waives the requirements in KMC 14.10.080 that require the developer to provide a public water system and sanitary sewer lines to each lot in the subdivision based on the findings stated above.

Section 2. That if water and sewer are extended to the first entrance to the subdivision prior to the full development of the subdivision and installation of other utilities, water and sewer must be extended to serve the subdivision.

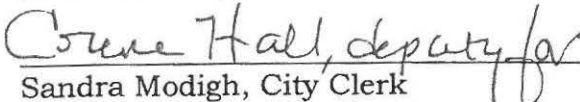
Section 3. Council's action to provide for a waiver for the request for public water and sewer shall be revoked if the subdivision or individual phases of the subdivision are not complete and accepted by the City within ten (10) years of this action.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of June, 2013.



RYAN MARQUIS, VICE MAYOR

ATTEST:



Sandra Modigh, City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ13-25
SUBDIVISION PLAT IMPROVEMENT EXCEPTIONS**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THE KENAI CITY COUNCIL APPROVE EXCEPTIONS TO KMC 14.10.080, MINIMUM IMPROVEMENTS REQUIRED, BY NOT REQUIRING THE DEVELOPER TO PROVIDE A PUBLIC WATER SUPPLY AND SANITARY SEWER LINES FOR THE ATTACHED SUBDIVISION PLAT AND AMENDING PZ13-01 TO REQUIRE THAT ROADS BE CONSTRUCTED TO THE MINIMUM STANDARDS REQUIRED BY CITY CODE.

WHEREAS, the attached plat KEE'S TERN SUBDIVISION was referred to the City of Kenai Planning and Zoning Commission on December 28, 2012, and were recommended for approval on January 9, 2013, subject to certain conditions; and,

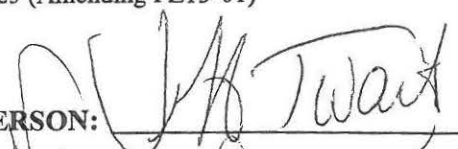
WHEREAS, further review requires the City of Kenai Planning and Zoning Commission to amend the minimum road standards imposed; and,

WHEREAS, the City of Kenai Planning and Zoning Commission must recommend to the City Council the waiver of water and sewer requirements for Council approval.

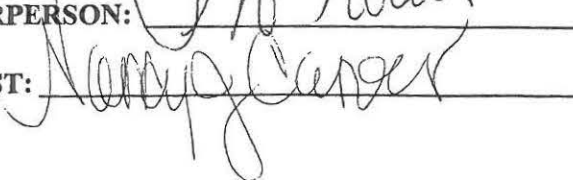
1. It is recommended that the Kenai City Council approve the following exceptions to the minimum improvements required for Kee's Tern Subdivision pursuant to KMC 14.10.090 Variations and Exceptions:
 - a. Public water system required pursuant to KMC. 14.10.080(e) not be required based on the following findings:
 - i. Lot sizes are over 40,000 sq. feet, which are adequate to support on-site water.
 - ii. City fire protection is available.
 - iii. On-site water is consistent with surrounding neighborhood.
 - b. Sanitary sewer lines required pursuant to KMC. 14.10.080(f) not be required based on the following findings:
 - i. Lot sizes are over 40,000 sq. feet, which are adequate to support on-site sewer.
 - ii. Cost prohibitive to boring under the Kenai Spur Highway.
 - iii. Soils are adequate to support on-site waste water.
2. Resolution PZ13-01 is amended by repealing the requirement that the developer build paved roads and instead require all streets in the subdivision be built to the minimum standards required by City Code.
3. If water and sewer are extended to the first entrance to the subdivision prior to the full development of the subdivision and installation of other utilities, water and sewer will be extended to serve the subdivision.

**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,
ALASKA, MAY 22, 2013.**

CHAIRPERSON:



ATTEST:



~~Grant an exception to KMC 14.10.080(e), Public Water System and KMC 14.10.080(f) Sanitary Sewer Service.~~

1. An Installation Agreement will be required: The City will work with the property owner to develop the Installation Agreement after preliminary plat approval. Improvements may include but not be limited to the following:
 - ~~a. Streets and drainage plans must be designed and constructed to Municipality of Anchorage Standard Specifications (2009 MASS).~~
 - (a.) Design must be stamped by an engineer licensed in the State of Alaska.
 - (b.) Prior to construction, plans must be submitted to the City of Kenai for review and acceptance.
 - ~~b. Streets will require a minimum 24 foot paved surface, with 2 foot shoulders and approved excavation and backfill.~~
 - c. Signage including but not limited to stop signs, speed limit signs and street signs.
 - d. Back slopes must be top soiled and seeded.
 - e. After construction, the engineer must submit signed documentation that the road was built to the standards approved in the submitted plans.
 - f. As-built drawings must be submitted to the City in both paper and digital format (Adobe & AutoCAD).
2. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ13-01
SUBDIVISION PLAT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT THE ATTACHED SUBDIVISION PLAT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

WHEREAS, the attached plat KEE'S TERN SUBDIVISION was referred to the City of Kenai Planning and Zoning Commission on December 28, 2012, and received from Segesser Surveys

WHEREAS, the City of Kenai Planning and Zoning Commission finds:

1. Plat area is zoned RR – Rural Residential and therefore subject to said zone conditions.
2. Water and sewer: Not available.
3. Plat does not subdivide property within a public improvement district subject to special assessments. There is not a delinquency amount owed to the City of Kenai for the referenced property.
4. Installation agreement or construction of improvements IS required.
5. Status of surrounding land is shown.
6. Utility easements, if required, shall be shown.
7. Plat shall verify that no encroachments exist. If an encroachment exists; plat does not create nor increase the encroachment.
8. Street names designated on the plat are correct.
9. CONTINGENCIES:
 - a. See Page 2.

NOW, THEREFORE, BE IT RESOLVED, THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDS THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVE KEE'S TERN SUBDIVISION SUBJECT TO ANY NEGATIVE FINDINGS AS STATED ABOVE.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, JANUARY 9, 2013.

CHAIRPERSON: _____

ATTEST: _____

1. Grant an exception to KMC 14.10.080(e) (Public Water System) and (f) (Sanitary Sewer Service).
2. Installation agreement will be required: The City will work with the property owner to develop the Installation Agreement after preliminary plat approval. Improvements may include but not be limited to the following:
 - a. Streets and drainage plans must be designed and constructed to Municipality of Anchorage Standard Specifications (2009 MASS)
 - b. Design must be stamped by an engineer licensed in the State of Alaska.
 - c. Prior to construction, plans must be submitted to the City of Kenai for review and acceptance.
 - d. Streets will require a minimum 24-foot paved surface, with 2-foot shoulders and approved excavation and backfill.
 - e. Signage including but not limited to stop signs, speed limit signs and street signs.
 - f. Back slopes must be top soiled and seeded.
 - g. After construction, the engineer must submit signed documentation that the road was built to the standards approved in the submitted plans.
 - h. As-built drawings must be submitted to the City in both paper and digital format (Adobe & AutoCAD).
3. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

July 28, 2021

City of Kenai
Planning and Zoning Commission
210 Fidalgo Avenue
Kenai, AK 99611

Planning and Zoning Commissioners:

RE: Time Extensions

It has been brought to my attention that there have been some questions regarding the Borough's time extension process for subdivision plats, specifically for Kee's Tern Subdivision. I apologize as a staff member could not be present for your meeting but I hope this letter will provide some additional insight for subdivision plat time extension requests.

After approval from the City of Kenai Planning and Zoning Commission, the Kenai Peninsula Borough Planning Commission approved Kee's Tern Subdivision on February 11, 2013. A revised preliminary plat was then approved on February 10, 2014.

The Kenai Peninsula Borough adopted updates to Title 20 – Subdivision codes that took effect on February 12, 2014 and April 1, 2021. Kee's Turn Subdivision, as well as a few others subdivision plats, were approved prior to February 12, 2014 and are being reviewed under the code effective prior to February 12, 2014 (pre 2014).

KPB code pre 2014 (20.12.090) covered the preliminary plat approval and expiration restrictions. It allowed time extensions to be requested but did not place any restrictions on how many extensions could be approved or the time limits for the subdivision plat approval. Under pre 2014 code, an unlimited number of time extensions could be granted.

On February 12, 2014, a revision to Title 20 - Subdivisions was adopted. Under KPB 20.25.110, subdivision plats are granted a two-year initial approval. The owner or surveyor may request no more than two additional time extensions, with each extension being for a 2 year approval period. The recording of a phase of the subdivision resets the approval date for an additional two years from the date that the phase is recorded. The approval of time extensions rests with the KPB Planning Director unless they wish to present it to the Planning Commission for approval. Expiration of the preliminary plat approval will require the submission of, and action on, a new preliminary plat application.

July 28, 2021
Page 2

On April 1, 2021, another revision to Title 20 – Subdivisions was adopted. A section of code was added that reads, *'Subdivision plats approved prior to February 14, 2014 under former KPB 20.12, 20.14, 20.16, and 20.20 with approvals that are greater than 10 years in length, and with approvals that will expire, will be considered expired on the expiration date. Continuation of an expired subdivision will require the submission of, and action on, a new preliminary plat that complies with current subdivision requirements.'*

Under this current section of code, the approval for Kee's Turn Subdivision cannot be extended beyond February 11, 2023, which is 10 years from the initial preliminary plat approval date. If all phases are not recorded before February 11, 2023 a new preliminary plat application must be submitted and the plat must comply with current subdivision standards.

KPB Subdivision code has always required review by the City Advisory Commission (Planning and Zoning) for all subdivisions within city limits. This requirement has been in effect with the pre 2014 code and has not changed with the subsequent code revisions.

With the City Advisory review for a time extension, KPB staff is requesting information from the City that may affect the previously approved preliminary plat. Examples of possible concerns are changes to road construction requirements, changes to city utilities, requirements for extension of city utilities, zoning changes, any infractions to municipal code, etc.

In regards to Kee's Tern Subdivision, this time extension request can be granted to allow approval to February 11, 2023, which is ten years from the initial approval date and complies with current KPB subdivision standards. After this date, a new subdivision plat application will be required.

Kee's Tern Subdivision was approved with exceptions to allow for private right-of-ways that were created as a tract. KPB code currently allows for private streets as outlined in KPB 20.80 – Private Streets and Gated Communities. As outlined in KPB 20.80.005, Chapter 20.80 does not apply within the boundary of an incorporated city. Any approval for Kee's Tern Subdivision after February 11, 2023 will require both City and Borough approval.

I hope this letter helps address some concerns and questions you may have. If you have any questions regarding our process or code, please let me know.

Thank you,



Scott Huff
Platting Manager