



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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JOHN J. WILLIAMS
BOROUGH MAYOR

MEMORANDUM

TO: Grace Merkes, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Borough Mayor *JJW*

FROM: *MB* Max J. Best, Planning Director

DATE: August 13, 2008

SUBJECT: Ordinance 2008-~~20~~²¹, Petition to create a Single Family Residential (R-1) Local Option Zoning district (LOZ) on property in the Funny River area. Location: All of Funny River Grove Subdivision located within the SW1/4 of Section 24, T5N, R9W, Seward Meridian, Alaska. Petitioner/Owner: Arvind & Dipali Phukan, Bruce & Nola Sharkey.

The Planning Commission reviewed the subject ordinance during their regularly scheduled August 11, 2008 meeting. A motion to recommend adoption of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

Revised From
Mayor's Office to

Clerk	<i>orig</i>
Assembly	_____
Legal	_____
Finance	_____
Assessing	_____
Planning	<i>✓</i>
Roads	_____
SBB	_____
Purchasing	_____
Other	_____
Date:	<i>8/13/08 bw</i>

AGENDA ITEM F. PUBLIC HEARINGS

- 4. Petition to create a Single Family Residential (R-1) Local Option Zoning district (LOZ) on property in the Funny River area. Location: All of Funny River Grove Subdivision located within the SW1/4 of Section 24, T5N, R9W, Seward Meridian, Alaska. Petitioner/Owner: Arvind & Dipali Phukan, Bruce & Nola Sharkey.

Memorandum given by Crista Hippchen

PC Meeting: 7/21/08

On July 23, 2008, the Planning Department received a petition from Arvind & Dipali Phukan and Bruce & Nola Sharkey requesting the formation of a Single Family Residential (R-1) Local Option Zoning District (LOZ). The petitioners are in the process of subdividing property in the Funny River area. The proposed LOZ would include all lots in the Funny River Grove Subdivision, of which the petitioners are currently the sole property owners. The petition and a letter from the petitioners are attached. Public notice of the proposed LOZ was distributed pursuant to KPB 21.44.050.

Pursuant to KPB 21.44, property owners may petition the assembly for greater restriction on land use that otherwise provided in the KPB Code. Furthermore, the proposed LOZ is consistent with Goal 6.5 of the KPB Comprehensive Plan, which is to maintain the freedom of property owners in rural areas of the borough to make decisions and control use of their private land. The accompanying map shows the proposed R-1 LOZ district, and the accompanying plat depicts the lots to be included within the LOZ boundary. The local option zoning applies to any further replats of Funny River Grove Subdivision.

END OF MEMORANDUM

Chairman Bryson opened the meeting for public comment.

- 1. John Galley
Mr. Galley was a resident in the Funny River area and a property owner to the east of this parcel. The parcel he owns was an 80-acre parcel that he has subdivided and is currently selling the property in 5-acre lots. He felt the proposed Local Option Zoning proposal was a good idea. Mr. Galley expressed concern regarding the access egress and ingress points in getting people who live on these 1-acre lots the help they need in case of an emergency. He wanted to bring this concern to the attention of the Planning Commission and Planning Department.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Carluccio moved, seconded by Commissioner Martin to recommend enactment of Ordinance 2008-___; Petition to create a Single Family Residential (R-1) Local Option Zoning district (LOZ) on property in the Funny River area. Location: All of Funny River Grove Subdivision located within the SW1/4 of Section 24, T5N, R9W, Seward Meridian, Alaska. Petitioner/Owner: Arvind & Dipali Phukan, Bruce & Nola Sharkey.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD ABSENT	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

- 5. Ordinance 2008-24 allowing for a late-filed habitat protection tax credit for properties exceeding the \$300,000 senior citizen exemption where construction was commenced in 2005, 2006, or 2007

Memorandum reviewed by Max Best

PC Meeting: August 11, 2008

At the regular election in 2007, the borough voters adopted a \$300,000 cap for the formerly unlimited senior citizen exemption. It is believed that approximately 64 properties have potentially qualifying projects for the