

Introduced by: KIB Manager
Drafted by: Community Development Director
Introduced on: 09/15/2022
Public Hearing Date: 10/06/2022
Adopted on: 10/06/2022

KODIAK ISLAND BOROUGH
Ordinance No. FY2023-06

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
REZONING ALLMAN ADDITION TRACT A COMMONLY KNOWN AS 1240 MILL BAY
ROAD FROM B-BUSINESS DISTRICT TO PL-PUBLIC USE LANDS DISTRICT**

WHEREAS, as a second-class borough, the Kodiak Island Borough exercises planning, platting, and land use regulations on an area wide basis pursuant to Chapter 29.40 Alaska Statutes; and

WHEREAS, in accordance with AS 29.40, the Kodiak Island Borough adopted the 2008 Comprehensive Plan update on December 6, 2007 (Ordinance No. FY2008-10) to replace the 1968 Comprehensive Plan; and

WHEREAS, the Kodiak Island Borough has adopted KIBC Title 17 (Zoning) in accordance with AS 29.40 to implement the Kodiak Island Borough Comprehensive Plan; and

WHEREAS, KIBC 17.205.010 provides that “Whenever the public necessity, convenience, general welfare or good zoning practice requires, the assembly may, by ordinance and after report thereon by the commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts”; and

WHEREAS, the property owner applied for a rezone of this property from B-Business District to PL-Public Use Lands District on June 29, 2022; and

WHEREAS, at an advertised public hearing, consistent with Kodiak Island Borough Code 17.205.040, the Planning and Zoning Commission considered the merits of the rezone request on August 17, 2022, in Case 22-015; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from B-Business District to PL-Public Use Lands District finding that the public necessity, convenience, general welfare, and good zoning practice would be enhanced by such action; and

WHEREAS, Kodiak Island Borough Code 17.205.075(A) calls for a rezoning which is not consistent with the assigned comprehensive plan future land use designations to include a change to the comprehensive plan future land use designation that is consistent with the new zoning; and

46 **WHEREAS**, Kodiak Island Borough Code 17.205.074(C) calls for a rezoning ordinance to
47 include a section which specifies the newly assigned comprehensive plan future land use
48 designation of the rezoned parcel or parcels.

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50 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
51 **BOROUGH** that:

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53 Section 1: This ordinance is of a permanent nature, but is NOT of a general nature,
54 and shall NOT become a part of the Kodiak Island Borough Code of
55 Ordinances.

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57 Section 2: By this ordinance, Allman Addition Tract A, commonly known as 1240 Mill
58 Bay Road, a diagram of which is depicted in Exhibit A appended to this
59 ordinance and incorporated herein by reference, is hereby rezoned from
60 Business (B) District to Public Use Lands (PL) District in the Official Zoning
61 Map of Kodiak Island Borough (see attached diagram showing the parcels
62 to be rezoned).

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64 Section 3. The Official Zoning Map of the Kodiak Island Borough shall be amended to
65 indicate the change of zone set forth in Section 2 of this ordinance. The
66 Director of Community Development shall cause the Zoning Map to be
67 amended consistent with this ordinance.

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69 Section 4 By this ordinance, Allman Addition Tract A, commonly known as 1240 Mill
70 Bay Road, a diagram of which is depicted in Exhibit B appended to this
71 ordinance and incorporated herein by reference, is hereby rezoned from
72 Commercial (B) to Public Facilities (PUB) District in the Official Future Land
73 Use Map of the Kodiak Island Borough Comprehensive Plan 2008 (see
74 attached diagram showing the parcels to be rezoned).

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76 Section 5. The Official Future Land Use Map of the Kodiak Island Borough
77 Comprehensive Plan 2008 shall be amended to indicate the change of
78 zone set forth in Section 4 of this ordinance. The Director of Community
79 Development shall cause the Official Future Land Use Map of the Kodiak
80 Island Borough Comprehensive Plan 2008 to be amended consistent with
81 section 4 of this ordinance.

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83 Section 6: By this ordinance, the Borough Assembly adopts the following findings of
84 fact in support of their approval of this rezone:

- 85
86 1. The rezone is consistent with the objectives of the 2008 Kodiak Island Borough
87 comprehensive plan, specifically the sections that identify the need for a fire station
88 and the compatibility of land uses and overall safety of the community and future
89 site plan approval process will minimize conflict with surrounding land uses.
90 2. The rezone would implement a comprehensive plan action to promote public safety
91 and emergency responses services while balancing the compatibility of land uses.
92 3. There is a need and obvious justification for a fire station that is a critical facility
93 located in a location outside of an inundation zone with better response times.

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4. The rezone would assist the owners' ability to develop the parcel for a fire station, while the site plan approval process would mitigate any harm to the public health, safety, and welfare.

Effective date: This ordinance shall become effective in accordance with KIBC 1.10.040.

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS SIXTH DAY OF OCTOBER, 2022.**

KODIAK ISLAND BOROUGH


William Roberts, Mayor

ATTEST:


Nova M. Javier, MMC, Borough Clerk

VOTES:

Ayes: Arndt, Delgado, Griffin, Smiley, Smith, Turner, and Williams

Noes:

CERTIFICATE

Therefore I, _____, Director of Community Development for the Kodiak Island Borough, hereby certify that on this _____ day of _____, 2022, pursuant to the provision of Section 17.205.010 et seq of the Kodiak Island Borough Code, have caused the Official Zoning Map of the Kodiak Island Borough to be changed in the manner and to the extent directed and authorized by Ordinance No. 2023-06 which ordinance rezoned certain property more particularly described in such ordinance from Business (B) District to Public Use Lands (PL) District.

Seema Garoutte, Interim CDD Director

Subscribed and sworn to before me and witnessed by me on the _____ day of _____, 2022.

ATTEST:

Nova M. Javier, Borough Clerk

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CERTIFICATE

Therefore I, _____, Director of Community Development for the Kodiak Island Borough, hereby certify that on this _____ day of _____, 2022, pursuant to the provision of Section 17.205.075 of the Kodiak Island Borough Code, have caused the Official Future Land Use Map of the Kodiak Island Borough Comprehensive Plan 2008 to be changed in the manner and to the extent directed and authorized by Ordinance No. 2023-06 which ordinance rezoned certain property more particularly described in such ordinance from Commercial (B) to Public Facilities (PUB) District).

Seema Garoutte, Interim CDD Director

Subscribed and sworn to before me and witnessed by me on the _____ day of _____, 2022.

ATTEST:

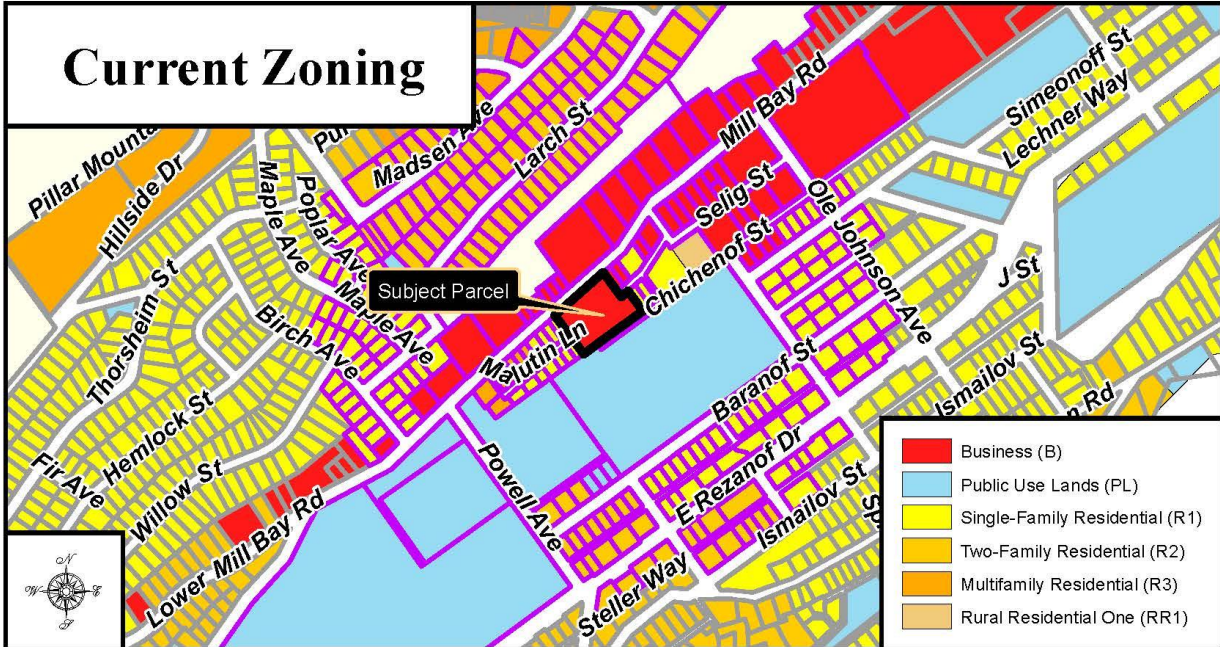
Nova M. Javier, Borough Clerk

Exhibit A

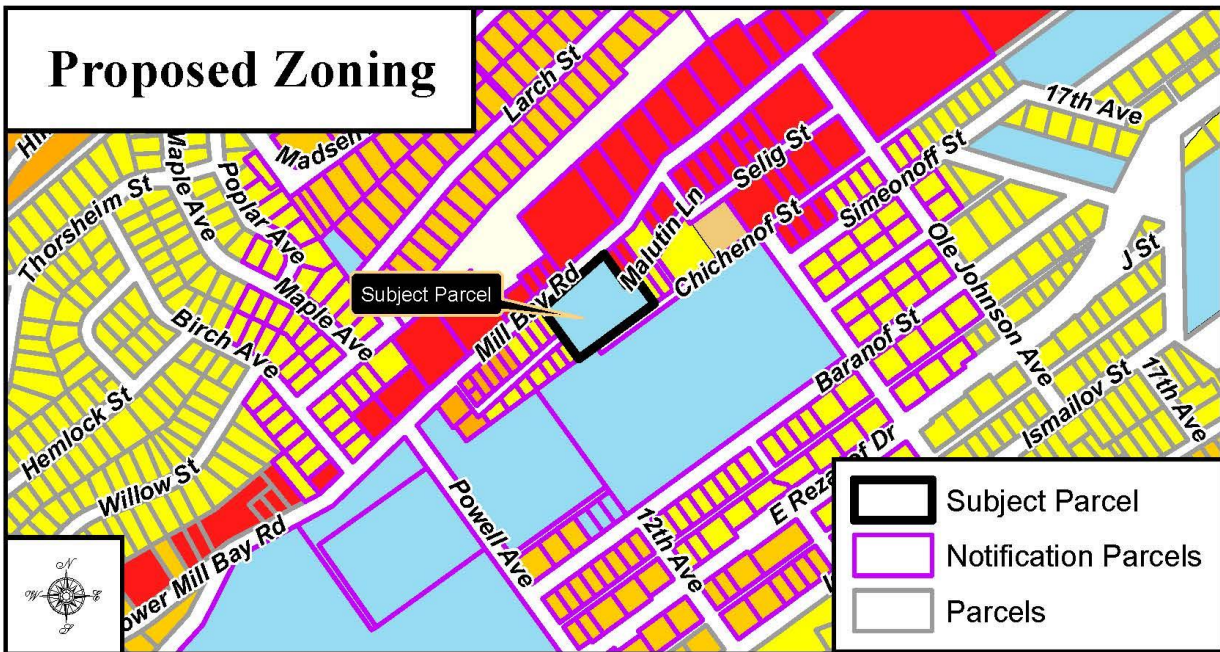
Case 22-015: Rezone of Allman Addition Tract A from B-Business District to PL-Public Use Lands District.
 Location: 1240 Mill Bay Road
 Applicant: City of Kodiak



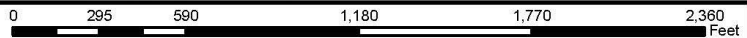
Current Zoning



Proposed Zoning



Public Hearing Notice For Rezone



Community Development Department
<https://www.kodiakak.us/85/Community-Development>
 907-486-9363

This map is provided for informational purposes only and is not intended for any legal representations.

