

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. FY2023-07

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING
ALLMAN ADDITION BLOCK 2, LOT 11, COMMONLY KNOWN AS 1234 MILL BAY ROAD,
FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-BUSINESS 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 R-1 Single-family Residential to B-Business District on June 24, 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 22-014; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be rezoned from R1-Single-family Residential to B-Business 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.
49

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 Block 2, Lot 11, commonly known as
58 1234 Mill Bay Road, a diagram of which is depicted in Exhibit A appended
59 to this ordinance and incorporated herein by reference, is hereby rezoned
60 from R1-Single-family Residential to B-Business District in the Official
61 Zoning Map of Kodiak Island Borough (see attached diagram showing the
62 parcels to be rezoned).
63

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.
68

69 Section 4 By this ordinance, Allman Addition Block 2, Lot 11, commonly known as
70 1234 Mill Bay Road, a diagram of which is depicted in Exhibit B appended
71 to this ordinance and incorporated herein by reference, is hereby rezoned
72 from Residential (R) to Commercial (B) in the Official Future Land Use Map
73 of the Kodiak Island Borough Comprehensive Plan 2008 (see attached
74 diagram showing the parcels to be rezoned).
75

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.
82

83 Section 6: By this ordinance, the Borough Assembly adopts the following findings of
84 fact in support of their approval of this rezone:
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- 86 1. The rezone is consistent with the objectives of the 2008 Kodiak
87 Island Borough comprehensive plan, specifically the sections that
88 identify the need for the compatibility of land uses and this rezone
89 promotes the compatibility with surrounding business uses and the
90 prospective use of the adjacent fire station.
- 91 2. The rezone would implement a comprehensive plan action to
92 balance the compatibility of adjacent land uses.
- 93 3. There is a need and justification for business property in the adjacent
94 area as well as compatibility between different uses such as a fire

station and promotion of the health and safety of the property's occupants.

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, Borough Clerk

VOTES:

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

Noes:

CERTIFICATE

Therefore I, Seema Garoutte, Director of Community Development for the Kodiak Island Borough, hereby certify that on this 11th day of October, 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. 2023-07 which ordinance rezoned certain property more particularly described in such ordinance from R1, Single-family Residential to B, Business District.


Seema Garoutte, Interim CDD Director

Subscribed and sworn to before me and witnessed by me on the 21st day of October, 2022.

ATTEST:

Nova M. Javier, Borough Clerk



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CERTIFICATE

Therefore I, Seema Garoutte, Director of Community Development for the Kodiak Island Borough, hereby certify that on this 11th day of October, 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. 2023-07 which ordinance rezoned certain property more particularly described in such ordinance from Residential (R) to Commercial (B).

Seema Garoutte
Seema Garoutte, Interim CDD Director

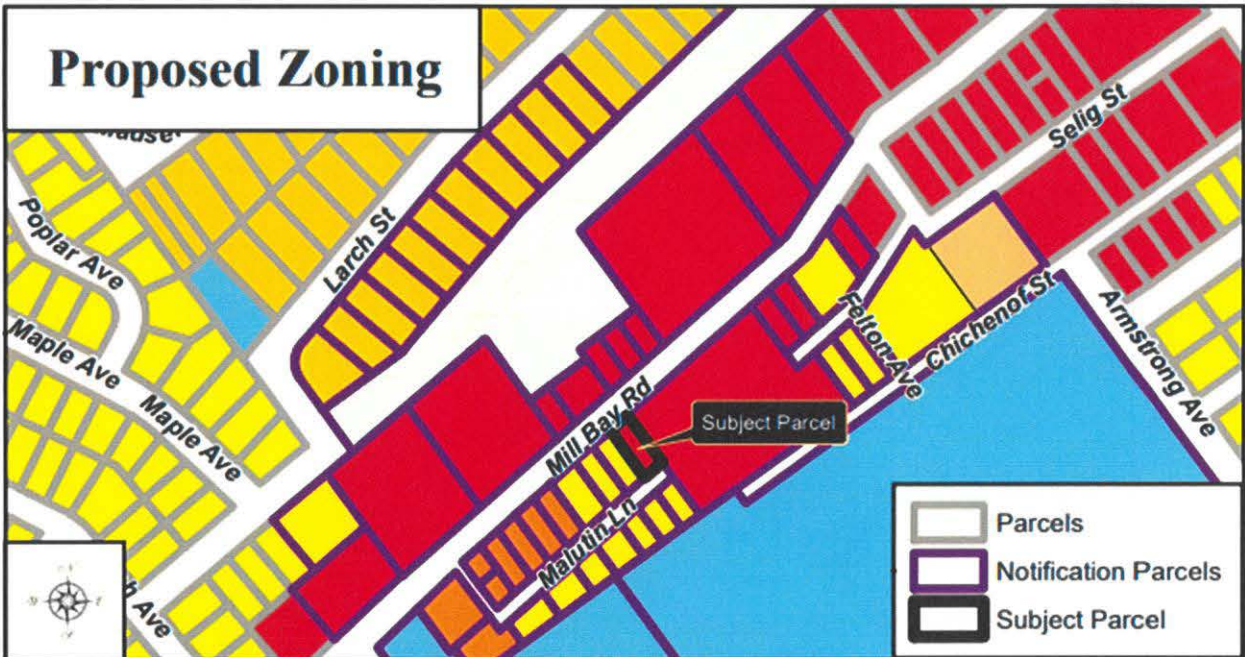
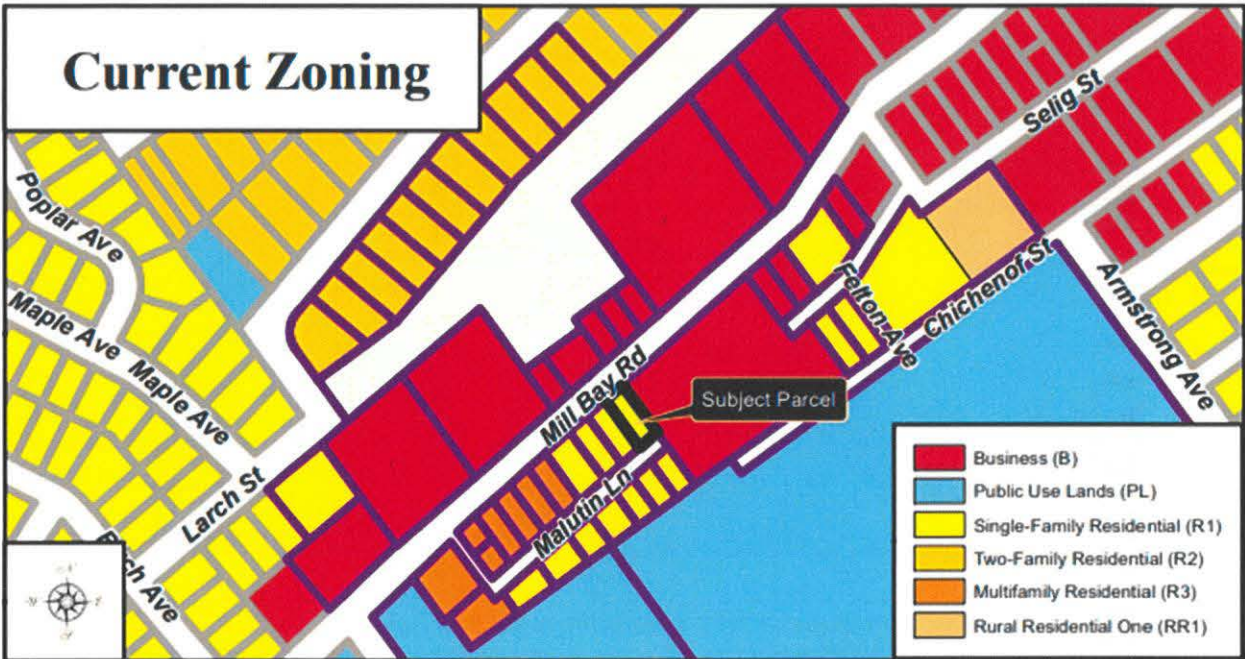
Subscribed and sworn to before me and witnessed by me on the 21st day of October, 2022.



ATTEST:
Nova M. Javier
Nova M. Javier, Borough Clerk

Exhibit A

Case 22-014: Rezone of Allman Addition Block 2, Lot 11, from R-1 Single-Family Residential District to B-Business District.
 Location: 1234 Mill Bay Road
 Applicant: Ronald & Mary Doubt



**Public Hearing Notice
For Rezone**

0 150 300 600 900 1,200 Feet
 Community Development Department
<https://www.kodiak.ak.us/85/Community-Development>
 907-486-9363
 This map is provided for informational purposes only and is not intended for any legal representations.

