

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2024-03**

AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH REZONING LOT 26A, U.S. SURVEY 3098 FROM R1-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 February 18, 2023; 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 April 19, 2023, in Case 23-015; and

WHEREAS, the Planning & Zoning Commission voted to recommend to the Borough Assembly that the site be not rezoned from R1-Single-family Residential to B-Business District finding that the public necessity, convenience, general welfare, and good zoning practice would not be enhanced by such action; and

WHEREAS, the applicant filed a timely appeal under Kodiak Island Borough Code 17.205.055(B) within 20 days of the Planning and Zoning Commission recommendation of denial requesting that the Assembly consider the rezone request despite the Planning and Zoning Commission Recommendation; and

WHEREAS, after reviewing the facts and circumstances, the testimony, and the arguments advanced by the applicant, staff, and interested persons, the Kodiak Island Borough Assembly finds, pursuant to Kodiak Island Borough Code 17.205.060, that the public necessity, convenience, general welfare, and good zoning practices support approval of the rezone request; and

WHEREAS, Kodiak Island Borough Code 17.205.075(A) calls for an ordinance approving a rezoning such as this, 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

50 that is consistent with the new zoning; and

51
52 **WHEREAS**, Kodiak Island Borough Code 17.205.075(C) calls for a rezoning ordinance to include
53 a section which specifies the newly assigned Comprehensive Plan Future Land Use Designation
54 of the rezoned parcel or parcels.

55
56 **NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND**
57 **BOROUGH** that:

58
59 **Section 1:** This ordinance is of a permanent nature, but is NOT of a general nature, and shall
60 NOT become a part of the Kodiak Island Borough Code of Ordinances.

61
62 **Section 2:** By this ordinance, LOT 26A, U.S. SURVEY 3098, commonly known as 110 Bancroft
63 Drive, a diagram of which is depicted in Exhibit A appended to this ordinance and
64 incorporated herein by reference, is hereby rezoned from R1-Single-family
65 Residential to B- Business District in the Official Zoning Map of Kodiak Island Borough
66 (see attached diagram showing the parcels to be rezoned).

67
68 **Section 3:** The Official Zoning Map of the Kodiak Island Borough shall be amended to indicate
69 the change of zone set forth in Section 2 of this ordinance. The Director of Community
70 Development shall cause the Zoning Map to be amended consistent with this
71 ordinance.

72
73 **Section 4:** By this ordinance, LOT 26A, U.S. SURVEY 3098, commonly known as 110 Bancroft
74 Drive, a diagram of which is depicted in Exhibit B appended to this ordinance and
75 incorporated herein by reference, is hereby rezoned from Residential (R) to
76 Commercial (B) in the Official Future Land Use Map of the Kodiak Island Borough
77 Comprehensive Plan 2008 (see attached diagram showing the parcels to be
78 rezoned).

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

85
86 **Section 6.** By this ordinance, the Borough Assembly adopts the following findings of fact in
87 support of their approval of this rezone:

88
89 *(Note: This will be filled in accordingly depending on the vote taken by the Assembly.)*

- 90 1.
91 2.
92 3.
93 4.

94
95 **Effective Date:** This ordinance shall become effective in accordance with KIBC 1.10.040.

96
97 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
98 **THIS _____ DAY OF _____, 2023.**

100 KODIAK ISLAND BOROUGH

101

102

103

104 _____
Scott Arndt, Borough Mayor

105

106 Introduced by: Manager

107 First reading: 06/15/2023

108 Second reading/public hearing: 06/15/2023

109 Failed: 06/15/2023

110

111 VOTES:

112 Ayes: None

113 Noes: Griffin, LeDoux, Sharratt, Smiley, Turner, and Delgado

114 Absent: Smith

ATTEST:

Nova M. Javier, MMC, Borough Clerk

FAILED