



**Kenai Planning & Zoning Commission -
Regular Meeting**

April 27, 2022 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 2****

www.kenai.city

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. APPROVAL OF MINUTES

1. *Regular Meeting of April 13, 2022

C. SCHEDULED PUBLIC COMMENT

(Public comment limited to ten (10) minutes per speaker)

D. UNSCHEDULED PUBLIC COMMENT

*(Public comment limited to three (3) minutes per speaker;
thirty (30) minutes aggregated)*

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2022-10** - Application for a Conditional Use Permit for Cabin Rentals, for the property described as LOT 11 BLK 1 CENTRAL HEIGHTS SUB 1ST ADDN, located at 321 Portlock St, Kenai, Alaska 99611. The application was submitted by Richard W. Main, 207 Walker Lane, Kenai AK 99611.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. **PENDING ITEMS**

J. **REPORTS**

1. City Council
2. Kenai Peninsula Borough Planning
3. City Administration

K. **ADDITIONAL PUBLIC COMMENT**

(Public comment limited to five (5) minutes per speaker)

1. May 11, 2022

L. **INFORMATIONAL ITEMS**

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

N. **COMMISSION COMMENTS AND QUESTIONS**

O. **ADJOURNMENT**

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

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OR Call: (253) 215-8782 or (301) 715-8592

Meeting ID: 864 9745 0911 **Passcode:** 349008

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 13, 2022 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, A. Douthit, G. Woodard, J. Halstead, V. Askin, D. Fikes, G. Greenberg

Commissioners absent:

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

All items listed with an asterisk () are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *Regular Meeting of March 23, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2022-08** - Application for a Conditional Use Permit for Cabin Rentals for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025

MOTION:

Vice Chair Douthit **MOVED** to approve Resolution PZ2022-08. Vice Chair Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to obtain conditional use permits (CUP) for cabin rentals (PZ2022-08) and for a guide service (PZ2022-09). The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval of both CUPs, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

Applicant Tom Hoelsing explained that he believes his application meets the criteria in Kenai Municipal Code for CUPs, and that he understands the conditions of the CUP and does not expect a conflict with his business operations. He clarified that he intends to use Airbnb and VRBO for bookings of seasonal lodging.

Chair Twait opened for public hearing.

Jim Richardson stated his opposition to this CUP as written, noting that he had provided written testimony that included recommended stipulations the commission could add. He explained that in recent years he had experienced a number of problems from local CUP operators including increased traffic from trucks and golf carts, increased noise level, and lodgers trespassing on his property. He discussed suggested recommendations including specifying the number of cabins and guides, improving the communication between City staff and the Planning & Zoning Commission, and specifying the number of noise complaints that can be made against a property before permit revocation.

Jerry Huf stated his opposition to this CUP, noting that he had provided written testimony that was included in the laydown. He explained that he wants to protect the neighborhood from people who don't live there year-round and operate businesses in a way that degrades property values. He shared his experiences living in a neighborhood with several CUP businesses, noting multiple issues including decreased property values, noise and traffic. He noted problems with another CUP business in the neighborhood, and said that Mr. Hoelsing's business is another branch of this same business. He expressed frustration that he felt his concerns had not been heard when they were previously brought to the City.

Greg Anderson stated his opposition partially based on the City's inability to enforce the conditions of a CUP. He stated that there are no consequences for a CUP owner when they violate their conditions, and he is concerned about businesses expanding their scope beyond what they are permitted. He noted that he had heard that a different CUP business will be running Mr. Hoelsing's property, and that the expansion of businesses in the neighborhood had changed the dynamic and worsened conditions for residents. He expressed frustration about the lack of response to violations from the City.

Mack Padgett noted that he has seen a deterioration in the quality of life in the Beaver Creek neighborhood with the increase of high volume operators. He encouraged the commission to consider Beaver Creek as a residential neighborhood, and stated that his neighborhood has to fight CUPs at inception because they are difficult to revoke.

Jason Foster encouraged the commission to research complaints against this business, noting that he is not the kind of operator described in previous testimony. He said that this is a nice business, that the City has been enforcing violations, and the complaints being voiced are one-sided.

Tom Hoelsing answered questions from the commission, explaining that prior to the purchase of this property he had been told by the former City Planner that his business would not require a CUP. He clarified that the first notice issued by Director Foster had been sent to his mailing address in Nebraska, and that he had been advertising on Airbnb for about a year and a half.

There being no one else wishing to be heard, the public hearing was closed.

Director Foster clarified the changes made to the Kenai Municipal Code on conditional use permits, which included informing the Planning & Zoning Commission of violations. He explained how enforcement in the Planning Department is driven by complaints, which are investigated and if verified with evidence a code violation letter will be issued to the CUP owner. He emphasized that code provides CUP owners an opportunity to come up with a remedy for their violation, and

if remediation does not occur the CUP may come back before the commission for revocation. He noted that the conditions provided in the staff report are recommendations that the commission has the power to make changes to, and that conditions help in the management and enforcement of CUPs.

The commission discussed how the changes to the CUP code are less than a year old and the results have yet to be seen in a summer season. Clarification was provided that police records for complaint calls on this property had not been requested.

Commissioner Halstead stated that he believed that the City does not currently have the resources to enforce the CUP requirements. He stated that Criteria #2 *"KMC 14.20.150(e)(2) The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired"* has not been met, as evidenced by the neighbors who provided testimony that the non-economic value of the area has been affected; Criteria #3 *"KMC 14.20.150(e)(3) The proposed use is in harmony with the Comprehensive Plan"* has not been met because this CUP will create an unacceptable neighborhood atmosphere that people will not want to be a part of; and that it also fails to meet Criteria #5 *"KMC 14.150(e)(5) The proposed use will not be harmful to the public safety, health or welfare."* He stated that he opposes this resolution.

Commissioner Woodard stated her opposition, noting that she agreed with the comments of Commissioner Halstead.

Vice Chair Douthit discussed how adding more conditions could provide further means for enforcement. He stated he is in favor of the resolution but believes there is room to provide the ability for more enforcement.

The commission deliberated whether additional conditions they add could effectively be enforced with the City's resources.

Commissioner Fikes stated that based on the testimony heard tonight and at previous meetings about CUP use in this neighborhood, the applicant's history of operating his business without a CUP and his plans to not be present at the location, and the City's lack of an enforcement mechanism, her findings are that she does not believe that the harmony of the neighborhood will be kept up and that the value of the neighborhood will be diminished. She noted that there have been some changes in the CUP code but not enough for her to feel confident and to be in favor of this resolution, and for these reasons she would oppose it.

Director Foster clarified that he had included his recommendation for Condition #9 "Quiet Hours are 10pm to 6am" based on recent commission decisions on cabin rentals and dormitories.

The commission considered conditions that had been recommended from written public testimony, including making quiet hours consistent with other CUP businesses in the area, requiring a local contact that is responsible for ensuring conditions are met, and limiting the number of guests or beds on the property. It was noted that trespassing issues should be handled by law enforcement.

Clarification was provided on the revocation process for CUPs as provided in the City code. Director Foster noted that once a complaint is received, it must be investigated and verified prior to citing a code violation; he reiterated that once the CUP owner receives a code violation letter, the burden is put on the permit holder to determine and notify staff of how they propose to resolve

the violation within a reasonable timeframe. He explained that if no remedy has been made within a reasonable time, Director Foster could recommend that the permit come before the Planning & Zoning Commission for a hearing to consider revocation.

The commission considered the timeframe required to observe the effects of enforcement efforts, which can potentially span an entire season of a business's operations; it was suggested that this process be expedited to avoid this issue. Concern was expressed about placing limits on the number of guests, and it was noted that there is not an effective mechanism for enforcing this.

Chair Twait noted that the application is similar to previous ones approved by the commission, but since then CUP code had been changed to include that a neighborhood's noneconomic value not be significantly impaired under Criteria #2, a point which is relevant to this application; he noted that the upcoming summer season will show whether the new code changes have the desired effect for this neighborhood. He stated he opposed the resolution with the idea that the effect of the changes be observed for the upcoming summer season, and explained that the public testimony shows that the quality of life in this neighborhood has diminished which speaks to its noneconomic value. He encouraged the applicant to re-apply for the CUP after this summer season.

It was noted that not issuing a permit in anticipation of a violation that hasn't occurred yet because of the presumption that the City can't enforce it sets a dangerous precedent which could discourage future business owners from applying for permits.

It was noted that Jason Foster had been cited last year for violations and his remedy has not yet been demonstrated during his normal summer business season, and he may be helping to manage Tom Hoelsing's property.

Tom Hoelsing clarified that Cyndi Hannah will be providing cleaning and check-in services for this property in Mr. Hoelsing's absence. He noted that he has properties in multiple states and has had no problems from neighbors; he questioned where the burden of proof was for the neighbor's accusation, and asked the commission to consider his application for what happens on his own property.

Commission discussed whether additional information such as police reports would be helpful, or if testimony is sufficient; they considered whether additional time to develop more conditions could be beneficial.

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to amend Condition #9 to read "Quiet Hours are 10pm to 5am."
Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Douthit, Greenberg, Twait
NAY: Askin, Fikes, Woodard

MOTION PASSED.

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition requiring a local manager who will be responsible for the property while in operation. Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Woodard, Douthit, Greenberg, Twait
NAY: Fikes, Askin

MOTION PASSED.

The commission discussed adding a condition to limit the number of visitors at the property, and how that might be determined. Director Foster clarified that a Fire Marshal inspection is part of the CUP process.

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition that the number of registered overnight occupants be limited to the City's fire code regulations for the number of people allowed for the size of dwelling. Commissioner Woodard **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Woodard, Douthit, Greenberg, Twait, Askin
NAY: Fikes

MOTION PASSED.

Clarification was provided that there is no set number of complaints that will result in CUP revocation; an explanation of the notice of violation and permit revocation procedures was provided.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Douthit, Greenberg
NAY: Woodard, Twait, Askin, Fikes, Halstead

MOTION FAILED.

Chair Twait noted the fifteen-day appeal period.

- 2. Resolution PZ2022-09** - Application for a Conditional Use Permit for a Guide Service for the property described as Lot 3, Angler Acres Subdivision Part 4, located at 1025 Angler Drive, Kenai, Alaska 99611. The application was submitted by Thomas Hoelsing, 1865 Fredericksen St, Fremont NE 68025

MOTION:

Commissioner Halstead **MOVED** to approve Resolution PZ2022-09. Commissioner Woodard **SECONDED** the motion.

It was noted that the staff report for PZ2022-09 was shared with PZ2022-08 and had been provided earlier in the meeting.

Applicant Tom Hoelsing stated that he would like his application to stand on its own, and that it is not fair to vote based on assumptions about someone's future performance. He expressed uncertainty about what good a guide service CUP would do for him without lodging.

Chair Twait opened for public hearing.

Jerry Huf, noting that the applicant will not have lodging nor a dock and is not a registered guide, expressed doubt about his business plan. He referred to the Comprehensive Plan's goal to maintain quality of life, and stated that he had seen this diminish in his neighborhood because of CUP business operations. He noted that residents are highly inconvenienced by this sort of activity, and once granted CUPs the operations will expand to become high volume businesses. He asked the commission to focus on the area as a residential neighborhood with year-round residents.

Greg Anderson questioned how the applicant could run a guide service with no dock, and noted that the Parks service may need to approve the property which he has not seen happen.

Mack Padgett stated that the carrying capacity of Beaver Creek is beyond its limit, and encouraged the commission to look at what is happening to it and how it impacts the health of the Kenai River.

Jim Richardson stated that he had once served as the president of Kenai River Special Management area, and clarified what the dock requirements were when they were first developed. He stated that he had previously pointed out violations but could not get enforcement, discussed the limitations of law and code enforcement, and emphasized the need for better communication. Stated that he opposed the guide service based on past problems at this location.

MJ Loveland stated that Beaver Creek is part of the Kenai River, and she believes it is at its capacity for number of boats and opposes allowing any more boating activities there.

There being no one else wishing to be heard, the public hearing was closed.

The commission discussed postponement based on possible appeal of PZ2022-08, noting that the applicant may no longer want this CUP based on the denial of his cabin rental CUP.

Chair Twait stated that the applicant could run a guide business from the property and launch his boats from another location, but he would vote no based on the applicant's testimony.

Vice Chair Douthit stated he would vote no based on the testimony of the applicant, who said that without the cabins he didn't see the need for having a guide service. He noted that he feasibly could run a guide service on the property without a dock, but he agreed with the applicant and doesn't feel it necessary.

Commissioner Greenberg stated that he would vote yes because the applicant could feasibly run a guide service from the property.

Commissioner Askin stated that she would vote no based on the applicant's statements and out of concern for the condition of Beaver Creek.

Commissioner Fikes stated that she would vote no, noting that additional testimony from the applicant about his plans for the guide service would have been helpful; based on his testimony from PZ2022-08 she did not see how the neighborhood would benefit from this business.

Commissioner Halstead stated that he votes no based on the applicant's testimony and his

absence from the rest of the commission's discussion on the guide service. He stated that a guide could potentially run a guide service without a dock if the boat was moved to another dock.

Commissioner Woodard stated that she voted no because the applicant said the guide service CUP wouldn't be useful to have without the cabin rental CUP. She noted that she couldn't see how he could bring boats into the area without damaging the environment.

VOTE:

YEA: Greenberg

NAY: Twait, Douthit, Askin, Fikes, Halstead, Woodard

MOTION FAILED.

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

- 1. Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage.

MOTION:

Commissioner Askin **MOVED** to recommend approval of the Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. Commissioner Halstead **SECONDED** the motion.

Director Foster provided a staff report noting that the same Special Use Permit (SUP) came before the commission last summer, and this year's request is for the same five parcels. He noted that the parcels are adjacent to existing leases Weaver Brothers has, the reason for the SUP is expansion beyond their lease, and the SUP would be for one year.

Clarification was provided that this SUP is for the same lots as the previous year and Weaver Brothers currently has trailers on them, and that SUPs are issued for a maximum of twelve months. Director Foster stated he does not believe the utilization of these parcels would impact other properties in the area.

VOTE:

YEA: Greenberg, Twait, Askin, Fikes, Halstead, Woodard, Douthit,

NAY: None

MOTION PASSED UNANIMOUSLY.

- 2. Action/Approval** - Resolution No. 2022-XX – Approving the Execution of a Lease to Joel Caldwell.

MOTION:

Commissioner Askin **MOVED** to recommend approval of the Execution of a Lease to Joel Caldwell. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report noting that Joel Caldwell had proposed an estimated

\$100,000 in improvements to the property which include additional storage, restroom facility and paving, to be completed within two years of signing the lease. The activities noted on the application is aircraft storage and maintenance, and the requested lease term is seventeen years. He noted that to date no competing lease applications have been submitted.

VOTE:

YEA: Woodard, Douthit, Greenberg, Twait, Askin, Fikes, Halstead
NAY: None

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Winger reported on the actions of the April 6, 2022 City Council Meeting.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the March 21, 2022 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - Next Commission meeting on April 27, 2022 will include a CUP application.
 - Upcoming meetings on the Kenai Waterfront Revitalization project will be held on May 2nd and 3rd.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS

1. Kenai Dog Park Program

Council Member Winger noted that there will be a resolution at the next City Council meeting to consider a land donation for the Kenai Dog Park.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. April 27, 2022

N. COMMISSION COMMENTS & QUESTIONS

Council Member Askin noted that it had been a good meeting.

Commissioner Halstead noted that he would like to have a template to guide the commission when adding criteria to a guide service CUP, and suggested scheduling a work session.

Commissioner Greenberg stated that an underlying problem is that people have lost confidence in the process, and asked the commission to consider how to build back that confidence so that a permit can be evaluated on its own merit.

Commissioner Fikes agreed that a work session or discussion would be beneficial, because placing conditions will provide a tool for enforcement. She expressed concern about whether changing conditions for CUP applicants will be fair to past or future applicants.

Vice Chair Douthit agreed that a work session will help to clarify understanding of enforcement issues, and in adding enforceable conditions to a CUP the community's trust in the process can be built back.

Council Liaison Winger noted she will bring the commission's concerns to Council, and encourages scheduling a work session with the City Attorney.

Chair Twait recognized the passing of Mayor Gabriel's mother.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:03 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-10**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR CABIN RENTALS.

APPLICANT: Richard W. Main

PROPERTY ADDRESS: 321 Portlock Street

LEGAL DESCRIPTION: Lot 11, Block 1, Central Heights Subdivision 1st Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04901211

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 4, 2022; and,

WHEREAS, the applicant has demonstrated with plans and other documents that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on April 27, 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *KMC 14.20.150(e)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Criteria Met: The proposed cabin rentals (single family dwelling) meets the intent of the Suburban Residential (RS) Zone to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

The existing home is consistent with the intent of the Suburban Residential District by preserving a medium density residential neighborhood with a site design that provides light, air, and privacy between neighboring parcels via lot setbacks, trees, a grass lawn, and back yard fencing. While cabin rentals generate consistent vehicle trips, it would likely not generate heavy traffic, those persons renting the house would generate approximately as many trips as a year round residence on the property. KMC 14.22 Land Use Table permits single dwelling house on a Suburban Residential property.

The Land Use Table provides that Cabin Rentals are a conditional use for the Suburban Residential zoning district; therefore, a conditional use permit must be granted for the operation of rental cabins. The applicant has provided a site plan that provides the layout of the parcel and parking.

2. *KMC 14.20.150(e)(2) The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired;*

Criteria Met. The parcel located to the north is a single family home, to the east is a single family home, to the south is a commercial business, and to the west is a single family home. Portlock Street consists of Suburban Residential zoned parcels with primarily single family residences. The subject property, a single family home, fits in with the character of the neighborhood by land use, lot size, lot orientation, and natural character of the property. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the use of cabin rentals. All improvements on the subject property are existing.

3. *KMC 14.20.150(e)(3) The proposed use is in harmony with the Comprehensive Plan;*

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

“Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.”

The subject parcel has similar land use, lot size and orientation, City water and wastewater connections, and medium density as neighboring properties. Portlock Street is paved with no sidewalks.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

4. *KMC 14.20.150(e)(4) Public services and facilities are adequate to serve the proposed use;*

Criteria Met. The subject property is accessed via Portlock Street, a paved, City maintained road. City water and sewer is located adjacent to the subject property along Portlock Street. The property has access to electricity, gas, and telephone services.

5. *KMC 14.150(e)(5) The proposed use will not be harmful to the public safety, health or welfare;*

Criteria Met: The use of a rental cabin will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use. There are recommended conditions with requirements related to public safety, health, and welfare:

- 2. *Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.* This condition ensures site plan and landscaping requirements are met, including for vehicle parking.
- 9. *Quiet Hours are 10pm to 6am.* This condition would help ensure the welfare of neighbors is protected from noise.

6. *KMC 14.150(e)(6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions should be met by the applicant. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.*

See Conditions of Approval as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That a conditional use permit is granted to Richard Main for Cabin Rentals for property described as Lot 11, Block 1, Central Heights Subdivision 1st Addition, and located at 321 Portlock Street.

Section 2. That the conditional use permit is subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.

4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
7. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 27th day of April, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: April 19, 2022
SUBJECT: PZ2022-10 – Conditional Use Permit – Cabin Rentals

Applicant: Richard W. Main
207 Walker Lane
Kenai, AK 99611

Legal Description: Lot 11, Block 1, Central Heights Subdivision 1st Addition

Property Address: 321 Portlock Street

KPB Parcel No: 04901211

Lot Size: 0.25 Acres (10,890 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Residential Dwelling

Land Use Plan: Suburban Residential

GENERAL INFORMATION

The applicant, Richard Main, has submitted a conditional use permit application for Cabin Rentals at 321 Portlock Street.

Cabin rentals are listed as a conditional use within the Suburban Residential zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines cabin rentals, “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.

The proposed B&B (actually a Cabin Rental) is a 2 BR, 2 BA, single car garage home, on a .25 acre lot in Central Heights Sub. Bedroom #1 has a queen bed, bedroom #2 has a twin size bunk bed and a second bunk bed a twin over a full. Total sleeping for 7 people and off street parking for two vehicles.

Application, Public Notice, Public Comment

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the conditional use were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion*. The applicant submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use request.

ANALYSIS

Kenai Municipal Code 14.20.150(e) – Review Criteria for Conditional Use Permits

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(e)-Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

Criteria # 1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.

Applicant Response: The conditional use of this residence will look very much like it always has, the occasional coming and goings of families as they recreate in our area. The volume of traffic will likely be less than expected from a full time resident.

Staff Response: The proposed cabin rentals (single family dwelling) meets the intent of the Suburban Residential (RS) Zone to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

The existing home is consistent with the intent of the Suburban Residential District by preserving a medium density residential neighborhood with a site design that provides light, air, and privacy between neighboring parcels via lot setbacks, trees, a grass lawn, and back yard fencing. While cabin rentals generate consistent vehicle trips, it would likely not generate heavy traffic, those persons renting the house would generate approximately as many trips as a year round residence on the property. KMC 14.22 Land Use Table permits single dwelling house on a Suburban Residential property.

The Land Use Table provides that Cabin Rentals are a conditional use for the Suburban Residential zoning district; therefore, a conditional use permit must be granted for the



operation of rental cabins. The applicant has provided a site plan that provides the layout of the parcel and parking.

Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.

Applicant Response: The expectations of vacation renters can be high and good reviews are necessary for good business. For this and other reasons the property will always be clean and maintained to a high standard.

Staff Response: The parcel located to the north is a single family home, to the east is a single family home, to the south is a commercial business, and to the west is a single family home. Portlock Street consists of Suburban Residential zoned parcels with primarily single family residences. The subject property, a single family home, fits in with the character of the neighborhood by land use, lot size, lot orientation, and natural character of the property. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the use of cabin rentals. All improvements on the subject property are existing.

Criteria #3: The proposed use is in harmony with the Comprehensive Plan.

Applicant Response: The conditional use of this property is in harmony with stated goals #2 Economic Development and goal #3 Land Use strategies to implement a forward looking approach to community growth and development.

Staff Response: The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

“Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.”

The subject parcel has similar land use, lot size and orientation, City water and wastewater connections, and medium density as neighboring properties. Portlock Street is paved with no sidewalks.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses



Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

Criteria #4: Public services and facilities are adequate to serve the proposed use.

Applicant Response: The home is on public water and sewer. The driveway allows for a minimum of two vehicles parking off the street.

Staff Response: The subject property is accessed via Portlock Street, a paved, City maintained road. City water and sewer is located adjacent to the subject property along Portlock Street. The property has access to electricity, gas, and telephone services.

Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.

Applicant Response: The short term rental of this house is expected to attract young families vacationing to this area. Trouble regarding safety, health or welfare will not be allowed and I live just down the street so I will be able to monitor activities.

Staff Response: The use of a rental cabin will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use. There are recommended conditions with requirements related to public safety, health, and welfare:

- 2. *Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.* This condition ensures site plan and landscaping requirements are met, including for vehicle parking.
- 9. *Quiet Hours are 10pm to 6am.* This condition would help ensure the welfare of neighbors is protected from noise.

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: The house currently has good separation with neighboring homes. The back yard is fenced in for containment of pets. Additional side fencing or landscaping could provide additional privacy.

Staff Response: See Conditions of Approval as set forth below.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.

Page 4 of 5



3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
7. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

ATTACHMENTS

- A. Application
- B. Draft Site Plan
- C. Central Heights Subdivision Plat
- D. Business License
- E. Aerial Map





Bed and Breakfast Conditional Use Permit Application

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

PROPERTY OWNER

Name:	Richard W. Main		
Mailing Address:	207 Walker Lane		
City:	Kenai	State:	AK
		Zip Code:	99611
Phone Number(s):	907-398-9537		
Email:			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:			
Mailing Address:			
City:		State:	
		Zip Code:	
Phone Number(s):			
Email:			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04901211
Physical Address:	321 Portlock St. Kenai AK 99611
Legal Description:	T 5N R 11W SEC 4 Second Meridian KN 0830066
Zoning: Sub Res	Central Heights Sub 1st Addn Lot 11 BLK 1
Acres:	.25 Acres

CONDITIONAL USE DESCRIPTION

(include site plan/floor plan with square footages)
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	It is currently vacant.
--	-------------------------

Describe details of the bed and breakfast conditional use (attach additional sheets if necessary). Include the number of beds:

The proposed B&B is a 2 Br, 2 Ba, single car garage home on a .25 acre lot in Central Heights Sub. Bedroom #1 has a queen bed, Bedroom #2 has a twin size bunk bed and a second bunk bed a twin over a full. Total sleeping for 7 people. Off street parking for two vehicles.

Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

The conditional use of this residence will look very much like it always has, the occasional coming and goings of families as they recreate in our area. The volume of traffic will likely be less than expected from a Fulltime resident.

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:

The expectations of vacation renters can be high and good reviews are necessary for good business. For this and other reasons the property will always be clean and maintained to a high standard.

Use of surrounding property - north:	Private Residential
Use of surrounding property - south:	Private Commercial
Use of surrounding property - east:	Private Residential
Use of surrounding property - west:	Private Residential Townhouse development

Explain how the conditional use is in harmony with the City's Comprehensive Plan:

The conditional use of this property is in harmony with stated goals #2 Economic Development and goal #3 Land Use strategies to implement a forward looking approach to community growth and development.

Are public services and facilities on the property adequate to serve the proposed conditional use? Include considerations of off-street parking for the owner and all guests in your response.

The home is on public water and sewer. The driveway allows for a minimum of two vehicles parking off the street.

Explain how the conditional use will not be harmful to public safety, health, or welfare:

The short term rental of this house is expected to attract young families vacationing to this area. Trouble regarding safety, health or welfare will not be allowed and I live just down the street so I will be able to monitor activities.

Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?

The house currently has good separation with neighboring homes. The back yard is fenced in for containment of pets. Additional side fencing or landscaping could provide additional privacy.

Will the establishment be owner-occupied?	<input checked="" type="checkbox"/> YES
Will no more than one person outside of the family be employed for the home occupation?	<input checked="" type="checkbox"/> YES
Will no more than 30% of the gross floor area of all buildings on the lot be used for the home occupation?	<input checked="" type="checkbox"/> YES NO
Will the home occupation take place in a wholly enclosed principal building or other building accessory to the principal building on the property?	<input checked="" type="checkbox"/> YES
Has the City Fire Marshal inspected the property for Fire Code compliance?	<input type="checkbox"/> YES

Signature: Richard Main
Print Name: Richard Main Title/Business: Raptor Ridge Rentals

For City Use Only Date Application Fee Received:
PZ Resolution Number:

Katie Rector

From: Richard Main <richardwmain@gmail.com>
Sent: Monday, April 4, 2022 3:28 PM
To: Katie Rector
Subject: Re: Conditional Use Permit

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Katie,
It is my intention to apply for a Conditional use permit for Cabin Rental. Thank you for reaching out to clarify.

Sent from my iPhone

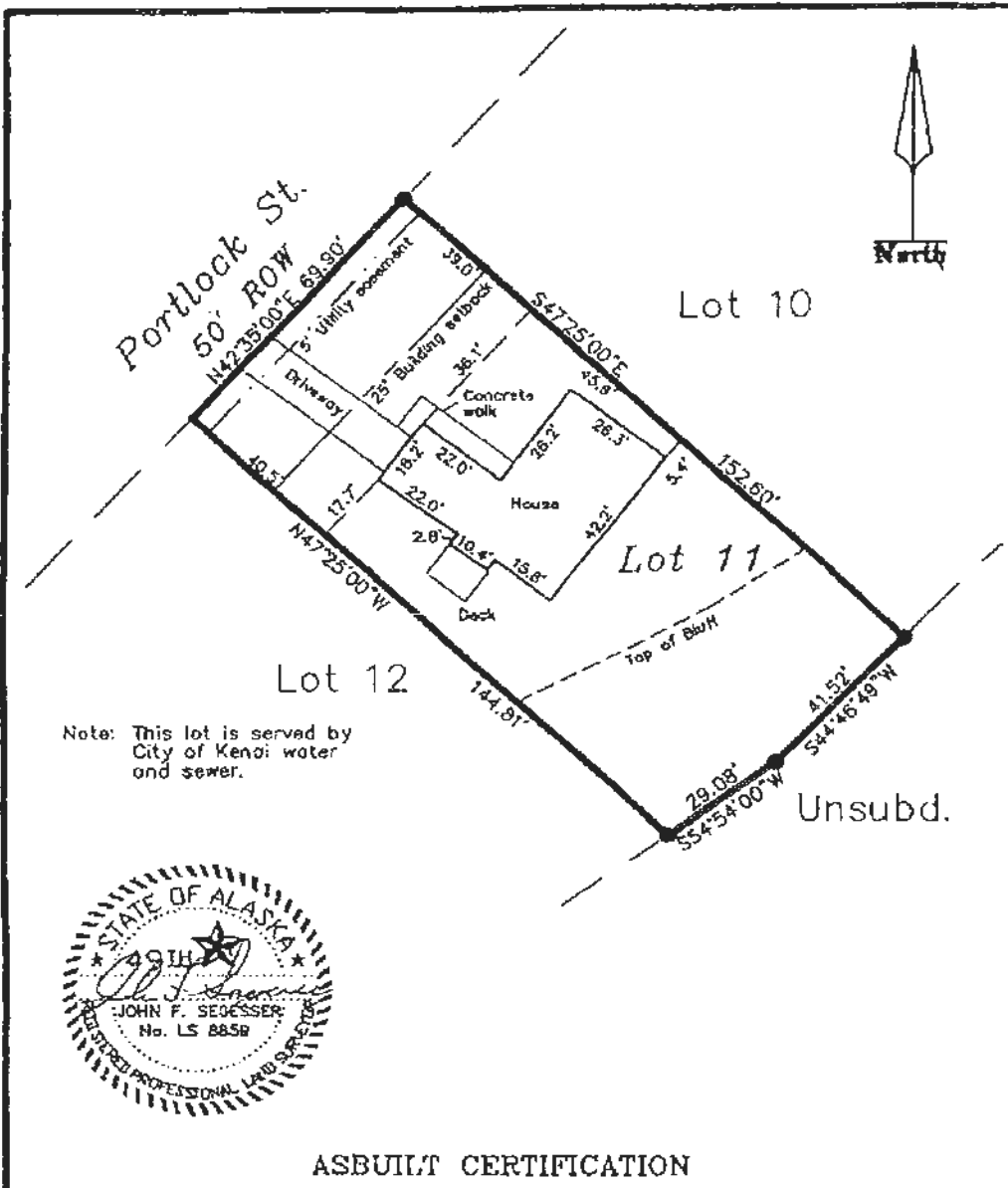
On Apr 4, 2022, at 3:16 PM, Katie Rector <krector@kenai.city> wrote:

Good afternoon,
It was good speaking with you this afternoon. As I stated on the phone, we just need confirmation that you intended on applying for a conditional use permit for cabin rentals and not a B&B. We have all the information we need from your application otherwise.
Have a great day,



Katie Rector
Planning Admin Assistant III

City of Kenai | 210 Fidalgo Avenue | Kenai, AK 99611
P: (907) 283-8237 | **W:** www.kenai.city | **E:** krector@kenai.city



LEGEND

- Found Rebar

KENAI RECORDING DISTRICT		Plat: 83-66
Date: 3-2-09	Scale: 1"=30'	Drawn: JFS
Job: 09016	Book: 08-5	

SEGESESSER SURVEYS
 30485 Rowland St.
 SOLDOTNA, AK 99689
 (907) 262-3909

I hereby certify that I have surveyed the following described property:

Lot 11

Central Heights Subdivision First Addition

and that no encroachments exist except as indicated.

Exclusion Note:
 It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.



VICINITY MAP

SPECIAL AREAS NOTE

With reference to Lot 11, Block 1 and P.A. 21, BLANK 7 is located to the west of each of these lots.



CHORD DATA

CHORD	BEARING	LENGTH	ANGLE	CHORD	AREA
1	66° 00' 00"	100.00	100.00	100.00	50.00
2	66° 00' 00"	100.00	100.00	100.00	50.00
3	66° 00' 00"	100.00	100.00	100.00	50.00
4	66° 00' 00"	100.00	100.00	100.00	50.00
5	66° 00' 00"	100.00	100.00	100.00	50.00
6	66° 00' 00"	100.00	100.00	100.00	50.00
7	66° 00' 00"	100.00	100.00	100.00	50.00
8	66° 00' 00"	100.00	100.00	100.00	50.00
9	66° 00' 00"	100.00	100.00	100.00	50.00
10	66° 00' 00"	100.00	100.00	100.00	50.00
11	66° 00' 00"	100.00	100.00	100.00	50.00
12	66° 00' 00"	100.00	100.00	100.00	50.00
13	66° 00' 00"	100.00	100.00	100.00	50.00
14	66° 00' 00"	100.00	100.00	100.00	50.00
15	66° 00' 00"	100.00	100.00	100.00	50.00
16	66° 00' 00"	100.00	100.00	100.00	50.00
17	66° 00' 00"	100.00	100.00	100.00	50.00
18	66° 00' 00"	100.00	100.00	100.00	50.00
19	66° 00' 00"	100.00	100.00	100.00	50.00
20	66° 00' 00"	100.00	100.00	100.00	50.00
21	66° 00' 00"	100.00	100.00	100.00	50.00
22	66° 00' 00"	100.00	100.00	100.00	50.00
23	66° 00' 00"	100.00	100.00	100.00	50.00

ENGINEER AND SURVEYOR STATEMENT

I, the undersigned, being duly sworn, depose and say that the contents of this plat are true and correct, and that the same were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Surveyor in the State of Alaska.

T. A. [Signature]

V. A. [Signature]

C. B. [Signature]

Address: 204 [Address]

NOTARY PUBLIC STATEMENT

I, the undersigned, being duly sworn, depose and say that the contents of this plat are true and correct, and that the same were prepared by me or under my direct supervision and that I am a duly licensed Notary Public in the State of Alaska.

[Signature]

Address: [Address]

PLAT APPROVAL

This plat was approved by the State Engineer through the Planning Commission on the 19th day of [Month] 1983.

[Signature]

Address: [Address]

DEVELOPER'S STATEMENT

I, the undersigned, being duly sworn, depose and say that the contents of this plat are true and correct, and that the same were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer and Surveyor in the State of Alaska.

[Signature]

MONUMENT LEGEND

- 1. 2" x 2" BLM BRASS CAP AND STL PIPE MONUMENT
- 2. FOUND STL. NENAW
- 3. FOUND ORIGINAL HUB & TACK
- 4. 2" x 2" STL. BEARING TO BE SET BY CALL SET, BEYOND CORNER 10, 1983
- 5. 2" x 2" IRONED STEEL AND ALUMINUM HUB MONUMENT TO BE SET BY CALL SET, BEYOND CORNER 10, 1983

ADRESSES

BLK	LOT	ADDRESS
1	1	200 4th Portlock
1	2	210 4th Portlock
1	3	220 4th Portlock
1	4	230 4th Portlock
1	5	240 4th Portlock
1	6	250 4th Portlock
1	7	260 4th Portlock
1	8	270 4th Portlock
1	9	280 4th Portlock
1	10	290 4th Portlock
1	11	300 4th Portlock
1	12	310 4th Portlock
1	13	320 4th Portlock
1	14	330 4th Portlock
1	15	340 4th Portlock
1	16	350 4th Portlock
1	17	360 4th Portlock
1	18	370 4th Portlock
1	19	380 4th Portlock
1	20	390 4th Portlock
1	21	400 4th Portlock
1	22	410 4th Portlock
1	23	420 4th Portlock

CENTRAL HEIGHTS SUBDIVISION FIRST ADDITION

SITUATED IN THE CITY OF KENAI, NW 1/4, SEC 4, T5N, R11W, S.M. A SUBDIVISION OF LOTS 1 & 2 WALKOWSKI-DE LAND SUBDIVISION

OWNER AND SUBDIVIDER:
SE LAND CORPORATION
3024 LOUISIAC DRIVE
ANCHORAGE, ALASKA 99503

ENGINEER AND SURVEYOR:
HAROLD H. GALLIETT, JR.
746 F STREET
ANCHORAGE, ALASKA 99501

DATE: JANUARY 7, 1983
TOTAL AREA: 7.16 ACRES
SCALE: 1" = 50'
DRAWN BY: RMG

SHEET 1 OF 1

83-66

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Raptor Ridge Rentals

207 Walker Ln, Kenai, AK 99611

owned by

Richard William Main; Sheryl Dee Main

is licensed by the department to conduct business for the period

March 22, 2022 to December 31, 2023
for the following line(s) of business:

53 - Real Estate, Rental and Leasing



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner



Sales Tax

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2175 • (907) 714-2376 Fax

A Division of the Finance Department

Sales Tax Account # 00209234

Charlie Pierce

Borough Mayor

Sales Tax Introduction Letter and Certificate of Registration



March 29, 2022

RAPTOR RIDGE RENTALS
207 WALKER LANE
KENAI AK 99611
UNITED STATES

Dear Business Owner:

Attached is your new certificate of Authority to Collect Sales Tax.

Net proceeds of the borough-wide sales tax of 3% is dedicated to our Borough schools. In addition, sales tax is collected for, and turned over to the cities. The schools and cities must have this sales tax money to operate; therefore, enforcement of the sales tax ordinance is strictly maintained.

Businesses are encouraged to promptly file sales tax returns and remit the taxes collected each reporting period by the due date prescribed. By reporting promptly, accounts may receive a 5% credit of the sales tax up to \$1,000 per quarter. Filing is required on a **QUARTERLY** basis. Please note that a return **MUST** be filed for **EVERY** reporting period, even if there were no sales (check the box, "RETURN HAS NO SALES"). The Sales Tax Division will mail returns at the end of each reporting period. The due date on the return is the day that the return **MUST BE POSTMARKED BY or TURNED IN TO OUR OFFICE BY.**

Accounts will be subject to a missing filing fee of \$25 for each return not filed; if two (2) consecutive returns are missed a reinstatement fee of \$100 will be assessed, in addition to any penalty or interest for late filing and remittance.

In an effort to reduce costs we are no longer mailing a hard copy of the sales tax code of ordinances; the sales tax code of ordinances are available online at <http://www.kpb.us/finance-dept/sales-tax/sales-tax-information>. A paper copy can be requested by phone (907)714-2175 or email salestax@kpb.us. The Sales Tax staff in the Finance Department will be glad to answer questions or assist in any way they can regarding your sales tax account.

Certificate

Mar 29 2022 1:00AM 13

KENAI PENINSULA BOROUGH CERTIFICATE OF AUTHORITY TO COLLECT BOROUGH SALES TAX

THIS IS TO CERTIFY THAT RAPTOR RIDGE RENTALS

is authorized and empowered by the Mayor of the Kenai Peninsula Borough to collect for the Borough Sales Tax on retail Sales, Rents and Services imposed pursuant to Ordinance No 5.18 of the Kenai Peninsula Borough.

This certificate is non-assignable and non-transferable and must be surrendered to the Mayor by the seller to whom it was issued upon his ceasing to do business at the location named herein, or any change in ownership, form of ownership, or any other change.

RAPTOR RIDGE RENTALS
207 WALKER LANE
KENAI AK 99611

ACCOUNT
NUMBER 00209234

DATE OF
REGISTRATION April 1, 2022

UNITED STATES

THIS CERTIFICATE MUST BE DISPLAYED PROMINENTLY AT THE PLACE OF BUSINESS.

MAYOR



Conditional Use Permit – Bed and Breakfast Application

CHECKLIST

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

- Evaluate uses allowed in your zoning district. Information on zoning is available at kenai.municipal.codes/KMC/14.20.
- Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application. Intents of zoning districts are at kenai.municipal.codes/KMC/14.20. Information about the Comprehensive Plan is at kenai.city/planning/page/comprehensive-plan.
- Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- City staff will evaluate your application following:
Kenai Municipal Code 14.20.150-Conditional Use Permits
(kenai.municipal.codes/KMC/14.20.150) and
Kenai Municipal Code 14.20.321-Bed and breakfast establishments
kenai.municipal.codes/KMC/14.20.321
Please answer questions from City staff about your application.
- Meet with Fire Marshall for inspection of premises.
The Fire Marshal will contact you to arrange an inspection.
- Post sign on your property and confirm the posting with the City. Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- Attend Planning & Zoning Commission meeting (not mandatory, but recommended). Attendance is beneficial so you are able to answer questions of the Commission.
- 15-day appeal period of the Planning & Zoning Commission's decision.

Thank you for choosing the City of Kenai!

Please contact the Planning & Zoning Department with application questions.



PZ2022-10 CUP Cabin Rentals
321 Portlock Street
Parcel 04901211



LEGEND

 Subject Parcel

0 20 40 Feet

Date: 4/19/2022



PLANNING & ZONING COMMISSION

Resolution PZ2022-10 – Conditional Use Permit – Cabin Rentals

321 Portlock Street

SUMMARY

Applicant: Richard W. Main
207 Walker Lane
Kenai, AK 99611

Legal Description: Lot 11, Block 1, Central Heights
Subdivision 1st Addition

Property Address: 321 Portlock Street

KPB Parcel No: 04901211

Lot Size: 0.25 Acres (10,890 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Residential Dwelling

Land Use Plan: Suburban Residential

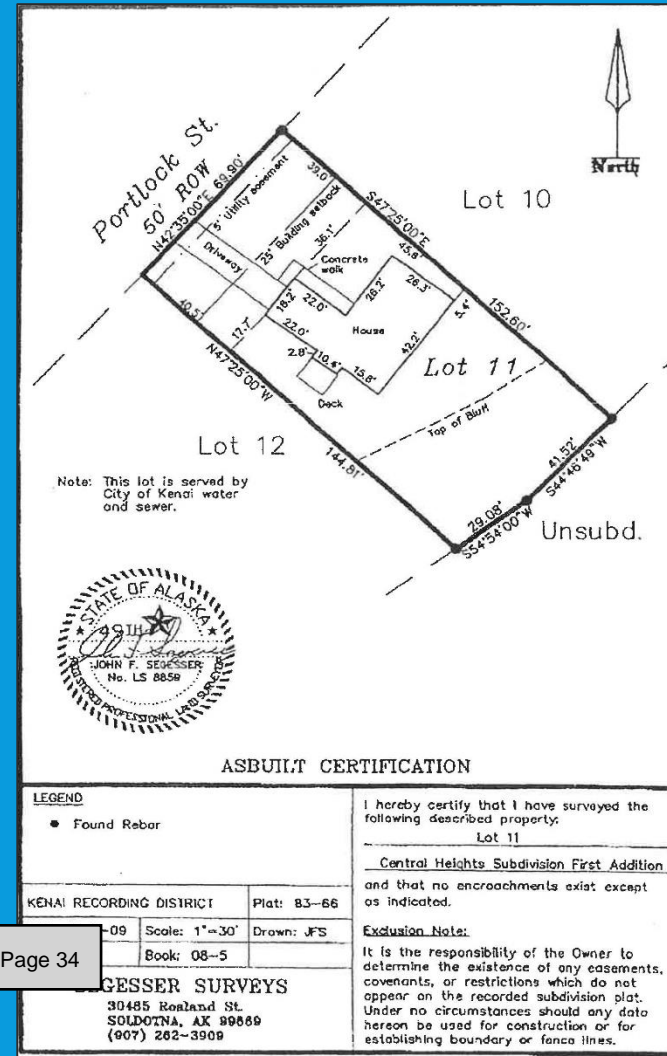


SUMMARY

- Cabin Rentals and are listed as a conditional uses within the Suburban Residential zone in Kenai Municipal Code 14.22.010.
- KMC 14.20.320 Definitions, “Cabin rentals” means the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.
- The proposed B&B (actually a Cabin Rental) is a 2 BR, 2 BA, single car garage home, on a .25 acre lot in Central Heights Sub.

SITE PLAN

- Site plan identifies the layout of the existing cabin (house), driveway, and parking.



STAFF ANALYSIS

- Kenai Municipal Code 14.20.150(e) – Review Criteria for Conditional Use Permits
- Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(e)- Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

RECOMMENDATIONS

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
 3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
 4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.


RECOMMENDATIONS CONTINUED

5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

ATTACHMENTS

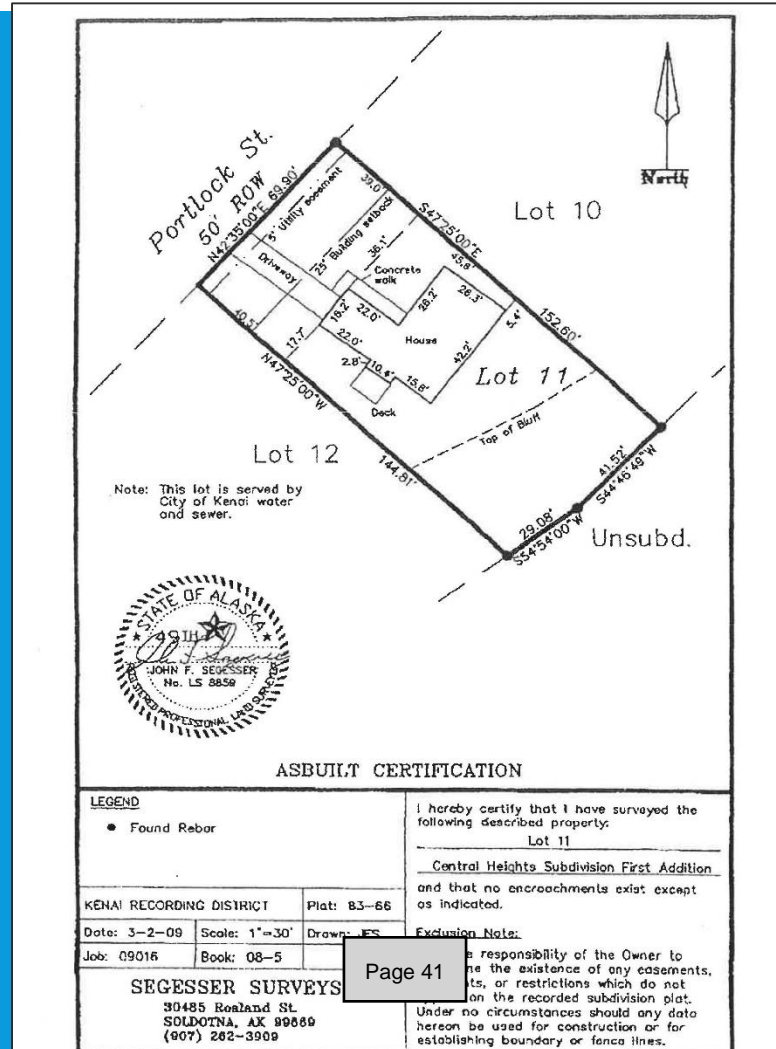
- A. Application
- B. Draft Site Plan
- C. Central Heights Subdivision Plat
- D. Business License
- E. Aerial Map

A. APPLICATION

 <p style="text-align: center;">Bed and Breakfast Conditional Use Permit Application</p>		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
		PROPERTY OWNER	
Name:	Richard W. Main		
Mailing Address:	207 Walken Lane		
City:	Kenai	State:	AK
Phone Number(s):	907-398-9537		
Email:			
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)			
Name:			
Mailing Address:			
City:		State:	
Phone Number(s):			
Email:			
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel # (Property Tax ID):	04901211		
Physical Address:	321 Portlock St, Kenai AK 99611		
Legal Description:	T5N R11W SEC 4 Seaward Meridian KN0830066		
Zoning:	Sub Res Central Heights Sub 1st Addn Lot 11 BCR1		
Acres:	.25 acres		
CONDITIONAL USE DESCRIPTION (Include site plan/floor plan with square footages (include State Business License and KPB Tax Compliance if applicable))			
How is this property currently being used?	It is currently vacant.		
Describe details of the bed and breakfast conditional use (attach additional sheets if necessary). Include the number of beds:			
The proposed B&B is a 2 Br, 2 Ba, single car garage home on a .25 acre lot in Central Heights Sub. Bedroom #1 has a queen bed, bedroom #2 has a twin size bunk bed and a second bunk bed a twin over a full. Total sleeping for 7 people. Off street parking for two vehicles.			
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:			
The conditional use of this residence will look very much like it always has, the occasional coming and goings of families as they recreate in our area. The volume of traffic will likely be less than expected from a Fulltime Resident.			

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:	
The expectations of vacation renters can be high and good reviews are necessary for good business. For this and other reasons the property will always be clean and maintained to a high standard.	
Use of surrounding property - north:	Private Residential
Use of surrounding property - south:	Private Commercial
Use of surrounding property - east:	Private Residential
Use of surrounding property - west:	Private Residential Townhouse development
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
The conditional use of this property is in harmony with stated goals #2 Economic Development and goal #3 Land Use strategies to implement a forward looking approach to community growth and development.	
Are public services and facilities on the property adequate to serve the proposed conditional use? Include considerations of off-street parking for the owner and all guests in your response.	
The home is on public water and sewer. The driveway allows for a minimum of two vehicles parking off the street.	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
The short term rental of this house is expected to attract young families vacationing to this area. Trouble regarding safety, health or welfare will not be allowed and I live just down the street so I will be able to monitor activities.	
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?	
The house currently has good separation with neighboring homes. The back yard is fenced in for containment of pets. Additional side fencing or landscaping could provide additional privacy.	
Will the establishment be owner-occupied?	<input checked="" type="checkbox"/> YES
Will no more than one person outside of the family be employed for the home occupation?	<input checked="" type="checkbox"/> YES
Will no more than 30% of the gross floor area of all buildings on the lot be used for the home occupation?	<input checked="" type="checkbox"/> YES No
Will the home occupation take place in a wholly enclosed principal building or other building accessory to the principal building on the property?	<input checked="" type="checkbox"/> YES
Has the City Fire Marshal inspected the property for Fire Code compliance?	<input type="checkbox"/> YES
Signature:	Richard Main
Name:	Richard Main
Title/Business:	Raptor Ridge Rentals
Date Application Fee Received:	
PZ Resolution Number:	

B. SITE PLAN



D. BUSINESS LICENSE

Alaska Business License # 2152748

Alaska Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Raptor Ridge Rentals

207 Walker Ln, Kenai, AK 99611


owned by

Richard William Main; Sheryl Dee Main

is licensed by the department to conduct business for the period

March 22, 2022 to December 31, 2023
for the following line(s) of business:

53 - Real Estate, Rental and Leasing

 This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner

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E. AERIAL MAP





Kenai City Council - Regular Meeting

April 20, 2022 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 3****

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

All items listed with an asterisk () are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered in its normal sequence on the agenda as part of the General Orders.

B. SCHEDULED PUBLIC COMMENTS (*Public comment limited to ten (10) minutes per speaker*)

1. **Kenai Dog Park Friends**, Current Need and Future Expansion of the Kenai Dog Park, Committee Member Crystal Locke.

C. UNSCHEDULED PUBLIC COMMENTS (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3277-2022** – Accepting a Grant from the Federal Aviation Administration Under the Coronavirus Response and Relief Supplemental Appropriation Act, 2021 and Appropriating Funds into the Special Revenue Fund. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3278-2022** – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement Amendment to Complete Design Phase Services for the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3279-2022** – Accepting and Appropriating a State of Alaska Grant Passed through the Southern Region EMS Council, Inc., for Three Scoop Stretchers, Three Adult Vacuum Splints and Three Pediatric Vacuum Splints. (Administration)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3280-2022** – Accepting and Appropriating a Volunteer Fire Assistance Grant from the United States Department of Agriculture Forest Service Passed through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
5. **ENACTED UNANIMOUSLY. Ordinance No. 3281-2022** – Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

6. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3282-2022** – Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue Fund and Wastewater Treatment Plant Improvements Capital Project Fund to Provide Supplemental Funding for the Sludge Press Replacement Project. (Administration)
7. **ENACTED UNANIMOUSLY. Ordinance No. 3283- 2022** – Authorizing a Budget Revision in the Airport Special Revenue Fund and Increasing Estimated Revenues and Appropriations in the Terminal Improvement Capital Project Fund for Design Services for the Terminal Landscaping Project. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2022-23** – Authorizing the City Manager to Execute an Amendment to the City of Kenai’s Participation Agreement with the Public Employees’ Retirement System (PERS) to Remove the “Program or Project Employee” Category of Employees from Participation Effective July 1, 2022. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2022-24** – Authorizing a Construction Contract Award for the Mission Avenue Water Main Improvements Project. (Administration)
10. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2022-25** – Approving the Fifth Amendment to the City’s Airline Operating Agreement and Terminal Area Lease to Reduce Certain Insurance Requirements for Operators. (Administration)
11. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2022-26** – Authorizing the Use of Additional Land at the Daubenspeck Family Park for Expansion of the Dog Park. (Council Member Winger and Vice Mayor Glendening)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of April 6, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 5/4/2022.** *Ordinance No. 3284-2022 – Accepting and Appropriating Private Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 5/4/2022.** *Ordinance No. 3285-2022 – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
5. **APPROVED UNANIMOUSLY. Action/Approval** – Consent to Assignment and Assumption of Lease Agreement, of Lot 5, Block 1, Gusty Subdivision Addition No. 1 Amended, to Forever Business Plaza, LLC. (Administration)
6. **APPROVED UNANIMOUSLY. Action/Approval** – Special Use Permit to Laser Art Alaska, LLC for a four-month term from May 1, 2022 through August 31, 2022 (Administration)
7. **WORK SESSION SCHEDULED FOR 5/14/2022. Discussion/Action** – Setting Budget Work Session Schedule. (Mayor Gabriel)

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

1. City Manager
2. City Attorney
3. City Clerk

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments (*Public comment limited to five (5) minutes per speaker*)
2. Council Comments

L. EXECUTIVE SESSION

1. Possible Donation or Sale of Park View Subdivision Tract A, Kenai Peninsula Borough Parcel #04701018. Pursuant to AS 44.62.310(c)(1) a Matter of which the Immediate Knowledge may have an Adverse Effect Upon the Finance of the City.

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Cook Inlet Regional Citizens Advisory Council - Update from the Board of Directors
3. Kenai Peninsula Borough 2022 Reapportionment Committee Final Report

The agenda and supporting documents are posted on the City's website at www.kenai.city. Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.

Join Zoom Meeting

<https://us02web.zoom.us/j/85336877469>

Meeting ID: 853 3687 7469 **Passcode:** 983861

OR

Dial In: (253) 215-8782 or (301) 715-8592

Meeting ID: 853 3687 7469 **Passcode:** 983861



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, April 25, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.*

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4130](#) Plats - Administrative Approvals

Attachments: [C3. Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4131](#) April 11, 2022 PC Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

[KPB-4132](#) Right-of-Way Vacation: A portion of 60' Wide Van Antwerp St. and Associated Utility Easements

Attachments: [E1.ROWV VanAntwerp Packet](#)

[KPB-4133](#) Ordinance 2022-16: An ordinance amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District on an approximately 55-acre privately owned parcel.

Attachments: [E2. Kalifornsky Center LOZD Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER**H. PUBLIC COMMENT/PRESENTATION**

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS**J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, May 9, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

Phone: toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: planning@kpb.us

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.