



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

September 11, 2024 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic/Virtual Info on Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 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 August 14, 2024

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

1. **Resolution PZ2024-20** – Recommending Approval on Preliminary Plat – Highlands Subdivision Evans Replat for a Replat of Lots 2 and 3, Block 1 of the Highlands Subdivision located in the Rural Residential (RR) Zoning District.

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the August 14, 2024 Regular Meeting – Pettey
2. ***Action/Approval** – Recommending Approval of a Lease of Airport Reserve Land for the Property Described as Lot 4, Block 1, FBO Subdivision.

I. REPORTS

1. Planning Director
2. Commission Chair
3. Kenai Peninsula Borough Planning
4. City Council Liaison

J. ADDITIONAL PUBLIC COMMENT *(Public comment limited to five (5) minutes per speaker)*

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: September 25, 2024

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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.

Registration is required to join the meeting remotely through Zoom. Please use the link below to register:

<https://us02web.zoom.us/join/tZAuduCurjkiH9Rg-x45OVdg-H440zjXWb9U>

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 14, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JOE HALSTEAD, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on August 14, 2024, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Halstead led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Joe Halstead, Chair
Glenese Pettey
Jeff Twait
Gwen Woodard

John Coston, Vice Chair
Sonja Earsley
Diane Fikes

A quorum was present.

Also in attendance were:

Max Best, Interim Planning Director
Brandon McElrea, Planning Technician
Alex Douthit, City Council Liaison
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Woodard **MOVED** to approve the agenda and consent agenda. Commissioner Fikes **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Halstead opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.
There being no objection; **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.

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 26, 2024

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** - None.

D. **UNSCHEDULED PUBLIC COMMENTS** - None.

E. **CONSIDERATION OF PLATS** - None.

F. **PUBLIC HEARINGS**

1. **Resolution No. PZ2024-18** – Consideration of a Variance Permit for Reduced Buffer Distances on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

It was noted that the resolution was denying an application for a variance permit.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-18. Commissioner Fikes **SECONDED** the motion.

Interim Planning Director Best provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-18; he noted that the application was for a variance permit for buffering distance within a conditional use permit (CUP) to allow a retail marijuana store; the CUP would be addressed in a separate public hearing on Resolution PZ2024-19. The criteria for a variance were reviewed; and it was reported the application did not meet the criteria for a variance and City staff recommended denial.

Chair Halstead opened the floor for public hearing.

Deneise Isaacs spoke in opposition to the applications; stating that she had previously been denied a conditional use permit to operate a marijuana store in the same location.

Nancy Wiles spoke in opposition to the applications; highlighted her family's involvement in sports at the nearby fields; explained that tournaments are large family events and a marijuana establishment should not be close to the fields.

Ken Dunbar spoke in opposition to the applications and stated that the applicants should have put the property in escrow subject to receiving all necessary permits.

Teea Winger spoke in opposition to the applications; stating that she conducted a neighborhood poll on the subject and the results showed the majority of respondents were not in support; expressed concerns about drugs, homelessness, traffic, ATV use and child safety in the neighborhood.

Jim Glendening spoke in opposition to the applications; provided a history of the City's development of marijuana laws through community, City and State involvement; and stated there was no reason to deviate from the established system.

Richard Moses, representative of the applicant, spoke in support of the applications; emphasized that this was an issue of fairness; stated that a previous City employee had provided assurances that the applicant was compliant with code.

Sandra Millhouse, applicant, stated that she was unaware the Isaacs had previously been denied a retail marijuana CUP when she purchased and remodeled the property; she lived in close proximity to the marijuana store she operated in Wasilla and had not experienced public trespassing; and the previous Planning Director had told her she had measured wrong.

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

[Clerk's note: Chair Halstead passed the gavel to Vice Chair Coston and disclosed a potential conflict with Resolution No. PZ2024-19 and Resolution No. PZ2024-19, as he had received a comment from the

public on the proposed marijuana business. Vice Chair Coston ruled he had no conflict and returned the gavel.]

Clarification was provided on the City's buffer distance requirements; previous Planning decisions on other marijuana properties; and the City's method of distance measurement.

Commissioner Twait noted that he had not observed homelessness issues related to marijuana properties, and the City has code in place for handling these issues.

Commissioner Fikes stated that she agreed with staff's finding, and did not support approving a variance from the established marijuana laws.

VOTE:

YEA: Fikes, Twait, Woodard, Earsley, Coston, Halstead

NAY: None

ABSENT: Pettey

MOTION PASSED WITHOUT OBJECTION.

Chair Halstead noted the 15-day appeal period.

2. **Resolution PZ2024-19** – Consideration of a Conditional Use Permit to Operate a Retail Marijuana Store on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

It was noted that the Resolution was denying a Conditional Use Permit for a Retail Marijuana Store.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-19. Commissioner Fikes **SECONDED** the motion.

Interim Planning Director Best provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-19; he noted that the application was for a CUP to operate a retail marijuana store. The criteria for a CUP were reviewed; and it was reported that the application did not meet the criteria for a CUP and City staff recommended denial.

Richard Moses, representative of the applicant, stated that he was available for questions.

Chair Halstead opened the floor for public hearing.

Deniece Isaacs spoke in opposition to the application; emphasized due diligence and abiding to rules; and discussed history of previous tenants and owners of the property.

Nancy Wiles spoke in opposition to the application; expressed concerns about increased traffic and drug activity; and spoke of previous issues with other businesses near the property.

Teea Winger spoke in opposition to the application; expressed concerns about drug activity among the homeless and in her neighborhood; noted there was no written evidence of what the previous Planning Director told the applicant; and stated that the neighborhood was not in support of the proposed business.

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

MOTION TO AMEND:

Commissioner Twait **MOVED** to amend Criteria 5 to read as following:

Given the preceding Variance Permit application not meeting required criteria (PZ2024-18), staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store consisting of approximately 1,600 square feet would [NOT] be harmful to the public safety, health, or welfare.

Commissioner Woodard **SECONDED** the motion.

Commissioner Twait expressed sympathy for the applicant's position; stated that the Commission's role is to consider the application within Code; and said he was in support of Staff's recommendation to deny the permit.

Commissioner Halstead stated that the situation is unfortunate; noted that the City's zoning regulations were developed in the best interest of the community.

VOTE:

YEA: Coston, Earsley, Halstead, Woodard, Fikes, Twait

NAY: None

ABSENT: Pettey

MOTION PASSED WITHOUT OBJECTION.

Chair Halstead noted the 15-day appeal period.

G. UNFINISHED BUSINESS

1. **Discussion/Recommendation** – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. *[On 6/12/24 this item was postponed.]*

Deputy Clerk Thibodeau reviewed the memo provided in the packet, and noted that the City Clerk recommended postponing this item indefinitely.

MOTION:

Commissioner Twait **MOVED** to postpone the discussion to reduce the number of Planning and Zoning Commission Meetings indefinitely. Vice Chair Coston **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

There being no objection; **SO ORDERED.**

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the June 26, 2024 Regular Meeting – Halstead

Approved by the consent agenda.

I. REPORTS

1. Planning Director – Interim Planning Director Best reported on the following:
 - The August 28, 2024 Regular Meeting will be cancelled due to lack of agenda items.
 - Thanked Planning Technician Brandon McElrea and Administrative Assistant Beth McDonald on their help during his time as Interim Director.
2. Commission Chair – None.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission Meeting.
4. City Council Liaison – Council Member Douthit reported on recent actions of the City Council.

J. ADDITIONAL PUBLIC COMMENT

Jim Glendening thanked the Commission for their work on the public hearing items.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: August 28, 2024

It was noted this meeting had been cancelled.

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Woodard thanked Max Best for returning as Interim Planning Director.

Commissioner Twait asked about the Board of Adjustment Hearing date.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 8:24 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of August 24, 2024.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-20**

A RESOLUTION RECOMMENDING THAT PRELIMINARY PLAT FOR HIGHLANDS SUBDIVISION EVANS REPLAT ATTACHED HERETO BE **APPROVED**.

PROPERTY ADDRESSES: 5115 Silver Salmon Drive and 1240 Martin Court

LEGAL DESCRIPTIONS: Lot 2 and Lot 3, Highland Subdivision

KPB PARCEL NUMBERS: 04917002 and 04917003

WHEREAS, the City of Kenai received a preliminary plat from Edge Survey and Design, LLC, on behalf of the property owner, Jason Evans for a replat of Lot 2 and Lot 3, Highlands Subdivision; and,

WHEREAS, the preliminary plat meets the minimum lot width and minimum lot depth requirements as outlined in Kenai Municipal Code (KMC) Section 14.10.070(d)(2); and,

WHEREAS, the existing street names are referenced correctly; and,

WHEREAS, the proposed lot will have access from Silver Salmon Drive (unpaved and City-maintained road); and,

WHEREAS, City water and sewer lines are not available to the tracts and lots; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat for replat, subject to the listed conditions, provides utilities/access easements, provides a satisfactory and desirable building site, and the on-site water and wastewater systems are subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is a replat of two lots within a subdivision that has dedicated rights-of-way and determined acceptable access, subject to the listed conditions. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RR zoning district.

4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

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

Section 1. That preliminary plat Highlands Subdivision Evans Replat for a replat of Lot 2 and Lot 3, Block 1, Highlands Subdivision be approved subject to the following conditions.

1. Further development of the property will conform to all federal, State of Alaska, and local regulations.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 11TH DAY OF SEPTEMBER, 2024.

JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Brandon McElrea, Acting Planning Director
DATE: September 11, 2024
SUBJECT: Resolution No. PZ2024-20 – Preliminary Plat – Highlands Subdivision Evans Replat

Request The applicant is proposing a preliminary plat to replat Lot 2 and Lot 3, Block 1, Highlands Subdivision.

Staff Recommendation Adopt Resolution No. PZ2024-20 recommending approval of Preliminary Plat – Highland Subdivision merging Lot 2 and Lot 3, Block 1 into a single Lot.

Applicant: Edge Survey and Design, LLC.
Attn: Jason Young
P.O. Box 208
Kasilof, AK 99610

Property Owner: Jason Evans

Legal Descriptions: Lot 2 and Lot 3, Block 1, Highlands Subdivision

Property Addresses: 1240 Martin Court
5115 Silver Salmon Drive

KPB Parcel Nos.: 04917002 and 04917003

Zoning District: Rural Residential (RR)

Land Use Plan: Low Density Residential (LDR)

Surrounding Uses: Residential, and Vacant Lots

SUMMARY

The City received a preliminary plat from Edge Survey and Design, LLC on behalf of the property owner for a replat of Lot 2 and Lot 3, Block 1, Highlands Subdivision to merge the two Lots into one. The subject lots are located along Silver Salmon Drive, which is accessed off of the Kenai

Spur Highway, and Martin Court, which is accessed off of Silver Salmon Drive. The subject lots are unimproved, with the exception of a driveway, well, and septic.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The proposed replat meets the minimum lot size requirement of 20,000 square feet for the Rural Residential (RR) zoning district. The size of proposed Lot 2A is approximately .918 acres.

City water and sewer services are not available in this area. There is a private well and septic on site. The septic system plans meeting regulatory requirements are on file with the State of Alaska, Department of Environmental Conversation (ADEC).

Access to the proposed lot 2A is provided via Silver Salmon Drive, which is an unpaved City-maintained road.

A 10-foot utility easement is located along the northern boundary of the proposed lot, as well as along the east and south rights-of-way. This is denoted in plat note two (2), which states the front 10-feet adjacent to rights-of-way is utility easement. Vacation of the 10-foot utility easement along the western boundary is pending approval by the Kenai Peninsula Borough Planning Commission as denoted in plat note 5.

Staff finds that the preliminary plat for a replat of Lot 2 and Lot 3, Block 1, Highlands Subdivision meet the following Title 14 of Kenai Municipal Code (KMC) sections and aligns with the intent of the Kenai Zoning Code.

1. Pursuant to KMC 14.10.070 *Subdivision Design Standards*, the preliminary plat for replat, subject to the listed conditions, provides utilities/access easements, provides a satisfactory and desirable building site, and the on-site water and wastewater systems are subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is a replat of two lots within a subdivision that has dedicated rights-of-way and determined acceptable access, subject to the listed conditions. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RR zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Highlands Subdivision Evans Replat to replat Lot 2 and Lot 3, Highlands Subdivision meets the general standards of Kenai Municipal Code (KMC), Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*

and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2024-20 for a replat of Lot 2 and Lot 3, Highlands Subdivision to Kenai Peninsula Borough, subject to the following conditions.

1. Further development of the property will conform to all federal, State of Alaska, and local regulations.

ATTACHMENTS

Aerial Map
Application
Preliminary Plat, Highlands Subdivision Evans Replat



RECEIVED

CITY OF KENAI

AUG 16 2024



**Preliminary Plat
Submittal Form**

By: Planning & Zoning

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

APPLICANT (SURVEYOR)

Name:	Edge Survey and Design LLC						
Mailing Address:	POB 208	City:	Kasilof	State:	AK	Zip Code:	99610
Phone Number(s):	907-283-9047						
Email:	jason@edgesurvey.net						

PROPERTY OWNER

Name:	Jason Evans						
Mailing Address:	11897 W. Endsley Ct.	City:	Star	State:	ID	Zip Code:	83669
Phone Number(s):	208-954-2263						
Email:	jayinalaska73@gmail.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04917002 and 04917003					
Current City Zoning:	Rural Residential					
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Other: Vacant					
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					

PLAT INFORMATION

Preliminary Plat Name:	Highlands Subdivision Evans Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Street Name (if vacating ROW):						

Exceptions Required and Requested:

None

Comments:

REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
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SIGNATURE

Signature:	<u>Jason Evans</u>		Date:	7/18/24
Print Name:	Jason Evans	Title/Business:		

Stewart Title of the Kenai Peninsula, Inc.

35681 Kenai Spur Hwy., Unit B
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

Edge Survey and Design, LLC.
PO Box 208
Kasilof, AK 99610
Attention: Jason Young

File Number: 24515
Premium: \$300.00
Tax:

Gentlemen:

This is a certificate as of August 02, 2024 at 8:00 A.M. for a plat out of the following property:

Lots Two (2) and Three (3), Block One (1), HIGHLANDS SUBDIVISION, according to Plat No. K-1542A, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Jason Evans, a married man
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Recorded: September 27, 1982
Volume/Page: 194/756

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
4. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: September 18, 1959
Volume/Page: Misc. 4/92
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed
5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: June 7, 1962
Volume/Page: Misc. 8/168
Granted To: Kenai Power Corporation
Affects: General Easement, no definite location disclosed

Assigned to the City of Kenai by Instrument recorded December 31, 1963 in Book 11 at Page 188.

6. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. K-1542A.

7. **EFFECT** of the notes on said Plat No. K-1542A.

8. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:

Amount: \$17,780.00
Dated: November 23, 2020
Recorded: November 30, 2020
Serial No.: 2020-011735-0
Trustor: Jason Evans, a married man
Trustee: First American Title
Beneficiary: Alaska USA Federal Credit Union

Stewart Title of the Kenai Peninsula, Inc.

By


Authorized CounterSignature

Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.



REFERENCES

(R1) HIGHLANDS SUBDIVISION, PLAT K-1542A, KENAI RECORDING DISTRICT

PLAT APP

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 9, 2024.

AUTHORIZED OFFICIAL

PRELIMINARY DRAFT

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LEGEND

- ⊕ RECORD MONUMENT - AS SHOWN
- RECORD PROPERTY CORNER PER (R1)
- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY LINE
- FORMER LOT LINE
- UTILITY EASEMENT
- BUILDING SETBACK
- MONUMENT TIE LINE
- RECORD DATA PER R1
- (R1) COMPUTED
- ▨ UTILITY EASEMENT VACATED THIS PLAT

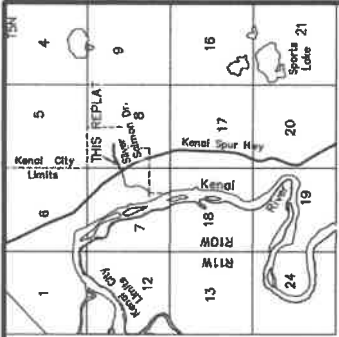


NOTES

1. DEVELOPMENT OF THESE LOTS IS SUBJECT TO CITY OF KENAI ZONING REGULATIONS.
2. PER THIS PLAT THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL LINE EASEMENT WITH NO DEFINED LOCATION GRANTED TO KENAI POWER CORPORATION, INC. RECORDED ON SEPTEMBER 18, 1996, IN MISC. BOOK 4 PAGE 92 KENAI RECORDING DISTRICT.
4. THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL LINE EASEMENT WITH NO DEFINED LOCATION GRANTED TO KENAI POWER CORPORATION RECORDED ON JUNE 7, 1982 IN MISC. BOOK 6 PAGE 168 KENAI RECORDING DISTRICT.
5. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF UTILITY EASEMENTS GRANTED PER (R1), AT THE MEETING OF SEPTEMBER 9, 2024.
6. WASTEWATER DISPOSAL PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF SURVEYOR

I, MARK AMONETH 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALASKA SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPS. THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND I HEREBY DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JASON EVANS
11897 W. ENDSLEY CT.
STAR, ID 83669

NOTARY ACKNOWLEDGEMENT

FOR: JASON EVANS
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____ 2024

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES: _____



KPB FILE No. 2024-000

HIGHLANDS SUBDIVISION
EVANS REPLAT

A REPLAT OF
LOTS 2 AND 3, BLOCK 1
HIGHLANDS SUBDIVISION, PLAT K-1542A
KENAI RECORDING DISTRICT
LOCATED WITHIN SW1/4, NW1/4
SECTION 8, T5N, R10W, S1M.
CITY OF KENAI
KENAI RECORDING DISTRICT
KENAI PENINSULA BOROUGH
STATE OF ALASKA

OWNERS:
JASON EVANS
11897 W. ENDSLEY CT.
STAR, ID 83669
CONTAINING 0.918 ACRES



DRAWN BY:	DATE:	PROJECT:
JY	8/15/2024	24-584
CHECKED BY:	SCALE:	SHEET:
MA	1" = 40'	1 OF 1

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Brandon McElrea, Acting Planning Director

DATE: September 11, 2024

SUBJECT: **Action/Approval** – Lease of Airport Reserve Land for the Property Described as Lot 4, Block 1, FBO Subdivision

Crowley Fuels, LLC (Crowley) submitted a land lease application of Airport Reserve Land for the property described as Lot 4, Block 1, FBO Subdivision, located at 411 N. Willow Street (KPB Parcel No. 04336018). The applicant is requesting a term of 5 years and proposing an improvement amount of approximately \$750,000. Proposed improvements consist of the removal of the self-service aviation cardlock system, including the underground fuel tank, and upgrading the above ground aviation fueling services, bulk fuel storage tanks in order to maintain regulatory compliance and storage capacity. Pursuant to Kenai Municipal Code (KMC) 21.10.080(b) *[Lease Term Table]*, the maximum term for the proposed investment value is 45 years, however the applicant has requested a term of 5 years. The 30-day notice of competitive land lease application expired on August 15, 2024. The City did not receive any competing lease applications for the subject property.

The applicant intends to use the premises for aircraft fueling purposes, as well as a fuel storage and bulk fuel distribution facility. Crowley leases the southwestern adjacent lot from the City and is in compliance with the terms and conditions of their lease.

The subject property is approximately 0.90 acres and located within the Airport Light Industrial (ALI) Zone. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. Crowley has operated fuel services at this location since assuming the previous Lease on September 05, 2004. The previous Lease expired July 01, 2024 and Crowley is currently in holdover. The proposed continued use of fuel distribution and storage is a permitted use in the ALI Zone as an Airport Compatible Use. Fuel storage and distribution will continue to promote the viability of the Kenai Municipal Airport. Furthermore, the proposed use is consistent with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5- Transportation, which has a vision for Kenai Municipal Airport as a gateway to the Kenai Peninsula.

Pursuant to KMC 14.05.010(b)(2), the Planning and Zoning (P&Z) Commission shall act in an advisory capacity to City Council regarding City and airport land leases. P&Z Commission makes their recommendation based on the proposed development and compliance with the City's

Comprehensive Plan and the Zoning Code. The Airport Commission will also review the lease application and provide a recommendation to City Council. City Council will be notified of your commission's recommendation as part of their consideration of the lease application.

Does your Commission recommend approval to City Council on the lease application of Airport Reserve Land for the use of fuel storage at the property described as Lot 4, Block 1, FBO Subdivision?

Attachments

Aerial Map

Application







City of Kenai Land Lease Application

Application for:	<input checked="" type="checkbox"/> New Lease
<input type="checkbox"/> Amendment	<input type="checkbox"/> Extension
<input type="checkbox"/> Assignment	<input type="checkbox"/> Renewal
Application Date:	June 13, 2024

Applicant Information

Name of Applicant:	Crowley Fuels LLC						
Mailing Address:	201 Arctic Slope Ave	City:	Anchorage	State:	AK	Zip Code:	99518
Phone Number(s):	Home Phone:		Work/ Message Phone:		907-777-5510		
E-mail: (Optional)	jenny.silva@crowley.com						
Name to Appear on Lease:	Crowley Fuels LLC						
Mailing Address:	same as above	City:		State:		Zip Code:	
Phone Number(s):	Home Phone:		Work/ Message Phone:				
E-mail: (Optional)							
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property): Lot 4 Block 1 FBP Subdivision, approx 39,200 sf	
Does the property require subdivision? (if Yes, answer next questions) Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes: 1. Do you believe the proposed subdivision would serve other City purposes? 2. If determined it does not, applicant is responsible for all subdivision costs.	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO Initials _____
If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant.	Initials _____
It is the responsibility of the applicant to cover recording costs associated with lease.	Initials _____
Do you have or have you ever had a Lease with the City? (if Yes, answer next question) 1. Legal or brief description of property leased: We currently lease this parcel of land (and have done so since 2005). In addition, we hold Lease 2081.01 Lot 3A1 FBO Subdivision, approx. 26,375 sf and Lease 2083.01 Special Use Permit on airport apron, approx. 35,500 sf	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Request a Lease with an Option to Purchase once development requirements are met?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years): 5 years	
Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years): 5 years	
Requested Starting Date: July 1, 2024	

Proposed Use and Improvements

Proposed Use (check one): ☒ Aeronautical | Non-Aeronautical

Do you plan to construct new or additional improvements? (if Yes, answer next five questions) ☒ YES ☐ NO

1. Will the improvement change or alter the use under an existing lease? It will alter the current use ☒ YES ☐ NO

2. What is the proposed use of the improvement? Upgraded above ground fuel storage tanks

3. What is the estimated value of the improvement? approximately \$750,000 in 2024

4. What is the nature and type of improvement? The existing self-service aviation cardlock will be removed as the underground tank that is piped to the cardlock dispenser is nearing the end of its full compliance life. The rest of the upgrades are focused on above ground fuel storage tanks needed to ensure regulatory compliance and adequate storage capacity for all the fuel products currently provided to our customers.

5. What are the dates construction is estimated to commence and be completed?

(generally, construction must be completed within two years)

Estimated Start Date: June 2024

Estimated Completion Date: December 2024

Describe the proposed business or activity intended:

This land currently holds our fuel storage facilities that support our aviation fuel services, as well as bulk fuel distribution throughout the City of Kenai and broader surrounding area.

How does the proposed lease support a thriving business, residential, recreational, or cultural community?

This leased land serves as Crowley's base fuel storage facility on the Kenai Peninsula. It facilitates commercial and recreational aviation fuels, and supports commercial and residential bulk fuel deliveries.

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?

N/A

Lease Renewal Only

☒ Renewal of an Existing Lease (at least one year of term remaining): Requires new development.

Lease Term based on: Estimated cost of new improvements and ☒ Purchase Price (optional)

☐ Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.

Lease Term based on: ☐ Purchase Price | ☐ Professional Estimate of Remaining Useful Life

☐ Fair Market Value appraisal and/or ☐ Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years:

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

Signature:



Date:

6/12/24

Print Name:

Jenny V. Silva

Title:

Director, Contract Compliance

For City Use Only:

☐ General Fund

☐ Airport Reserve Land

☐ Airport Fund

☐ Outside Airport Reserve

Account Number:

Date Application Fee Received:

Date Application Determined Complete:

30-Day Notice Publication Date:

City Council Action/Resolution:



August 12, 2024 – 6:30 PM

Motion Agenda

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building and Through

Jeremy Brantley, Chair
Sterling/Funny River
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kaslof District
Term Expires 2026

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Vacant
City of Soldotna
Term Expires 2027

Franco Venuti
City of Homer
Term Expires 2025

Troy Staggs
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible.

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>

Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

- *1. Agenda**
- *2. Member Excused Absences - None**
- *3. Minutes**
 - a. July 22, 2024 Plat Committee Meeting
- *4. Grouped Plats**
 - E2. Atwood Homestead Estates; KPB File 2024-078
 - E3. Fair Ridge Subdivision Part Seven; KPB File 2024-005R1
 - E5. Pacific Park Subdivision 2024 Addition; KPB File 2024-077
 - E6. Bayview Subdivision Chow 2024 Replat; KPB File 2024-072
 - E7. Scenic View No. 6 Lovett 2024 Replat; KPB File 2024-079

Motion to approve the agenda, the minutes from the July 22, 2024 Plat Committee meeting and the grouped plats passed by unanimous vote (4-Yes)

D. UNFINISHED BUSINESS - None

E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Charles & Barbara Scott Subdivision; KPB File 2022-118R1
Segesser Surveys / Scott
Location: Williams Road & Galankin Street
Salamatoff Area

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

Motion to grant the exception request to KPB 20.30.130 – Streets Curve Requirements, passed by unanimous vote (4-Yes)

2. Atwood Homestead Estates; KPB File 2024-078
Johnson Surveying / Burger
Location: MP 122 Sterling Highway & Camp Robber Avenue
Clam Gulch Area

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

3. Fair Ridge Subdivision Part 7; KPB File 2024-005R1
Johnson Surveying / Fair
Location: Forbidden Court
Sterling Area

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

4. Anchor View Estates-Stalcup Addition; KPB File 2024-074
Fineline Surveys, Inc. / Stalcup
Location: Shorebird Lane
Anchor Point Area / Anchor Point APC

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

Motion to grant the exception request to KPB 20.30.190 – Lot Dimensions, passed by unanimous vote (4-Yes)

5. Pacific Park Subdivision 2024 Addition
KPB File 2024-077
Fineline Surveys, Inc. / Blauvelt
Location: Whisky Gulch Street
Anchor Point Area / Anchor Point APC

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

6. Bay View Subdivision Chow 2024 Replat
KPB File 2024-072
Seabright Surveying / Chow Community Property Trust
Location: Lakeshore Drive
City of Homer

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

7. Scenic View No. 6 Lovett 2024 Replat
KPB File 2024-079
Seabright Surveying / Shannon Lane, LLC
Location: East End Road, Shannon Lane & Early Spring Street
City of Homer

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

8. Paul Taylor Subdivision; KPB File 2024-080
Seabright Surveying / Taylor
Location: Bakke St., Wynette Dr., Clarice Way, Twitter Creek Ln. & Rahla Way
Diamond Ridge Area / Kachemak Bay APC

Motion to to grant preliminary approval passed by unanimous vote (4-Yes)

Motion to grant the exception request to KPB 20.30.17 – Block Length Requirements & KPB 20.30.030 – Proposed Street Layout Requirements, passed by unanimous vote (4-Yes)

F. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 MINUTES
PER SPEAKER)

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, August 26, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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.



August 12, 2024 – 7:30 PM

Action Agenda

Betty J. Glick Assembly Chambers
George A. Navarre Kenai Peninsula
Borough Administration Building and Through

Jeremy Brantley, Chair
Sterling/Funny River
Term Expires 2024

Pamela Gillham, Vice Chair
Kalifornsky / Kaslof District
Term Expires 2026

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Paul Whitney
City of Soldotna
Term Expires 2027

Franco Venuti
City of Homer
Term Expires 2025

Troy Staggs
City of Seward
Term Expires 2026

Jeffrey Epperheimer
Nikiski District
Term Expires 2026

Dawson Slaughter
South Peninsula District
Term Expires 2025

ZOOM MEETING DETAILS

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Zoom Meeting ID: 907 714 2200

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

*1. Time Extension Request

- a. Hope Lake Subdivision 2022 Replat; KPB File 2022-112

*3. Plats Granted Administrative Approval

- a. 5 D Subdivision; KPB File 2024-012
- b. Bings Landing Subdivision Gregory Addition; KPB File 2023-110
- c. Cottonwood Subdivision Jose Replat; KPB File 2024-003
- d. Gatten Subdivision 2024 Replat; KPB File 2023-136
- e. Queen Aleta Subdivision; KPB File 2023-015
- f. Tustumena Terraces 2023 Replat; KPB File 2023-080

*7. Minutes

- a. July 22, 2024 Planning Commission Meeting

**Motion to approve the consent and regular agendas passed by unanimous vote.
(8-Yes)**

D. UNFINISHED BUSINESS – None

E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Condition Use Permit; PC Resolution 2024-10

Petitioner: Hoback

Request: To construct a cedar plank fence partially within the 50' HPD of the Kenai River

Location: 36120 Stephens Drive

Sterling Area

Motion to adopt Planning Commission Resolution 2024-10, granting a conditional use permit passed by unanimous vote (8-Yes)

Public Hearing: Legislative Matters

2. Utility Easement Vacation; KPB File 2024-076V

McLane Consulting Group / Gottsche

Request: Vacates the utility easement granted on the common lot line between Lots 5 & 6, Block 2, Chugach Heights Subdivision, Plat KN 78-136

Nikiski Area / Nikiski APC

Motion to adopt Planning Commission Resolution 2024-11, granting the vacation as petitioned passed by unanimous vote (8-Yes)

3. Right of Way Vacation; KPB File 2024-075V

No Surveyor / Kachemak Heritage Land Trust

Request: Vacates the entire 60' Rowen Circle ROW adjacent to Lots 13-16 & 45-47, dedicated by Stariski Meadow, Plat HM 97-62

Happy Valley Area / Kachemak Bay APC

Motion to grant the vacation as petitioned passed by unanimous vote (8-Yes)

4. Ordinance 2024-24: Authorizing the retention or sale of certain real property conveyed to the Kenai Peninsula Borough through tax foreclosure process

Motion to forward to the assembly a recommendation to adopt Ordinance 2024-24, passed by unanimous vote (8-Yes)

5. Ordinance 2024-25: Amending KPB 21.18.025 to address adoptions and deletions of anadromous waters within the South District of the KPB 21.18 Appendix that have been identified in the "Atlas and Catalog of Waters Important for Spawning, Rearing, or Migration of Anadromous Fish" published by the Alaska Department of Fish and Game.

Motion to forward to the assembly a recommendation to adopt Ordinance 2024-25, passed by unanimous vote (8-Yes)

F. PLAT COMMITTEE REPORT – The plat committee will review 8 plats

G. OTHER

H. PRESENTATIONS/PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 MINUTES PER SPEAKER)

I. DIRECTOR’S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 26, 2024 is cancelled.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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 rights-of-way, 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.



Kenai City Council - Regular Meeting

August 07, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

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

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3425-2024** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds, Accepting a Grant from the Federal Aviation Administration and Awarding a Professional Services Agreement for the Kenai Municipal Airport Master Plan. (Administration) [KMC 1.15.070(d)]
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3426-2024** - Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Purchase of Snow Removal Equipment - Wheel Loader & Plow/Sanding Truck for the Kenai Municipal Airport and Authorizing the Utilization of the State of Alaska Fleet Purchasing Agreement. (Administration) [KMC 1.15.070(d)]
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)

3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-36** - Approving a Revised Memorandum of Agreement Between the City of Kenai and the Kenai Peninsula Borough for Intergovernmental Administration of Borough and City Municipal Elections. (City Clerk)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-37** - Authorizing A Contract Award Utilizing an Innovative Procurement Procedure and Corresponding Purchase Order for the Public Safety Building Tower Guy System Upgrade Project. (Administration)

F. MINUTES

1. *Regular Meeting of July 3, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)
3. ***Action/Approval** - Special Use Permit to Cook Inlet Natural Gas Storage Alaska for Vehicle Parking and Temporary Boardwalk Construction. (Administration)
4. ***Ordinance No. 3427-2024** - Increasing Estimated Fiscal Year 2024 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. ***Ordinance No. 3428-2024** - Increasing Estimated Revenue and Appropriations in the Airport Operations Facility Capital Project Fund, Accepting a Grant from the Federal Aviation Administration and Awarding a Construction Agreement for the Kenai Municipal Airport Aircraft Rescue and Fire Fighting Facility Rehabilitation Project. (Administration)
6. ***Ordinance No. 3429-2024** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Mobile Test Foam System Equipment Purchase. (Administration)

I. COMMISSION REPORTS

1. Council on Aging Commission
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Commission

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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.

Registration is required to join the meeting remotely through Zoom. Please use the following link to register:

<https://us02web.zoom.us/meeting/register/tZ0sfuCrqzwvHtHl5YKX5cgVFahZVpWnS7N1>



Kenai City Council - Regular Meeting

August 21, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3427-2024** - Increasing Estimated Fiscal Year 2024 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)
2. **AMENDED BY SUBSTITUTE. Ordinance No. 3428-2024** - Increasing Estimated Revenue and Appropriations in the Airport Operations Facility Capital Project Fund, Accepting a Grant from the Federal Aviation Administration and Awarding a Construction Agreement for the Kenai Municipal Airport Aircraft Rescue and Fire Fighting Facility Rehabilitation Project. (Administration)
 - **ENACTED UNANIMOUSLY. Ordinance No. 3428-2024 Substitute** - Increasing Estimated Revenue and Appropriations in the Airport Operations Facility Capital Project Fund, Accepting a Grant from the Federal Aviation Administration and Awarding a Construction Agreement for the Kenai Municipal Airport Aircraft Rescue and Fire Fighting Facility Rehabilitation Project. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3429-2024** - Increasing Estimated Revenues and Appropriations in the Airport Improvements Capital Project Fund and Accepting a Grant from the Federal Aviation Administration for the Kenai Municipal Airport Mobile Test Foam System Equipment Purchase. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2024-38** - Authorizing a Service Agreement for the Fiscal Year 2025 Street Light Repair and Maintenance with Utility Locate Services. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2024-39** - Authorizing a Service Agreement for the Fiscal Year 2025 and Fiscal Year 2026 Water Treatment Plant and Wastewater Treatment Plant Dumpster Services. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2024-40** - Authorizing a Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)

F. MINUTES

1. *Regular Meeting of August 7, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Authorizing Submission of Comment to NOAA to Determine Whether to List Gulf of Alaska Chinook Salmon Under the Endangered Species Act. (Knackstedt)
3. ***Action/Approval** - Authorizing a Letter of Support of the Kenai Watershed Forum's Proposal for WaterSMART Cooperative Management Program Phase I Funding. (Administration)
4. ***Action/Approval** - Non-Objection to the Large Resort Endorsement of a Beverage Dispensary Tourism Liquor License for Salamatof Cannery Lodge, LLC - License No. 6111. (City Clerk)
5. ***Ordinance No. 3430-2024** - Accepting and Appropriating a Meals on Wheels of America Grant in Partnership with DoorDash for the Kenai Senior Center Meals on Wheels Delivery Program. (Administration)
6. ***Ordinance No. 3431-2024** - Increasing Estimated Revenues and Appropriations in the General Fund, Land Administration Department for the Purchase of Survey Services to Subdivide City of Kenai Parcel 04901022. (Administration)

I. COMMISSION REPORTS

1. Council on Aging Commission
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Commission

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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Kenai City Council - Regular Meeting

September 04, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 ADMINISTRATIVE REPORTS

C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3430-2024** - Accepting and Appropriating a Meals on Wheels of America Grant in Partnership with DoorDash for the Kenai Senior Center Meals on Wheels Delivery Program. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3431-2024** - Increasing Estimated Revenues and Appropriations in the General Fund, Land Administration Department for the Purchase of Survey Services to Subdivide City of Kenai Parcel 04901022. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2024-41** - Adopting Joint Resolution No. 2024-002 of the Assembly of the Kenai Peninsula Borough and the Councils of the City of Homer, Kachemak, Kenai, Seward, Seldovia, and Soldotna, Supporting the Kenai Peninsula Economic Development District's Request that the 2026 and 2027 Cook Inlet Finfish Meetings be Held in Soldotna, Alaska to Provide Resource Stakeholders with the Opportunity to be Present at Public Discussions Affecting the Management of their Resources. (Administration)

F. MINUTES

1. *Regular Meeting of August 21, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Non-Objection to Renewal of a Club Liquor License for George H. Plumley Memorial Post 20 American Legion, DBA George H. Plumley Memorial Post 20 American Legion - License No. 1380 (City Clerk)
4. ***Action/Approval** - Non-Objection to Renewal of a Beverage Dispensary Tourism Liquor License for Mitak LLC., DBA Main Street Tap & Grill - License No. 4555 (City Clerk)
5. ***Action/Approval** - Non-Objection to Renewal of a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA East Rip - License No. 13382 (City Clerk)
6. ***Action/Approval** - Confirming the Appointment of the October 1, 2024 Election Precinct Boards for the October 1, 2024 Regular City Election. (City Clerk)
7. ***Action/Approval** - Harbor Commission 2024 Work Plan. (Administration)
8. ***Ordinance No. 3432-2024** - Accepting and Appropriating Funds from the Institute of Museum and Library Services, Passed Through the State of Alaska, Department of Education and Early Development, Division of Library, Archives & Museums, for Library Employee Training. (Administration)
9. ***Ordinance No. 3433-2024** - Accepting and Appropriating a Grant from the State of Alaska for the Purchase of Library Materials. (Administration)
10. ***Ordinance No. 3434-2024** - Amending the Employee Classification Plan by Reclassifying the Capital Projects Manager to a Public Works Assistant Director and Increasing General Fund Estimated Revenues and Appropriations to Reflect the Position's Support of Public Works Divisions. (Administration)
11. ***Ordinance No. 3435-2024** - Amending Kenai Municipal Code Section 23.55.030 (b) – Qualification Pay, to Include Qualification Pay for a Public Works Assistant Director Holding a Professional Engineer License. (Administration)
12. ***Ordinance No. 3436-2024** - Increasing Estimated Revenues and Appropriations in the General Fund Lands Administration Department for Professional Services Associated with the Sale of City-Owned Land, Determining Eleven City-Owned Properties are Not Needed for a Public Purpose, Authorizing the City Manager to Dispose of Properties by Public Outcry Auction, Approving the Terms of Financing to be Offered on the Sale, and Designating Those Parcels as Eligible for a 25% Veterans Discount. (Administration)
13. ***Ordinance No. 3437-2024** - Amending Kenai Municipal Code to Revise Requirements Related to Publication in a Newspaper of General Circulation to Address Publication Requirements Which Cannot Be Met Due to the Newspaper Publications Being Reduced to One Day a Week. (City Clerk)
14. **APPROVED UNANIMOUSLY. Action/Approval** - Authorizing a Memorandum of Agreement with the Kenaitze Indian Tribe for Projects to Enhance the Aquatic Organism Passage in Our Local Waterways, Including Improving Fish Passage in Cemetery Creek. (Administration)
15. **BOARD OF ADJUSTMENT MEETING SCHEDULED FOR 10/15/2024 AT 5:00 P.M. Discussion** - Scheduling Board of Adjustment Appeal Hearings. (City Clerk)

I. COMMISSION REPORTS

1. Council on Aging Commission
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Commission

J. REPORT OF THE MAYOR

1. Proclamation Declaring September 2024 as “Hunger Action Month”

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

1. Discussion of Airport Concession Restaurant Agreement Terms a Subject which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City. [AS 44.62.310(c)(1)]
 - a. **Action/Approval:** Authorizing Amendments to Kenai Municipal Airport, Restaurant Concession Agreement.

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