



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

**February 26, 2025 - 7:00 PM**

**Council Chambers, City Hall, 210 Fidalgo Avenue,  
Kenai, AK 99611**

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

<http://www.kenai.city>

**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 February 12, 2025

**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 PZ2025-09** – Recommending Approval of Preliminary Plat – Valhalla Heights Subdivision Conan Replat of Lot 9 and Lot 10, Block 5A, Valhalla Heights Subdivision Part 5 in the Rural Residential (RR) Zoning District.
2. **Resolution PZ2025-11** – Recommending Approval of Preliminary Plat - Inlet Woods Subdivision 2025 Replat of Inlet Woods Subdivision, Part One, Lots 1 & 2, Block 10 in the Suburban Residential (RS) Zoning District.
3. **Resolution PZ2025-12** – Recommending Approval of Preliminary Plat – Holland Spur Highway Subdivision Addition No. 1 Replat of Holland Spur Highway Subdivision, Tract 1 in the General Commercial (CG) Zoning District.

**F. PUBLIC HEARINGS**

1. **Resolution PZ2025-08** – Recommending Approval to Rezone the Properties Located at 202 N. Forest Drive and 1408 Second Avenue from Suburban Residential (RS) to General Commercial (CG) Zoning District.

- [2.](#) **Resolution PZ2025-10** – Granting a Conditional Use Permit to Operate a Retail Businesses (Greenhouse, Café/Retail, Law Office) of the Existing Structures on the Property Described as Lot 1, Fresh Start Subdivision, Located at 202 N. Forest Drive within the Suburban Residential (RS) Zoning District.
- [3.](#) **Resolution PZ2025-06** – Granting a Conditional Use Permit for a Cabin Rental (I.E Short-term Rental) and Boarding House in a Single-Family Dwelling on the Property Described as Lot 16, Block 1, Anglers Acres Sub, Part 2, Located at 1305 Angler Drive, Within the Rural Residential (RR) Zoning District.
- [4.](#) **Resolution PZ2025-07** – Granting a Conditional Use Permit for a Lodge and Guide Service in a Single-Family Dwelling on the Property Described as Lot 14-A, Block 1, Anglers Acres Sub, Beaver Creek Replat, Located at 1235 Angler Drive, Within the Rural Residential (RR) Zoning District.

**G. UNFINISHED BUSINESS**

1. **Discussion** – Aspen Creek, 701 N. Forest Drive Conditional Use Permit

**H. NEW BUSINESS**

1. **Discussion/Action** – Schedule a work session to examine the current Conditional Use Permits in terms of Potential Rezoning.
2. **\*Action/Approval** – Requesting Excused Absences for the February 12, 2025 Regular Meeting – Twait, Krause

**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: March 12, 2025

**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](http://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/meeting/register/SVmhW133R6K8\\_9GlC19EtA](https://us02web.zoom.us/meeting/register/SVmhW133R6K8_9GlC19EtA)

**\*\*COMMISSIONERS, PLEASE CONTACT US IF YOU WILL NOT BE ABLE TO ATTEND THE MEETING\*\***



**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
FEBRUARY 12, 2025 – 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 February 12, 2025, 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  
Gwen Woodard

Sonja Earsley  
Diane Fikes

A quorum was present.

Absent:

Jeff Twait, Vice Chair

Stacie Krause

Also in attendance were:

Kevin Buettner, Planning Director  
Victoria Askin, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

**MOTION:**

Commissioner Pettey **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **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 January 22, 2025

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS**

**1. Aspen Creek Construction – Doug Clegg, Owner**

Doug Clegg, owner of Aspen Creek Senior Living Facility, located at 701 N. Forest Drive, explained that he was there at Planning Director Buettner's request after learning about neighborhood complaints about traffic from the City Attorney; he noted that no neighbors had contacted him directly. He clarified that Aspen Creek's Conditional Use Permits (CUP) restricts access via Ponderosa to emergency vehicles, deliveries, and trash removal; ongoing construction has caused increased traffic, and the neighbor's concerns may be resolved when construction is completed; his main priority is resident safety; he will encourage Forest Drive access but cannot police Ponderosa; and he is willing to work with the City for solutions.

**D. UNSCHEDULED PUBLIC COMMENTS**

Residents of the neighborhood near the Aspen Creek Senior Living Facility addressed the Commission with concerns related Aspen Creek's expansion. Concerns were expressed regarding Aspen Creek not adhering to the conditions set in their CUPs; the significant increase in traffic on the residential streets of Ponderosa and Pine; large delivery trucks and semis on the residential street; traffic noise; speeding; dangerous conditions for children and pedestrians; insufficient noticing to the public; violation of the residential character of the neighborhood; new challenges for snow removal; and potential for decreased property values. Suggested solutions provided during testimony included purchasing the vacant land to north of Aspen Creek for dedicated access, and a locked gate at back entrance for authorized vehicles only; it was requested that the Commission to take action on this issue.

The following individuals provided testimony:

- Ken Peterson
- M. Scott Moon
- Kit Hill
- Arlys Miskinis
- Howard Hill
- Shelly Peterson
- Merri Duby

Doug Clegg addressed concerns raised during the previous public testimony and responded to questions from the Commission.

The Commission requested that an action item be added to a future agenda to address this issue, and for a report of activities to be provided at the Commission's next meeting.

**E. CONSIDERATION OF PLATS – None.**

**F. PUBLIC HEARINGS**

- 1. Resolution No. PZ2025-04 - Granting a Conditional Use Permit for Off Street Parking on the Property Described as Tract 1, Frontage Road Subdivision, Located at Approximately Mile 11.4 Kenai Spur Highway, Within the Central Mixed Use (CMU) Zoning District.**

**MOTION:**

Commissioner Woodard **MOVED** to approve Resolution PZ2025-04. Commissioner Pettey **SECONDED** the motion.

Planning Director Buettner provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2025-04; he noted that the application was for a CUP to authorize the use of on-street parking spaces to meet the minimum off-street parking requirements. The current use of the property is a drinking establishment (The Bow Bar), and the applicant is a prospective buyer. It was noted that staff's recommendation is approval.

Applicant Kelsey Meyer noted that she was the prospective new owner of The Bow Bar; the business had been previously functioning with no parking, which was an issue she would like to resolve prior to acquisition.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Clarification was provided that the spaces are under 300 feet from the edge of the property, and the parking spaces are public and are not designated only for The Bow Bar's use.

**VOTE:**

YEA: Fikes, Woodard, Earsley, Pettey, Halstead

NAY: None

ABSENT: Twait, Krause

**MOTION PASSED WITHOUT OBJECTION.**

Chair Halstead noted the 15-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting Excused Absences for the January 22, 2025 Regular Meeting – Woodard

Approved by the consent agenda.

**I. REPORTS**

1. Planning Director – Planning Director Buettner reported on the following:
  - Received a petition signed by neighbors of Aspen Creek, which will be presented as part of a future public hearing.
  - A Joint Work Session with the City Council has been scheduled for April 16, 2025 for a presentation of the draft SS4A Comprehensive Safety Action Plan.
2. Commission Chair – No report.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.
4. City Council Liaison – Council Member Askin reported on recent actions of the City Council.

**J. ADDITIONAL PUBLIC COMMENT – None.**

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: February 26, 2025

Commissioner Earsley noted she will be absent.

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioner Pettey expressed appreciation for the robust conversation, and noted that she looks forward to working towards a solution and the completion of construction at Aspen Creek.

Chair Halstead noted he is looking forward to settling the issue with Aspen Creek and its neighbors.

**M. PENDING ITEMS** – None.

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

1. **April 16, 2025, 5 PM:** Joint Work Session with City Council - Safe Streets for All Draft Plan to be held in Council Chambers

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 8:17 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of February 12, 2025.

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Meghan Thibodeau  
Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-09**

A RESOLUTION RECOMMENDING THAT PRELIMINARY PLAT VALHALLA HEIGHTS SUBDIVISION CONAN REPLAT ATTACHED HERETO BE **APPROVED**.

PROPERTY ADDRESSES: 4311 North Lupine Drive  
4315 North Lupine Drive

LEGAL DESCRIPTIONS: Lot 9 and Lot 10, Block 5A, Valhalla Heights  
Subdivision Part 5

KPB PARCEL NUMBERS: 0933010 and 04933009

WHEREAS, the City of Kenai received a preliminary plat from Edge Survey and Design, on behalf of the property owner, Conan Egan for a replat of Lot 9 and Lot 10, Block 5A, Valhalla Heights Subdivision Part 5; 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 North Lupine Drive (a City-maintained gravel road); and,

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

WHEREAS, a 10-foot easement for utilities is located along all boundaries of the proposed lot; 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 as denoted in plat notes 2 and 3, provides a satisfactory and desirable building site, and the on-site water and wastewater systems are subject to the regulatory requirements of the City of Kenai Public Works Department.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is a replat of a lot 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 of 20,000 square feet, the resulting lot size of this merger will be approximately 30,840 square feet.
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 Valhalla Heights Subdivision Conan Replat for a replat of Lot 9 and Lot 10, Block 5A, Valhalla Heights Subdivision Part 5 be approved.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025.

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JOE HALSTEAD, CHAIRPERSON

ATTEST:

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Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission

**THROUGH:** Kevin Buettner, Planning Director

**FROM:** Brandon McElrea, Planning Technician

**DATE:** February 18, 2025

**SUBJECT:** Resolution No. PZ2025-09 – Preliminary Plat – Valhalla Heights Subdivision Conan Replat

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**Request** The applicant is proposing a preliminary plat to replat Lots 9 & 10, Block 5A, Valhalla Heights Subdivision Part 5.

**Staff Recommendation** Adopt Resolution No. PZ2025-09 recommending approval of Preliminary Plat – Valhalla Heights Subdivision Conan Replat for the parcel merger of Lots 9 and 10, Block 5A, Valhalla Heights Subdivision Part 5.

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

**Property Owner:** Conan Egan

**Legal Descriptions:** Lot 9 and Lot 10, Block 5A, Valhalla Heights Subdivision Part 5.

**Property Addresses:** 4311 North Lupine Drive  
4315 North Lupine Drive

**KPB Parcel Nos.:** 04933010 and 04933009

**Zoning District:** Rural Residential (RR)

**Land Use Plan:** Suburban Residential (SR)

**Surrounding Uses:** Vacant and Improved Residential



## SUMMARY

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The City received a preliminary plat from Edge Survey and Design, Inc. on behalf of the property owner for a replat of Lots 9 and 10, Block 5A, Valhalla Heights Subdivision Part 5, to merge lots 9 and 10 into one (1) lot of approximately 30,840 square feet (0.708 acre). Currently, a single-family dwelling is situated on the lot line between lots 9 and 10, with private water well and private septic residing on lots 10 and 9, respectively.

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

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The proposed parcel merger meets the preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district. Access to the subject lots is via North Lupine Drive, which is a City maintained gravel road. At 30,840 square feet, the proposed merged parcel exceeds the RR minimum lot size of 20,000 square feet. City water and wastewater are not available in this area, however onsite water on lot 10, and wastewater on lot 9, are installed and subject to the regulatory requirements of the State of Alaska, Department of Environmental Conservation (ADEC). The Public Works Director, Fire Marshal, and Building Official have reviewed the preliminary plat and have no comments.

Staff finds that the preliminary plat meets 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 the ADEC.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is a replat of a lot 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 of 20,000 square feet, the resulting lot size of this merger will be approximately 30,840 square feet.
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

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Staff finds that the proposed preliminary plat for Valhalla Heights Subdivision Conan Replat to replat Lots 9 and 10, Block 5A, Valhalla Heights Subdivision Part 5 meets the general standards for 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. PZ2025-09 to the Kenai Peninsula Borough, subject to the following condition:

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

## ATTACHMENTS

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Aerial Map

Application

Preliminary Plat, Valhalla Heights Subdivision Conan Replat









## Preliminary Plat Submittal Form

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

### PROPERTY OWNER

Name: Conan Egan  
Mailing Address: POB 1060 City: Corvallis State: MT Zip Code: 59828  
Phone Number(s): 707-695-8800  
Email: cecorp.office@gmail.com

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #: 04933010 and 04933009  
Current City Zoning: Rural Residential  
Use: ☐ Residential ☒ Recreational ☐ Commercial  
☐ Other:  
Water: ☒ On Site ☐ City ☐ Community  
Sewer: ☒ On Site ☐ City ☐ Community

### PLAT INFORMATION

Preliminary Plat Name: Valhalla Heights Subdivision Egan Replat  
Revised Preliminary Plat Name:  
Vacation of Public Right-of-Way: ☐ Yes ☒ No  
Street Name (if vacating ROW):

### Exceptions Required and Requested:

None

### Comments:

### REQUIRED ATTACHMENTS

☒ Certificate to Plat ☒ (1) 24" x 36" Plat ☒ (2) 11" x 17" Plats

### SIGNATURE

Signature:  Date: 1/20/25  
Print Name: Conan Egan Title/Business: Property Designer

*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: 25213  
Premium: \$300.00  
Tax:

Gentlemen:

This is a certificate as of January 21, 2025 at 8:00 A.M. for a plat out of the following property:

Lots Nine (9) and Ten (10), Block Five "A" (5A), VALHALLA HEIGHTS SUBDIVISION PART 5, according to Plat No. K-1737, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Conan Egan, 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. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:  
Taxing Authority: KENAI PENINSULA BOROUGH
3. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. K-1737.
4. **EFFECT** of the notes on said Plat No. K-1737.
5. **THE RIGHTS** to the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
6. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:  
Recorded: June 9, 1969  
Volume/Page: Deed Book 56/19  
**FURTHER**, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
7. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:  
Recorded: July 11, 1969  
Volume/Page: Misc. 35/187  
Granted To: Homer Electric Association, Inc.  
Affects: General Easement, no definite location disclosed

8. **THE RIGHT TITLE AND INTEREST OF PAMELA D. ANDERSON**, by Quit Claim Deed:

Grantor: Gary E. Anderson  
Grantee: Gary E. and Pamela D. Anderson  
Recorded: January 11, 2001  
Volume/Page: 597/820

**THE EFFECTS, OF THAT CERTAIN QUIT CLAIM DEED:**

Grantor: Gary E. Anderson and Pamela D. Anderson  
Grantee: Pamela D. Bass  
Recorded: April 24, 2001  
Volume/Page: 604/669

**NOTE:** Pamela D. Anderson did not sign said Quit Claim Deed, therefore it acts as Gary E. Anderson's release of interest in the property only, and does not change Ms. Anderson's name as it appears in title to the subject property.

**THE EFFECTS OF THAT CERTAIN QUIT CLAIM DEED:**

Grantor: Pamela D. Rickard WTTA Pamela D. Bass, an unmarried woman  
Grantee: Conan Egan, a married man  
Recorded: May 13, 2024  
Serial No.: 2024-003239-0

**NOTE:** Said Deed should be re-recorded to correct the Grantor's name, to read: Pamela D. Rickard, who acquired title as Pamela D. Anderson, also known of record as Pamela D. Bass, an unmarried woman. Ms. Rickard will need to sign and execute a correct deed.

**Stewart Title of the Kenai Peninsula, Inc.**

By



Authorized Countersignature

Mary Frengle  
Authorized Signator

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

PRELIMINARY PLAT

BRASS MONUMENT  
PER (R1)

LOT 8  
BLOCK 5A  
KN-1737

LOT 12  
BLOCK 5A  
KN-1737

LOT 11  
BLOCK 5A  
KN-1737

LOT 9A  
BLOCK 5A  
0.708 ACRES

GOVERNMENT LOTS 1 & 2

STANDARD DR.  
60' RIGHT OF WAY

N. LUPINE DR.  
60' RIGHT OF WAY

VALHALLA LN.  
30' RIGHT OF WAY

LOT 2  
BLOCK 11  
KN-1736

LOT 1  
BLOCK 11  
KN-1736

CURVE TABLE

CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH
113° 27' 00"	10.00	113° 27' 00"	10.00
113° 27' 00"	10.00	113° 27' 00"	10.00
113° 27' 00"	10.00	113° 27' 00"	10.00
113° 27' 00"	10.00	113° 27' 00"	10.00

- REFERENCES
- (R1) VALHALLA HEIGHTS SUBDIVISION PART 5, PLAT K-1737, KENAI RECORDING DISTRICT
  - (R2) VALHALLA HEIGHTS SUBDIVISION PART 4, PLAT K-1736, KENAI RECORDING DISTRICT

NOTES

- DEVELOPMENT OF THIS PARCEL MUST COMPLY WITH THE CITY OF KENAI ZONING REGULATIONS.
- PER THIS PLATING ACTION 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.
- THIS SUBDIVISION IS SUBJECT TO A GENERAL ELECTRICAL LINE EASEMENT, WITH NO DEFINED LOCATION GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED ON JULY 11, 1969 IN MISC. BOOK 35 PAGE 187 KENAI RECORDING DISTRICT.
- THIS PLATING ACTION ELIMINATED EXISTING PROPERTY LINES. NO FIELD SURVEY WAS PERFORMED OR REQUIRED PER KPB CODE 20.80.200.A.
- WASTEWATER DISPOSAL: THE PARENT SUBDIVISION, (PLAT K-1737, KRD), FOR THE LOTS RESULTING FROM THIS PLATING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 14, 2023. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION HAS REVIEWED AND APPROVED THIS PLAT. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION HAS REVIEWED AND APPROVED THIS PLAT. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION HAS REVIEWED AND APPROVED THIS PLAT. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION HAS REVIEWED AND APPROVED THIS PLAT.

LEGEND

- ⊕ RECORD MONUMENT - AS SHOWN
- RECORD PROPERTY CORNER PER (R1)
- 1/2" X 18" STEEL ROD
- SUBDIVISION BOUNDARY
- ADJACENT PROPERTY LINE
- ..... FORMER LOT LINE
- UTILITY EASEMENT
- BUILDING SETBACK
- MONUMENT TIE LINE
- (R1) RECORD DATA
- (GTP) GRANTED THIS PLAT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 14, 2023.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

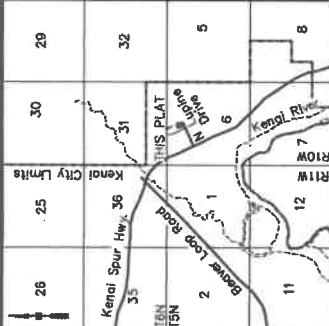
CERTIFICATE OF SURVEYOR

I, MARK ANONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SUBDIVISION OF THE LOTS SHOWN AND THAT 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.



40' 20' 0' 40'  
1" = 40'

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CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND ANY PRECEDENT EASEMENTS, RIGHTS-OF-WAY, AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CONAN EGAN  
PO BOX 1080  
CORVALLIS, MT 59828

NOTARY ACKNOWLEDGEMENT

FOR: EGAN CONAN  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025

PUBLIC NOTARY SIGNATURE  
MY COMMISSION EXPIRES \_\_\_\_\_



KPB FILE No. 2025-??  
VALHALLA HEIGHTS  
SUBDIVISION  
CONAN REPLAT

A REPLAT OF  
LOTS 9 AND 10 BLOCK 5A  
VALHALLA HEIGHTS SUBDIVISION PART 5  
PLAT NO. K-1737  
KENAI RECORDING DISTRICT  
LOCATED WITHIN  
NE1/4 NW1/4 SECTION 6, T5N, R10W, S.M.  
CITY OF KENAI  
KENAI RECORDING DISTRICT  
KENAI PENINSULA BOROUGH  
STATE OF ALASKA

OWNER:  
CONAN EGAN  
PO BOX 1080  
CORVALLIS, MT 59828  
CONTAINING 0.708 ACRES



6000 KING STREET ANCHORAGE, AK 99516  
Phone (907) 344-5990 Fax (907) 344-7794

DRAWN BY: J7 DATE: 07/05/2025 PROJECT: 25-503  
CHECKED BY: MA SCALE: 1" = 30' SHEET: 1 OF 1





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-11**

A RESOLUTION RECOMMENDING THAT PRELIMINARY PLAT FOR THE INLET WOODS SUBDIVISION 2025 REPLAT ATTACHED HERETO BE **APPROVED**.

PROPERTY ADDRESSES: 1406 & 1408 Hedley Dr., Kenai, AK 99611

LEGAL DESCRIPTIONS: Inlet Woods Subdivision, Part One, Lots 1 & 2, Block 10

KPB PARCEL NUMBERS: 04101139 & 04101140

WHEREAS, the City of Kenai received a preliminary plat from McLane Consulting, on behalf of the property owner, Margaret Winston for a replat of Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One; 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 lots have access from Hedley Drive; and,

WHEREAS, City water and sewer lines are available to the lot; 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 satisfactory and desirable building sites, and the on-site water and sewer systems will be subject to the regulatory requirements of the Public Works Department; and,
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RS zoning district of 7,200 square feet, the proposed lot is approximately 16,800 square feet (0.386 acre).
3. 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 Inlet Woods Subdivision 2025 Replat 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 26<sup>th</sup> DAY OF FEBRUARY, 2025.

---

JOE HALSTEAD, CHAIRPERSON

ATTEST:

---

Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Kevin Buettner, Planning Director  
**DATE:** February 19, 2025  
**SUBJECT:** Resolution No. PZ2025-11 – Preliminary Plat – Inlet Woods Subdivision 2025 Replat

---

**Request** The applicant is proposing a preliminary plat to merge Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One

**Staff Recommendation** Adopt Resolution No. PZ2025-11 recommending approval of Preliminary Plat – Inlet Woods Subdivision 2025 Replat, creating 1 parcel of 0.386 acres.

---

**Applicant:** McLane Consulting  
Attn: Andrew Hamilton  
P.O. Box 468  
Soldotna, AK 99669

**Property Owner:** Margaret Winston

**Legal Description:** Inlet Woods Subdivision, Part One, Lots 1 & 2, Block 10

**Property Address:** 1406 & 1408 Hedley Dr., Kenai, AK 99611

**KPB Parcel No.:** 04101139 & 04101140

**Zoning District:** Suburban Residential (RS)

**Land Use Plan:** Suburban Residential (SR)

**Surrounding Uses:** Suburban Residential

### SUMMARY

A preliminary plat has been submitted from McLane Consulting on behalf of Margaret Winston to merge Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One, to create one lot. The subject lots are located at the northwest corner of the intersection of Hedley Drive and Backwood Avenue in the Inlet Woods subdivision.

There is a single-family dwelling on Lot 2 (1406 Hedley Drive) and no improvements to Lot 1 (1408 Hedley Drive). If approved, the merging of the two (2) subject lots will result in a 0.3863-acre lot.

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 7,200 square feet (0.165 acre) for the Suburban Residential (RS) zoning district. The size of Lots One (1) and Two (2) are 0.22 acres each and the merged lot will total 0.386 acres when allowing for the public right of way on the northeast corner of the lot.

City water and wastewater are available in this area. Property owner(s) currently have water and wastewater services provided by the City of Kenai.

Access to the proposed Lots is provided via Hedley Drive, which is connected to Redoubt Avenue through a series of other local roads within the Inlet Wood Subdivision.

All rights-of-way within the proposed preliminary plat are currently existing. The Public Works Director has reviewed the preliminary plat and had no comments. Therefore, staff finds that an installation agreement is not required for the preliminary plat.

A 10-foot easement for utilities is located along the north and east boundaries of the lots adjacent to existing right-of-way. This is denoted in plat note two (2), which states the front 10-feet adjacent to right-of-way is a utility easement.

Staff finds that the preliminary plat to merge Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One meets 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 accessible water and wastewater systems are subject to the regulatory requirements of the City of Kenai Public Works Department.
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 RS zoning district of 7,200 square feet (0.165 acre), the resulting lot sizes of this subdivision will be approximately 0.386-acre.
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 preliminary plat to merge Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One, 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 recommend approval of Resolution No. PZ2025-11 for a merger of Lots 1 & 2, Block 10, Inlet Woods Subdivision, Part One, subject to the following conditions.

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

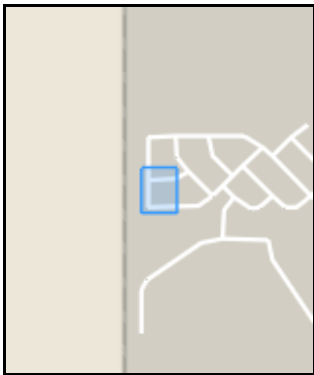
## ATTACHMENTS

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Aerial Map  
Application  
Preliminary Plat, Inlet Woods Subdivision 2025 Replat



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



Legend

Physical Addresses

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume -
- Unmaintained
- Medium Volume -
- Maintained
- Low / Seasonal
- Legal Trail
- Private
- State Hwy
- Platted / Proposed

Parcels and PLSS

Parcels

9" Imagery

- Red: Red
- Green: Green
- Blue: Blue
- Red: Red
- Green: Green
- Blue: Blue



RECEIVED  
2/19/25

**McLANE**

CONSULTING, INC.

P.O. Box 468 Soldotna, Alaska 99669  
(907) 283-4218 fax (907) 283-3265

LETTER OF TRANSMITTAL

To:

City of Kenai

Planning and Zoning Department

210 Fidalgo Avenue

Kenai, Alaska 99611

DATE: JANUARY 28, 2025 JOB # 252001

ATTENTION: Platting and Zoning Department

RE: Inlet Woods Subdivision 2025 Replat

KBP File 2025-XXX

PRELIMINARY PLAT

From: Andrew Hamilton

We are sending you: ☒ Attached ☐ Under separate Cover

Via: Delivered

Copies	Description
1	Blackline Prelim Plat full size
2	Prelim Plat 11x17" size
1	Certificate to Plat
1	City of Kenai/KPB Owner Submittal Forms

Reason for Transmittal Checked Below:

☐ FOR APPROVAL

☐ AS REQUESTED

☐ APPROVED AS SUBMITTED

☐ REVIEW/COMMENT

☒ FOR YOUR USE

☐ APPROVED AS NOTED

☐ RETURNED FOR CORRECTIONS

Remarks:

Copy to: File

Signed: Andrew Hamilton





## Preliminary Plat Submittal Form

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:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	AHAMILTON@MCLANECG.COM						

### PROPERTY OWNER

Name:	Margaret Winston						
Mailing Address:	1406 Hedley Dr.	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-740-0410						
Email:	MAGGIEKAYWINSTON@GMAIL.COM						

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04101140 + 04101139					
Current City Zoning:	Suburban Residential					
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					

### PLAT INFORMATION

Preliminary Plat Name:	Inlet Woods Subdivision 2025 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:

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
---------------------------------------------------------	--------------------------------------------------------	---------------------------------------------------------

### SIGNATURE

Signature:			Date:	12/03/24
Print Name:	Margaret Winston	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**

McLane Consulting, Inc.  
PO Box 468  
Soldotna, AK 99669  
Attention: Andrew Hamilton

File Number: 24878  
Premium: \$300.00  
Tax:

Gentlemen:

This is a certificate as of January 08, 2025 at 8:00 A.M. for a plat out of the following property:

Lots One (1) and Two (2), Block Ten (10), INLET WOODS SUBDIVISION PART ONE, according to Plat No. 84-279, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Margaret Kay Winston as to Lot 1;  
and Margaret Kay Winston, an unmarried person, as to Lot 2  
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. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:  
Taxing Authority: KENAI PENINSULA BOROUGH
3. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:  
Recorded: March 3, 1960  
Volume/Page: Misc. 5/133  
Granted To: Kenai Power Corporation  
Affects: General Easement, no definite location disclosed

**ASSIGNMENT OF EASEMENT**, including the terms and provisions therein:

Grantor: Kenai Power Corporation  
Grantee: City of Kenai  
Recorded: December 31, 1963  
Volume/Page: Misc. 11/188

4. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:  
Recorded: May 8, 1984  
Volume/Page: 235/173
5. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 84-279.
6. **EFFECT** of the notes on said Plat No. 84-279.

7. **COVENANTS, CONDITIONS AND RESTRICTIONS**, including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such Covenant, condition or restriction violates 42 USC 3604 (c), as contained in an instrument:  
Recorded: August 15, 1985  
Volume/Page: 268/636

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: \$90,000.00  
Dated: August 29, 2012  
Recorded: September 7, 2012  
Serial No.: 2012-008669  
Trustor: Rural Alaska Community Action Program, Inc.  
Trustee: First American Title Insurance Company  
Beneficiary: Housing Assistance Council  
**Affects Lot 2**

**PARTIAL DEED OF RECONVEYANCE**, releasing Lots 10 and 12, Block 10 and Lots 9 and 10, Block 12 from the obligation under said Deed of Trust:  
Recorded: October 11, 2012  
Serial No.: 2012-010116-0

**PARTIAL DEED OF RECONVEYANCE**, releasing Lot 9, Block 11 from the obligation under said Deed of Trust:  
Recorded: February 28, 2013  
Serial No.: 2013-001871-0

9. **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: \$89,780.00  
Dated: February 28, 2013  
Recorded: March 4, 2013  
Serial No.: 2013-001924-0  
Trustor: Margaret Kay Winston, an unmarried person  
Trustee: State Director, Rural Development  
Beneficiary: United States of America acting through the Rural Housing Service or successor agency, United States Department of Agriculture  
**Affects Lot 2**

10. **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: \$45,800.00  
Dated: February 28, 2013  
Recorded: March 4, 2013  
Serial No.: 2013-001925-0  
Trustor: Margaret Kay Winston, an individual  
Trustee: First American Title Insurance Company  
Beneficiary: Cook Inlet Lending Center, Inc.  
**Affects Lot 2**

11. **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: \$40,000.00  
Dated: February 28, 2013  
Recorded: March 4, 2013  
Serial No.: 2013-001926-0  
Trustor: Margaret K. Winston, an unmarried person  
Trustee: First American Title Insurance Company  
Beneficiary: Alaska Housing Finance Corporation

**Affects Lot 2**

12. **BUILDING ENERGY EFFICIENCY STANDARDS CERTIFICATION** including the terms and provisions therein:

Recorded: November 26, 2013  
Serial No.: 2013-011220-0

**Affects Lot 2**

13. **INTEREST OF THE SPOUSE** of the vestee, if married, and the subject property has been used as a marital homestead.

**Stewart Title of the Kenai Peninsula, Inc.**

By 

Authorized Countersignature

Mary Frengle  
Authorized Signator

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

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MARGARET WINSTON, OWNER  
1406 HEDLEY DRIVE, KENAI, AK 99611

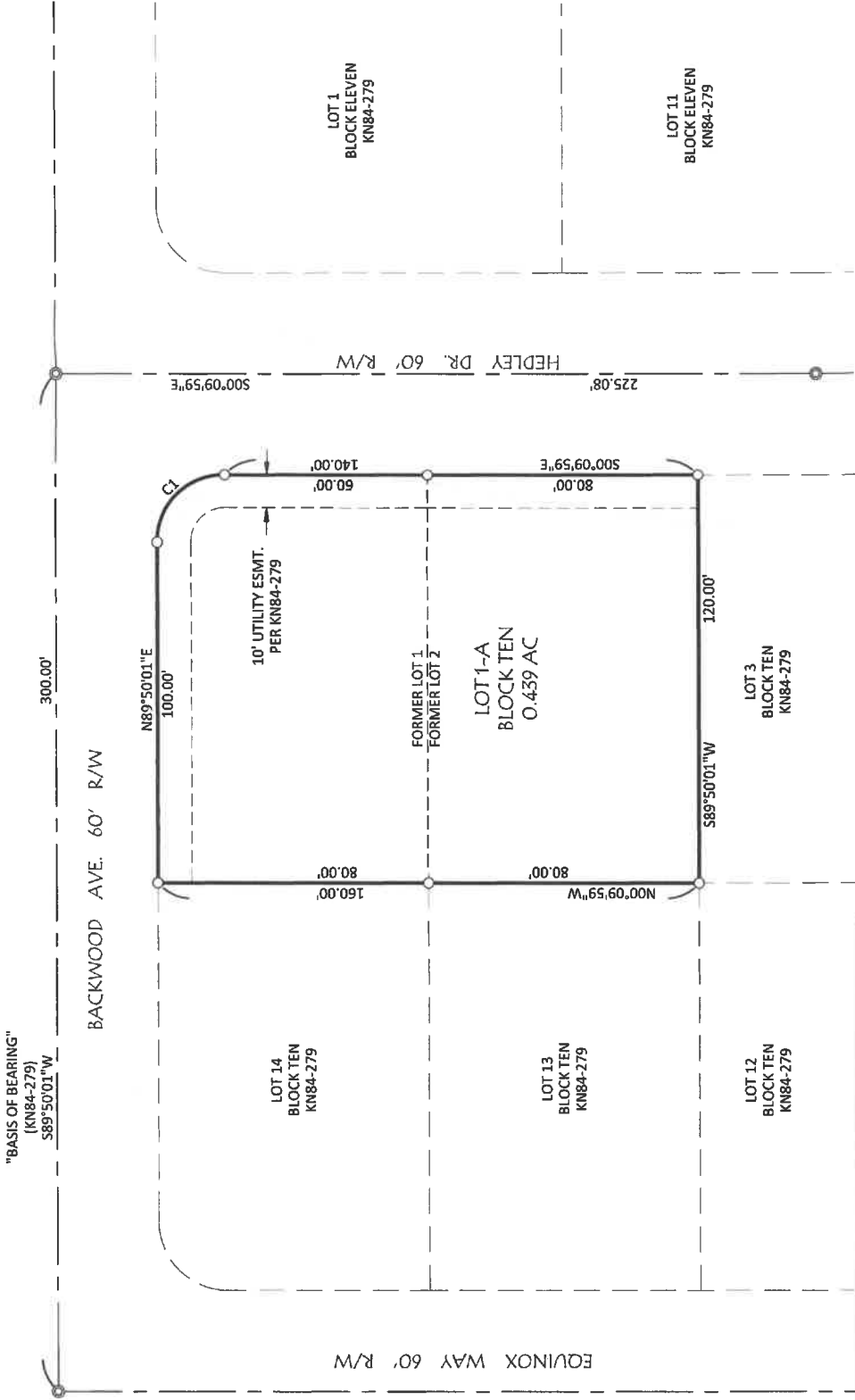
NOTARY'S ACKNOWLEDGEMENT

FOR: MARGARET WINSTON  
ACKNOWLEDGED BEFORE ME THIS

DAY OF 2025

MY COMMISSION EXPIRES :

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	90°00'00"	20.00'	31.42'	20.00'
			CHORD BEARING	CHORD LENGTH
			N 45° 09' 58" W	28.28'

LEGEND

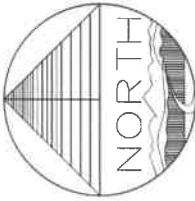
- RECORD 1/2" REBAR PER KN84-279
  - RECORD PK NAIL CENTERLINE MONUMENT PER KN84-279
- CONTOUR INTERVAL = 5'

WASTEWATER DISPOSAL  
PLANS FOR WASTEWATER DISPOSAL THAT MEET  
REGULATORY REQUIREMENTS ARE ON FILE AT THE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA  
BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

AUTHORIZED OFFICIAL



NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. 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. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS.
4. THIS SUBDIVISION IS SERVED BY CITY OF KENAI WATER AND SEWER.
5. THIS PLAT WAS PREPARED FROM DATA OF RECORD (KN84-279). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.

RECORD PLAT REFERENCE

INLET WOODS SUBDIVISION PART ONE - KN84-279

ALL DATA SHOWN HEREON IS DATA OF RECORD. NO FIELD SURVEY PERFORMED FOR THIS PLAT.

Plat #

Rec Dist

Date

Time

20

M



INLET WOODS SUBDIVISION 2025 REPLAT  
A RESUBDIVISION OF LOTS 1 & 2 BLOCK TEN INLET WOODS SUBDIVISION  
PART ONE (KN84-279)

MARGARET WINSTON, OWNER  
1406 HEDLEY DRIVE  
KENAI AK 99611

0.439 AC. M/L SITUATED IN THE SW1/4 OF SECTION 30, TOWNSHIP 6  
NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA, THE KENAI  
PENINSULA BOROUGH AND WITHIN THE KENAI RECORDING DISTRICT.



ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 468  
SOLDOTNA AK 99669  
VOICE: (907) 265-4526  
FAX: (907) 265-3265  
WWW.MCLANEGCS.COM

KPB File No. 2025-XXX

Project No. 252001

Scale 1" = 30'

Date : JANUARY 2025

Drawn by : LAM



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-12**

A RESOLUTION RECOMMENDING THAT PRELIMINARY PLAT FOR THE HOLLAND SPUR HIGHWAY SUBDIVISION ADDITION NO.1 ATTACHED HERETO BE **APPROVED**.

PROPERTY ADDRESSES: 7450 Kenai Spur Highway, Kenai, AK 99611

LEGAL DESCRIPTIONS: Holland Spur Highway Subdivision, Tract 1

KPB PARCEL NUMBERS: 04103055

WHEREAS, the City of Kenai received a preliminary plat from Peninsula Surveying, LLC, on behalf of the property owner, Glen F. Martin, for a subdivision of Holland Spur Highway Subdivision, Tract 1; 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 lots have access from the Kenai Spur Highway; and,

WHEREAS, City water and sewer lines are not available to the lot; 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 subdivision, subject to the listed conditions, provides utility/access easements, provides satisfactory and desirable building sites, and the on-site water and wastewater systems are subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, there are no minimum lot sizes for General Commercial (CG) zones. If approved, this subdivision will create Tract 1A and Tract 1B, with areas of 2.548 and 2.734 acres respectively.
3. Pursuant to KMC 14.10.120 *Division of a Commercial Tract*, the owner of a commercial tract located in a commercial zone may divide the tract into fragment lots provided that such a division is not inconsistent with the approved commercial site plan and recorded declarations, covenants and restrictions applicable to the commercial tract. The subdivision of this tract, if approved, will be consistent with the proposed land use in this area.

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 Holland Spur Highway Subdivision Addition No. 1 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 26<sup>th</sup> DAY OF FEBRUARY, 2025.

---

JOE HALSTEAD, CHAIRPERSON

ATTEST:

---

Meghan Thibodeau, Deputy City Clerk





# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Kevin Buettner, Planning Director  
**DATE:** February 19, 2025  
**SUBJECT:** Resolution No. PZ2025-12 – Preliminary Plat – Holland Spur Highway Subdivision Addition No. 1

---

**Request** The applicant is proposing a preliminary plat to subdivide Holland Spur Highway Subdivision, Tract 1.

**Staff Recommendation** Adopt Resolution No. PZ2025-12 recommending approval of Preliminary Plat – Holland Spur Highway Subdivision Addition No. 1, creating 2 parcels of 2.548 and 2.734 acres, respectively.

---

**Applicant:** Peninsula Surveying, LLC.  
Attn: Jason Schollenberg  
10535 Katrina Blvd  
Ninilchik, AK 99639

**Property Owner:** Glen F. Martin

**Legal Description:** Holland Spur Highway Subdivision, Tract 1

**Property Address:** 7450 Kenai Spur Highway, Kenai, AK 99611

**KPB Parcel No.:** 04103055

**Zoning District:** General Commercial (CG)

**Land Use Plan:** Mixed Use

**Surrounding Uses:** Mixed Use and Rural Residential

## SUMMARY

A preliminary plat has been submitted from Peninsula Surveying, LLC on behalf of Glen F. Martin for a subdivision of Holland Spur Highway Subdivision, Tract 1, to create 2 parcels. The two parcels, if approved would total 2.548 and 2.734 acres respectively, which will allow varied commercial uses to be developed while maintaining necessary parking requirements, access management for safe access to the Kenai Spur Highway, and building setbacks.

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

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The proposed replat meets intent of the General Commercial (CG) zoning district. There are no minimum lot sizes within the General Commercial zoning district, but the proposed lot sizes will allow for a variety of potential commercial uses to be developed on each parcel. The area is immediately adjacent to the Kenai Spur Highway and commercial uses are preferred due to the increased road noise. Commercial developments can help shield future residential development through proper vegetative screening, and the increased distance from the highway.

City water and wastewater are not available in this area. Property owner(s) will need to install private wells and septic systems. The septic systems must meet the regulatory requirements of the State of Alaska, Department of Environmental Conservation (ADEC).

Access to the proposed Lots is provided via the Kenai Spur Highway.

All rights-of-way within the proposed preliminary plat are existing. The Public Works Director has reviewed the preliminary plat and had no comments. Therefore, staff finds that an installation agreement is not required for the preliminary plat.

A 15-foot easement for utilities is located along the south boundary of the lots adjacent to existing rights-of-way. This is denoted in plat note three (3), which states the front 15-feet adjacent to rights-of-way is a utility easement.

Staff finds that the preliminary plat for a subdivision of Holland Spur Highway Subdivision, Tract 1 meets 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 subdivision, subject to the listed conditions, provides utility/access easements, provides satisfactory and desirable building sites, and the on-site water and wastewater systems are subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, there are no minimum lot sizes within the General Commercial zoning district, but the proposed lot sizes will allow for a variety of potential commercial uses to be developed on each parcel.
3. 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 Holland Spur Highway Subdivision Addition No. 1, 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 recommend approval of Resolution No. PZ2025-12 for a

subdivision of Holland Spur Highway Subdivision, Tract 1 to the 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

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Aerial Map

Application

Preliminary Plat, Beaver Loop Acres No. 3



Legend

Physical Addresses

Transportation

Mileposts

Roads

Medium Collector

Medium Volume -

Unmaintained

Medium Volume -

Maintained

Low / Seasonal

Legal Trail

Private

State Hwy

Platted / Proposed

Parcels and PLSS

Parcels

9" Imagery

Red: Red

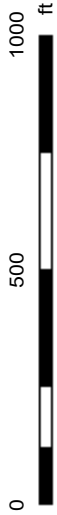
Green: Green

Blue: Blue

Red: Red

Green: Green

Blue: Blue



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



RECEIVED 2/19/25



## Preliminary Plat Submittal Form

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:	Jason Schollenberg, Peninsula Surveying, LLC						
Mailing Address:	10535 Katrina Blvd	City:	Ninilchik	State:	AK	Zip Code:	99639
Phone Number(s):	907-306-7065						
Email:	jason@peninsulasurveying.com						

### PROPERTY OWNER

Name:	Glen F Martin						
Mailing Address:	PO Box 1389	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-252-5326						
Email:	akgold16@gmail.com						

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04103055					
Current City Zoning:	CG General Commercial					
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other:					
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:	HOLLAND SPUR HIGHWAY SUBD. ADDITION NO. 1					
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:

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
---------------------------------------------------------	--------------------------------------------------------	---------------------------------------------------------

### SIGNATURE

Signature:			Date:	2/13/2025	
Print Name:	JASON SCHOLLENBERG	Title/Business:	PLS, OWNER		

*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**

Peninsula Surveying  
10535 Katrina Blvd  
Ninilchik, AK 99639  
Attention: Brandon Thielke

File Number: 25227  
Premium: \$300.00  
Tax:

Gentlemen:

This is a certificate as of February 04, 2025 at 8:00 A.M. for a plat out of the following property:

Tract One (1), HOLLAND SPUR HIGHWAY SUBDIVISION, according to Plat No. 2011-68, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Glen F. Martin, a married person  
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: 194/777

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: CITY OF KENAI
4. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:  
Taxing Authority: KENAI PENINSULA BOROUGH
5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:  
Recorded: December 13, 1960  
Volume/Page: 6/182  
Granted To: Homer Electric Association, Inc.  
Affects: General Easement, no definite location disclosed
6. **RESERVATION OF EASEMENT** for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.

7. **RIGHTS OF THE PUBLIC** and or governmental agencies in and to that portion of said premises lying below the mean high water mark of the creek and any questions of right of access to the creek in the event said lands do not in fact abut the creek.
8. **ANY PROHIBITION OR LIMITATION** on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.
9. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 2011-68.
10. **EFFECT** of the notes on said Plat No. 2011-68.

**Stewart Title of the Kenai Peninsula, Inc.**

By

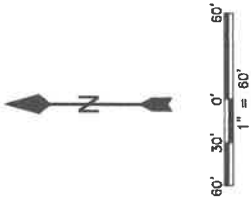


Authorized Countersignature

Mary Frengle

Authorized Signator

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



CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GLEN F. MARTIN  
PO BOX 1389  
SOLDOTNA, AK 99669

NOTARY ACKNOWLEDGMENT

FOR: GLEN F. MARTIN  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025

NOTARY PUBLIC FOR:  
MY COMMISSION EXPIRES: \_\_\_\_\_

WASTEWATER DISPOSAL  
TBD

NOTES

1. THIS SUBDIVISION IS SUBJECT TO CITY OF KENAI TITLE 14 ZONING REGULATIONS.
2. NO PRIVATE ACCESS TO CITY MAINTAINED ROW'S PERMITTED UNLESS APPROVED BY THE CITY OF KENAI.
3. THE FRONT 15' ADJACENT TO RIGHTS-OF-WAYS IS A UTILITY EASEMENT.
4. 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.
5. NO ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
6. INFORMATION FOR THE KENAI SPUR HIGHWAY WAS TAKEN FROM STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES RIGHT OF WAY MAP FOR PROJECT NO. Z545940000 KENAI SPUR HIGHWAY REHABILITATION M.P. 2.8-8.1 PLAT KN 2018-23.
7. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
8. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB CHAPTER 21.18.
9. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION GRANTED AN EXCEPTION TO KPB 20.20.030- PROPOSED STREET LAYOUT AT THE MEETINGS OF JULY 18, 2011, PER KN2011-68 AND AUGUST 10, 2020 PER KN2020-64.
10. SUBJECT TO A GENERAL EASEMENT FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR, AND CLEAR SHRUBBERY GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. PER BOOK 8 PAGE 182 RECORDED DECEMBER 13, 1960, KENAI RECORDING DISTRICT.
11. SUBJECT TO THE RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES, AND ANY ASSIGNMENTS OR USES THEREOF FOR RECREATIONAL, UTILITY OR OTHER PURPOSES, AS DISCLOSED BY PUBLIC LAND ORDER NO. 801, DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER NO. 757, DATED OCTOBER 10, 1958; PUBLIC LAND ORDER NO. 1813, DATED APRIL 7, 1958; AND DEPARTMENT OF THE INTERIOR ORDER NO. 2666, DATED OCTOBER 16, 1951, AMENDMENT NO. 1 THEREOF, DATED JULY 17, 1952 AND AMENDMENT NO. 2 THEREOF, DATED SEPTEMBER 15, 1956, FILED IN THE FEDERAL REGISTER.
12. THE STIPPLED HATCH PATTERN REPRESENTS LAKEBED WETLANDS. THE GRASS HATCH PATTERN REPRESENTS RIVERINE/DRAINAGEWAY WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLAND MAPPING.
13. THERE ARE NO SLOPES STEEPER THAN 20% PER KPB GIS CONTOUR DATA.
14. SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF THE CREEK AND ANY QUESTIONS OF RIGHT OF ACCESS TO THE CREEK IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE CREEK. THIS CREEK IS NOT WITHIN THIS SUBDIVISION BOUNDARY.

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LEGEND

- PRIMARY MONUMENT AS DESCRIBED
- 2" AL-CAP BY 49285, 2011
- TO SET RPC ON 5/8" X 36" REBAR BY LS14488
- RECORD DATA PER KN2011-68
- RECORD DATA PER KN2016-23
- RIVERINE/DRAINAGEWAY WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- LAKEBED WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	CHORD
C1	143.71'	1933.50'	4°15'31"	143.68'
C1 (R1)	143.71'	1933.50'	4°15'31"	143.68'
C1 (R2)	142.98'	1933.45'	4°14'14"	142.96'



KPB FILE NUMBER: 2025-XXXX

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639  
(907)506-7065

HOLLAND SPUR HIGHWAY  
SUBDIVISION ADDITION NO. 1

A SUBDIVISION OF  
TRACT 1 HOLLAND SPUR HIGHWAY SUBDIVISION, KN2011-68  
LOCATED WITHIN  
S1/2 S 1/2 SE1/4 NE1/4  
SEC. 35, T6N, R11W, S.M., CITY OF KENAI  
KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA  
CONTAINING 5.282 ACRES

OWNER: GLEN F. MARTIN  
PO BOX 1389  
SOLDOTNA, AK 99669

SCALE: 1" = 60'  
DRAWN: BLT  
CHECKED: JLS  
DATE: FEBRUARY 13, 2025  
SHEET: 1 OF 1





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION PZ2025-08**

A RESOLUTION **RECOMMENDING** THE KENAI CITY COUNCIL APPROVE THE REZONE FROM SUBURBAN RESIDENTIAL (RS) TO GENERAL COMMERCIAL (CG) ZONING DISTRICT FOR THE FOLLOWING PROPERTIES AND AS DEPICTED ON THE ATTACHED BOUNDARY MAP.

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
04312013	202 N. Forest Drive	0.64-acre	Lot 1, Fresh Start Subdivision
04312014	1408 Second Avenue	0.83-acre	Lot 2, Fresh Start Subdivision

WHEREAS, the City of Kenai received a rezone application from the majority of property owners in accordance with Kenai Municipal Code (KMC) Section 14.20.270 *Amendment procedures*; and,

WHEREAS, the area proposed to be rezoned contains a minimum of one (1) acre (excluding street or alley rights-of-way); and,

WHEREAS, the proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous nine (9) months; and,

WHEREAS, a map has been included of the proposed rezone area; and,

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

WHEREAS, the Planning and Zoning Commission finds:

1. The current zoning district, Suburban Residential (RS) is intended to provide for medium density residential development. The existing RS zone is not the preferred land use for this area as there are existing commercial/institutional uses to the south and west of the proposed rezone area and the subject properties are located within 600 feet of the Kenai Spur Highway.
2. The rezone to General Commercial (CG) zone would increase the adjacent CG zoning district, which it is anticipated that it would be developed in conjunction with the surrounding commercial and institutional uses along the Kenai Spur Highway and South Forest Drive.

Therefore, minimizing potential impacts of commercial development on existing residential uses.

3. North Forest Drive has a Functional Classification as a Major Collector, as designated by the Alaska Department of Transportation, which infers a higher annual average daily traffic volume than surrounding neighborhood streets and therefore less desirable for residential uses due to vehicle noise.
4. The existing land use classification states that the area is to be Suburban Residential. Due to North Forest Drive being a Major Collector route, there is reason to anticipate that this area will become low-impact commercial uses, as traffic volume is higher along N. Forest Drive and the associated road noise make residential uses less desirable. In the current RS zone, several commercial uses are permitted subject to a Conditional Use Permit (see attached Land Use Table). The proposed rezone to CG zone would be consistent as a natural extension of the Mixed-Use land use classification that is immediately south of the subject properties as identified in the Comprehensive Plan and reduce the administrative burden on business owners and city staff.
5. The proposed rezone to CG would align with the current low to medium density commercial/institutional character of the neighborhood.

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

**Section 1.** That Kenai City Council approve the rezone request for the properties located at 202 N. Forest Drive and 1408 Second Avenue from Suburban Residential (RS) to General Commercial (CG) zoning district.

**Section 2.** That the Commission will forward its written recommendation to the Kenai City Council, along with all certified minutes and public records relating to the proposed amendment.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025.

---

Joe Halstead, CHAIRPERSON

ATTEST:

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Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**O:** Planning and Zoning Commission  
**FROM:** Kevin Buettner, Planning Director  
**DATE:** February 26, 2025  
**SUBJECT:** Resolution PZ2025-08 – Rezone Two (2) Parcels from Suburban Residential (RS) to General Commercial (GC) Zoning District

---

**Request** The applicants are requesting a rezone of two (2) parcels from Suburban Residential (RS) to General Commercial (CG) Zoning District.

**Staff Recommendation** Adopt Resolution PZ2025-08 recommending approval of a rezone of two (2) parcels from Suburban residential (RS) to General Commercial (CG) Zoning District.

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**Applicants:** John and Parrisa Harris  
202 N. Forest LLC  
215 Fidalgo Ave, Ste 104  
Kenai, AK 99611

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
04312013	202 N Forest Dr.	0.49-acre	FRESH START SUB LOT 1
04312014	1408 Second Avenue	0.83-acre	FRESH START SUB LOT 2

**Current Zoning:** Suburban Residential (RS)

**Proposed Zoning:** General Commercial (CG)

**Current Land Use** Single-Family Residence, Accessory Structures

**Land Use Plan** Suburban Residential

## SUMMARY

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The applicants are seeking to rezone properties located at 202 N. Forest Drive and 1408 Second Avenue from Suburban Residential (RS) to General Commercial (CG) zoning district. The purpose of the rezone is to allow light commercial uses on the subject parcels. For the parcel located at 202 N. Forest Drive, the property owner intends to operate a law office, coffee shop, and commercial greenhouse. The parcel at 1408 Second Avenue would remain undeveloped, but be used for snow storage from the adjoining lot.

North Forest Drive is classified as a Major Collector by the Alaska Department of Transportation and as such, is used to access several neighborhoods between the Kenai Spur Highway and Redoubt Avenue. A Major Collector route often has higher annual average daily traffic counts than surrounding streets, and generally results in higher associated road noise. This noise often deters substantial residential development directly on the route.

This property has historically had a conditional use permit, initially issued in 1999 (PZ1999-24) for a Greenhouse, Gift Shop, and Coffee Shop. The current owners seek to reactivate this property with a similar mix of commercial uses, with the exception of the Gift Shop which would be replaced by a law office. There is vegetative screening for adjacent properties to the north, east, and south. N. Forest Drive is on the west side of the property.

If approved, the zone change would allow commercial uses as a principal use, whereas under the existing zone, RS, a commercial use is only permitted as a conditional use.

## ANALYSIS

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Pursuant to KMC Section 14.20.270, the initiation of a Zoning Map Amendment may be initiated by a majority of the property owners in the area to be rezone. Furthermore, the area to be rezoned contains a minimum one (1) acre (excluding street or alley rights-of-way) unless the amendment enlarges an adjacent district boundary.

Both affected parcels are owned by the same owner, 202 N. Forest, LLC, therefore, meeting the initiation of a rezone application. The combined area of the rezone is approximately 1.32 acres, which exceeds the minimum one (1) acre requirement for a zoning map amendment and it would expand the adjacent General Commercial zoning district to the south of the proposed rezone area.

### **Existing and Proposed Zoning**

The existing zoning is Suburban Residential (RS) and the intent as outlined in KMC Section 14.20.090 states the following:

*The RS Zone is intended 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.*

**Findings:** The proposed rezone area is surrounded by a commercial office/warehouse (Salvation Army) to the west, residential uses to the north and east, and a commercial zoned area along First Avenue. The current zoning, RS prohibits commercial uses unless it is a conditional use according to the land use table found in KMC Section 14.22.010 as shown below (highlighted in yellow).

## LAND USE TABLE

KEY: P = Principal Permitted Use  
C = Conditional Use  
S = Secondary Use  
N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	P
Retail Business	C	N <sup>26</sup>	C	N	C	N	N	C	P	P	P	P	S <sup>24</sup>	S <sup>24</sup>	C	C	P	P

The proposed zoning is General Commercial (CG) and the intent as outlined in KMC Section 14.20.120 states the following:

The CG zone allows for the widest range of commercial uses compared to other commercial zoning districts. The current zoning district, Suburban Residential (RS) is intended to provide for medium density residential development. The existing RS zone is not the preferred land use for this area as there are existing commercial/institutional uses to the south and west of the proposed rezone area and the subject properties are located within 600 feet of the Kenai Spur Highway.

The rezone to General Commercial (CG) zone would increase the adjacent CG zoning district, which it is anticipated that it would be developed in conjunction with the surrounding commercial and institutional uses along the Kenai Spur Highway and South Forest Drive. Therefore, it would minimize potential impacts of commercial development on existing residential uses.

North Forest Drive has a Functional Classification as a Major Collector, as designated by the Alaska Department of Transportation, which infers a higher annual average daily traffic volume than surrounding neighborhood streets and therefore less desirable for residential uses due to vehicle noise.

**Findings:** The rezone to CG zone would increase the adjacent RCGS zoning district, which it is anticipated that it would be developed in conjunction with the surrounding commercial/institutional uses to the west and south. Therefore, minimizing potential impacts of commercial development on existing uses. As noted by the applicants, this property has historically functioned as a commercial property with a Conditional Use Permit and rezoning would reduce the administrative burden on both the businesses, and the city staff.

### **Comprehensive Plan – Land Use Classification**

The existing land use classification is Suburban Residential and the intent as outlined in the *Imagine Kenai 2030 Comprehensive Plan* (“Comprehensive Plan”) states the following:

*Kenai residents place a high value on residential neighborhoods that are safe for all ages and located near important community facilities such as schools, recreational facilities, the library, parks, government services, and commercial areas.*

**Findings:** The existing land use classification states that the area is to be Suburban Residential. Due to North Forest Drive being a Major Collector route, there is reason to anticipate that this area will become low-impact commercial uses, as traffic is higher along N. Forest Drive and the associated road noise make residential uses less desirable. In the current RS zone, several commercial uses are permitted subject to a Conditional Use Permit (see attached Land Use Table). The proposed rezone to CG zone would be consistent as a natural extension of the Mixed-Use land use classification that is immediately south of the subject properties as identified in the Comprehensive Plan.

An amendment to the land use map in the Comprehensive Plan is not currently required, as all the proposed uses are allowable in Suburban Residential zones, albeit as conditional uses. The City anticipates updating the Comprehensive Plan within a couple years, and a new Land Use Plan may be developed as a part of this process.

The Comprehensive Plan supports this rezoning in the following identified goal:

*Goal 1 – Quality of Life: 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.*

**Findings:** The proposed rezone to CG would align with the current low to medium density development of the neighborhood.

### **Existing Use**

In the proposed rezone area, the only existing principal use are the existing buildings (greenhouse, coffee shop, and law office) on the property located at 202 N. Forest Drive, which are adjacent the intersection of N. Forest Drive and Second Avenue.

**Findings:** The proposed rezone to CG zone would make the existing buildings (greenhouse, coffee shop, and law office) compliant with the zoning district. Under the existing RS zone, the existing buildings are considered a non-conforming use since commercial uses are not permitted to be a principal use. Therefore, any expansions or alterations of the buildings would be subject to KMC Section 14.20.050 *Nonconforming lots, structures, and uses*.

## **PUBLIC NOTICE**

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the rezone were mailed to property owners within a three hundred-foot (300') periphery of the subject properties. City staff published notice of the public hearing in the *Peninsula Clarion*, and notification was posted.

No public comments have been received as-of-date.

## STAFF RECOMMENDATION

---

Based on the findings and analysis in this staff report, Staff recommends the Planning & Zoning Commission recommend approval of the rezone request for the properties located at 202 N. Forest Drive and 1408 Second Avenue from Suburban Residential (RS) to General Commercial (CG) zoning district. Planning & Zoning Commission's recommendation will be forwarded to City Council for consideration.

## ATTACHMENTS

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- Zoning Map
- Application Materials
  - Letter of Intent
  - Aerial Map
- Plat
- KMC 14.22.010 Land Use Table
- Draft Zoning Map







February 4, 2025

Kevin Buettner  
City of Kenai, Planning Director  
210 Fidalgo Avenue  
Kenai, Alaska 99611  
Email: [kbuettner@kenai.city](mailto:kbuettner@kenai.city)

**Re: FIREWEED SQUARE  
Re-Zoning Request**

Dear Mr. Buettner:

My husband, John C. Harris, and I (through 202 N FOREST LLC) are the owners of Kenai parcels 04312013 and 04312014. The property street addresses for those two lots are 202 N. Forest Drive and 1408 Second Avenue, respectively. We plan to refer to the two parcels collectively as “Fireweed Square.”

I am writing to request that those two parcels be re-zoned to “general commercial” use. Attached please find “FIREWEED SQUARE” SITE PLAN.<sup>1</sup> Please note, the Site Plan identifies 12 designated parking spots, large truck parking zone, dumpster with screening and orientation away from Forest Drive, and adequate snow storage.

**202 N. Forest Drive**

This property has historically been used for general commercial purposes by previous owners. The prior owners used this property to operate a commercial greenhouse in the Spring and Summer months. They also operated a gift/coffee shop out of the “main house” on the property, although it was converted into the prior owners’ residence after they became ill a few years before their passing. There is also a smaller “cottage” structure that was used as a residence by the previous owners.

**Greenhouse: Fireweed Greenhouse**

My husband and I purchased the property in or around June 2023. In Spring/Summer 2024, we operated the commercial greenhouse on the property in similar fashion as the previous owners, doing business as Fireweed Greenhouse. It is our intention to continue operating Fireweed Greenhouse similarly this year and in the future.

---

<sup>1</sup> See Attachment “A”: FIREWEED SQUARE SITE PLAN



**Café/Retail: Ooakzen Café and Fireweed Greenhouse/Giftshop**

When we purchased the property in 2023, the cottage structure was in disrepair. We have remodeled and renovated the cottage with the intent to operate a café/retail space out of that structure year-round. We intend to lease the cottage to Ooakzen to operate their café out of that space. We are waiting for approval from the City of Kenai for necessary permits. Once those permit applications are granted, Ooakzen will commence operations immediately. The retail space will be operated by Fireweed Greenhouse in conjunction with Ooakzen.

**Law Office: Harris Law & Mediation**

The next project we plan to undertake is the remodel/renovation of the “main house” on the property into a law office where I will operate my law practice, Harris Law & Mediation. It is our hope to complete that project and be moved into that space by April 2025.

**1408 Second Avenue**

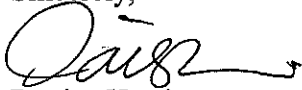
This property is currently a vacant lot, but pleasantly landscaped with a large lawn, trees and shrubs. While we do not currently have a specific plan for developing this parcel, it is our intention to eventually develop this parcel in a manner complimentary to the general commercial use of 202 N. Forest Drive.

The reinvigoration of Fireweed Square as proposed promotes many of the goals and objectives enumerated in the City’s *Imagine Kenai 2030 Comprehensive Plan*, including the objective to “support development at emerging community “centers” that lie outside the major employment centers, but provide a mix of retail, service, and residential uses.”<sup>2</sup>

Our vision for these parcels is to create a quaint, aesthetically pleasing “third place” for community enrichment and gathering. The location of these parcels is ideal for that goal. The lots are only 1.5 blocks from a major highway and the proposed uses will not significantly increase current or historical traffic patterns. Currently, the use of surrounding properties is as follows: North: undeveloped; South: undeveloped; East: single family residential/light commercial; West: single family residential. The addition of a café and retail space on this property will provide a local space and services to this primarily suburban residential zone that people can either walk or drive to enjoy. I believe the community will welcome this development, as it was a great loss felt by many when the previous owners were forced to shut down the greenhouse and gift shop due to health issues.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me at 907-398-4986 or via email to [pharris@hlmlaw.org](mailto:pharris@hlmlaw.org).

Sincerely,

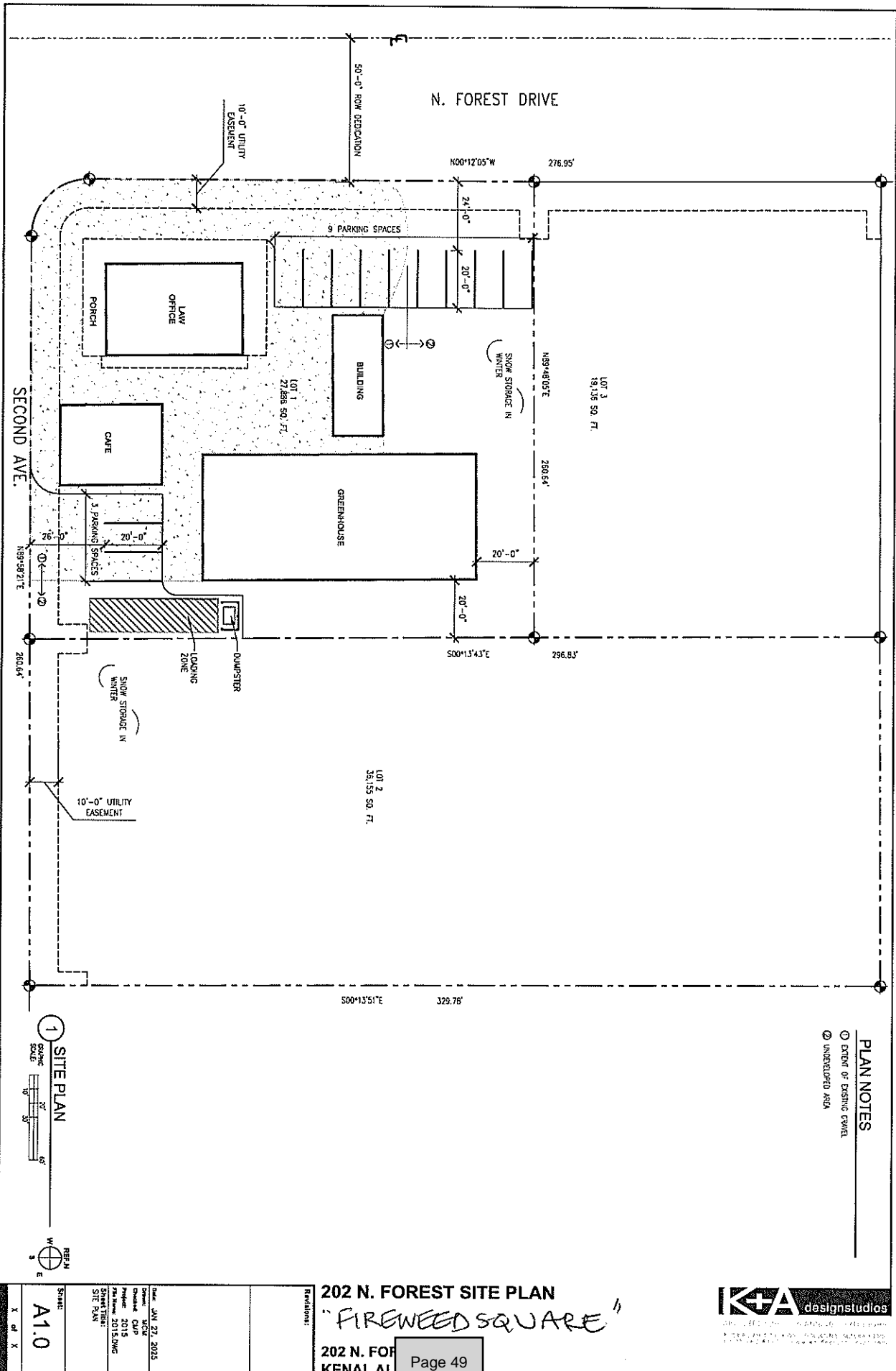


Parrisa Harris

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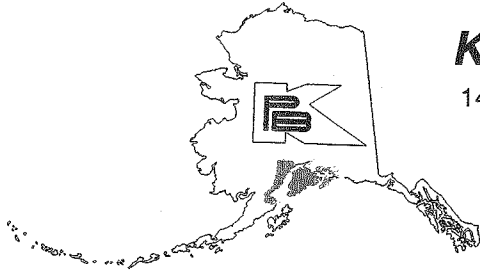
<sup>2</sup> See *Imagine Kenai 2030 Comprehensive Plan* at p. 80

ATTACHMENT "A", Pg. 1 of 1





Kenai 2012-50



## KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE**  
**BOROUGH MAYOR**

### CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough have been paid for the area(s) described as:

Subdivision: Fresh Start Subdivision

Parcel # 04312005

T 6N R 11W SEC 31 Seward Meridian KN GOVT LOT 111

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: \$.00.

Witness my hand and seal this 27th day of September, 2012.

Rhonda K. Krohn  
Property Tax and Collections Supervisor

**14.22.010 Land Use Table.****LAND USE TABLE**

KEY: P = Principal Permitted Use  
C = Conditional Use  
S = Secondary Use  
N = Not Permitted

NOTE: Reference footnotes on  
following pages for additional  
restrictions

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
RESIDENTIAL																		
One-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C <sup>22</sup>	P	P	P	S <sup>1</sup> /C <sup>21</sup>	S <sup>33</sup> /C
Two-, Three-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	P	P	P	S <sup>1</sup> /C <sup>21</sup>	P
Four-Family Dwelling	N	C <sup>18</sup>	P	C <sup>3,29</sup>	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	N	P	C	S <sup>1</sup> /C <sup>21</sup>	P
Five-, Six-Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sup>21</sup>	P
Seven- or More Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	C <sup>3</sup>	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> /C <sup>21</sup>	P
Mobile Home Parks <sup>6</sup>	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C	N
Planned Unit Residential Development <sup>7</sup>	N	C <sup>18</sup>	C	C <sup>29</sup>	C	C	C	C	C	C	C	C	N	C	C	C	C	P
Townhouses <sup>4</sup>	N	C <sup>18</sup>	C <sup>3</sup>	C <sup>3,29</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	C	C	C	C <sup>22</sup>	C	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC <a href="#">14.20.200</a> )	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N	N

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
COMMERCIAL																		
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C	C
Adult Businesses	N	N	N	N	N	N	N	N	p <sup>31</sup>	p <sup>31</sup>	p <sup>31</sup>	p <sup>31</sup>	N	N	N	N	N	N
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P	N
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P	C
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	P
Business/ Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P	P
Marijuana Cultivation Facility, Limited <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	N
Marijuana Cultivation Facility, Standard <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	N



ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
Marijuana Product Manufacturing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N
Marijuana Testing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C	N
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	P
Retail Business	C	N <sup>26</sup>	C	N	C	N	N	C	P	P	P	P	S <sup>24</sup>	S <sup>24</sup>	C	C	P	P
Retail Marijuana Store <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S <sup>24</sup>	C	C	N	N
INDUSTRIAL																		
Airports	C	P <sup>20</sup>	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P	C
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P	C

ZONING DISTRICTS															
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH
WW	CMU	LC	CMU	LC	CMU	LC	CMU	LC	CMU	LC	CMU	LC	CMU	LC	CMU
Gas Manufacturer/Storage	C <sup>9</sup>	N	N	N	C	N	N	N	N	N	C <sup>9</sup>	C <sup>9</sup>	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N
<b>PUBLIC/INSTITUTIONAL</b>															
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	C	C	P	P <sup>10</sup>	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C
Colleges*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C
Elementary Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C
Governmental Buildings	P	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	C
High Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
Libraries*	N	C	C	C <sup>29</sup>	C	C	C	C <sup>12</sup>	P	P	P	C	P	C	P	C	P	P
Museums	C	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	P	C	P	P
Parks and Recreation	N	P	C	C <sup>29</sup>	C	C	C	C	P	P	P	P	P	P	P	C	P	P
MISCELLANEOUS																		
Animal Boarding/ Commercial Kennel <sup>13</sup>	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C	C
Assemblies <sup>15</sup> (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	p <sup>15</sup>	p <sup>15</sup>	p <sup>15</sup>	p <sup>15</sup>	p <sup>15</sup>	C	P	N	p <sup>15</sup>	P
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P	C
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** <sup>28</sup>	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C	C
Crematories/ Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C	N

ZONING DISTRICTS																		
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU	WW
Day Care Centers <sup>12</sup>	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	C	C	C	P	P	C
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P <sup>21</sup>	S	C	P	P <sup>23</sup>	C	C	C	P	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N	C
Fraternal Organizations/ Private Clubs/ Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P	P
Greenhouses/ Tree Nurseries <sup>13</sup>	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P	P
Parking, Public Lots <sup>12</sup>	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services <sup>25</sup>	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/ C <sup>27</sup>	P	P

ZONING DISTRICTS														
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C
Subsurface Extraction of Natural Resources <sup>16</sup>	C	C	C	C	C	C	C	C	C	C	C	C	N	C
Surface Extraction of Natural Resources <sup>17</sup>	C	C	C	N	C	N	N	C	N	C	C	C	N	N
														WW
														CMU
														LC
														TSH
														R
														ED
														IH
														IL
														CG
														CC
														RU
														RS-2
														RS
														RR-1
														RR
														C
														ALI

\* See 42 U.S.C. Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

\*\* See 42 U.S.C. Telecommunications Act of 1996, Sec. 704(a)

\*\*\* See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

**1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

**2** One (1) single-family residence per parcel, which is part of the main building.

**3** Allowed as a conditional use, subject to satisfying the following conditions:

**a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

**b** The site square footage in area must be approved by the Commission;

**c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

**d** Water and sewer facilities shall meet the requirements of all applicable health regulations;

**e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

**f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

**g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

**h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

**i** The property adjacent to the proposed dwelling group will not be adversely affected.

**4** See "Townhouses" section.

**5** See "Mobile Homes" section.

**6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

**7** See "Planned Unit Residential Development" section.

**8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

**9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.



**10** Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

**11** Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

**12** Allowed as a conditional use; provided, that the following conditions are met:

**a** The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

**b** Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

**13** Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).

**14** Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

**15** Allowed; provided, that the following conditions are met:

**a** An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.

**b** Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

**16** See "Conditional Uses" section.

**17** See "Conditional Use Permit for Surface Extraction of Natural Resources" section.

**18** **Conditional use allowed only on privately held property.** Not allowed on government lands.

**19** Reserved.

**20** The airport-related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

**21** Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

**22** **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

**23** **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

**24** Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

**25** Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

**26** Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

**27** Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

**28** Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

**29 Use allowed only for those parcels that abut the Kenai Spur Highway.** The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

**30** See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for commercial marijuana establishments.

**31** See KMC [14.20.175](#)—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

**32** Allowed as a conditional use; provided, it is a maritime-related use to accommodate recreational boating activities, recreational facilities, accessory uses, and service facilities.

**33** Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

(Amended during 7-7-99 supplement; Ord. 1862-2000; Amended during 12-1-00 supplement; Ords. 1911-2001, 1938-2001, 1956-2002, 1962-2002, 1990-2003, 1994-2003, 2053-2004, 2081-2005, 2112-2005, 2113-2005, 2144-2006, 2152-2006, 2185-2006, 2195-2006, 2246-2007, 2272-2007, 2403-2009, 2425-2009, 2546-2011, 2610-2012, 2649-2012, 2688-2013, 2784-2014, 2870-2016, 2884-2016, 3025-2018, 3056-2019, 3083-2019 (Substitute), 3363-2023, 3392-2024)

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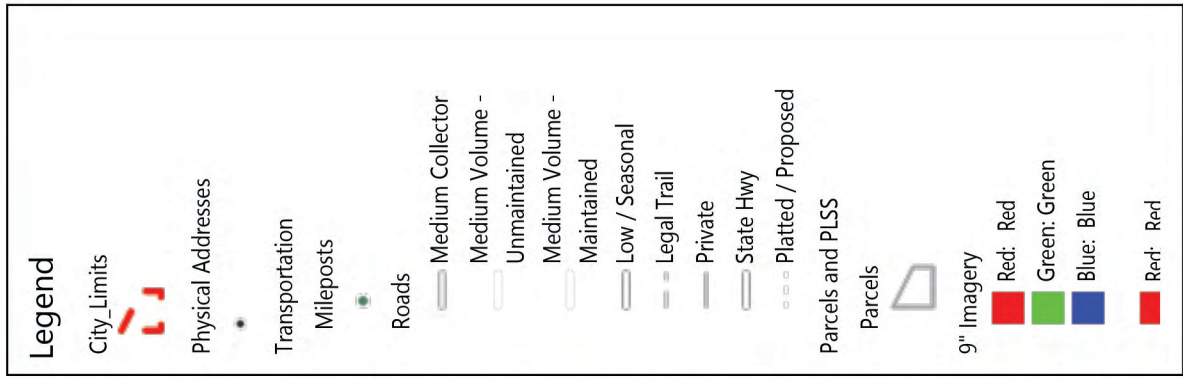
**The Kenai Municipal Code is current through Ordinance 3442-2024, passed November 20, 2024.**

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

[City Website: www.kenai.city](http://www.kenai.city)

[City Telephone: \(907\) 283-7535](tel:(907)283-7535)

[Hosted by General Code.](#)



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-10**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A RETAIL BUSINESS (GREENHOUSE, CAFÉ/RETAIL, LAW OFFICES) IN EXISTING SINGLE-FAMILY DWELLING AND ACCESSORY BUILDINGS.

APPLICANT: 202 N. Forest, LLC – Parissa Harris

PROPERTY ADDRESS: 202 N. Forest Drive

LEGAL DESCRIPTION: Lot 1, Fresh Start Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04312013

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on February 10, 2025; and,

WHEREAS, the applicant has demonstrated 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 February 26, 2025, 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(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Findings: *The RS Zone is intended 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 proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as it has historically operated with a Conditional Use Permit. Furthermore, the proposed use is not anticipated to generate a significant change in traffic, as North Forest Drive is considered a Major Collector route by the Alaska Department of Transportation, given that it creates access to several neighborhoods between the Kenai Spur Highway and Redoubt Avenue. A Major Collector route often has higher annual average daily traffic counts than the surrounding streets, so no significant change in traffic is anticipated. There is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of accessory buildings. Staff finds that the proposed use meets the intent of the RS zoning district.

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

Findings: The proposed use is similar the previously issued Conditional Use Permit, PZ1999-24. The Greenhouse, gift and coffee shop operated without complaint or problems recorded, until the primary structure was remodeled to provide living quarters for the previous owners when they retired. 202 N. Forest LLC purchased the property with the intention of revitalizing and reopening business already established on the premises. Furthermore, they have requested a rezone to General Commercial, which would allow the requested use without the need for a Conditional Use Permit, and have applied for the Conditional Use Permit in the meantime to assure they remain in compliance with Kenai Municipal Code. Staff finds the proposed use, similar to the previously approved Conditional Use Permit, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Suburban Residential (RS) land use classification. The RS 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 pave standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.*

The existing land use classification states that the area is to be Suburban Residential. Due to North Forest Drive being a Major Collector route, there is reason to anticipate that this area will become low-impact commercial, as traffic is higher along N. Forest Drive and the associated road noise make residential uses less desirable.

The surrounding uses consist of an empty lot to the north east and south, and North Forest Drive and a Church to the west. The church property as well as the properties to the south are designated General Commercial, and the applicant has applied to have that zone extended to cover their property at both 202 N. Forest and 1408 Second Avenue. Staff

finds that the proposed use meets is in harmony with the Comprehensive Plan both as currently zoned, and the proposed rezone to General Commercial.

As stated by the applicant, the proposed reinvigoration of the property as proposed is consistent and in harmony with several goals in the 2016 Comprehensive Plan.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

**Objective Q-4**

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

**Objective LU-1**

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

**Objective LU-5**

Support development at emerging community “centers” that lie outside the major employment centers but provide a mix of retail, service and residential uses.

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

Findings: City water and sewer are available and adequate for the proposed use. North Forest is a paved City-maintained road.

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

Findings: There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, their vision for this property and the neighboring parcel, referred to as Fireweed Square, is to create a quaint, aesthetically pleasing “third place” for community enrichment and gathering. The location is ideal for such a goal, as it is only 1.5 blocks from the Kenai Spur Highway, and the use will not significantly increase already established traffic patterns.

6. *KMC 14.150(d)(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.*



Findings: Staff finds that allowing Retail Businesses (Greenhouse, Café/Retail, Law Offices) in the existing structures would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 operate a Retail Business (Greenhouse, Café/Retail, Law Offices) in the existing single-family and accessory structures on the property described as Lot 1, Fresh Start Subdivision, located at 202 N. Forest Drive.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025

\_\_\_\_\_  
JOE HALSTEAD, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**THROUGH:** Kevin Buettner, Planning Director  
**FROM:** Beth McDonald, Planning Administrative Assistant  
**DATE:** February 26, 2025  
**SUBJECT:** Resolution PZ2025-10 – Conditional Use Permit – Retail Business  
(Greenhouse, Café/Retail, Law Offices)

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**Request** The applicant is requesting to operate Retail Business out of existing structures on the property.

**Staff Recommendation** Adopt Resolution PZ2025-10 approving a Conditional Use Permit to operate Retail Business out of existing structures on the property.

---

Applicant: 202 N. Forest, LLC – Parissa Harris  
Legal Description: Lot 1, Fresh Start Subdivision  
Property Address: 202 N. Forest Drive  
KPB Parcel No.: 04312013  
Lot Size: 27538.35 square feet (.63-acres)  
Zoning: Suburban Residential (RS) currently, though they have petitioned for a Rezone of the property to General Commercial (CG).  
Current Use: Single Family Dwelling  
Land Use Plan: Suburban Residential (RS)

### SUMMARY

The applicant is requesting to operate the existing single-family dwelling and accessory buildings as a Retail Business, specifically a Greenhouse, a Café/Retail Space and Law Offices. A Conditional Use Permit (CUP) is required to operate the existing single-family dwelling and accessory buildings as Retail businesses. This property has historically had a conditional use permit, originally issued in 1999 (PZ1999-24) for a Greenhouse, Gift Shop and Coffee Shop. The current owners seek to reactivate this property with a similar mix of commercial uses with the Gift

Shop being replaced by the Law Offices. Additionally, applicants have requested rezoning of the property in question, with the understanding that if it is approved, the conditional use permit would become automatically expire.

## ANALYSIS

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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. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

**Findings:** *The RS Zone is intended 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 proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as it has historically operated with a Conditional Use Permit. Furthermore, the proposed use is not anticipated to generate a significant change in traffic, as North Forest Drive is considered a Major Collector route by the Alaska Department of Transportation, given that it creates access to several neighborhoods between the Kenai Spur Highway and Redoubt Avenue. A Major Collector route often has higher annual average daily traffic counts than the surrounding streets, so no significant change in traffic is anticipated. There is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of accessory buildings. Staff finds that the proposed use meets the intent of the RS zoning district.

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

**Findings:** The proposed use is similar the previously issued Conditional Use Permit, PZ1999-24. The Greenhouse, gift and coffee shop operated without complaint or problems recorded. The primary structure was remodeled to provide living quarters for the previous owners when they retired. 202 N. Forest LLC purchased the property with the intention of revitalizing and reopening business already established on the premises. Furthermore, they have requested a rezone to General Commercial, which would allow the requested use without the need for a Conditional Use Permit, and have applied for the

Conditional Use Permit in the meantime to assure they remain in compliance with Kenai Municipal Code. Staff finds the proposed use, similar to the previously approved Conditional Use Permit, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Suburban Residential (RS) land use classification. The RS 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 pave standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.*

The existing land use classification states that the area is to be Suburban Residential. Due to North Forest Drive being a Major Collector route, there is reason to anticipate that this area will become low-impact commercial, as traffic is higher along N. Forest Drive and the associated road noise make residential uses less desirable.

The surrounding uses consist of an empty lot to the north east and south, and North Forest Drive and a Church to the west. The church property as well as the properties to the south are designated General Commercial, and the applicant has applied to have that zone extended to cover their property at both 202 N. Forest Drive and 1408 Second Avenue. Staff finds that the proposed use meets is in harmony with the Comprehensive Plan both as currently zoned, and the proposed rezone to General Commercial.

As stated by the applicant, the proposed reinvigoration of the property as proposed is consistent and in harmony with several goals in the 2016 Comprehensive Plan.

**RELEVANT GOALS**

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

**Objective Q-4**

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

**Objective LU-1**

*Establish siting and design standards so that development is in harmony and scale*

with surrounding uses.

**Objective LU-5**

*Support development at emerging community “centers” that lie outside the major employment centers but provide a mix of retail, service and residential uses.*

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

**Findings:** City water and sewer are available and adequate for the proposed use. North Forest is a paved City-maintained road.

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

**Findings:** There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, their vision for this property and the neighboring parcel, referred to as Fireweed Square, is to create a quaint, aesthetically pleasing “third place” for community enrichment and gathering. The location is ideal for such a goal, as it is only 1.5 blocks from the Kenai Spur Highway, and the use will not significantly increase already established traffic patterns.

**Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.**

**Findings:** Staff finds that allowing Retail Businesses (Greenhouse, Café/Retail, Law Offices) in the existing structures would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

## **PUBLIC NOTICE**

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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*. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received at the time of this report.

## **STAFF RECOMMENDATION**

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Staff finds that the proposed Conditional Use Permit for Retail Businesses (Greenhouse, Café/Retail, Law Offices) in the existing Single Family Dwelling and Accessory Structures on the property described as Lot 1, Fresh Start Subdivision 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 adopt Resolution PZ2025-10 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

## ATTACHMENTS

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Aerial Map  
Application  
Application Letter  
Site Plan  
Fresh Start Subdivision Plat





## Physical Addresses

## Transportation

## Mileposts

## Roads

Medium Collector

Medium Volume -

Unmaintained

Medium Volume -

Maintained

— Low / Season

Legal Trail

— Private

State Hww

Platted / Proposed

Parcels and PISS

## Parcels



9" Imagery

Red: Red

Green: Green

Blue: Blue

Red: Red

Green: Green

Blue: Blue



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



RECEIVED 2/10/25



## 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:	202 N. Forest, LLC (John & Parrisa Harris)			
Mailing Address:	215 Fidalgo Ave. Ste. 104			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-398-4986, 907-398-4982			
Email:	pharris@hlmlaw.org			

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Parrisa Harris			
Mailing Address:	Same as above			
City:		State:		Zip Code:
Phone Number(s):				
Email:				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04312013
Physical Address:	202 N. Forest Dr., Kenai, AK 99611
Legal Description:	T 6N R 11W SEC 31 Seward Meridian, KN 2012058 Fresh Start Subdivision Lot 1
Zoning:	
Acres:	0.64

### 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?	Greenhouse/giftshop
--------------------------------------------	---------------------

Conditional Use Requested for (attach additional sheets if necessary):

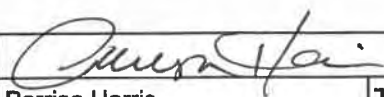
Use of "Cottage" Building as Cafe/Retail Space  
Use of "Greenhouse" as Commercial Greenhouse  
Use of "Main House" as Law Office

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

See attached Letter, dated 2/4/2025 re: Fireweed Square Re-Zoning Request

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

See attached Letter, dated 2/4/25 re: Fireweed Square Re-Zoning Request

Use of surrounding property - north:	undeveloped		
Use of surrounding property - south:	undeveloped		
Use of surrounding property - east:	single fam. res./light commercial		
Use of surrounding property - west:	single fam. residential		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
See attached Letter, dated 2/5/25 re: Fireweed Square Re-Zoning Request			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes. City water and sewer available.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
No significant increase in traffic. Proposed uses benign and consistent with historical use.			
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?			
No.			
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b> I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 2/10/2025
Print Name:	Parrisa Harris	Title/Business:	Owner/202 N. Forest LLC
<b>For City Use Only</b>		Date Application Fee Received: 2/10/25 \$5155 PZ Resolution Number:	

**PAID FEB 10 2025**

February 4, 2025

Kevin Buettner  
City of Kenai, Planning Director  
210 Fidalgo Avenue  
Kenai, Alaska 99611  
Email: [kbuettner@kenai.city](mailto:kbuettner@kenai.city)

**Re: FIREWEED SQUARE  
Re-Zoning Request**

Dear Mr. Buettner:

My husband, John C. Harris, and I (through 202 N FOREST LLC) are the owners of Kenai parcels 04312013 and 04312014. The property street addresses for those two lots are 202 N. Forest Drive and 1408 Second Avenue, respectively. We plan to refer to the two parcels collectively as “Fireweed Square.”

I am writing to request that those two parcels be re-zoned to “general commercial” use. Attached please find “FIREWEED SQUARE” SITE PLAN.<sup>1</sup> Please note, the Site Plan identifies 12 designated parking spots, large truck parking zone, dumpster with screening and orientation away from Forest Drive, and adequate snow storage.

**202 N. Forest Drive**

This property has historically been used for general commercial purposes by previous owners. The prior owners used this property to operate a commercial greenhouse in the Spring and Summer months. They also operated a gift/coffee shop out of the “main house” on the property, although it was converted into the prior owners’ residence after they became ill a few years before their passing. There is also a smaller “cottage” structure that was used as a residence by the previous owners.

**Greenhouse: Fireweed Greenhouse**

My husband and I purchased the property in or around June 2023. In Spring/Summer 2024, we operated the commercial greenhouse on the property in similar fashion as the previous owners, doing business as Fireweed Greenhouse. It is our intention to continue operating Fireweed Greenhouse similarly this year and in the future.

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<sup>1</sup> See Attachment “A”: FIREWEED SQUARE SITE PLAN



**Café/Retail: Ooakzen Café and Fireweed Greenhouse/Giftshop**

When we purchased the property in 2023, the cottage structure was in disrepair. We have remodeled and renovated the cottage with the intent to operate a café/retail space out of that structure year-round. We intend to lease the cottage to Ooakzen to operate their café out of that space. We are waiting for approval from the City of Kenai for necessary permits. Once those permit applications are granted, Ooakzen will commence operations immediately. The retail space will be operated by Fireweed Greenhouse in conjunction with Ooakzen.

**Law Office: Harris Law & Mediation**

The next project we plan to undertake is the remodel/renovation of the “main house” on the property into a law office where I will operate my law practice, Harris Law & Mediation. It is our hope to complete that project and be moved into that space by April 2025.

**1408 Second Avenue**

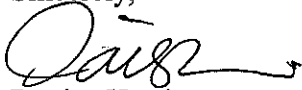
This property is currently a vacant lot, but pleasantly landscaped with a large lawn, trees and shrubs. While we do not currently have a specific plan for developing this parcel, it is our intention to eventually develop this parcel in a manner complimentary to the general commercial use of 202 N. Forest Drive.

The reinvigoration of Fireweed Square as proposed promotes many of the goals and objectives enumerated in the City’s *Imagine Kenai 2030 Comprehensive Plan*, including the objective to “support development at emerging community “centers” that lie outside the major employment centers, but provide a mix of retail, service, and residential uses.”<sup>2</sup>

Our vision for these parcels is to create a quaint, aesthetically pleasing “third place” for community enrichment and gathering. The location of these parcels is ideal for that goal. The lots are only 1.5 blocks from a major highway and the proposed uses will not significantly increase current or historical traffic patterns. Currently, the use of surrounding properties is as follows: North: undeveloped; South: undeveloped; East: single family residential/light commercial; West: single family residential. The addition of a café and retail space on this property will provide a local space and services to this primarily suburban residential zone that people can either walk or drive to enjoy. I believe the community will welcome this development, as it was a great loss felt by many when the previous owners were forced to shut down the greenhouse and gift shop due to health issues.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me at 907-398-4986 or via email to [pharris@hlmlaw.org](mailto:pharris@hlmlaw.org).

Sincerely,



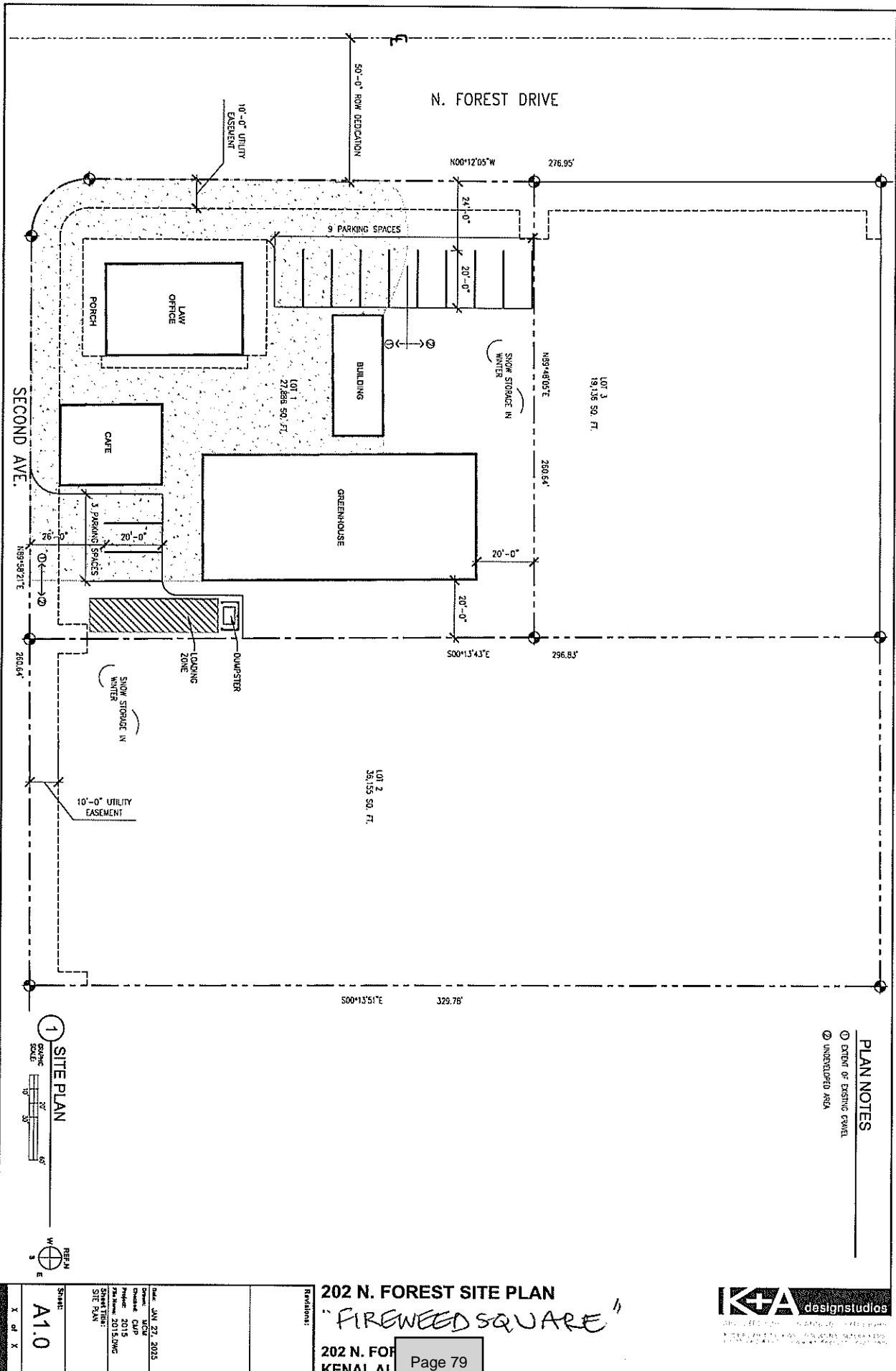
Parrisa Harris

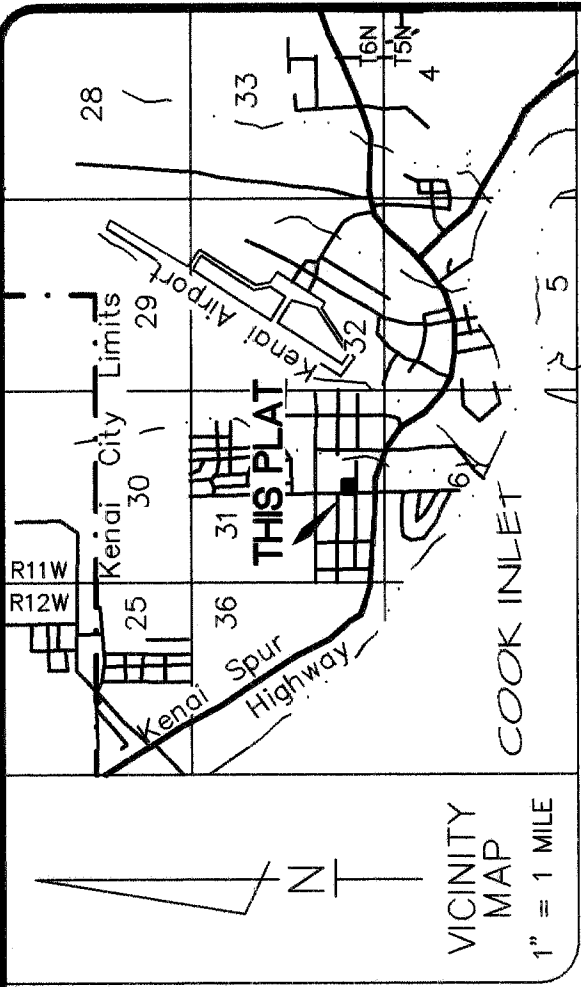
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<sup>2</sup> See *Imagine Kenai 2030 Comprehensive Plan* at p. 80



ATTACHMENT "A", Pg. 1 of 1





### CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT FRESH START INCORPORATED, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF FRESH START INCORPORATED, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Porter Jordan*  
FRESH START INC.  
PORTER JORDAN  
202 N. FOREST DR.  
KENAI, AK 99611

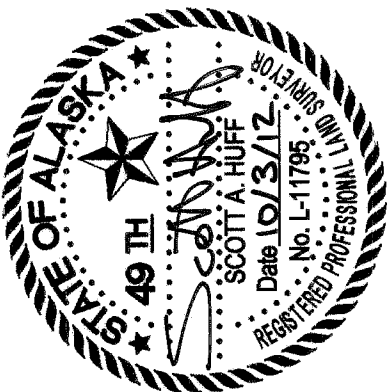
### NOTARY'S ACKNOWLEDGMENT

FOR: PORTER JORDAN  
SUBSCRIBED AND SWORN BEFORE ME THIS 3RD

DAY OF OCTOBER, 2012

*Scott A. Huff*  
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 9.28.13



### CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.

### LEGEND

- PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT SET THIS SURVEY 5/8" REBAR WITH PLASTIC CAP
- SECONDARY MONUMENT RECOVERED AS NOTED
- RECORD PER STAR OF THE NORTH SUBDIVISION
- PLAT NO. 96-68 KRD
- RECORD PER KATMAI SUBDIVISION RESUB OF LOT 1
- PLAT NO. 76-104 KRD

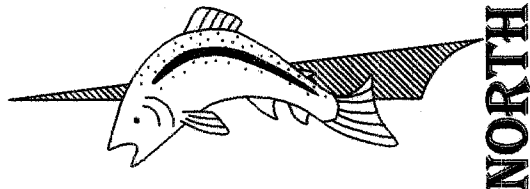
2012-58  
Plat #  
Kenai  
Rec. Dist.  
10/12 2012  
Date  
Time 1:19 PM

GOVT LOT 112

SW 1/4  
2" BRASS MON. IN CASE  
2.0' BELOW GRADE  
MARKINGS ILLIGIBLE

- NOTES:**
- DEVELOPMENT OF THIS LAND IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
  - FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY AND THE FRONT 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES 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.
  - EXISTING UNDERGROUND POWER LINE IS THE CENTERLINE OF A 10 FOOT WIDE ELECTRICAL DISTRIBUTION LINE EASEMENT.
  - ACCEPTANCE OF THE PLAT BY THE BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS BY THE CITY OF KENAI OR THE KENAI PENINSULA BOROUGH.
  - WASTEWATER DISPOSAL: PLANS FOR WASTEWATER DISPOSAL THAT MEET THE REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

THIRD AVE.



STAR OF THE  
NORTH SUBDIVISION

LOT 2

IKAIKA SUBD.

LOT 1

LOT 3  
19,136 sq. ft.

LOT 2  
36,155 sq. ft.

LOT 1  
27,886 sq. ft.

N. FOREST DRIVE

SECOND AVE. 33' ROW DEDICATION

DEED PARCEL

DEED PARCEL

DEED PARCEL

**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF September 10, 2012  
KENAI PENINSULA BOROUGH

*Max Burt*  
AUTHORIZED OFFICIAL

KPB FILE NO. 2012-122

### FRESH START SUBDIVISION

A SUBDIVISION OF GOVT. LOT 111

LOCATED WITHIN THE NW1/4 SW1/4 SE1/4 SECTION 31, T06N, R11W, SEWARD MERIDIAN, CITY OF KENAI, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 2.503 ACRES

**INTEGRITY SURVEYS INC.**  
43335 K-BEACH RD. SUITE 10 SOLDOTNA, AK 99669

PHONE - (907) 262-5573  
FAX --- (907) 262-5574  
integritysurveys@alaska.net

SURVEYORS

PLANNERS

JOB NO: 212122

DRAWN: 02 October, 2012 SH

SURVEYED: JULY 2012

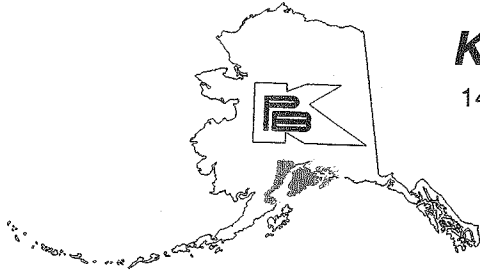
SCALE: 1" = 50'

FIELD BK: 2012-5 PG:55-57

FILE: 212122 PP.DWG



Kenai 2012-50



## KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

PHONE: (907) 262-4441 • FAX: (907) 262-1892

www.borough.kenai.ak.us

**MIKE NAVARRE**  
**BOROUGH MAYOR**

### CERTIFICATE OF TAX DEPARTMENT

I, Rhonda K. Krohn, Property Tax and Collections Supervisor for the Kenai Peninsula Borough, do hereby certify that, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough have been paid for the area(s) described as:

Subdivision: Fresh Start Subdivision

Parcel # 04312005

T 6N R 11W SEC 31 Seward Meridian KN GOVT LOT 111

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: \$.00.

Witness my hand and seal this 27th day of September, 2012.

Rhonda K. Krohn  
Property Tax and Collections Supervisor



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-06**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A CABIN RENTAL / BOARDING HOUSE OF A SINGLE-FAMILY DWELLING.

APPLICANT: Tower Rock Lodge, LLC

PROPERTY ADDRESS: 1305 Angler Drive

LEGAL DESCRIPTION: Lot 16, Block 1, Anglers Acres Sub Part 2

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939023

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 30, 2025; and,

WHEREAS, the applicant has demonstrated 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 February 26, 2025, 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(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Findings: *The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:*

*(1) To separate residential structures to an extent which will:*

*(A) Preserve the rural, open quality of the environment;*

*(B) Prevent health hazards in areas not served by public water and sewer.*

*(2) To prohibit uses which would:*

*(A) Violate the residential character of the environment;*

*(B) Generate heavy traffic in predominantly residential areas.*

The proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as a single-family dwelling and be seasonally used as a short-term rental and/or a boarding house for employees of the neighboring parcel Guide Services and Lodge (PZ2025-07). Furthermore, the proposed use is not anticipated to generate heavy traffic as the use is limited to the single-family dwelling, and there is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of dwelling units. Staff finds that the proposed use meets the intent of the RR zoning district.

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

Findings: The proposed use is similar to other properties on Angler Drive, where there are several Lodges and Guides in operation. The City has not received any complaints involving 1305 Angler Dr. Staff finds the proposed use, similar to the nearby properties, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Low Density Residential (LDR) land use classification. The LDR Land Use Classification is defined in the Comprehensive Plan:

Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre. Additionally, the applicant states the impact on the area will be minimal giving they have no intent to remove vegetation or heavily modify the natural aesthetics of the property.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-4

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding issues.

Objective LU-3

Review existing zoning and subdivision codes to determine if they address current and future land uses adequately.

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

Findings: City water and sewer is not in the vicinity of the subject property but onsite water and wastewater treatment and disposal systems are in place. The applicants are required to be in compliant with wastewater disposal requirements of Kenai Peninsula Borough Chapter 20.40 and regulatory requirements of the Alaska Department of Environmental Conservation. Angler Drive is a paved road, which is a City-maintained road.

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

Findings: There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, the proposed use will not be harmful and the impact on the neighbors would be minimal. It falls into line with other property uses in the area, and their company has been in the fishing and lodging business for over 30 years, with an immaculate record. There is a natural buffer zone around the properties, and they intend to maintain and enhance those zones for a feeling of privacy and seclusion.

6. *KMC 14.150(d)(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.*

Findings: Staff finds that allowing short-term rentals and a boarding house for lodge employees in the existing single-family dwelling would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 operate a cabin rental (i.e., short-term rental) / Boarding House in the existing single-family dwelling on a property described as Lot 16, Block 1 or the Anglers Acres Subdivision Part 2, located at 1305 Angler Dr.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025

\_\_\_\_\_  
JOE HALSTEAD, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**THROUGH:** Kevin Buettner, Planning Director  
**FROM:** Beth McDonald, Planning Administrative Assistant  
**DATE:** February 26, 2025  
**SUBJECT:** Resolution PZ2025-06 – Conditional Use Permit – Cabin Rentals / Boarding House

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**Request** The applicant is requesting to operate a cabin rental (i.e., short-term rental) and Boarding House at the existing single-family dwelling.

**Staff Recommendation** Adopt Resolution PZ2025-06 approving a Conditional Use Permit to operate a Cabin Rental (Short-Term Rental) and Boarding House of a single-family dwelling.

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Applicant: Tower Rock Lodge, LLC – Joseph Chambers  
Legal Description: Lot 16, Block 1, Anglers Acres Sub Part 2  
Property Address: 1305 Angler Drive  
KPB Parcel No.: 04939023  
Lot Size: 49266.36 square feet (1.131-acres)  
Zoning: Rural Residential (RR)  
Current Use: Single Family Dwelling  
Land Use Plan: Low Density Residential (LDR)

### SUMMARY

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The applicant is requesting to operate the existing single-family dwelling as a Cabin Rental (Short-term Rental) / Boarding House. A Conditional Use Permit (CUP) is required to operate the existing single-family dwelling as a cabin rental (i.e., short-term rental) and Boarding House.



## ANALYSIS

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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. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

**Findings:** *The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:*

*(1) To separate residential structures to an extent which will:*

*(A) Preserve the rural, open quality of the environment;*

*(B) Prevent health hazards in areas not served by public water and sewer.*

*(2) To prohibit uses which would:*

*(A) Violate the residential character of the environment;*

*(B) Generate heavy traffic in predominantly residential areas.*

The proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as a single-family dwelling and be seasonally used as a short-term rental and/or a boarding house for employees of the neighboring parcel Guide Services and Lodge (PZ2025-07). Furthermore, the proposed use is not anticipated to generate heavy traffic as the use is limited to the single-family dwelling, and there is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of dwelling units. Staff finds that the proposed use meets the intent of the RR zoning district.

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

**Findings:** The proposed use is similar to other properties on Angler Drive, where there are several Lodges and Guides in operation. The City has not received any complaints involving 1305 Angler Dr. Staff finds the proposed use, similar to the nearby properties, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Low Density Residential (LDR) land use classification. The LDR Land Use Classification is defined in the Comprehensive Plan:

*Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.*

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre. Additionally, the applicant states the impact on the area will be minimal giving they have no intent to remove vegetation or heavily modify the natural aesthetics of the property.

As stated by the applicant, the proposed use of a Cabin Rental and/or a Boarding House is consistent and in harmony with several goals in the 2016 Comprehensive Plan, specifically Goals 1, 2 and 4 listed below.

**RELEVANT GOALS**

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

**Objective Q-4**

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

**Goal 2** – Economic Development is to provide economic development to support the fiscal health of Kenai.

**Objective ED-9**

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

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

**Objective LU-1**

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

**Objective LU-3**

*Review existing zoning and subdivision codes to determine if they address current and future land uses adequately.*

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

**Findings:** City water and sewer is not in the vicinity of the subject property but onsite water and wastewater treatment and disposal systems are in place. The applicants are required to be in compliance with wastewater disposal requirements of Kenai Peninsula Borough Chapter 20.40 and regulatory requirements of the Alaska Department of Environmental Conservation. Angler Drive is a paved road, which is a City-maintained road.

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

**Findings:** There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, the proposed use will not be harmful and the impact on the neighbors would be minimal. It falls into line with other property uses in the area, and their company has been in the fishing and lodging business for over 30 years, with an immaculate record. There is a natural buffer zone around the properties, and they intend to maintain and enhance those zones for a feeling of privacy and seclusion.

***Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.***

**Findings:** Staff finds that allowing short-term rentals and a boarding house for lodge employees in the existing single-family dwelling would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

## **PUBLIC NOTICE**

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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*. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received at the time of this report.

## **STAFF RECOMMENDATION**

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Staff finds that the proposed Conditional Use Permit for a cabin rental (i.e., short-term rental) and/or boarding house in the existing single-family dwelling on the property described as Lot 16, Block 1 of the Angler Acres Subdivision Part 2 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 adopt Resolution PZ2025-06 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

## ATTACHMENTS

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Aerial Map  
Application  
Site Plan  
Angler Acres Subdivision Part 2 Plat





Legend

Physical Addresses



Transportation

Mileposts



Roads

Medium Collector

Medium Volume -

Unmaintained

Medium Volume -

Maintained

Low / Seasonal

Legal Trail

Private

State Hwy

Platted / Proposed

Parcels and PLSS

Parcels



9" Imagery

Red: Red

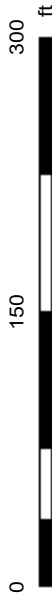
Green: Green

Blue: Blue

Red: Red

Green: Green

Blue: Blue



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.







## 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:	Tower Rock Lodge LLC				
Mailing Address:	35555 Kenai Spur Hwy #222				
City:	soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	(303) 884-1254 (907) 953-2656				
Email:	joefishing.chambers@gmail.com				

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Joseph chambers				
Mailing Address:	35555 kenai spur highway #222				
City:	soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	303 884 1254				
Email:	joefishing.chambers@gmail.com				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04939023
Physical Address:	1305 Angler Drive
Legal Description:	Anglers Acres sub part 2 Lot 16 BLK 1
Zoning:	rural residential
Acres:	1.13

### 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?	long term rental/unoccupied
Conditional Use Requested for (attach additional sheets if necessary):	

For summer 2025 use requested is short term rental. After 2025, property is being requested to use as housing for our guide staff.

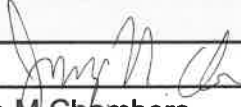
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

As being primarily used for housing our seasonal staff, I dont see any inconsistencies with zoning.

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

The adjoining properties will not be significantly impaired by our use given the seclusion of the property relative to the neighbors (myself soon being one of them!). Additionally, our impact on the area and property would be minimus given we have no intent to remove vegetation or heavily modify the natural asthetics of the property.



Use of surrounding property - north:	our other residence		
Use of surrounding property - south:	private residence		
Use of surrounding property - east:	(beaver creek)		
Use of surrounding property - west:	commercial short term rental (also in process of purchasing)		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
Providing short term rental during 2025 then housing for our staff, is in agreement with the Comprehensive plan especially goals 1,2, and 4.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes (with some modifications).			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
If anything, I believe our conditional use would only improve public safety, health and welfare. Our company, Tower Rock Lodge, has been in the fishing and lodging business over 30 years and have immaculate record.			
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?			
No. Given the natural buffer zone around the properties, the impact on neighbors would be minimal. As described, we intend to maintain and enhance these buffer zones. It is our goal to give the feeling of privacy and seclusion, minimizing impact on neighbors and enhancing our guest experience.			
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b> I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 12/8/2024
Print Name:	Joseph M Chambers	Title/Business:	Tower Rock Lodge LLC
<b>For City Use Only</b>		Date Application Fee Received:	
		PZ Resolution Number:	

TO: City of Kenai Zoning and Planning Commission  
FROM: Tower Rock Lodge LLC (Joe Chambers)  
Re: Conditional Use Permit for 1235 and 1305 Angler Drive

## **Introduction:**

Tower Rock Lodge (TRL) has been in business since 1992, providing our guests with lodging, meals, and fishing trips, providing them with years of unforgettable Alaskan experiences. TRL seeks to move location from outside of city limits to within the city limits of Kenai. Three adjacent parcels are the venue planned for TRL's new home—1230 Angler Drive (guest housing), 1235 Angler Drive (eventually a guest dining area along with cabins), and 1305 Angler Drive planned for housing guides. The transition of 1235 and 1305 from a residential home to a base of operations for a fishing lodge will be an evolution over years. While the “plans” put forth are indeed plans, they are contingent on the success of our business over the next 3-4 years. Thus these plans put forth are an idealized scenario. I feel it best to fully disclose any plans for the future state of the property under the notion that these are idealistic. Any deviation from these plans put forth would be in the direction of “less” rather than “more”. For example, we might find that adding additional guest cabins (phase II) is unnecessary in the future along with making significant modifications to 1235 by converting it to a guest dining area. We might find that what is already in place is perfectly sufficient. As mentioned, I feel it best to disclose what path our business takes in modifying the properties based on the growth of our business. Therefore, what I have put forth in this application is in phases.

## **Phase I – Short Term Rentals During Summer 2025**

Phase I during the summer of 2025, is fairly simple with minimal impacts to the surrounding neighborhood and could be largely seen as “business as usual” with some minor additions that would be both beneficial to us as well as our neighbors. With a CUP, both 1305 and 1235 will be used as short term rental during the summer of 2025.

Improvements to the property include revegetating the landscape post spruce beetle infestation. Trees and shrubs will be planted throughout the property, especially along property lines, providing us and our neighbors more privacy. Additionally, privacy fences will be added in conjunction with the revegetation to add to privacy for both us and our neighbors. These “living fences” will be around 50 ft in length and not extend the whole property line. The hope is to utilize both of these properties (1235 and 1305) for short term rental during the summer of 2025.

Recently the land owner cleared a good portion of land between the buildings and beaver creek. While this would have not been my choice, what is left is barren ground with root wads and potholes gathering moisture. Fill dirt will need to be brought in to cover the aftermath so that it can be leveled, replanted with vegetation conducive to the environment. After this area is leveled a small gravel path from 1235 to the 1305 walkway will also be added. Additionally, much of the beetle has

been removed on both properties. This change has allowed for ample parking. These parking areas however will need to be leveled and gravel added. Note that most of our guest and boat parking will likely occur on our other property across the street (1230), because it is very important to us to not remove any more trees nor vegetation in order to maintain the aesthetics and privacy.

#### **Phase 1.5 – Moving Our Dry Cabins from our Present Property**

Phase 1.5 is to occur in the fall of 2025, which consists mostly of moving our small staff dry cabins (8'x12') to 1305 Angler Drive. These dry cabins are solely used for our employees and are not available for short term rental. After summer 2025, 1305 will not be available for short term rental, but will house our guide staff as well myself and wife. At this time we will also look into replacing the dock. It is of wood construction and certainly is nearing the end of its life.

#### **Phase II – Converting 1235 Building to a Dining Hall and Kitchen.**

Phase II would occur anywhere from 3 to 5 years from now or not at all depending on the success of the business and our direction of growth. Likely at the least, we would like to convert the 1235 building into a dining hall and kitchen with seating up to 16 guests. Historically we've served meals to our guests and we would like to maintain the tradition. If we see an apparent need, eventually we would like to add an additional three guest log cabins. While it would be years before we undergo such a venture, I believe it's worth mentioning.



## AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I hereby certify that I have posted a Notice of Public Hearing as prescribed by Kenai Municipal Code 14.20.280 (d) on the property that

Joe Chambers (Name of Applicant) has petitioned for a

conditional use permit for short term  
rental & boarding house.

The notice was posted on the date of 02/14/25, which is at least 10 days prior to the public hearing on this petition. I acknowledge this Notice must be posted so as to be visible from each improved street adjacent to the property and must be maintained and displayed until all public hearings have been completed. I acknowledge that the Notice must be removed within 5 days after the hearing.

### Affirmed and signed by:

  
Signature

Joseph Chambers  
Printed Name

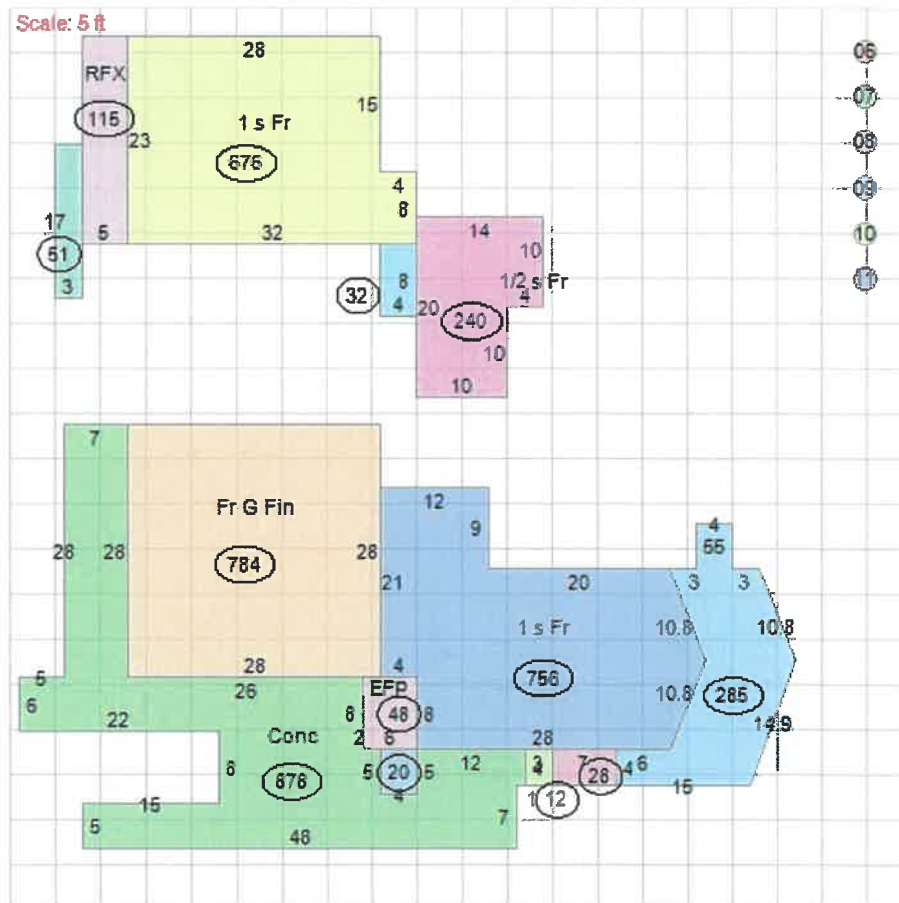
02/14/2024  
Date

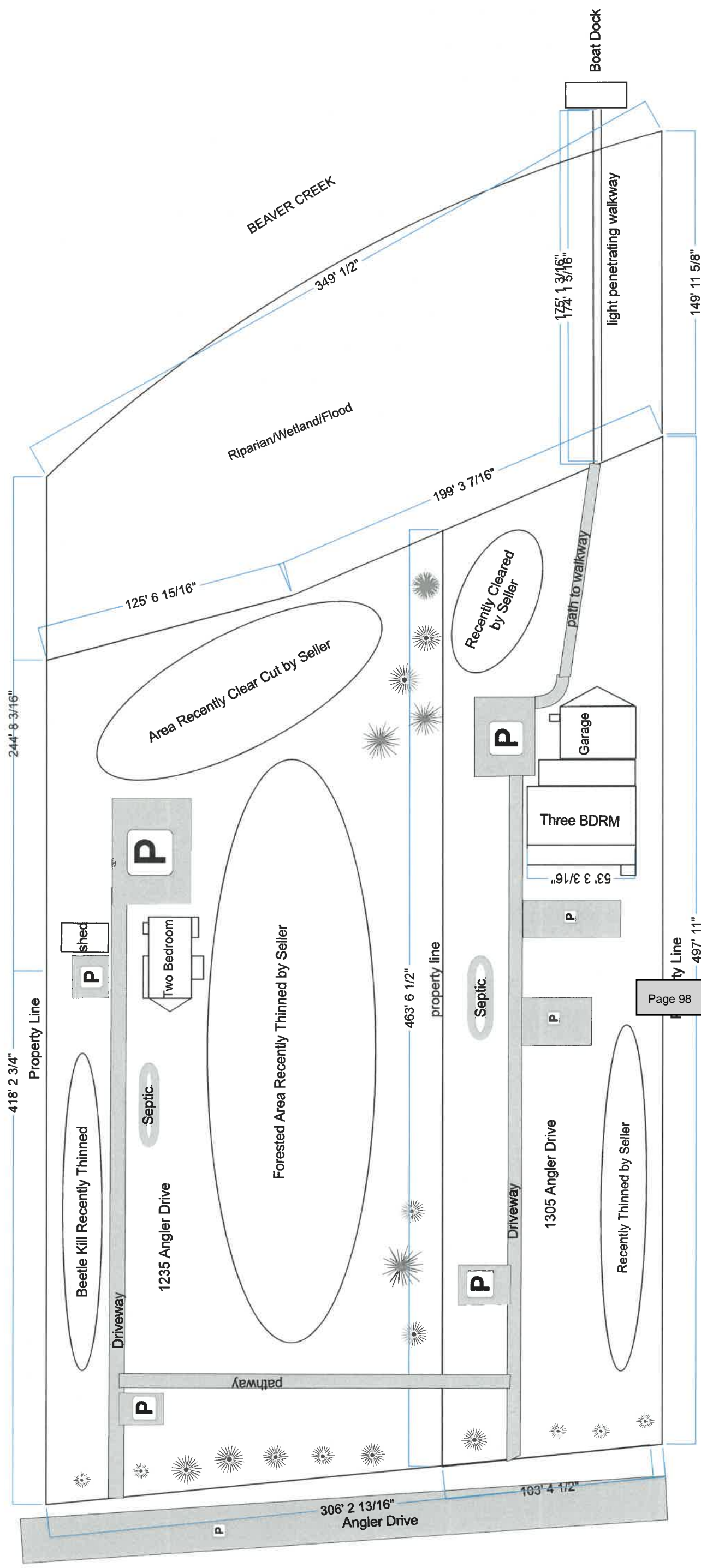
### Property:

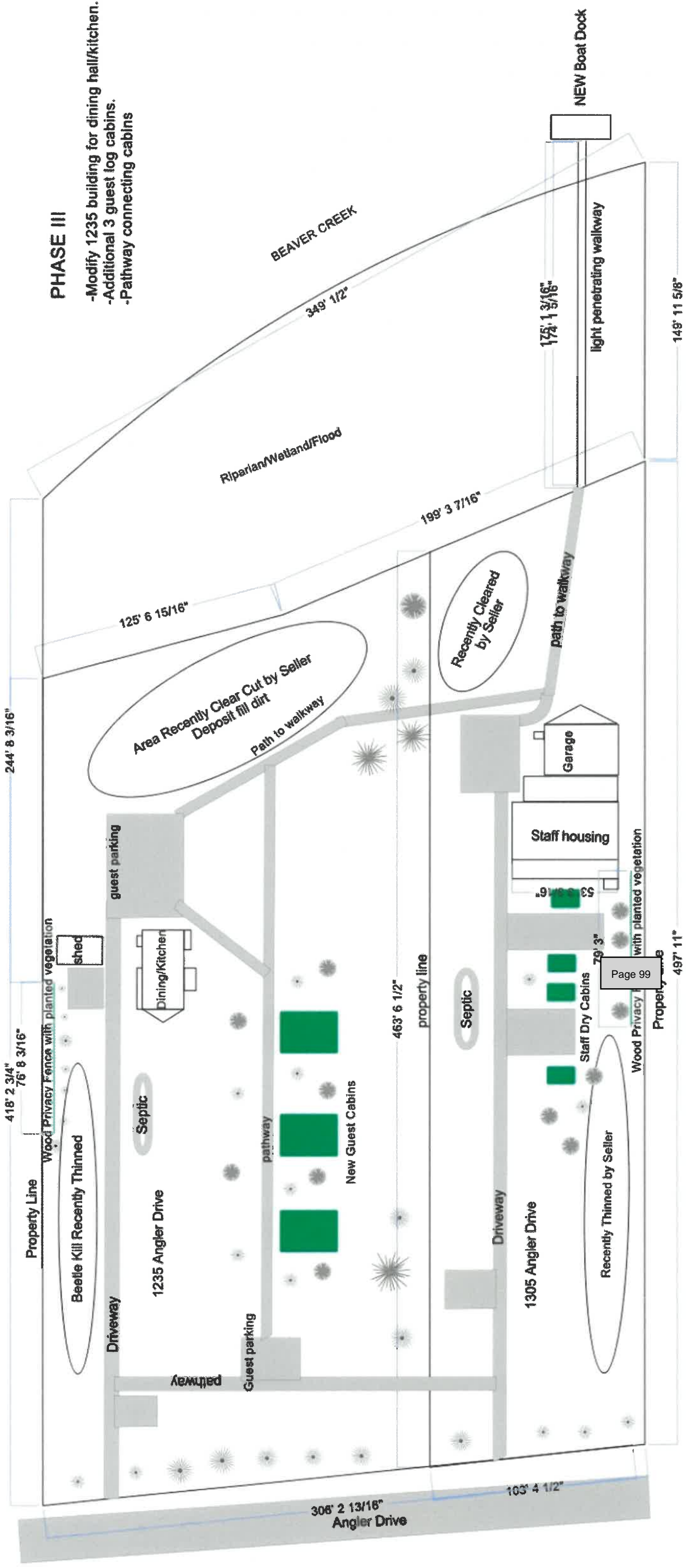
Address: 1305 Angler Drive  
Legal Description: Lot 16, Block 1, Anglers Acres Sub Part 2  
KPB Parcel #: 04939023

### P&Z Resolution #:

PZ-2025-06



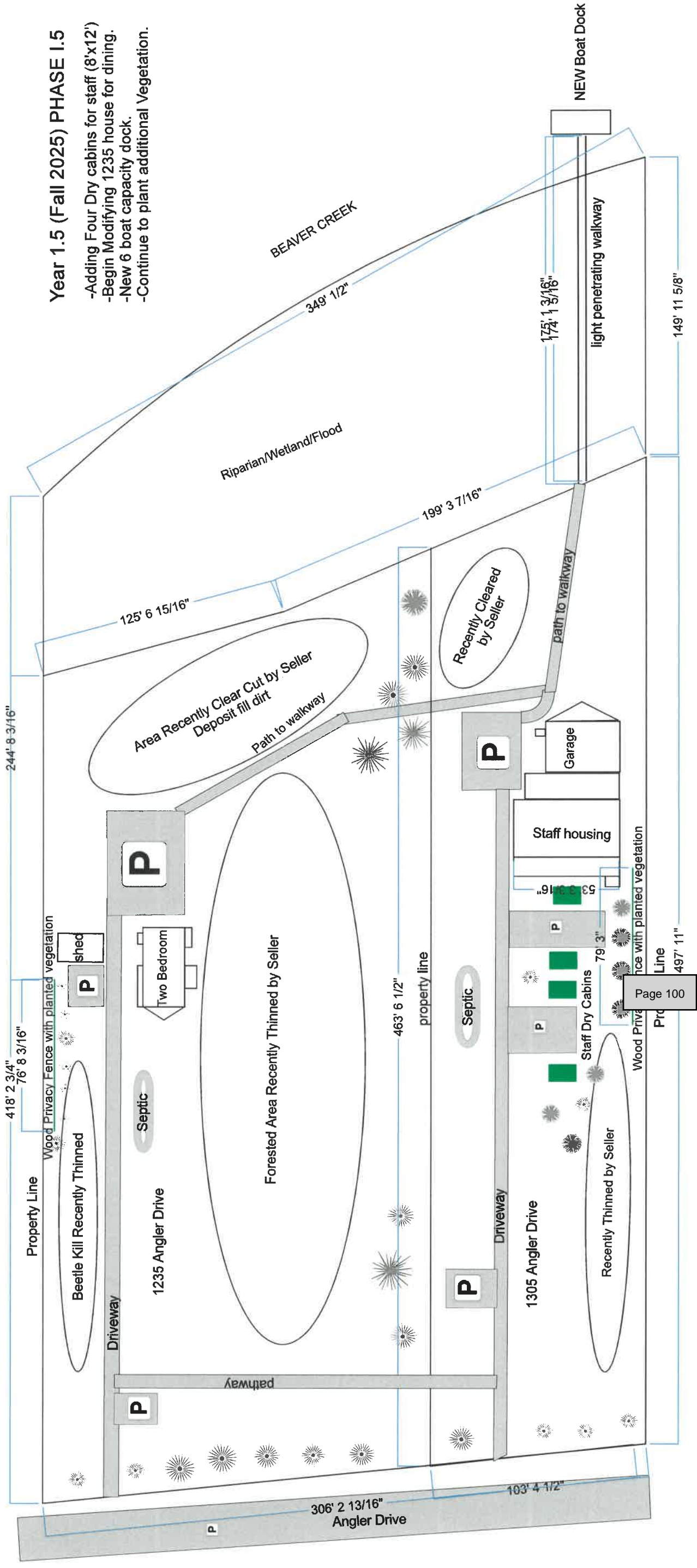




**PHASE III**

- Modify 1235 building for dining hall/kitchen.
- Additional 3 guest log cabins.
- Pathway connecting cabins





Year 1.5 (Fall 2025) PHASE I.5

- Adding Four Dry cabins for staff (8'x12')
- Begin Modifying 1235 house for dining.
- New 6 boat capacity dock.
- Continue to plant additional Vegetation.





**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2025-07**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A LODGE AND GUIDE SERVICE OF A SINGLE-FAMILY DWELLING.

APPLICANT: Tower Rock Lodge, LLC

PROPERTY ADDRESS: 1235 Angler Drive

LEGAL DESCRIPTION: Lot 14-A, Block 1, Anglers Acres Sub Beaver Creek Replat

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939058

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 30, 2025; and,

WHEREAS, the applicant has demonstrated 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 February 26, 2025, 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(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Findings: *The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:*

*(1) To separate residential structures to an extent which will:*

*(A) Preserve the rural, open quality of the environment;*

*(B) Prevent health hazards in areas not served by public water and sewer.*

*(2) To prohibit uses which would:*

*(A) Violate the residential character of the environment;*

*(B) Generate heavy traffic in predominantly residential areas.*

The proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as a single-family dwelling and be seasonally used as a Lodge and Fishing Guide Service. Furthermore, the proposed use is not anticipated to generate heavy traffic as the use is limited to the single-family dwelling, and there is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of dwelling units. Staff finds that the proposed use meets the intent of the RR zoning district.

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

Findings: The proposed use is similar to other properties on Angler Drive, where there are several Lodges and Guides in operation. The City has not received any complaints involving 1235 Angler Dr. Staff finds the proposed use, similar to the nearby properties, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Low Density Residential (LDR) land use classification. The LDR Land Use Classification is defined in the Comprehensive Plan:

Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre. Additionally, the applicant states the impact on the area will be minimal giving they have no intent to remove vegetation or heavily modify the natural aesthetics of the property. Furthermore, they intend to plant trees and shrubs to replace cleared spruce beetle infestations, especially along the property lines. They also intend to add privacy fences with revegetation to add privacy for both them and the neighbors. Future plans involve a gravel path to protect the wetlands, and using fill dirt and vegetation conducive to the environment to rebuild barren ground left from the over-clearing by previous owners.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-4

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding issues.

Objective LU-3

Review existing zoning and subdivision codes to determine if they address current and future land uses adequately.

Goal 8 – Environmental Resources: Protect and enhance the natural resources and environment of the community.

Objective ER-2

Development plans should include provisions to avoid or minimize impacts on environmental resources such as the dunes, bluffs and wetlands.

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

Findings: City water and sewer is not in the vicinity of the subject property but onsite water and wastewater treatment and disposal systems are in place. The applicants are required to be in compliant with wastewater disposal requirements of Kenai Peninsula Borough Chapter 20.40 and regulatory requirements of the Alaska Department of Environmental Conservation. Angler Drive is a paved road, which is a City-maintained road.

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

Findings: There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, the proposed use will not be harmful and the impact on the neighbors would be minimal. It falls into line with other property uses in the area, and their company has been in the fishing and lodging business for over 30 years, with an immaculate record. There is a natural buffer zone around the properties, and they intend to maintain and enhance those zones for a feeling of privacy and seclusion.

6. *KMC 14.150(d)(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.*

Findings: Staff finds that allowing a Lodge and Fishing Guide business in the existing single-family dwelling would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 operate a Lodge and Guide Service in the existing single-family dwelling on the property described as Lot 14-A, Block 1 of the Angler Acres Subdivision Beaver Creek Replat, located at 1235 Angler Dr.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2025

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JOE HALSTEAD, CHAIRPERSON

ATTEST:

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Meghan Thibodeau, Deputy City Clerk





# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**THROUGH:** Kevin Buettner, Planning Director  
**FROM:** Beth McDonald, Planning Administrative Assistant  
**DATE:** February 26, 2025  
**SUBJECT:** Resolution PZ2025-07 – Conditional Use Permit – Lodge and Guide Service

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**Request** The applicant is requesting to operate a Lodge and Guide Service at the existing single-family dwelling.

**Staff Recommendation** Adopt Resolution PZ2025-07 approving a Conditional Use Permit to operate a Lodge and Guide Service in a single-family dwelling.

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Applicant: Tower Rock Lodge, LLC – Joseph Chambers  
Legal Description: Lot 14-A, Block 1, Anglers Acres Sub Beaver Creek Replat  
Property Address: 1235 Angler Drive  
KPB Parcel No.: 04939058  
Lot Size: 88905.96 square feet (2.041-acres)  
Zoning: Rural Residential (RR)  
Current Use: Single Family Dwelling  
Land Use Plan: Low Density Residential (LDR)

### SUMMARY

The applicant is requesting to operate the existing single-family dwelling as a Lodge and Guide Service. A Conditional Use Permit (CUP) is required to operate the existing single-family dwelling as a Lodge and Guide Service.

## ANALYSIS

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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. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

***Findings:*** *The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:*

- (1) To separate residential structures to an extent which will:*
  - (A) Preserve the rural, open quality of the environment;*
  - (B) Prevent health hazards in areas not served by public water and sewer.*
- (2) To prohibit uses which would:*
  - (A) Violate the residential character of the environment;*
  - (B) Generate heavy traffic in predominantly residential areas.*

The proposed use would not necessarily violate the residential character of the neighborhood as it would function/remain as a single-family dwelling and be seasonally used as a Lodge and Guide Service. Furthermore, the proposed use is not anticipated to generate heavy traffic as the use is limited to the single-family dwelling, and there is adequate parking available. The existing density would remain unchanged since there is no proposed alteration to increase the number of dwelling units. Staff finds that the proposed use meets the intent of the RR zoning district.

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

***Findings:*** The proposed use is similar to other properties on Angler Drive, where there are several Lodges and Guides in operation. The City has not received any complaints involving 1235 Angler Dr. Staff finds the proposed use, similar to the nearby properties, would not have an adverse impact on the neighborhood and adjoining properties. Staff finds the proposed use would not impair the economic and noneconomic value of adjacent properties and neighborhood.

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

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Low Density Residential (LDR) land use classification. The LDR Land Use Classification is defined in the Comprehensive Plan:

*Low Density Residential because of location or poor site conditions is intended for large-lot single-family low-density residential development. The area will typically be developed with individual on-site water supply and wastewater disposal systems. Streets will typically be constructed to rural street standards (i.e., gravel) and sidewalks will not be typically included in the subdivision design. Rural Residential becomes Low Density Residential to avoid confusion with zoning category.*

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre. Additionally, the applicant states the impact on the area will be minimal giving they have no intent to remove vegetation or heavily modify the natural aesthetics of the property. Furthermore, they intend to plant trees and shrubs to replace cleared spruce beetle infestations, especially along the property lines. They also intend to add privacy fences with revegetation to add privacy for both them and the neighbors. Future plans involve a gravel path to protect the wetlands, and using fill dirt and vegetation conducive to the environment to rebuild barren ground left from the over-clearing by previous owners.

As stated by the applicant, the proposed use of a Lodge and Guide Service is consistent and in harmony with several goals in the 2016 Comprehensive Plan, specifically Goals 1, 2, 3 and 8 listed below.

**RELEVANT GOALS**

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

**Objective Q-4**

*Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

**Goal 2** – Economic Development is to provide economic development to support the fiscal health of Kenai.

**Objective ED-9**

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

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

**Objective LU-1**

*Establish siting and design standards so that development is in harmony and scale*

*with surrounding uses.*

**Objective LU-3**

*Review existing zoning and subdivision codes to determine if they address current and future land uses adequately.*

**Goal 8 – Environmental Resources:** Protect and enhance the natural resources and environment of the community.

**Objective ER-2**

*Development plans should include provisions to avoid or minimize impacts on environmental resources such as the dunes, bluffs and wetlands.*

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

**Findings:** City water and sewer is not in the vicinity of the subject property but onsite water and wastewater treatment and disposal systems are in place. The applicants are required to be in compliant with wastewater disposal requirements of Kenai Peninsula Borough Chapter 20.40 and regulatory requirements of the Alaska Department of Environmental Conservation. Angler Drive is a paved road, which is a City-maintained road.

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

**Findings:** There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare.

As noted by the applicant, the proposed use will not be harmful and the impact on the neighbors would be minimal. It falls into line with other property uses in the area, and their company has been in the fishing and lodging business for over 30 years, with an immaculate record. There is a natural buffer zone around the properties, and they intend to maintain and enhance those zones for a feeling of privacy and seclusion.

**Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.**

**Findings:** Staff finds that allowing a Lodge and Guide business in the existing single-family dwelling would not cause any adverse impacts on the surrounding properties. Staff finds that additional specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

## **PUBLIC NOTICE**

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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*. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received at the time of this report.

## **STAFF RECOMMENDATION**

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Staff finds that the proposed Conditional Use Permit for a Lodge and Guide Service in the existing single-family dwelling on the property described as Lot 14-A, Block 1 of the Angler Acres Subdivision Beaver Creek Replat 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 adopt Resolution PZ2025-07 approving the Conditional Use Permit, subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

## **ATTACHMENTS**

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Aerial Map  
Application  
Site Plan  
Angler Acres Subdivision Beaver Creek Replat





Legend

Physical Addresses

Transportation

Mileposts

Roads

Medium Collector

Medium Volume -

Unmaintained

Medium Volume -

Maintained

Low / Seasonal

Legal Trail

Private

State Hwy

Platted / Proposed

Parcels and PLSS

Parcels

9" Imagery

Red: Red

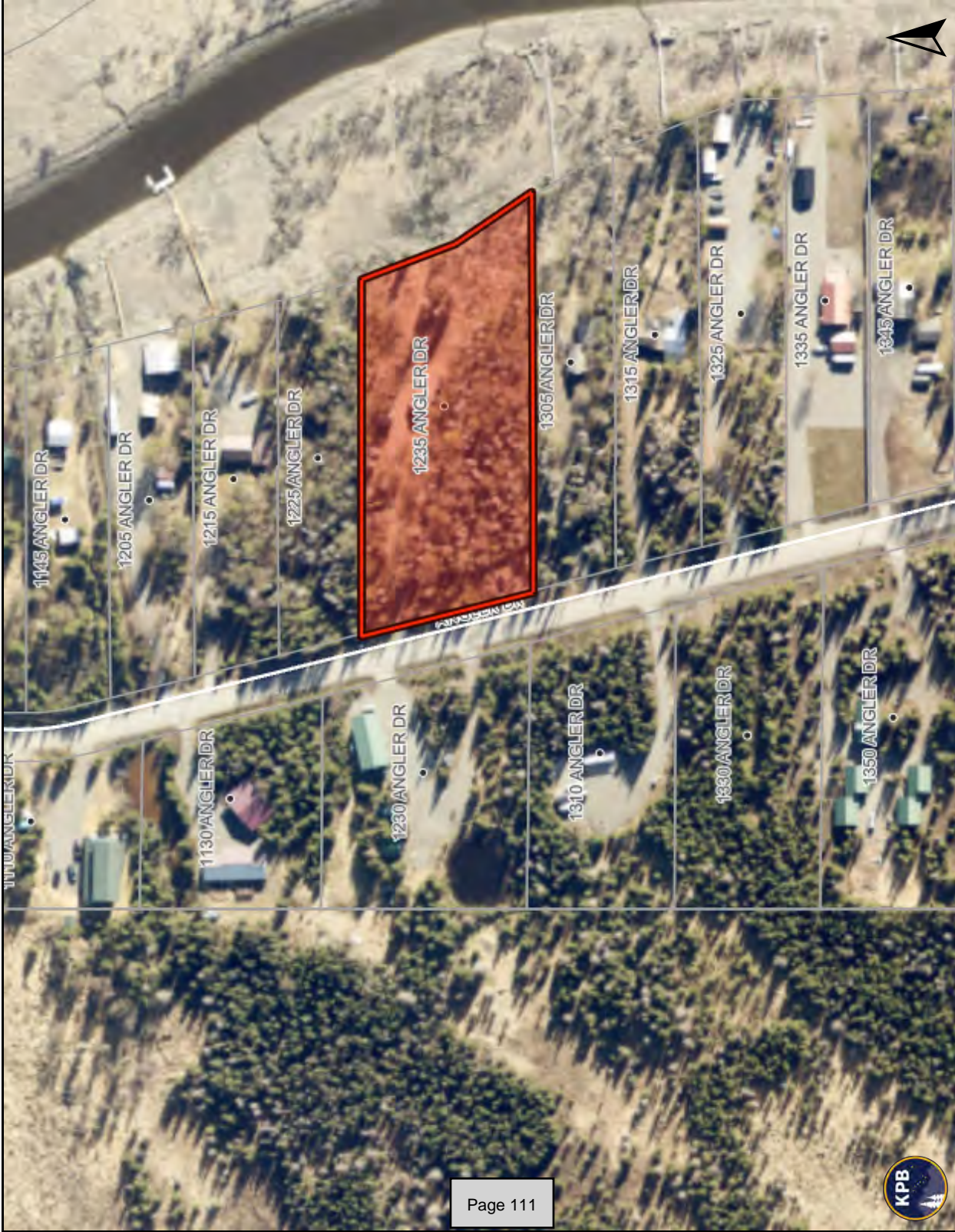
Green: Green

Blue: Blue

Red: Red

Green: Green

Blue: Blue



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.





## 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:	Tower Rock Lodge LLC				
Mailing Address:	35555 Kenai Spur Hwy #222				
City:	soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	(303) 884-1254 (907) 953-2656				
Email:	joefishing.chambers@gmail.com				

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Joseph chambers				
Mailing Address:	35555 kenai spur highway #222				
City:	soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	303 884 1254				
Email:	joefishing.chambers@gmail.com				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04939058
Physical Address:	1235 angler drive kenai, ak 99611
Legal Description:	ANGLERS ACRES SUB BEAVER CREEK REPLAT LOT 14-A BLK 1
Zoning:	rural residential
Acres:	2.04

### 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?	long term rental/unoccupied
--------------------------------------------	-----------------------------

Conditional Use Requested for (attach additional sheets if necessary):

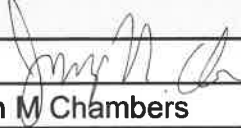
Short term rental and base of operations for lodging, fishing charters and dining for onsite guests.

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

The conditional use is consistent by way of providing short term rentals and a hub for our outdoor centered recreational business.

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

The adjoining properties will not be significantly impaired by our use given the seclusion of the property relative to the neighbors (myself soon being one of them!). Additionally, our impact on the area and property would be minimus given we have no intent to remove vegetation or heavily modify the natural aesthetics of the property.

Use of surrounding property - north:	private residence		
Use of surrounding property - south:	(in the process of purchasing property)		
Use of surrounding property - east:	(beaver creek)		
Use of surrounding property - west:	commercial short term rental (also in process of purchasing)		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
Providing adequate lodging, fishing, dining and Alaska experiences from a well established business without the detriment to the neighborhood nor natural environment. the conditional use is within goals 1,2,3,4 and 8 of the comprehensive plan.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
If anything, I believe our conditional use would only improve public safety, health and welfare. Our company, Tower Rock Lodge, has been in the fishing and lodging business over 30 years and have immaculate record.			
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?			
Yes. Given the natural buffer zone around the properties, the impact on neighbors would be minimal. As described, we intend to maintain and enhance these buffer zones. It is our goal to give the feeling of privacy and seclusion, minimizing impact on neighbors and enhancing our guest experience.			
<b>AUTHORITY TO APPLY FOR CONDITIONAL USE:</b> I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 12/8/2024
Print Name:	Joseph M Chambers	Title/Business:	Tower Rock Lodge LLC
<b>For City Use Only</b>		Date Application Fee Received: PZ Resolution Number:	

TO: City of Kenai Zoning and Planning Commission  
FROM: Tower Rock Lodge LLC (Joe Chambers)  
Re: Conditional Use Permit for 1235 and 1305 Angler Drive

## **Introduction:**

Tower Rock Lodge (TRL) has been in business since 1992, providing our guests with lodging, meals, and fishing trips, providing them with years of unforgettable Alaskan experiences. TRL seeks to move location from outside of city limits to within the city limits of Kenai. Three adjacent parcels are the venue planned for TRL's new home—1230 Angler Drive (guest housing), 1235 Angler Drive (eventually a guest dining area along with cabins), and 1305 Angler Drive planned for housing guides. The transition of 1235 and 1305 from a residential home to a base of operations for a fishing lodge will be an evolution over years. While the “plans” put forth are indeed plans, they are contingent on the success of our business over the next 3-4 years. Thus these plans put forth are an idealized scenario. I feel it best to fully disclose any plans for the future state of the property under the notion that these are idealistic. Any deviation from these plans put forth would be in the direction of “less” rather than “more”. For example, we might find that adding additional guest cabins (phase II) is unnecessary in the future along with making significant modifications to 1235 by converting it to a guest dining area. We might find that what is already in place is perfectly sufficient. As mentioned, I feel it best to disclose what path our business takes in modifying the properties based on the growth of our business. Therefore, what I have put forth in this application is in phases.

## **Phase I – Short Term Rentals During Summer 2025**

Phase I during the summer of 2025, is fairly simple with minimal impacts to the surrounding neighborhood and could be largely seen as “business as usual” with some minor additions that would be both beneficial to us as well as our neighbors. With a CUP, both 1305 and 1235 will be used as short term rental during the summer of 2025.

Improvements to the property include revegetating the landscape post spruce beetle infestation. Trees and shrubs will be planted throughout the property, especially along property lines, providing us and our neighbors more privacy. Additionally, privacy fences will be added in conjunction with the revegetation to add to privacy for both us and our neighbors. These “living fences” will be around 50 ft in length and not extend the whole property line. The hope is to utilize both of these properties (1235 and 1305) for short term rental during the summer of 2025.

Recently the land owner cleared a good portion of land between the buildings and beaver creek. While this would have not been my choice, what is left is barren ground with root wads and potholes gathering moisture. Fill dirt will need to be brought in to cover the aftermath so that it can be leveled, replanted with vegetation conducive to the environment. After this area is leveled a small gravel path from 1235 to the 1305 walkway will also be added. Additionally, much of the beetle has

been removed on both properties. This change has allowed for ample parking. These parking areas however will need to be leveled and gravel added. Note that most of our guest and boat parking will likely occur on our other property across the street (1230), because it is very important to us to not remove any more trees nor vegetation in order to maintain the aesthetics and privacy.

#### **Phase 1.5 – Moving Our Dry Cabins from our Present Property**

Phase 1.5 is to occur in the fall of 2025, which consists mostly of moving our small staff dry cabins (8'x12') to 1305 Angler Drive. These dry cabins are solely used for our employees and are not available for short term rental. After summer 2025, 1305 will not be available for short term rental, but will house our guide staff as well myself and wife. At this time we will also look into replacing the dock. It is of wood construction and certainly is nearing the end of its life.

#### **Phase II – Converting 1235 Building to a Dining Hall and Kitchen.**

Phase II would occur anywhere from 3 to 5 years from now or not at all depending on the success of the business and our direction of growth. Likely at the least, we would like to convert the 1235 building into a dining hall and kitchen with seating up to 16 guests. Historically we've served meals to our guests and we would like to maintain the tradition. If we see an apparent need, eventually we would like to add an additional three guest log cabins. While it would be years before we undergo such a venture, I believe it's worth mentioning.



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I hereby certify that I have posted a Notice of Public Hearing as prescribed by Kenai Municipal Code 14.20.280 (d) on the property that

Joe Chambers (Name of Applicant) has petitioned for a

Conditional use permit for lodge & Guide Service

The notice was posted on the date of 02/14/25, which is at least 10 days prior to the public hearing on this petition. I acknowledge this Notice must be posted so as to be visible from each improved street adjacent to the property and must be maintained and displayed until all public hearings have been completed. I acknowledge that the Notice must be removed within 5 days after the hearing.

### Affirmed and signed by:

  
Signature

Joseph Chambers  
Printed Name

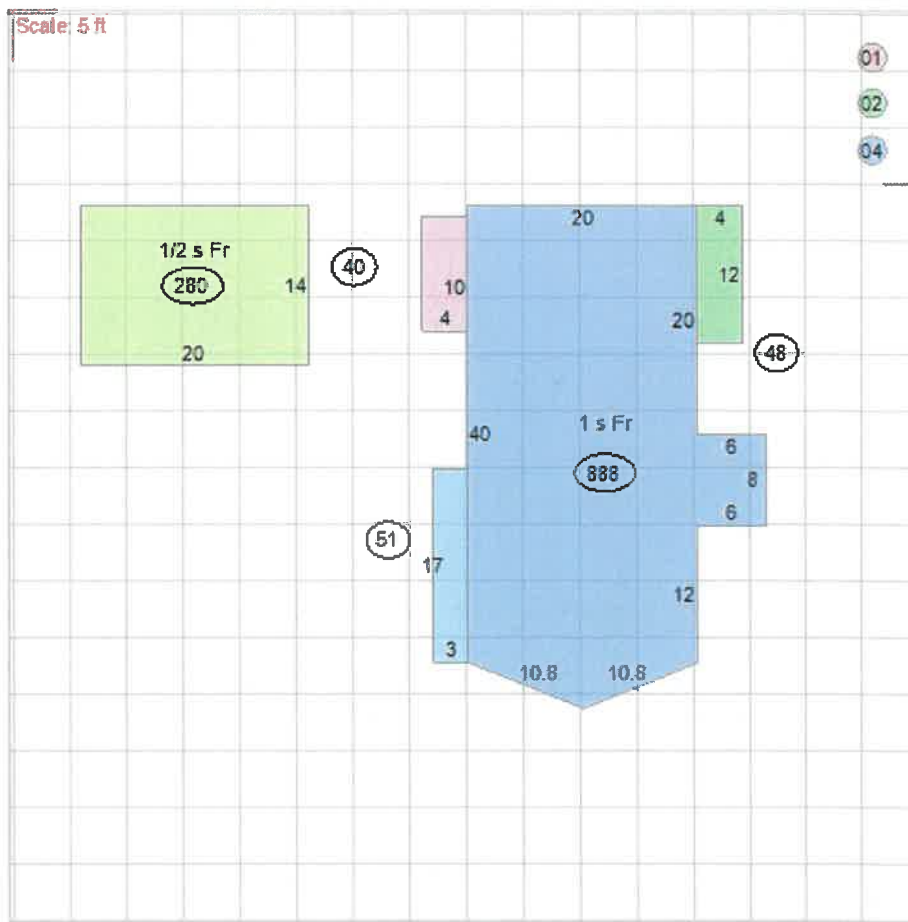
02/14/25  
Date

### Property:

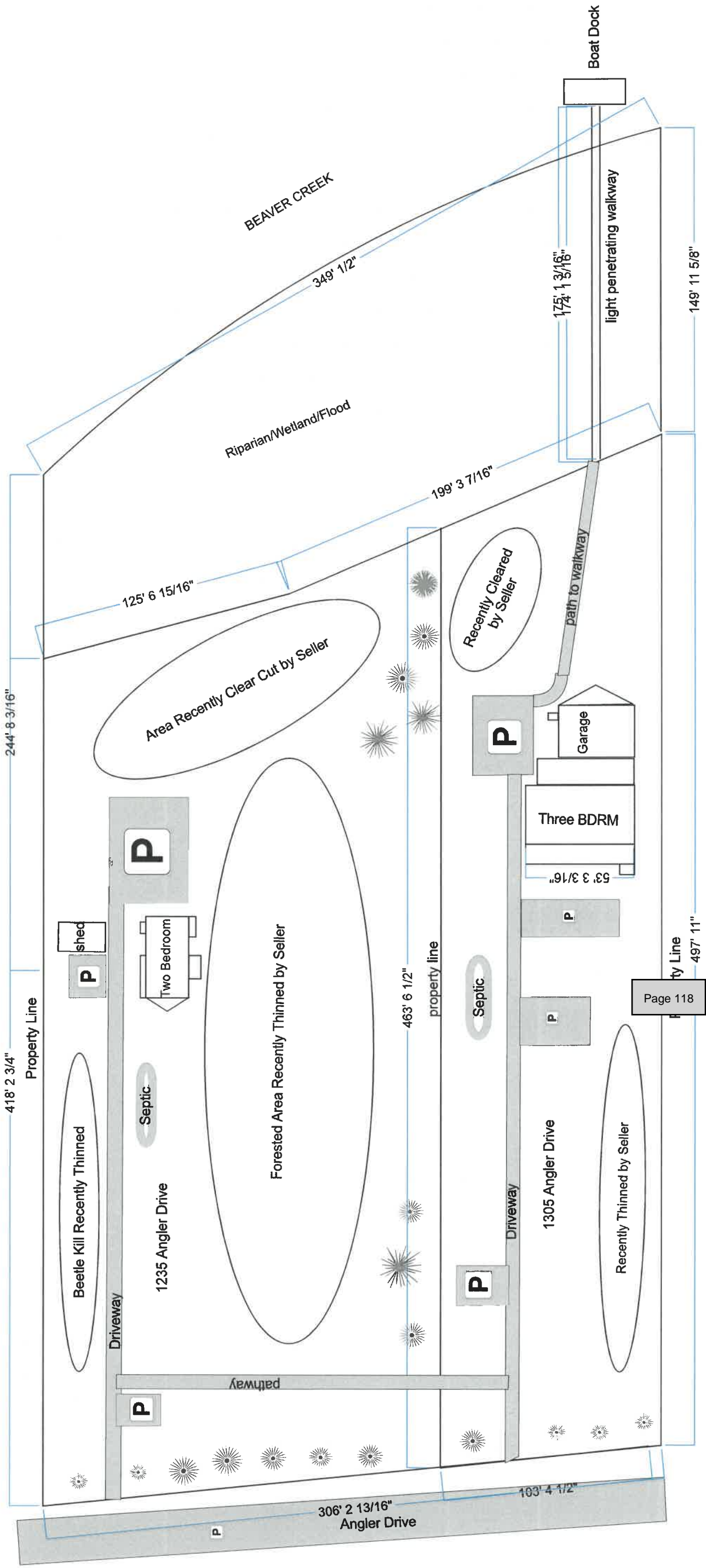
Address: 1235 Angler Drive  
Legal Description: Lot 14-A, Block 1, Angler Acres Sub Beaver Creek Replat  
KPB Parcel #: 04939058

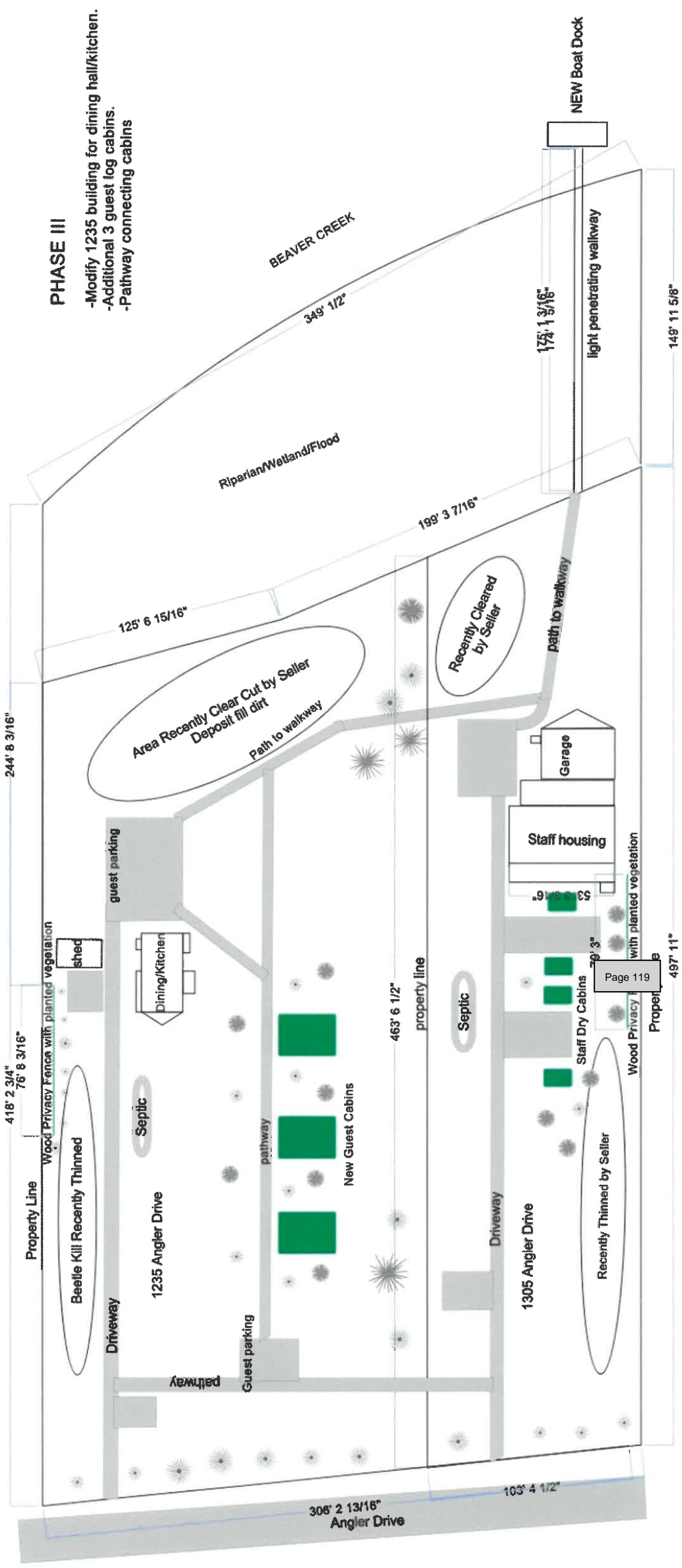
### P&Z Resolution #:

PZ-2025-07



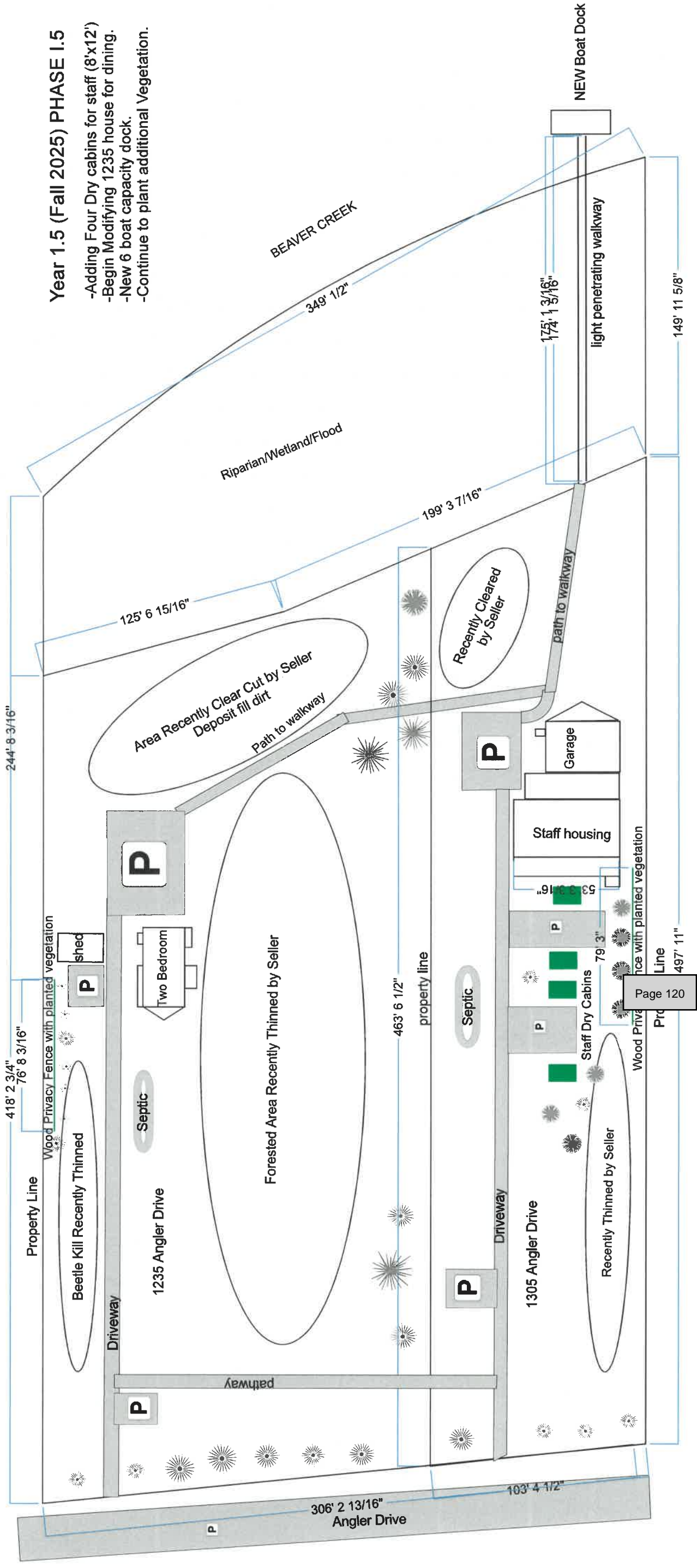






**PHASE III**

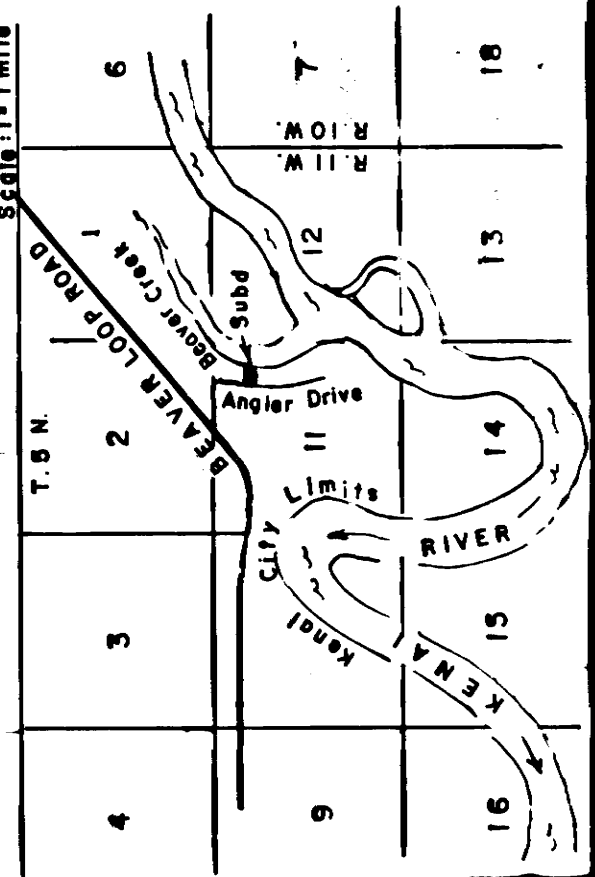
- Modify 1235 building for dining hall/kitchen.
- Additional 3 guest log cabins.
- Pathway connecting cabins



Year 1.5 (Fall 2025) PHASE I.5

- Adding Four Dry cabins for staff (8'x12')
- Begin Modifying 1235 house for dining.
- New 6 boat capacity dock.
- Continue to plant additional Vegetation.

# VICINITY MAP



## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of October 27, 1997  
 Authorized Official *Max A. Best*

## CERTIFICATION OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and by our free consent grant all easements to the use shown.

*Gordon S. Sledge*  
 Gordon S. Sledge  
 PO. Box 467, Kenai, AK 99641

NOTARY PUBLIC  
 STATE OF ALASKA  
 MARINA E. SWEPPY

Notary

for Alaska

ANGLERS ACRES SUBDIVISION  
 (78-168)  
 LOT - 12

LOT - 13

LOT - 14-A  
 2.041 ac.

former lot line  
 BLOCK - ONE

LOT - 16

ANGLERS ACRES SUBDIVISION

PART TWO  
 (77-116)  
 LOT - 17

BEAVER CREEK

Beaver Creek meander line

FIRM Panel 020012 - 2035-A  
 flood line along 4' to 5' ridge

(base of bearing plat no. 77-116)  
 S 89° 58' 56" E 423.27'

10' x 200' utility easement

S 20° 27' 07" E 114.62'  
 S 31° 49' 52" E 111.01'

N 89° 58' 56" W 471.02'

10' x 200' utility easement

ANGLER DRIVE

N 14° 08' 56" W 208.0'

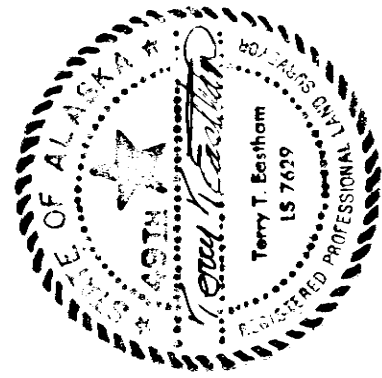
60' R/W

LOT - 1

LOT - 2

ANGLERS ACRES SUBDIVISION  
 ADDITION NO. 1 PART TWO  
 (96-70)

97-104  
 BLOCK - ONE  
 LOT - 14-A  
 12-29-97  
 11:59 A  
 Eastham



## ANGLERS ACRES SUBDIVISION BEAVER CREEK REPLAT

Comprised of 2.041 acres; LOT-14 (43,296 s.f.)  
 and LOT-15 (1,047 ac.)  
 Block-1 of ANGLERS ACRES SUBD. PART TWO (plat 77-116)  
 in the NE 1/4 of Section 11, T.5N, R.11W, S.M.  
 in the city limits of Kenai,  
 Kenai Recording District, Alaska.  
 Owner: Gordon S. Sledge  
 PO. Box 467, Kenai, AK 99641  
 Surveyor: Terry T. Eastham R.L.S. 7629  
 PO. Box 2891, Soldotna, AK 99669  
 November 15, 1997 Scale: 1"=50' K.P.B. file no. 97-245

## NOTES

1. Portions of this subdivision are within the Kenai River Habitat Protection Area. Development may require a permit under Title 21 Borough Code of ordinances.
2. No permanent structure shall be placed or constructed in an easement which would interfere with the ability of a utility to use the easement.
3. Building setback to conform to the City of Kenai ordinance unless a lesser standard is approved by resolution of the appropriate planning commission.
4. The natural meanders of the ordinary high water form the true limits of the lot lines.
5. All bearings and distances are of record from ANGLERS ACRES SUBDIVISION PART TWO plat no. 77-116. No field measurements were performed for this plat. Lot corners shown are record 1/2" x 24" rebar rod set by 610-S-1975.

## WASTEWATER DISPOSAL

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough Planning Commission on August 8, 1977. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.





February 10, 2025 – 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 2027

**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

**Vacant**  
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

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- 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.
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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 a Commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

**Motion to approve the consent & regular agendas passed by unanimous vote (7-Yes, 1-Absent).**

### ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

- \*1. Time Extension Request - None**
- \*2. Planning Commission Resolutions – None**
- \*3. Plats Granted Administrative Approval - None**
- \*4. Plats Granted Final Approval - None**
- \*5. Plat Amendment Request – None**
- \*6. Commissioner Excused Absences**
  - a. Dawson Slaughter, South Peninsula District
- \*7. Minutes**
  - a. January 27, 2025 Planning Commission Meeting Minutes

## 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. Building Setback Encroachment Permit; KPB File 2025-006

Planning Commission Resolution 2025-02

Swan Surveying / Isitt

Request: Permits a portion of a 20.1' x 52.7' structure to remain approximately 2.4" in the 20' building setback adjacent to Fritz Street on Lot 5A, Schlereth Subdivision Sanders Addition, Plat KN 97-11  
Sterling Area

**Motion to grant the building setback encroachment permit passed by unanimous vote (7-Yes, 1-Absent)**

### 2. Building Setback Encroachment Permit; KPB File 2025-008

Planning Commission Resolution 2025-03

Edge Survey & Design / Presley

Request: Permits a portion of a 32.2' x 43.3' garage to remain approximately 2' within the 20' building setback on Lot 4-C, Block 1, Echo Hills Subdivision No.2, Plat KN 81-142  
Kalifornsky Area

**Motion to grant the building setback encroachment permit passed by unanimous vote (7-Yes, 1-Absent)**



**Public Hearing: Legislative Matters - None**

**F. PLAT COMMITTEE REPORT** – The plat committee reviewed 3 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, February 24, 2025** 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 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto: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.



February 10, 2025 – 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 2027

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kasilof 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

**Vacant**  
City of Seward  
Term Expires 2026

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Nikiski District  
Term Expires 2026

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- 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.
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### **A. CALL TO ORDER**

### **B. ROLL CALL**

#### **PLAT COMMITTEE MEMBERS:**

- Pamela Gillham, Kalifornsky/Kasilof District
- Paul Whitney, City of Soldotna
- Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District
- Franco Venuti, City of Homer

## C. APPROVAL OF AGENDA AND CONSENT AGENDA

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### ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

- \*1. Agenda**
- \*2. Member Excused Absences - None**
- \*3. Minutes**
  - a. January 27, 2025 Plat Committee Meeting Minutes
- \*4. Grouped Plats**
  - E1. Barber Heights; KPB File 2023-013R1
  - E2. Sterling Vista Subdivision Roster Replat; KPB File 2025-005
  - E3. Whiskey Gulch Beach Subdivision; KPB File 2025-007

**Motion to approve the consent and regular agendas 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. Barber Heights; KPB File 2023-013R1  
Peninsula Surveying / Savage, Barber  
Location: King Salmon Drive & Strawberry Road  
City of Kenai

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

- 2. Sterling Vista Subdivision Roster Replat; KPB File 2025-005  
Vector Surveying LLC Magnitude & Direction / Roster  
Location: Cottontree Lane & Bunny Court  
Sterling Area

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

3. Whiskey Gulch Beach Subdivision; KPB File 2025-007  
Edge Survey & Design / Thomas  
Location: Near MP 152 of Sterling Highway  
Anchor Point Area / Anchor Point APC

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

4. Bayview Subdivision Lighthouse Village Replat; KPB File 2024-131  
**(Postponed to the 2/24/25 Plat Committee meeting)**  
Seabright Surveying / Doyon Limited, Doyon Tourism Inc.  
Location: Homer Spit Road & B Street  
City of Homer

**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, February 24, 2025** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **6:30 p.m.**

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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## Kenai City Council - Regular Meeting

February 19, 2025 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://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*)**

1. Project Homeless Connect 2025, Executive Director of Love INC Leslie Rohr.

#### **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. 3449-2025** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of Ballistic Vests. (Administration)
2. **ADOPTED UNANIMOUSLY. Ordinance No. 3450-2025** - Amending Sections of Kenai Municipal Code Title 23 - Personnel Regulations, Sections 23.05.070 - Definitions, 23.25.080 - Promotion, 23.30.030 - Probationary Period for Employees in the Classified Service, and 23.55.020 - Compensation Structure by Grade for Employees in the Classified Service, to Ensure a Consistent Approach to Pay Adjustments for City Employees. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2025-15** - Authorizing the City Manager to Execute a Lease of Airport Reserve Lands Between the City of Kenai and ENA, Limited Liability Corporation for Lots 5A and 5B, FBO Subdivision No. 10, to be Described as Lot 5C, FBO Subdivision 2024 Addition Upon Approval of Final Plat. (Administration)

#### **F. MINUTES**

1. \*Regular Meeting of February 5, 2025. (City Clerk)

#### **G. UNFINISHED BUSINESS**

## **H. NEW BUSINESS**

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - First Extension to the Agreement with Guardian Security Systems, Inc. for Security Guard Services at the Kenai Municipal Airport. (Administration)
3. **\*Action/Approval** - Council Confirmation of Mayoral Nomination of Gina Kuntzman to the Council on Aging Commission. (Gabriel)
4. **\*Ordinance No. 3451-2025** - Accepting and Appropriating Donations to the Kenai Community Library for Library Materials, Equipment, Furniture, and Programming. (Administration)
5. **\*Ordinance No. 3452-2025** - Accepting and Appropriating a Polar Bear and Brown Bear Taxidermy Donation from the Warren E Johnson Estate for Display in the Kenai Municipal Airport Terminal. (Administration)
6. **\*Ordinance No. 3453-2025** - Amending Kenai Municipal Code Chapter 7.15 – Purchases and Sales, Sections 7.15.060 – Procurement of Professional Services and 7.15.070 – Innovative Procurements and Other Exceptions, to Allow Insurance Coverages to be Procured by Direct Negotiation and Authorize Other Procurement Exceptions Subject to City Council Approval by Resolution. (Knackstedt)
7. **\*Ordinance No. 3454-2025** - Amending Kenai Municipal Code 23.35.032 - Arbitration Panel to Amend the Member Terms from Indefinite Terms to Three-Year Terms. (City Clerk)
8. **\*Ordinance No. 3455-2025** - Authorizing the Purchase of a Used Ventrac Tractor and Attachments from KNC Golf, Inc., that Deviates from Procurement Procedures Authorized by Kenai Municipal Code Chapter 7.15 Purchases and Sales. (Administration)
9. **APPROVED UNANIMOUSLY. Action/Approval** - Authorizing the City Manager to Modify the Agreement with the Kenai Peninsula Borough for Accepting Landfill Leachate at the Waste Water Treatment Plant. (Administration)
10. **SUPPORTED UNANIMOUSLY. Discussion/Action** - Digester Blowers Standardization. (Administration)
11. **Discussion** - Grants to Other Agencies - Annual Reports. (Douthit)

## **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](http://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/J1lf0VUzTm63fb5URHsT4w>