



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

February 28, 2024 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

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

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

D. CONSIDERATION OF PLATS

E. PUBLIC HEARINGS

1. **Resolution PZ2024-04** – Granting a Conditional Use Permit Amendment to Allow the Use of On-Street Parking Spaces to Meet the Off-Street Parking Requirements for the Performing Arts Center (PZ2023-01) on a Property Located at 475 Daubenspeck Road in the Light Industrial (IL) Zoning District.

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Granting a Home Occupation Permit to Allow an Assisted Living for Up to Two (2) Persons on a Property Located at 5743 Kenai Spur in the Limited Commercial (LC) Zoning District.
2. **Discussion/Action** – Annual Work Plan for Planning and Zoning Commission

H. REPORTS

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

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

J. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: March 13, 2024

K. COMMISSION COMMENTS AND QUESTIONS

L. PENDING ITEMS

M. ADJOURNMENT

N. INFORMATIONAL ITEMS

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

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

<https://us02web.zoom.us/meeting/register/tZUpcemgrjsuGtFQ6bljx7-P2xvrThtFzw3X>



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-04**

A RESOLUTION **GRANTING** AN AMENDMENT TO CONDITIONAL USE PERMIT TO ALLOW THE USE OF ON-STREET PARKING SPACES ALONG DAUBENSPECK ROAD TO MEET THE MINIMUM OFF-STREET PARKING REQUIREMENTS FOR THE PERFORMING ARTS CENTER (PZ2023-01).

APPLICANT: K+A Designstudios, c/o Chris Parker

PROPERTY OWNER: Alaska Children's Institute for the Performing Arts, Inc.

PROPERTY ADDRESS: 475 Daubenspeck Road

LEGAL DESCRIPTION: Tract 4A-2, Baron Park Triumvirate Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04501064

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on February 6, 2024; 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 21, 2024, 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 proposed use is consistent with the purpose of the Kenai Zoning Code, specifically, KMC 14.20.250 *Off-street parking and loading requirement*. Under the provision of KMC 14.20.250, it states certain conditions must be met in order to allow the use of public parking lot to be counted towards the minimum off-street parking requirement, which is analyzed in detailed under Criteria 6. The following table shows the required parking for a theater use.

INSTITUTIONS, PUBLIC USES/COMMERCIAL	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Assembly with fixed seats: Auditoriums, churches, funeral chapels, sports arena and <u>theaters</u>	One (1) per four (4) seats in the <u>principal assembly area</u> . The width of a seat or a bench or pew shall be considered twenty-two inches (22").

The overall fixed seat count is 194, which requires a minimum of 48 off-street parking spaces for a theater use.

A CUP (PZ2023-01) was grant for a performing arts center in the subject zoning district. This request for a CUP amendment seeks to accommodate the site layout change and use existing on-street parking spaces to meet the minimum off-street parking requirements, which is allowed if certain conditions are met (see Criteria 6 for details).

As stated by the applicant, the request would be compatible with the surrounding area with minimal impact, especially during peak business hours. The surrounding properties currently have abundant parking for their own use and would not be significantly impacted with the theatre.

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 economic and noneconomic value of adjacent properties would not be significantly impacted by this change. Most of the surrounding properties are city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational. It is anticipated that most of the activities/events at the performing arts center would occur after business hours; therefore, the proposed use would not significantly impair the economic and noneconomic value of the adjoining properties and neighborhood as the surrounding uses encompass a variety of land use types.

Staff finds the proposed use would improve the economic and noneconomic value of the adjoining property and neighborhood. As noted by the applicants, there are a surplus of existing parking spaces and the peak time of the theatre would occur during the evening and weekends when the least amount of impact will be felt by surrounding properties/uses.

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 Industrial (IN) land use classification. The IN Land Use Classification is defined in the Comprehensive Plan:

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

The surrounding uses are not primarily industrial, but recreational and commercial. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses.

As stated by the applicant, the ability to share parking between adjoining properties is a vital component that helps this project stay within the budget and will ultimately allow for a new children's theatre to be built in the City of Kenai, which is in harmony with the City's comprehensive plan and will add greatly to the economic growth of the City of Kenai.

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

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

Objective Q-1

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

Goal 2 – 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.

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

Findings: City water and sewer run beneath most of the constructed loop of Daubenspeck Road, a City-maintained road. The on-street parking spaces are existing and it is maintained by the city. There are adequate public services and facilities to serve the proposed use.

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

Findings: The approved CUP for the performing arts center had a single driveway access to the parking along the east property line. The proposed plans show two (2) driveway accesses along the east property line along Daubenspeck Road. The additional access point will allow a continuous flow of traffic through the on-site parking lot. The on-street parking spaces have been used by surrounding uses for over a decade. Staff finds the proposed use of the on-street parking spaces would not adversely impact the public safety, health or welfare.

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: No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

In addition to the above criteria for a CUP, specific conditions are outlined in KMC Section 14.20.250(b)(6) *Exception to this Section [off-street parking] -Public Parking Lots* that must be met prior to the issuance of a CUP use of a public parking lot (i.e., on-street parking spaces).

Condition A: *The public parking lot exists within reasonable distance of the use, or plans for the public parking lot are sufficiently advanced to give reasonable assurance that the lot will be in use within one (1) year of the time of issuance of the conditional use permit*

Findings: At least 30 on-street parking spaces are within ±300 feet of the subject property. Staff finds that is within reasonable distance of the use since it is consistent with the corresponding code section, which states the use of public parking lots to meet the off-street parking requirements should be within 300 feet of an existing or planned public lots.

Condition B: *The owner and/or occupant of the use in question shall sign a covenant agreeing to join an assessment district to pay for the public parking lot.*

Findings: Staff consulted with the City Attorney and this provision applies to the construction of a new public parking lot. Therefore, this provision is not applicable as the on-street parking is existing.

Condition C: *The public parking lot has or will have sufficient capacity to accommodate the use in question plus other parking needs of existing and potential uses within a reasonable distance of the lot. The Commission shall use the off-street parking requirement as cited above to estimate the parking spaces needed within a reasonable distance of the lot.*

Findings: There are 37 on-street parking spaces and the performing arts center needs a minimum of 30 on-street parking spaces to meet the minimum off-street parking requirement. The farthest on-street parking space along Daubenspeck Road is approximately 370 feet from the subject property. Staff finds that all of the on-street parking spaces along Daubenspeck Road are within a reasonable distance from the subject property and can accommodate the performing arts center as well as surrounding uses.

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

Section 1. That an amendment to the conditional use permit (CUP) is granted for the use of on-street parking spaces along Daubenspeck Road to meet the minimum off-street parking requirements for the performing arts center (PZ2023-01) on a property described as Tract 4A-2, Baron Park Triumvirate Addition, located at 475 Daubenspeck Road.

Section 2. That the amendment to the conditional use permit is subject to the original conditions in the CUP (Resolution No. PZ2023-01).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 28TH DAY OF FEBRUARY, 2024.

JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 23, 2024
SUBJECT: Resolution PZ2024-04 – Conditional Use Permit Amendment to Allow the Use of On-Street Parking Spaces to Meet the Off-Street Parking Requirements for the Performing Arts Center (PZ2023-01)

Request The applicant is requesting to use the on-street parking spaces along Daubenspeck Road to count towards the off-street parking requirements.

Staff Recommendation Adopt Resolution PZ2024-04 approving an amendment to Conditional Use Permit for the use of on-street parking spaces along Daubenspeck Road to meet the minimum off-street parking requirements for the performing arts theater (PZ2023-01).

Applicant	K+A Designstudios c/o Chris Parker
Property Owner	Alaska Children’s Institute for the Performing Arts, Inc.
Legal Description	Tract 4A-2, Baron Park Triumvirate Addition
Property Address	475 Daubenspeck Road
KPB Parcel ID	04501064
Lot Size (acreage)	1.91
Zoning	Light Industrial (IL)
Current Use	Vacant (Approved for a Performing Arts Center, PZ2023-01)
Land Use Plan	Industrial

SUMMARY

The Planning and Zoning Commission granted a Conditional Use Permit (PZ2023-01) for a performing arts center located at Tract 4A of Baron Park 2020 Replat (now, Tract 4A-2, Baron Park Triumvirate Addition) on January 25, 2023. The applicant is requesting a conditional use permit (CUP) amendment to authorize the use of on-street parking spaces to meet the minimum off-street parking requirements. Due to the high-water table on the subject property, the cost of construction of the original design would exponentially exceed the budget. Several design revisions have been considered, which resulted in a reduced gross floor area and off-street parking lot. The original proposed building was 7,726 square feet with 63 off-street parking spaces. The current building design will have a total square footage of 6,312 and 18 off-street parking spaces. In the new design, a total of 194 fixed seats are proposed, which would require a minimum of 48 off-street parking spaces for the performing arts center. Therefore, there is a parking space deficient of 30 parking spaces.

Pursuant to Kenai Municipal Code 14.20.250(b)(6) *Exception to this Section [off-street parking] - Public Parking*, states that a use located within three hundred feet (300') of an existing or planned public lots may be use to meet the off-street parking requirements. The applicant has provided a site plan showing the existing on-street parking spaces along Daubenspeck Road, which shows there is a total of 37 on-street parking spaces, which 30 of those spaces are within 300 feet of the subject property.

ANALYSIS

Pursuant to Kenai Municipal Code (KMC) 14.20.150(a), the intent of a conditional use permit (CUP) 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 or amendment, 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 proposed use is consistent with the purpose of the Kenai Zoning Code, specifically, KMC 14.20.250 *Off-street parking and loading requirement*. Under the provision of KMC 14.20.250, it states certain conditions must be met in order to allow the use of public parking lot to be counted towards the minimum off-street parking requirement, which is analyzed in detailed under Criteria 6. The following table shows the required parking for a theater use.

INSTITUTIONS, PUBLIC USES/COMMERCIAL	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Assembly with fixed seats: Auditoriums, churches, funeral chapels, sports arena and <u>theaters</u>	<u>One (1) per four (4) seats in the principal assembly area.</u> The width of a seat or a bench or pew shall be considered twenty-two inches (22").

The overall fixed seat count is 194, which requires a minimum of 48 off-street parking spaces for a theater use.

A CUP (PZ2023-01) was grant for a performing arts center in the subject zoning district. This request for a CUP amendment seeks to accommodate the site layout change and use existing on-street parking spaces to meet the minimum off-street parking requirements, which is allowed if certain conditions are met (see Criteria 6 for details). As stated by the applicant, the request would be compatible with the surrounding area with minimal impact, especially during peak business hours. The surrounding properties currently have abundant parking for their own use and would not be significantly impacted with the theatre.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. Most of the surrounding properties are city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational. It is anticipated that most of the activities/events at the performing arts center would occur after business hours; therefore, the proposed use would not significantly impair the economic and noneconomic value of the adjoining properties and neighborhood as the surrounding uses encompass a variety of land use types.

Staff finds the proposed use would improve the economic and noneconomic value of the adjoining property and neighborhood. As noted by the applicants, there are a surplus of existing parking spaces and the peak time of the theatre would occur during the evening and weekends when the least amount of impact will be felt by surrounding properties/uses.

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 Industrial (IN) land use classification. The IN Land Use Classification is defined in the Comprehensive Plan:

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

The surrounding uses are not primarily industrial but recreational and commercial. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses.

As stated by the applicant, the ability to share parking between adjoining properties is a vital component that helps this project stay within the budget and will ultimately allow for a new children's theatre to be built in the City of Kenai, which is in harmony with the City's comprehensive plan and will add greatly to the economic growth of the City of Kenai.

RELEVANT GOALS

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

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

Objective Q-1

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

Goal 2 – 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.

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

Findings: City water and sewer run beneath most of the constructed loop of Daubenspeck Road, a City-maintained road. The on-street parking spaces are existing and it is maintained by the city. There are adequate public services and facilities to serve the proposed use.

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

Findings: The approved CUP for the performing arts center had a single driveway access to the parking along the east property line. The proposed plans show two (2) driveway accesses along the east property line along Daubenspeck Road. The additional access point will allow a continuous flow of traffic through the on-site parking lot. The on-street parking spaces have been used by surrounding uses for over a decade. Staff finds the proposed use of the on-street parking spaces would not adversely impact the public safety, health or welfare.

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: No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

In addition to the above criteria for a CUP, specific conditions are outlined in KMC Section 14.20.250(b)(6) *Exception to this Section [off-street parking] -Public Parking Lots* that must be met prior to the issuance of a CUP use of a public parking lot (i.e., on-street parking spaces).

Condition A: The public parking lot exists within reasonable distance of the use, or plans for the public parking lot are sufficiently advanced to give reasonable assurance that the lot will be in use within one (1) year of the time of issuance of the conditional use permit

Findings: At least 30 on-street parking spaces are within ±300 feet of the subject property. Staff finds that is within reasonable distance of the use since it is consistent with the corresponding code section, which states the use of public parking lots to meet the off-street parking requirements should be within 300 feet of an existing or planned public lots.

Condition B: The owner and/or occupant of the use in question shall sign a covenant agreeing to join an assessment district to pay for the public parking lot.

Findings: Staff consulted with the City Attorney and this provision applies to the construction of a new public parking lot. Therefore, this provision is not applicable as the on-street parking is existing.

Condition C: The public parking lot has or will have sufficient capacity to accommodate the use in question plus other parking needs of existing and potential uses within a reasonable distance of the lot. The Commission shall use the off-street parking requirement as cited above to estimate the parking spaces needed within a reasonable distance of the lot.

Findings: There are 37 on-street parking spaces and the performing arts center needs a minimum of 30 on-street parking spaces to meet the minimum off-street parking requirement. The farthest on-street parking space along Daubenspeck Road is approximately 370 feet from the subject property. Staff finds that all of the on-street parking spaces along Daubenspeck Road are within a reasonable distance from the subject property and can accommodate the performing arts center as well as surrounding uses.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the conditional use amendment 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* at least seven (7) days prior to the date of the hearing. 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 amendment request.

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed conditional use permit (CUP) amendment to use on-street parking spaces along Daubenspeck Road to meet the minimum off-street parking requirements for the performing arts center (PZ2023-01) on a property described Tract 4A-2, Baron Park Triumvirate Addition, located at 475 Daubenspeck Road meets the criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code (KMC) 14.20.150 and subsection (b)(6) of KMC 14.20.250, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2024-04 approving the amendment to the Conditional Use Permit, subject to the original conditions in CUP (Resolution PZ2023-01).

ATTACHMENTS

Aerial Map
Application
Plans
Resolution PZ2023-01



**PZ2024-04 - Conditional Use Permit
Amendment - On-Street Parking for
Performing Arts Center (PZ2023-01)
475 Daubenspeck Road
KPB Parcel ID: 04501064**



N



Map for Reference Only
NOT A LEGAL DOCUMENT

Date Printed: 2/23/2024

0 100 200 400 Feet



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:	Alaska Children's Institute for the Performing Arts, Inc.				
Mailing Address:	P.O. Box 322				
City:	Kenai	State:	Alaska	Zip Code:	99611
Phone Number(s):	(907)394-1159				
Email:	hereliesdrama@hotmail.com				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Chris Parker, K+A Designstudios				
Mailing Address:	35723 Spur Highway				
City:	Soldotna	State:	Alaska	Zip Code:	99611
Phone Number(s):	(907)260-4440				
Email:	cparker@ka-designstudios.com				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04501064
Physical Address:	450 Marathon Road, Kenai
Legal Description:	T 06N R 11W Sec 33 Seward Meridian KN 2023016 Baron Park Triumvirate Addn Tract 4A-2
Zoning:	Light Industrial (IL)
Acres:	1.91

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

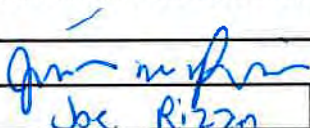
This conditional use allows for the sharing of 30 existing on-street parking spaces directly adjacent to the new building site of the Triumvirate Theatre. The existing parking spaces are currently used for parking at the Dog Park, which is located on the lot south of the proposed Triumvirate Theatre site. Please see the attached site plan showing the proposed site layout.

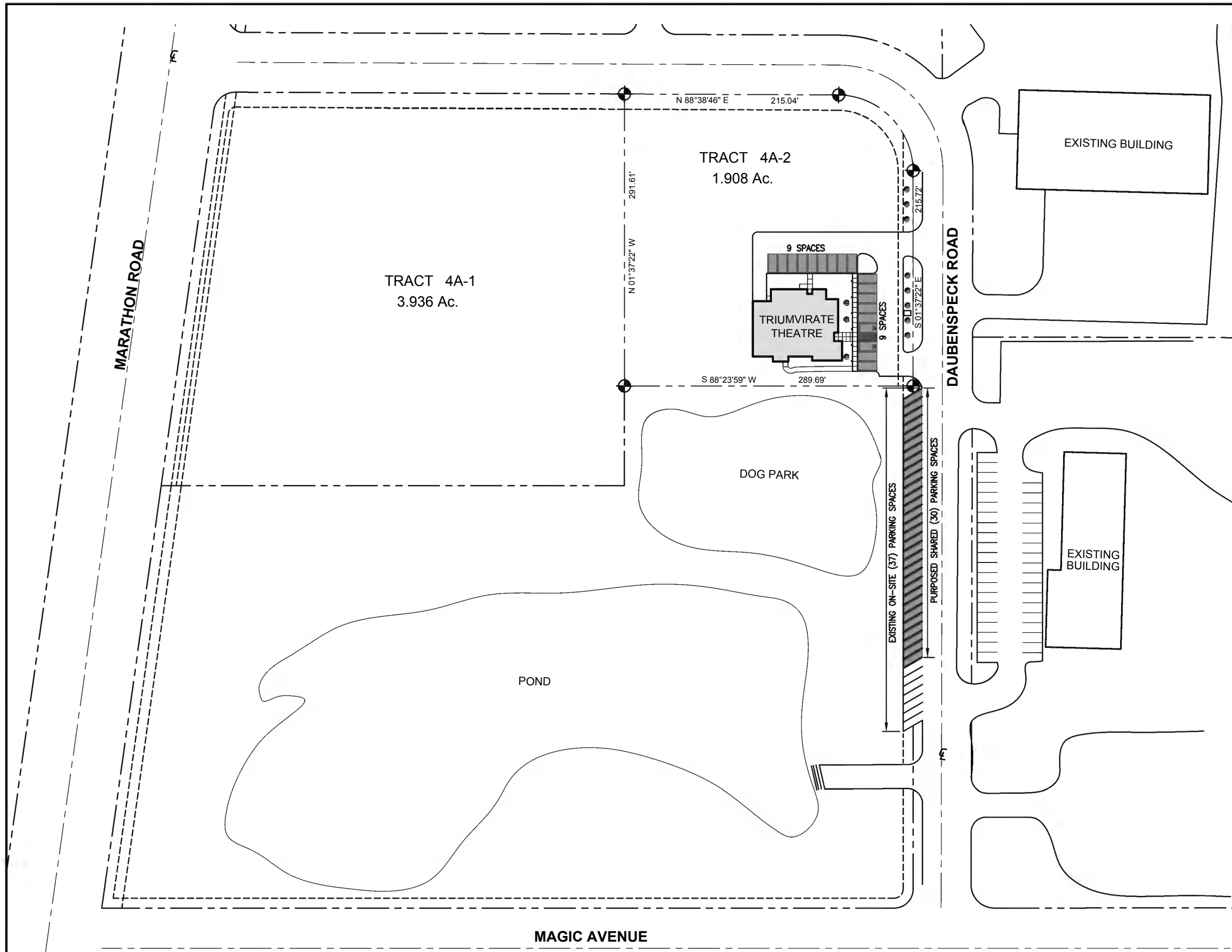
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

The proposed use is located within a Light Industrial zone where industrial and commercial uses are consistently compatible and which are typically of the type that cause no nuisance effects upon surrounding property. This conditional use is consistent with the purposes and intent of the zoning district and would be compatible with minimal impact to the surrounding areas, especially during peak business hours. The three main adjacent properties; the dog park, fire training facility and heavy equipment storage buildings, currently have abundant parking for the needs of their facilities and would not be significantly impacted with the addition of the Theatre.

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

The value of the adjoining properties won't be significantly impaired by this conditional use because of the abundant amount of existing parking spaces already in place. Also, peak business times for adjoining properties typically occur during the morning or afternoon, while the Theatre schedule typically peaks for evenings shows and on weekends when the least amount of impact will be felt by the adjoining properties.

Use of surrounding property - north:	Heavy Equipment Maintenance Buildings		
Use of surrounding property - south:	Dog Park		
Use of surrounding property - east:	Heavy Equipment Storage Buildings		
Use of surrounding property - west:	Vacant Lot		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
The ability to share parking between adjoining properties is one vital component that helps this project stay within budget and will ultimately allow for a new children's theatre to be built in the City of Kenai, which is in harmony with the City's comprehensive plan and will add greatly to the economic growth of the City of Kenai.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes, city sewer and water are present at the site along Daubenspeck Rd, which is paved and maintained by the City. There are adequate public services and facilities to serve the proposed use.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
The 30 shared parking spaces are existing spaces and do not cause harm to public safety currently. The use of these spaces by both properties promotes connectivity between a theatre and a public park and encourages walking between adjacent properties within the city, elevating the health and welfare of it's users.			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
The proposed use is anticipated to have minimal impact on surrounding properties as the majority of theatre shows and events will occur in the evening or on weekends.			
AUTHORITY TO APPLY FOR CONDITIONAL USE: 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: 2/5/24
Print Name:	Joe Rizzo	Title/Business:	Executive Director
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

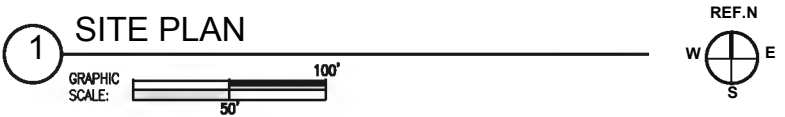


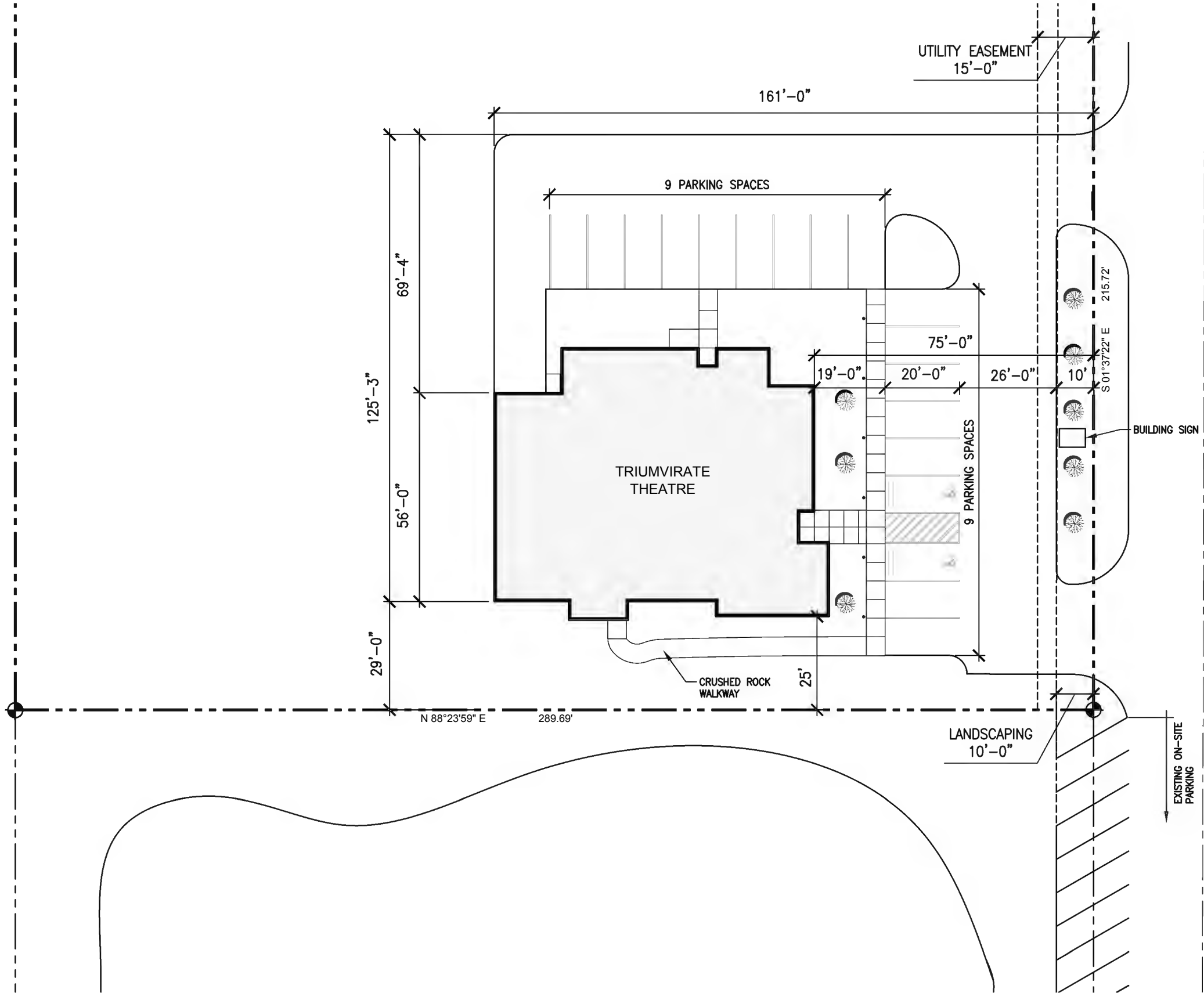
PARKING	
REQUIRED: ASSEMBLY 1 PER 4 FIXED SEATS	48 PARKING SPACES REQ
PROVIDED OFF-STREET:	(16) PARKING SPACES
	(2) ADA ACCESSIBLE SPACES
	18 PARKING SPACES
PROVIDED ON-STREET:	30 EXISTING ON-STREET SHARED SPACES
48 TOTAL PARKING SPACES PROVIDED	

K+A designstudios
 ARCHITECTURE + PLANNING
 130 TRADING BAY RD. SUITE 330 KENAI, ALASKA 99611
 T: 907.283.3698 WWW.KA-DESIGNSTUDIOS.COM

**TRIUMVIRATE THEATRE
 DESIGN DEVELOPMENT
 KENAI, ALASKA**

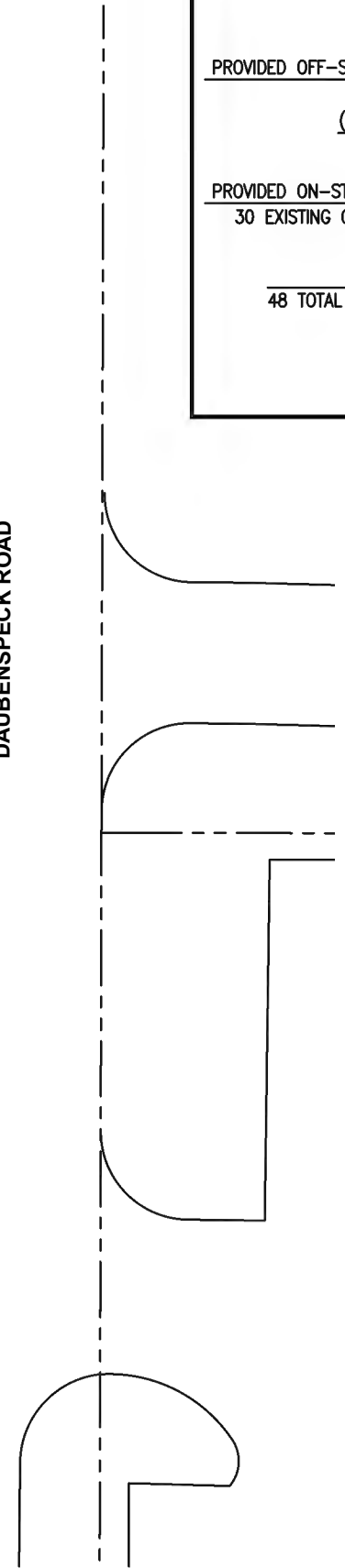
Revisions:
Date: JAN 15, 2024
Drawn: MCM
Checked: CMP
Project: 2131.DWG
File Name: 2131.DWG
Sheet Title: OVERALL SITE PLAN
Sheet: A1.01
of





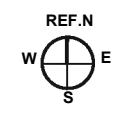
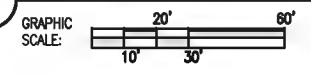
PARKING	
REQUIRED: ASSEMBLY 1 PER 4 FIXED SEATS	48 PARKING SPACES REQ
PROVIDED OFF-STREET:	(16) PARKING SPACES
	(2) ADA ACCESSIBLE SPACES
	18 PARKING SPACES
PROVIDED ON-STREET:	30 EXISTING ON-STREET SHARED SPACES
48 TOTAL PARKING SPACES PROVIDED	

DAUBENSPECK ROAD



**TRIUMVIRATE THEATRE
 DESIGN DEVELOPMENT
 KENAI, ALASKA**

1 SITE PLAN



Revisions:
Date: JAN 15, 2024
Drawn: MCM
Checked: CMP
Project: 2131.DWG
File Name: 2131.DWG
Sheet Title: SITE PLAN
Sheet: A1.02
of



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-01**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A PERFORMING ARTS CENTER.

APPLICANT: Joe Rizzo

PROPERTY ADDRESS: 450 Marathon Road

LEGAL DESCRIPTION: Tract 4A of Baron Park 2020 Replat

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04501061

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on December 9, 2022; 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 January 18, 2023, 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 proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates a theater is a conditional use; therefore, a conditional use permit may be granted for a performing arts center.

The Light Industrial (IL) Zone is designed to provide for the development of industrial and commercial uses which are usually compatible and which are of a type which has no nuisance effects upon surrounding property, or which may be controlled to prevent any nuisance effects upon surrounding property. New residential uses and other non-industrial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for industrial and commercial purposes, and because the IL zone is not suited to the excluded uses.

The proposed use is permitted in the zone with an approved conditional use permit. A performing arts center is an appropriate commercial use in the zone as it is a compatible

use with the adjacent public park. The proposed number of provided parking space exceeds the minimum parking requirements for a theater. It is not anticipated that the proposed use will have any nuisance effects upon the surrounding properties.

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 economic and noneconomic value of adjacent properties would not be significantly impacted by this change. Most of the surrounding properties are city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational. It is anticipated that most of the activities/events at the performing arts center would occur after business hours; therefore, the proposed use would not significantly impair the economic and noneconomic value of the adjoining properties and neighborhood as the surrounding uses encompass a variety of land use types.

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 Industrial land use classification. The Industrial Land Use Classification is defined in the Comprehensive Plan:

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer, utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

The surrounding uses are not primarily industrial but recreational and commercial. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses.

As stated by the applicant, the enterprise will not only bring the arts to Kenai for both children and adults but will add greatly to the economic development of the City of Kenai.

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-1: 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.

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

Findings: City water and sewer run beneath most of the constructed loop of Daubenspeck Road, a paved road. There are adequate public services and facilities to serve the proposed use.

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

Findings: A performing arts center will not be harmful to public safety, health, or welfare. The proposed plans show a single driveway access to the parking lot along the east property line. The single access point reduces the interruption of the traffic flow along Daubenspeck Road. The proposed development will provide sidewalks and lighting to the area. The proposed use will not negatively affect the public safety, health or welfare.

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: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as most of the activities/events will occur in the evening and the adjacent uses are recreational. 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 Joe Rizzo for a Performing Arts Center on approximately 2 acres of the eastern portion of the property described as Tract 4A of Baron Park 2020 Replat, and located at 450 Marathon Road.

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.
3. Prior to issuance of a building permit, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.

Resolution No. PZ2023-01
Page 4 of 4

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 25TH DAY OF JANUARY, 2023.



JEFF TWAIT, CHAIRPERSON

ATTEST:



Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 23, 2024
SUBJECT: 5743 Kenai Spur Highway – Home Occupation Permit to Allow an Assisted Living for Up to Two (2) Persons

Request The applicant is requesting to operate an assisted living for two (2) persons in the single-family dwelling.

Staff Recommendation Grant the Home Occupation Permit for an Assisted Living for Up to Two (2) Persons.

Applicant: Breanna Foster
Property Owner: Joanna Pitsilionis
Legal Description: Lot 1A, Thompson Park Subdivision O'Neil Addition
Property Address: 5743 Kenai Spur Highway
KPB Parcel No.: 04909224
Lot Size (acreage): 1.06
Zoning: Limited Commercial (LC)
Current Use: Single-Family Dwelling
Land Use Plan: Mixed Use (MU)

SUMMARY

The applicant has applied for a Home Occupation Permit (HOP) to operate an assisted living for up to two (2) persons in the single-family dwelling. The HOP will be conducted within an approximately 1,870 square foot 2-story single-family dwelling and there is an approximately 1,291 square foot detached accessory structure on the premise. The applicant indicated the assisted living would serve individuals with developmental and intellectual disabilities and it would be licensed through the State of Alaska.

ANALYSIS

Pursuant to KMC 14.20.230(a), the intent of a HOP is to allow uses *that are compatible with other permitted uses and with the residential character of a neighborhood, and that are clearly secondary or incidental to the residential use of the main building*. Prior to granting a home occupation permit, the administrative official shall determine that the application meets the criteria as outlined in KMC 14.20.230(e) [Home Occupations] *Permit Application* and recommend that the Commission grant the permit on the consent agenda.

The proposed HOP meets the intent of Kenai Zoning Code for a HOP because it would be an accessory use to the existing single-family residence. Staff finds that the use of an assisted living for a maximum of two (2) persons would not adversely impact the residential character of the neighborhood. The applicant has provided an overview of how they intend to operate the business and ensure that reasonable efforts will be made mitigate any adverse impact to the surrounding area (see attached application). Staff finds an assisted living for up to two (2) persons is consistent with a certain provision of the HOP code section that prohibits convalescent homes for the care of more than two (2) patients. As long as the operation does not exceed two (2) persons and operates as a secondary or incidental to the single-family dwelling, it will meet the intent of the HOP. The parking requirement for an assisted living is one (1) space per two (2) beds and the single-family dwelling requires two (2) spaces. Therefore, a total of 3 spaces are required for the single-family dwelling and assisted living. There is a surplus of parking spaces in front of and behind the single-family dwelling. The parking requirement is met.

Home Occupations – Development Requirements

Kenai Municipal Code 14.20.230(d) sets forth the development requirements of a Home Occupation, as follows:

- **KMC14.20.230(d)(1) *Not more than one (1) person outside the family shall be employed in the Home occupation.***

Findings: The applicant informed staff that there will not be more than one person outside of the family that will be employed for the home occupation. This requirement is met.

- **KMC 14.20.230(d)(2) *No more than thirty percent (30%) of the gross floor area of all buildings on the lot shall be used for the home occupation.***

Findings: The gross floor area (GFA) of all buildings on the lot is approximately 3,161 square feet and 30 percent of the GFA is 948 square feet. The primary area for the home occupation would not exceed 948 square feet of the single-family dwelling.

- **KMC 14.20.230(d)(3) *The home occupation shall be carried on wholly within the principal building, or other buildings which are accessory thereto. Any building used for a home occupation shall be wholly enclosed.***

Findings: The assisted living will occur within the single-family dwelling. This requirement is met.

Fire Code Inspections

Pursuant to KMC 14.20.230(h)(2), *Residences which are the subject of a home occupation permit application (other than day care facilities) may be required to be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to approval of the permit, if the Fire Marshal determines it is necessary for public safety.*

The Fire Marshal conducted an inspection on February 13, 2024 and concluded no violations. A biennial fire code inspection will be required for this HOP. This requirement will be conditioned as part of the approval. For consistency with other HOPs for that requires a biennial fire code inspection, staff is recommending adding a condition that states “Failure to comply with the Fire Code shall be grounds for suspension or revocation of the home occupation permit.”

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.230(e)(4) *Notice of the consideration by the Commission of a home occupation permit application shall be published once at least two (2) days prior to the meeting in a paper of general circulation in the City of Kenai.* The public notice was published on Wednesday, February 21, 2024 in the *Peninsula Clarion*.

At this time, staff has not received any comments.

STAFF RECOMMENDATION

Staff finds that an assisted living for up to two (2) persons in a single-family dwelling located at 5743 Kenai Spur Highway meets the criteria for issuance of a Home Occupation Permit as set forth in Kenai Municipal Code 14.20.230, and hereby recommends that the Planning and Zoning Commission grant the Home Occupation 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 Home Occupation Permit.
2. Upon request, the applicant or applicant’s representative shall meet with City staff for an on-site inspection.
3. A biennial fire code inspection is required by the Fire Marshal.
4. Failure to comply with the Fire Code shall be grounds for suspension or revocation of the home occupation permit.
5. If a sign is proposed, the applicant must obtain a sign permit for the Home Occupation.

ATTACHMENTS

Aerial Map
Application
Business License

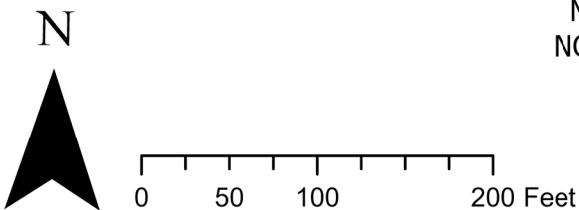


**Home Occupation Permit
Assisted Living for Up to Two (2) Persons
5743 Kenai Spur Highway
KPB Parcel ID: 04909224**



Date Printed: 2/23/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Home Occupation 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:	Joanna Pitsilionis			
Mailing Address:	PO Box 151			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-953-2222			
Email:	gianainc@gmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Breanna Foster			
Mailing Address:	5743 Kenai Spur Highway			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-691-5334			
Email:	blonde969696@yahoo.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04909224
Physical Address:	5743 Kenai Spur Highway, Kenai, AK 99611
Legal Description:	T 5N R 10W SEC 6 SEWARD MERIDIAN KN 0950054 THOMPSON PARK SUBD ONEIL ADDN LOT 1A
Zoning:	Limited Commercial

HOME OCCUPATION DESCRIPTION

(include State Business License and KPB Tax Compliance if applicable for this application)

Home occupation use (attach additional sheets if necessary):

Home occupations are accessory uses conducted so the average neighbor would not be aware of its existence. Describe how the home occupation is compatible with other permitted uses and with the residential character of the neighborhood:

Will you place a sign on the property for your home occupation?
(allowed with an approved sign permit) YES NO

RECEIVED
CITY OF KENAI

FEB 8 2024

Planning & Zoning

HOME OCCUPATION DEVELOPMENT REQUIREMENTS
 (include site plan/floor plan with square footage with this application)

Will no more than one person outside of the family be employed for the home occupation? YES

Will no more than 30% of the gross floor area of all buildings on the lot be used for the home occupation? YES

Will the home occupation take place in a wholly enclosed principal building or other building accessory to the principal building on the property? YES

AUTHORITY TO APPLY FOR HOME OCCUPATION PERMIT: 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 home occupation permit in conformance with Title 14 of the Kenai Municipal Code. I understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff 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:	2/7/2024
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Print Name:	Breanna Foster	Title/Business:	Breanna Foster
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For City Use Only

Fire Inspection Status:
 Date Application Fee Received:
 PZ Resolution Number:

Home Occupation Permit

Home occupation use (attach additional sheets if necessary):

The creation of an assisted living home that serves individuals with developmental and intellectual disabilities. The home is seeking to be licensed for two residents through the state of Alaska assisted living home licensing division. The home's location is 5743 Kenai Spur Highway, Kenai, AK 99611.

Home occupations are accessory uses conducted so the average neighbor would not be aware of its existence. Describe how the home occupation is compatible with other permitted uses and with the residential character of the neighborhood:

Here's how an assisted living home (group home) as a home occupation is compatible with other permitted uses and maintain the residential character of the neighborhood:

Architectural Compatibility: The design, architecture, and landscaping of the assisted living home are compatible with the surrounding neighborhood to enhance visual appeal of the property and not provide a distraction to local property uses.

Safety and Security Protocols: There are security measures in place for safety and security of the home. This includes controlled access, surveillance systems, and emergency response plans per state requirements and regulations. Emergency response policies and procedures for natural disasters, residents, employees, etc. are observed to help enhance the highest level of safety measures for the community and residents. Providing documentation for state officials and licensing boards will be observed and complied with to help enhance safety measures and be in local compliance, and not cause adjoining property and neighborhood to be impaired.

Traffic and Access Management:

Traffic Impact Analysis: Vehicle traffic into the home will not be greater than other residential neighborhoods due to the low number of individuals (two residents) intended to be served by the assisted living home; and policies and procedures set forth by the home to limit unnecessary and noxious traffic concerns/visitors.

Noise Mitigation: Operational policies of the home will be quiet hours - between the hours of 10PM – 6AM. Visiting hours are limited to the hours set forth by the home. Noise mitigation will be observed by no noxious or disturbing noises within the home as to create a disturbance to others.

Property Maintenance:

Commitment to maintaining the assisted living home's property maintenance and appeal to high standards. Regular maintenance, upkeep, and cleanliness contribute to a positive neighborhood environment and help prevent any negative impact on property values.

Low Impact Activities:

Assisted living homes involve low-impact activities that are conducted primarily within the confines of the residence. These activities are aimed at providing care and support to residents rather than generating noise, traffic, or visual disturbance.

Limited External Alterations:

The administrator of the assisted living home is responsive to any concerns raised by neighbors and take proactive measures to address them. Open communication and collaboration help foster a positive relationship between the assisted living home and the surrounding community.

Preservation of Property Values:

By operating discreetly and responsibly, assisted living homes contribute to the preservation of property values and the overall desirability of the neighborhood. Residents receive the care they need while maintaining the residential character of the area.

Positive Social Impact:

Assisted living homes can have a positive social impact by providing essential care and support to vulnerable individuals within the community. This contributes to the overall well-being and cohesion of the neighborhood.

In summary, an assisted living home operating as a home occupation can be compatible with other permitted land uses and maintain the residential character of the neighborhood by conducting low-impact activities, complying with zoning regulations, respecting neighborhood boundaries, and fostering community integration. Through responsible operation and consideration for neighbors, assisted living homes can coexist harmoniously within residential areas.

Assisted living homes operating as home occupations require minimal external alterations to the property. The focus is on providing a comfortable and supportive environment in a residential setting for residents without significantly altering the appearance of the home or surrounding properties.

Respect for Neighborhood Boundaries:

The assisted living home prioritize the privacy and well-being of residents while respecting the boundaries of neighboring properties. Activities are conducted discreetly to minimize any potential impact on nearby residents.

Community Integration:

Group homes strive to integrate residents into the community while operating within the confines of the home. This may involve participating in neighborhood events, engaging with local organizations, and promoting a sense of belonging among residents.

Professional Staffing and Training:

The assisted living home has competent staff/administrator who are trained and qualified and experienced in providing care and support to individuals with specific needs. This ensures that the operation is conducted in a professional manner that aligns with the expectations of the neighborhood.

Administrator Qualifications	General Staffing Requirements
Baccalaureate or higher degree in gerontology, health administration, or another health-related field that meets the Departments satisfaction. OR	Proof that caregivers, employees, and household members are free from active Tuberculosis.
Completion of Certified Nurse Aide approved by Board of Nursing and one year of relevant experience. OR	Must have on duty a care provider current with CPR and First Aid.
Completion of an approved management or administrator training courses (Alaska Core Competencies) and have at least one year of documented experience, relevant to the population of residents to be served, as a care provider. If you find one submit to the Department for approval. OR	Must work with direct supervision for three documented working days unless they have previous working experience with population.
Two years of documented experience relevant to the population. OR	Must be oriented to the assisted living home's policies and procedures within 14 days of employment.
Sufficient documented experience in an out-of-home care facility w/ training, education and experience to be able to fulfill the duties of an Administrator.	Must provide: Three (3) character references, two (2) employment references, and pass a background check clearance.

Responsive to Neighborhood Concerns:

Fireweed Ln

Dogwood Rd

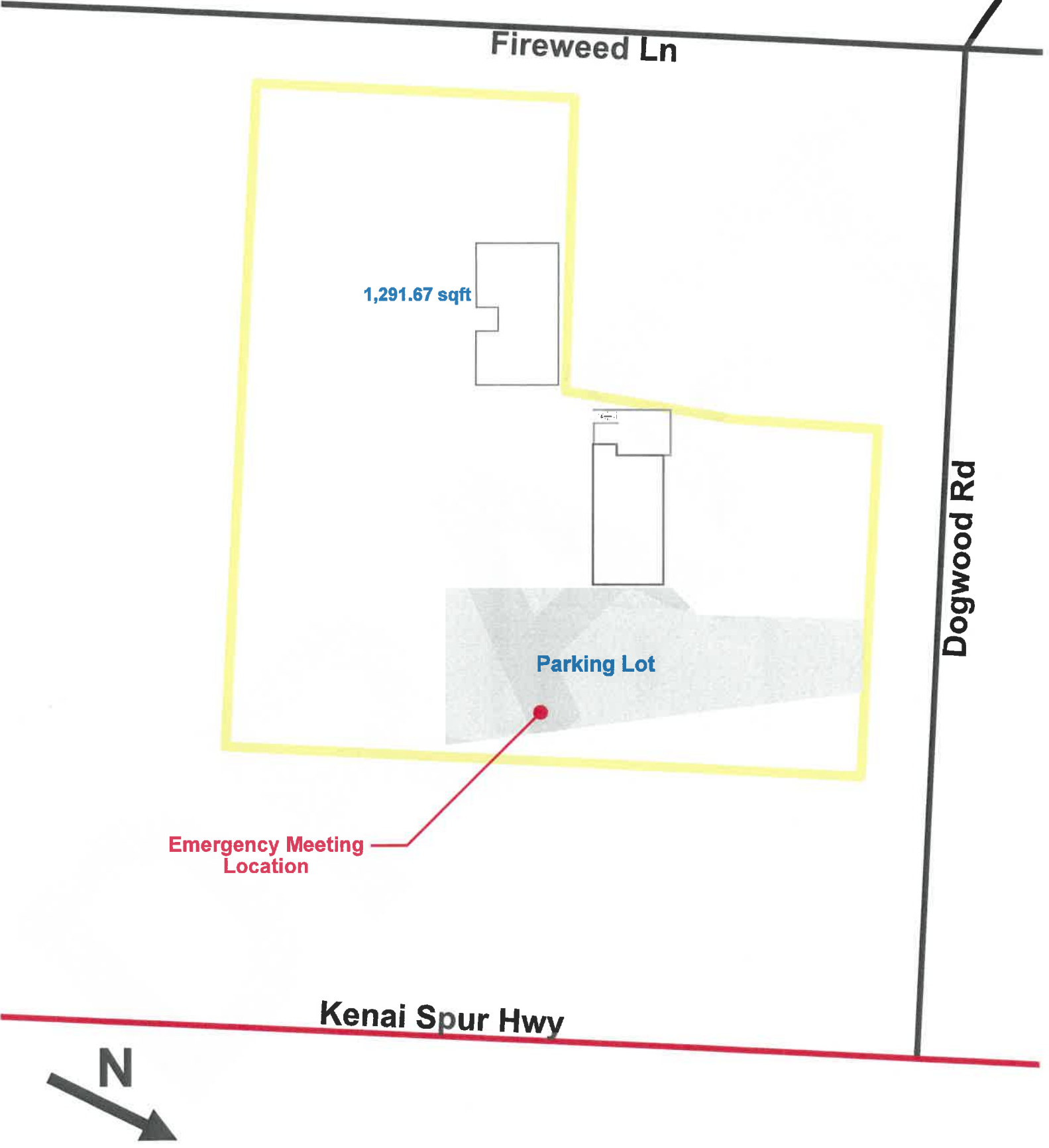
1,291.67 sqft

Parking Lot

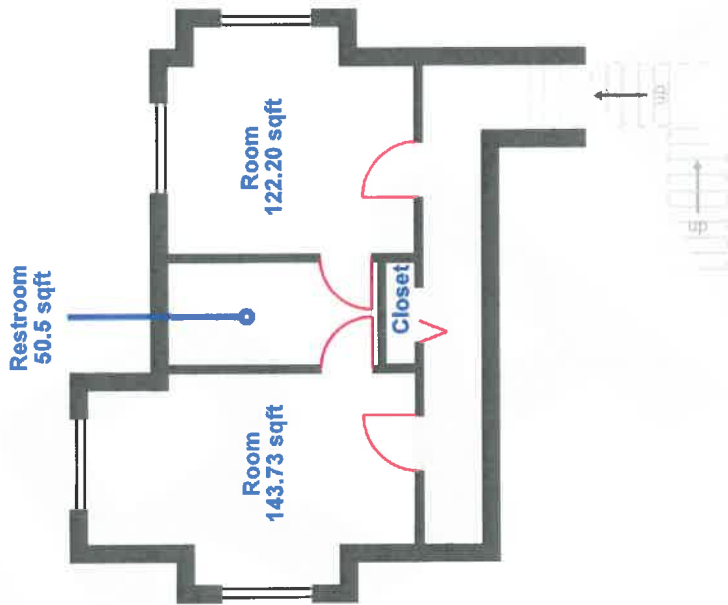
Emergency Meeting Location

Kenai Spur Hwy

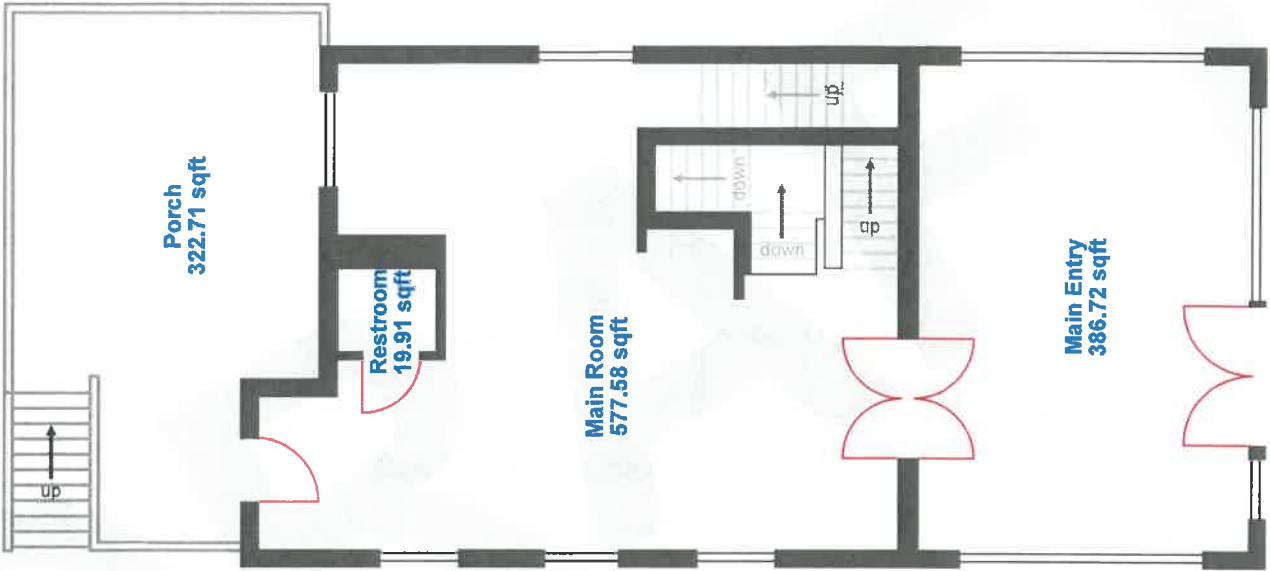
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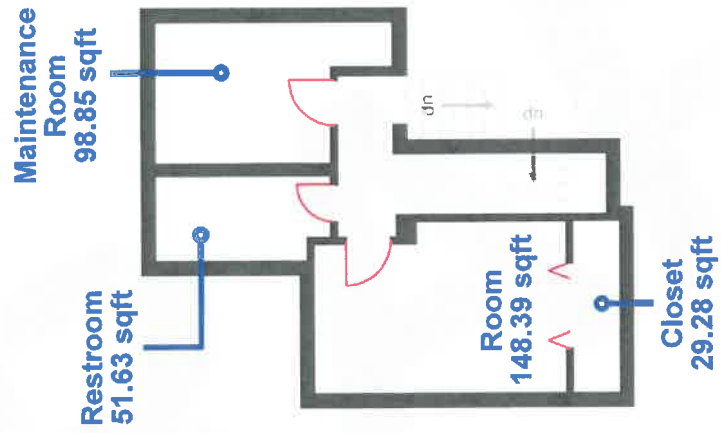
2nd Level



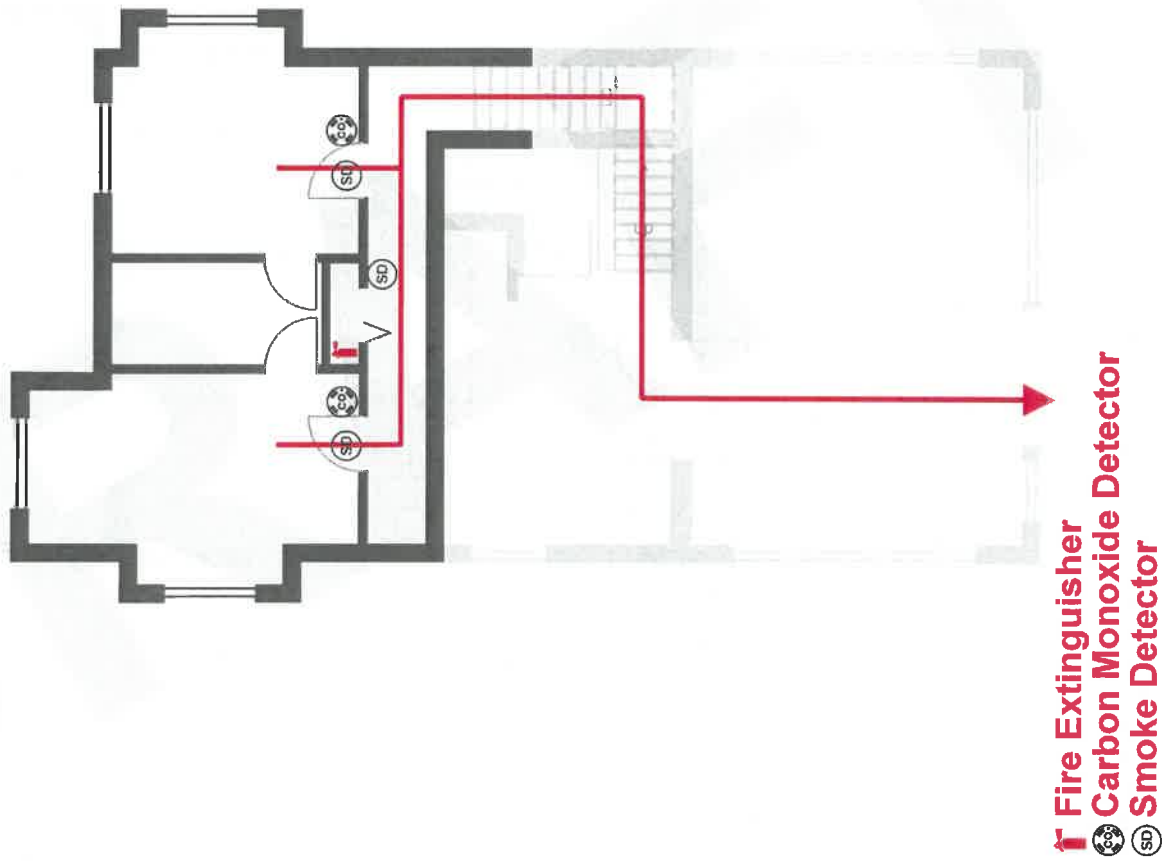
Ground Level



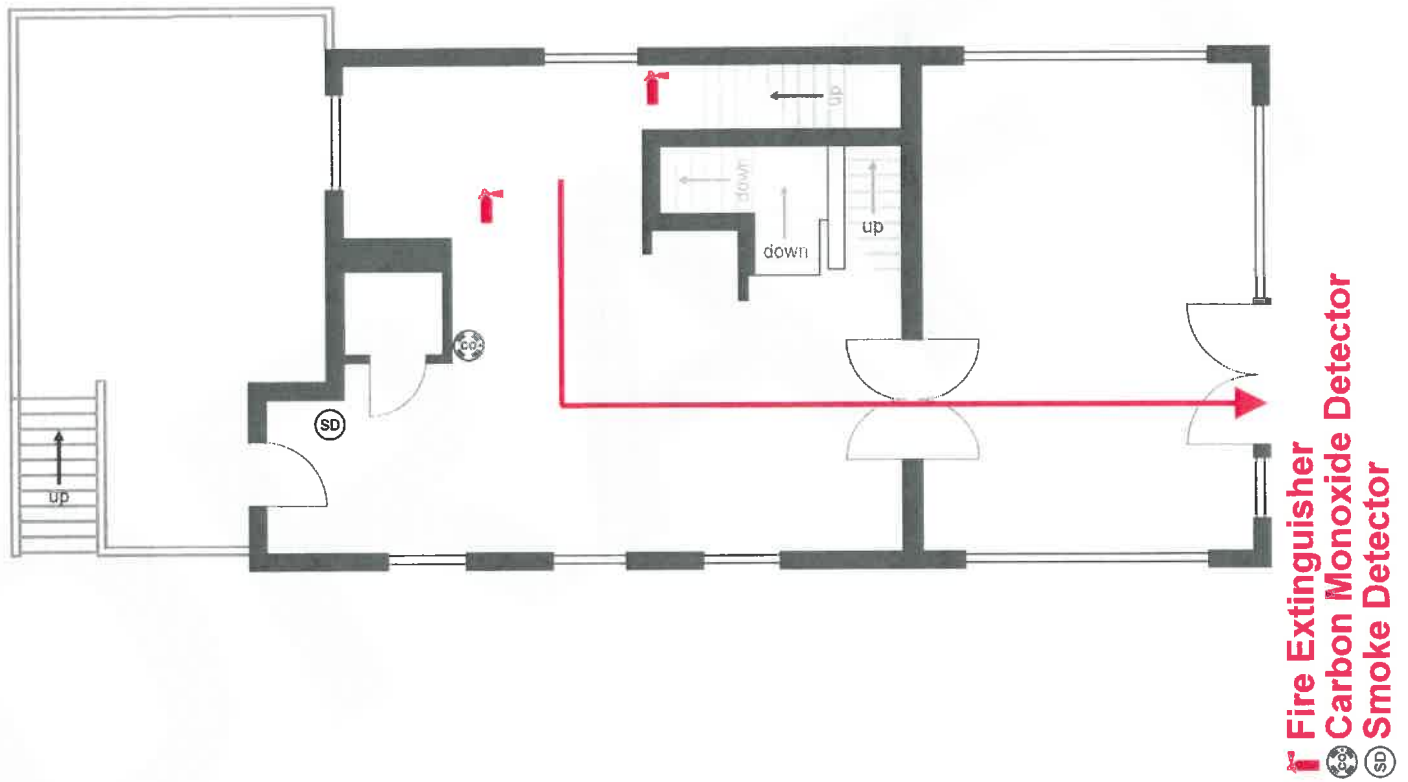
Basement



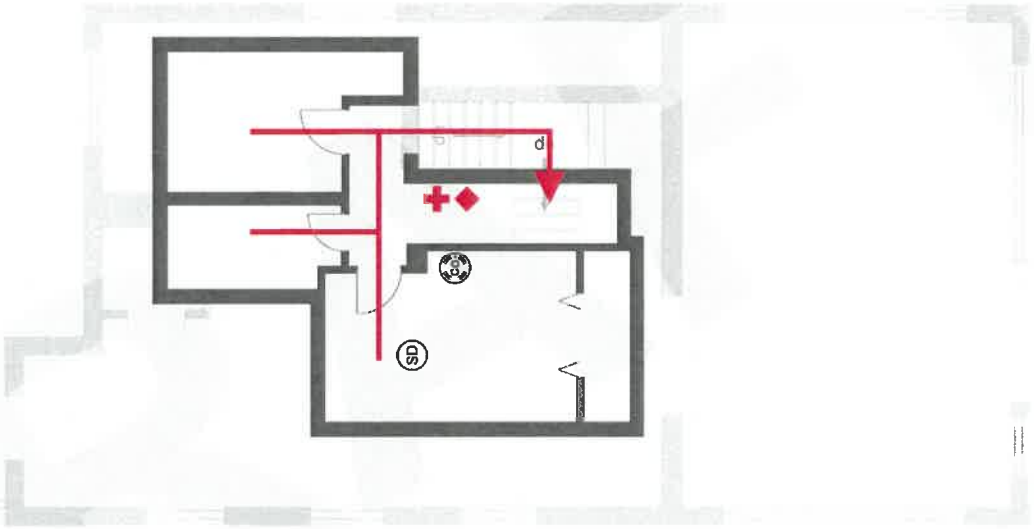
2nd Level



Ground Level



Basement



- +** First Aid Kit
- ◆** Disaster Kit
- ↑** Fire Extinguisher
- 🌐** Carbon Monoxide Detector
- SD** Smoke Detector

Alaska Department of Commerce, Community, and Economic Development

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

This is to certify that

Hunny Bunny's ALH, LLC

5743 KENAI SPUR HWY, KENAI, AK 99611

owned by

Hunny Bunny's ALH, LLC

is licensed by the department to conduct business for the period

January 19, 2024 to December 31, 2025
for the following line(s) of business:

62 - Health Care and Social Assistance



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

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

Julie Sande
Commissioner



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, February 26, 2024

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request - NONE
2. Planning Commission Resolutions - NONE
3. Plats Granted Administrative Approval

- [KPB-5819](#)
- a. Bidarki Creek No. 5; KPB File 2022-160R1
 - b. Gateway Subdivision Hilltop Addition; KPB File 2023-014
 - c. Soldotna Airport Lease Lot 2021 Replat; KPB File 2022-048
 - d. Strawberry Acres 2022 Replat; KPB File 2022-025

Attachments: [C3. Admin Approvals Packet](#)

4. Plats Granted Final Approval (KPB 20.10.040) - NONE
5. Plat Amendment Request - NONE
6. Commissioner Excused Absences - NONE
7. Minutes

[KPB-5820](#) February 12, 2024 PC Meeting Minutes

Attachments: [C7. 021224 PC Meeting Minutes](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-5821](#) Ordinance 2023-XX; Authorizing a negotiated lease with Davis Block & Concrete Company for concrete batch plant operations in support of the Sterling Highway MP 45-60 construction project near Cooper Landing.

Attachments: [E1. ORD Davis Block Lease Packet](#)

-
2. [KPB-5822](#) Street Naming Resolution 2023-02
Petitioner: Kenai Peninsula Borough
Request: Renaming Aspen Court to Aspen Lane
Nikiski Area
- Attachments:* [E2. SN Resolution 2024-02 Packet](#)
3. [KPB-5823](#) Conditional Use Permit; PC Resolution 2024-0
Petitioner; Castaway HOA
Request: To install a footbridge on pilings within the 50-foot Habitat
Protection District of the Kenai River.
Location: PINs 055-255-47 & 055-253-42
Soldotna Area
- Attachments:* [E3. CUP Castaway Cove Footbridge 2024-04 Packet](#)
4. [KPB-5824](#) Utility Easement Vacation; KPB File 2024-008V
McLane Consulting Group / Ehmann & Kenai Peninsula Borough
Request; Vacates the westerly approximately 260' by 20' portion of a
utility easement & rededicated a 10' utility easement along Wilson
Lane & Reger Avenue.
City of Soldotna
- Attachments:* [E4. UEV Airport Subdivision 2023 Replat Packet](#)
5. [KPB-5825](#) Skyline Heights Estates Kachemak Landing Airpark; KPB File
2023-142
Seabright Surveying / Kachemak Landing, LLC
Location: Near Sterling Highway & Aviation Way
Diamond Ridge Area / Kachemak Bay APC
- Attachments:* [E5. Skyline Heights Estates Kachemak Landing Airpark Packet](#)

F. PLAT COMMITTEE REPORT - Committee will review 12 plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, March 25, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Meeting Agenda Plat Committee

Monday, February 26, 2024

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-5804](#) February 12, 2024 Plat Committee Minutes

Attachments: [C3. 021224 Plat Committee Minutes](#)

4. Grouped Plats

[KPB-5787](#) E2. Kasilof Alaska Subdivision 2023 Replat; KPB File 2023-147
E3. Ninilchik River Estates Wilson 2023 Addition; KPB File 2023-124
E4. Willard's Legacy; KPB File 2024-011
E5. 5 D Subdivision; KPB File 2024-012
E9. Shamrock Subdivision No. 3; KPB File 2024-015
E10. City Park Subdivision Replat 2023; KPB File 2023-145
E11. Strawberry Hill Estates 2023 Addition; KPB File 2024-016
E12. Jake Estates ROW Replat; KPB File 2023-115

Attachments: [C4. Grouped Plats](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5805](#) Three Ponds Subdivision; KPB File 2024-006
Fixed Height LLC / Warner
Location: MP 103 Sterling Highway
Kalifornsky Area

Attachments: [E1. Three Ponds Sub Packet](#)

2. [KPB-5806](#) Kasilof Alaska Subdivision 2023 Replat; KPB File 2023-147
Johnson Surveying / Hallstead, Coyle
Location: Old Setnetter Drive off Kalifornsky Beach Road
Kalifornsky Area

Attachments: [E2. Kasilof Alsaka Subdivision 2023 Replat Packet](#)

3. [KPB-5807](#) Ninilchik River Estates Wilson 2023 Addition; KPB File 2023-124
Johnson Surveying / Wilson
Location: Garrison Ridge Road & Wild Salmon Way off Oil Well Road
Ninilchik Area

Attachments: [E3. Ninilchik River Estates Wilson 2023 Addition Packet](#)

4. [KPB-5808](#) Willard's Legacy; KPB File 2024-011
Seabright Surveying / Jones, Cissney
Remote Location
Fox River Area

Attachments: [E4. Willard's Legacy Packet](#)

5. [KPB-5809](#) 5 D Subdivision; KPB File 2024-012
Edge Survey & Design LLC / Dunbar
Location: Birch Street & First Avenue
City of Kenai

Attachments: [E5. 5 D Subdivision Packet](#)

6. [KPB-5810](#) River Quest Phase 3, KPB File 2024-013
Edge Survey & Design LLC / Nash
Location: Porter Road, Brooklyn Avenue & Caden Circle
Kalifornsky Area

Attachments: [E6. River Quest Phase 3 Packet](#)

7. [KPB-5812](#) Cottonwood Subdivision Jose Replat; KPB File 2024-003
Edge Survey & Design LLC / Jose
Location: Miracle Avenue & Tundra Rose Circle
Soldotna Area

Attachments: [E7. Cottonwood Subdivision Jose Replat Packet](#)

8. [KPB-5813](#) Bear Cove Airpark Addition; KPB File 2024-014
McLane Consulting Group / Kersten
Location: Pomeroy Road
Remote Area

Attachments: [E8. Bear Cove Airpark Addition Packet](#)

9. [KPB-5814](#) Shamrock Subdivision No. 3; KPB File 2024-015
McLane Consulting Group / Heite
Location: Effie Street
Nikiski Area / Nikiski APC

Attachments: [E9. Shamrock Subdivision No 3 Packet](#)

10. [KPB-5816](#) City Park Subdivision 2023 Replat; KPB File 2023-145
McLane Consulting Group
Evenson, Boys & Girls Club of the Kenai Peninsula
Location: S. Spruce Street
City of Kenai

Attachments: [E10. City Park Subdivision 2023 Replat Packet](#)
11. [KPB-5817](#) Strawberry Hill Estates 2023 Addition; KPB File 2024-016
McLane Consulting Group / Bunts
Location: Wortham Avenue & Devray Street
City of Kenai

Attachments: [E11. Strawberry Hill Estates 2023 Addition Packet](#)
12. [KPB-5818](#) Jake Estates ROW Replat; KPB 2023-115
McLane Consulting Group / Asimakopoulos
Location: Paulk Avenue
Kalifornsky Area

Attachments: [E12. Jake Estates ROW Replat Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, March 25, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KPB 2.40.080.



Kenai City Council - Regular Meeting

February 21, 2024 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

1. John Williams, CIRCAC Reappointment

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

E. PUBLIC HEARINGS

1. **ENACTED AS AMENDED UNANIMOUSLY. Ordinance No. 3391-2024** - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use. (Knackstedt)
2. **POSTPONED TO MARCH 20, 2024. Ordinance No. 3392-2024** - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District. (Knackstedt)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3393-2024** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3394-2024** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding to the Street Lights Repair and Maintenance Operational Budget. (Administration)
5. **FAILED TO ENACT. Ordinance No. 3395-2024** - Increasing Estimated Revenues and Appropriations in the General Fund for Radio Advertising and Approving Council Policy 20.030-Radio Advertising for Public Meetings and Elections. (Douthit)

6. **ENACTED UNANIMOUSLY. Ordinance No. 3396-2024** - Amending Kenai Municipal Code 4.31.015 - Local Amendments to the 2009 International Fuel Gas Code for Housekeeping Purposes. (Administration)
7. **ENACTED UNANIMOUSLY. Ordinance No. 3397-2024** - Increasing Estimated Revenues and Appropriations in the Water Sewer Capital Project Fund for the Cemetery Creek Culvert Replacement Project and Accepting a Donation from the Kenai Foundation in Support of the Project. (Administration)
8. **ENACTED AS AMENDED UNANIMOUSLY. Ordinance No. 3398-2024** - Amending Kenai Municipal Code Title 6 - Elections, to Enhance Consistency, Promote Efficiencies and Make Housekeeping Changes. (City Clerk)
9. **ENACTED UNANIMOUSLY. Ordinance No. 3399-2024** - Awarding a Service Contract for Airport Security Guard Services at The Kenai Municipal Airport and Increasing Estimated Revenues and Appropriations in the Airport Fund for Costs in Excess of Budgeted Amounts. (Administration) *[KMC 1.15.070(d)]*
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Enactment (Requires Five Affirmative Votes)

F. MINUTES

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

G. UNFINISHED BUSINESS

1. **POSTPONED TO MARCH 6, 2024. Resolution No. 2024-05** - Amending the Employee Classification Plan by Reclassifying the Public Works Building Official/Manager to a Building Official and Adjusting the Range for this Class. (Administration) *[At the 02/07/24 Council Meeting, this item was postponed to 02/21/24]*

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Authorizing a Memorandum of Agreement with Greatland Consulting and Training LLC. for Use of the Alaska Regional Fire Training Facility. (Administration)
3. ***Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)
4. ***Action/Approval** - Confirmation of Mayoral Nomination of John Williams for Appointment as City of Kenai Representative to the Cook Inlet Regional Citizens Advisory Council Board. (Mayor Gabriel)
5. ***Action/Approval** - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility License for Grateful Bud LLC, DBA Grateful Bud LLC - License No. 16474. (City Clerk)
6. ***Ordinance No. 3400-2024** - Increasing Estimated Revenues and Appropriations in the Airport Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's Airport Fund. (Administration)
7. ***Ordinance No. 3401-2024** - Increasing Estimated Revenues and Appropriations in the General Land Sale Permanent Fund to Transfer Earnings in Excess of Budgeted Amounts to the City's General Fund. (Administration)

8. **APPROVED UNANIMOUSLY. Action/Approval** - Special Use Permit to Nilchil Solutions, LLC for an Off-Premise Sign on City-Owned Property Described as Tract B, Gusty Subdivision Addition No. 2 Located at 11631 Kenai Spur Highway. (Administration)
9. **SCHEDULED FOR APRIL 3, 2024 @ 4:30 P.M. Discussion/Action** - Scheduling a Work Session for the Purpose of Discussing the Emergency Services Facility Improvements as Presented in the CIP Plan. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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

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

<https://us02web.zoom.us/join/register/tZcpdeuuqD4tH9wI8B9r7IU7fz6tyl1FS9Bl>