



Kenai Planning & Zoning Commission -
Regular Meeting

June 14, 2023 – 7:00 PM

Kenai City Council Chambers
210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 24, 2023

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 PZ2023-10** - Recommending Approval for Preliminary Plat - Reutov Subdivision to Subdivide a Parcel into Four (4) Lots Located at 106 Lawton Drive (Parcel ID: 04902008) in the Suburban Residential (RS) Zoning District.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-09** – Granting a Conditional Use Permit (CUP) to Allow for Lodging on the Property Located at 1534 Stellar Drive (Parcel ID: 04714032) in the Suburban Residential (RS) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the May 24, 2023 Regular Meeting - Coston.

2. ***Action/Approval** – Time Extension for Compliance with Conditions in Resolution PZ2022-14 for a Restaurant/Brewery on the Property Located at 800 Childs Avenue (Parcel ID: 04901138) in the Heavy Industrial (IH) Zoning District.

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 28, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

1. Kenai Public Open House Flyer

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85422428250>

Meeting ID: 854 2242 8250 **Passcode:** 789349

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

Meeting ID: 854 2242 8250 **Passcode:** 789349

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 24, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on May 24, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston
Gwen Woodard

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

John Coston

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk
Alex Douthit, Council Member

3. Agenda Approval

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda as presented. Commissioner Woodard **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the consent agenda. Commissioner Woodard **SECONDED** the motion.

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

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

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 April 26, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS

1. Dale Meck, FEMA Flood Map Updates

Dale Meck provided a presentation explaining recent updates to FEMA Flood Maps.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS - None.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-07** – Granting a Conditional Use Permit (CUP) to Allow for a Recreational Vehicle (RV) Park Expansion, Event Venue, and Public Market on Properties Located at approximately 810 Childs Avenue (Parcel IDs: 04901401, 04901402, and 04901403) in the Heavy Industrial (IH) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-07. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicants intend to expand on an existing RV park, and add an event venue and public market area. It was noted that the previous conditional use permit (CUP) also included boat storage and cabin rentals, but those uses have ceased and would not be part of the new permit. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the original conditions in the CUP (Resolution No. PZ05-34) and 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. A traffic mitigation plan will be implemented in coordination with applicable City departments when traffic circulation/flow becomes an issue with adjacent properties and neighborhood due to the uses on the premises.
4. Provide a minimum 10-foot buffer strip from the interior lot lines to ensure RV space occupants are protected from noise and privacy from the surrounding commercial or industrial uses.
5. Prior to the established operation of an event venue and public market, consult with the Public Works Department on any potential or required improvements to Childs Avenue and any additional demand on existing onsite water system and sewer collection system.
6. RV space occupants or visitors of the RV Park, event venue, and public market are prohibited from using the City Dock bathrooms unless they are actively using the City Dock, such as boat

launching. It is the responsibility of the property owner and operator of the RV Park, event venue, and public market to ensure all occupants and visitors are aware of this restriction.

7. The RV park is not to become a nuisance to surrounding properties. The RV park must control dust, shield lighting from other properties, prohibit loud noises and maintain a clean and orderly appearance free from refuse.

Applicant Matthew Moffis noted he was available for questions.

Chair Twait opened for public hearing.

Director Mitchell noted that Will Jahrig had called in to express support and discuss concerns regarding improvements to Child's Avenue.

Becky Jahrig expressed concern about speed limit along Bridge Access, pointing out that the speed limit may be excessive with increased use in the area.

Robert Peterkin agreed with the previous comments regarding the speed limit, and suggested installing a traffic light at Beaver Loop. He also expressed concerns about potential complications of restricting guests from using City bathrooms.

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

Discussion involved why the bathroom near the boat launch is restricted from public use and how this will be enforced; it was clarified that bathroom requirements for the RV park will be determined as part of the landscape site plan. In response to questions from the commission, Mr. Moffis clarified that the boat launch is currently not functional and will be blocked off from use, and that the RV park will be seasonal while the other buildings such as event space will be operated year-round. Director Mitchell discussed how future development in the waterfront area can be streamlined with rezoning.

VOTE:

YEA: Halstead, Glendening, Greenberg, Woodard, Fikes, Twait

NAY: None

ABSENT: Coston

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

2. **Resolution PZ2023-08** – Granting a Conditional Use Permit (CUP) to Allow for a Recreational Vehicle (RV) Park on Properties Located at 1088 and 1120 Bridge Access Road (Parcel IDs: 04901312 and 04901313) in the Heavy Industrial (IH) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-08. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant proposes to operate a new RV park with 50 spaces, although the number of spaces is subject to change based on a landscape site plan review. It was noted that a coffee shop is also proposed on the east side of the property, but is not included in the current CUP application because it is an allowed use in the zone. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval 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 operation of the RV park, the two (2) subject parcels must be consolidated or merged.

4. A traffic mitigation plan will be implemented in coordination with applicable City departments when traffic circulation/flow becomes an issue with adjacent properties and neighborhood due to the use.
5. Provide a minimum 10-foot buffer strip from the interior lot lines to ensure RV space occupants are protected from noise and privacy from the surrounding commercial or industrial uses.
6. Prior to the operation of the RV park, consult with the Public Works Department on any potential or required improvements to Childs Avenue and any requirements for onsite water system and sewer collection system.
7. The RV park is not to become a nuisance to surrounding properties. The RV park must control dust, shield lighting from other properties, prohibit loud noises and maintain a clean and orderly appearance free from refuse.

Robert Peterkin, a representative for applicant Duke Hardcastle, noted that the coffee shop is owned by Elizabeth Peterkin. He explained that an RV dump station will be provided.

Chair Twait opened for public hearing.

Elizabeth Peterkin, owner of 1882 Brew, explained that she started her coffee shop as a seasonal business at the Kasilof dock and will be moving it to 1120 Bridge Access Road to operate year-round. She expressed excitement for the new RV park.

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

Approval was expressed; further discussion included the Department of Transportation's knowledge of upcoming development in the area that will affect vehicle and pedestrian traffic patterns, the need to review and plan for trails and traffic flow as part of the waterfront study, maintenance of Child's Avenue, and the suggestion of installing a traffic light at Beaver Loop.

VOTE:

YEA: Woodard, Fikes, Twait, Halstead, Glendening, Greenberg

NAY: None

ABSENT: Coston

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Council Member Douthit reported on the actions of the May 17, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the May 8, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Reviewed remote participation code.
 - Seeing a lot of interest in opening businesses, with an increase in applications for development permits.
 - Storefront & Streetscape Improvement Program will be finalized in the next week.
 - Acquiring new permitting software sooner than expected.

- Hazard Mitigation Plan will be amended to include spruce beetle kill and National Floodplain Insurance Program.
- A previously approved CUP for lodging is having difficulty meeting a condition added by the commission but is proactively addressing it and working with the City.
- Proposed code amendments regarding junk/abandoned vehicles and illegal dumping may come before the commission.
- Discussion with the commission on holding a work session on code amendments for accessory structures.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 14, 2023

N. COMMISSION COMMENTS AND QUESTIONS

Commissioner Glendening noted the good work on upcoming waterfront development.

Commissioner Woodard recognized the passing of Harbor Commissioner Christine Hutchison for her service to the City of Kenai and the State of Alaska.

Vice Chair Halstead commended Director Mitchell and staff for their hard work.

Commissioner Greenberg noted that he was sorry to hear about Christine Hutchison's passing.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:37 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of May 24, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-10**

A RESOLUTION **RECOMMENDING** THAT REUTOV SUBDIVISION PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESS: 106 Lawton Drive

LEGAL DESCRIPTION: Beginning at the U.S. Land Survey Iron Monument which marks the Northwest corner of Section 4, Township 5 North, Range 11 West, Seward Meridian: Thence East, 190 feet to the POB; Thence East, 208 feet; Thence South, 248 feet; Thence West, 208 feet; Thence North, 208 feet to the POB, Excluding Therefrom the North 40 feet.

KPB PARCEL NUMBER: 04902008

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. on behalf of the property owner, Savaty Reutov; and,

WHEREAS, the plat meets Kenai Municipal Code preliminary plat requirements and development requirements for the Suburban Residential (RS) zoning district; and

WHEREAS, street names are referenced correctly; and,

WHEREAS, the subdivided lots will have access via Lawton Drive, which is a City-maintained road; and

WHEREAS, City water and sewer lines are available along Lawton Drive; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 *Minimum lot area requirements*, the proposed lots meet City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to Kenai Municipal Code 14.24.020 *General Requirements*, the proposed lots meet City standards for minimum lot width and 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 the preliminary plat of Reutov Subdivision be approved subject to the following condition.

1. Update the City of Kenai's City Manager name under the Certificate of Acceptance section.
2. Place the following note on the plat: The 20-foot wide access portion of the flag lots (Lots 3 and 4) must be unobstructed and maintained for emergency access.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 14th day of June, 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 *LM*
DATE: June 9, 2023
SUBJECT: Resolution No. PZ2023-10 – Preliminary Plat – Reutov Subdivision

Request The applicant is proposing a preliminary plat to subdivide one (1) lot into four (4) lots.

Staff Recommendation Adopt Resolution No. PZ2023-10 recommending approval for a Preliminary Plat – Reutov Subdivision to subdivide a parcel described by metes and bounds into four (4) lots.

Applicant: Segesser Surveys, Inc.
Attn: John Segesser
30485 Rosland Street
Soldotna, AK 99669

Property Owner: Savaty Reutov

Legal Description: Beginning at the U.S. Land Survey Iron Monument which marks the Northwest corner of Section 4, Township 5 North, Range 11 West, Seward Meridian: Thence East, 190 feet to the POB; Thence East, 208 feet; Thence South, 248 feet; Thence West, 208 feet; Thence North, 208 feet to the POB, Excluding Therefrom the North 40 feet.

Property Address: 106 Lawton Drive

KPB Parcel No.: 04902008

Lot Size (acreage): 0.99

Zoning: Suburban Residential (RS)

Current Use: Vacant

Proposed Use: Multi-Family Dwelling

Land Use Plan: Suburban Residential (SR)

Associated Permit(s): Building Permit for a Triplex (under review)

SUMMARY

The proposed preliminary plat will subdivide an approximately 0.99-acre parcel described by metes and bounds into four (4) lots with each lots ranging between 8,755-12,937 square feet (0.201-0.297 acre). The subject parcel is a treed vacant lot located in the southeast corner of Walker Lane and Lawton Drive. Surrounding properties are residential uses to the west, vacant city-owned property to the north, and vacant lots to the east and south.

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 subdivision meets the preliminary plat requirements and development requirements for the Suburban Residential (SR) zoning district. The subdivided lots will have access via Lawton Drive, which is a City-maintained road. City water and sewer lines are available along Lawton Drive. An installation agreement is not required.

The proposed preliminary plat meets the general standards of KMC Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Reutov Subdivision meets the general standards of Kenai Municipal Code, 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. PZ2023-10 to Kenai Peninsula Borough, subject to the following condition.

1. Update the City of Kenai's City Manager name under the Certificate of Acceptance section.
2. Place the following note on the plat: The 20-foot wide access portion of the flag lots (Lots 3 and 4) must be unobstructed and maintained for emergency access.

ATTACHMENTS

Aerial Map
Application with Certificate of Plat
Preliminary Plat, Reutov Subdivision

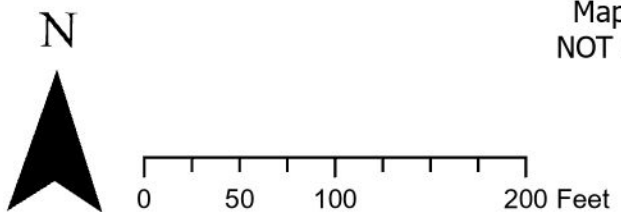


Resolution No. PZ2023-10
Preliminary Plat - Reutov Subdivision
106 Lawton Drive
KPB Parcel ID: 04902008



Date Printed: 6/9/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





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:	Segesser Surveys Inc						
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-262-3909, 907-252-3421						
Email:	seggy@ptialaska.net						

PROPERTY OWNER

Name:	Savaty Reutov						
Mailing Address:	P.O. Box 826	City:	Sterling	State:	AK	Zip Code:	99672
Phone Number(s):							
Email:	savatyreutov@yahoo.com						

PROPERTY INFORMATION

Property Owner Name:	Savaty Reutov						
Current City Zoning:	Urban 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:	Reutov Subdivision						
Revised Preliminary Plat Name:							
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No				
Street Name (if vacating ROW):							

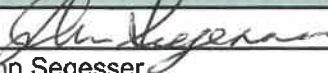
Exceptions Required and Requested:

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:	 PRESIDENT	Date:	4-27-23
Print Name:	John Segesser	Title/Business:	Segesser Surveys Inc

Stewart Title of the Kenai Peninsula, Inc.

35096 Kenai Spur Hwy.
Soldotna, AK 99669

Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

Segesser Surveys, Inc.
30485 Rosland
Soldotna, AK 99669
Attention: John Segesser

File Number: 22770
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of March 16, 2023 at 8:00 A.M. for a plat out of the following property:

All that part of the Northwest one-quarter (NW1/4) of Section 4, Township 5 North, Range 11 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska, bounded and described as follows: Beginning at the U.S. Land Survey Iron Monument which marks the Northwest corner of Section 4, Township 5 North, Range 11 West, Seward Meridian: Thence East, a distance of 190 feet to point of beginning and Corner No. 1; Thence East, a distance of 208 feet to Corner No. 2; Thence South, a distance of 248 feet to Corner No. 3; Thence West, a distance of 208 feet to Corner No. 4; Thence North, a distance of 248 feet to the point of beginning, the same being a portion of the original Delta Calvin Walker Homestead, Patent No. 1137176...

The Company certifies that record title is vested in

Savaty Reutov, 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: November 28, 1984
Volume/Page: 251/343
and Corrected Patent
Recorded: October 11, 2018
Serial No.: 2018-009051-0
3. **TAXES AND ASSESSMENTS**, if any, due the Kenai Peninsula Borough.
4. **SUBJECT TO A ROAD RESERVATION** of 33 feet along each side of the section line as created by 43 U.S.C. 932.
5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: April 12, 1954
Volume/Page: Misc. 1/20
Granted To: Kenai Power Corporation
Affects: General Easement, no definite location disclosed

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

6. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: roadway
In Favor Of: Public
Recorded: May 31, 1961
Volume/Page: 18/418
Affects: North 40 feet

7. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: roadway
In Favor Of: Public
Recorded: December 30, 1964
Volume/Page: 31/53
Affects: North 40 feet

8. **AN OIL AND GAS LEASE** affecting the above interest under the terms, covenants and conditions therein provided:
Lessor: City of Kenai
Lessee: Union Oil Company of California
Recorded: September 15, 1978
Volume/Page: 132/79

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

9. **GAS STORAGE LEASE**, including the terms and conditions therein:
Recorded: May 20, 2011
Serial No.: 2011-004774-0

10. **RIGHTS** of the public and/or government agencies in and to any portion of said land included within the boundaries of Lawton Drive.

11. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:
Recorded: March 10, 2023
Volume/Page: 2023-001534-0
Reserved by: Carrie Hollier, a married woman
Language setting out reservation: Reserving unto grantor all oil, gas and mineral rights

12. **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: \$32,000.00
Dated: February 7, 2023
Recorded: March 10, 2023
Serial No.: 2023-001535-0
Trustor: Savaty Reutov, a married person
Trustee: Stewart Title of the Kenai Peninsula, inc.
Beneficiary: Carrie Hollier, a married woman

THE AMOUNT NOW SECURED by said Deed of Trust and the terms upon which the same can be discharged or assumed should be ascertained from the holder of the indebtedness secured.

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.

LEGEND:

- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊙ N 1/16 POS. 2" ALUM. CAP FOUND
- ⊙ 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- () RECORD DATUM PLAT 84-305 KR D

NOTES:

- 1) Basis of bearing taken from Sprucewood Glen Subdivision No. 2, Plat KN 84-305, Kenai Recording District.
- 2) This plot is subject City of Kenai zoning regulations.
- 3) Easements comprising the North 40 feet of this property granted to the Public for a public roadway are recorded in Book 18 Page 418 and Book 31 Page 53 Kenai Recording District.
- 4) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 1 Page 20, Kenai Recording District. No definite location disclosed.
- 5) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

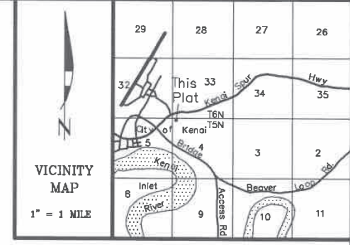
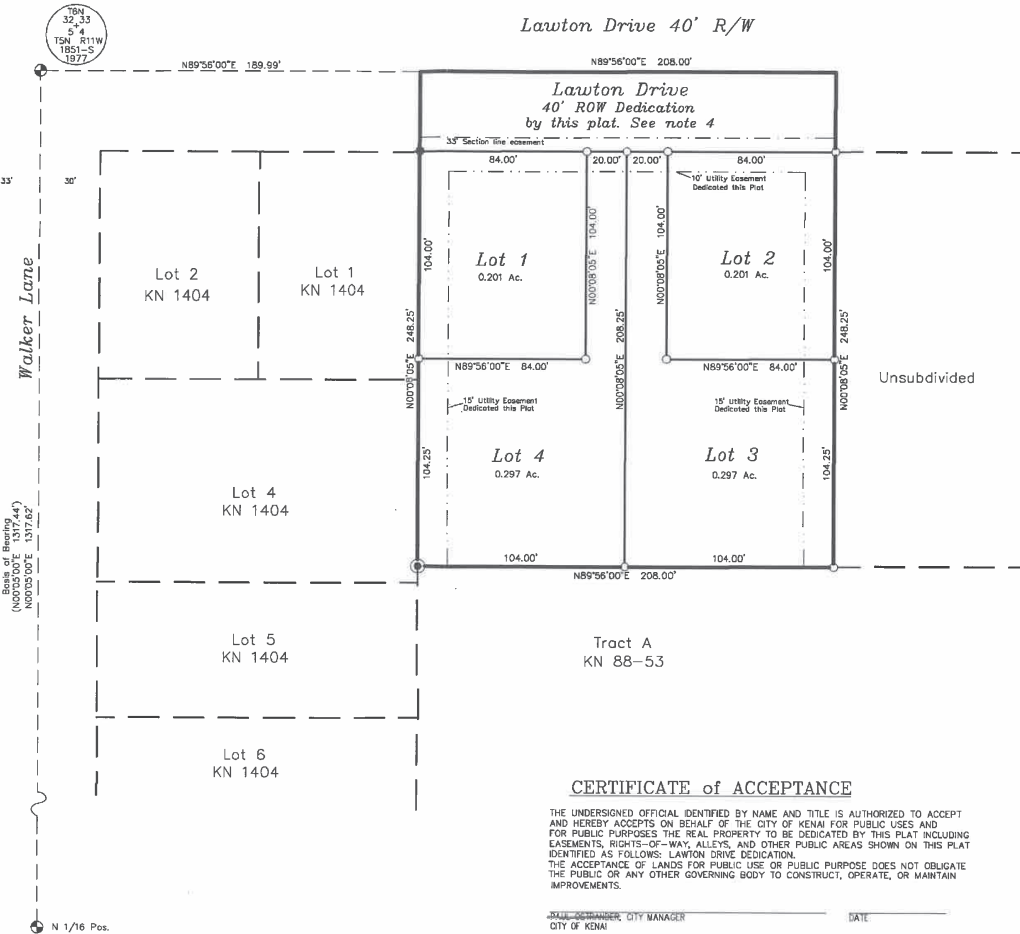


SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat 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.

Date _____

Tract 1A
KN 84-305



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 BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

SAVATY REUTOV
P.O. BOX 828
STERLING, AK 99672

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL _____

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: LAWTON DRIVE DEDICATION.
THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

JOHN SCHMIDT, CITY MANAGER
CITY OF KENAI
DATE: _____

KPB FILE No. _____

Retov Subdivision

A Subdivision of property more particularly described as follows: Beginning at the Northwest corner of Section 4, T5N, R11W, S.M.; thence, East 190 feet to the Point of Beginning and Corner Number 1; thence, East 208 feet to Corner Number 2; thence, South 248 feet to Corner Number 3; thence, West 208 feet to Corner Number 4; thence, North 248 feet to the Point of Beginning, the same being a portion of the original Delta Calvin Walker Homestead, Patent No. 1137176.
Located within the NW1/4 NW1/4 Section 4, T5N, R11W, S.M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 1.185 Acres	
Surveyor Segesser Surveys 50485 Roaland St. Soldotna, AK 99669 (907) 262-3909	Owner Savaty Reutov P.O. Box 828 Sterling, AK 99672
JOB NO. 23036	DRAWN: 4-27-23
SURVEYED: March 2023	SCALE: 1"=30'
FIELD BOOK: 23-1	SHEET: 1 of 1



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-09**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR LODGING OF THE 3-BEDROOM SINGLE-FAMILY DWELLING.

APPLICANTS: John Kennedy and Mary Kennedy

PROPERTY ADDRESS: 1534 Stellar Drive

LEGAL DESCRIPTION: Lot 17, Block 5 of Redoubt Terrace Subdivision Addition No. 4

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04714032

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 25, 2023; 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 June 7, 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 lodge is a conditional use; therefore, a conditional use permit may be granted for a lodge.

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 subject property has been operating a lodge for the last few years. There's no records of ongoing or historical complaints/violations for the lodging. It is not anticipated that the continued use of the single-family dwelling as a lodge would violate the residential character since it continues to remain as a 3-bedroom single-family dwelling and additional dwellings are not proposed to increase the traffic in the area.

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 impaired by this change. The proposed use would be a continued use that has been operating for the last few years. The improvements made by the property owners to rent their investment property for lodging has improved the economic value of the adjacent properties. The property owner has expressed their intent and desire of being good neighbors; therefore, their efforts to build good rapport further builds community cohesion and relations.

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

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

The surrounding uses are single-family residential uses. The proposed use would be compatible with the existing uses and allowable density. Staff does not find that new buffers are required between surrounding uses since the RS zoning district may allow up to six (6) dwelling units on the property by right.

As stated by the applicant, the proposed use is compatible with the land use designation in the Comprehensive Plan since it is intended for single-family and multi-family uses. Therefore, the land use designation would allow for a higher density use, which the proposed use may be viewed as a higher density use than a single-family use depending on the guests. Staff does not find that the proposed use is inconsistent with the 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-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 services are available and adequate for the proposed use. Stellar Drive is a paved road and 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: The proposed use has been operating as a lodge (i.e., short-term rental) without any records of violations or complaints. There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. As mentioned in the applicant's narrative (see application submittal), a new cedar fence was installed, which provides privacy and buffering between the subject property and adjacent neighboring properties. 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 as "everything is kept up at a high quality level. [They] make sure that all persons staying on-site follow all rules (no parties, no smoking/vaping, and quiet/curfew at 10:00 p.m.)".

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 a lodge has been operating on the subject property for the last few years. 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 John Kennedy and Mary Kennedy for lodging of the 3-bedroom single-family dwelling on a property described as Lot 17, Block 5 of Redoubt Terrace Subdivision Addition No. 4, and located at 1534 Stellar 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.
3. Quiet hours are from 10:00 p.m. to 6:00 a.m.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 14th DAY OF JUNE, 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 *LM*
DATE: June 9, 2023
SUBJECT: Resolution No. PZ2023-09 – Conditional Use Permit - Lodging

Request The applicant is requesting to use the single-family dwelling for lodging.
Staff Recommendation Adopt Resolution No. PZ2023-09 approving a Conditional Use Permit for lodging.

Applicants: John Kennedy and Mary Kennedy
Property Owners: John Kennedy and Mary Kennedy
Legal Description: Lot 17, Block 5 of Redoubt Terrace Subdivision Addition No. 4
Property Address: 1534 Stellar Drive
KPB Parcel No.: 04714032
Lot Size: 15,480 square feet (0.35-acre)
Zoning: Suburban Residential (RS)
Current Use: Single-Family Dwelling
Land Use Plan: Suburban Residential (SR)

SUMMARY

The applicants acquired the subject property in April 2018, and have been operating a lodge (i.e., short-term rental) for the last few years without any awareness that a Conditional Use Permit (CUP) is required to use the single-family dwelling for lodging. The property owner, Mary Kennedy, visited City Hall with questions related to parking during dipnetting season and it was then that staff was made aware of the lodging use at the subject property. The property owner was not aware that a CUP was required and submitted an application the same day she was informed of the requirements. The CUP would allow the use of the 3-bedroom single-family dwelling to be use as lodging, which has been operating without a CUP for the last few years.

ANALYSIS

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 proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates a lodge is a conditional use; therefore, a conditional use permit may be granted for a lodge.

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 subject property has been operating a lodge for the last few years. There's no records of ongoing or historical complaints/violations for the lodging. It is not anticipated that the continued use of the single-family dwelling as a lodge would violate the residential character since it continues to remain as a 3-bedroom single-family dwelling and additional dwellings are not proposed to increase the traffic in the area.

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 impaired by this change. The proposed use would be a continued use that has been operating for the last few years. The improvements made by the property owners to rent their investment property for lodging has improved the economic value of the adjacent properties. The property owner has expressed their intent and desire of being good neighbors; therefore, their efforts to build good rapport further builds community cohesion and relations.

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 (SR) land use

classification. The SR Land Use Classification

is defined in the Comprehensive Plan:

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

The surrounding uses are single-family residential uses. The proposed use would be compatible with the existing uses and allowable density. Staff does not find that new buffers are required between surrounding uses since the RS zoning district may allow up to six (6) dwelling units on the property by right.

As stated by the applicant, the proposed use is compatible with the land use designation in the Comprehensive Plan since it is intended for single-family and multi-family uses. Therefore, the land use designation would allow for a higher density use, which the proposed use may be viewed as a higher density use than a single-family use depending on the guests. Staff does not find that the proposed use is inconsistent with the 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-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.

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

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

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

Findings: The proposed use has been operating as a lodge (i.e., short-term rental) without any records of violations or complaints. There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. As mentioned in the applicant's narrative (see application submittal), a new cedar fence was installed, which provides privacy and buffering between the subject property and adjacent neighboring properties. 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 as "everything is kept up at a high quality level. [They] make sure that all persons staying on-site follow all rules (no parties, no smoking/vaping, and quiet/curfew at 10:00 p.m.)".

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: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as a lodge has been operating on the subject property for the last four (4) years. Specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

PUBLIC NOTICE

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.

STAFF RECOMMENDATION

Staff finds that the proposed use 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 PZ2023-09 approving the Conditional Use Permit for lodging, subject to the following conditions:

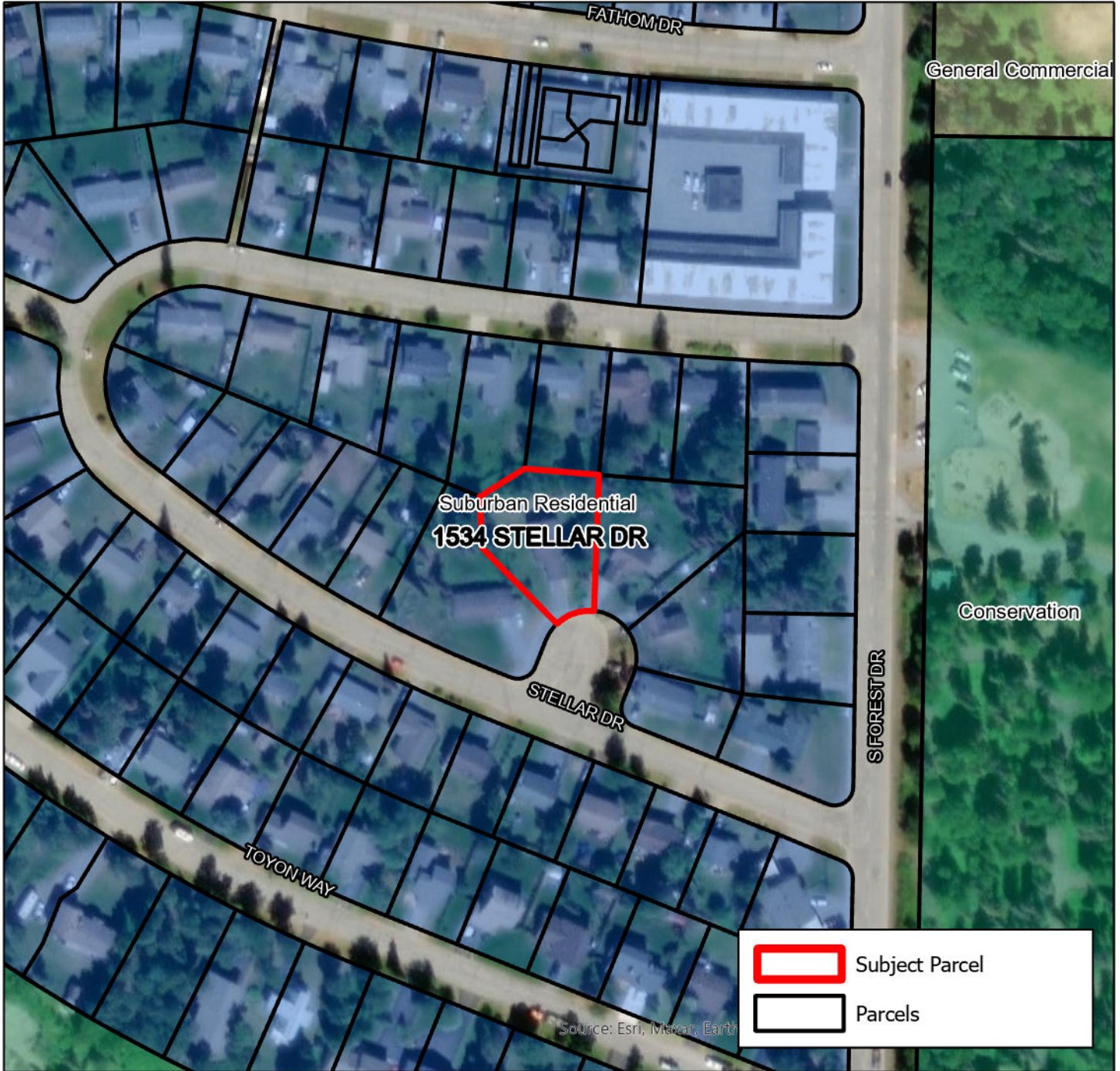
1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative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

ATTACHMENTS

Aerial Map
Application Materials

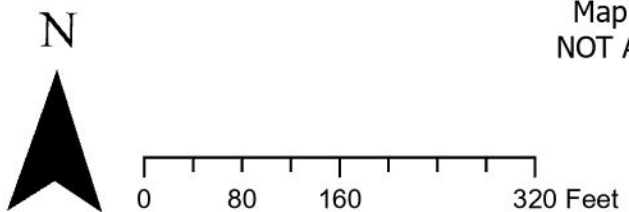


Resolution No. PZ2023-09
Conditional Use Permit - Lodging
1534 Stellar Drive
KPB Parcel ID: 04714032



Date Printed: 6/9/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





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:	John or Mary Kennedy				
Mailing Address:	52950 Tenakee Ln.				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 252-4942				
Email:	MARY.MKENNEDY88@gmail.com				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	
Physical Address:	1534 Stellar Drive, Kenai, AK 99611
Legal Description:	T5NR 11w Sec 6 Seward meridian KN
Zoning:	
Acres:	

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used?	Airbnb for 4 years (prior used as long term rental.)
Conditional Use Requested for (attach additional sheets if necessary):	

Short-term rental

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

This is a residence and we are renting short term right now. In future, we may move into the home when we are retired and older.

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

We keep our property in great shape. We have taken the time to meet and get to know all our surrounding neighbors. Great folks!

Use of surrounding property - north:	} All residential
Use of surrounding property - south:	
Use of surrounding property - east:	
Use of surrounding property - west:	

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

Is intended for single-family and multi-family residential use. The area will be developed @ a higher density - water & sewer services are planned. Parks & open space land may be considered appropriate

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:

Everything is kept up at a high quality level. We make sure that all persons staying on-site follow all rules (No parties, No smoking, vaping - 10:00 pm Curfew/quiet time)

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 Everything is @ code.

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:	Mary M Kennedy	Date:	5/25/23
Print Name:	Mary M. Kennedy	Title/Business:	Stellar Enterprises

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

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611

June 14, 2023

A brief background. We have lived in Nikiski since fall of 1990. My husband, John has lived in the State of Alaska since 1967. I moved to Alaska in 1982. We have been married 39 years, raised our family here and plan to live here for the rest of our lives.

We purchased a second home as an investment property in April of 2018. We updated the entire interior of the home, took down a chain-link fence, installed a nice cedar fence around the yard & purchased a business license & have paid sales taxes from the start. It's a great neighborhood with the city park and the mouth of the Kenai River within walking distance. Our intent was to rent long-term to growing families in the city of Kenai. In the first two years of ownership, we rented to 3 different families. We found it was difficult to collect rent payments, even though they were nice families and qualified financially.

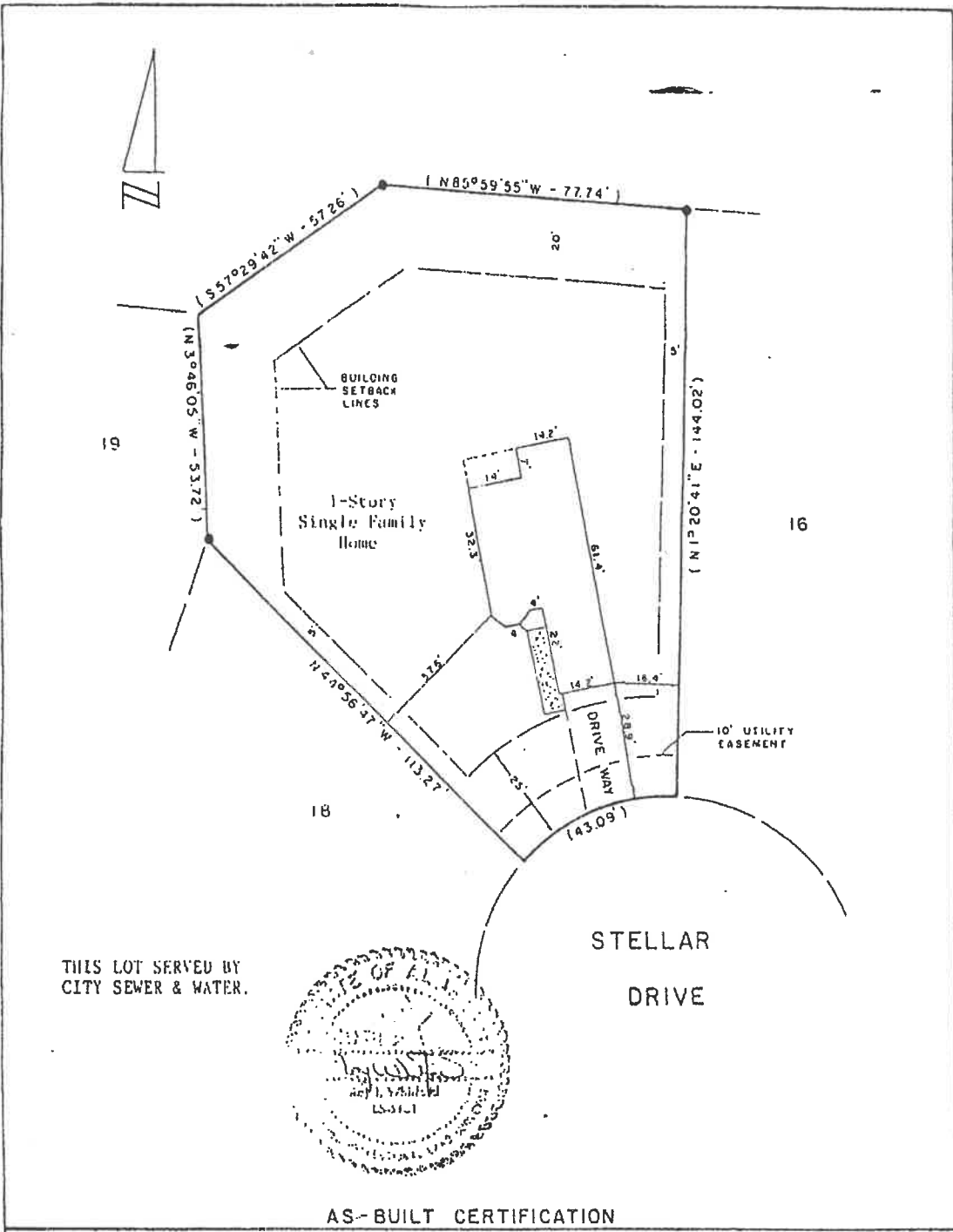
We decided to try something different. We furnished the entire home complete with all household goods and supplies and signed up on Airbnb & VRBO for both long and short term rentals. All Owners and Renters with these companies are vetted and reviewed. We did not know that we needed to apply for a Conditional Use Permit.

We are ALWAYS considerate of our neighbors and help out whenever we can. Whenever our clients leave food or other items behind, we donate to whoever needs it at the time. We donate free stays to local families when they need to house family members for memorial services, we donate to families who are re-locating to the Kenai a area for teaching jobs and have let people stay for free while they are looking for houses to purchase.

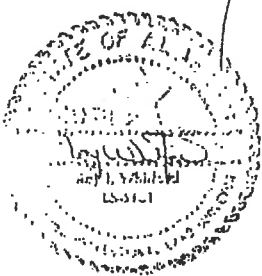
John and I respectfully request approval for the Conditional Use Permit. If any department members would like to come see our home away from home, please let us know and we will be happy to give you a tour so you can see for yourself that this home that we provide for all is great for our community of Kenai.

Thank You,

John and Mary Kennedy
52950 Tenakee Loop
Kenai, AK 99611
(907) 252-4942



THIS LOT SERVED BY CITY SEWER & WATER.



AS-BUILT CERTIFICATION

I hereby certify that I have surveyed the following described property: (83-7) _____
LOT 17, BLK 5 - REDOUBT TERRACE SUBD. ADD. NO 4
 and that no encroachments exist except as indicated.

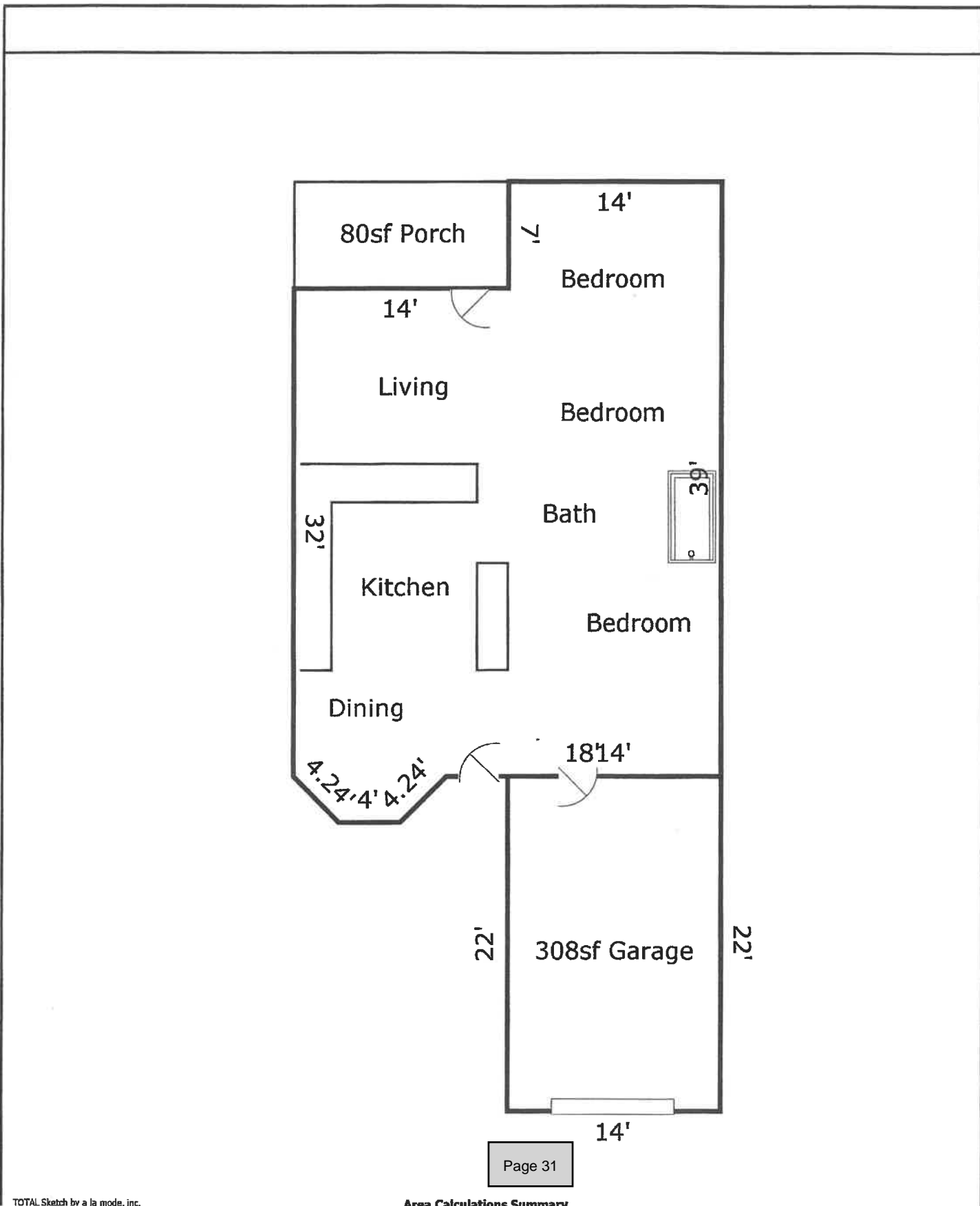
EXCLUSION NOTE:
 It is the responsibility of the owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

- LEGEND**
- ⊙ End. of lateral monument
 - End. Rear
 - Well
 - △ Septic Vent Pipe
 - () Record Data

WHITFORD SURVEYING PO Box 2392 Soldotna, Alaska 283-4928	
Date 10/19/92	Scale 1" = 30'
Drawn By RW	W.O.

Building Sketch

Borrower/Client	KENNEDY JOHN & MARY		
Property Address	1534 STELLAR DR		
City	KENAI	County Kenai Peninsula	State AK Zip Code 99611
Lender	Wells Fargo Bank, N.A. - 0036946		



Alaska Business License # 1069459

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

STELLAR ENTERPRISES

52950 TENAKEE LOOP, KENAI, AK 99611

owned by

JOHN R KENNEDY

is licensed by the department to conduct business for the period

October 6, 2021 to December 31, 2023
for the following line(s) of business:

53 - Real Estate, Rental and Leasing; 72 - Accommodation and Food Services



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 Anderson
Commissioner

Department of Commerce, Community, and Economic Development
DIVISION OF CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

[State of Alaska](#) / [Commerce](#) / [Corporations, Business, and Professional Licensing](#) / [Search & Database](#)
[Download](#) / [Business License](#) / [License #1069459](#)

LICENSE DETAILS

License #: 1069459

[Print Business License](#)

Business Name: STELLAR ENTERPRISES

Status: Active

Issue Date: 04/02/2018

Expiration Date: 12/31/2023

Mailing Address: 52950 TENAKEE LOOP
 KENAI, AK 99611

Physical Address: 1534 STELLAR DRIVE
 KENAI, AK 99611

Owners

JOHN R KENNEDY

Activities

Line of Business	NAICS	Professional License #
53 - Real Estate, Rental and Leasing	531110 - LESSORS OF RESIDENTIAL BUILDINGS AND DWELLINGS	
72 - Accommodation and Food Services	721310 - ROOMING AND BOARDING HOUSES, DORMITORIES, AND WORKERS' CAMPS	

Endorsements



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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: June 9, 2023
SUBJECT: Resolution PZ2022-14 – Time Extension for a Conditional Use Permit

Resolution PZ2022-14 granted a conditional use permit (CUP) for a restaurant/brewery on a portion of a parcel, known as Lot 3 of Kristine Subdivision that has been subdivided into three (3) parcels under the new plat known as Kristine Subdivision Jahrig Addition. In the new subdivision plat, the delineated area for the restaurant/brewery as outlined in the CUP will be located on Lot 3C of Kristine Subdivision Jahrig Addition (800 Childs Avenue; parcel ID: 04901138). The CUP was approved on June 22, 2022. Pursuant to KMC 14.20.150(l)(1), the permit will lapse 12 months after approval if a building permit has not issued or the use has not been initiated. If the administrative official does not issue a written notice concerning lapse or expiration, the permittee may request a time extension at any time within two (2) years of the date the permit was issued or the use ceased, whichever is later.

Will and Becky Jahrig have requested a time extension due to delays in design and engineering verification in order to comply with remaining conditions of approval for the conditional use permit.

KMC 14.20.150(l)(3), allows a time extension of up to one (1) year upon findings that circumstances have not changed significantly to warrant reconsideration of the permit approval or that good cause exists to grant the time extension, not to exceed a total of two (2) years from the date of the Commission's grant of the first time extension. There are no proposed changes to the permit. The applicant is requesting for additional time due to delays in design and engineering verification and comply with the required conditions outlined in Resolution PZ2022-14.

If the Planning and Zoning Commission approves the time extension request, the applicant shall comply with all conditions for the Conditional Use Permit on or before June 21, 2024, unless another time extension is requested.

Does the Commission approve a one-year time extension for Resolution PZ2022-14?

Attachments

Time Extension Request
Plat
Resolution PZ2022-14

From: jahrig@acsalaska.net
To: [Linda Mitchell](#)
Cc: wjahrig@yahoo.com
Subject: CUP Jahrig Lot 3 Kristine Subdivision Extension
Date: Thursday, May 25, 2023 2:38:15 PM

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

Attn: Linda Mitchell
Planning Director

Per our conversation yesterday, please find our request to extend the conditional use permit for a brewery/restaurant on Kristine Subdivision Lot 3, approved in June 2022.

Construction of the brewery is delayed due to design and engineering verifications. Construction should begin within the next few weeks..

Thank you,

Will and Becky Jahrig

W 907-252-5916

B 907-252-5917



Virus-free www.avast.com

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 AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
6. MEAN HIGH TIDE MARK FOR THE KENAI RIVER AS SHOWN IS FOR SURVEY COMPUTATIONS ONLY AND WAS DETERMINED BY TIME COORDINATED TIDAL OBSERVATIONS ON JUNE 5, 2020 AS EXTRAPOLATED FROM THE NOAA PUBLICATION FOR THE PREDICTIONS OF HIGH AND LOW WATERS FOR 2020. THE TRUE BOUNDS OF THESE LOTS ARE THE MEAN HIGH TIDE MARK AND/OR THE ORDINARY HIGH WATER MARK OF THE KENAI RIVER.
7. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH 09B 21.18.040.
8. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.
9. THIS SUBDIVISION MAY BE AFFECTED BY A RESERVATION OF EASEMENT RESERVED BY PUBLIC LAND ORDER No.401 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No. 717 DATED OCTOBER 10, 1958, PUBLIC LAND ORDER No.1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No.2465 DATED OCTOBER 16, 1991, AMENDMENT No.1 DATED JULY 17, 1993 AND AMENDMENT No.2 DATED SEPTEMBER 15, 1995 FILED IN THE FEDERAL REGISTER.

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

William Jahrig
 WILLIAM JAHRIG
 PO BOX 51, KENAI, AK 99611

Becky Jahrig
 BECKY JAHRIG
 PO BOX 51, KENAI, AK 99611

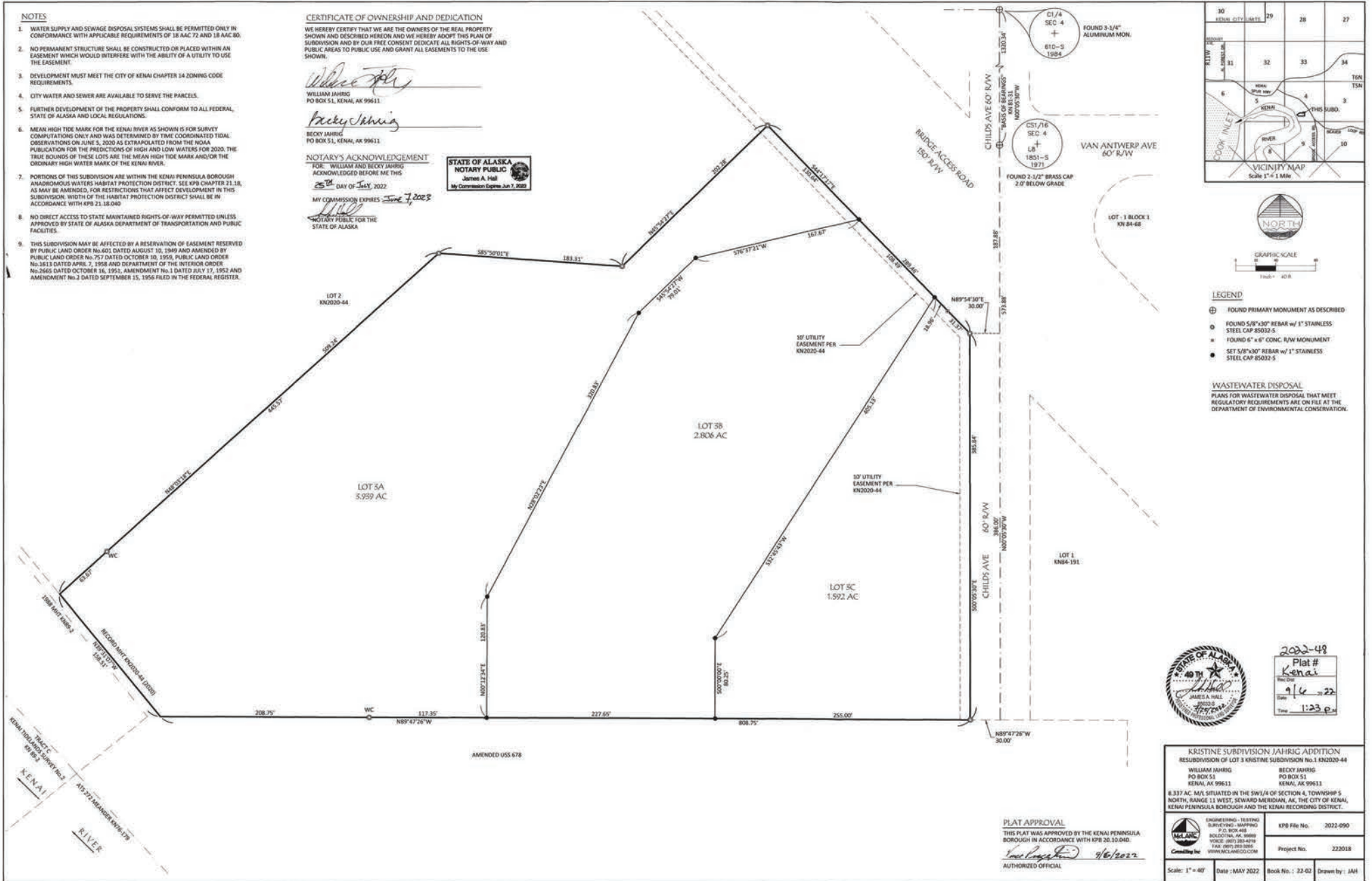
NOTARY'S ACKNOWLEDGEMENT

FOR: WILLIAM AND BECKY JAHRIG
 ACKNOWLEDGED BEFORE ME THIS

24 DAY OF *July*, 2022

MY COMMISSION EXPIRES *June 7, 2028*

James A. Hall
 NOTARY PUBLIC FOR THE
 STATE OF ALASKA



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032.5
 - ⊙ FOUND 6" x 6" CONC. R/W MONUMENT
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032.5

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

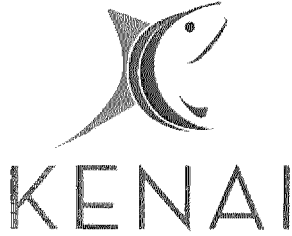


2022-48
 Plat #
 Kenai
 Rec. Date
 9/6/22
 Time 1:23 p.m.

KRISTINE SUBDIVISION JAHRIG ADDITION
 RESUBDIVISION OF LOT 3 KRISTINE SUBDIVISION No. 1 KN2020-44
 WILLIAM JAHRIG PO BOX 51 KENAI, AK 99611
 BECKY JAHRIG PO BOX 51 KENAI, AK 99611
 8.337 AC. MAP SITUATED IN THE SW 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD-MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040.
James A. Hall 9/6/2022
 AUTHORIZED OFFICIAL

 ENGINEERING - TESTING & MAPPING P.O. BOX 488 BECKTON, AK 99508 PHONE (907) 283-4719 FAX (907) 283-0261 WWW.MCLANECO.COM	KPB File No.:	2022-090
	Project No.:	222018
Scale: 1" = 40'	Date: MAY 2022	Book No.: 22-02
		Drawn by: JAH



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-14**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A RESTAURANT/BREWERY.

APPLICANT: Will J. Jahrig

PROPERTY ADDRESS: 992 Bridge Access Rd

LEGAL DESCRIPTION: Lot 3, Kristine Subdivision No. 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04901135

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 31, 2022; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 22, 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The proposed restaurant/brewery meets the intent of the Heavy Industrial (IH) Zone to allow for a broad range of industrial and commercial uses. It is intended to apply to industrial areas which are sufficiently isolated from residential and commercial areas to avoid any nuisance effect.

A restaurant/brewery is consistent with the intent of the Heavy Industrial District by providing both an industrial and commercial use in a location that will not disturb neighboring residential or commercial uses. Frequent vehicle trips generated by a restaurant/brewery is consistent with a Heavy Industrial zoning district.

The Land Use Table provides that a Restaurant is a conditional use; therefore, a conditional use permit must be granted for the operation of a restaurant/brewery. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The parcel located to the north is leased for boat storage. The parcel to the south is a commercial cannery not in use. The parcel to the east is a vacant lot and the river is located to the west. All adjacent properties are zoned Heavy Industrial. The economic and noneconomic value of adjacent properties should not be significantly impacted by the restaurant/brewery use. New construction, in this case for commercial activities, typically results in an increase of neighboring property values.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes an Industrial land use for this neighborhood. 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 subject parcel has similar land use, lot size and orientation, City water and wastewater connections, as neighboring properties. With the introduction and rapid growth of craft breweries in recent years, many restaurant/breweries have been established in industrial areas to accommodate the industrial characteristics of the brewing process.

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

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.
Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses. The restaurant/brewery operations would be in harmony with the site design and layout of the Heavy Industrial Zoning District.

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

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

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

Criteria Met. The subject property is currently accessed via Bridge Access Road, a paved, City maintained road. The proposed access to the restaurant/brewery, upon approval of the Kristine Subdivision Jahrig Addition is from Childs Avenue, a gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary to provide

access to the proposed restaurant/brewery. City water and sewer is located adjacent to the subject property along Bridge Access Road. The property has access to electricity, gas, and telephone services. There are recommended conditions with requirements related to public services and facilities:

4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue. This condition access to the restaurant/brewery is adequate.

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

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

2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director. This condition ensures site plan and landscaping requirements are met for a commercial business, including for vehicle parking.

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

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Will J. Jahrig for a Restaurant/Brewery for property described as Lot 3, Kristine Subdivision No. 1, and located at 992 Bridge Access Road.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction, a building permit must be issued by the Building Official for the City of Kenai.
4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.

6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of June, 2022.



JEFF TWAIT, CHAIRPERSON

ATTEST:



Meghan Thibodeau, Deputy City Clerk



Kenai City Council - Regular Meeting

June 07, 2023 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 4****

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3353-2023** - Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2023 And Ending June 30, 2024 and Committing \$5,761,661 of General Fund, Fund Balance for Future Capital Improvements. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3354-2023** - Accepting and Appropriating Grant Funds from the Department of Justice Passed Through the Alaska Internet Crimes Against Children Task Force for the Purchase of Forensic Software. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3355-2023** - Amending KMC 13.10.015-Minor Offense Fine Schedule, to Incorporate Prior Amendments to KMC 13.30.030- Street Parking Prohibitions, and the Repeal of KMC 13.30.095- Parking Prohibited on Kenai Avenue. (Legal)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3356-2023** - Amending Kenai Municipal Code Title 23—Personnel Regulations to Address Recruitment and Retention of Employees and Make Housekeeping Changes. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-38** - Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2023 and Ending June 30, 2024. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-39** - Amending the Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes Included in the FY2024 Budget to Include Adjusting Airport Fees, Parks and Recreation Fees, City Dock Fees, Water Fees,

Sewer Fees, Senior Center Fees, and Adjusting the Monthly Rental Rates at Vintage Pointe. (Administration)

7. **POSTPONED TO 6/21/2023. Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 N. Willow Street Roadway Improvements Project. (Administration)
8. **POSTPONED TO 6/21/2023. Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration)
9. **POSTPONED TO 6/21/2023. Resolution No. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration)
10. **ADOPTED UNANIMOUSLY. Resolution No. 2023-43** - Authorizing a Construction Agreement and Corresponding Purchase Order for the Kenai Fire Department Apparatus Bay Floor Refinishing Project. (Administration)

F. MINUTES

1. *Regular Meeting of May 17, 2023. (City Clerk)

G. UNFINISHED BUSINESS

1. **POSTPONED INDEFINITELY. Action/Approval** - Extending the Agreement for Tourism and Marketing Services with Divining Point, LLC for One Year. (Administration) *[Clerk's Note: At the May 17, 2023 City Council Meeting, this Item was Postponed to June 7, 2023; a Motion to Approve is on the Floor.]*

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Confirming the Appointment of Lisa Gabriel to the Harbor Commission for a Partial Term Ending December 31, 2025. (Baisden)
4. ***Action/Approval** - Special Use Permit to the Department of Natural Resources Forestry for Apron Space for Aircraft Loading and Parking. (Administration)
5. ***Action/Approval** - Special Use Permit to Alaska Geographic for a Vending Kiosk in Terminal Space. (Administration)
6. ***Action/Approval** - Special Use Permit to Alaska Air Fuel for Apron Space for Aircraft Loading and Parking. (Administration)
7. ***Action/Approval** - Special Use Permit to Crowley Fuels for Apron Space for Aircraft Loading and Parking. (Administration)
8. ***Action/Approval** - Special Use Permit to Empire Airlines for Apron Space for Aircraft Loading and Parking. (Administration)
9. ***Action/Approval** - Special Use Permit to Everts Air Fuel for Apron Space for Aircraft Loading and Parking. (Administration)

10. ***Action/Approval** - Special Use Permit to United Parcel Service Co., Inc. for Apron Space for Aircraft Loading and Parking. (Administration)
11. ***Action/Approval** - Special Use Permit for Weaver Brothers Inc. for Truck and Trailer Storage. (Administration)
12. ***Action/Approval** - Special Use Permit to Sherry Swafford for a Community Garden. (Administration)
13. ***Ordinance No. 3357-2023** - Amending Kenai Municipal Code Section 23.55.045 to Establish an Annual Tool Allowance for Classified Employees Required to Furnish their Own Standard Working Tools. (Administration)
14. ***Ordinance No. 3358-2023** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding for the Parks and Recreation Utilities Budget. (Administration)
15. **APPROVED UNANIMOUSLY. Action/Approval** - Extending the Facilities Management Agreement with the Kenai Chamber of Commerce for the Kenai Visitor and Cultural Center Facility Operations. (Administration)
16. **APPROVED UNANIMOUSLY. Action/Approval** - Amending an Employment Agreement between the City of Kenai and City Clerk, Michelle Saner. (Gabriel)
17. **SPECIAL MEETING SCHEDULED FOR JUNE 21, 2023 AT 5:00 P.M. Discussion/Action** - Scheduling a Special Meeting for June 29, 2023 for City Manager Evaluation (Gabriel)
18. **Discussion/Action** - Kenai Peninsula Borough Ordinance 2023-11 - Amending Borough Code to Reduce the Number of Seats on the Planning Commission. (Legal)

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

1. Review and Discussion of the City Clerk's Evaluation Which May be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk [AS 44.62.310(C)(2)].

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.

Join Zoom Meeting

<https://us02web.zoom.us/j/83759693764>

Meeting ID: 837 5969 3764 **Passcode:** 996215

OR

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

Meeting ID: 837 5969 3764 **Passcode:** 996215



Meeting Agenda Plat Committee

Monday, June 12, 2023

6:00 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-5270](#) May 22, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 052223 Plat Minutes](#)

4. Grouped Plats

[KPB-5236](#) June 12, 2023 Grouped Plats

1. Atkinson Subdivision 2023 Replat; KPB File 2023-052
3. Dairy Hill Subdivision Addition No. 1; KPB File 2023-057
4. A.A. Mattox 2023 Replat; KPB File 2023-050
5. Patch Subdivision 2023; KPB File 2023-030R1

Attachments: [Plat Grouped SR 061223](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5271](#) Atkinson Subdivision 2023 Replat
KPB File 2023-052
Attachments: [E1. Atkinson Subdivision 2023 Replat Packet](#)
2. [KPB-5272](#) Butterfly Meadows No. 3
KPB File 2023-056
Attachments: [E2. Butterfly Meadows No. 3 Packet](#)
3. [KPB-5273](#) Dairy Hill Subdivision Addition No. 1
KPB File 2023-057
Attachments: [E3. Dairy Hill Sub Addn No. 1 Packet](#)
4. [KPB-5274](#) A.A. Mattox 2023
KPB File 2023-050
Attachments: [E4. A.A. Mattox 2023 Replat Packet](#)
5. [KPB-5275](#) Patch Subdivision
KPB File 2023-030R1
Attachments: [E5. Patch Subdivision 2023 Packet](#)

6. [KPB-5276](#) Dan Lee Subdivision No. 5
KPB File 2023-051
Attachments: [E6. Dan Lee Subdivision No. 5 Packet](#)
7. [KPB-5277](#) Riverwind Subdivision Sutherlin Addition
KPB File 2023-055
Attachments: [E7. Riverwind Sub Sutherlin Addn Packet](#)
8. [KPB-5278](#) Roofe Subdivision
KPB File 2023-054
Attachments: [E8. Roofe Subdivision 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, June 26, 2023 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

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>

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 Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, June 12, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request

2. Planning Commission Resolutions

[KPB-5279](#) PC Resolution 2023-08

3. Plats Granted Administrative Approval

- [KPB-5280](#)
- a. Jack Gist Subdivision No. 3 Phase 1; KPB File 2020-107P1
 - b. Mountain Vista Estates 2022 Replat; KPB 2021-147
 - c. Wales Subdivision; KPB File 2022-061
 - d. Windhaven Estates Phase 4; KPB File 2021-063
 - e. Yoder Subdivision; KPB File 2022-113

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-5281](#) May 22, 2023 PC Meeting Minutes

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

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5282](#) Section Line Easement Vacation; KPB File 2023-053V
Geovera, LLC / Emmitt & Mary Tribble Joint Revocable Trust
Request: Vacates approximately 66' by 550' in size in Lot 1,
Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108
Location: Long Gone Avenue & Sterling Highway
Anchor Point Area / Anchor Point APC

Attachments: [E1. SLEV Hollywood Kennedy Gibbons 2006 Addn Packet](#)

2. [KPB-5283](#) Conditional Land Use Permit – Materials Extraction & Processing
PC Resolution 2023-15
Applicant: Colaska Inc. – QAP / Landowner: AK Railroad Corporation
Location: 30986 Seward Highway; KPB Parcel ID: 125-141-01
Crown Point Area

Attachments: [E2. CLUP QAP-ARRC Packet](#)

3. [KPB-5284](#) Conditional Land Use Permit; Materials Extraction & Processing
PC Resolution 2023-16
Applicant: Colaska Inc. – QAP / Landowner: Kenai Peninsula Borough
Location: Approximately 0.5 miles due North of Milepost 53 of the
Sterling Highway; KPB Parcel ID: 119-010-30
Cooper Landing Area / Cooper Landing APC

Attachments: [E3. CLUP QAP-KPB Packet](#)

4. [KPB-5285](#) PC Resolution 2023-12: Hearing on the Planning Commission's order
to show cause why the ZipMart building, located at 38525 Swanson
River Road in the Sterling area, should not be condemned, and removal
recommendation.

Attachments: [E4. ZipMart Building Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

[KPB-5286](#) FEMA Presentation ; FEMA Kenai River Flood Map Update

Attachments: [G1. FEMA Presentation Packet](#)

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, June 26, 2023 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.



KENAI

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

MEMORANDUM

TO: Chair Twait and Planning & Zoning Commission
THROUGH: Shellie Saner, City Clerk
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: May 22, 2023
SUBJECT: **Updates to Planning & Zoning Regular Meeting Agenda**

Please note the following changes to your standard order of business:

- **Agenda and Consent Agenda are now approved in a single motion.** The City Council recently amended their Rules of Order code via Ordinance No. 3338-2023 to make this change. This will not change the process, only the number of motions being made.
- **Removed *Excused Absences from Call to Order.** Going forward, individual requests for excused absences will be listed under New Business as part of the Consent Agenda.
- **Pending Items moved just before Adjournment.** This makes your order of business more consistent with Council's.
- **Informational Items moved to after Adjournment.** This also makes your agenda more consistent with Council's. The purpose of the Informational Items section is to provide miscellaneous documents in the packet unrelated to other agenda items; these items are not intended for standalone discussion, although they may be mentioned in a report or comment.

Thank you.

KENAI PENINSULA BOROUGH'S FLOOD MAP IS CHANGING

DO YOU KNOW YOUR RISK?

ATTEND THE FLOOD RISK OPEN HOUSE TO
SPEAK WITH A SPECIALIST AND ASK
QUESTIONS.

JOIN US:

JUNE
22

5:30 – 7:30
p.m.

The Donald E.
Gilman River Center
514 Funny River
Road, Soldotna, AK
99669

This meeting is ADA
accessible.

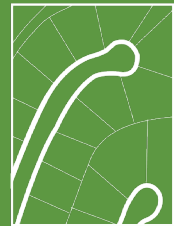
NO TIME LIKE THE PRESENT

Flooding can happen without warning. Everyone, regardless of their property's flood zone, should take steps to protect themselves from disaster.



ALL ARE WELCOME

Understanding flood risk may seem complicated, but it does not have to be. An open house is a great time for you to connect and engage with community officials and FEMA representatives to better understand your flood risk.



Questions? Visit [Floodsmart.gov](https://www.floodsmart.gov) to learn more.

To view the revised map and find your property online, visit: bit.ly/kpbmapupdate