



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

May 24, 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. Agenda Approval
4. Consent Agenda

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

C. SCHEDULED PUBLIC COMMENT

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

1. Dale Meck, FEMA Flood Map Updates

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution 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.

- 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.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 14, 2023

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/87558278849>

Meeting ID: 875 5827 8849 **Passcode:** 550915

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

Meeting ID: 875 5827 8849 **Passcode:** 550915

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 26, 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 April 26, 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:

Commissioners present:	J. Twait, G. Woodard, J. Glendening, D. Fikes, G. Greenberg, J. Coston
Commissioners absent:	J. Halstead
Staff/Council Liaison present:	Planning Director L. Mitchell, Vice Mayor J. Baisden, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda as presented and requested **UNANIMOUS CONSENT**. Commissioner Glendening **SECONDED** the motion.

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

4. Consent Agenda

MOTION:

Commissioner Greenberg **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.

UNANIMOUS CONSENT was requested.

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

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

5. *Excused Absences – Approved by the consent agenda.

B. APPROVAL OF MINUTES

1. *Regular Meeting of March 22, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS – None.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Granting a Home Occupation Permit to Allow a Cottage Food Operation on a Property Located at 1303 Lawton Drive (Parcel ID: 04515425) in the Suburban Residential (RS) Zoning District.

Approved by the consent agenda.

2. **Action/Approval** - Granting a Transfer of Conditional Use Permits PZ05-14, PZ2013-14, and PZ2014-07 for RV Park and Cabin Rentals on a property located at 810 Childs Avenue (Parcel ID: 04901401) in the Heavy Industrial (IH) Zoning District.

Planning Director Mitchell presented her staff report explaining that Conditional Use Permits (CUPs) PZ05-14 for RV spaces, and PZ2013-14 and PZ2014-07 for cabin rentals had been previously approved by the Planning & Zoning Commission, and a recent change in ownership had prompted the transfer of the CUPs to the new owners. It was noted that City staff recommends approval of the transfer request subject to the original conditions as set forth on the original permit and an additional condition, as follows:

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 Permits.

MOTION:

Commissioner Greenberg **MOVED** to approve granting a transfer of Conditional Use Permits PZ05-14, PZ2013-14, and PZ2014-07 for RV Park and Cabin Rentals. Commissioner Glendening **SECONDED** the motion.

VOTE:

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

NAY: None

ABSENT: Halstead

MOTION PASSED UNANIMOUSLY.

3. **Action/Approval** – Granting a Transfer of Conditional Use Permit PZ2018-03 (Substitute) for a Limited Marijuana Cultivation Facility on a property located at 1817 Sunset Boulevard (Parcel ID:03901001) in the Rural Residential (RR) Zoning District.

Planning Director Mitchell presented her staff report explaining that conditional use permit PZ2018-03 (Substitute) was approved by the Planning & Zoning Commission for the operation of a limited marijuana

cultivation facility. Clarification was provided that the business was still operating under the same entity, but was being transferred to a different shareholder. It was noted that City staff recommends approval of the transfer request subject to the original conditions as set forth on the original permit and an additional condition, as follows:

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.

MOTION:

Commissioner Greenberg **MOVED** to approve granting a transfer of PZ2018-03 (Substitute) for a Limited Marijuana Cultivation Facility. Commissioner Glendening **SECONDED** the motion.

VOTE:

- YEA: Greenberg, Coston, Glendening, Woodard, Twait, Fikes
NAY: None
ABSENT: Halstead

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Baisden reported on the actions of the April 19, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the April 24, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - The new Planning Administrative Assistant started on May 17th.
 - Sign expo in Las Vegas was very informative; learned about a new device which will be used to help inventory existing signs while working towards a city sign code amendment.
 - Looking into permitting software to streamline database and make permitting status and information available on a public map.
 - City Council budget work session on April 29th.
 - She will be out of town May 3-12.
 - CUP transfers are not required by code to be resolutions, will be Action/Approval items going forward which will be more time-efficient and consistent with leasing process.
 - Melting snow will allow for code enforcement to pick up.
 - Consultants on behalf of FEMA will be providing a presentation at the May 24th meeting.
 - Next work session will be on city-owned property sales and lease process.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS**

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: May 10, 2023

N. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening noted that he would be out of town during the budget session, and that he might not be able to attend the meeting on May 24th.

Commissioner Woodard clarified that the next meeting would be May 24, 2023, since Director Mitchell would be out of town on the 10th.

Commissioner Greenberg noted that the meeting was very efficient, and that he might not be able to attend the meeting on May 24th.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:36 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of April 26, 2023.

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-07**

A RESOLUTION **GRANTING** AN AMENDMENT TO CONDITIONAL USE PERMIT FOR A RECREATIONAL VEHICLE (RV) PARK EXPANSION, EVENT VENUE, AND PUBLIC MARKET.

APPLICANT: Riverfront Investments LLC
c/o Matt Moffis

PROPERTY ADDRESS: 810 Childs Avenue

LEGAL DESCRIPTIONS: Alaska Tidelands Survey (ATS) No. 770, ATS No. 114, US Survey (USS) No. 678 Amended of Sections 4 & 9 of Township 5 North, Range 11 West, Seward Meridian, AK

KENAI PENINSULA BOROUGH PARCEL NUMBERS: 04901401, -02, and -03

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 16, 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 May 17, 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 expansion is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The existing RV Park was granted with an approved CUP and an expansion of the same use would be consistent with the Kenai Zoning Code and Land Use Table. The land use table specify “assemblies” are a permitted use subject to certain conditions. In KMC Section 14.20.320 Definitions, “Assemblage” is defined as a large gathering of people for an event such as a concert, fair, or circus. Based on the definition, staff does not find the proposed event venue or public market meet the specified land use of “assemblies” in accordance with the Land Use Table since a concert, fair, or circus typically occur for a certain period or duration and it is not anticipated that it is an on-going operation. Therefore, staff is applying KMC 14.20.040(b)(2) Rules for interpretation that allows for uses not clearly identified in the specific zone may be established in accordance with the Conditional Use section (KMC 14.20.150).

The IH (Heavy Industrial) Zone is established 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.

The proposed expansion and additional uses will expand the operation of the existing RV Park and be in alignment with the anticipated Waterfront Revitalization vision. As noted by the applicant, the CUP amendment request seeks to better accommodate the community with new services, utilize old infrastructure, and serve some visions outlined in the Kenai Waterfront Revitalization Assessment Report.

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 the proposal. As noted by the applicant, the property will be cleaned up drastically with removal of old equipment and trash, as well as, ongoing efforts to provide landscaping and beautification. Staff finds the proposed expansion and changes would increase the economic value of the adjoining property and neighborhood with landscaping and beautification efforts but staff also finds that there will be potential increase of traffic impacting surrounding properties and noise and privacy issues for RV space occupants from adjacent properties. Therefore, staff is proposing the following conditions for traffic mitigation and buffering/screening.

- 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.
- 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.

A landscaping/site plan will be required for the proposed changes. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses.

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

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

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

This property is surrounded by an automotive repair and transport business to the east, City Dock to the south, vacant land to the north, and the river to the west. In June 2022, a CUP was approved for a restaurant/brewery on a property to the north of the subject properties. Therefore, the proposed expansion would be consistent with the development of this area. Mitigation measures and buffers have been added as conditions to minimize the conflicts with adjacent industrial uses and non-compatible commercial uses.

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

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

Objective Q-1

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

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

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

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

Findings: City water and sewer are available to serve the proposed expansion. Childs Avenue is a 60-foot wide gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary with the surrounding uses sharing the same access on Childs Avenue to Bridge Access Road. Staff recommends the following condition to ensure adequate public services and facilities are provided.

- 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.

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

Findings: The existing RV Park has been operating since 2005 and staff finds the proposed expansion and additional uses will not be harmful to public safety, health, or welfare. The proposed expansion will increase the number of RV spaces by 24 and allow the operation of an event venue and public market. The proposal provides 90 RV spaces at approximately 30 feet by 45 feet and 22 RV spaces at approximately 30 feet by 60 feet with a minimum 25-foot access lanes. There will be a camp store with standard parking spaces provided adjacent to the store. At this time, parking requirements for the event venue and public market have not been determined but will be determined during the building permit review. As previously noted, the applicant has a vision to conduct an

outdoor public market or gathering on the dock, which would require a building permit prior to conducting any gathering on the dock.

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: To minimize impact on the City Dock, staff recommends the following condition.

- 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.

In addition to the above criteria for a CUP, the following specific conditions outlined in KMC Section 14.20.245 *Recreational Vehicles* must be met prior to the issuance of a CUP for a RV park.

1. *Adequate utilities for projected or actual use shall be available.*

Findings: This condition is met or will be as met as noted in the above Criteria 4 for a CUP.

2. *The projected or actual use shall not threaten the health and safety of adjoining landowners or recreational vehicle users in the park.*

Findings: This condition is met or will be as met as noted in the above Criteria 5 for a CUP.

3. *Any and all specific conditions required to comply with the above listed conditions as determined by the Planning and Zoning Commission shall be met by the applicant.*

Findings: No additional or specific conditions are required that has not be already identified in above criteria for a CUP.

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

Section 1. That an amendment to the conditional use permit is granted to Riverfront Investments LLC for the recreational vehicle (RV) park expansion, event venue, and public market on the properties described as Alaska Tidelands Survey (ATS) No. 770, ATS No. 114, US Survey (USS) No. 678 Amended of Sections 4 & 9 of Township 5 North, Range 11 West, Seward Meridian, AK, and located at 810 Childs Avenue.

Section 2. That the amendment to the conditional use permit is subject to the original conditions in the CUP (Resolution Nos. 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.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 24TH DAY OF MAY, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: May 20, 2023
SUBJECT: Resolution No. PZ2023-07 – Conditional Use Permit Amendment – Recreational Vehicle Park Expansion, Event Venue, and Public Market

Request The applicant is proposing to expand the Recreational Vehicle (RV) park to accommodate 112 RV spaces from 88 with a new site layout and include an event venue and public market.

Staff Recommendation Adopt Resolution PZ2023-07 approving an amendment to Conditional Use Permit (Resolutions PZ05-14) for the expansion of the RV park and additional uses.

Applicant Riverfront Investments LLC
c/o Matt Moffis

Property Owners Riverfront Investments LLC

Legal Descriptions Alaska Tidelands Survey (ATS) No. 770, ATS No. 114, US Survey (USS) No. 678 Amended of Sections 4 & 9 of Township 5 North, Range 11 West, Seward Meridian, AK in the Kenai Recording District

Property Address 810 Childs Avenue

KPB Parcel IDs. 04901401, -02, and -03

Lot Size Approximately 19.96 acres

Zoning Heavy Industrial (IH)

Current Use Recreational Vehicle (RV) Park

Land Use Plan Industrial

SUMMARY

The Planning and Zoning Commission granted a Conditional Use Permit (PZ05-14) to Port of Kenai, LLC on June 8, 2005 for a Recreational Vehicle (RV) park with approximately 88 RV spaces, boat storage area, and office/store/shower/laundry facility on the 16.5-acre property described as US Survey 678 AMD, located at 810 Childs Avenue. Subsequently, the Planning and Zoning Commission granted additional Conditional Use Permits (PZ2013-14 and PZ2014-07) for Cabin Rentals for housing personnel (a total of 13 portable cabins and 2 bath houses) on the same property. Recently, a transfer of the CUPs was granted to Riverfront Investments LLC.

The applicant is requesting a conditional use permit amendment to expand the RV park with additional RV spaces to 112 from 88 and operate an event venue and public market on the premises. The applicant has noted on the application that the proposed expansion and additional uses will be supplemented with new landscaping and beautification efforts.

When the original CUP was approved in 2005, the RV park was to be operated on one (1) parcel with a legal description known as US Survey (USS) No. 678 Amended (KPB Parcel ID: 04901401). With the proposed event venue and public market, two (2) adjacent parcels (KPB Parcel IDs: 04901402, -03) to the west of the primary parcel will be included in this CUP amendment since the applicant has expressed interest in conducting an outdoor public market on the dock and an event venue on the premises. One of the additional parcels is a city-owned property (KPB ID: 04901403), which is currently leased by Riverfront Investments LLC. The previous approved CUPs allowed for cabin rentals and boat storage and these uses has ceased. Therefore, cabin rentals and boat storage will no longer be an approved uses on the premise unless a new CUP is obtained.

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 expansion is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The existing RV park was granted with an approved CUP and an expansion of the same use would be consistent with the Kenai Zoning Code and Land Use Table. The land use table specify “assemblies” are a permitted use subject to certain conditions. In KMC Section 14.20.320 *Definitions*, “Assemblage” is defined as *a large gathering of people for an event such as a concert, fair, or circus*. Based on the definition, staff does not find the proposed event venue or public market meet the specified land use of “assemblies” in accordance with the Land Use Table since a concert, fair, or circus typically occur for a certain period or duration and it is not anticipated that it is an on-going operation. Therefore, staff is applying KMC 14.20.040(b)(2) *Rules for interpretation* that allows for uses not clearly identified in the specific zone may be established in accordance with the Conditional Use section (KMC 14.20.150).

The IH (Heavy Industrial) Zone is established 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.

The proposed expansion and additional uses will expand the operation of the existing RV park and be in alignment with the anticipated Waterfront Revitalization vision. As noted by the applicant, the CUP amendment request seeks to better accommodate the community with new services, utilize old infrastructure, and serve some visions outlined in the Kenai Waterfront Revitalization Assessment Report.

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 the proposal. As noted by the applicant, the property will be cleaned up drastically with removal of old equipment and trash, as well as, ongoing efforts to provide landscaping and beautification. Staff finds the proposed expansion and changes would increase the economic value of the adjoining property and neighborhood with landscaping and beautification efforts but staff also finds that there will be potential increase of traffic impacting surrounding properties and noise and privacy issues for RV space occupants from adjacent properties. Therefore, staff is proposing the following conditions for traffic mitigation and buffering/screening.

- 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.
- 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.

A landscaping/site plan will be required for the proposed changes. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses.

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

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

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

This property is surrounded by an automotive repair and transport business to the east, City Dock to the south, vacant land to the north, and the river to the west. In June 2022, a

CUP was approved for a restaurant/brewery on a property to the north of the subject properties. Therefore, the proposed expansion would be consistent with the development of this area. Mitigation measures and buffers have been added as conditions to minimize the conflicts with adjacent industrial uses and non-compatible commercial uses.

RELEVANT GOALS

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

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

Objective Q-1

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

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

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

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

Findings: City water and sewer are available to serve the proposed expansion. Childs Avenue is a 60-foot wide gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary with the surrounding uses sharing the same access on Childs Avenue to Bridge Access Road. Staff recommends the following condition to ensure adequate public services and facilities are provided.

- 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.

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

Findings: The existing RV park has been operating since 2005 and staff finds the proposed expansion and additional uses will not be harmful to public safety, health, or welfare. The proposed expansion will increase the number of RV spaces by 24 and allow the operation of an event venue and public market. The proposal provides 90 RV spaces at approximately 30 feet by 45 feet and 22 RV spaces at approximately 30 feet by 60 feet with a minimum 25-foot access lanes. There will be a camp store with standard parking spaces provided adjacent to the store. At this time, parking requirements for the event venue and public market have not been determined but will be determined during the building permit review. As previously noted, the applicant has a vision to conduct an outdoor public market or gathering on the dock, which would require a building permit prior to conducting any gathering on the dock.

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: To minimize impact on the City Dock, staff recommends the following condition.

- 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.

In addition to the above criteria for a CUP, the following specific conditions outlined in KMC Section 14.20.245 *Recreational Vehicles* must be met prior to the issuance of a CUP for a RV park.

Condition 1: Adequate utilities for projected or actual use shall be available.

Findings: This condition is met or will be as met as noted in the above Criteria 4 for a CUP.

Condition 2: The projected or actual use shall not threaten the health and safety of adjoining landowners or recreational vehicle users in the park.

Findings: This condition is met or will be as met as noted in the above Criteria 5 for a CUP.

Condition 3: Any and all specific conditions required to comply with the above listed conditions as determined by the Planning and Zoning Commission shall be met by the applicant.

Findings: No additional or specific conditions are required that has not be already identified in above criteria for a CUP.

PUBLIC NOTICE

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

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria and conditions for issuance of a Conditional Use Permit amendment as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150 and (a)(1) through (a)(3) of Kenai Municipal Code 14.20.245, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2023-07 approving the

amendment to the Conditional Use Permit, subject to the original conditions in CUP (Resolution No. PZ05-34) and the following conditions:

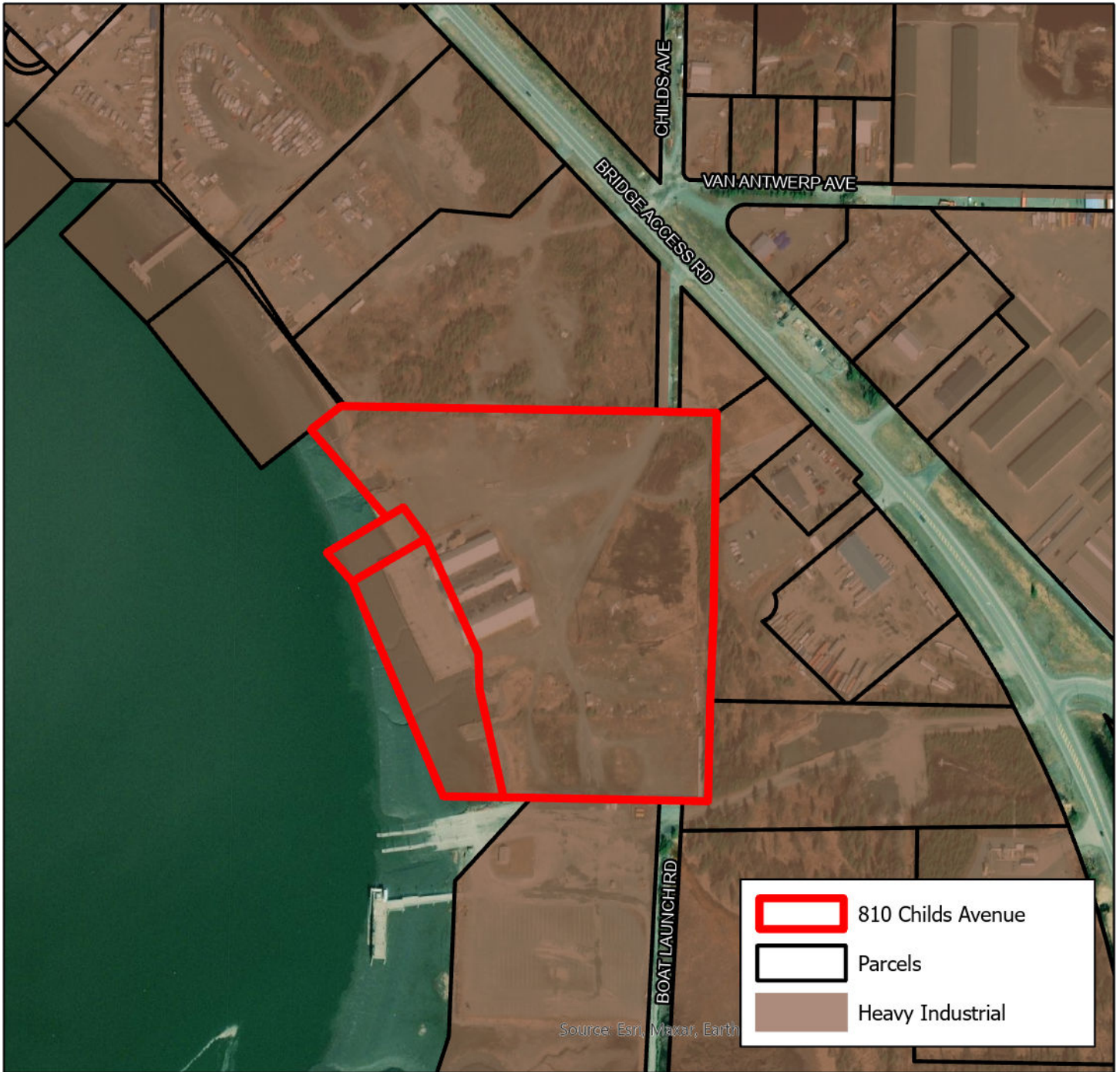
1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative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

ATTACHMENTS

Aerial Map
Application
Conceptual Site Plan
Resolution PZ05-34

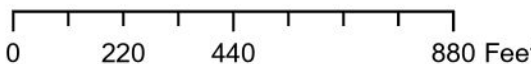


**Conditional Use Permit Amendment
Resolution PZ2023-07
RV Park Expansion, Event Venue, and Public
Market - 810 Childs Avenue
KPB Parcel IDs: 04901401, -02, -03**



Date Printed: 5/19/2023

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:	Riverfront Investents LLC			
Mailing Address:	1304 Lawton Dr			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-398-7537			
Email:	matt@portofkenai.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):	04901401
Physical Address:	810 Childs Ave
Legal Description:	Processing
Zoning:	Heavy Industrial
Acres:	19.45

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?	Vacant
--	--------

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

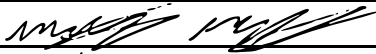
Expanding additional RV spaces from 88 to 112 using a new layout. Weddings, and also Public Markets.

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

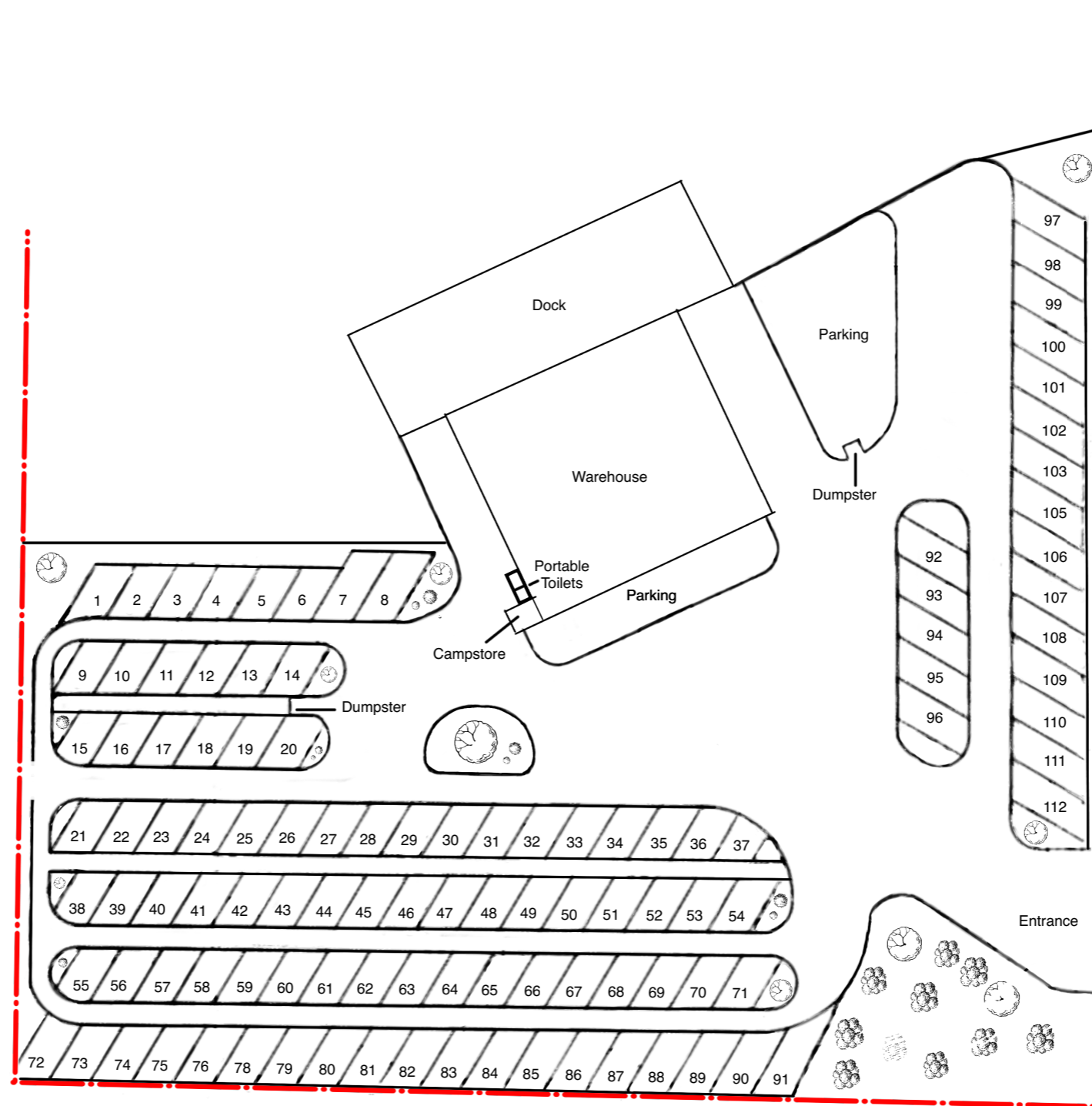
To better accomidate the community with new services, Utilize old infastructure, and serve some visions outlined in the Kenai Waterfront Revitalization.

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

The property will be cleaned up durastically, ther will be removal of old equipment and trash currently left on the property. There will also be on going landscaping/ beautification.

Use of surrounding property - north:	Vacant		
Use of surrounding property - south:	City of Kenai boat launch		
Use of surrounding property - east:	Automotive repair, Transport		
Use of surrounding property - west:	River		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
This serves several uses outlined in the Kenai Waterfront Revitalization Assesment. It also gives several ways to bring in income for future development plans of the property as well as the City. It also serves the community even while designs are being made for the future development.			
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:			
The conditional use will follow all public codes that apply.			
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?			
We are completely willing to work with the City to make an appropriate property distinction where it borders the Kenai boat launch.			
AUTHORITY TO APPLY FOR CONDITIONAL USE: I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 4/16/23
Print Name:	Matthew Moffis	Title/Business:	Owner
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

This property layout allows for 112 camp spots. 90 spots at approximately 30'x45' and 22 spots at approximately 30'x60'. access lanes are all 25' wide or more. This shows the location of the Campstore as well as parking for it as well as overflow parking for the rest of the property. In addition there are spots for multiple dumpsters as well as portable toilets.





CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ05-34
CONDITIONAL USE PERMIT

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING A REQUEST FOR A CONDITIONAL USE PERMIT TO:

NAME: JAY CHERRIER, MANAGING PARTNER, PORT OF KENAI LLC

USE RECREATIONAL VEHICLE PARK

LOCATED U.S. SURVEY NO. 678 AMENDED – 810 CHILDS AVENUE

(Street Address/Legal Description)

KENAI PENINSULA BOROUGH PARCEL NO: 04901401

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Section 14.20.150 has been submitted and received on: MAY 17, 2005
2. This request is on land zoned: IH – HEAVY INDUSTRIAL
3. That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements and conditions in addition to existing requirements:
 - a. Obtain building permits for installation of utilities and the office building.
 - b. Submit a landscaping/site plan with the building permit that addresses landscaping, traffic patterns, RV sites, public utilities, etc.
 - c. Submit State of Alaska, Department of Environmental Conservation permits to the City for the on-site public water and wastewater systems.
4. That the Commission conducted a duly advertised public hearing as required by KMC 14.20.280 on: June 8, 2005.
5. Applicant must comply with all Federal, State, and local regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT **HAS DEMONSTRATED THAT THE PROPOSED RECREATIONAL VEHICLE PARK MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION DOES AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.**

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, JUNE 8, 2005.

CHAIRPERSON: Carl A. M...

ATTEST: H. Kuschall



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-08**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR A RECREATIONAL VEHICLE (RV) PARK.

APPLICANT: Duke Hardcastle

PROPERTY ADDRESSES: 1088 and 1120 Bridge Access Road

LEGAL DESCRIPTIONS: Lots 1 and 2 of Baron Wood Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBERS: 04901312 and -13

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 1, 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 May 17, 2023 and May 20, 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 RV Park is a conditional use; therefore, a conditional use permit may be granted for a RV Park.

The IH (Heavy Industrial) Zone is established 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.

The proposed use will be compatible with surrounding uses and it is a permitted use in the zone with an approved CUP. Staff does not find that the proposed use will have any nuisance effects upon the surrounding properties.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impaired by the proposal. As noted by the applicant, the property would strengthen the economic development and enhance community growth and services. Similarly to the adjacent RV park, staff finds that there will be potential increase of traffic impacting surrounding properties and noise and privacy issues for RV space occupants from adjacent properties. Therefore, staff is proposing the following conditions for traffic mitigation and buffering/screening.

- 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 on the premise.
- 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.

A landscaping/site plan will be required for the proposed use. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses.

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

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

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

This properties are surrounded by a RV park to the southwest, automotive and transport business to the southeast, vacant land (future restaurant/brewery) to the north, and the Bridge Access Road to the east. The proposed use would be consistent with the development of this area. Mitigation measures and buffers have been added as conditions to minimize the conflicts with adjacent industrial uses and non-compatible commercial uses.

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

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

Objective Q-1

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

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

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

Findings: City water and sewer are available to serve the proposed RV park. Childs Avenue is a 60-foot wide gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary with the surrounding uses sharing the same access on Childs Avenue to Bridge Access Road. Staff recommends the following condition to ensure adequate public services and facilities are provided.

- 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.

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

Findings: There is an adjacent RV Park that has been operating since 2005 and staff finds another RV park within the vicinity will not be harmful to public safety, health, or welfare. The proposed RV park seeks to accommodate at a maximum capacity of 50 RV spaces which the number of RV spaces may be reduced if the site layout cannot accommodate 50 RV spaces (to be determined during the building permit process). Access is off of Childs Avenue, which will be shared with the adjacent RV park and future restaurant/brewery. A condition has been recommended to address improvements to the road as needed or determined by the Public Works Department.

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

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

In addition to the above criteria for a CUP, the following specific conditions outlined in KMC Section 14.20.245 *Recreational Vehicles* must be met prior to the issuance of a CUP for a RV park.

1. *Adequate utilities for projected or actual use shall be available.*

Findings: This condition is met or will be as met as noted in the above Criteria 4 for a CUP.

2. *The projected or actual use shall not threaten the health and safety of adjoining landowners or recreational vehicle users in the park.*

Findings: This condition is met or will be as met as noted in the above Criteria 5 for a CUP.

3. *Any and all specific conditions required to comply with the above listed conditions as determined by the Planning and Zoning Commission shall be met by the applicant.*

Findings: No additional or specific conditions are required that has not be already identified in above criteria for a CUP.

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

Section 1. That the conditional use permit is granted to Duke Hardcastle for a recreational vehicle (RV) park on the properties described as Lots 1 and 2 of Baron Wood Subdivision located at 1088 and 1120 Bridge Access Road.

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

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 24TH DAY OF MAY, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: May 20, 2023
SUBJECT: Resolution No. PZ2023-08 – Conditional Use Permit – Recreational Vehicle Park

Request The applicant is proposing a Recreational Vehicle (RV) park to accommodate up to 50 RV spaces.

Staff Recommendation Adopt Resolution PZ2023-08 approving a Conditional Use Permit for a RV Park.

Applicant	Duke Hardcastle
Property Owners	Duke Hardcastle
Legal Descriptions	Lots 1 and 2 of Baron Wood Subdivision
Property Addresses	1088 and 1120 Bridge Access Road
KPB Parcel IDs.	04901312, and -13
Lot Size	Approximately 1.94 acres (84,888 square feet)
Zoning	Heavy Industrial (IH)
Current Use	Vacant
Land Use Plan	Industrial

SUMMARY

The applicant has requested for a conditional use permit (CUP) for a recreational vehicle (RV) park with a maximum capacity of 50 RV spaces. The proposed use will be on approximately 1.94 acres on two (2) parcels that are zoned Heavy Industrial (IH). The subject parcels are vacant.

The proposed plans would accommodate up to 50 RV spaces with access off of Childs Avenue.

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 RV Park is a conditional use; therefore, a conditional use permit may be granted for a RV Park.

The IH (Heavy Industrial) Zone is established 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.

The proposed use will be compatible with surrounding uses and it is a permitted use in the zone with an approved CUP. Staff does not find that the proposed use will have any nuisance effects upon the surrounding properties.

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 the proposal. As noted by the applicant, the property would strengthen the economic development and enhance community growth and services. Similarly to the adjacent RV park, staff finds that there will be potential increase of traffic impacting surrounding properties and noise and privacy issues for RV space occupants from adjacent properties. Therefore, staff is proposing the following conditions for traffic mitigation and buffering/screening.

- 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 on the premise.
- 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.

A landscaping/site plan will be required for the proposed use. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses.

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

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

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

This properties are surrounded by a RV park to the southwest, automotive and transport business to the southeast, vacant land (future restaurant/brewery) to the north, and the Bridge Access Road to the east. The proposed use would be consistent with the development of this area. Mitigation measures and buffers have been added as conditions to minimize the conflicts with adjacent industrial uses and non-compatible commercial uses.

RELEVANT GOALS

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

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

Objective Q-1

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

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Objective ED-9

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

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

Findings: City water and sewer are available to serve the proposed RV park. Childs Avenue is a 60-foot wide gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary with the surrounding uses sharing the same access on Childs Avenue to Bridge Access Road. Staff recommends the following condition to ensure adequate public services and facilities are provided.

- 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.

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

Findings: There is an adjacent RV Park that has been operating since 2005 and staff finds another RV park within the vicinity will not be harmful to public safety, health, or welfare. The proposed RV park seeks to accommodate at a maximum capacity of 50 RV spaces which the number of RV spaces may be reduced if the site layout cannot accommodate 50 RV spaces (to be determined during the building permit process).

Access is off of Childs Avenue, which will be shared with the adjacent RV park and future restaurant/brewery. A condition has been recommended to address improvements to the road as needed or determined by the Public Works Department.

Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.

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

In addition to the above criteria for a CUP, specific conditions are outlined in KMC Section 14.20.245 *Recreational Vehicles* that must be met prior to the issuance of a CUP for a RV park.

Condition 1: Adequate utilities for projected or actual use shall be available.

Findings: This condition is met or will be as met as noted in the above-mentioned Criteria 4 for a CUP.

Condition 2: The projected or actual use shall not threaten the health and safety of adjoining landowners or recreational vehicle users in the park.

Findings: This condition is met or will be as met as noted in the above-mentioned Criteria 5 for a CUP.

Condition 3: Any and all specific conditions required to comply with the above listed conditions as determined by the Planning and Zoning Commission shall be met by the applicant.

Findings: No additional or specific conditions are required that has not be already identified in above-mentioned criteria for a CUP.

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. Subsequently, a correction notice was mailed to the same property owners to inform of an incorrect address indicated on the postcard. City staff published notice of the public hearing as well as the correction notice 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 amendment as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150 and (a)(1) through (a)(3) of Kenai Municipal Code 14.20.245, and hereby recommends that the

Planning and Zoning Commission adopt Resolution PZ2023-08 approving the Conditional Use Permit for a Recreational Vehicle Park, 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 the 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.

ATTACHMENTS

Aerial Map
Application
Conceptual Site Plan
Plat

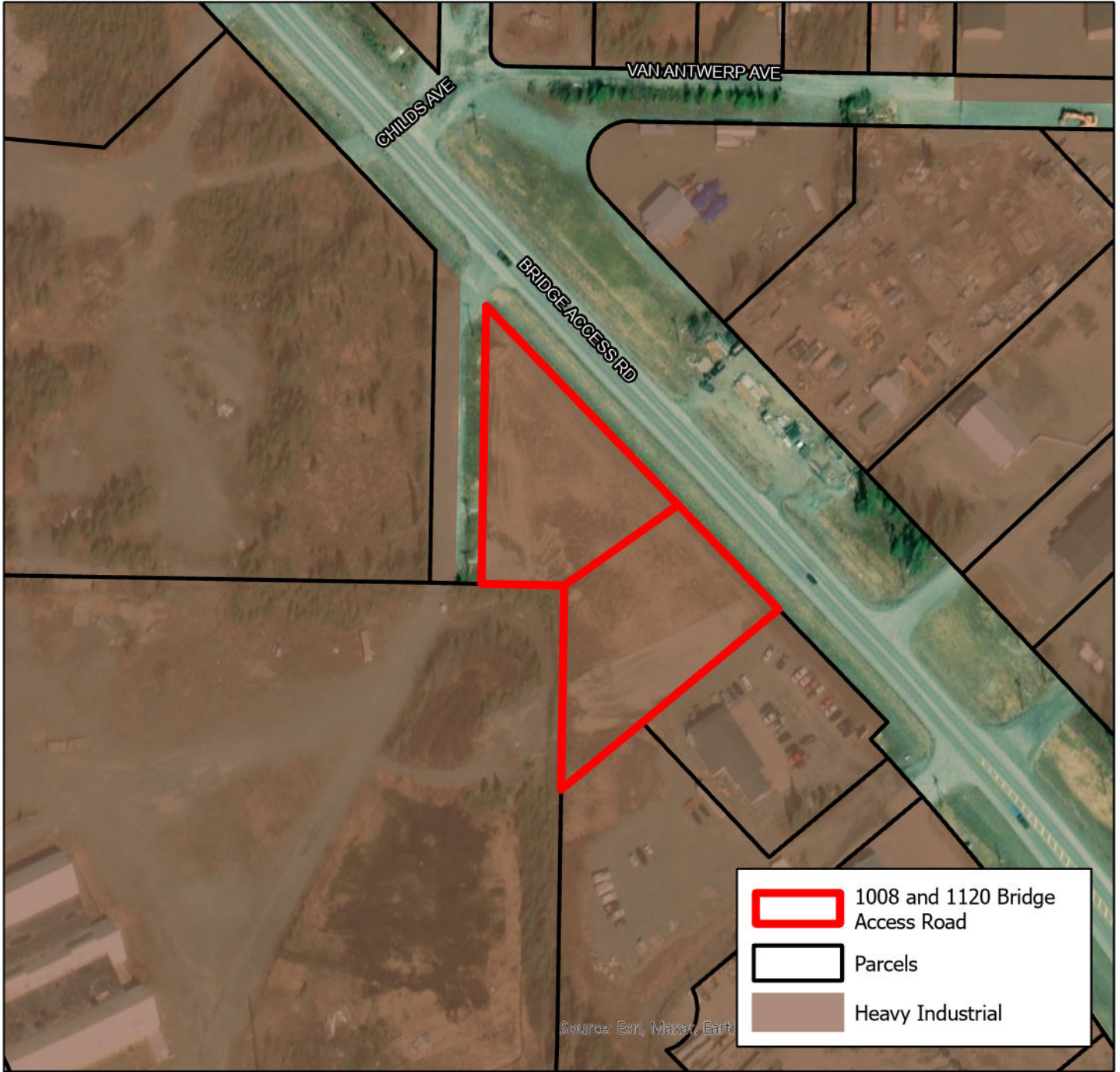


Conditional Use Permit
Resolution PZ2023-08

RV Park

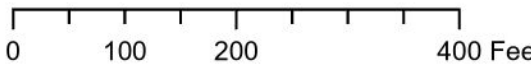
1088/1120 Bridge Access Road

KPB Parcel IDs: 04901312 and 04901313



Date Printed: 5/19/2023

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:	DUFFE HANDBASTIE				
Mailing Address:	1152 BRIDGE ACCESS RD				
City:	KEENAI	State:	AK	Zip Code:	99611
Phone Number(s):	907-252-2534				
Email:	DUFFEHANDBASTIE@HOTMAIL.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):	04901312 - 04901313
Physical Address:	1152 BRIDGE ACCESS RD
Legal Description:	Heavy Industrial
Zoning:	IH
Acres:	2

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

RV PACKING ? COFFEE SHOP AND FOOD VENDING

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

OUR BUSINESS WE WILL BE CONDUCTING HAS FAR OR LESS IMPACT THAN COMMERCIAL AND INDUSTRIAL ZONING.

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

THERE IS NOT AN ADJOINING NEIGHBORHOOD, ALL OF THE ADJOINING PROPERTYS WILL NOT BE IMPACTED

Use of surrounding property - north:	COMMERCIAL
Use of surrounding property - south:	COMMERCIAL
Use of surrounding property - east:	COMMERCIAL
Use of surrounding property - west:	COMMERCIAL

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

We plan to strengthen the economic development, conducting land use to enhance community growth and services. Providing park and recreation for residents and visitors to our community.

Are public services and facilities on the property adequate to serve the proposed conditional use?

Yes

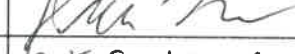
Explain how the conditional use will not be harmful to public safety, health, or welfare:

RV PARK, coffee shop and food vendors are not known to be harmful to the public safety.

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

AUTHORITY TO APPLY FOR CONDITIONAL USE:
 I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:		Date:	4-23-27
Print Name:	DUFF HANDCASTNIK	Title/Business:	

For City Use Only	Date Application Fee Received:	5/1/2023
	PZ Resolution Number:	2023-08

Bridge Access RD

Childs AVE

UTILITY

Ditch
W S

W S

Food Vendor
AREA

Coffee
Shop

RV
Dump Station
& Water

EXIT
ENTER

04901312

04901313

UTILITY EASEMENT

PULL Through

←20→

RV

Parking

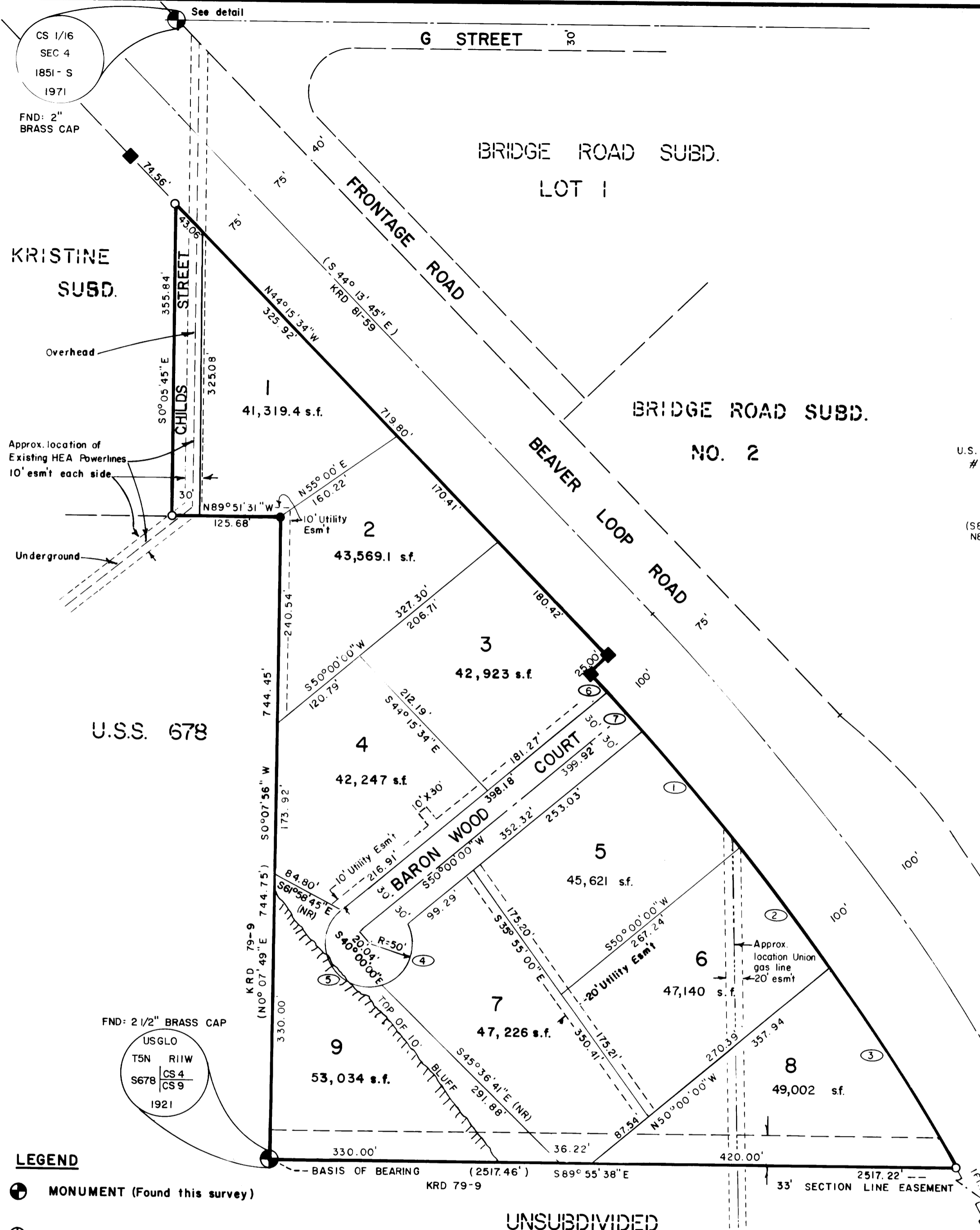
Exit
Enter

Power

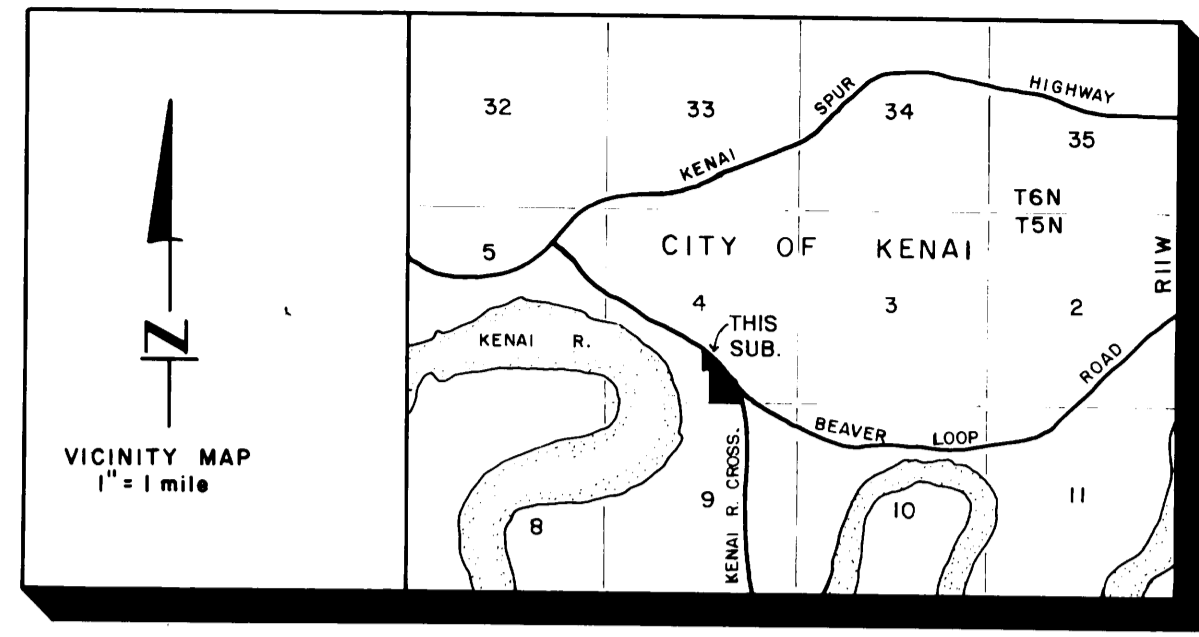
Fence

Dukes

Park



RECORDED - FILED 10- Kenai
 DATE 7/25/84
 TIME 10:43 AM
 DOWLING-RICE



CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Jess L. Hall Kathleen L. Hall Clinton D. Hall
 JESS L. HALL and KATHLEEN L. HALL CLINTON D. HALL
 PO BOX 651 PO. BOX 2829
 KENAI, ALASKA 99611 KENAI, AK. 99611

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF April, 1984 FOR Jess L. Hall, Kathleen L. Hall, Clinton D. Hall

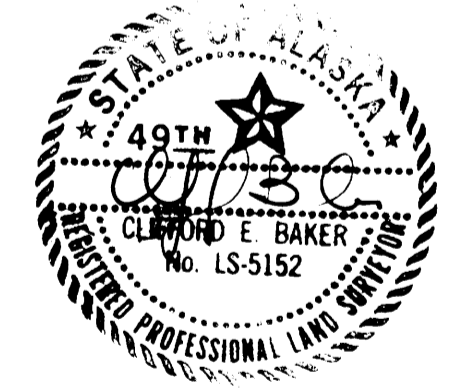
Sharon Jean
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES Feb 24, 1986

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 12, 1984

KENAI PENINSULA BOROUGH
 AUTHORIZED OFFICIAL

CLIFFORD E. BAKER, R.L.S.
 REGISTRATION NO. LS-5152



- LEGEND**
- ⊕ MONUMENT (Found this survey)
 - ⊕ MONUMENT (Set this survey)
 - 1/2" REBAR (Found this survey)
 - ⊥ 5/8" x 30" REBAR (Set this survey)
 - () RECORD DATUM KRD 79-9
 - CONCRETE HWY. MONUMENT (Fnd)
 - (NR) NON-RADIAL

CURVE DATA

NO.	R	Δ	L	T	C	CB
1	276.4.79'	3°37'20"	174.79'	87.43'	174.76'	S 40°34'12"E
2	276.4.79'	3°37'39"	175.04'	87.55'	175.01'	S 36°56'43"E
3	276.4.79'	5°39'23"	272.95'	136.58'	272.84'	S 32°18'12"E
4	50.00'	102°43'06"	89.64'	62.54'	78.11'	N 22°47'27"E
5	50.00'	155°51'00"	136.00'	233.73'	97.79'	N 27°55'30"W
6	276.4.79'	0°37'20"	30.03'	15.01'	30.03'	S 43°56'08"E
7	276.4.79'	1°14'36"	59.99'	30.00'	59.99'	S 43°00'10"E

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 This subdivision has been reviewed in accordance with 18AAC72.045 and is approved, subject to any noted restrictions.
 NOTES: 1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION. 2) NO DIRECT ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

BARON WOOD SUBD.

A SUBDIVISION OF THAT PORTION OF GOV'T LOT 9 SW OF BEAVER LOOP AND LOCATED IN THE SW 1/4 SE 1/4 SEC 4 T5N R11W S.M., AK. AND THE CITY OF KENAI.

10.37 acres containing 9 lots

DOWLING-RICE and ASSOCIATES
 P.O. BOX 1974 SOLDOTNA, ALASKA 99669
ENGINEERS 262-9011 SURVEYORS

SURVEYED: 9-83	PLATTED: 9-83
DRAFTED: LKA / MM	SCALE: 1"=100'
CHECKED: CEB / DP	FIELD BOOK: 17



Kenai City Council - Regular Meeting

May 17, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

1. 2023 Meals on Wheels Event, Velda Geller, Kenai Senior Connections.

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3348-2023** - Accepting and Appropriating Funds from the Institute of Museum and Library Services, Passed through the State of Alaska, Department of Education and Early Development, Division of Library, Archives & Museums, for Library Employee Training. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3349-2023** - Accepting and Appropriating a Donation to the Kenai Community Library for the Purchase of Early Literacy Equipment and Furniture. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3350-2023** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3351-2023** - Accepting and Appropriating Funding from the State of Alaska Department of Health and Social Services, Division of Public Health for the Healthy and Equitable Communities Program, and Authorizing the City Manager to Execute a Memorandum of Agreement for this Funding. (Administration)
5. **ENACTED UNANIMOUSLY. Ordinance No. 3352-2023** - Increasing Estimated Revenues and Appropriation in the Kenai City Dock Improvement, Animal Control Improvement, and Airport

Snow Removal Equipment Improvement Capital Project Funds to Transfer Residual Balance from Completed Projects Back to their Original Funding Sources. (Administration)

6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-34** - Awarding a Contract for Ambulance Billing Services. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2023-35** - Authorizing a Service Agreement for the Personal Use Fishery Dumpsters and Portable Restrooms. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2023-36** - Authorizing a Service Agreement to Provide Refueling Services for City Facility Fuel Tanks. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2023-37** - Authorizing a Reallocation of Funds Within the Municipal Roadway Improvements Capital Project Fund. (Administration)

F. MINUTES

1. *Special Meeting of April 27, 2023. (City Clerk)
2. *Regular Meeting of May 3, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. **REMOVED FROM THE AGENDA. *Action/Approval** - Amending an Employment Agreement between the City of Kenai and City Clerk, Michelle Saner. (Gabriel)
3. ***Action/Approval** - Amending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Gabriel)
4. ***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)
5. ***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)
6. ***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)
7. ***Ordinance No. 3356-2023** - Amending Kenai Municipal Code Title 23—Personnel Regulations to Address Recruitment and Retention of Employees and Make Housekeeping Changes. (Administration)
8. **APPROVED UNANIMOUSLY. Action/Approval** - Special Use Permit to Rogue Wave Processing for Aircraft Loading and Parking Space Related to Fish Haul Operations. (Administration)
9. **APPROVED UNANIMOUSLY. Action/Approval** - Memorandum of Agreement with Ted Stevens Anchorage International Airport for Use of the Alaska Regional Aircraft Fire Training Center. (Administration)

10. **POSTPONED TO 6/7/2023. Action/Approval** - Extending the Agreement for Tourism and Marketing Services with Divining Point, LLC for One Year. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89274005944>

Meeting ID: 892 7400 5944 **Passcode:** 696827

OR

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

Meeting ID: 892 7400 5944 **Passcode:** 696827



Kenai City Council - Regular Meeting

May 03, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3345-2023** - Accepting and Appropriating Donations for Construction of the Kenai Community Dog Park. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3346-2023** - Increasing Estimated Revenues and Appropriations in the General Fund, Fire Department for the Purchase of an Inflatable Rescue Boat. (Administration)
3. **ENACTED. Ordinance No. 3347-2023** - Establishing the Storefront and Streetscape Improvement Program and Appropriating \$50,000 from the General Fund. (Askin, Sounart)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-29** - Deferring the Annual City Fee for Tideland Leases for Shore Fisheries to Provide Relief for Set Net Operators Leasing Tidelands from the City for Commercial Setnet Operations if Setnet Fisheries Remain Closed in the Upper Cook Inlet Eastside Set Net Fishery Salamatof Beach Section. (Gabriel)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-30** - Authorizing a Reallocation of Funds within the Congregate Housing Improvement Capital Project Fund. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-31** - Authorizing a Reallocation of Funds within the Municipal Roadway Improvements Capital Project Fund. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2023-32** - Approving a Lease Utilizing a Non-Standard Lease Form on Airport Reserve Lands Between the City of Kenai and the Federal

Aviation Administration for the Automated Flight Service Station and Satellite Communication Network Facilities on Lot 7A-1 FBO Subdivision No. 5. (Administration)

8. **ADOPTED UNANIMOUSLY. Resolution No. 2023-33** - Approving an Amendment to the Lease and Concession Agreement for the Kenai Municipal Golf Course and Recreation Area Between the City of Kenai and Griffin Golf, LLC. (Administration)

F. MINUTES

1. *Regular Meeting of April 19, 2023. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Non-Objection to the Transfer of a Limited Marijuana Cultivation Facility License for Grateful Bud, LLC., DBA: Grateful Bud, LLC. - License No. 16474. (City Clerk)
4. ***Ordinance No. 3348-2023** - Accepting and Appropriating Funds from the Institute of Museum and Library Services, Passed through the State of Alaska, Department of Education and Early Development, Division of Library, Archives & Museums, for Library Employee Training. (Administration)
5. ***Ordinance No. 3349-2023** - Accepting and Appropriating a Donation to the Kenai Community Library for the Purchase of Early Literacy Equipment and Furniture. (Administration)
6. ***Ordinance No. 3350-2023** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
7. ***Ordinance No. 3351-2023** - Accepting and Appropriating Funding from the State of Alaska Department of Health and Social Services, Division of Public Health for the Healthy and Equitable Communities Program, and Authorizing the City Manager to Execute a Memorandum of Agreement for this Funding. (Administration)
8. ***Ordinance No. 3352-2023** - Increasing Estimated Revenues and Appropriation in the Kenai City Dock Improvement, Animal Control Improvement, and Airport Snow Removal Equipment Improvement Capital Project Funds to Transfer Residual Balance from Completed Projects Back to their Original Funding Sources. (Administration)
9. **APPROVED UNANIMOUSLY. Action/Approval** - Special Use Permit to Kenai Aviation Operations, LLC. for Airport Taxilane Space for Aircraft Parking. (Administration)
10. **Discussion** - Status and Path Forward for Wildwood Drive Rehabilitation Project. (Administration)

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission

5. Planning and Zoning Commission
6. Beautification Committee

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

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

1. CIRCAC Director's Report

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

Join Zoom Meeting

<https://us02web.zoom.us/j/86090121719>

Meeting ID: 860 9012 1719 **Passcode:** 016058

OR

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

Meeting ID: 860 9012 1719 **Passcode:** 016058



Meeting Agenda Plat Committee

Monday, May 22, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-5207](#) May 8, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 050822 Plat Committee Minutes](#)

4. Grouped Plats
Grouped Plats

[KPB-5236](#) May 22, 2023 Grouped Plats

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5208](#) Bunnell's Subdivision 2023 Replat; KPB File 2023-047
Ability Surveys / Malone, Hendrix
Location: Swatzell Street & West Pioneer Avenue
City of Homer
Attachments: [E1. Bunnell's Subdivision 2023 Replat_Packet](#)
2. [KPB-5209](#) Fourth of July Creek Subdivision Seward Marine Industrial Center
Duchess Replat; KPB File 2023-045
Lang & Associates Inc. / City of Seward
Location: Delphine Street, Olga Street & Morris Avenue
City of Seward
Attachments: [E2. Fourth of July Creek Seward Marine Industrial Ctr Duchess Replat_Packet](#)
3. [KPB-5210](#) Puffin Acres 2023; KPB File 2023-046
Ability Surveys / Hall
Location: Crested Crane Street & East End Road
Kachemak City
Attachments: [E3. Puffin Acres_Packet](#)
4. [KPB-5211](#) Right-of-Way Acquisition Park Road; KPB File 2023-033
McLane Consulting Group / Oliva
Location: Park Road
Nikiski Area / Nikiski APC
Attachments: [E4. ROW Acquisition Park Rd.](#)

5. [KPB-5212](#) Twin Creek 2023: KPB 2023-044
Geovera, LLC / Paul
Location: Nearly Level Road & Monroe Street
Diamond Ridge Area / Kachemak Bay APC
- Attachments: [E5. Twin Creek 2023 Packet](#)
6. [KPB-5213](#) Whisper Lake Subdivision Miller Addition Prather Replat
KPB File 2023-048
Segesser Surveys / Prather
Location: Ben Court
Sterling Area
- Attachments: [E6. Whisper Lake Sub Miller Addn Prather Replat Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, June 12, 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 5:30 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.



Meeting Agenda Plat Committee

Monday, May 8, 2023

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

[KPB-5152](#) April 24, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 042223 Plat Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5153](#) Obsidian Subdivision; KPB File 2023-042
Seabright Surveying / Thomas
Location: Hill Avenue & Saber Avenue West
Fritz Creek Area / Kachemak Bay APC

Attachments: [E1. Obsidian Sub Packet](#)
[E1. Obsidian Subdiviaion Desk Packet](#)
2. [KPB-5154](#) Skipper's View 2023 Addition; KPB File 2023-026
Orion Surveys / The Canyon Creek Trust
Location: Waterman Road
Fritz Creek Area / Kachemak Bay APC

Attachments: [E2. Skipper's View 2023 Addn. Packet](#)
[E2. Skipper's View 2023 Addn Desk Packet](#)
3. [KPB-5155](#) ROW Acquisition Seward Hwy. MP 25.5 to 36
Trail River to Sterling WYE Rehabilitation; KPB File 2022-063R1
State of AK DOT&PF / State of Alaska
Location: Seward Hwy Mile Posts 25.5 to 36
Moose Pass Area / Moose Pass APC

Attachments: [E3. ROW Acquisition Seward Hwy. Packet](#)
[E3. ROW Acquisition Seward Hwy Desk 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, May 22, 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>

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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, May 8, 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
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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

- [KPB-5143](#)
- a. Bear Lahai Roi Subdivision 2022 Addition; KPB File 2022-089
 - b. Christensen Tracts 2021 Addition; KPB File 2021-046
 - c. The Peaks Subdivision; KPB File 2022-115

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

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-5144](#)
- a. Baron Park Triumvirate Addition; 2023-036

Attachments: [C4. Final Approvals Packet](#)

5. Plat Amendment Request - None
6. Commissioner Excused Absences
 - a. Pamela Gillham - District 1, Kalifornsky
 - b. City of Seldovia, Vacant

c. District 7 - Central, Vacant

7. Minutes

[KPB-5145](#) April 24, 2023 PC Meeting Minutes

Attachments: [C7. 042423 PC Minutes Packet](#)

D. OLD BUSINESS - None

E. NEW BUSINESS

1. [KPB-5146](#) Right-Of-Way Vacation; KPB File 2023-024V
Ability Surveys / Jones
Request: Vacates a portion of Perkins Road and associated utility easements granted on Stanley's Meadow Vikki's Replat, Plat HM 99-30 Fritz Creek Area / Kachemak Bay APC
Attachments: [E1. ROWV-Perkins Rd Packet](#)
2. [KPB-5147](#) Conditional Use Permit; PC Resolution 2023-03
Petitioners: Daniel Sweatt & Ronald Jackson
Request: to construct a bridge on a KPB ROW within the 50' Habitat Protection District of the Unnamed Creek (AWC 244-10-10010-2011-3031-4022)
Location: Lot 8-A Nikolaevsk Village Subdivision No. 5, Plat HM 0800099
Nikolaevsk Area
Attachments: [PC RES 2023-03 Executed](#)
[E2. CUP Bridge-Berezka Packet](#)
3. [KPB-5150](#) ZipMart Building; 38525 Swanson River Road; Sterling Area. Order to show cause why the Zip Mart building should not be condemned.
Attachments: [E3. ZipMart Building Packet](#)
[E3. ZipMart Building Desk Packet](#)
4. [KPB-5148](#) Ordinance 2023-10: An ordinance authorizing the sale of substandard sized lots obtained by Kenai Peninsula Borough through tax foreclosure and retained for a public purpose.
Attachments: [E4. ORD 2023-10 Packet](#)

5. [KPB-5149](#) Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Attachments: [E5. ORD 2022-46 Packet](#)
[E5. ORD 2022-46 - Nikiski APC Boundaries Desk Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

[KPB-5151](#) Advisory Planning Commission Meeting Minutes

Attachments: [Misc Info_PC Desk Packet](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, May 22, 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 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
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