



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

May 26, 2021 – 7:00 PM

**Kenai City Council Chambers
210 Fidalgo Avenue, Kenai, Alaska**

www.kenai.city

****Telephonic Participation info Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda
5. *Excused Absences

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. *May 12, 2021

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2021-11** – Preliminary Subdivision Plat of Valhalla Heights 2021 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Jeremiah and Jennifer Cates, 415 Phillips Drive, Kenai, AK 99611
2. **Resolution PZ2021-17** – Preliminary Subdivision Plat of Tide View Subdivision #2, submitted by Johnson Surveying, P.O. Box 27, Clam Gulch, AK 99568, on behalf of Mack and Carol Padgett, 855 Ames Rd., Kenai, AK 99611 and Ken and Elizabeth Smith, 4342 Freeman Creek Rd., Lenore, ID 83541

- 3. Resolution PZ2021-20** - Preliminary Subdivision Plat of TKC2 Subdivision, submitted by Segesser Surveys, 30485 Rosaland Street, Soldotna, AK 99669, on behalf of TKC LLC, P.O. Box 10658, Bakersfield, CA 93389
- 4. Resolution PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603

F. PUBLIC HEARINGS

- 1. Resolution PZ2021-19** – Application for a Conditional Use Permit for eight single family dwellings in the Suburban Residential zone, on Government Lot 26, Section 31, Township 6 North, Range 11 West, and located at 1714 Fourth Avenue. The application was submitted by Byler Contracting, P.O. Box 877750, Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

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 three (3) minutes per speaker; thirty (30) minutes aggregated)

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** June 9, 2021

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

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Meeting ID: 826 8811 3029

Passcode: 806164

File Attachments for Item:

1. *May 12, 2021

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 12, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, D. Fikes, J. Halstead, G. Woodard, G. Greenberg,
A. Douthit, R. Springer

Commissioners absent:

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W.
Anderson, Deputy City Clerk M. Thibodeau, Council Liaison
J. Glendening

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the agenda and packet:

- Add to item F.2. **Resolutions PZ2021-16 and PZ2021-17**
- Emails objecting to Guide Service and Lodging
 - Covenants, Conditions and Restrictions Basin View Subd.
Part 3

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda with requested additions and
Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the consent agenda and Vice Chair Fikes
SECONDED the motion. There were no objections; **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 – None

B. APPROVAL OF MINUTES

1. *April 28, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2021-14** – Preliminary Subdivision Plat of FBO Subdivision No. 11, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99669, on behalf of City of Kenai, 210 Fidalgo Avenue, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet noting that the City of Kenai wishes to increase the size of the Lot 3 for the construction of a sand storage building for maintenance of the airfield. The preliminary plat of FBO Subdivision No. 11 will move the property line between two lots approximately 125 feet, resulting in a larger lot for the sand storage building and a smaller lot that is leased to the State of Alaska, Division of Forestry.

Approval of the plat was recommended, subject to the following conditions:

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

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution No. PZ2021-14 with staff recommendations and Commissioner Douthit **SECONDED** the motion.

VOTE:

YEA: Springer, Halstead, Douthit, Fikes, Greenberg, Woodard, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-15** – Application for a Conditional Use Permit for Cabin Rentals for the property described as Lot 3, James H Cowan Estates, located at

1050 Angler Drive, Kenai, Alaska 99611. The application was submitted by Bryan Lowe, Rachel Lowe and Bryson Lowe, 411 Eadies Way, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a cabin rental business. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
7. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

MOTION:

Commissioner Douthit **MOVED** to approve Resolution No. PZ2021-15 with staff recommendations and Commissioner Woodard **SECONDED** the motion.

Chair Twait opened for public hearing.

Jerry Huf stated that he believed the City should not issue any more Conditional Use Permits (CUP) until the CUP process changes because, after issuing a CUP the City does not do enough to enforce the conditions of the permit. He stated that he knew of individuals that had been issued CUPs who don't follow the conditions and there are complaints from neighbors and the City should be addressing this.

Ron Rogalsky emphasized the importance of Criteria #2 "*KMC 14.20.150(d)(d) The value of the adjoining property and neighborhood will not be significantly impaired,*" noting how the actions of neighbors can devalue one's own property and neighborhood. He noted that CUPs are often used to bypass the rules of zoning.

Rick Baldwin encouraged the commission to consider the impact of the proposed use on the surrounding property. He stated that the key question to ask is whether the CUP would prohibit uses which would violate the residential character of the neighborhood environment, and noted that due to the number of businesses already operating on Angler Drive, there is very little residential character left.

Jerry Huf commented that Angler Drive is saturated with businesses operating under CUPs and, while most businesses owners are responsible and live in the area, some do not. He stated that Angler Drive used to be a residential neighborhood but it has evolved into a tourism area which

some people find to be undesirable.

Jim Richardson noted that as a longtime resident of the area, he had observed the rising number of CUPs. He clarified that he had previously researched the number of CUPs in the area and found that at the time not all of these businesses were reporting income and paying taxes on it. He also noted that his plans to retire in this area has changed, because he has had issues with trespassing, partying, riding golf carts on the road, loud music, and attempts to work with the police and the City to resolve these issues have been unsuccessful.

Rachel Lowe explained that she is involved in this project, she has lived in the area for most of her life and her family has been involved in lodging businesses there for generations. She explained that lodges help bring tourism to Kenai and boost the economy through taxes and money spent at local businesses. She clarified that her intent is not to allow partying, but to invest in this business as an upstanding place that people will want to return to. She also noted that, while she was growing up, very few year-round residents lived there and the area has been primarily for charter businesses and lodging so it is not a new change.

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

Clarification was provided that more detailed schematics of the operation will be provided by the applicant per the conditions of the CUP. The question was raised about the work the applicant may have already done on the property and it was clarified that the property is classified as being vacant without a structure, and groundwork or clearing that has been done would not be getting ahead of the CUP.

Concerns were expressed about the City's process for addressing complaints towards CUP properties, and clarification was provided that CUPs were reviewed on an annual basis and if problems arise, those permits can be revoked by the Planning & Zoning Commission through a public hearing.

Commissioner Greenberg noted that there are many other CUPs in the area that have all gone through the same approval process along with annual reviews, and that because this application meets all the criteria it would be unfair to vote against it.

Commissioner Douthit, referring to a public comment that this would affect the environment of the neighborhood, noted that with so many similar businesses in the subdivision it is actually consistent with what many neighbors are doing and prospective homeowners would be well aware of this environment, so voting against it would be counterproductive.

Chair Twait recognized that there may be issues with CUP properties that the Commission is not being made aware of and noted that, when they approve a permit like this it is with the intention that if things are not being run the way they should, the permit can be revoked. He noted that he believes this application falls within the parameters of a CUP and meets the criteria to qualify. It was clarified that there is a process in Kenai Municipal Code that outlines how the process of revocation for a CUP occurs.

Vice Chair Fikes expressed concern that the business model presented in the CUP application is too vague and ambiguous, and when met with this kind of opposition it presents a difficult situation if the Commission is not receiving feedback about permits.

Commissioner Greenberg noted that the applicant for this particular CUP is a different person who has met the necessary criteria.

Clarification was provided that revocation of a CUP can be done based on an annual review or any other investigation undertaken, and one reason that the Planning & Zoning Commission can revoke a CUP is if they violate the terms of the permit.

Discussion included potential conditions which could be attached to the resolution and how that could affect the enforcement of conditions or revocation, and whether other CUP property owners in the area are held to similar conditions. The applicant clarified that she would be the onsite manager and other family members would also be working there, and they would be overseeing the operation.

Vice Chair Fikes clarified that the areas she found incomplete in the application were details regarding management's availability, which she believed were relevant due to the number of concerned parties in the audience. It was clarified that hours of operation are not a requirement of the application, but it is within the purview of the commission to ask for this.

MOTION TO AMEND:

Vice Chair Fikes **MOVED** to amend PZ2021-15 to include the following condition under Section 2: "9. No loud noises past the hour of 10pm until the hour of 5am." Commissioner Halstead **SECONDED** the motion.

Questions were raised about how noise complaints can be investigated and enforced, and the process by which the Commission receives information about complaints and other violations which could result in permit revocation.

VOTE ON AMENDMENT:

YEA: Halstead, Fikes, Twait
NAY: Douthit, Greenberg, Woodard, Springer

MOTION FAILED.

MOTION TO POSTPONE:

Commissioner Halstead **MOVED** to postpone PZ2021-15 until the Planning & Zoning Commission meeting of May 26, 2021, with the intent of having a work session prior to the meeting. Commissioner Douthit **SECONDED** the motion.

VOTE ON POSTPONEMENT:

YEA: Fikes, Woodard, Halstead
NAY: Douthit, Greenberg, Twait, Springer

MOTION FAILED.

The comment was made that the main issue that should be addressed is a breakdown in communication on the enforcement side, and not necessarily this specific permit application.

VOTE ON MAIN MOTION:

YEA: Fikes, Greenberg, Woodard, Twait, Springer, Halstead, Douthit
NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

2. **Resolutions PZ2021-16 and PZ2021-17** – Application for a Conditional Use Permit for a Guide Service and Lodging for the property described as Lot 4, Block 4, Basin View Subdivision Part 3, located at 345 Dolchok Lane, Kenai, Alaska 99611. The application was submitted by Dean M. Schlehofer, P.O. Box 201565, Anchorage, AK 99520-1565

Planning Director Foster presented his staff report with information provided in packet noting that the applicant would like to conduct a fishing guide service and lodging accommodations for his clients. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

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

MOTION:

Commissioner Douthit **MOVED** to approve of Resolution No. PZ2021-16 with staff recommendations and Commissioner Greenberg **SECONDED** the motion.

Commissioner Douthit disclosed that he is a registered fishing guide and he has no financial gain or personal interest in this or anything else pertaining to this, nor does he have any kind of personal relationship with the owner of this property. Chair Twait noted that he does not see a conflict of interest.

Chair Twait opened for public hearing.

Evelyn Dolchok Huf stated her opposition to the resolution. She explained that the area has always been a single-family dwelling neighborhood, and to change the established dynamic would be detrimental. She referenced KMC 14.29.150(d)(2) *The value of the adjoining property will not be significantly impaired*, noting that those looking for a family neighborhood would look elsewhere. She expressed concerns about safety, increased traffic, noise, and the ability of the City to enforce conditions of these permits.

Rick Baldwin clarified that his remarks would be in opposition to the guide service. He questioned how the business would operate and whether the application was complete enough for approval. He stated that the key question the Commission should be asking is whether the proposed use of the CUP is compatible with the character of the neighborhood as determined in the covenants, and that the Commission should give deference to these covenants.

Jerry Huf expressed concern about the inclusion of conditions for a dock in the resolution, noting that allowing this would open the door for others to ask for more permits. He stated his opposition, noting concern for the character of the neighborhood.

Mylee Niederhauser questioned how the applicant had begun to advertise this business online prior to the approval of his permit. She expressed opposition to the resolution, noting concerns about noise and trespassing.

Charlotte Coats stated her opposition to both permits for guide service and lodging. She noted the family-centered character of the neighborhood and that a fishing lodge would be in direct conflict with it, as some family activities would not be possible with these businesses operating there. She expressed concerns about how the river could be accessed from this property, the increased water and septic needs of a lodge leading to pollution of the anadromous ecosystem, increased traffic, safety, and adherence to covenants.

Elaine Larson emphasized the family-centered character of the neighborhood, noting that the residents oppose this because it would *“Violate the residential character of the environment”* which is a prohibited use under Criteria #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.”* She also referred to Criteria #2 *“KMC. 14.20.150(d)(2) The value of the adjoining property and neighborhood will not be significantly impaired”* explaining that she is very concerned about her property values and it sets a precedent for allowing other guide services.

Phil Daniel questioned the data collection process for Criteria #2 *“KMC. 14.20.150(d)(2) The value of the adjoining property and neighborhood will not be significantly impaired”* noting that the driveway is gravel and not paved, the aerial photo is not current and the tree line may not provide a natural buffer in the future due to spruce bark beetles. He encouraged the Commission to see the property for themselves, noting that it is a neighborhood the residents do not want to change the character of.

Dean Schlehofer, applicant, responded to an earlier testimony regarding his online advertisement and clarified that it is a very old website which had not been updated since he moved and he intends to change. He explained that he had concerns for the neighborhood prior to purchasing the property and only did so after conducting his own research. He addressed concerns regarding how his clients would access the river, their road access and how he intends to manage the traffic. He suggested allowing a year trial for his business and revisiting concerns after that point. He also clarified details regarding his bookings, boat storage, parking, months of operation and occupancy, and scope of guide services.

Mark Larson clarified that his opposition is nothing personal against the applicant, but that CUP approval can be a slippery slope and he would rather not see that situation in this neighborhood.

Ron Rogalsky thanked the Commission and noted that he had heard that bookings are already in place and construction has already started for this operation.

Barbara Baldwin read *“Opposition to Application for Conditional Use Permit”* as provided in the laydown into the record, clarifying that it was signed by over forty people in the neighborhood.

Duane Mayes spoke to the character and integrity of the applicant, noting their history of working together and the applicant’s reputation as a successful guide, businessman and leader in the deaf community.

Amber Every stated her opposition to the resolution, expressing concern over a change to the neighborhood dynamic, noise, loss of privacy, negative impacts on property value, unsafe road

conditions as a result of boats on the road, overcrowding on the property, and widespread opposition from neighbors.

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

The applicant provided clarification on his previous location of business, expected hours of operation for the guide service, whether guests need to be booked on fishing trips, the traffic from other potential employees.

Discussion included the possibility of a one-year trial, and it was noted that there is not currently a process in place for these kinds of permit conditions.

The applicant provided clarification on the number of employees for the guide service that would operate from the property, and how much of the business as done on the property versus at off-site locations.

VOTE:

YEA: Greenberg, Twait, Halstead, Douthit
NAY: Woodard, Springer, Fikes

MOTION PASSED.

Chair Twait noted the fifteen-day appeal period.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-17 with staff recommendations and Commissioner Douthit **SECONDED** the motion.

Chair Twait opened for public hearing.

Rick Baldwin stated his opposition, and noting there was a large trailer on site which, along with other vehicles, has clogged up the parking lot. He referenced the findings in the staff report under Criteria #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* in which it states “there are no proposed physical changes that would violate the residential character of the neighborhood,” arguing that the character can be violated by non-physical changes such as an increase in noise. He responded to staff findings under Criteria #4 *“KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan”* which state “The Comprehensive Plan has goals to support businesses and economic development” by stating that economic development should never override quality of life.

Chuck Eubank questioned how the applicant will operate his business within the subdivision and his need for a permit, stated his opposition to the resolution and warned against setting a precedent.

Kelsey Daniel expressed concern for the safety of neighborhood children, traffic, littering, noise and disturbances, strangers on the road, and boats backing out.

Amber Every clarified that her opposition is nothing personal against the applicant, but that he had agreed to the neighborhood's covenants. She stated that if the Commission approves his application it will be setting a precedent for others.

Dean Schlehofer stated that he understands the concerns about the safety of neighborhood children, and is very careful to keep an eye out for children around boats and other vehicles.

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

Clarification was provided that there is a 50-foot anadromous stream buffer along Beaver Creek. Discussion included lodging capacity, the possibility of hosting lodgers in recreational vehicles, and how restrictions on these aspects of the business could be enforced if added.

Chair Twait re-opened for public hearing to hear the testimony of Valerie Eubank, who questioned the recreational vehicle on the applicant's property.

Clarification was provided that there are no other CUPs in this subdivision.

VOTE:

YEA: Greenberg

NAY: Twait, Springer, Halstead, Douthit, Fikes Woodard

Chair Twait clarified that he voted no out of concern for the character of the neighborhood being altered.

Commissioner Springer clarified that he voted no because it is a residential neighborhood, and we don't want to go down the path of allowing commercial activity in a residential area.

Commissioner Halstead clarified that he voted no due to the number of neighbors in opposition to it, the safety of the neighborhood and the overall expectations of the area.

Commissioner Douthit clarified that he voted no due to the overwhelming feelings of the neighborhood and their worries about traffic, opening up doors for increased lodging in the future, and not going with the ambiance of the neighborhood.

Vice Chair Fikes clarified that she voted no due to health and safety, increased traffic, the area being a rural residential zone and the expectation of a certain quality of life, and the value of people's property which could change due to proximity to a 24-hour business. She noted that with no other CUPs in the area, we shouldn't open that door.

Commissioner Greenberg clarified that he voted yes because the zone is the same, the permit is the same, and this is the fair and equal way to apply the code.

Commissioner Woodard clarified that she voted no because she can't overlook that every resident of the area is in opposition to it, and passing it means the area could end up like Angler Drive.

MOTION FAILED.

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval** – Application for Lease of City-owned Lane within the Airport Reserve described as Tract A-2, General Aviation Apron Subdivision No. 7. The application was submitted by SOAR International Ministries, P.O. Box 1714, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet noting a draft Resolution and memorandum for consideration for Council which is first being presented to the Planning & Zoning Commission and Airport Commission for approval. He noted that the applicant has requested an amendment to the approved lease execution resolution, so that the 100 foot by 110 foot connecting office facility, with an aggregate cost of \$1,500,000, can be completed no later than June 30, 2025, two years later than the other required improvements.

MOTION:

Vice Chair Fikes **MOVED** to recommend approval of Application for Lease of City-owned Lane within the Airport Reserve described as Tract A-2, General Aviation Apron Subdivision No. 7. Commissioner Woodard **SECONDED** the motion.

VOTE:

YEA: Springer, Douthit, Fikes, Greenberg, Woodard, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Glendening reported on the actions from the May 5, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the May 10, 2021 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - Upcoming meeting on May 26, 2021 will include four plats, one Conditional Use Permit and one Special Use Permit.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments

Rick Baldwin thanked the Commission and asked them to think seriously about their decision regarding PZ2021-16, noting that it sets a precedent for other guide businesses to come to the

neighborhood. He noted that there is a procedural way to change the decision and implored them to reconsider.

2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. May 26, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Greenberg noted that he appreciated the lively debate.

Commissioner Woodard noted she will not be able to attend the next meeting on May 26, 2021.

Vice Chair Fikes noted that in June the Kenai Peninsula Borough will be offering commissioners training on vacation coding and setbacks, and encouraged those who are interested to attend.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 11:17 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

File Attachments for Item:

1. Resolution PZ2021-11 – Preliminary Subdivision Plat of Valhalla Heights 2021 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Jeremiah and Jennifer Cates, 415 Phillips Drive, Kenai, AK 99611



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-11**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT VALHALLA HEIGHTS 2021 REPLAT HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc.; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 10B is provided via Phillips Road which is a gravel City maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of Valhalla Heights 2021 Replat be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 19, 2021
SUBJECT: PZ2021-11 – Preliminary Plat – Valhalla Heights 2021 Replat

Applicant: Jeremiah and Jennifer Cates
415 Phillips Drive
Kenai, AK 99611

Submitted By: McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – Valhalla Heights 2021 Replat

Legal Description: T 5N R 10W SEC 6 Seward Meridian KN 2019064 Valhalla Heights
2019 Replat Lot 10A Block 11 & Lot 12 Block 11

Property Address: 415 and 425 Phillips Road

KPB Parcel No: 04934019 and 04934012

Lot Size: Approximately 1.97 Acres (85,813 square feet) and approximately
0.83 Acres (36,154 square feet)

Existing Zoning: Rural Residential

Current Land Use: Single Family Dwelling and Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

McLane Consulting, Inc. has submitted a preliminary plat on behalf of the property owner Jeremiah and Jennifer Cates. The plat affects the parcel described as T 5N R 10W SEC 6 Seward Meridian KN 2019064 Valhalla Heights 2019 Replat Lot 10A Block 11 & Lot 12 Block 11. The plat will remove the lot line between Lot 10A and Lot 12 to create a new Lot 10B Block 11 which will

be approximately 2.8 acres. This action will provide a greater wastewater disposal area for the property.

Application, Public Notice, Public Comment

KMC 14.10.010 General under Chapter 14.10 Subdivision Regulations states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) 14.10.060 describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 19, 2021.

ANALYSIS

Access to the proposed Lot 10B is provided via Phillips Drive which is a gravel City maintained road.

City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Valhalla Heights 2021 Replat, subject to the following conditions:

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

ATTACHMENTS

1. Resolution No. PZ2021-11
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-11**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT VALHALLA HEIGHTS 2021 REPLAT HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc.; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 10B is provided via Phillips Road which is a gravel City maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of Valhalla Heights 2021 Replat be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



**CITY OF KENAI PLANNING DEPARTMENT
PRELIMINARY PLAT SUBMITTAL FORM**

APPLICANT	Jeremiah & Jennifer Cates
MAILING ADDRESS	415 Phillips Dr
CITY, STATE, ZIP	Kenai, AK 99611
PHONE	720 940 8777

NAME OF PLAT	Valhalla Heights 2021 Replat
	<u>Preliminary Plat</u> Revised Preliminary Plat

CURRENT ZONING WHERE APPLICABLE: Rural Residential

USE: Residential Recreational Commercial Other

SEWER: On Site City Community
WATER: On Site City Community

Vacation of Public Right-of-Way Yes No
STREET NAME:

EXCEPTIONS REQUIRED AND REQUESTED:

COMMENTS:

Jeremiah Cates
Applicant's Signature

4/5/2021
Date

12/12/2018

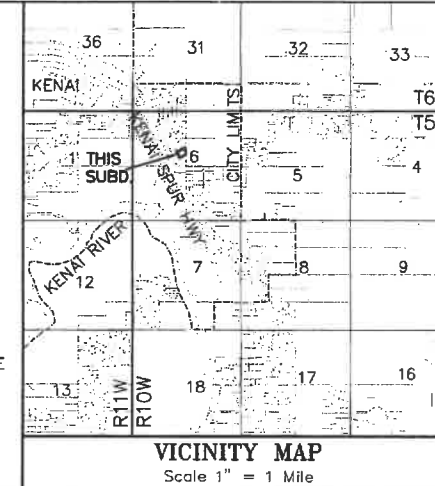
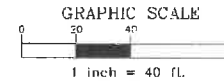
WASTEWATER DISPOSAL

THE PURPOSE OF THIS PLATTING ACTION IS TO REMOVE A LOT LINE, WHICH WILL PROVIDE GREATER AVAILABLE WASTEWATER DISPOSAL AREA AS DESCRIBED BY KPB 20.40.020(A)(2). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

- ⊕ RECORD PRIMARY MONUMENT
- RECORD 1/2" REBAR
- (RECORD) RECORD DATA FROM K1736
- AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'

1/4 SEC.31 - T6N - R10W
 SEC.6 - T5N - R10W
 RECORD GLO BRASS CAP



NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
3. THIS PLAT WAS PREPARED FROM DATA OF RECORD (K1736) WITH NO ADDITIONAL FIELD SURVEY.
4. THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JULY 11, 1969 IN BOOK 35 PAGE 187 KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. EXCEPTION GRANTED TO BUILDING SETBACK (KPB 20.30.240) BY PLANNING COMMISSION MEETING _____ 2021.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JEREMIAH CATES aka JEREMIAH N. CATES
 415 PHILLIPS DR, KENAI, AK 99611

JENNIFER CATES
 415 PHILLIPS DR, KENAI, AK 99611

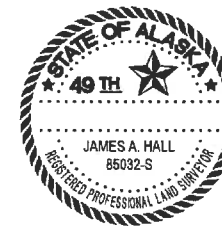
NOTARY'S ACKNOWLEDGEMENT

FOR: JEREMIAH CATES & JENNIFER CATES
 ACKNOWLEDGED BEFORE ME THIS

_____ DAY OF _____, 2021

MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
 STATE OF ALASKA



Plat #
Rec Dist
Date
Time

VALHALLA HEIGHTS 2021 REPLAT

REPLAT OF LOT 10A BLOCK 11 VALHALLA HEIGHTS 2019 REPLAT (KN2019-64) & LOT 12 BLOCK 11 VALHALLA HEIGHTS SUBDIVISION PART 4 (K1736)

JEREMIAH CATES, OWNER
 415 PHILLIPS DR
 KENAI, AK 99611

JENNIFER CATES, OWNER
 415 PHILLIPS DR
 KENAI, AK 99611

2.794 AC. M/L SITUATED IN THE SE1/4 OF NW1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____ 2021.

AUTHORIZED OFFICIAL _____



ENGINEERING - TESTING
 SURVEYING - MAPPING
 P.O. BOX 458
 SOLDOTNA, AK 99669
 VOICE: (907) 283-4218
 FAX: (907) 283-3265
 WWW.MCLANECGG.COM

KPB FILE NO. 2021-xxx

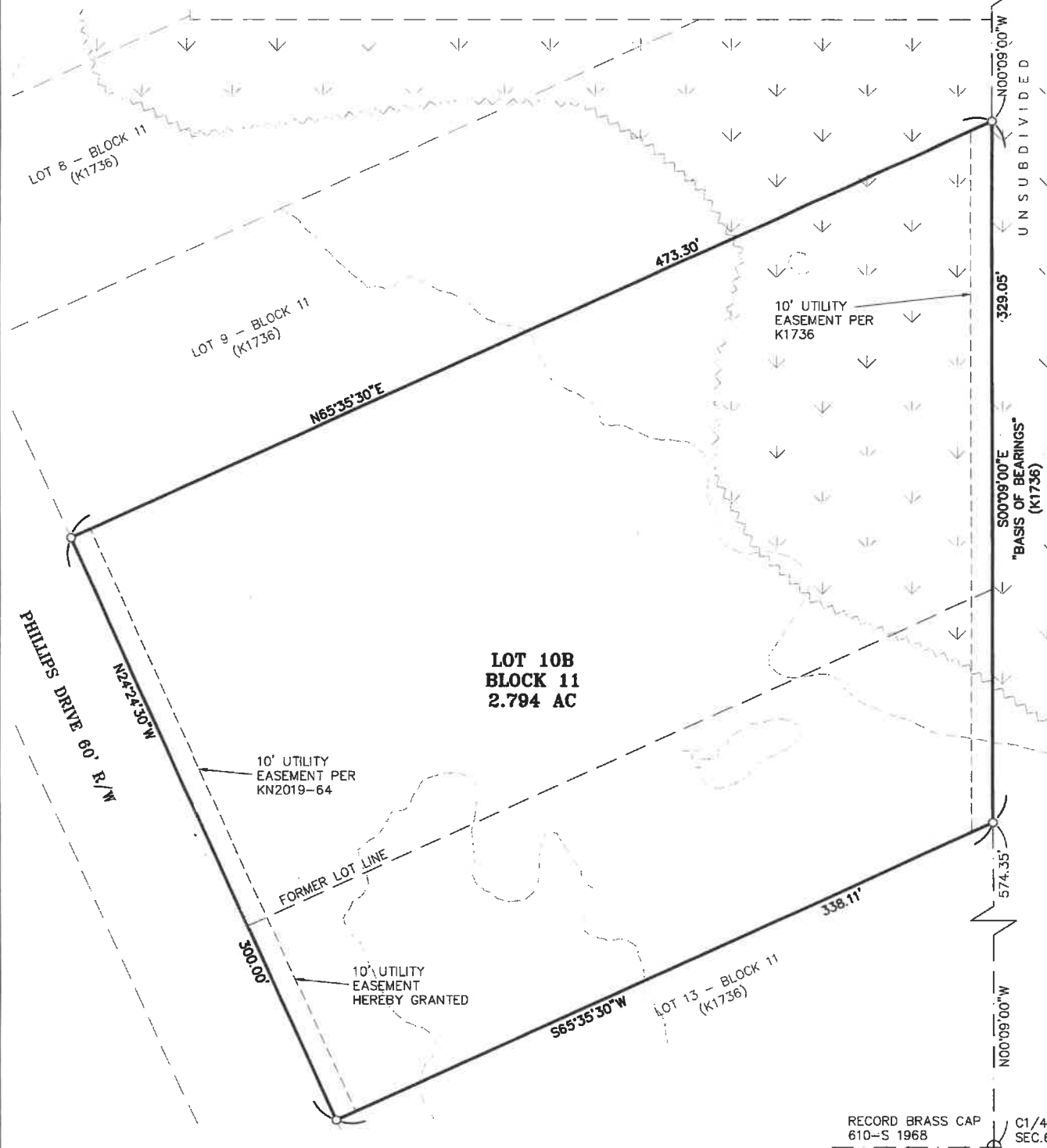
PROJECT NO. 212016

SCALE 1" = 40'

DATE: APR. 2021

BOOK NO. :

DRAWN BY: JAH



RECORD BRASS CAP
 610-S 1968
 C1/4 SEC.6



PLANNING & ZONING COMMISSION

PZ2021-11 – Preliminary Plat -
Valhalla Heights 2021 Replat

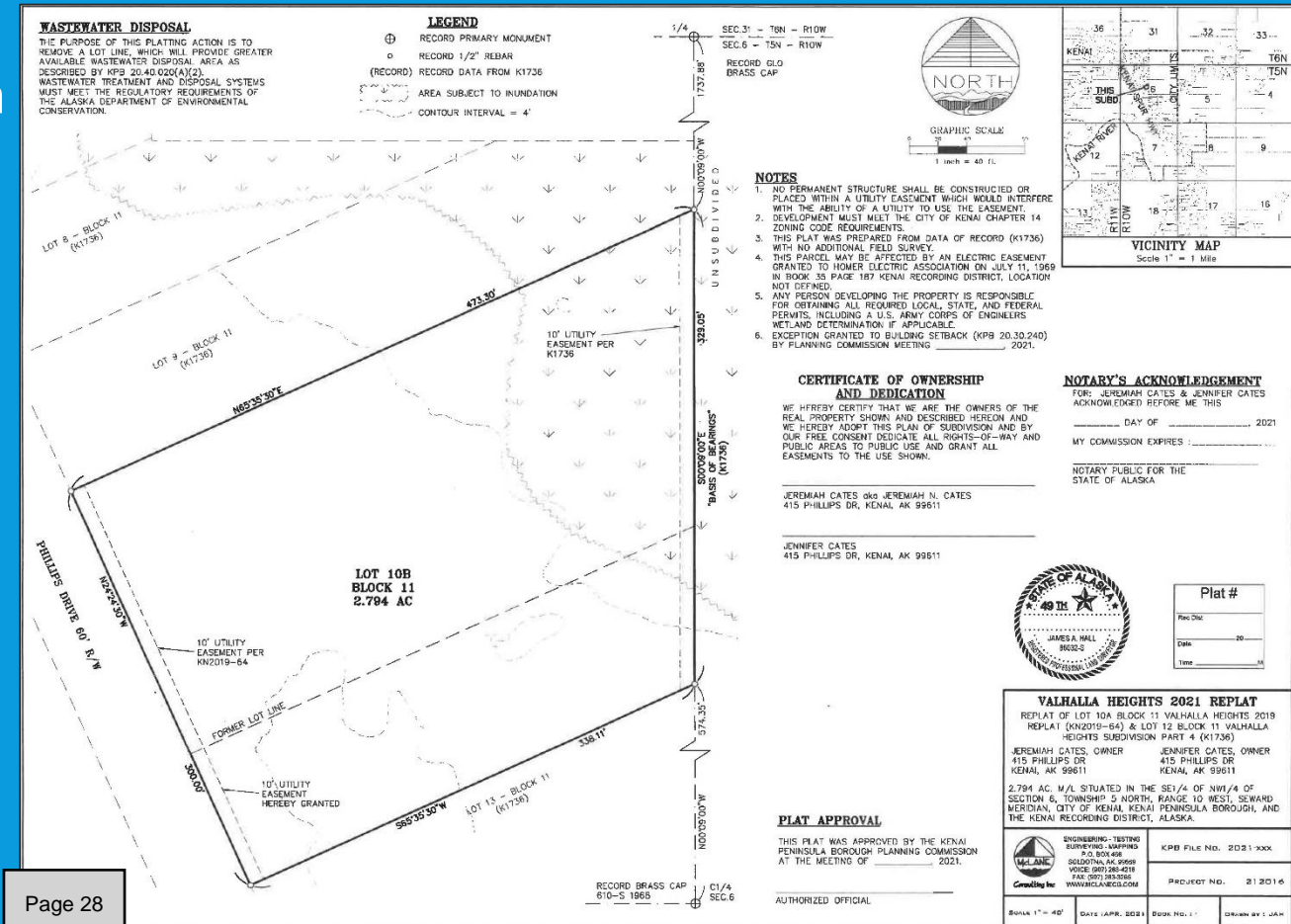
SUMMARY

- McLane Consulting, Inc. has submitted a preliminary plat on behalf of the property owners, Jeremiah and Jennifer Cates.



PRELIMINARY PLAT

- The plat affects the parcel described as T 5N R 10W SEC 6 Seward Meridian KN 2019064 Valhalla Heights 2019 Replat Lot 10A Block 11 & Lot 12 Block 11.
- The plat will remove the lot line between Lot 10A and Lot 12 to create a new Lot 10B at approximately 2.8 acres.



STAFF ANALYSIS

- Access to the proposed Lot 10B is provided via Phillips Drive which is a gravel City maintained road.
- City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.

RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Valhalla Heights 2021 Replat, subject to the following conditions:
- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

ATTACHMENTS

- 1. Resolution No. PZ2021-11
- 2. Application
- 3. Preliminary Plat
- 4. Aerial Map

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-11**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT VALHALLA HEIGHTS 2021 REPLAT HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc.; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 10B is provided via Phillips Road which is a gravel City maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of Valhalla Heights 2021 Replat be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.


Resolution No. PZ2021-11
Page 2 of 2

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK

2. APPLICATION

 **CITY OF KENAI PLANNING DEPARTMENT
PRELIMINARY PLAT SUBMITTAL FORM**

APPLICANT	Jeremiah & Jennifer Cates
MAILING ADDRESS	415 Phillips Dr
CITY, STATE, ZIP	Kenai, AK 99611
PHONE	720 940 8777

NAME OF PLAT: Valhalla Heights 2021 Replat
 Preliminary Plat Revised Preliminary Plat

CURRENT ZONING WHERE APPLICABLE: Rural Residential

USE: Residential Recreational Commercial Other

SEWER: On Site City Community

WATER: On Site City Community

Vacation of Public Right-of-Way Yes No

STREET NAME:

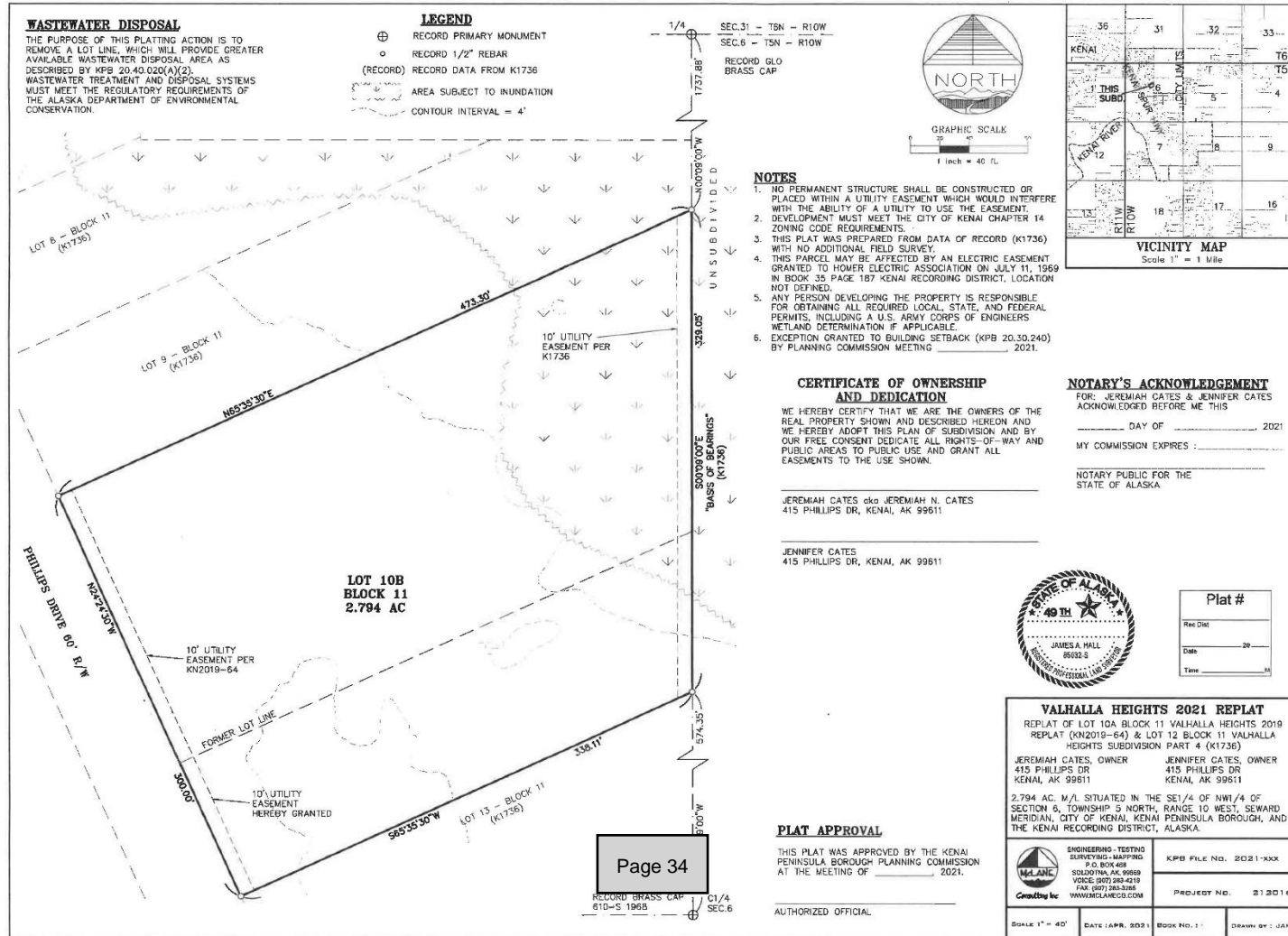
EXCEPTIONS REQUIRED AND REQUESTED:

COMMENTS:

Jeremiah Cates 4/5/2021
Applicant's Signature

12/12/2018 **Page 33**

3. PRELIMINARY PLAT



4. AERIAL MAP



File Attachments for Item:

2. Resolution PZ2021-17 – Preliminary Subdivision Plat of Tide View Subdivision #2, submitted by Johnson Surveying, P.O. Box 27, Clam Gulch, AK 99568, on behalf of Mack and Carol Padgett, 855 Ames Rd., Kenai, AK 99611 and Ken and Elizabeth Smith, 4342 Freeman Creek Rd., Lenore, ID 83541



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-17**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TIDE VIEW HEIGHTS #2 HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Johnson Surveying; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 1A and Lot 13A-1 is provided via Ames Road which is a paved City maintained road.; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
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NOW, THEREFORE, BE IT RECOMMENDED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

Section 1. That the preliminary plat of Tide View Heights #2 be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.

3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 19, 2021
SUBJECT: PZ2021-17 – Preliminary Plat – Tide View Heights #2

Applicant: Mack & Carol Padgett
855 Ames Road
Kenai, AK 99611

Kenneth & Elizabeth Smith
4243 Freeman Creek Road
Lenore, ID 83541

Submitted By: Johnson Surveying
55325 Swan Lake Rd
Clam Gulch, AK 99568

Requested Action: Preliminary Subdivision Plat – Tide View Heights Replat

Legal Description: T 5N R 11W SEC 1 & 2 SEWARD MERIDIAN KN 0930085 TIDE VIEW HEIGHTS SUB LOT 13A

Property Address: 855 and 909 Ames Road

KPB Parcel No: 04904098 and 04949010

Lot Size: Approximately 5.91 Acres (257,439 square feet) and approximately 2.08 Acres (90,604 square feet)

Existing Zoning: Rural Residential

Current Land Use: Single Family Dwelling

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Johnson Surveying has submitted a preliminary plat on behalf of the property owner, Mack & Carol Padgett and Kenneth & Elizabeth Smith. The plat affects the parcel described as T 5N R 11W SEC 1 & 2 SEWARD MERIDIAN KN 0930085 TIDE VIEW HEIGHTS SUB LOT 13A. The property owners would like to move the property line between the two lots, which will create lots 1A and 13A-1. Lot 1A will be approximately 1.59 acres (69,260 square feet) and Lot 13A-1 will be approximately 6.39 acres (278,348 square feet).

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) *14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 19, 2021.

ANALYSIS

Access to the proposed Lot 1A and Lot 13A-1 is provided via Ames Road which is a paved City maintained road.

City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.

With the adjustment of the lot line, an existing 10'x12' cabin on Lot 1A will need to be moved in order to meet the 15 foot side setback requirement per *KMC 14.24.020* Development Requirements Table. Note 6 on the plat should be changed to reflect the 20 foot front setback requirement per *KMC 14.24.020*.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Tide View Heights #2, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per *KMC 14.24.020*.



3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

ATTACHMENTS

1. Resolution No. PZ2021-17
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-17**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TIDE VIEW HEIGHTS #2 HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Johnson Surveying; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 1A and Lot 13A-1 is provided via Ames Road which is a paved City maintained road.; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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Section 1. That the preliminary plat of Tide View Heights #2 be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.

3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

Name:	Johnson Surveying						
Mailing Address:	55325 Swan Lake Rd	City:	Clam Gulch	State:	AK	Zip Code:	99568
Phone Number(s):	907/262-5772						
Email:	johnsonsurveying@hotmail.com						

PROPERTY OWNER

Name:	Mack & Carol Padgett						
Mailing Address:	855 Ames Road	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907/350-2103						
Email:	mpadg1@gmail.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04949098		
Current City Zoning:			
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial
	<input type="checkbox"/> Other:		
Water:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community
Sewer:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community

PLAT INFORMATION

Preliminary Plat Name:	Tide View Heights #2		
Revised Preliminary Plat Name:			
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No
Street Name (if vacating ROW):			

Exceptions Required and Requested:

RECEIVED

CITY OF KENAI

DATE 4/27/21

PLANNING DEPARTMENT

Comments:

This is a Lot Line Adjustment. The small cabin located on CARO SUB LOT 1 (Parcel 04949010) will be moved to conform with the setback requirements.

REQUIRED ATTACHMENTS

<input type="checkbox"/> Certificate to Plat	<input type="checkbox"/> (1) 24" x 36" Plat	<input type="checkbox"/> (2) 11" x 17" Plats
Signature:	SIGNATURE	
Print Name:	Mack & Carol Padgett	Title/Business:
		Date: 4/24/2021



Preliminary Plat Submittal Form

City of Kenai
 Planning and Zoning Department
 210 Fidalgo Avenue
 Kenai, AK 99611
 (907) 285-8200
 planning@kenai-city.com
 www.kenai-city.com/planning

APPLICANT (SURVEYOR)

Name:	Johnson Surveying				
Mailing Address:	55325 Swan Lake Rd	City:	Clam Gulch	State:	AK Zip Code: 99568
Phone Number(s):	907/262-5772				
Email:	johnsonsurveying@hotmail.com				

PROPERTY OWNER

Name:	Kenneth and Elizabeth Smith				
Mailing Address:	4243 Freeman Creek Rd.	City:	Lenore	State:	ID Zip Code: 83541
Phone Number(s):	208/816-8529				
Email:	drifterslanding@yahoo.com				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04949010				
Current City Zoning:					
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial		
	<input type="checkbox"/> Other:				
Water:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		
Sewer:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community		

PLAT INFORMATION

Preliminary Plat Name:	Tide View Heights #2				
Revised Preliminary Plat Name:					
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No		
Street Name (if vacating ROW):					

Exceptions Required and Requested:

Comments:

This is a Lot Line Adjustment. The small cabin located on CARO SUB LOT 1 (Parcel 04949010) will be moved to conform with the setback requirements.

REQUIRED ATTACHMENTS

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

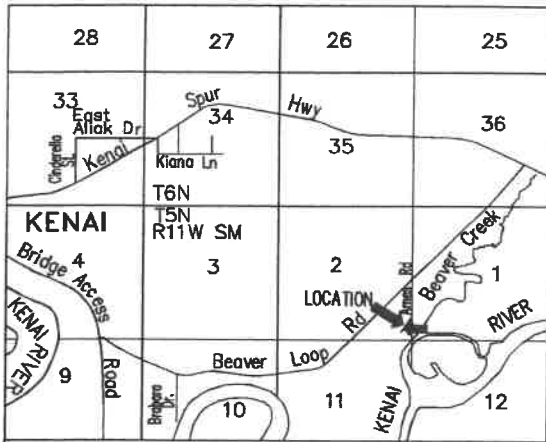
SIGNATURE

Signature:		Date:	3/31/21
Print Name:	Kenneth Smith	Title/Business:	owner

Elizabeth Smith

owner

3/31/21



VICINITY 1" = 1 mile MAP

Tide View Heights #2 Preliminary Plat

A replat of Lot 13A Tide View Hts, KRD 93-85 and Lot 1 Caro Subd., KRD 72-49. Located in the SW 1/4 Section 1 and the SE1/4 Section 2, T5N R11W, SM City of Kenai, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

Mack & Carol Padgett
855 Ames Rd.
Kenai, AK 99611

Ken & Elizabeth Smith
4342 Freeman Creek Rd.
Lenore, ID 83541

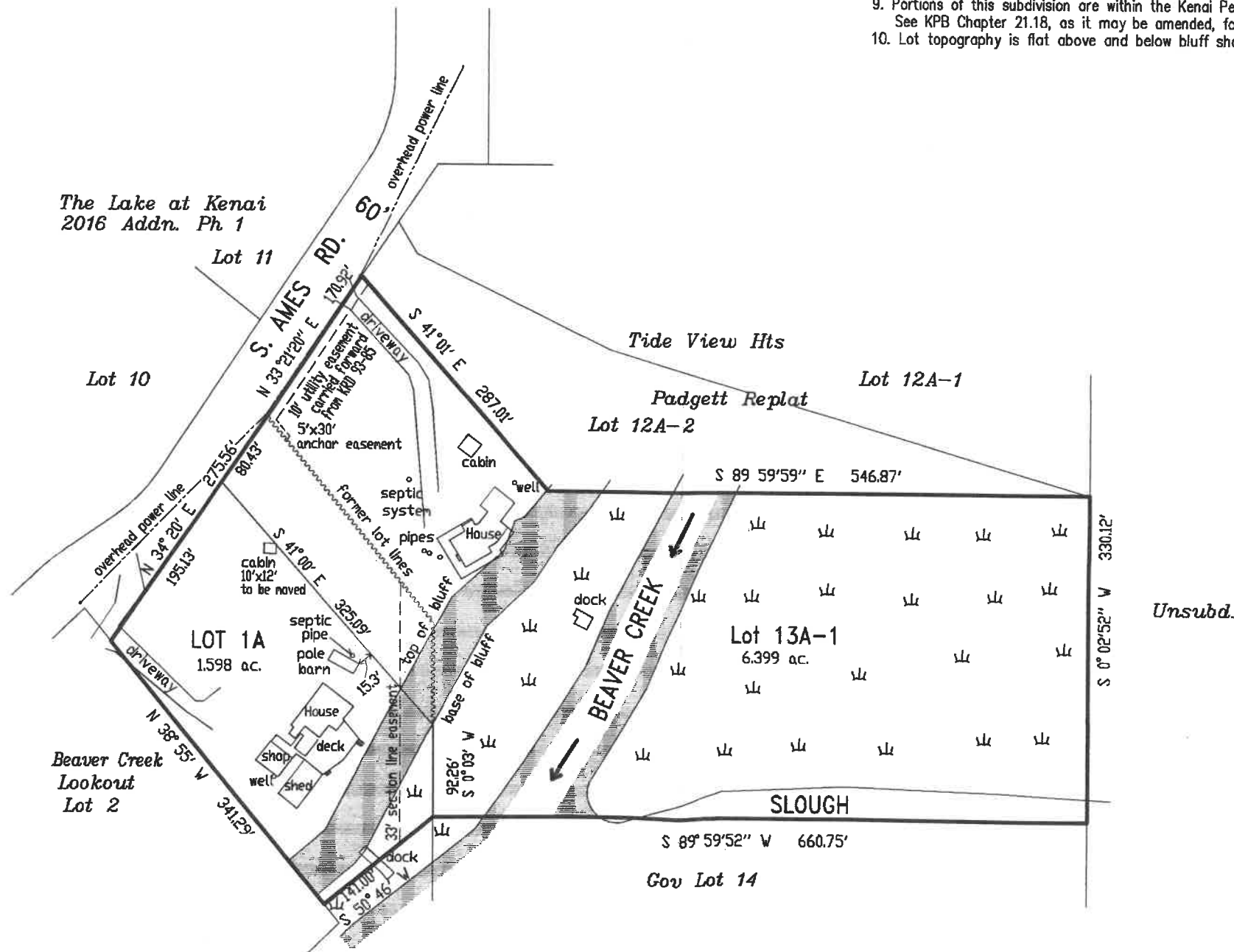
Prepared by

Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568

SCALE 1" = 100' 7.997 acres 29 March, 2021

NOTES

1. Development of these lots is subject to the City of Kenai zoning regulations.
2. This plat grants a 15' utility easement fronting on dedicated ROWs.
3. No permanent structure may be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. This property may be affected by low, wet areas. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a US Army Corps of Engineers wetlands determination, if applicable.
5. Portions of section line easements within former Lot 13A were vacated by plat KRD 93-86. Overhead power line shown on recorded plats has been removed.
6. This plat removes former 30' building setback along street shown on plat KRD 72-49, setbacks by city code to remain.
7. Former Lot 13A is affected by a conservation easement as described by KRD book 441 page 288.
8. This property is affected by electrical easements granted to Homer Electric Association, Inc., in KRD book 4 page 67 and book 450 page 614. These are general easements, no definite location given.
9. Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Habitat Protection District. See KPB Chapter 21.18, as it may be amended, for restrictions that affect development in this subdivision.
10. Lot topography is flat above and below bluff shown. Shaded areas indicate grades over 25%.





**855 and 909 Ames Road
Parcel 04904098 and 04949010**



LEGEND

 Subject Parcel

0 105 210 Feet

Date: 5/19/2021



PLANNING & ZONING COMMISSION

PZ2021-17 – Preliminary Plat -
Tide View Heights #2

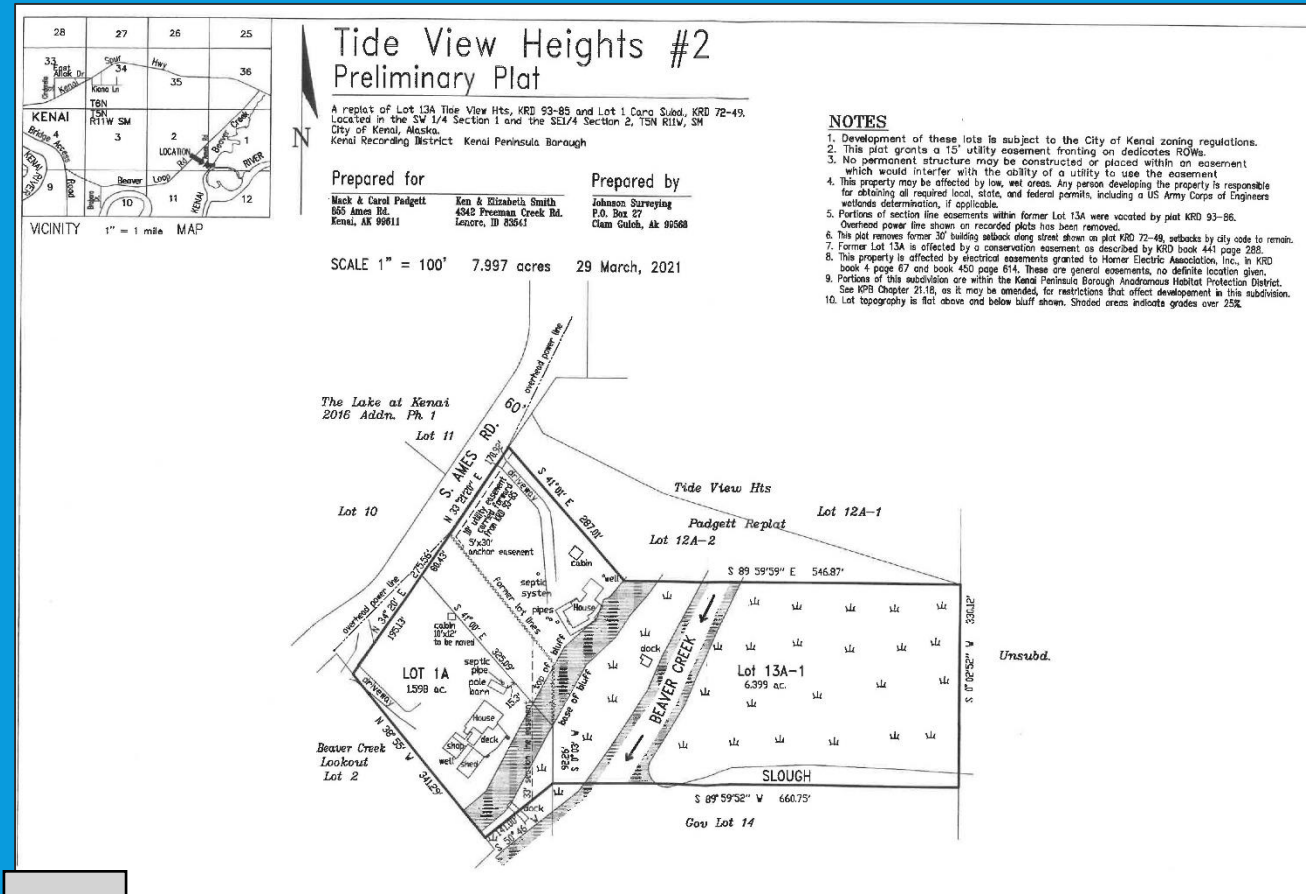
SUMMARY

- Johnson Surveying has submitted a preliminary plat on behalf of the property owners, Mack & Carol Padgett and Kenneth & Elizabeth Smith.



PRELIMINARY PLAT

- The plat affects the parcel described as T 5N R 11W SEC 1 & 2 SEWARD MERIDIAN KN 0930085 TIDE VIEW HEIGHTS SUB LOT 13A
- The plat will adjust the lot line between Lot 1A and Lot 13A-1.



STAFF ANALYSIS

- Access to the proposed Lot 1A and Lot 13A-1 is provided via Ames Road which is a paved City maintained road.
- City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.
- With the adjustment of the lot line, an existing 10'x12' cabin on Lot 1A will need to be moved in order to meet the 15 foot side setback requirement per KMC 14.24.020 Development Requirements Table. Note 6 on the plat should be changed to reflect the 20 foot front setback requirement per KMC 14.24.020.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.

RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Tide View Heights #2, subject to the following conditions:
 - 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 - 2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.
 - 3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

ATTACHMENTS

- 1. Resolution No. PZ2021-17
- 2. Application
- 3. Preliminary Plat
- 4. Aerial Map

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-17**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING THAT TIDE VIEW HEIGHTS #2** HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Johnson Surveying; and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential (RR) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lot 1A and Lot 13A-1 is provided via Ames Road which is a paved City maintained road.; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of Tide View Heights #2 be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.

Resolution No. PZ2021-17
Page 2 of 2

3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.


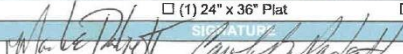
JEFF TWAIT, CHAIRPERSON



ATTEST:

JAMIE HEINZ MMC, CITY CLERK

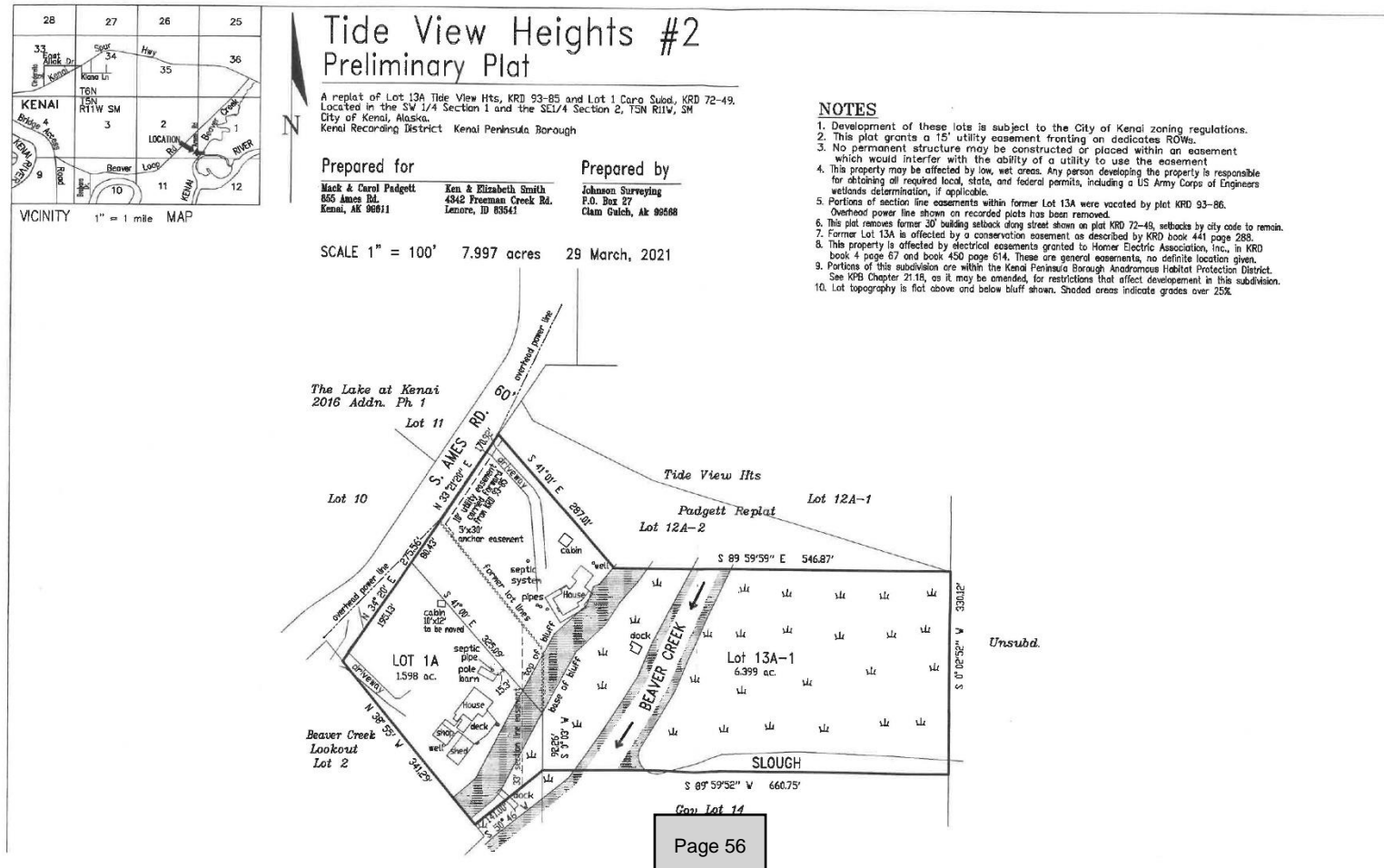
2. APPLICATION

PZ-2021-17

 Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)			
Name:	Johnson Surveying		
Mailing Address:	55325 Swan Lake Rd	City: Clam Gulch	State: AK Zip Code: 99568
Phone Number(s):	907/262-5772		
Email:	johnsonsurveying@hotmail.com		
PROPERTY OWNER			
Name:	Mack & Carol Padgett		
Mailing Address:	855 Ames Road	City: Kenai	State: AK Zip Code: 99611
Phone Number(s):	907/350-2103		
Email:	mpadg1@gmail.com		
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel #:	04949098		
Current City Zoning:			
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:		
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community		
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community		
PLAT INFORMATION			
Preliminary Plat Name:	Tide View Heights #2		
Revised Preliminary Plat Name:			
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Street Name (if vacating ROW):			
Exceptions Required and Requested:			
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED CITY OF KENAI DATE 4/27/21 PLANNING DEPARTMENT </div>			
Comments:			
This is a Lot Line Adjustment. The small cabin located on CARO SUB LOT 1 (Parcel 04949010) will be moved to conform with the setback requirements.			
REQUIRED ATTACHMENTS			
<input type="checkbox"/> Certificate to Plat <input type="checkbox"/> (1) 24" x 36" Plat <input type="checkbox"/> (2) 11" x 17" Plats			
Signature:			
Print Name:	Mack & Carol Padgett	Title/Business:	
Date:	4/24/21		

 Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
APPLICANT (SURVEYOR)			
Name:	Johnson Surveying		
Mailing Address:	55325 Swan Lake Rd	City: Clam Gulch	State: AK Zip Code: 99568
Phone Number(s):	907/262-5772		
Email:	johnsonsurveying@hotmail.com		
PROPERTY OWNER			
Name:	Kenneth and Elizabeth Smith		
Mailing Address:	4243 Freeman Creek Rd.	City: Lenore	State: ID Zip Code: 83541
Phone Number(s):	208/816-8529		
Email:	drifterslandng@yahoo.com		
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel #:	04949010		
Current City Zoning:			
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:		
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community		
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community		
PLAT INFORMATION			
Preliminary Plat Name:	Tide View Heights #2		
Revised Preliminary Plat Name:			
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Street Name (if vacating ROW):			
Exceptions Required and Requested:			
Comments:			
This is a Lot Line Adjustment. The small cabin located on CARO SUB LOT 1 (Parcel 04949010) will be moved to conform with the setback requirements.			
REQUIRED ATTACHMENTS			
<input type="checkbox"/> Certificate to Plat <input type="checkbox"/> (1) 24" x 36" Plat <input type="checkbox"/> (2) 11" x 17" Plats			
Signature:			
Print Name:	Kenneth and Elizabeth Smith	Title/Business:	owner
Date:	3/31/21		

3. PRELIMINARY PLAT



4. AERIAL MAP



File Attachments for Item:

3. Resolution PZ2021-20 - Preliminary Subdivision Plat of TKC2 Subdivision, submitted by Segesser Surveys, 30485 Rosaland Street, Soldotna, AK 99669, on behalf of TKC LLC, P.O. Box 10658, Bakersfield, CA 93389.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-20**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TKC 2 SUBDIVISION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. and,

WHEREAS, the plat meets Municipal Code requirements of the Suburban Residential (RS) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lots 1 and 2 is provided via Haller Street which is a paved City maintained road; and

WHEREAS, there are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. An installation agreement is not required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of TKC 2 SUBDIVISION be approved subject to the following conditions:

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

Resolution No. PZ2021-20

Page 2 of 2

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 19, 2021
SUBJECT: PZ2021-20 – Preliminary Plat – TKC 2 Subdivision

Applicant: TKC LLC
P.O. Box 10658
Bakersfield, CA 93389

Submitted By: Segesser Surveys
30485 Rosland St.
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – TKC 2 Subdivision

Legal Description: Government Lot 26, Sec. 31, T6N, R11W

Property Address: 1714 Fourth Avenue

KPB Parcel No: 0430207

Lot Size: Approximately 2.5 Acres (108,900 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Kenai Municipal Code 14.22.010. Land Use Table provides that a seven or more family dwelling is listed as a conditional use within the Suburban Residential Zone. Byler Contracting has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Planning and

Zoning Commission on May 26, 2021, requesting to allow for eight single family dwellings units to be constructed on a 2.5 acre parcel.

Segesser Surveys, LLC. has submitted a preliminary plat on behalf of the property owner, TKC, LLC. The plat affects the parcel described as Government Lot 26, Section 31, Township 6 North, Range 11 West, Seward Meridian. The plat will subdivide the 2.5 acre (approximately 108,900 square feet) Government Lot 26, into two smaller lots. Lot 1 will consist of approximately 1.01 acres (43,995 square feet); Lot 2, will consist of approximately 1.01 acres (43,995 square feet). A 33' right of way will be dedicated along Haller Street and Fourth Avenue consisting of approximately 20,710 square feet total.

Application, Public Notice, Public Comment

KMC 14.10.010 General under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) *14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 19, 2021.

ANALYSIS

Access to the proposed Lot 1 and Lot 2 is provided via Haller Street which is a paved City maintained road.

There are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. The draft site plan identifies sewer and water connecting to Lot 1, and separate sewer and water lines connecting to Lot 2. An installation agreement is not required.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of TKC 2 Subdivision, subject to the following conditions:

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



ATTACHMENTS

1. Resolution No. PZ2021-20
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-20**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TKC 2 SUBDIVISION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. and,

WHEREAS, the plat meets Municipal Code requirements of the Suburban Residential (RS) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lots 1 and 2 is provided via Haller Street which is a paved City maintained road; and

WHEREAS, there are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. An installation agreement is not required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of TKC 2 SUBDIVISION be approved subject to the following conditions:

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

Resolution No. PZ2021-20

Page 2 of 2

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

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

PROPERTY OWNER

Name:	TKC LLC						
Mailing Address:	P.O. Box 10658	City:	Bakersfield	State:	CA	Zip Code:	93389
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Property Owner Name:	TKC LLC					
Current City Zoning:	Rural Residential					
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

Preliminary Plat Name:	TKC2 Subdivision					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No			
Street Name (if vacating ROW):						

Exceptions Required and Requested:

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Comments:

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REQUIRED ATTACHMENTS

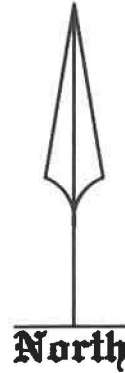
<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

SIGNATURE

Signature:				Date:	5-4-21	
Print Name:	John Segesser	Title/Business:	Segesser Surveys Inc			

LEGEND:

- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊕ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊙ 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 83-160 KRD



NOTES:

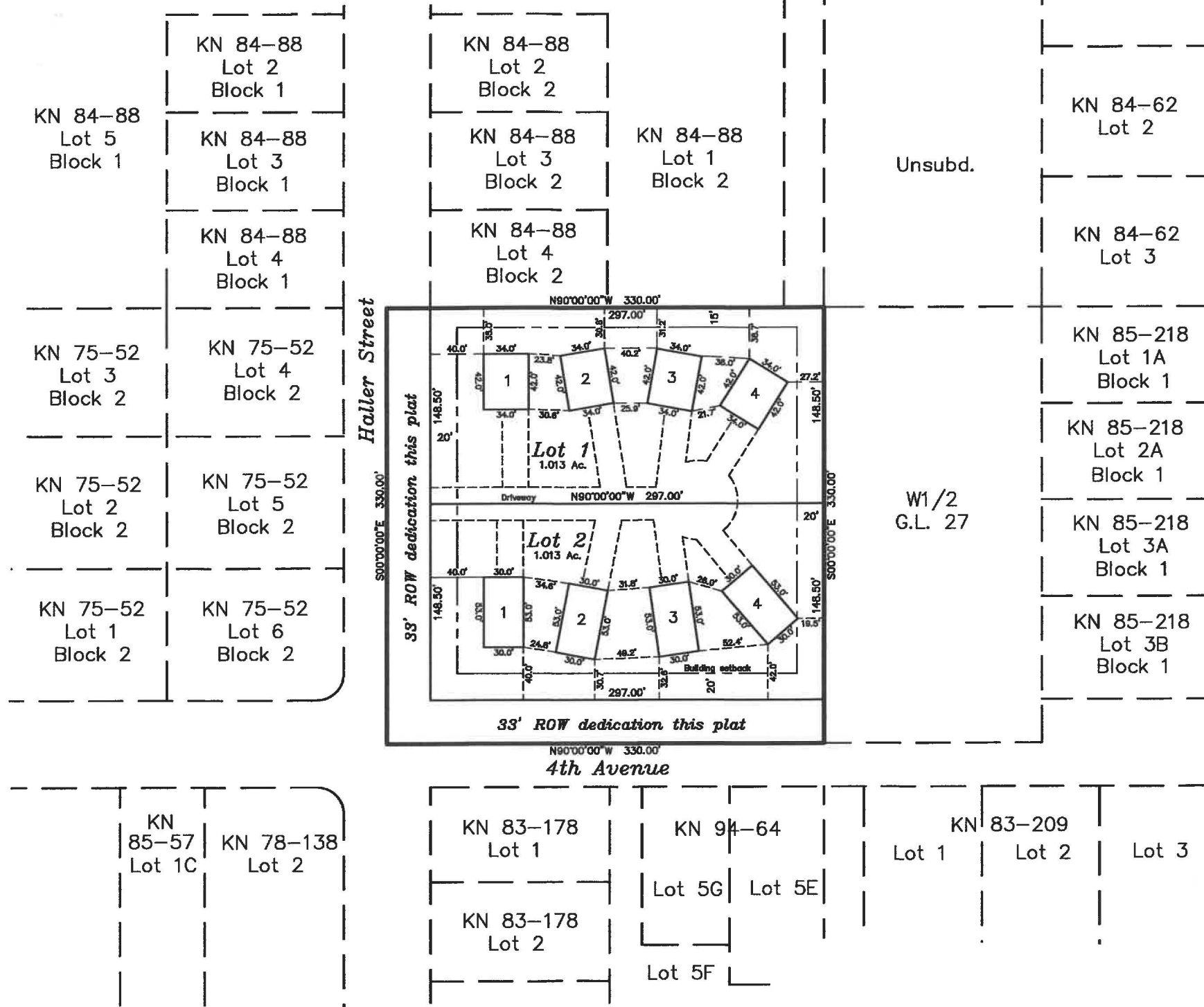
- 1) Basis of bearing taken from Kincaiden Subdivision Plat 83-160, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 6) Front 15 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 10) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____

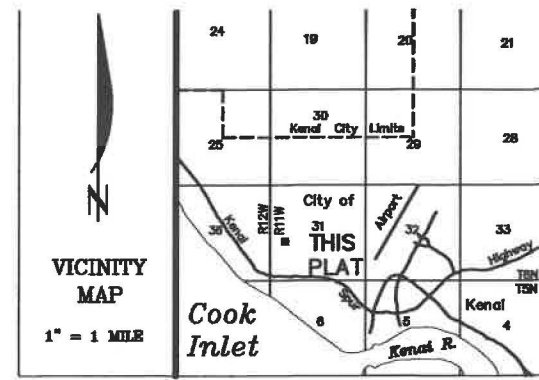


CERTIFICATE of ACCEPTANCE

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

PAUL OSTRANDER, CITY MANAGER
CITY OF KENAI

DATE _____



CERTIFICATE of OWNERSHIP and DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No.

Subdivision

A re-subdivision of Government Lot 26, Section 31, T6N, R11W, S.M., Kenai Recording District.

Located within the SW1/4 NE1/4 NW1/4 SW1/4 Section 31, T6N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.

Containing 2.500 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99869 (907) 262-3909	Owner
JOB NO. 21093	DRAWN: 4-28-21
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1-1-1



T 6N R 11W Sec 31 Seward Meridian KN GL 26
1714 4th Avenue
Parcel 04302007



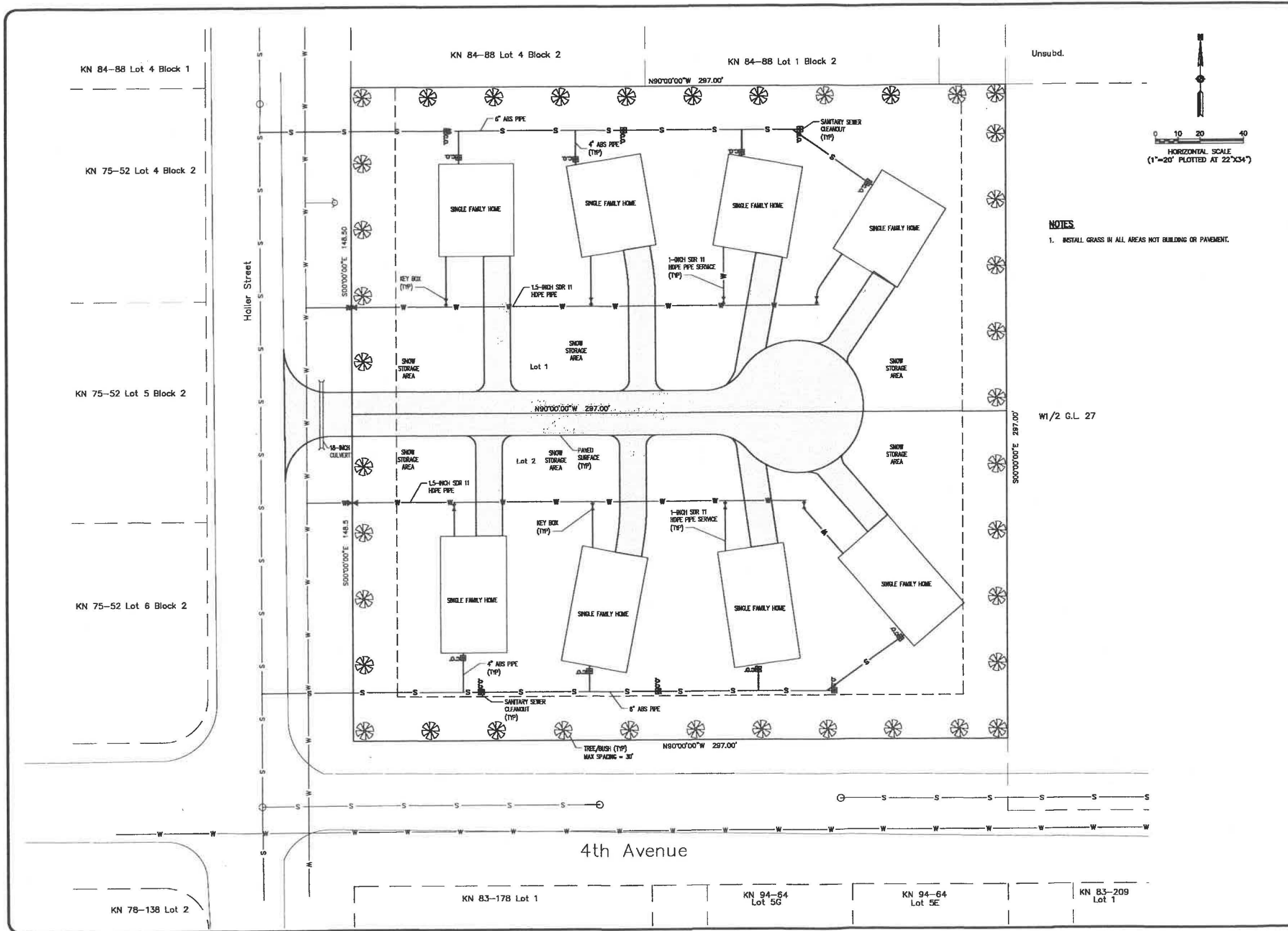
LEGEND

 Subject Parcel

0 65 130 Feet

Date: 5/19/2021





SDCS, LLC
 STEINER DESIGN & CONSTRUCTION SERVICES, LLC
 5900 W. DEWBERRY DR. PH: (907) 357-8609
 WASILLA, AK 99623 FAX: (907) 357-5608

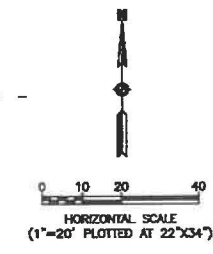
BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T6N, R11W, S.M.

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
 DRAWN: DES
 REVIEWED: DES

SHEET TITLE
SITE PLAN

SHEET
C1.0



NOTES
 1. INSTALL GRASS IN ALL AREAS NOT BUILDING OR PAVEMENT.

PLANNING & ZONING COMMISSION

PZ2021-20 – Preliminary Plat -
TKC 2 Subdivision

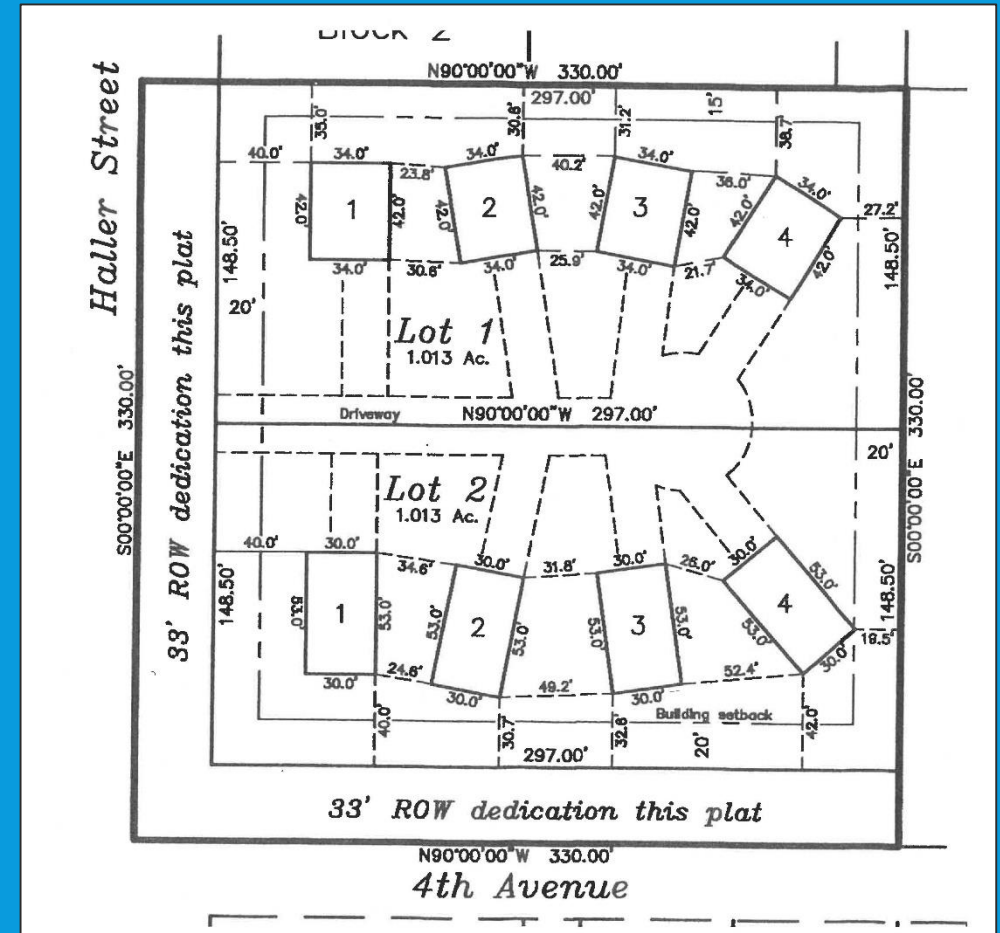
SUMMARY

- Segesser Surveys, LLC. has submitted a preliminary plat on behalf of the property owner, TKC, LLC.
- Byler Contracting has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Planning and Zoning Commission on May 26, 2021, requesting to allow for eight single family dwellings units to be constructed on a 2.5 acre parcel.



PRELIMINARY PLAT

- The plat affects the parcel described as Government Lot 26, Section 31, Township 6 North, Range 11 West, Seward Meridian.
- The plat will subdivide the 2.5 acre Government Lot 26, into two smaller lots.
- Lot 1 will consist of approximately 1.01 acres; Lot 2, will consist of approximately 1.01 acres. A 33' right of way will be dedicated along Haller Street and Fourth Avenue consisting of approximately 20,710 square feet total.

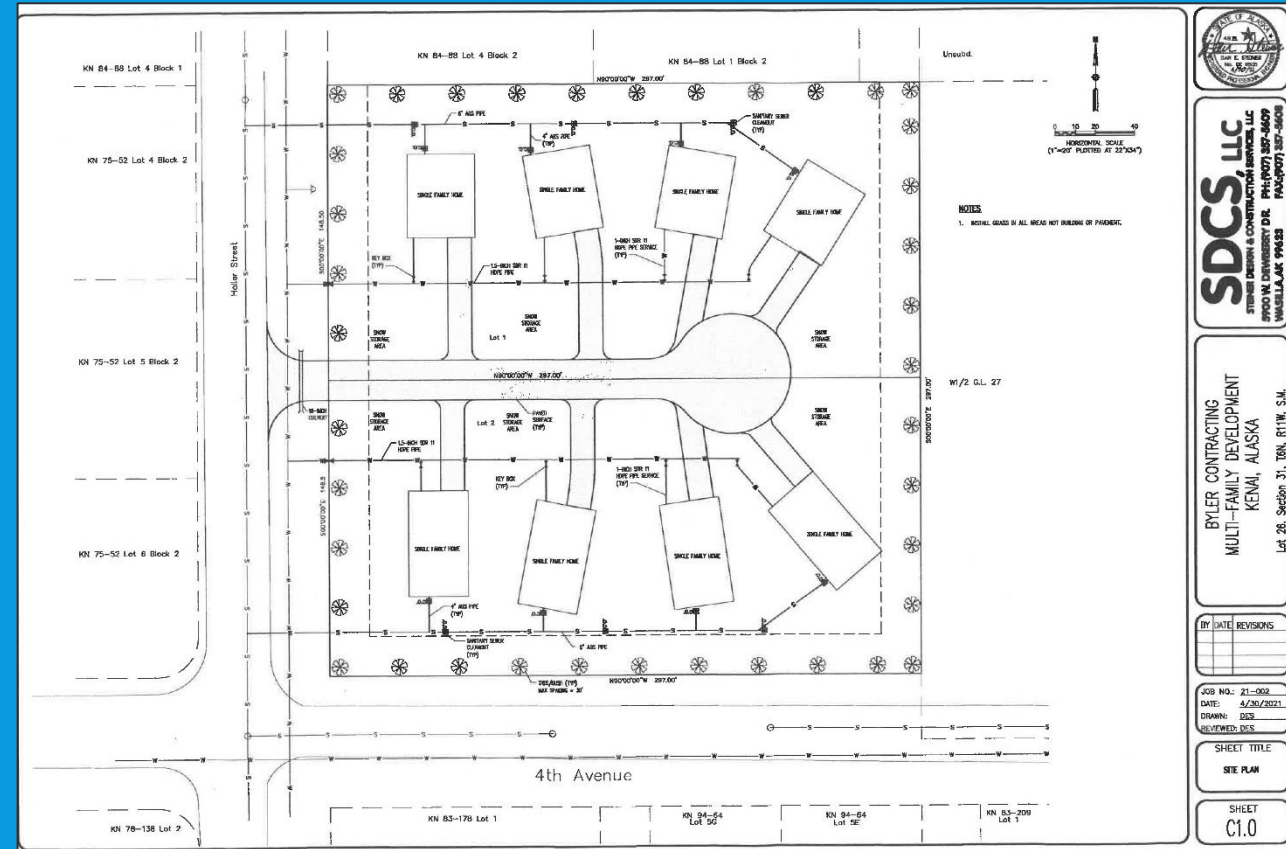


STAFF ANALYSIS

- Access to the proposed Lot 1 and Lot 2 is provided via Haller Street which is a paved City maintained road.
- There are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. The draft site plan identifies sewer and water connecting to Lot 1, and separate sewer and water lines connecting to Lot 2. An installation agreement is not required.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.

STAFF ANALYSIS CONTINUED

- The draft site plan identifies sewer and water connecting to Lot 1, and separate sewer and water lines connecting to Lot 2. An installation agreement is not required.



RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of TKC 2 Subdivision, subject to the following conditions:
- 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

ATTACHMENTS

- 1. Resolution No. PZ2021-20
- 2. Application
- 3. Preliminary Plat
- 4. Aerial Map
- 5. Utility Design

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-20**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT TKC 2 SUBDIVISION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. and,

WHEREAS, the plat meets Municipal Code requirements of the Suburban Residential (RS) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lots 1 and 2 is provided via Haller Street which is a paved City maintained road; and

WHEREAS, there are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. An installation agreement is not required; and

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of TKC 2 SUBDIVISION be approved subject to the following conditions:

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

Resolution No. PZ2021-20
Page 2 of 2


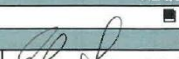
PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 28th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK

2. APPLICATION

		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99511 (907) 283-8200 planning@kenai.city www.kenai.city/planning		
				City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99511 (907) 283-8200 planning@kenai.city www.kenai.city/planning		
APPLICANT (SURVEYOR)						
Name:	Segesser Surveys Inc					
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK Zip Code: 99669	
Phone Number(s):	907-262-3909, 907-252-3421					
Email:	seggy@ptialaska.net					
PROPERTY OWNER						
Name:	TKC LLC					
Mailing Address:	P.O. Box 10658	City:	Bakersfield	State:	CA Zip Code: 93389	
Phone Number(s):						
Email:						
PROPERTY INFORMATION						
Property Owner Name:	TKC LLC					
Current City Zoning:						
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
PLAT INFORMATION						
Preliminary Plat Name:	TKC Subdivision					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Street Name (if vacating ROW):						
Exceptions Required and Requested:						
Comments:						
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED CITY OF KENAI DATE 2/11/2021 PLANNING DEPARTMENT </div>						
REQUIRED ATTACHMENTS						
<input checked="" type="checkbox"/> Certificate to Plat <input checked="" type="checkbox"/> (1) _____ <input type="checkbox"/> (2) 11" x 17" Plats						
Signature:					Date:	2-11-21
Print Name:	John Segesser	Title/Business:	President/ Segesser Surveys Inc			

3. PRELIMINARY PLAT

LEGEND:

- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊙ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊙ 6/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP 158899 SET
- () RECORD DATUM PLAT 83-160 WFO



NOTES:

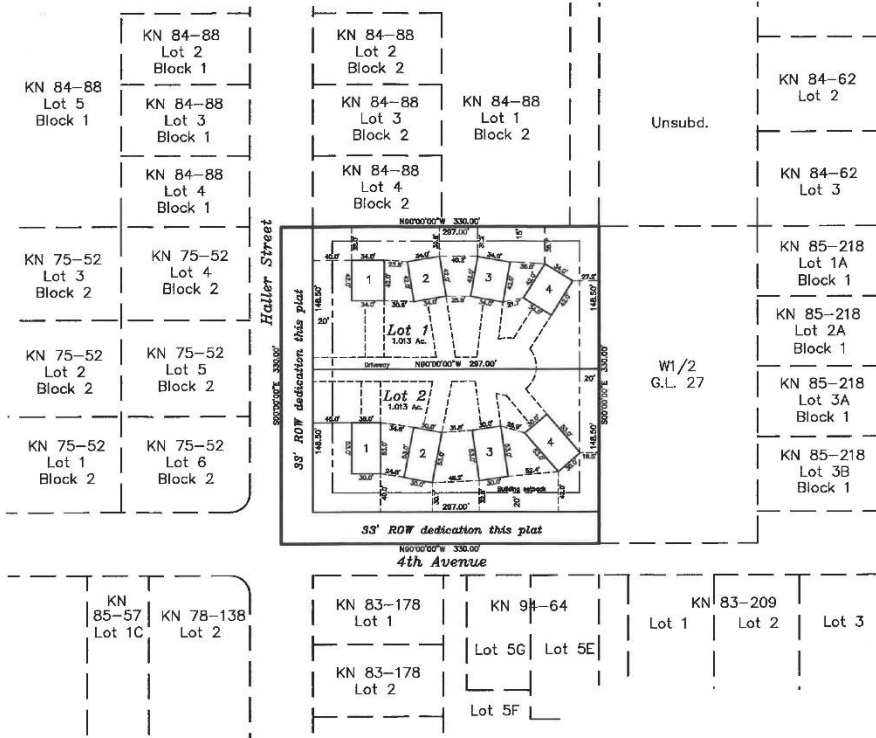
- 1) Basis of bearing taken from Kinross Subdivision Plat 83-160, Kanaid Recording District.
- 2) Further development of the property shall conform to all federal, state of Alaska, and local regulations.
- 3) Development must meet City of Kanaid Chapter 14 Zoning Requirements.
- 4) Front 15 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 5) WASTEWATER DISPOSAL: Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown herein actually exist as described, and all dimensions and other details are correct.

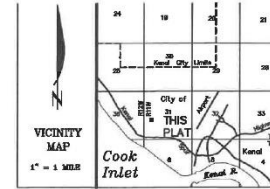
Date: _____



CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL, BEHAVING BY NAME AND TITLE BE AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DESIGNATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: FOLKIN AVENUE AND HALLER STREET DEDICATION. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT DELEGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN INFRASTRUCTURE.

FILE OF BARBER CITY MANAGER CITY OF KENAI DATE: _____



CERTIFICATE of OWNERSHIP and DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____

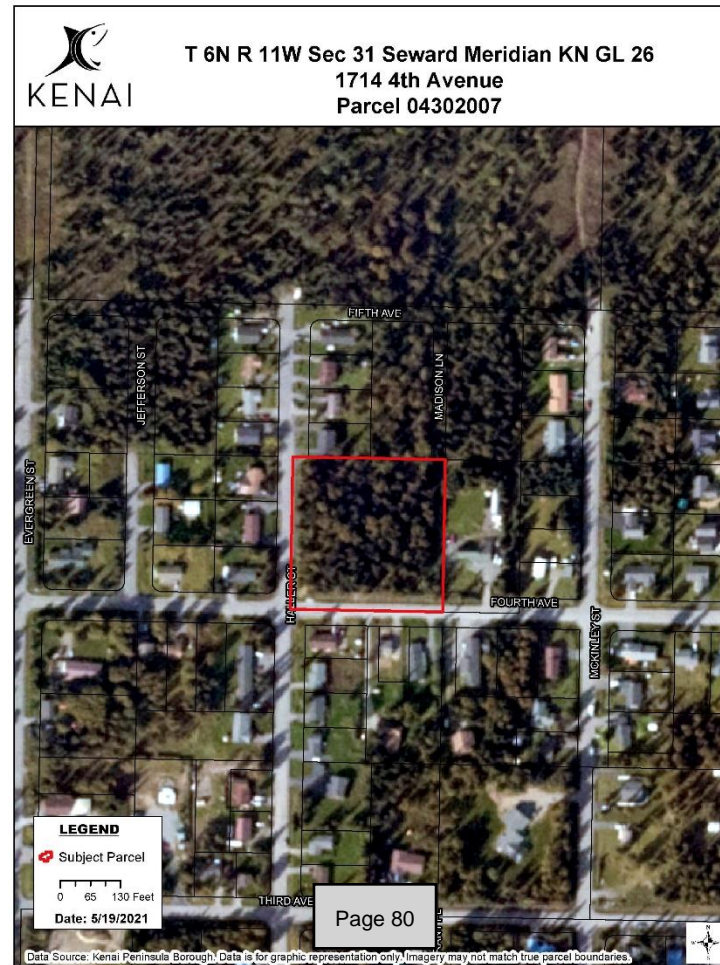
Subdivision

A subdivision of Government Lot 26, Section 31, T8N, R17W, S4M, Kanaid Recording District.
Located within the SW 1/4 NE 1/4 NW 1/4 SW 1/4 Section 31, T8N, R17W, S4M, City of Kenai, Kenai Peninsula Borough, Alaska.

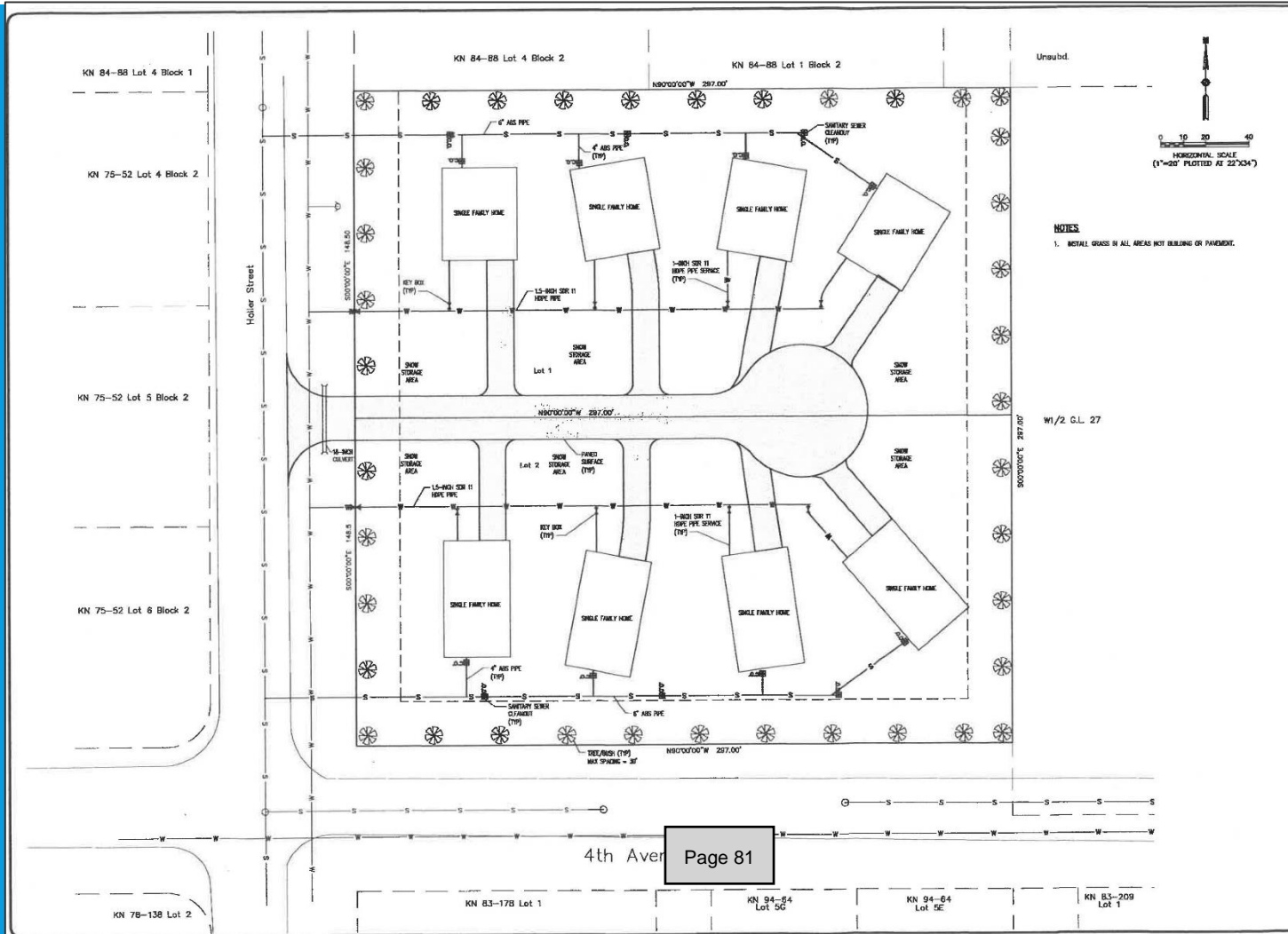
Containing 2.600 Ac.

Surveyor	Owner
Segesser Surveys 30485 Rowland St. Bokkotta, AK 99589 (907) 283-3800	
JOB NO. 21083	DRAWN 4-28-21
SURVEYED:	SCALE: 1"=90'
DATE: _____	DATE: _____

4. AERIAL MAP



5. UTILITY DESIGN



SDCS, LLC
 SITE DESIGN & CONSTRUCTION SERVICES, LLC
 5700 W. DEWBERRY DR. PH-1 (907) 387-5609
 VANILLA, AK 99683 FAX: (907) 387-3608

BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T8N, R11W, S4M

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
 DRAWN: DCS
 REVIEWED: DCS

SHEET TITLE
 SITE PLAN

SHEET
 C1.0

File Attachments for Item:

1. Resolution PZ2021-19 – Application for a Conditional Use Permit for eight single family dwellings in the Suburban Residential zone, on Government Lot 26, Section 31, Township 6 North, Range 11 West, and located at 1714 Fourth Avenue. The application was submitted by Byler Contracting, P.O. Box 877750, Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, 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;*

Criteria Met: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

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

- a) The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
- b) The site square footage in area must be approved by the Commission;
- c) Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
- d) Water and sewer facilities shall meet the requirements of all applicable health regulations;
- e) The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
- f) The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
- g) There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
- h) The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
- i) The property adjacent to the proposed dwelling group will not be adversely affected.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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.*

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 20, 2021
SUBJECT: Resolution PZ2021-19 – Conditional Use Permit – Eight Dwelling Units at 1714 Fourth Avenue

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: T 6N R 11W Sec 31 Seward Meridian KN GL 26

Property Address: 1714 Fourth Avenue

KPB Parcel No: 04302007

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

A seven or more family dwelling is listed as a conditional use within the Suburban Residential Zone in Kenai Municipal Code 14.22.010, Land Use Table. The applicant, Byler Contracting, has submitted an application for a conditional use permit to construct 8 single-family dwelling units at 1714 Fourth Avenue. In order to construct these dwelling units, a conditional use permit, including conditions cited in footnote 3 of the 14.22.010 Land Use Table, must be granted by the City of Kenai Planning and Zoning Commission.

Application, Public Notice, Public Comment

Kenai Municipal Code 14.22.010 – Land Use Table provides that a Seven or More Family Dwelling is a conditional use. Accordingly, on April 30, 2021, an application for a conditional use permit for

eight single-family dwelling units was submitted by Rob Coreson, on behalf of Byler Contracting. Planning staff reviewed the application and deemed it to be complete.

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

ANALYSIS

Kenai Municipal Code 14.20.150(d) – Review Criteria for Conditional Use Permits

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. KMC 14.20.150(d)-Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

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

Applicant Response: This conditional use permit will show all parking will be on 1714 Fourth Ave, all garbage will be at each house. Each house will have at least 2 parking places per each unit. All boundaries will be planted trees.

Staff Response: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

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

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

Page 2 of 5



- b) *The site square footage in area must be approved by the Commission;*
- c) *Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;*
- d) *Water and sewer facilities shall meet the requirements of all applicable health regulations;*
- e) *The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;*
- f) *The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;*
- g) *There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;*
- h) *The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;*
- i) *The property adjacent to the proposed dwelling group will not be adversely affected.*

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

Applicant Response: The homes/multiplex that are in the area of proposed plan are probably 20 years and older. This build of 8 new homes.

Staff Response: The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

Applicant Response: The bare lot will be turned into a well landscaped and safe area, removing the trees will stop future fire damage.

Staff Response: The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.



Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Applicant Response: Yes there is water + sewer on both streets.

Staff Response: The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Applicant Response: All parking + snow storage will be on said property.

Staff Response: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

Criteria #6: Specific conditions deemed necessary.

Applicant Response: There is an entry to access 8 homes.

Staff Response: See Conditions of Approval as set forth below.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.



4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Resolution No. PZ2021-19
- B. Application
- C. Site Plan
- D. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, 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;*

Criteria Met: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

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

- a) The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
- b) The site square footage in area must be approved by the Commission;
- c) Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
- d) Water and sewer facilities shall meet the requirements of all applicable health regulations;
- e) The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
- f) The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
- g) There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
- h) The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
- i) The property adjacent to the proposed dwelling group will not be adversely affected.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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.*

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



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:	TKC LLC				
Mailing Address:	P.O Box 10658				
City:	BAKERS FIELD	State:	CA	Zip Code:	93389
Phone Number(s):	KEN DUNBAR - 1-907 947 3000				
Email:	KDUNBAR@KENDUNBARANDSONS.COM				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	BYLER CONTRACTING - CONTACT ROB CORESON - 398-7845				
Mailing Address:	P.O Box 877750				
City:	WASILLA	State:	AK	Zip Code:	99687
Phone Number(s):	ROB CORESON 907-398-7845				
Email:	ROB@BYLERCONTRACTING.COM				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04302007
Physical Address:	1714 FOURTH AVE
Legal Description:	T6N R11W S31 GL 26
Zoning:	RS-SUBURBAN RESIDENTIAL
Acres:	2.5 ACRES

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used? **THE PROPERTY IS CURRENTLY AN EMPTY LOT**

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

THE PLAN IS TO ADD 8 INDIVIDUALS HOMES TO THE LOT THERE WILL BE 2 DRIVEWAYS THAT WILL SERVICE 8 HOMES, SNOW STORAGE WILL BE IN 2 PLACES ON PROPERTY. ALL DRIVEWAYS WILL BE PAVED AND ALL EXPOSED DIRT WILL BE PLANTED GRASS

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

THIS CONDITIONAL USE PERMIT WILL SHOW ALL PARKING WILL BE ON 1714 FOURTH AVE, ALL GARBAGE WILL BE AT EACH HOUSE, EACH HOUSE WILL HAVE AT LEAST 2 PARKING PLACES PER EACH UNIT. ALL BOUNDARIES WILL BE PLANTED TREES

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

THE HOMES/MULTIPL THAT ARE IN THE AREA OF PROPOSED PLAN ARE PROBABLY 20 YEARS + OLDER, THIS BUILD OF 8 NEW HOMES

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

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

THE BARE LOT WILL BE TURNED INTO A WELL LAND SCAPED AND SAFE AREA, REMOVING THE TREES WILL STOP FURTHER FIRE DAMAGE

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

YES THERE IS WATER & SEWER ON BOTH STREETS

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

- ALL PARKING & SNOW STORAGE WILL BE ON SAID PROPERTY,

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?

THERE IS AN ENTRY TO ACCESS 8-HOMES

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:	4-30-2021
Print Name:	ROB CORESON	Title/Business:	SALE REP FOR BMER CONTRACTOR

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



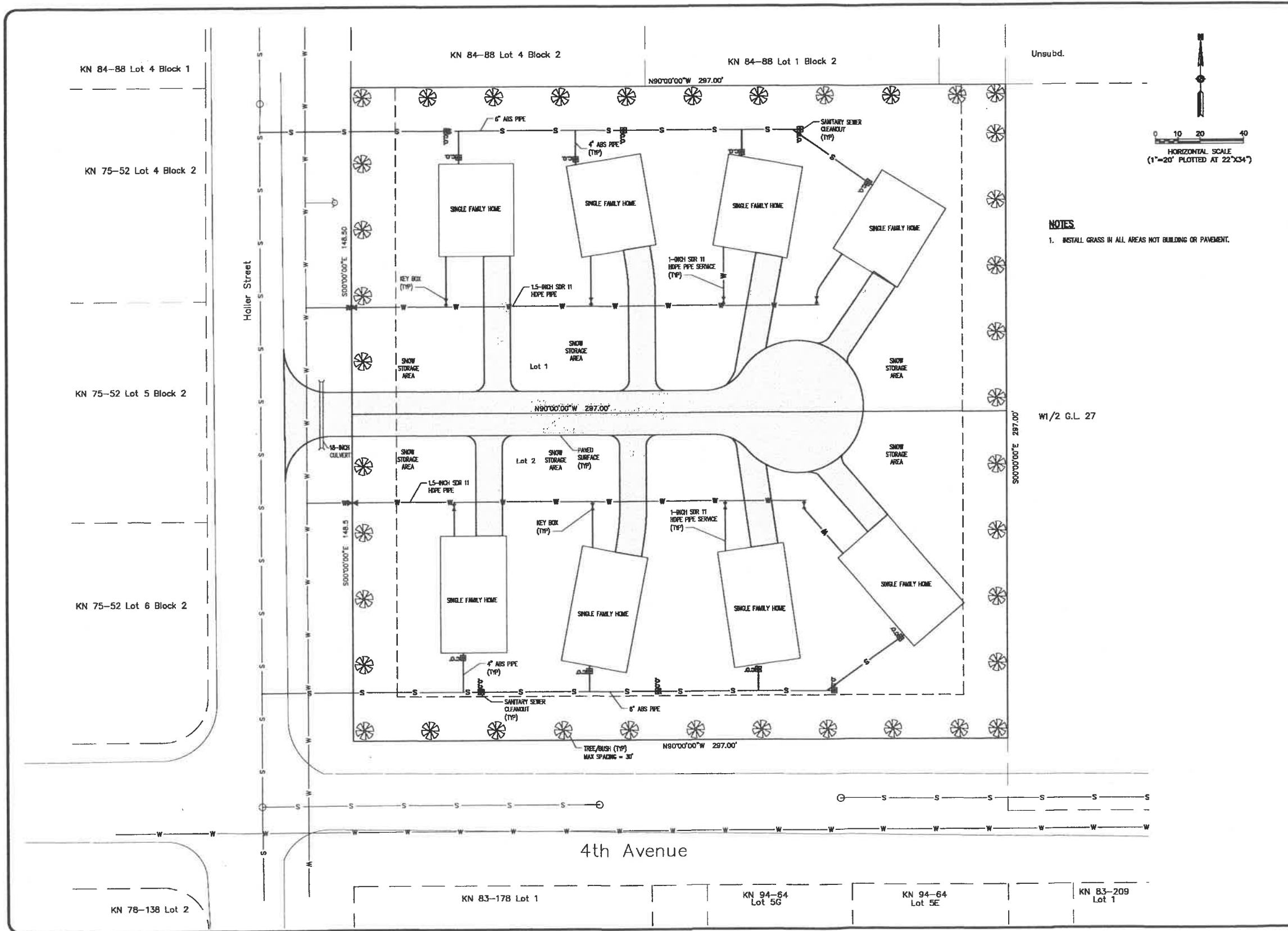
Conditional Use Permit Application CHECKLIST

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

- Evaluate uses allowed in your zoning district. Information on zoning is available at kenai.city/planning/page/zoning.
- Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application.
Intents of zoning districts are at kenai.municipal.codes/KMC/14.20.
Information about the Comprehensive Plan is at kenai.city/planning/page/comprehensive-plan.
- Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- City staff will evaluate your application following Kenai Municipal Code 14.20.230 (kenai.municipal.codes/KMC/14.20.150). Please answer questions from City staff about your application.
- Meet with Fire Marshall for inspection of premises (if necessary).
The Fire Marshal will contact you to arrange an inspection.
- Post sign on your property and confirm the posting with the City. Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- Attend Planning & Zoning Commission meeting (not mandatory, but recommended).
Attendance is beneficial so you are able to answer questions of the Commission.
- 15-day appeal period of the Planning & Zoning Commission's decision.

Thank you for choosing the City of Kenai!

Please contact the Planning & Zoning Department with application questions.



SDCS, LLC
 STEINER DESIGN & CONSTRUCTION SERVICES, LLC
 5900 W. DEWBERRY DR. PH: (907) 357-3609
 WASILLA, AK 99423 FAX: (907) 357-3608

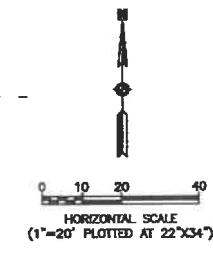
BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T6N, R11W, S.M.

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
 DRAWN: DES
 REVIEWED: DES

SHEET TITLE
SITE PLAN

SHEET
C1.0

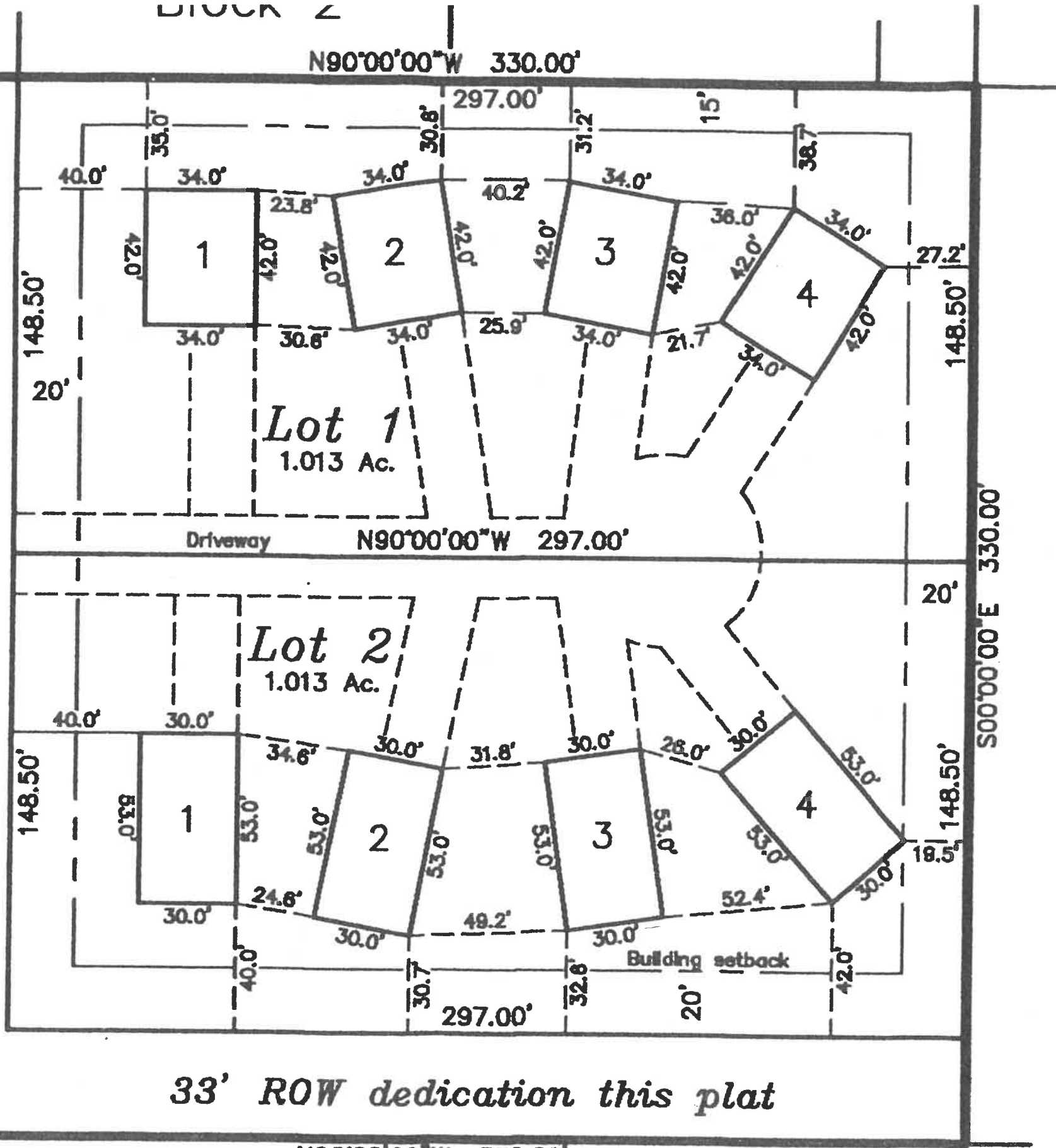


NOTES
 1. INSTALL GRASS IN ALL AREAS NOT BUILDING OR PAVEMENT.

Haller Street

S00°00'00"E 330.00'

33' ROW dedication this plat



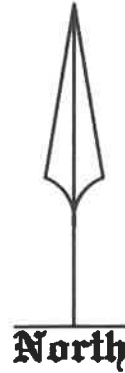
33' ROW dedication this plat

N90°00'00"W 330.00'

4th Avenue

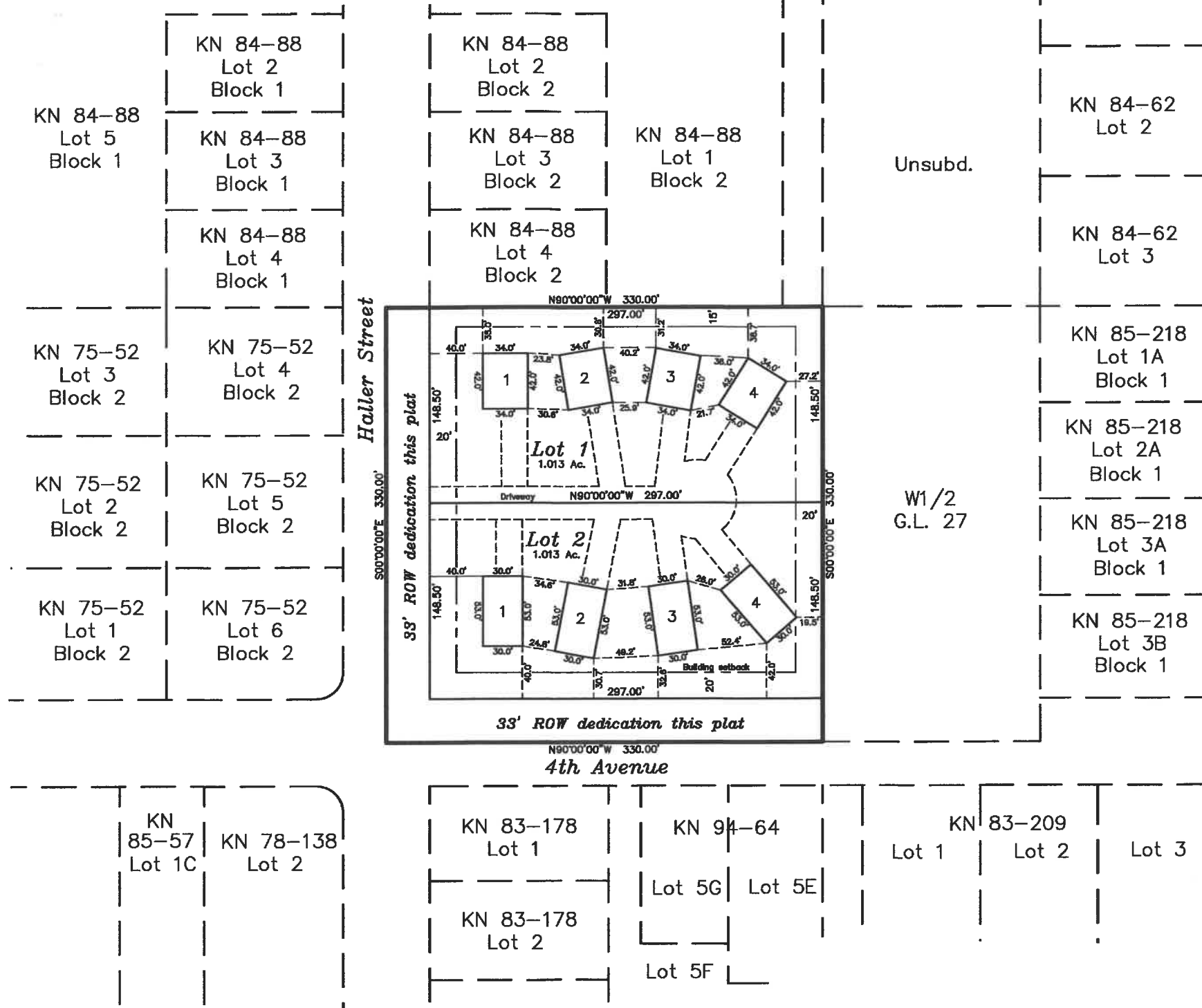
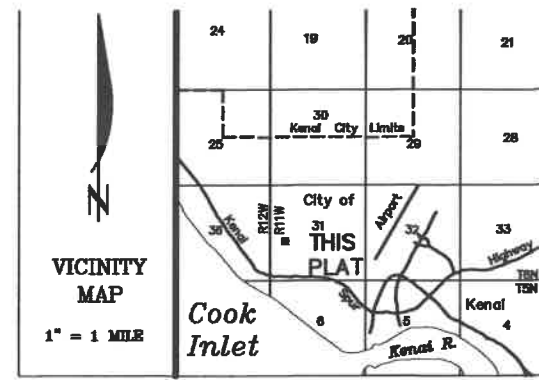
LEGEND:

- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊕ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊙ 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 83-160 KRD



NOTES:

- 1) Basis of bearing taken from Kinclaven Subdivision Plat 83-160, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 6) Front 15 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 10) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



CERTIFICATE of OWNERSHIP and DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. _____

Subdivision

A re-subdivision of Government Lot 26, Section 31, T6N, R11W, S.M., Kenai Recording District.

Located within the SW1/4 NE1/4 NW1/4 SW1/4 Section 31, T6N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.

Containing 2.500 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99869 (907) 262-3909	Owner
JOB NO. 21093	DRAWN: 4-28-21
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1 of 1



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____

CERTIFICATE of ACCEPTANCE

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

PAUL OSTRANDER, CITY MANAGER CITY OF KENAI _____ DATE _____



T 6N R 11W Sec 31 Seward Meridian KN GL 26
1714 4th Avenue
Parcel 04302007



PLANNING & ZONING COMMISSION

Resolution PZ2021-19 – Conditional Use Permit – Eight Dwelling Units

1714 Fourth Avenue

SUMMARY

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: T 6N R 11W Sec 31 Seward Meridian
KN GL 26

Property Address: 1714 Fourth Avenue

KPB Parcel No: 04302007

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential

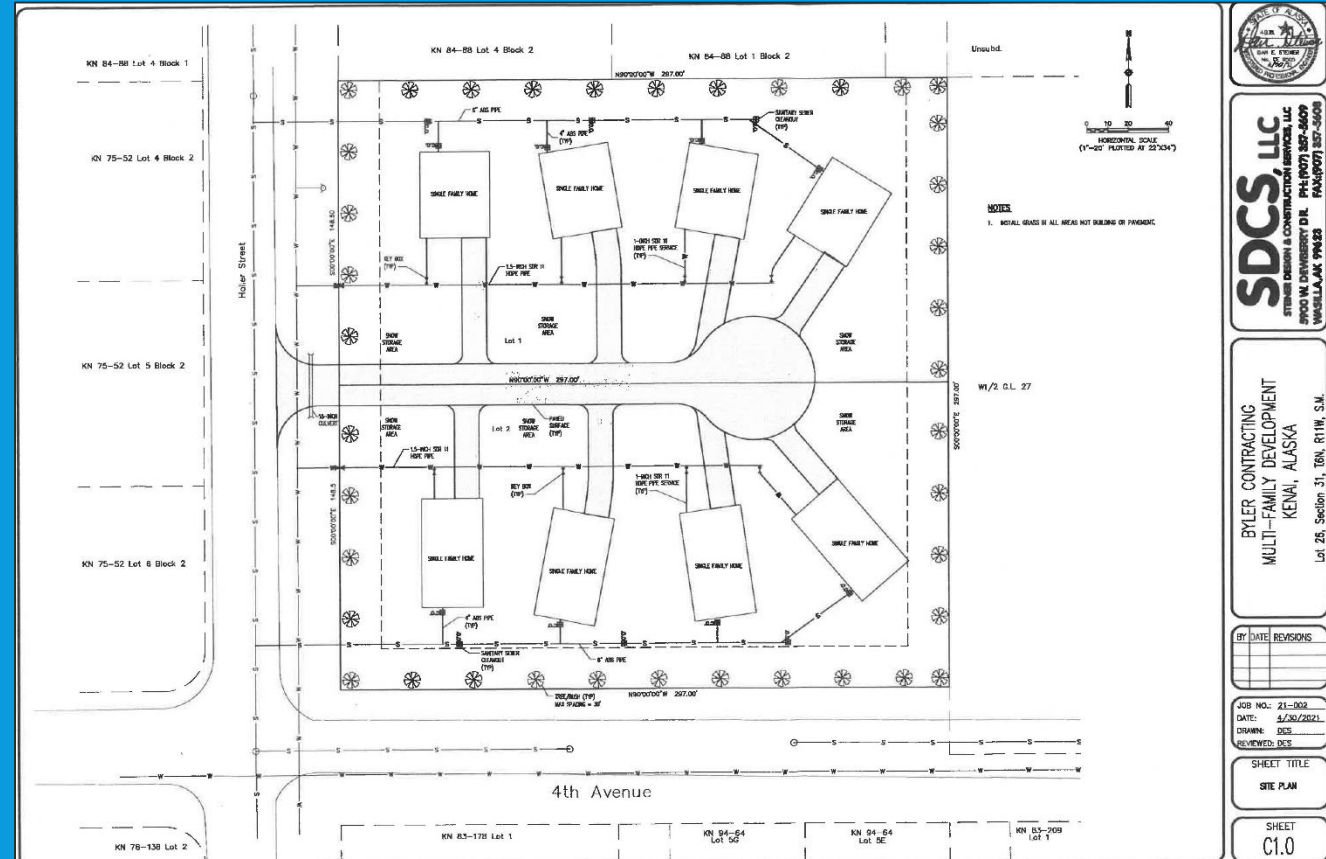
Current Land Use: Vacant

Land Use Plan: Suburban Residential



DRAFT SITE PLAN

- Proposal for 8 single family dwelling units.
- Neighboring properties include primarily single family residential.



STAFF ANALYSIS

- Kenai Municipal Code 14.20.150(d) – Review Criteria for Conditional Use Permits
- 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. KMC 14.20.150(d)- Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

RECOMMENDATIONS

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
 3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
 4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.

RECOMMENDATIONS CONTINUED

5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Resolution PZ2021-19
- B. Application
- C. Site Plan
- D. Aerial Map
- E. Requirements Tables

A. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, 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;*

Criteria Met: The eight proposed single-family units meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

Resolution No. PZ2021-19
Page 2 of 4

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

- 3 Allowed as a conditional use, subject to satisfying the following conditions:
 - a) The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
 - b) The site square footage in area must be approved by the Commission;
 - c) Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
 - d) Water and sewer facilities shall meet the requirements of all applicable health regulations;
 - e) The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
 - f) The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
 - g) There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
 - h) The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
 - i) The property adjacent to the proposed dwelling group will not be adversely affected.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

A. RESOLUTION CONTINUED

Resolution No. PZ2021-19
Page 3 of 4

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met: The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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.*

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

Resolution No. PZ2021-19
Page 4 of 4

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
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5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.


PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

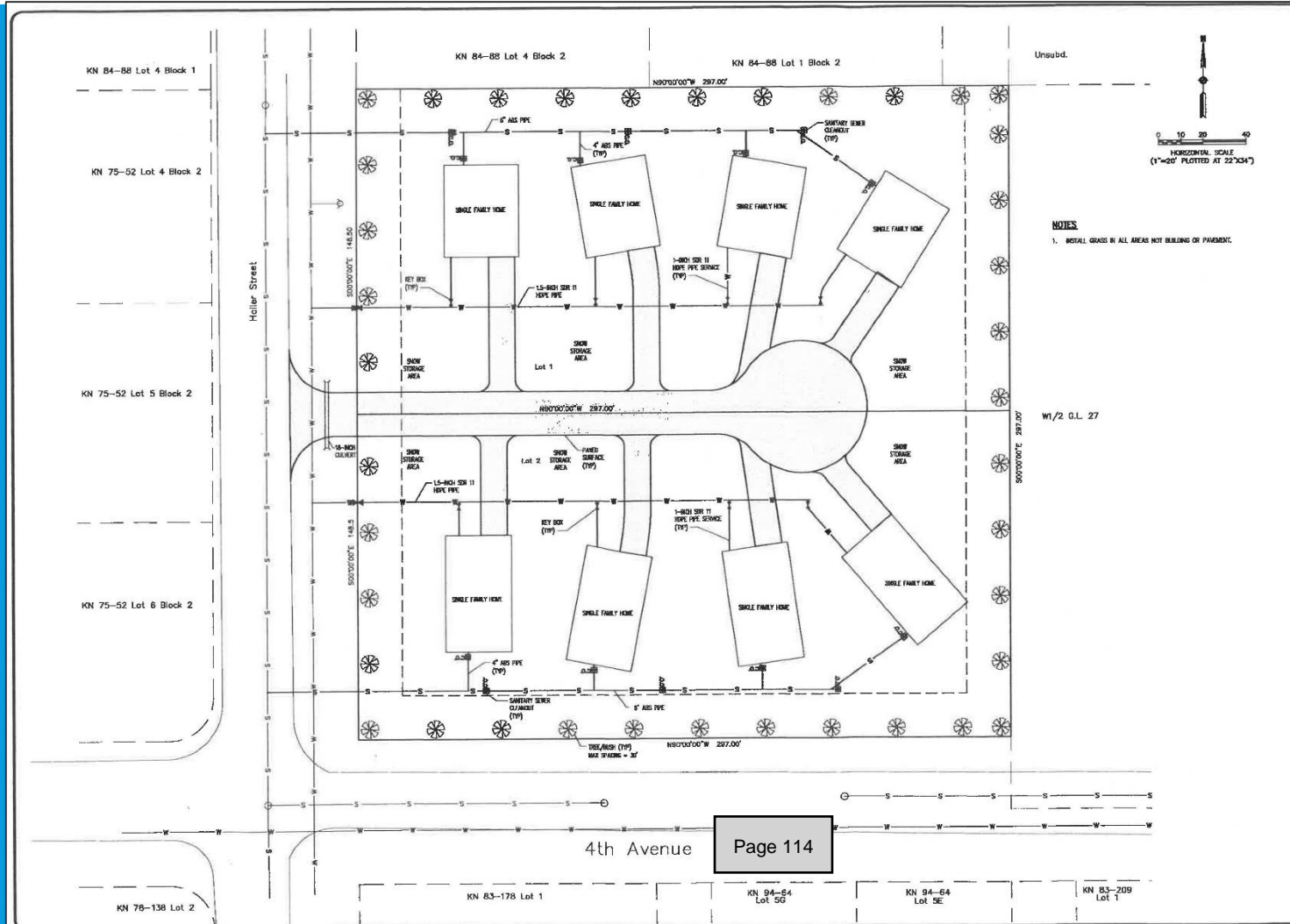
JAMIE HEINZ, CMC, CITY CLERK

B. APPLICATION

		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:	TKC LLC				
Mailing Address:	P.O. Box 10658				
City:	BAKERS FIELD	State:	CA	Zip Code:	93389
Phone Number(s):	KEN DUMBAR - 1-907 947 3000				
Email:	KDUMBAR@KENDUMBARANDSONS.COM				
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)					
Name:	BYIER CONTRACTING - CONTACT ROB CORESAU - 398-7845				
Mailing Address:	P.O. Box 877750				
City:	WASILLA	State:	AK	Zip Code:	99687
Phone Number(s):	ROB CORESAU 907-398-7845				
Email:	ROB@BYIERCONTRACTING.COM				
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel # (Property Tax ID):	04302007				
Physical Address:	1714 FOURTH AVE				
Legal Description:	764 RILLW S31 G4 26				
Zoning:	RS-SUBURBAN RESIDENTIAL				
Acres:	2.5 ACRES				
CONDITIONAL USE DESCRIPTION (include site plan/floor plan with square footages) (include State Business License and KPB Tax Compliance if applicable)					
How is this property currently being used?	THE PROPERTY IS CURRENTLY AN EMPTY LOT				
Conditional Use Requested for (attach additional sheets if necessary): THE PLAN IS TO ADD 8 INDIVIDUAL HOMES TO THE LOT THERE WILL BE 2 DRIVEWAYS THAT WILL SERVICE 8 HOMES, SNOW STORAGE WILL BE IN 2 PLACES ON PROPERTY. ALL DRIVEWAYS WILL BE PAVED AND ALL EXPOSED DIRT WILL BE PLANTED GRASS					
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property: THIS CONDITIONAL USE PERMIT WILL SHOW ALL PARKING WILL BE ON 1714 FOURTH AVE, ALL GARAGE WILL BE AT EACH HOUSE. EACH HOUSE WILL HAVE AT LEAST 2 PARKING PLACES PER EACH UNIT. ALL BOUNDARIES WILL BE PLANTED TREES					
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use: THE HOMES/MULTIFAMIL THAT ARE IN THE AREA OF PROPOSED PLAN ARE PROBABLY 20 YEARS + OLDER, THIS BUILD OF 8 NEW HOMES					

Use of surrounding property - north:	
Use of surrounding property - south:	
Use of surrounding property - east:	
Use of surrounding property - west:	
Explain how the conditional use is in harmony with the City's Comprehensive Plan: THE BARE LOT WILL BE TURNED INTO A WELL LAND SCAPED AND SAFE AREA, REMOVING THE TREES WILL STOP FUTURE FIRE DAMAGE	
Are public services and facilities on the property adequate to serve the proposed conditional use? YES THERE IS WATER + SEWER ON BOTH STREETS	
Explain how the conditional use will not be harmful to public safety, health, or welfare: - ALL PARKING + SNOW STORAGE WILL BE ON SAID PROPERTY,	
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? THERE IS AN ENTRY TO ACCESS 8-HOMES	
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: 4-30-2021
Print Name: ROB CORESAU	Title/Business: SALES REP FOR BYIER CONTRACTING
For City Use Only Date Application Fee Received: PZ Resolution Number:	

C. SITE PLAN



SDCS, LLC
 STRONG DESIGN & CONSTRUCTION SERVICES, LLC
 8700 W. DENVERBY DR. PH: (907) 887-8609
 UNALASKA, AK 99583 FAX: (907) 887-8608

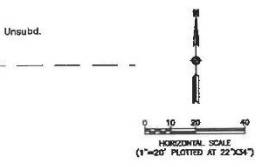
BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T8N, R11W, S14

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
 DRAWN: DES
 REVIEWED: DES

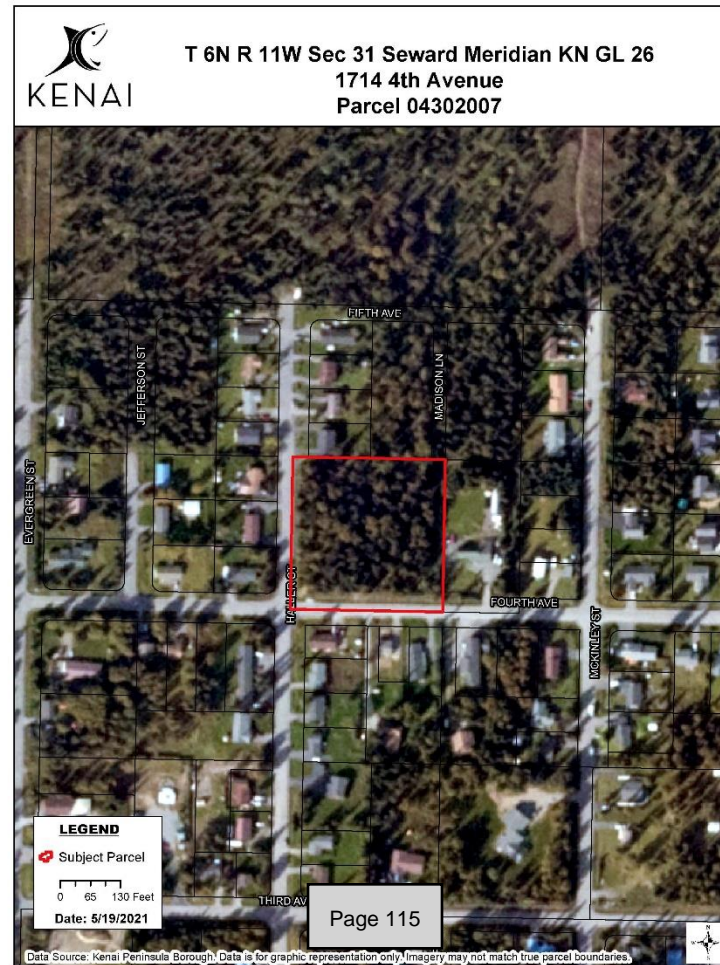
SHEET TITLE
 SITE PLAN

SHEET
 C1.0



NOTES
 1. INSTALL GRASS IN ALL AREAS NOT BUILDING OR PAVED.

D. AERIAL MAP



E. LAND USE TABLE

14.22.010 Land use table.

LAND USE TABLE

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

NOTE: Reference footnotes on following pages for additional restrictions

LAND USES	ZONING DISTRICTS																
	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ /C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ /C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3,29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ /C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ²⁹	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹⁸	C ³	C ^{3,29}	C ³	C ³	C ³	C ³	C	C	C	C	C ²²	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200)	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N
COMMERCIAL																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Adult Businesses	N	N	N	N					P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N
Automotive Sales	C	N	C	N					P	P	P	P	N	N	N	N	P

E. LAND USE TABLE

Footnotes:

- 1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter 14.25 shall include any secondary uses in the landscaping and site plans.
- 2 One (1) single-family residence per parcel, which is part of the main building.
- 3 Allowed as a conditional use, subject to satisfying the following conditions:
 - a The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
 - b The site square footage in area must be approved by the Commission;
 - c Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
 - d Water and sewer facilities shall meet the requirements of all applicable health regulations;
 - e The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
 - f The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
 - g There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
 - h The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
 - i The property adjacent to the proposed dwelling group will not be adversely affected.
- 4 See "Townhouses" section.
- 5 See "Mobile Homes" section.
- 6 Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.
- 7 See "Planned Unit Residential Development" section.
- 8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.
- 9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.
- 10 Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.
- 11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the community character of the zone.
- 12 Allowed as a conditional use; provided, that the following conditions are met:

E. MINIMUM LOT REQUIREMENTS

14.24.010 Minimum lot area requirements.

Table 14.24.010. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/CMU	R	ED	LC
MINIMUM LOT AREA (square feet)										
Single/Two/Three Family Dwelling	20,000	20,000	7,200	12,500	7,200	7,200	See individual sections of Code for requirements.	20,000	20,000	12,500
Four Family Dwelling	20,000	22,400	9,600	N	N	7,200		N	N	12,500
Five Family Dwelling	22,400	N	12,000	N	N	7,200		N	N	12,500
Six Family Dwelling	24,800	N	14,400	N	N	7,200		N	N	12,500
Seven or More Family Dwelling	27,200 + 2,400 for each unit over 7	N	16,800 + 2,400 for each unit over 7	N	N	7,200		N	N	12,500
Maximum Height (feet)	35	35	35	35	35					35

Key: N = Not allowed.

Footnotes:

- 1 Listed square footages are the minimum required for each zone.
- 2 Greater lot square footages may be required to satisfy Alaska Department of Environmental Conservation (ADEC) requirements where on-site water supply and/or sewer is necessary.
- 3 Minimum lot size for non-residential uses in ED zone is 40,000 square feet.
- 4 Minimum lot size for residential uses in the CMU zone is 7,200 square feet.

(Amended during 7-7-99 supplement; Ords. 1862-2000, 2081-2005, 2185-2006, 2884-2016)

E. DEVELOPMENT REQUIREMENTS

14.24.020 General Requirements.

Table 14.24.020. DEVELOPMENT REQUIREMENTS TABLE

USES	ZONING DISTRICTS									
	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/CMU	R	ED	LC
MINIMUM LOT WIDTH (feet)	90	90	60	60	60	60	See individual sections of Code for requirements	90	90	90
MINIMUM LOT SIZE (feet)										
Front Setback ¹	20	20	20	20	20	10	20	20	20	20
Side Setback ²										
One-Story ³	15	15	5	5	5	5	10	15	15	15
Daylight Basement/Split Level ³	15	15	10	10	10	5	10	15	15	15
Two-Story ³	15	15	15	15	15	5 ⁴	10	15	15	15
Rear Setback	20	20	20	20	20	10 ⁴	10	20	20	20
Maximum Lot Coverage	30%	30%	30%	30%	30%	40%		30%	30%	30%
Maximum Height (feet)	35	35	35	35	35					35

Footnotes:

¹ Provided that the minimum front setback is measured from any right-of-way or access easement.

² Side setbacks are determined based on the primary vehicular access of the structure. Plot plan/as-built will distinguish single and two-story portions of building to verify setback distances are met.

³ Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof above.

One-story is defined as a story having direct access to the ground without a lower story. A structure having a lower story situated below a one-story is considered a two-story structure in its entirety.

File Attachments for Item:

1. City Council



Kenai City Council - Regular Meeting

May 19, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment 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 PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3210-2021** - Amending Kenai Municipal Code Sections 23.25.020 - Pay Plan and Adoption, 23.55.020 – Compensation Structure by Grade for Employees in the Classified Service, 23.55.050 – Hourly Rates, Removing the Appended Salary Schedule from the City's Code of Ordinances to Allow for Adoption of the Salary Schedule through the Ordinance Adopting a Budget for the Following Fiscal Year or by Resolution. (Administration)
[Clerk's Note: At the May 5th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.]
 - **Substitute Ordinance No. 3210-2021** – Amending Kenai Municipal Code Sections 23.20.010 – Initial Classification, 23.20.020 – Revisions to Classification Plan, 23.25.020 – Pay Plan and Adoption, 23.55.020 – Compensation Structure by Grade for Employees in the Classified Service, 23.50.010 – Employee Classification, 23.55.050 – Hourly Rates, to Remove the Appended Salary Schedule and Classification Plan from the City's Code of Ordinances to Allow for Adoption of the Salary Schedule and Classification Plan Before July 1 Each Year Through the Ordinance Adopting a Budget for the Following Fiscal Year or by Resolution. (Administration)

2. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3211-2021** - Adopting the Annual Budget for the Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022 and Committing \$4,898,000 of General Fund, Fund Balance for Future Capital Improvements. (Administration)
 - **Substitute Ordinance No. 3211-2021** – Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022 and Committing \$4,898,000 of General Fund, Fund Balance for Future Capital Improvements. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3212-2021** - Increasing Estimated Revenues and Appropriations in the Airport Fund, Airfield and Administration Departments for Expenditures in Excess of Budgeted Amounts Related to Additional Temporary Hours and Overtime Hours Needed for Winter Snow Removal Activity and Leave Cash-In Amounts in Excess of Budgeted Amounts Caused by Employee Retirement. (Administration)
4. **FAILED. Ordinance No. 3213-2021** - Increasing Revenues and Appropriations in the General, Airport, Water and Sewer and Senior Citizen Funds for City Employee COVID-19 Resilience Pay and Authorizing Payments to Employees on a Retroactive Monthly Basis. (Council Member Glendening, Council Member Winger)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2021-30** - Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2021-31** - Amending its Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes Included in the FY2022 Budget to Include Adjusting Terminal Fees Consistent with the City's Five-Year Airline Operating Agreement, Airport Reserve Land Annual Lease Rates, and Adjusting the Monthly Rental Rates at Vintage Pointe, Eliminating the Fire Departments Fee for Medical Treatment Without Transportation of the Patient, Creating a Fee for Internal Apartment Moves at Vintage Point Manor, No Fees Associated with the City's Operation of the Kenai Recreation Center, Adding a Conference Room Rental Fee for the Airport and Amending the City's Library Fees. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2021-32** - Authorizing the Purchase of Airport Snow Removal Equipment and Accessories Utilizing the State of Alaska Cooperative Fleet Purchasing Agreement. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2021-33** - Authorizing a Budget Transfer in the General Fund, Non-Departmental Department to Provide Supplemental Funding for the Shop Local Economic Stimulus Program, Authorizing an Amendment of the Program to Extend the Date Vouchers Must Be Spent, and Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with the Kenai Chamber of Commerce and Visitor Center for Administration of the Program. (Administration)
9. **ADOPTED. Resolution No. 2021-34** - Further Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Health Emergency. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of May 5, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **REMOVED FROM THE AGENDA.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/2/2021.** *Ordinance No. 3214-2021 - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and the Airport Snow Removal Equipment Capital Project Funds to Provide Supplemental Funding for the Replacement of the Wide-Area Tractor and Mower. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/2/2021.** *Ordinance No. 3215-2021 - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Capital Projects Funds to Provide Supplemental Funding for the Wellhouse #1 Relocation Project and Authorizing the Issuance of a Contract for the Project. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/2/2021.** *Ordinance No. 3216-2021 - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Terminal Improvement Capital Project Fund to Provide Additional Local Share to the Terminal Rehabilitation Project and to Provide Funding to Install Wireless Internet Service for the Public. (Administration)
6. **Discussion** - COVID-19 Response. (Administration)

H. 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
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Boy Scouts of America Letter
3. CIRCAC Directors 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/89477390282>

Meeting ID: 894 7739 0282 **Passcode:** 622951

OR

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

Meeting ID: 894 7739 0282 **Passcode:** 622951

File Attachments for Item:

2. Kenai Peninsula Borough Planning



Planning Commission Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax
Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

Blair Martin, Chair – Kalifornsky Beach ~ Robert Ruffner, Vice Chair – Kaslof/Clam Gulch

Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik ~ Jeremy Brantley – Sterling

Paulette Bokenko-Carluccio – City of Seldovia ~ Cindy Ecklund – City of Seward ~ Pamela Gillham – Ridge Way

Davin Chesser – Northwest Borough ~ Diane Fikes – City of Kenai ~ Virginia Morgan – East Peninsula ~ Franco Venuti – City of Homer

May 24, 2021

7:30 p.m.

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDAS

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission 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. Time Extension Request**

***2. Planning Commission Resolutions**

***3. Plats Granted Administrative Approval**

- a. Seashore Bluffs; KPB File 2017-043R1
- b. Inglima Tract 2019 Replat: KPB File 2019-139

***4. Plats Granted Final Approval (20.10.040)**

- a. Marion Subdivision 2021 Replat; KPB File 2021-038

***5. Plat Amendment Request**

***6. Commissioner Excused Absences**

***7. Minutes**

- a. May 10, 2021 Planning Commission Meeting
- b. May 10, 2021 Plat Committee Meeting

D. NEW BUSINESS

1. Barnett's South Slope Subdivision Quiet Creek Park Replat Lots 35, 36 & 37
KPB File: 2021-057
Geovera, LLC / Martin, Carter, Harris, Ferraro
Location: on Nelson Ave.
City of Homer
2. Barnett's South Slope Subdivision Quiet Creek Park Lot 38 Replat
KPB File: 2021-058
Geovera, LLC / Echo Trading Company, LLC, Drake
Location: on Nelson Ave.
City of Homer
3. Poage Subdivision Chaloux Replat
KPB File: 2021-059
Segesser Surveys / Chaloux
Location: on Robert Ave.
Funny River Area / Funny River APC
4. Don's Place Subdivision Heazlett Replat
KPB File: 2021-060
Segesser Surveys / Heazlett
Location: on Eagle Ave.
Nikiski Area
5. Bos'N Landing 2021 Replat
KPB File: 2021-062
McLane Consulting Group / Edward N. Krohn Estate
Location: off Lou Morgan Rd., on Starboard Beam Cir. & Focsle Cir.
Sterling Area
6. River Quest 2021 Replat
KPB File 2021-061
McLane Consulting Group / Schalkle, Crosswhite, Willkie
Location: on Davison Ave.
Kalifornsky Area / Kalifornsky APC
7. Review of the KPB Plat Committee Preliminary Approval
Bluff Haven Estates 2021 Replat (Approved April 12, 2021)
KPB File: 2021-030
Geovera, LLC / Evensen
Location: in the Diamond Ridge Area

E. OLD BUSINESS

1. Conditional Land Use Permit (CLUP)
Modification of CLUP for Material Extraction
PC Resolution 2021-10
Applicant: River Resources, LLC
Location: 34386 Patson Rd., Soldotna, AK 99669
PINs: 135-243-13 & 135-243-29

F. PLAT COMMITTEE REPORT - No Meeting 5/24/21

- 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

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, June 14, 2021** 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.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Zoom	June 10, 2021	7:00 PM
Cooper Landing	Zoom	June 9, 2021	6:00 PM
Funny River	Funny River Community Center	June 9, 2021	7:00 PM
Kalifornsky	Zoom	June 9, 2021	6:00 PM
Kachemak Bay	Zoom	June 10, 2021	7:00 PM
Moose Pass	Inactive	TBD	N/A
Hope / Sunrise	Zoom	June 9, 2021	7:00 PM

NOTE: Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website. Links to the websites can be found on the Planning Department website.

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.