



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

March 22, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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. *Regular Meeting of February 22, 2023

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-06** – Recommending Approval for Preliminary Plat – Baron Park Triumvirate Addition to Subdivide Tract 4A of Baron Park 2020 Replat into Two (2) Lots.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-04** - Granting a Conditional Use Permit to Allow Lodging on the Property Located 1035 Angler Drive (Parcel ID: 04939036) in the Rural Residential (RR) Zoning District.
2. **Resolution PZ2023-05** - Granting an Amendment to a Conditional Permit for the Expansion of the Assisted Living Facility on the Property Located at 701 N. Forest Drive (Parcel ID: 04321030) in the Suburban Residential (RS) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. Action/Approval** - Recommending City Council Approval of the Student Representative Policy No. 20.100.
- 2. Action/Approval** - Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** Next Meeting: April 12, 2023

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89510299512>

Meeting ID: 895 1029 9512 **Passcode:** 132719

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

Meeting ID: 895 1029 9512 **Passcode:** 132719

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
FEBRUARY 22, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on February 22, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present:	J. Twait, G. Woodard, J. Glendening, D. Fikes, J. Coston, J. Halstead
Commissioners absent:	G. Greenberg
Staff/Council Liaison present:	Planning Director L. Mitchell, Council Member V. Askin, Deputy Clerk M. Thibodeau, City Attorney S. Bloom, Chief Animal Control Officer J. Hendrickson

A quorum was present.

3. Agenda Approval

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

ACTION

Add to item F.2

ITEM

Action/Approval – Recommendation for Ordinance No. 3332-2023

- Public Comment

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda with the requested revisions. Commissioner Coston **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the consent agenda. Commissioner Woodard **SECONDED** the motion. There being no objection; **SO ORDERED.**

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

5. *Excused Absences – G. Greenberg

B. APPROVAL OF MINUTES

1. *Regular Meeting of January 25, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-03** – Recommending Approval for Preliminary Plat – Janousek Subdivision 2023 Replat to Consolidate Lots 2 and 3, of Janousek Subdivision into one (1) lot.

Commissioner Woodard **MOVED** to adopt Resolution PZ2023-03. Vice Chair Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting to consolidate two lots in order to have a detached garage on a lot that is currently vacant. Zoning and uses of surrounding lots were reviewed; staff recommended forwarding an approval of the plat to Kenai Peninsula Borough.

Recommendation of approval was expressed, and it was noted that it would be a good use for the lot.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-02** – Granting a Variance Permit to Allow Additional Signage on the Properties Located at 508 Upland Street and 1000 Mission Avenue (Parcel IDs: 04707134 and 04707136) in the Townsite Historic (TSH) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-02. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting a variance permit to obtain relief from the sign ordinance for additional signage. The variance would allow for two gateway signs in addition to wayfinding signs and building signs. The criteria for variance permits were reviewed, and approval of the variance was recommended with the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain a sign permit issued by the Building Official.

Averee Amend, maintenance technician for Kenaitze, noted he represented the applicant Vernon Stanford and was available for questions.

It was noted that the submitted application was well detailed, and approval was expressed as additional signage would help visitors to the establishment. It was noted that the locations of signs are far enough from the road to keep an unobstructed right of way.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

- 2. Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 – Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.

Director Mitchell reviewed proposed amendments provided in the packet that had been suggested during the February 8, 2023 work session.

Chair Twait opened for public hearing.

Dan Conetta spoke in opposition to the ordinance, stating that it would violate the public's trust. He stated that the Woodland neighborhood covenants prohibit the raising of poultry, and asked the City to not pass an ordinance that would conflict with and undermine those covenants. He proposed alternative options that would address concerns of residents.

Tim Navarre stated that in the process of changing ordinances, he believes that the status quo should be maintained as there is no overwhelming public interest for the change on this issue. He encouraged the commission to recommend to the city council to not pass the ordinance as it would not improve the quality of life in the community and could create issues for neighbors.

Sarah Barrett spoke in support of the ordinance, citing her positive experience growing up with chickens in the Woodland subdivision. She explained their benefits, and emphasized that her family always informed neighbors about their chickens and took measures to prevent disturbances. She expressed a desire to continue raising chickens in her current home in the city limits.

Kim Howard spoke in opposition, stating that most homeowners in the affected zones expected that their neighbors wouldn't have chickens when they purchased homes. She argued that chickens in densely populated areas are a public nuisance and cause disturbance, and affect the residential character of her neighborhood. She stated that she hopes the City Council will reject the ordinance, but if not, suggests prohibiting chickens in the Suburban Residential (RS) zone.

Barbara Kennedy expressed that most of the proposed amendments seemed fair, with the exception of the requirement to screen chickens from view. She expressed disagreement with comments that this is not the right time for the ordinance, and discussed the educational and self-sustaining benefits of owning chickens. She explained how a one-year permit would be impractical after making the financial investment to raise chickens.

Kristine Schmidt spoke in opposition, arguing that this is not the right time for this ordinance, the City had previously considered covenants in zoning decisions, and that this would be a stealth rezoning of RS and would be unfair to people in RS zones. She suggested removing the RS zone, as it would eliminate most of the problems.

Council Member Teea Winger explained that she sponsored this ordinance to encourage self-sufficiency to help with food security in the event of a disaster. She discussed Anchorage's livestock regulations and expressed concern about the proposed amendment which would require enclosures to screen chickens from public view, and requested clarification in light of recent code changes which raised the required fence height.

Ed Castillo spoke in opposition to allowing chickens on smaller size lots. He spoke about his personal experience raising chickens, noting that he has over an acre of land and neighbors can hear his rooster. He stated that people should have the right to raise chickens if they have enough space, and that eating them is a personal choice. He suggested that new buyers should familiarize themselves with neighborhood covenants before getting chickens.

Dave Howard spoke in opposition, expressing concerns about chicken owners self-certifying their pen setup and lack of enforcement from the City. He spoke about experience having a neighbor with an educational permit, and emphasized that the City should be taking more responsibility when allowing people to have chickens. He stated that the ordinance should be set aside as he cannot see how they can come to a compromise.

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

Clarification was provided that the Commission would be considering proposed amendments to Ordinance No. 3332-2023 that they recommend to the City Council before enactment.

The Commission discussed City enforcement of Animal Control codes, and whether the ordinance would fit better in Title 3 or Title 14.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph c. 1. to read:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k). This allowance for the keeping of chicken hens does not permit commercial activities where otherwise prohibited or additional permitting or licensing is required.”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Woodard **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 1. to read:

“Up to four (4) chicken hens may be kept on lots of 24,000 square feet or less [A MAXIMUM OF TWELVE (12) CHICKEN HENS MAY BE KEPT ON LOTS] with a permitted principal structure. One (1) additional chicken hen is allowed for each additional 2,000 square feet of lot area.”

Commissioner Halstead **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Glendening **MOVED** to amend the proposed amendment as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zones and a maximum of six (6) [UP TO FOUR (4)] chicken hens [MAY BE KEPT] on lots in other allowed zones [OF 24,000 SQUARE FEET OR LESS] with a permitted principal structure. One (1) additional chicken hen is allowed for each additional 2,000 square feet of lot area.”

Commissioner Halstead **SECONDED** the motion to amend the main motion.

VOTE ON MOTION TO AMEND CONDITION:

YEA: Coston, Glendening

NAY: Twait, Halstead, Fikes, Woodard

MOTION TO AMEND CONDITION FAILED.

VOTE ON MAIN MOTION:

YEA: Twait, Halstead, Fikes, Woodard, Coston

NAY: Glendening

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h as follows:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the ALI, RU, RS1, RS2, and TSH zoning districts, subject to the following standards:”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 3. and h. 4. as follows:

“(3) Chicken coops, hutches or other fully enclosed shelters must be located in the rear yard [MAY NOT BE LOCATED IN A FRONT YARD OR SIDE YARD THAT ABUTS A STREET IN A RESIDENTIAL ZONING DISTRICT] and must have a minimum setback of fifteen feet (15’) from the side yards, ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.

(4) Fences, corral, pen, or other similar containment structures must be located in the rear yard and have a minimum setback of fifteen feet (15’) from the side yards, [TWENTY-FIVE FEET (25’) FROM THE FRONT YARD,] ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION :

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, to exclude Suburban Residential RS1. Commissioner Fikes **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Woodard **MOVED** to amend the proposed amendment, to exclude lots under 15,000 square feet in the Suburban Residential RS1. Commissioner Glendening **SECONDED** the motion.

VOTE ON MOTION TO AMEND CONDITION:

YEA: Twait, Woodard, Glendening

NAY: Halstead, Fikes, Coston

MOTION TO AMEND CONDITION FAILED.

VOTE ON MAIN MOTION:

YEA: Halstead, Fikes, Woodard, Coston, Twait

NAY: Glendening

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Coston **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 5. as follows:

“All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair. The siding and roofing must be constructed with solid and durable construction materials.”

Commissioner Woodard **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Fikes, Woodard, Glendening, Twait, Halstead

NAY: Coston

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 9 as follows:

“All feed for chickens must be stored securely to prevent access from rodents and other non-domestic animals.”

Commissioner Glendening **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h by adding a new paragraph 10 as follows:

“On lots twenty thousand square feet or less, a registration for chicken hens must first be obtained from animal control prior to moving any number of chicken hens onto the property. The registration will require certification that all provisions of this title are complied with.”

Commissioner Glendening **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Glendening **MOVED** to amend the proposed amendment as follows:

“On lots twenty-four (24) thousand square feet or less, a registration for chicken hens must first be obtained from animal control prior to moving any number of chicken hens onto the property. The registration will require certification that all provisions of this title are complied with.”

Commissioner Halstead **SECONDED** the motion to amend the main motion.

VOTE ON MOTION TO AMEND CONDITION:

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 12 as follows:

“Chicken coops, hutches or other fully enclosed shelters may not exceed eight feet (8’) in height.”

Commissioner Woodard **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Fikes, Woodard, Coston, Halstead

NAY: Glendening, Twait

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 13 as follows:

“All enclosures, coops, hutches, pens, or appurtenances for chicken hens must be fully screened from public view and neighboring properties with fences, walls, obstructions, or natural screening not less than six feet (6’) in height.”

Commissioner Coston **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Halstead, Fikes, Coston,

NAY: Glendening, Twait, Woodard

MOTION TO INCLUDE CONDITION FAILED.

MOTION:

Commissioner Halstead **MOVED** to recommend the City Council enact Ordinance No. 3332-2023 with the recommended amendments from the Planning and Zoning Commission. Commissioner Glendening **SECONDED** the motion.

VOTE:

YEA: Halstead, Coston, Glendening, Twait

NAY: Fikes, Woodard

MOTION PASSED.

Clarification was provided that there will be a City Council public hearing on this ordinance on March 1, 2023.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Council Member Askin reviewed the actions of the February 15, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the February 13, 2023 Kenai Peninsula Borough Planning Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - An encroachment permit that had been approved by the Commission had submitted an as-built that is consistent with what was approved.
 - Reviewing of annual conditional use permit reports continues, completed the compliance review on commercial marijuana establishment permits.
 - Revised work session schedule included in packet; upcoming work session to address accessory structures code changes with adoption of new building codes.
 - Considering more effective ways to address junk vehicle and refuse violations.
 - Planning Department has received several new conditional use permit applications.
 - Update on Administrative Assistant hiring process.
 - Attending National Floodplain Insurance Program administrator training by FEMA next week, will be out of the office.
 - Attending a training at a sign expo in April.
 - Human Resources Director has been hired and will start in March.
 - Council and Commission training tomorrow at the Chamber of Commerce.

K. **ADDITIONAL PUBLIC COMMENTS** – None.

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting Date: March 8, 2023

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Glendening discussed the zoning map.

Commissioner Woodard noted an upcoming meeting to discuss rank choice voting.

Commissioner Coston encouraged everyone to watch the snow loads on roofs, as there have been recent collapses.

Vice Chair Halstead noted that he appreciated the Commission's discussion and due diligence on their recommendation for Ordinance No. 3332-2023.

Commissioner Fikes expressed appreciation for the discussion.

Chair Twait noted that the Commission did a good job in providing their recommendation to Council, and appreciates everyone's hard work.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:35 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-06**

A RESOLUTION **RECOMMENDING** THAT BARON PARK TRIUMVIRATE ADDITION PRELIMINARY PLAT ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc. on behalf of the property owner, City of Kenai and,

WHEREAS, the plat meets Kenai Municipal Code preliminary plat requirements of the Light Industrial (IL); and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, the subdivided lots will have access via Daubenspeck Road and/or Marathon Road, which are City-maintained roads; and

WHEREAS, City water and sewer lines are available within the adjacent right of ways; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meet City standards for minimum lot sizes.
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 Baron Park Triumvirate Addition be approved subject to the following condition.

1. Provide a curve table for C1 and C2 on the plat.

Resolution No. PZ2023-06

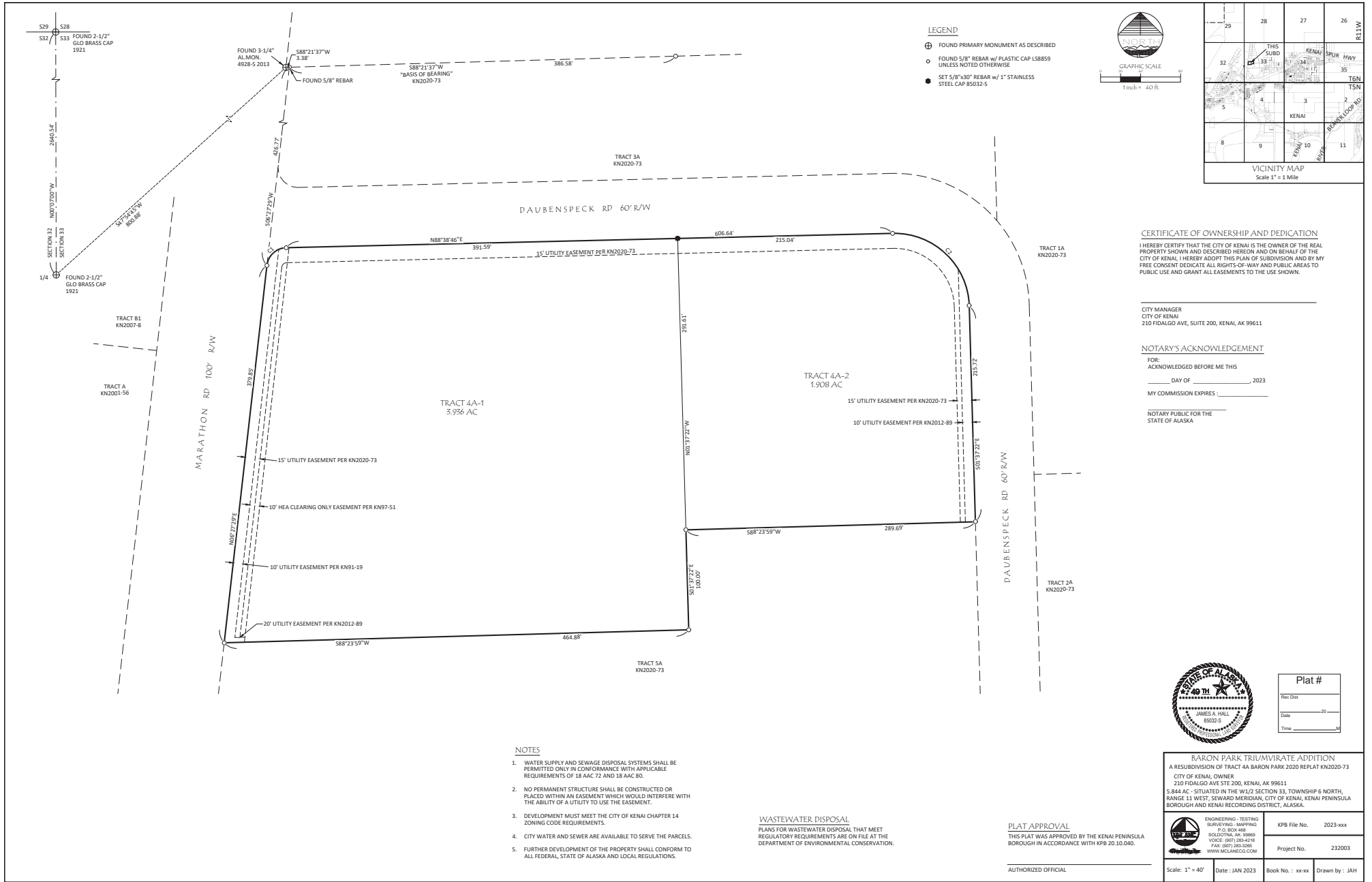
Page 2 of 2

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of March, 2023.

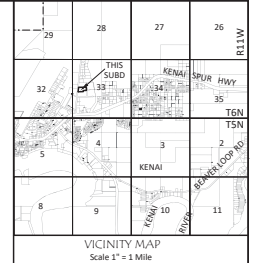
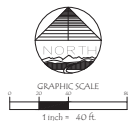
JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR w/ PLASTIC CAP LS8859 UNLESS NOTED OTHERWISE
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S



CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE CITY OF KENAI, 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.

CITY MANAGER
 CITY OF KENAI
 210 FIDALGO AVE, SUITE 200, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT
 FOR:
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #	
Rev. Date:	
Date:	____/____/20__
Time:	____:____

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.

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

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

AUTHORIZED OFFICIAL

BARON PARK TRIUMVIRATE ADDITION
 A RESUBDIVISION OF TRACT 4A BARON PARK 2020 REPLAT KN2020-73
 CITY OF KENAI, OWNER
 210 FIDALGO AVE STE 200, KENAI, AK 99611
 5.844 AC - SITUATED IN THE W1/2 SECTION 33, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.



KPB File No. 2023-xxxx
 Project No. 232003

Scale: 1" = 40' Date: JAN 2023 Book No.: xx-xx Drawn by: JAH



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: March 17, 2023
SUBJECT: Resolution No. PZ2023-06 – Preliminary Plat – Baron Park Triumvirate Addition

Request The applicant is proposing a preliminary plat to subdivide one (1) lot into two (2) lots.

Staff Recommendation Adopt Resolution No. PZ2023-06 recommending approval for a Preliminary Plat - Baron Park Triumvirate Addition to subdivide Tract 4A of Baron Park 2020 Replat into two (2) lots.

Applicant: McLane Consulting Inc.
Attn: James Hall
P.O. Box 468
Soldotna, AK 99669

Property Owner: City of Kenai

Legal Description: Tract 4A of Baron Park 2020 Replat

Property Address: 450 Marathon Road

KPB Parcel No.: 04501061

Lot Size (acreage): 5.84

Zoning: Light Industrial (IL)

Current Use: Vacant

Proposed Use: Performing Arts Center

Land Use Plan: Industrial

Associated Permits: Conditional Use Permit (Resolution No. PZ2023-01) for a Performing Arts Center

SUMMARY

The proposed preliminary plat will subdivide Tract 4A of the Baron Park 2020 Replat into two (2) lots, Tract 4A-1 (3.936 acres) and Tract 4A-2 (1.908 acres). The subject parcel is a treed vacant lot located in the northeast corner of Daubenspeck Road. Most of the surrounding properties are city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational.

On January 25, 2023, your commission approved the Conditional Use Permit (Resolution No. PZ2023-01) for a performing arts center on approximately 2-acre of the eastern portion of the 5.844-acre parcel.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The parent plat, Baron Park 2020 Replat was approved by the Kenai Peninsula Borough Planning Commission on July 13, 2020. The proposed subdivision meets the minimum lot area and width for the Light Industrial (IL) zoning district. The subdivided lots will have access via Daubenspeck Road and/or Marathon Road, which are City-maintained roads. City water and sewer lines are available within the adjacent right of ways. An installation agreement is not required.

The proposed preliminary plat meets the general standards of KMC Chapter 14.10 *Subdivision Regulations*.

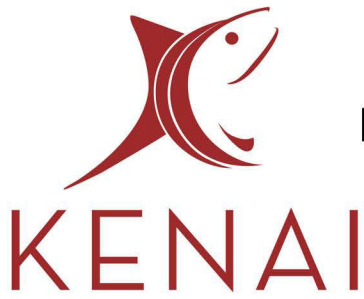
STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Baron Park Triumvirate Addition meets the general standards of Kenai Municipal Code Chapter 14.10 *Subdivision Regulations*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-06 to Kenai Peninsula Borough, subject to the following condition.

1. Provide a curve table for C1 and C2 on the plat.

ATTACHMENTS

Aerial Map
Application with Certificate of Plat
Preliminary Plat, Baron Park Triumvirate Addition
Baron Park 2020 Replat



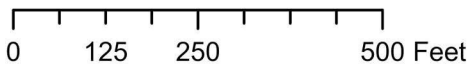
Resolution No. PZ2023-06
Preliminary Plat-Baron Park Triumvirate Addition
450 Marathon Road
KPB Parcel ID: 04501061



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Date Printed: 3/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

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

PROPERTY OWNER

Name:	City of Kenai						
Mailing Address:	210 Fidalgo Ave Ste 200	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04501061						
Current City Zoning:	Light Industrial						
Use:	<input type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input checked="" 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:	Baron Park Triumvirate Addition						
Revised Preliminary Plat Name:							
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes			<input checked="" type="checkbox"/> No			
Street Name (if vacating ROW):							

Exceptions Required and Requested:

Comments:

REQUIRED ATTACHMENTS

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

SIGNATURE

Signature:		Date:	2/9/23
Print Name:	Terry Eubank	Title/Business:	City Manager / City of Kenai



First American Title™

First American Title Insurance Company

44296 Sterling Highway, Suite 2
Soldotna, AK 99669
Phn - (907)262-5708
Fax - (907)262-9594

CERTIFICATE TO PLAT

To: McLane Consulting Inc
PO BOX 468
Soldotna, AK 99669

Order No.: 0229-4034545
Plat: BARON PARK 2020 REPLAT

Attn: James Hall

Fee: \$300.00

This is a Certificate as of January 30, 2023 at 8:00 A.M. for a proposed plat of the following described property:

Tract 4A, BARON PARK 2020 REPLAT, according to the official plat thereof, filed under Plat Number 2020-73, Records of the Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that title is vested in:

City of Kenai (General Fund)

free from all liens, encumbrances and objections EXCEPT AS FOLLOWS:

- Reservations and exceptions as contained in the Quit Claim Deed from the United States of America to the City of Kenai,
Recorded April 20, 1964
Recording Information: Book 27 Page 303

And Deed of Release, including the terms and provisions thereof,
Recorded May 10, 1991
Recording Information: Book 382 Page 218

And Unrecorded Deed of Release, including the terms and provisions thereof, as disclosed in Affidavit,
Recorded July 14, 1992
Recording Information: Book 402 Page 493
- Taxes and/or Assessments, if any, due The Kenai Peninsula Borough and the City of Kenai.
- Easement, including terms and provisions contained therein:
Recording Information: June 25, 1979, Book 144 Page 474
In Favor of: General Public
For: Ingress and egress
Affects: Portion of premises known as VOR-Moose Range Road
- The terms and provisions contained in the document entitled "Special Use Permit"
Recorded: October 19, 1990
Recording No.: Book 373 Page 134

5. A lease and the terms and conditions thereof.

Lessor: City of Kenai
Lessee: AAI/Engineering Support, Inc., a Maryland Corporation
Term: 30 years
Dated: November 6, 1997
Recorded: January 6, 2000
Recording Information: Book 574 Page 738

6. Easements as dedicated and shown on the plat of said subdivision. (Copy Attached)

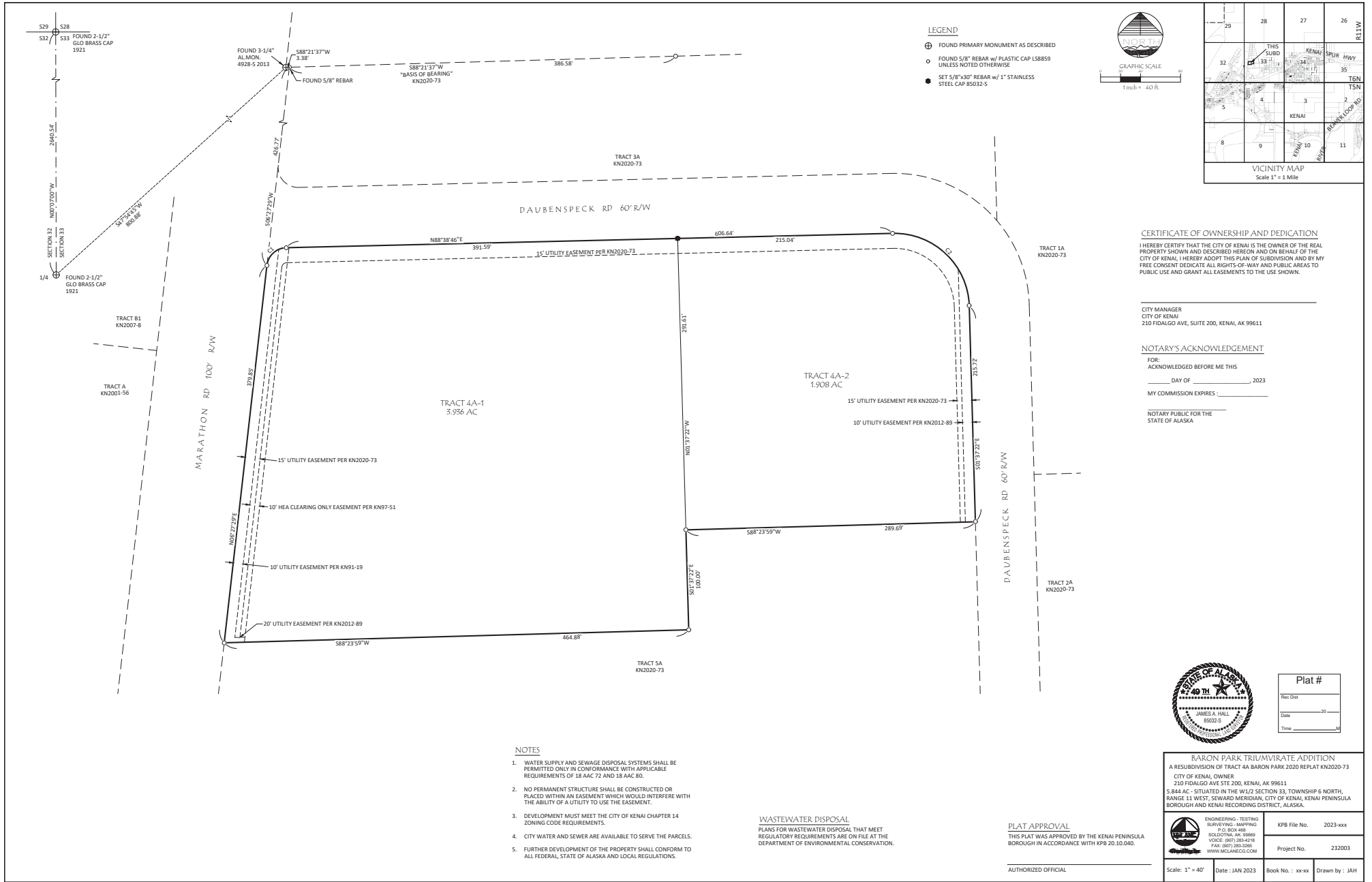
7. The effect of the notes which appear on the plat of said subdivision. (Copy Attached)

This report is restricted to the use of the addressee, and is not to be used for closing any transaction affecting title to said property. Liability of the Company is limited to the amount of fee paid herein.

First American Title Insurance Company

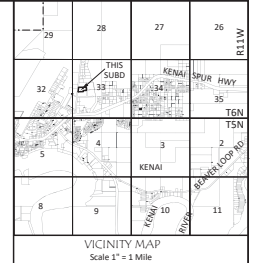
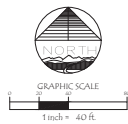


Dustyn Fergus, Title Officer



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR w/ PLASTIC CAP LS8859 UNLESS NOTED OTHERWISE
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF THE CITY OF KENAI, 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.

CITY MANAGER
CITY OF KENAI
210 FIDALGO AVE, SUITE 200, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR:
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #	
Rev. Date:	
Date:	____/____/20__
Time:	____:____

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.

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

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

AUTHORIZED OFFICIAL

BARON PARK TRIUMVIRATE ADDITION
A RESUBDIVISION OF TRACT 4A BARON PARK 2020 REPLAT KN2020-73
CITY OF KENAI, OWNER
210 FIDALGO AVE STE 200, KENAI, AK 99611
5.844 AC - SITUATED IN THE W1/2 SECTION 33, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.



KPB File No. 2023-xxxx
Project No. 232003

Scale: 1" = 40' Date: JAN 2023 Book No.: xx-xx Drawn by: JAH

LEGEND:

- ⊗ 2 1/2" BRASS CAP MONUMENT GLO 1921 RECORD
- ⊕ 3 1/4" ALUM. CAP MONUMENT 4928-S 2013 FOUND
- ⊙ 5/8" REBAR w/PLASTIC CAP LS 6101 FOUND
- ⊖ 5/8" REBAR w/ALUM. CAP LS 5152 1986 FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2012-89 KRD
- { } RECORD DATUM PLAT 2013-44 KRD
- [] RECORD DATUM PLAT 2008-32 KRD

NOTES:

- 1) This subdivision is subject to City of Kenai Chapter 14 zoning regulations.
- 2) Basis of bearing taken from Baron Park 2012 Addition, Plat 2012-89, Kenai Recording District.
- 3) Further development of the property shall conform to all federal, State of Alaska and local regulations.
- 4) Exceptions to KPB 20.50.100, CUL-de-sacs, and KPB 20.30.130, Curve requirements, were granted by the plat committee at the meeting of July 13, 2020.
- 5) The Planning Commission heard and approved the right of way vacation at their regularly scheduled meeting held on July 13, 2020.
- 6) The utility easement per KN 2012-89 defined as the front 10 feet along the former right of way and 20 feet within 5 feet of the side lot lines, measured from the former right of way, has not been vacated and is still in existence where the cul de sac bulb is being vacated.
- 7) Front 15 feet adjacent to rights-of-way are 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.
- 8) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 13, 2020.

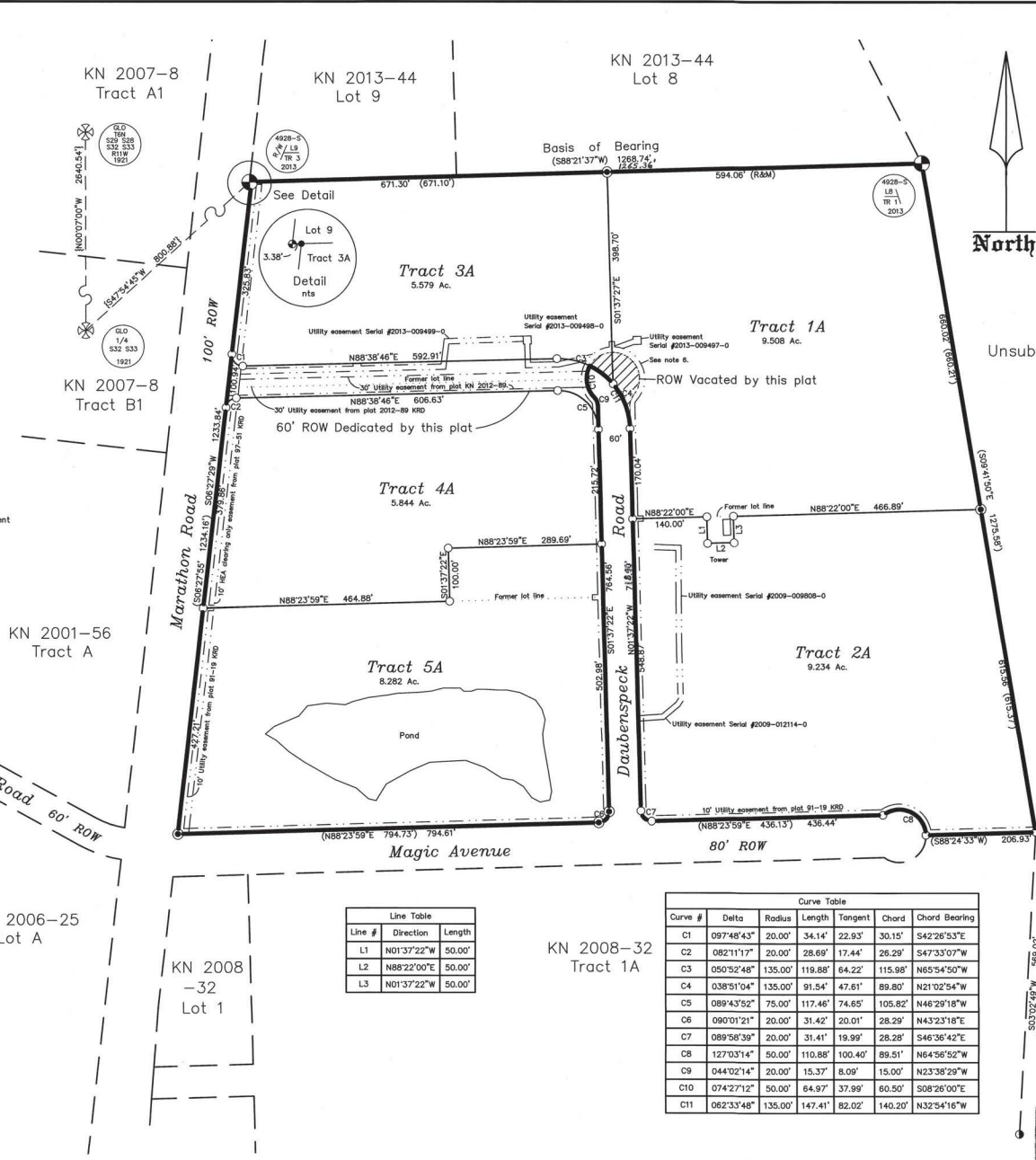
KENAI PENINSULA BOROUGH
Scott A. [Signature] 12/14/20
 AUTHORIZED OFFICIAL



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 11-3-20

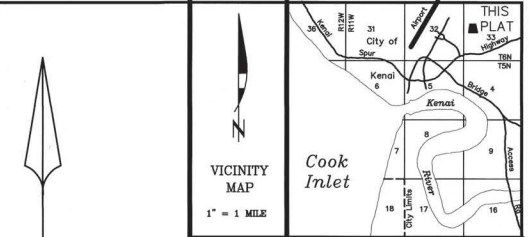


Line Table

Line #	Direction	Length
L1	N01°37'22"W	50.00'
L2	N88°22'00"E	50.00'
L3	N01°37'22"W	50.00'

Curve Table

Curve #	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	097°48'43"	20.00'	34.14'	22.93'	30.15'	S42°26'53"E
C2	082°11'17"	20.00'	28.69'	17.44'	26.29'	S47°33'07"W
C3	050°52'48"	135.00'	119.88'	64.22'	115.98'	N65°54'50"W
C4	038°51'04"	135.00'	91.54'	47.61'	89.80'	N21°02'54"W
C5	089°43'52"	75.00'	117.46'	74.65'	105.82'	N46°29'18"W
C6	090°01'21"	20.00'	31.42'	20.01'	28.29'	N43°23'18"E
C7	089°58'39"	20.00'	31.41'	19.99'	28.28'	S46°36'42"E
C8	127°03'14"	50.00'	110.88'	100.40'	89.51'	N64°56'52"W
C9	044°02'14"	20.00'	15.37'	8.09'	15.00'	N23°38'29"W
C10	074°27'12"	50.00'	84.97'	37.98'	60.50'	S08°26'00"E
C11	082°33'48"	135.00'	147.41'	82.02'	140.20'	N32°54'16"W



CERTIFICATE of OWNERSHIP and DEDICATION

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

Paul Ostrander
 PAUL OSTRANDER, CITY MANAGER
 CITY OF KENAI
 210 FIDALGO AVENUE
 KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR Paul Ostrander
 ACKNOWLEDGED BEFORE ME THIS 9th DAY OF November 2020

Wilma E. Anderson
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 5-28-22



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: DAUBENSPECK ROAD DEDICATION.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT DELEGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

Paul Ostrander
 PAUL OSTRANDER, CITY MANAGER
 CITY OF KENAI

DATE 11/9/20

KPB FILE No. 2020-057

Baron Park 2020 Replat

A resubdivision of Tracts 1, 2, 3, 4, and 5, Baron Park 2012 Addition, Plat 2012-89, Kenai Recording District.
 Located within the W/2 Section 33, T8N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.
 39,401
 Containing 39,288 Ac.

Surveyor <i>John F. Segesser</i> Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner City of Kenai 210 Fidalgo Ave, Suite 200 Kenai, Alaska 99611
--	---

JOB NO. 20024	DRAWN: 9-26-2020
SURVEYED: April, 2020	SCALE: 1"=100'
FIELD BOOK: 19-5	SHEET: 1 of 1



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-04**

A RESOLUTION **GRANTING** A CONDITIONAL USE PERMIT FOR LODGING.

APPLICANTS: Benjamin Lovejoy and Kathleen Lovejoy

PROPERTY ADDRESS: 1035 Angler Drive

LEGAL DESCRIPTION: Lot 4 of Anglers Acres Subd. Part 3

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939036

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 17, 2023; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on March 8, 2023, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

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

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

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

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

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

(2) To prohibit uses which would:

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

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

The subject property has been operating a lodge with the adjacent property, 1045 Angler Drive since 1988. There's no records of ongoing complaints or code violations for the lodging or guiding. It is not anticipated that the continued use of the single-family dwelling as a lodge would violate the residential character since it continues to remain as a single-family dwelling and additional dwellings are not proposed to increase the traffic in the area.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. The proposed use is a continuance of a use that has been in operation for nearly 35 years.

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

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

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

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre.

As stated by the applicant, the proposed use is in harmony with many goals (Goals 1-4) outlined in the Comprehensive Plan.

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

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

Objective Q-1: Establish siting and design standards so that development is in harmony and scale with surrounding uses.

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

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

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

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

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

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

Findings: The proposed use is the same as the previous use without any records of violations or complaints. There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use will be harmful to the public safety, health or welfare. As noted by the applicant, the proposed use will not be harmful as it is in keeping with the current uses in the area and is moving forward in the same manner as the previous use.

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

Findings: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as a lodge has been operated on the subject property for over three (3) decades. Specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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

Section 1. That a conditional use permit is granted to Benjamin Lovejoy and Kathleen Lovejoy for lodging on a property described as Lot 4 of Anglers Acres Subd. Part 3, and located at 1035 Angler Drive.

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

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

on-site inspection.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 22nd DAY OF MARCH, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: March 17, 2023
SUBJECT: Resolution No. PZ2023-04 – Conditional Use Permit - Lodging

Request The applicant is requesting to use the single-family dwelling for lodging.
Staff Recommendation Adopt Resolution No. PZ2023-04 approving a Conditional Use Permit for lodging.

Applicants: Benjamin Lovejoy and Kathleen Lovejoy
Property Owners: Benjamin Lovejoy and Kathleen Lovejoy
Legal Description: Lot 4 of Anglers Acres Subd. Part 3
Property Address: 1035 Angler Drive
KPB Parcel No.: 04939036
Lot Size: 40,150 square feet (0.92-acre)
Zoning: Rural Residential (RR)
Current Use: Single-Family Dwelling
Land Use Plan: Low Density Residential (LDR)

SUMMARY

The applicants acquired the subject property on October 12, 2022, and would like to continue using the single-family dwelling for lodging. Conditional use permits (CUPs) were granted for lodging and guiding (Resolution PZ88-17 for lodging; Resolution PZ98-45 for guiding) located at 1035 and 1045 Angler Drive (Lots 4 & 5 of Anglers Acres Subd. Part 3) within the Rural Residential (RR) Zoning District.

Until recently, the approved CUPs for the lodging and guiding on two (2) adjoining parcels have been under the same ownership. It is best practice to require the property owners of the newly acquired parcel to obtain a new conditional use permit since the existing CUPs are currently

operated by the property owners of 1045 Angler Drive. Therefore, a transfer of the CUPs would not be appropriate. The request of this conditional use permit would allow the new property owners of 1035 Angler Drive to continue using the single-family dwelling as a lodge on the subject property.

ANALYSIS

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

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

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

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

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

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

(2) To prohibit uses which would:

(A) Violate the residential character of the environment;

(B) Generate heavy traffic in predominantly residential areas.

The subject property has been operating a lodge with the adjacent property, 1045 Angler Drive since 1988. There's no records of ongoing complaints or code violations for the lodging or guiding. It is not anticipated that the continued use of the single-family dwelling as a lodge would violate the residential character since it continues to remain as a single-family dwelling and additional dwellings are not proposed to increase the traffic in the area.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. The proposed use is a continuance of a use that has been in operation for nearly 35 years.

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

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

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

The surrounding uses are a mix of residential and commercial/recreation uses. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses since most lots are approximately an acre.

As stated by the applicant, the proposed use is in harmony with many goals (Goals 1-4) outlined in the Comprehensive Plan.

RELEVANT GOALS

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

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

Objective Q-1

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

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

Objective ED-9

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

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

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

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

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

Findings: The proposed use is the same as the previous use without any records of violations or complaints. There is adequate parking and buffer for the proposed use to minimize the impact to the surrounding area. It is not anticipated that the continued use

will be harmful to the public safety, health or welfare. As noted by the applicant, the proposed use will not be harmful as it is in keeping with the current uses in the area and is moving forward in the same manner as the previous use.

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

Findings: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as a lodge has been operated on the subject property for over three (3) decades. Specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

PUBLIC NOTICE

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

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2023-04 approving the Conditional Use Permit for lodging, subject to the following conditions:

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

ATTACHMENTS

Aerial Map
Application
Site Plan

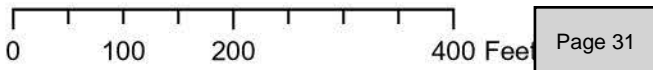


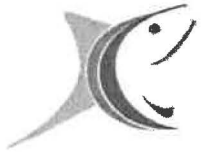
Resolution No. PZ2023-04
Conditional Use Permit - Lodging
1035 Angler Drive
KPB Parcel ID: 04939036



Date Printed: 3/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





Conditional Use Permit Application

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

PROPERTY OWNER

Name:	BENJAMIN AND KATHLEEN LOVEJOY			
Mailing Address:	1035 ANGLER DR			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	360-490-2596			
Email:	blovej9@gmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	BENJAMIN AND KATHLEEN LOVEJOY			
Mailing Address:	1035 ANGLER DR			
City:	KENAI	State:	AK	Zip Code: 99611
Phone Number(s):	360-490-2596			
Email:	blovej9@gmail.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04939036
Physical Address:	1035 ANGLER DR
Legal Description:	T 5N R 11W SEC 11 SEWARD MERIDIAN KN 0780168 ANGLERS ACRES SUB PART 3 LOT 4
Zoning:	Residential
Acres:	0.92

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?	Lodging / Guide Service
--	-------------------------

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

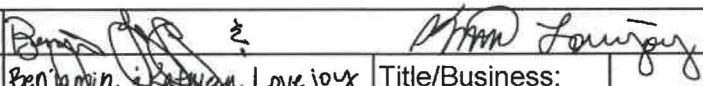
Conditional Use Requested is to be Lodging only as an Airbnb which will range from short term to long term lodging.

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

As this parcel is already being used under a conditional use permit for lodging and guide services there is no subsequent change in its current use. The land is zoned Residential with approximately 50% percent of non vacant land is operated with conditional use permits in the area, thus this application is consistent with uses in this district.

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

This project is in direct alignment with a multitude of similar uses in the area and in keeping with the conditional use previously attached to this parcel, thus the neighborhood will not be impaired.

Use of surrounding property - north:	Residential/ conditional use permits
Use of surrounding property - south:	Residential/ conditional use permits
Use of surrounding property - east:	Residential/ conditional use permits
Use of surrounding property - west:	Residential/ conditional use permits
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
This conditional use is in harmony with the City's Comprehensive Plan as follows: Goal #1 Quality of Life - Project will promote and encourage quality of life elements in Kenai Goal #2- Economic Development: Project will provide economic development elements to support the fiscal health of the community. Goal #3 Land Use- Project will use strategies to implement a forward-looking approach to community growth and development. Goal #4.Public Improvements and Services- Project will provide adequate public improvements and services in Kenai	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Yes: current facilities have previously been used as lodging and are adequate for this project use as well.	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
Conditional use will not be harmful as it is in keeping with the current uses in the area and is moving forward in the same manner as previous used.	
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?	
No this application is a moderate continuation of the current use of this parcel as well as neighboring parcel use.	
<p>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.</p>	
Signature:	 Date: 12-28-2022
Print Name:	Benjamin & Kathleen Lovejoy Title/Business: property owners
For City Use Only	Date Application Fee Received: PZ Resolution Number:

1035 ANGLER DR.

Angler Dr.



1578 sq ft L FRAME

↓ BEDROOM.

■ PARKING SPOTS Adequate For Bedroom/Quest

■ NATIVE TREES

■ NATIVE Vegetation

■ NATIVE FLORA/FAUNA

■ GRAVEL DRIVEWAY

* Measurements are not surveyed numbers and should be considered approximate measurements.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-05**

A RESOLUTION **GRANTING** AN AMENDMENT TO CONDITIONAL USE PERMITS FOR AN ASSISTED LIVING FACILITY.

APPLICANT: Aspen Creek Kenai LLC
c/o Douglas Clegg

PROPERTY ADDRESS: 701 N. Forest Drive

LEGAL DESCRIPTION: Tract 36A of Killen Estates 2014 Replat

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04321030

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 19, 2023; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on March 8, 2023, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Findings: The proposed expansion is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates an assisted living facility is a conditional use; therefore, a conditional use permit may be granted for an assisted living facility.

The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;*
- (2) To prohibit uses which would:*

(A) Violate the residential character of the environment;

(B) Generate heavy traffic in predominantly residential areas.

The proposed addition will expand the operation of the assisted living facilities with approved CUPs. There should be minimal traffic generated by the proposed addition. The proposal includes a landscape plan that will provide a separation from adjoining properties and will not violate the residential character of the area.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. A landscaping/site plan has been submitted and will be reviewed by Planning staff for compliance. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses. The proposed access from Ponderosa Road may increase traffic along Ponderosa Road but it is not anticipated that the proposed expansion to an assisted living facility would generate heavy traffic. The development of the paved right-of-way easement for access via Ponderosa Road may increase the development potential of the adjacent vacant lot.

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

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

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

This property is located off of North Forest Drive, a collector street, which provides access to multiple neighborhoods. To the south of the development are Northgate Subdivision and the Church of the Latter Day Saints. The property to the north is undeveloped. Woodland Subdivision is located across North Forest Drive. There are several institutional uses along Forest Drive that complements the existing and surrounding uses.

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

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

Objective Q-1

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

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

Goal 5 – Provide transportation systems that are efficient and adequate to serve the regional needs of the community.

Objective T-5

Transportation improvements needed to serve new developments shall be in place at the time new development impacts occur.

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

Findings: City water and sewer are available to serve the proposed addition. There are adequate public services and facilities to serve the proposed expansion. North Forest is a paved and City-maintained road. Access will also be provided from Ponderosa Road, which will require a minimum 60-foot right-of-way easement on the adjacent property to meet city standards.

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

Findings: An assisted living facility will not be harmful to public safety, health, or welfare. The proposed expansion does not change the existing use. The proposal provides a surplus of parking spaces and adequate landscaping that will minimize the impact to the surrounding area. The proposed addition will not negatively affect the public safety, health or welfare.

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

Findings: To minimize impact on adjacent properties with the proposed one-way access, the following conditions are added.

- Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
- Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.

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

Section 1. That an amendment to the conditional use permits is granted to Aspen Creek Kenai LLC for the expansion of the assisted living facility on the property described as Tract 36A of Killen Estates 2014 Replat, and located at 701 N. Forest Drive.

Section 2. That the amendment to the conditional use permits is subject to the original conditions in CUPs (Resolution Nos. PZ12-22 and PZ15-24) and the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Obtain a minimum 60-foot right of way easement on the adjacent property for ingress and egress from/to Ponderosa Street.
4. Prior to building permit issuance, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.
5. Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
6. Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.
7. Applicant must obtain for a sign permit for the proposed monument sign.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 22ND DAY OF MARCH, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: March 17, 2023
SUBJECT: Resolution No. PZ2023-05 – Conditional Use Permit Amendment – Assisted Living Facility Expansion

Request The applicant is proposing to construct an addition to the assisted living facility which will consist of 15 specialized memory care units, two (2) additional assisted living suites, and several amenities.

Staff Recommendation Adopt Resolution PZ2023-05 approving an amendment to Conditional Use Permits (Resolutions PZ12-22 and PZ15-24) for the expansion of the assisted living facility.

Applicant	Aspen Creek Kenai LLC c/o Douglas Clegg
Property Owners	Brooks Holding LLC and Miriam LLC
Legal Description	Tract 36A of Killen Estates 2014 Replat
Property Address	701 N. Forest Drive
KPB Parcel No.	04321030
Lot Size	Approximately 4.64 acres (202,118 square feet)
Zoning	Suburban Residential (SR)
Current Use	Assisted Living Facility
Land Use Plan	Suburban Residential

SUMMARY

The subject property was granted Conditional Use Permits (CUPs) for an assisted living facility (Resolution PZ12-22 for Building 1; Resolution PZ15-24 for Building 2) located at 701 N. Forest Drive within the Suburban Residential (RS) Zoning District. Last year, a transfer of the CUPs was granted to Aspen Creek Kenai LLC.

The applicant is requesting a conditional use permit amendment to join the two (2) assisted living buildings into one (1) building. The proposed addition will provide 15 specialized memory care units and two (2) assisted living suites for a total of 65 units in the new building. As stated by the applicant, several amenities will be provided to include a development center, a beauty salon, a theater/performing arts center, a gym for physical therapy, a reception center, and most importantly a memory care unit for individuals, who are aging with this disease.

Setbacks

The proposed addition meets the required building setbacks for the Suburban Residential (SR) zoning district.

Parking/Access

The proposed addition will separate the existing parking lot. The front parking lot will be dedicated for temporary and emergency vehicle parking. The main parking lot behind the proposed addition will have access from the proposed 10-foot one way access via Forest Drive and a right-of-way easement on the adjacent property to the west from Ponderosa Road. The right-of-way easement on the adjacent parcel to Ponderosa Road must maintain a minimum width of 60-feet to meet city standards. The parking requirement for an assisted living facility is one (1) space per every two (2) beds. A total of 65 units will require 33 spaces and there are 78 spaces provided.

Signage

The rendering drawing and site plan identify a monument sign with landscaping to be located on the east end of the porte cochere. Any signage on the property is subject to review by the City and requires a sign permit, separate from this conditional use permit.

ANALYSIS

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

Findings: The proposed expansion is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates an assisted living facility is a conditional use; therefore, a conditional use permit may be granted for an assisted living facility.

The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

(1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;

(2) To prohibit uses which would:

(A) Violate the residential character of the environment;

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

The proposed addition will expand the operation of the assisted living facilities with approved CUPs. There should be minimal traffic generated by the proposed addition. The proposal includes a landscape plan that will provide a separation from adjoining properties and will not violate the residential character of the area.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. A landscaping/site plan has been submitted and will be reviewed by Planning staff for compliance. Site plan review will require an orderly and safe development as well as landscaping to provide an attractive and functional separation/screening between uses. The proposed access from Ponderosa Road may increase traffic along Ponderosa Road but it is not anticipated that the proposed expansion to an assisted living facility would generate heavy traffic. The development of the paved right-of-way easement for access via Ponderosa Road may increase the development potential of the adjacent vacant lot.

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

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

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

This property is located off of North Forest Drive, a collector street, which provides access to multiple neighborhoods. To the south of the development are Northgate Subdivision and the Church of the Latter Day Saints. The property to the north is undeveloped. Woodland Subdivision is located across North Forest Drive. There are several institutional uses along Forest Drive that complements the existing and surrounding uses.

RELEVANT GOALS

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

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

Objective Q-1

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

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

Goal 5 – Provide transportation systems that are efficient and adequate to serve the regional needs of the community.

Objective T-5
Transportation improvements needed to serve new developments shall be in place at the time new development impacts occur.

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

Findings: City water and sewer are available to serve the proposed addition. There are adequate public services and facilities to serve the proposed expansion. North Forest is a paved and City-maintained road. Access will also be provided from Ponderosa Road, which will require a minimum 60-foot right-of-way easement on the adjacent property to meet city standards.

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

Findings: An assisted living facility will not be harmful to public safety, health, or welfare. The proposed expansion does not change the existing use. The proposal provides a surplus of parking spaces and adequate landscaping that will minimize the impact to the surrounding area. The proposed addition will not negatively affect the public safety, health or welfare.

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

Findings: To minimize impact on adjacent properties with the proposed one-way access, the following conditions are added.

- Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
- Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.

PUBLIC NOTICE

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

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria for issuance of a Conditional Use Permit amendment as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2023-05 approving the amendment to the Conditional Use Permit, subject to the original conditions in CUPs (Resolution Nos. PZ12-22 and PZ15-24) and the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Obtain a minimum 60-foot right of way easement on the adjacent property for ingress and egress from/to Ponderosa Street.
4. Prior to building permit issuance, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.
5. Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
6. Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.
7. Applicant must obtain for a sign permit for the proposed monument sign.

ATTACHMENTS

Aerial Map
Application
Project Narrative
Plans
Renderings



Resolution No. PZ2023-05
Conditional Use Permit Amendment
701 N. Forest Drive
KPB Parcel ID: 04321030



Date Printed: 3/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



0 100 200 400 Feet



Conditional Use Permit Application

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

PROPERTY OWNER

Name:	ASPEN CREEK KENAI LLC.				
Mailing Address:	701 N FOREST DR.				
City:	KENAI	State:	AK	Zip Code:	92661
Phone Number(s):	208-870-5900				
Email:	dclegg@springcreekenterprise.com				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Douglas B Clegg				
Mailing Address:	718 W. BWS PRUCE RD.				
City:	ALPINE	State:	VT	Zip Code:	89009
Phone Number(s):	208-870-5900				
Email:	dclegg@springcreekenterprise.com				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04321030 0020008023				
Physical Address:	701 N FOREST DR. KENAI AK 92661				
Legal Description:	TRACT 20A KULEN ESTATES 2014 PERAT KN 2016-62				
Zoning:	6000 SUBURBAN RESIDENTIAL				
Acres:	4 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?	ASSISTED LIVING
Conditional Use Requested for (attach additional sheets if necessary):	

ASSISTED LIVING

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

CURRENT BUILDINGS AND SERVICES BEING DELIVERED ARE ASSISTED LIVING. OWNER DESIRES TO COMBINE 2 OF THE 4 BUILDINGS INTO ONE AND ADD 15 ROOMS

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

NO CHANGES TO CURRENT OPERATIONS WILL CHANGE. COMBINING 2 BUILDINGS AND ADDING 15 ROOMS WILL

REDUCE STAFFING FOR M USE SEPARATED STRUCTURES

Use of surrounding property - north:	FOREST
Use of surrounding property - south:	STREET
Use of surrounding property - east:	FOREST
Use of surrounding property - west:	CHURCH

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

WE ARE A SENIOR HOUSING PROVIDER TAKING CARE OF THE COLOWICK POPULATION OF SENIORS

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

YES PREVIOUSLY PLANNED FOR

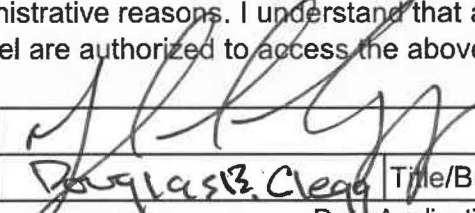
Explain how the conditional use will not be harmful to public safety, health, or welfare:

CONDITIONAL USE IS IN HARMONY WITH CURRENT USE AND OTHER LOCAL COMMUNITY EDUCATIONAL AND RECREATION FACILITIES.

Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?

WE ARE EXPANDING PUBLIC PARKING ON THE MAIN ENTRANCE AND CREATING A SECONDARY ENTRANCE FOR DELIVERY.

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: 1-19-2023

Print Name: Douglas B. Cleary Title/Business: OWNER

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



February 27, 2023

Attention: Linda Mitchell Planning Director
Regarding: Aspen Creek Senior Living Kenai proposed addition and memory care

To whom it may concern:

Aspen Creek Senior Living acquired Charis Place on December 31, 2021. Since that time, we have come to realize that our current physical facilities are lacking many of the amenities that are needed for our seniors to enjoy life with purpose and activity.

Currently we have 24 units per building on our campus that will be joined with the proposed addition. None of these buildings contain a development center, a beauty salon, a theater/performing arts center, a gym for physical therapy, a reception center and most importantly a memory care unit for individuals who are aging with this disease. At the moment there is not a single specialized Alzheimer Dementia unit in the entire Peninsula. We are committed to solve this absence and believe that the City of Kenai is the place to provide these services for the extended needs of this Burrough.

Our proposed addition is just under 14,000 square feet and contains all of the above amenities along with 15 specialized memory care units and an additional 2 assisted living suites bringing our total to 65 units for the combined building. Additional parking and access is being proposed for staffing, guests and delivery.

As can be seen by our site plan, we are desiring to provide two access drives allowing traditional visitors and staff to park at the rear of the building for longer parking needs, and temporary parking within an expanded parking area adjacent to Forest Road.

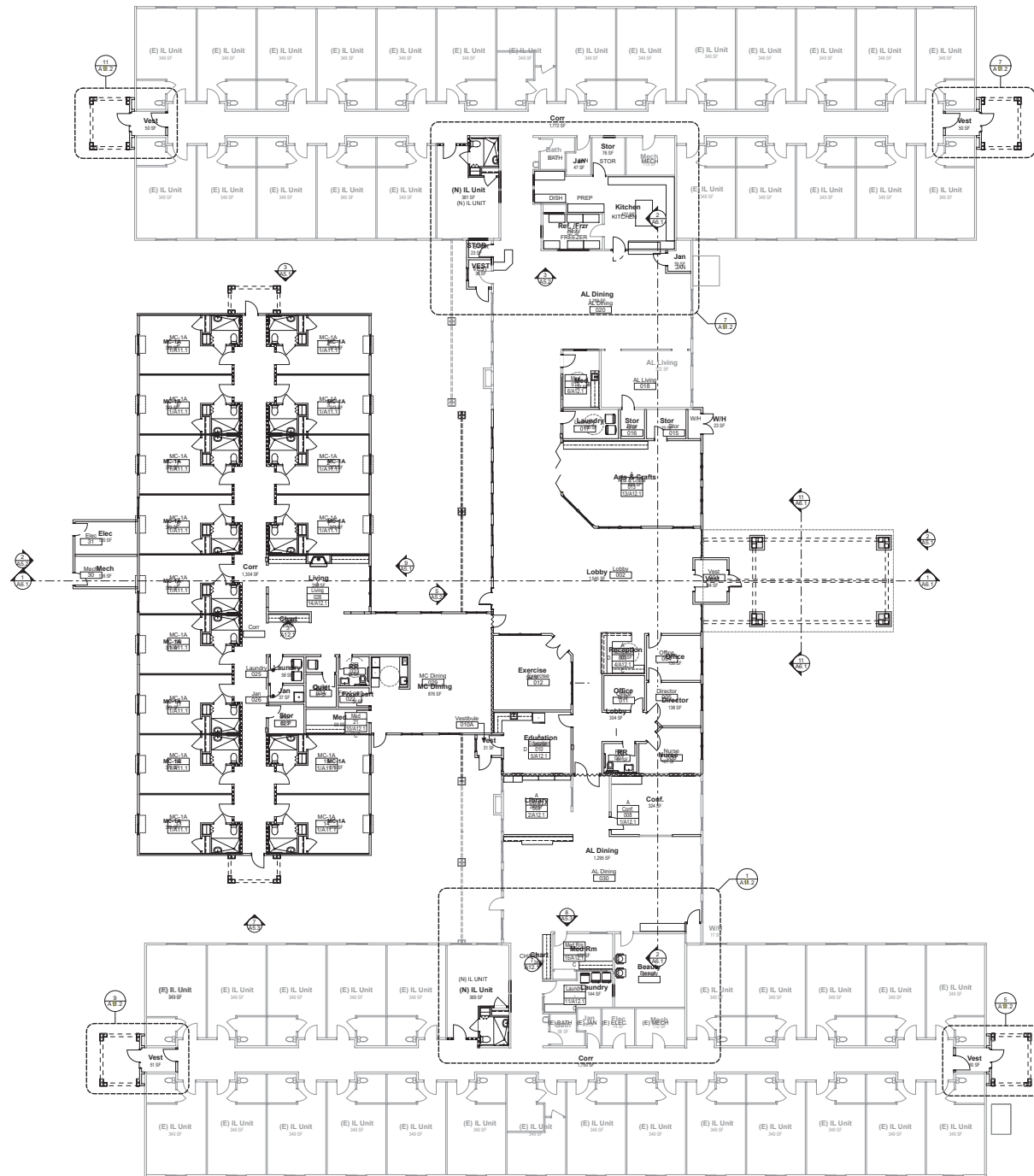
Buildings three and four will be dedicated for those living with us who are immobile and needing end of life care as they age in place with us. Out of necessity we are seek to complete the improvements that are shown on the attached easement by paving enough of this easement to provide improved delivery and emergency access for our fire department through Ponderosa Road on the West side of the site.

We look forward to working with you and seeing this project come to its completion spring of 2024.

Sincerely,

Douglas B. Clegg
CEO
Aspen Creek Senior Living





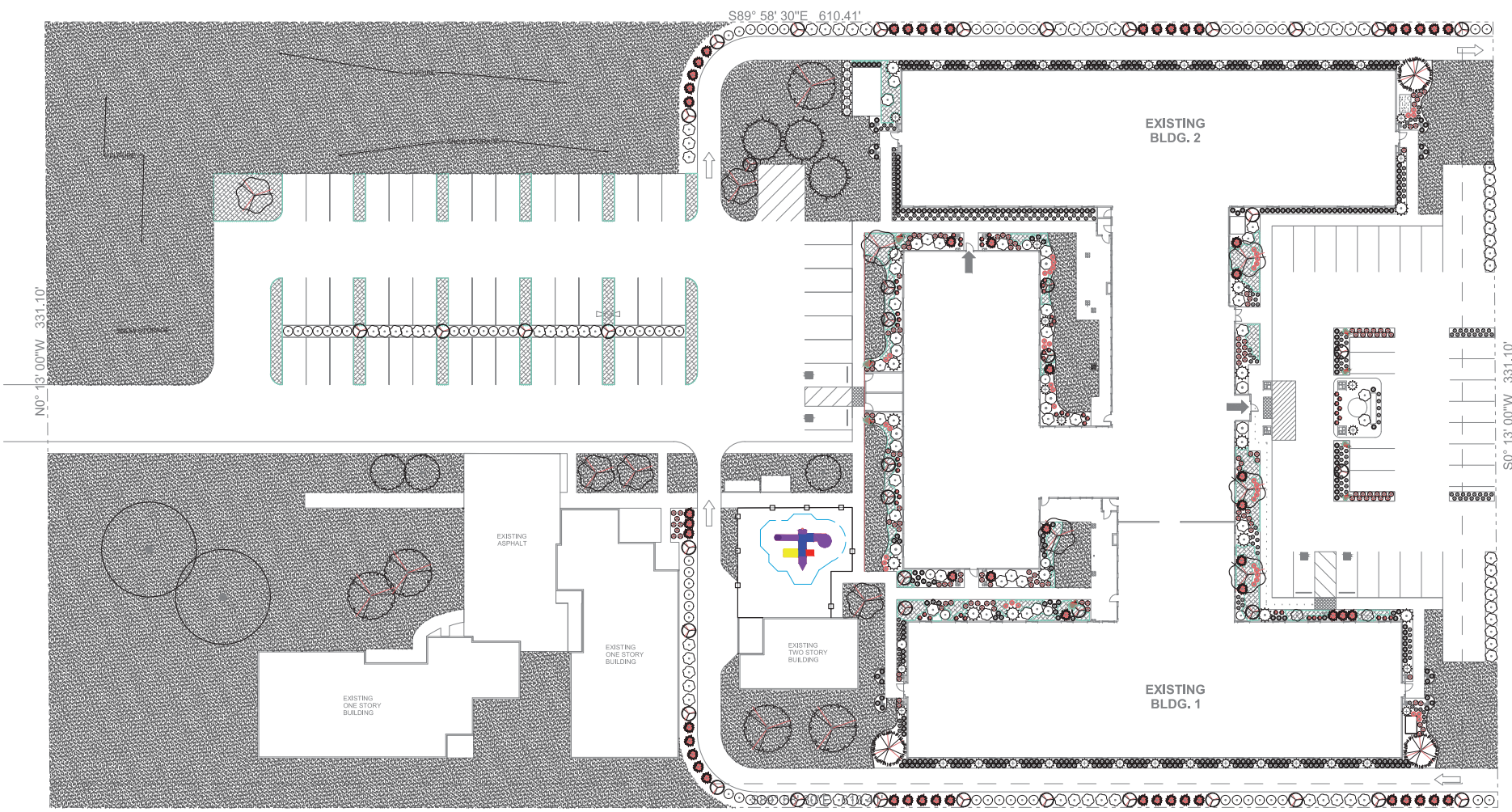
IPA
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 PLANNING
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 Huntington Beach, CA 92648
 (949) 953-5141

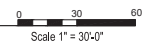
ASPEN CREEK KENAI ADDITION
 701 North Forest Drive, Kenai, AK 99611 AK



PROJECT:	2209
DRAWN BY:	SK
CHECKED BY:	#Contact Full Name
DATE OF ISSUE:	01/01/2019
DRAWING DESCRIPTION	
Proposed Overall Floor Plan	
DRAWING NUMBER	
A2.1	



SCHEMATIC LANDSCAPE PLAN

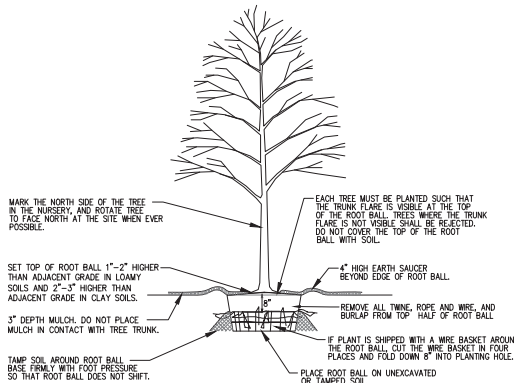


Aspen Creek Kenai Addition
 Spring Creek Enterprise LLC
 701 North Forest Drive, Kenai, AK 99611

Schematic Landscape Plan

Project Name	23002
Drawn by:	gp
Checked by:	gp
Date	1/27/2023

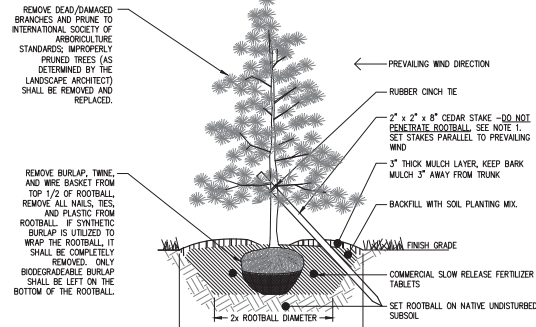
Sheet No: **L1.0**



- NOTES:**
- DO NOT HEAVILY PRUNE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN AND DEAD BRANCHES. DO NOT PRUNE TERMINAL BUDS OF BRANCHES EXTENDING TO THE CROWN.
 - WRAP TREE TRUNKS ONLY UPON APPROVAL OF THE LANDSCAPE ARCHITECT.
 - STAKE TREES AS NECESSARY. STAKES MUST BE REMOVED WITHIN 12 MONTHS OF PLANTING.

1 TREE PLANTING DETAIL

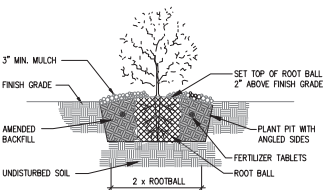
NTS



- NOTES:**
- THE STAKING OF TREES IS TO BE THE CONTRACTOR'S OPTION. ALL STAKING SHALL BE REMOVED AT THE END OF THE ONE YEAR WARRANTY PERIOD.
 - WRAP RUBBER CINCH TIES AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR FIGURE EIGHT TIE METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT SLIPPAGE.
 - WATER TREE TWICE WITHIN THE FIRST 24 HOURS.

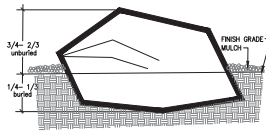
2 CONIFER TREE DETAIL

NTS



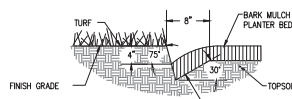
3 SHRUB PLANTING DETAIL

NTS



4 BOULDER PLACEMENT DETAIL

NTS



5 EDGING DETAIL

NTS

PLANT SCHEDULE					
DESCRIPTORS	BOTANICAL / COMMON NAME	SIZE	MATURE SIZE	HOW	CLASS
DECIDUOUS TREES	Acer platanoides 'Crimson King' Crimson King Norway Maple	2" CAL. B&B	25'x15'		Class II
	Acer platanoides 'Helena' Helena Norway Maple	2" CAL. B&B	50'x40'		Class II
	Betula papyrifera Paper Birch	2" CAL. B&B	40'x20'		Class II
EVERGREEN TREES	Picea abies 'Pendula' Weeping Norway Spruce	4" Min.	15'x15'		
	Picea glauca 'Densata' Black Hills White Spruce	6"-8" B&B	40'x20'		
	Picea glauca 'Pendula' Weeping White Spruce	6"-8" B&B	20'x6'		
FLOWERING TREES	Molus x adstriflorus 'Edgreen' Emerald Spirea Flowering Crabapple	2" CAL. B&B	20'x6'		Class I
	Prunus nigra 'Princess Kay' Princess Kay Plum	2" CAL. B&B	20'x15'		Class I
SHRUBS	Comus alba 'Bulbosa' Witch's Broom Dogwood	5 GAL.	5'x5'		
	Juniperus scopulorum 'Wichita Blue' Wichita Blue Juniper	6" Min.	15'x4'		
	Physocarpus opulifolius 'Serratus' Summer White Newbark	5 GAL.	5'x5'		
	Picea abies 'Nidiformis' Elf's Nest Norway Spruce	5 GAL.	4'x5'		
	Viburnum trilobum 'Compactum' Compact American Cranberrybush	5 GAL.	5'x5'		
ANNUALS/PERENNIALS	Antirrhinum 'Red Quin' Red Quin Antirrhinum	1 GAL.	1.5'x1.5'		
	Hosta x 'Minuteman' Minuteman Hosta	1 GAL.	1.5'x2'		
	Rubusckia lugdunensis 'Goldstern' Goldstern Coniferflower	1 GAL.	2'x2'		
	Salvia nemorosa 'East Friesland' East Friesland Meadow Sage	1 GAL.	1.5'x2'		
GRASSES	Calamagrostis x canadensis 'Heulandche' Avalanche Feather Reed Grass	1 GAL.	6'x2'		
	Schizachyrium scoparium 'Prairie Munchkin' Prairie Munchkin Little Bluestem	1 GAL.	2'x2'		
SHRUB AREAS	Comus canadensis Cranberry Dogwood	4" pot	(1) Per 6.5 SF		36" o.c.
GROUND COVERS	Law Mix 14"-16" tall, @ 10lbs/1000 sf 4" depth topsoil (after compaction)		62,415 sf		

GENERAL LANDSCAPE NOTES - DESIGN REVIEW/ AGENCY SUBMITTAL

- CONTRACTOR SHALL LOCATE AND IDENTIFY EXISTING UNDERGROUND AND OVERHEAD UTILITIES WITHIN CONTRACT WORK AREAS PRIOR TO CONSTRUCTION. CONTACT DIG LINE, INC. @ 1.800.342.1885. PROVIDE ADEQUATE MEANS OF PROTECTION OF UTILITIES AND SERVICES DESIGNATED TO REMAIN. REPAIR UTILITIES DAMAGED DURING SITE WORK OPERATIONS AT CONTRACTOR'S EXPENSE.
- ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN.
- ALL TOPSOIL TO BE AMENDED AT A RATIO OF 3 CU. YDS. OF ORGANIC MATTER PER 1000 SQ. FT. ROTO-TILL ORGANIC MATTER INTO THE TOP 6 INCHES OF TOPSOIL.
- ALL SHRUB BEDS SHALL HAVE A MIN 12 INCHES OF TOPSOIL. ALL PLANTER ISLANDS SHALL HAVE MIN 12" TOPSOIL AND ALL LAWN AREAS SHALL HAVE MIN 6" TOPSOIL. SPREAD, COMPACT AND FINE GRADE SMOOTHLY TO 3 INCHES BELOW THE SURFACE OF WALKWAYS AND CURBS.
- FINISH GRADES ARE TO BE SMOOTH WITH POSITIVE DRAINAGE IN ACCORDANCE WITH THE GRADING PLAN.
- TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF ROCKS (LARGER THAN 2 INCHES), WEEDS, ROOTS, GRASS, OR OTHER FOREIGN MATERIAL THAT IS HARMFUL TO PLANT GROWTH. TOPSOIL SHALL HAVE A PH OF 5.5 TO 7.0.
- WHERE POSSIBLE, RE-USE EXISTING SURFACE TOPSOIL FROM SITE. VERIFY TOPSOIL WILL MEET THE REQUIREMENTS AND AMEND AS NECESSARY. IMPORT WHEN EXISTING TOPSOIL QUANTITIES ARE INSUFFICIENT.
- IF IMPORTING TOPSOIL FROM OFFSITE, OBTAIN FROM LOCAL SOURCES THAT HAVE SIMILAR SOIL CHARACTERISTICS TO THE PROJECT SITE. NEW TOPSOIL MUST BE FERTILE, FRIABLE, NATURAL LOAM, REASONABLY FREE OF SUBSOIL, CLAY CLUMPS, WEEDS, ROOTS, STONES LARGER THAN 1 INCH. REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY AND GENERAL TEXTURE. COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT.
- ALL PLANTED BEDS TO RECEIVE A MIN. 3" DEPTH BLACK AND TAN PERM-BARK ROCK MULCH. INSTALL A PERMEABLE FABRIC WEED BARRIER UNDER ROCK MULCH. IMPERMEABLE PLASTIC WEED BARRIERS ARE PROHIBITED. STAPLE ALL EDGES 10' MAX.
- TREES PLANTED IN PARK STRIPS TO BE CENTERED IN STRIP.
- NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT CONSENT FROM THE LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL STAKE ALL TREES NECESSARY TO PREVENT THEM FROM BEING BLOWN OVER.
- ALL PLANT MATERIAL SHALL BE GUARANTEED FOR ONE YEAR AFTER THE DATE OF ACCEPTANCE BY OWNER. CONTRACTOR SHALL REPLACE ALL PLANT MATERIAL FOUND DEAD OR UNHEALTHY IMMEDIATELY WITH THE SAME SIZE AND SPECIES AT NO COST TO THE OWNER.
- FERTILIZE ALL TREES WITH 'AGRIFORM' PLANTING TABLETS. FOLLOW MANUFACTURER'S RECOMMENDATIONS.
- CONTRACTOR IS RESPONSIBLE FOR THE IMMEDIATE CLEAN UP OF ANY TOPSOIL OR OTHER DEBRIS ON SITE CREATED FROM LANDSCAPE CONSTRUCTION OPERATIONS.



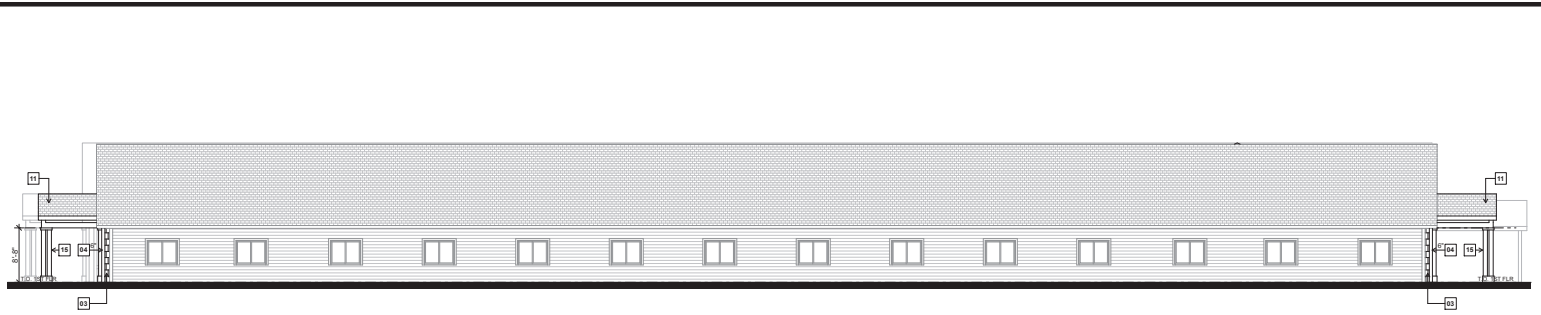
greg@baerdg.com
Ph. 208.859.1980

Aspen Creek Kenai Addition
Spring Creek Enterprise LLC
701 North Forest Drive, Kenai, AK 99611

Schematic Landscape Details

Project Name: 23002
Drawn by: gh
Checked by: gp
Date: 1/27/2023
Sheet No:

L1.1



NORTH ELEVATION - BLDG 2 1/8" = 1'-0" 8 AS.1

- EXTERIOR ELEVATION KEYNOTES**
01. COMPOSITE HORIZ. LAP SIDING, PAINT TO MATCH EXISTING TRIM COLOR
 02. COMPOSITE VERTICAL SIDING, PAINT TO MATCH EXISTING TRIM COLOR
 03. COMPOSITE SHAKES, PAINT TO MATCH EXISTING COLOR
 04. COMPOSITE TRIM, PAINT TO MATCH EXISTING TRIM COLOR
 05. EL DONAGO STONE VENEER, MATCH EXISTING VENEER COLOR AND PATTERN
 06. WOOD SEAL, STAINED/SEALED, MATCH EXISTING COLOR
 07. 4" METAL GUARDRAIL, PAINT DARK BRONZE
 08. ALUMINUM VENT, SEE MECHANICAL DRAWINGS, PAINT TO MATCH BODY
 09. BUILDING ADDRESS
 10. EXTERIOR LIGHT FIXTURE, INSTALL AT 7'-0" A.F.F. U.L.O. - PROVIDE 2X LIGHT BLOCK WITH BEVELLED EDGES. SEE ELECTRICAL DRAWINGS.
 11. ASPHALT SHINGLE ROOFING, MATCH EXISTING COLOR
 12. PREPRESSED ALUMINUM, BRONZE COLORED GUTTER AND DOWNSPOUT
 13. VINYL CLAD WINDOW, ALUM. BASH COLOR TO MATCH EXISTING
 14. EXTERIOR DOOR, SEE SCHEDULE A9.1
 15. HEAVY TIMBER COLUMN, STAINED AND SEALED, SEE STRUCTURAL

IPA
IRWIN PARTNERS
ARCHITECTS

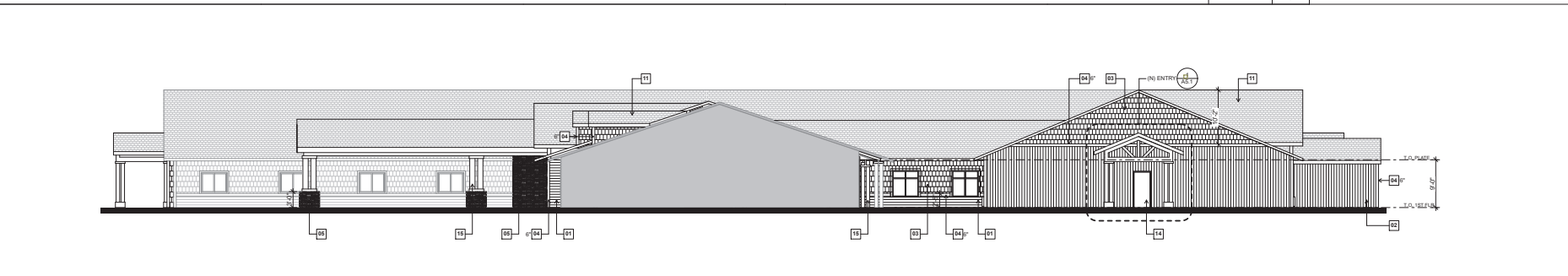
ARCHITECTURE
PLANNING
CONSULTING

245 Fischer Avenue
Suite B-2
Costa Mesa
California 92626
T: 714 557 2448
www.ipac.com

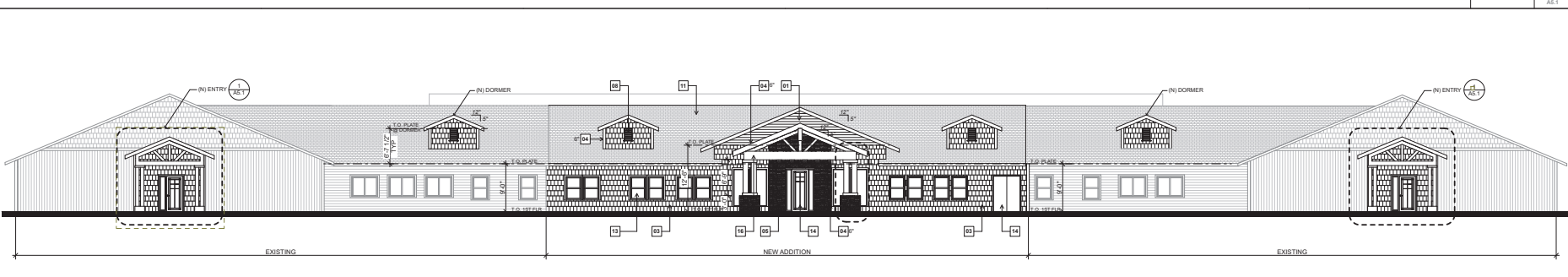
S
SPRENG
ASSOCIATES

Architecture and Planning
Sprung Associates Inc. a PC
California License #C00098
9555 Franklin Lane, Suite 4
San Diego, California 92123
(619) 555-5141

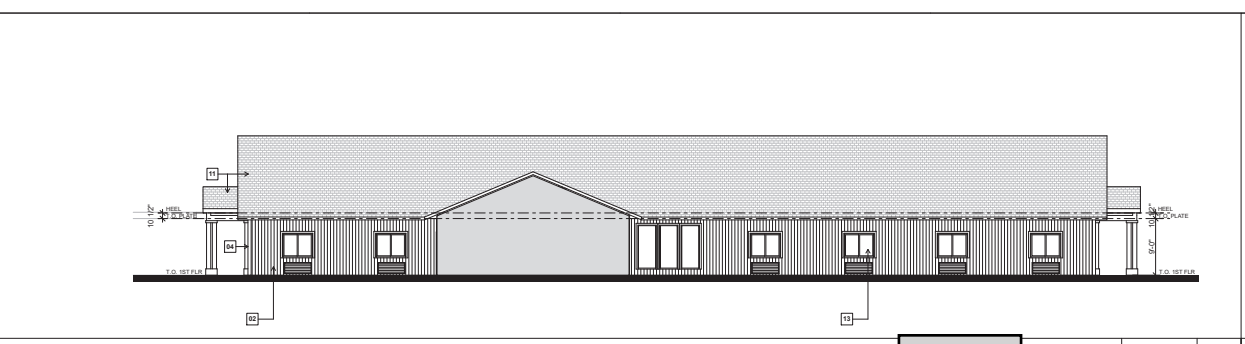
ASPEN CREEK KENAI ADDITION
701 North Forest Drive, Kenai, AK 99611 AK



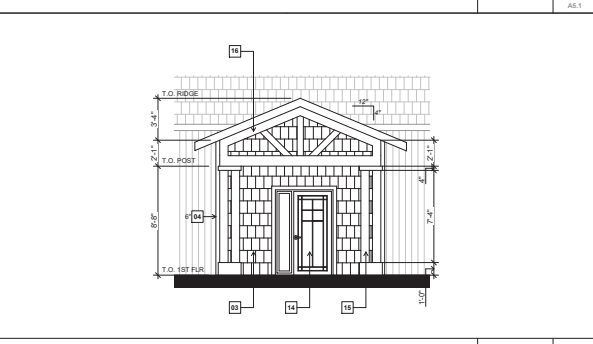
EAST ELEVATION - MAIN ENTRY 1/8" = 1'-0" 3 AS.1



EAST ELEVATION - MAIN ENTRY 1/8" = 1'-0" 2 AS.1



EAST ELEVATION - MC BLDG 1/8" = 1'-0" 9 AS.1

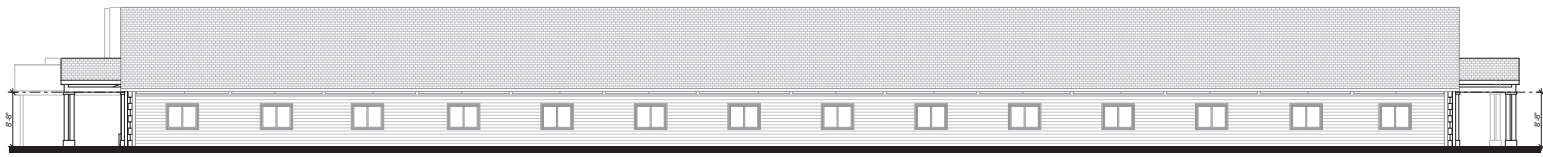


Entry Elevation 1/4" = 1'-0" 1 AS.1

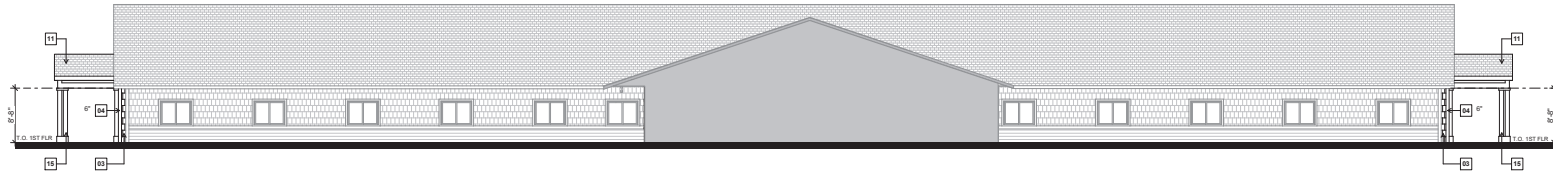


PROJECT:	2009
DRAWN BY:	SK
CHECKED BY:	#Contact Full Name
DATE OF ISSUE:	05/09/2009
DRAWING DESCRIPTION	
Exterior Building Elevations	
DRAWING NUMBER	

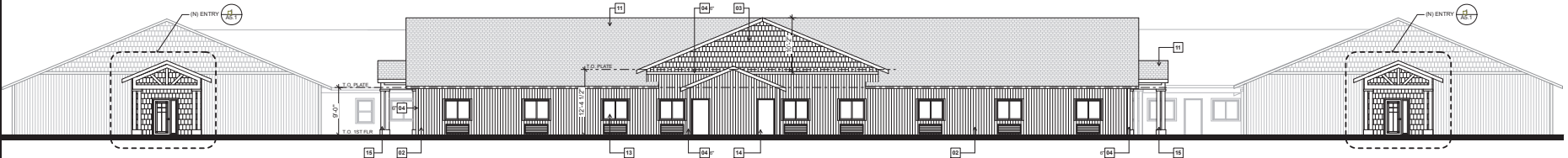
A5.1



SOUTH ELEVATION - BLDG 1 1/8" = 1'-0" 4
 A5.2

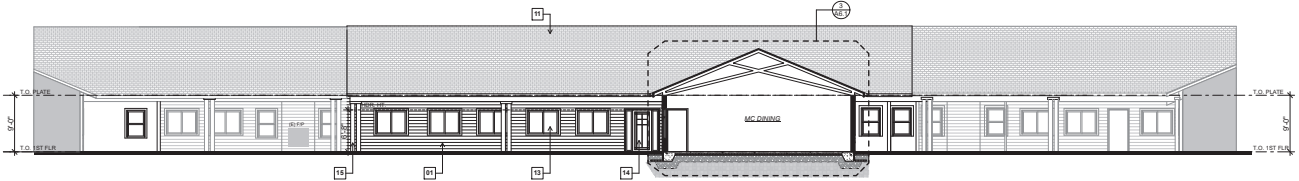


SOUTH ELEVATION - BLDG 2 1/8" = 1'-0" 3
 A5.2



WEST ELEVATION - MC BLDG 1/8" = 1'-0" 2
 A5.2

- EXTERIOR ELEVATION KEYNOTES**
01. COMPOSITE HORIZ. LAP SIDING, PAINT TO MATCH EXISTING TRIM COLOR
 02. COMPOSITE VERTICAL SIDING, PAINT TO MATCH EXISTING TRIM COLOR
 03. COMPOSITE SHAKES, PAINT TO MATCH EXISTING COLOR
 04. COMPOSITE TRIM, PAINT TO MATCH EXISTING COLOR
 05. EL. DONAGO STONE VENEER, MATCH EXISTING VENEER COLOR AND PATTERN
 06. WOOD BEAK, STAIN/SEAL/STAIN, MATCH EXISTING COLOR
 07. 4" METAL GUARDRAIL, PAINT DARK BRONZE
 08. ALUMINUM TRIM, SEE MECHANICAL DRAWINGS, PAINT TO MATCH BODY
 09. BUILDING ADDRESS
 10. BRASS LIGHT FIXTURE, INSTALL AT 7'-0" A.F.F. UNLD., PROVIDE 2X LIGHT BLOCK WITH BEVELED EDGES, SEE ELECTRICAL DRAWINGS.
 11. ASPHALT SHINGLE ROOFING, MATCH EXISTING COLOR
 12. PREFINISHED ALUMINUM, BRONZE COLORED GUTTER AND DOWNSPOUT
 13. VINYL CLAD WINDOW, ALSIDE, DARK COLOR TO MATCH EXISTING
 14. EXTERIOR DOOR, SEE SCHEDULE A&S
 15. HEAVY THIMBER COLUMN, STAINED AND SEALED, SEE STRUCTURAL
 16. HEAVY THIMBER WOOD TRUSS, STAINED AND SEALED, SEE STRUCTURAL



WEST ELEVATION - COURTYARD 1/8" = 1'-0" 5
 A5.2





KENAI

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

MEMORANDUM

TO: Chair Twait and Planning and Zoning Commission Members
FROM: Shellie Saner, City Clerk
DATE: February 21, 2023
SUBJECT: **Recommending City Council Approval of the Student Representative Policy No. 20.100**

The Student Representative to City Council Policy was adopted in 2005 and last amended in 2010. The Student Representative to the Parks and Recreation Commission was adopted in 2018-03 and last amended in 2020.

The proposed amendment would be to repeal both the City Council and Parks and Recreation Commissions Student Representative Policies and adopt one Student Representative Policy that would be applicable to all boards, commissions, committees and councils of the City of Kenai.

This has been forwarded for recommendation from your commission. Your commission may recommend adoption of the policy or fail to recommend adoption of the policy. In addition, your commission may propose additional amendments to the policy. The list below identifies changes that were made from the existing policies.

- Purpose and scope of the policy were expanded to provide clarity regarding the purpose of a student representative.
- Previously the policy required students attend Kenai Central High School. The new policy would remove that requirement and allow Juniors and Seniors applicants from all schools within Kenai City Limits.
- Preference is given for students who are members of Leadership Groups or the Student Council. This ensures the ability for a student to report back to the school the actions or issues that are affecting students.
- The term of the student representative was reduced to 1-year terms to ensure an opportunity for more students to participate as well as consider their academic and athletic schedule when committing to the service.
- The student representative will no longer be in rotation of the roll call and will now be called last, this takes into consideration that sometimes the issues before the commission may be controversial and that the students vote is advisory only.
- Previously the Parks and Recreation Commission Student Representative was required to reside within the Kenai City Limits, the new policy will allow non-residents attending a school within the city limits to participate as student representative to boards, commissions, committees and the Council on Aging. There are provisions within Kenai Municipal Code that allow a certain number of non-residents as members of various boards and commissions. *Note: Student Representatives to City Council will still be required to be residents of the City, which is the same requirement that applies to the Mayor and City Council Members.*



**CITY COUNCIL – 20.100
STUDENT REPRESENTATIVE**

Effective Date: February 15, 2023
See Also: PRO-20.100; TSK-20.100

Last Approved Date:
Approved by:

April 19, 2023
City Council

POLICY – 20.100 Student Representative Policy

Purpose

The purpose of this policy is to provide an opportunity for student representation to the various governmental body of the City of Kenai. The policy provides an opportunity for students to develop and strengthen leadership skills by connecting with the various governmental bodies of the City of Kenai and assisting fellow students with having their voices heard.

Commented [S1]: Purpose and Scope have been expanded to provide a broader idea of why Student Representation is important.

Scope

The Student Representative is a vital channel of communication between the students and the governmental bodies of the City of Kenai and has a variety of important roles and responsibilities, including representing the views of students on matters of concern to students; as time allows, participation in other events attended by the governmental body; and increased student involvement in matters affecting students. The appointed student acts as a representative leader of the student body.

Policy

It is important to seek out and consider student ideas, viewpoints and reaction to City decisions and policies affecting students. In order to provide student input and involvement, the Kenai City Council may appoint a Student Representative and an Alternate Student Representative to the various governmental bodies of the City as it deems necessary.

Commented [S2]: Previously the Council Policy required students attend KCHS. In 2020 the Parks and Recreation Commission did a very thorough review of their policy and amended it to allow students from other schools within the City.

Qualifications of Student Representatives

1. Must be a Junior or Senior in good standing at a school within the Kenai City Limits.
2. Residency Requirements are as follows:
 - a. City Council Student Representatives must reside within the Kenai City limits.
 - b. Student Representatives to the Council on Aging, Airport Commission, Harbor Commission, Parks and Recreation Commission, Planning and Zoning Commission or Beautification Committee may but are not required to reside within Kenai City limits.
3. Preference will be given to students who are active members of a School Leadership Group or the Student Council.
4. Must obtain approval from the school administration and their parent or legal guardian.
5. If multiple applications are received for the same governmental body, the Mayor may select one applicant for appointment.

Commented [S3]: Qualifications for Student Reps to Council requires City residency (same as required for Council Members) Qualifications for Student Reps to other bodies does not require City residency (same as required for those bodies)

Commented [S4]: One of the primary purposes of a Student Rep is to be a communication liaison between the City Council and the students. Students who are part of the leadership groups from their schools will have a better ability to report to the students.

Requirements of Student Representatives

1. Attend and participate in all meetings and work sessions of the governmental body in which the student is appointed to while school is in session, unless excused by the Mayor or Mayors designee.
2. Act as a communication liaison between the governmental body and students by reporting to the students the activities of the governing body; and, providing information and feed back to the governing body on policies and issues affecting the students.
3. Conduct themselves in proper business etiquette when acting as a Student Representative.
4. Should have an interest in public service and utilize this appointment as a way to develop leadership skills.

Limitations of Student Representatives

1. Appointments are for 1-Year terms, beginning in early September of each year and ending in August of the following year.
2. May not move or second items during a meeting.
3. May cast advisory votes on all matters except those subject to executive session discussions; however, the advisory vote will not affect the outcome, the advisory vote will be recorded in the meeting minutes, and the student vote will be last in the roll call order.

Commented [SS5]: Limiting the term to 1-year, will allow the students who apply to review the meeting schedule and any potential conflicts with their academic, athletic or personal schedules. It will also provide more students with the opportunity serve as students reps.

Commented [SS6]: This is a change, Council may be voting on very controversial items and allowing the student to vote last will reduce the pressure on the student, as well as provide a more clear role to observers that the vote is in fact advisory only and does not impact the outcome.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

Student Representative Policies History: Action Approval 03/16/2005; Action Approval 09/01/2010; Resolutions 2018-03; 2020-61; and, 2023-XX

[CITY COUNCIL STUDENT REPRESENTATIVE POLICY. NOT NUMBERED.]

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS TO CITY DECISIONS AND POLICIES AFFECTING STUDENTS. IN ORDER TO PROVIDE STUDENT INPUT AND INVOLVEMENT, THE KENAI CITY COUNCIL MAY APPOINT A STUDENT REPRESENTATIVE AND AN ALTERNATE STUDENT REPRESENTATIVE AS IT DEEMS NECESSARY.

LIMITATIONS, QUALIFICATIONS AND REQUIREMENTS:

1. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COUNCIL VOTE AND SHALL NOT AFFECT THE OUTCOME OF THE VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MINUTES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COUNCIL MEETING.
2. THE STUDENT(S) SHALL BE RESIDENTS OF THE CITY OF KENAI.
3. THE STUDENT(S) SHALL BE A JUNIOR OR SENIOR IN GOOD STANDING AT KENAI CENTRAL HIGH SCHOOL.
4. THE STUDENT(S) SHALL BE ELECTED BY THE STUDENT COUNCIL OF KENAI CENTRAL HIGH SCHOOL AND SUBJECT OF APPROVAL OF THE KCHS ADMINISTRATION.
5. THE STUDENT(S) SHALL ATTEND ALL CITY COUNCIL MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE MAYOR. THE ALTERNATE SHALL ATTEND MEETINGS IN THE ABSENCE OF THE STUDENT REPRESENTATIVE.
6. THE STUDENT(S) SHOULD HAVE A LONG-TERM INTEREST IN PUBLIC SERVICE/
7. THE STUDENT(S) SHOULD GIVE FEEDBACK TO COUNCIL MEMBERS ABOUT POLICIES IMPACTING YOUNG PEOPLE.
8. THE STUDENT(S) SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
9. THE STUDENT(S) WILL COMMUNICATE WITH STUDENT COUNCIL MEMBERS AT KENAI CENTRAL HIGH SCHOOL TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON CITY ISSUES AFFECTING YOUNG PEOPLE AND COPIES OF ALL WRITTEN REPORTS REGARDING THEIR SERVICE BE PROVIDED TO THE KENAI CITY COUNCIL THROUGH THE CITY CLERK'S OFFICE.]

Action Approval Dates: 03/16/05; 09/01/2010

[PARKS AND RECREATION COMMISSION STUDENT REPRESENTATIVE POLICY. POLICY No. 2018-01

PURPOSE

THE PURPOSE OF THIS POLICY IS TO PROVIDE FOR A STUDENT REPRESENTATIVE FOR THE PARKS AND RECREATION COMMISSION.

SCOPE

THIS POLICY APPLIES TO THE PARKS AND RECREATION COMMISSION AND ALL STUDENT REPRESENTATIVES APPOINTED TO THE PARKS AND RECREATION COMMISSION.

POLICY

IT IS IMPORTANT TO SEEK OUT AND CONSIDER STUDENTS' IDEAS, VIEWPOINTS AND REACTIONS TO PARKS AND RECREATION DECISIONS. IN ORDER TO PROVIDE STUDENT INPUT AND INVOLVEMENT, THE MAYOR OF THE CITY OF KENAI, MAY APPOINT A STUDENT REPRESENTATIVE TO THE PARKS AND RECREATION COMMISSION AND THE STUDENT REPRESENTATIVE MAY PARTICIPATE IN THE PARKS AND RECREATION COMMISSION MEETINGS PURSUANT TO THE FOLLOWING:

1. LIMITATIONS, QUALIFICATIONS, AND REQUIREMENTS:

- A. THE STUDENT MAY CAST ADVISORY VOTES ON ALL MATTERS EXCEPT THOSE SUBJECT TO EXECUTIVE SESSION DISCUSSION. ADVISORY VOTES SHALL BE CAST IN ROTATION WITH THE OFFICIAL COMMISSION VOTE AND SHALL NOT AFFECT THE OUTCOME OF A VOTE. ADVISORY VOTES SHALL BE RECORDED IN THE MEETING SUMMARIES. STUDENT REPRESENTATIVES MAY NOT MOVE OR SECOND ITEMS DURING A COMMISSION MEETING.
- B. THE STUDENT SHALL BE A KENAI RESIDENT AND A JUNIOR OR SENIOR IN GOOD STANDING WITH THE SCHOOL ADMINISTRATION.
- C. THE STUDENT SHALL BE APPROVED BY SCHOOL ADMINISTRATION; IF MULTIPLE APPLICATIONS ARE RECEIVED, THE MAYOR MAY SELECT AN APPLICANT FOR APPOINTMENT.
- D. THE STUDENT SHALL ATTEND ALL PARKS AND RECREATION COMMISSION MEETINGS AND WORK SESSIONS, UNLESS EXCUSED BY THE PARKS AND RECREATION DIRECTOR.
- E. THE STUDENT SHOULD HAVE AN INTEREST IN PUBLIC SERVICE.
- F. THE STUDENT SHOULD USE THIS OPPORTUNITY AS A WAY TO DEVELOP LEADERSHIP SKILLS.
- G. THE STUDENT WILL COMMUNICATE WITH OTHER STUDENTS TO PROVIDE INFORMATION AND SEEK FEEDBACK FROM OTHER STUDENTS ON PARKS AND RECREATION ISSUES AFFECTING YOUNG PEOPLE.]

Policy History: Resolution No.'s 2018-03; 2020-61



KENAI

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

MEMORANDUM

TO: Chair Twait and Planning and Zoning Commission Members

FROM: Shellie Saner, City Clerk

DATE: February 21, 2023

SUBJECT: **Recommending City Council Approval of Amendments to the City Council Procedures for Commissions Committees and Council on Aging Policy No. 2016-01**

City Council Policy No. 2016-01 was originally adopted in 2014, since adoption the policy has been amended on multiple occasions with the last amendments made in 2019.

The proposed amendments to the policy have been forwarded for recommendation from your commission. Your commission may recommend adoption of the proposed amendment or fail to recommend adoption of the proposed amendments. In addition, your commission may propose additional amendments. Below is an outline of the amendments as currently proposed:

- The scope of the policy has been expanded to include references to code sections that area applicable to each commission.
- The amendment to paragraph 3.b. at the request of the Airport Manager would move Airport Commission meetings from City Hall Council Chambers to the Conference Room of the Kenai Municipal Airport terminal building.
- The amendment to paragraph 3.c. would remove the specific times for each commission meeting from the policy. Meetings schedules and times would still require Council approval.
- The amendments to paragraph 3.e. will include rescheduling meetings for the occasion when a meeting may be rescheduled instead of cancelled.
- The amendment to paragraph 4.b. would change the type of minutes kept for commissions from Summary minutes to Action minutes. Action minutes capture what was done, not what was said. When acting as an advisory body recommendation that were acted on and approved by the majority of the body are the ones that should be forwarded and considered by the City Council. **Exception:** *Summary minutes will be produced for the Planning and Zoning Commission when they are acting on quasi-judicial items.*
- The amendments to paragraph 6.b. clarify that actions of the commission must be relevant to the authority of the commission.
- Newly inserted paragraph j. clarifies the role of commissioners and that they may only speak on behalf of the commission when authorized to do so by a majority vote of the commission.
- The amendments to Section 7 expand and clarify the role of the Council Liaison as well as the role of a Council Member when attending a meeting as a sponsor to a legislative item.



CITY COUNCIL – 20.020 [2016-01]

COMMISSIONS, COMMITTEES AND COUNCIL ON AGING PROCEDURES

Effective Date: March 5, 2014

Last Approved Date:

April 19, 2023

See Also: PRO-20.020 TSK-20.020

Approved by:

City Council

POLICY – 20.020 Commissions, Committees and Council on Aging Procedures

Purpose

The purpose of this policy is to establish procedures, other than those provided in KMC 1.90, for Commissions, Committees and Council on Aging.

Scope

This policy applies to all advisory bodies appointed by the City Council. [In addition to this policy the following Kenai Municipal Code \(KMC\) provisions are applicable:](#)

[Airport Commission is also regulated by KMC 21.20](#)

[Harbor Commission is also regulated by KMC 11.10](#)

[Parks and Recreation Commission is also regulated by KMC 19.05](#)

[THE] Planning and Zoning Commission is also regulated by KMC 14.05.

Commented [SS1]: The scope was expanded to reference the code sections that exist and are applicable to certain commissions.

There are no code provisions for the Beautification Committee.

Policy

1. Appointment and Reappointments

- a. An application for consideration of appointment or reappointment to a Commission, Committee or Council on Aging must be submitted to the City Clerk.
- b. The Mayor nominates an applicant for appointment or reappointment and by motion, the City Council confirms.

2. Establishing Subcommittees

- a. A subcommittee of a commission or committee may be established for a specific function upon approval of Council.

3. Meeting Schedules

- a. Commission, Committee and Council on Aging meeting schedule is as follows:

Commission / Committee / Council on Aging	Meeting Schedule	Scheduled Meeting Days
Airport Commission	Monthly	Second Thursday of the month
Beautification	Meetings held January, April, May, September and October	Second Tuesday of the month
Council on Aging	Monthly	Second Thursday of the month
Harbor Commission	Meetings held February, March, April, May, June, August, September and November	First Monday after first Council meeting of the month
Library Commission (<i>Suspended as of 2015, Ordinance No. 2815-2015</i>)		

Parks & Recreation Commission	Monthly, except for July	First Thursday of the month
Planning & Zoning Commission	Twice monthly	Second & fourth Wednesday

- b. All regular meetings will be held in the Kenai City Hall Council Chambers with the exception of the Council on Aging who shall meet at the Senior Center and the Airport Commission who shall meet in the Conference Room of the Kenai Municipal Airport terminal building, unless offsite arrangements are approved by the Clerk. Exceptions for subcommittee meetings may be made with the advance notice of the City Clerk.
- c. **[REGULARLY SCHEDULED MEETINGS SHALL BEGIN AT 7:00 P.M. UNLESS OTHERWISE APPROVED BY COUNCIL VIA MOTION, WITH THE EXCEPTION OF THE COUNCIL ON AGING, WHICH BEGINS AT 4:30 P.M.] Regularly scheduled meeting times will be approved by Council.**
- d. Commissions, Committees and Council on Aging may, with the City Clerk's approval and notification to Council and the City Manager, hold special meetings (for a specific purpose) on an as-needed basis.
- e. Commissions, Committees and Council on Aging meetings may be cancelled or rescheduled by the City Clerk, with notification to Council and the City Manager, if cancellation or rescheduling is warranted, i.e. lack of agenda items, pre-knowledge of lack of a quorum, etc.
- f. Any additional commissions or committees established will be set and incorporated into the meeting schedule by the City Council.

Commented [SS2]: This proposed amendment was requested by the Airport Manager.

Commented [SS3]: The information in the current policy is incorrect. Removing the specific times from the policy; however, establishing that changes in the times are approved by Council will eliminate the possibility of this policy having incorrect information in it.

Commented [SS4]: There are occasions when meetings are not cancelled, just rescheduled. Including "or rescheduled" would include steps already being taken.

4. Minutes & Meeting Recordings

- a. With exception of the Planning & Zoning Commission, taking notes and electronically recording meetings shall be the responsibility of department liaison to the specific meeting body. The Clerk's Office shall take notes and record the meeting for the Planning and Zoning Commission.
- b. **[SUMMARY] Action** minutes will be produced by the Clerk's Office from the department liaisons notes and provided to the City Council as official records of the meetings. Summary minutes will be produced by the Clerk's Office for Planning and Zoning Commission items when the item is quasi-judicial.
- c. Regularly scheduled meetings shall be electronically recorded and with the exception of Planning & Zoning Commission, shall be kept for two years.
- d. Planning & Zoning Commission meeting recordings shall be kept for 6 years.

Commented [SS5]: Roberts Rules of Order establishes that minutes capture what was done, not what was said.

When acting as an advisory body, the opinions and recommendations that were acted on and approved by the majority or disapproved by the majority, are the recommendations that should be considered by the Council.

It is my recommendation when acting in an advisory capacity the minutes kept be "Action Minutes", not summary minutes.

When acting in a quasi-judicial role, summary minutes will be taken; however, it would be in the best interest in quasi-judicial hearings to also clearly adopt findings that support their decisions.

5. Work Sessions

- a. Work sessions may not be held without the approval of the City Clerk unless they occur on the night of and at the time of a regularly scheduled advertised meeting. Notification of scheduled work session shall be provided to City Council and the City Manager. Work session may be requested by Council, the liaison or Chair of the body.
- b. During work sessions, only items on the work session agenda may be discussed and no formal actions may be taken.
- c. At a minimum, work sessions shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.

6. Basic Meeting Information

- a. All meetings shall be open to the public.
- b. At a minimum, meeting notices shall be posted on the Official City Bulletin Board in Kenai City Hall and on the city website at least five days prior to the meeting.
- c. Meeting agendas shall be established by the Chair and the department liaison and shall be relevant to the authority of the board, commission or committee as designated within the bylaws or Kenai Municipal Code. Items requiring Committee, Commission or Council on Aging action under applicable municipal code prior to final action by the Council, as distinguished from advisory recommendations, will be referred to the respective body prior to any final Council action. The City Council, by motion, may refer any other item to be placed on an agenda seeking a recommendation from the respective Committee, Commission, or Council on Aging.
- d. The department liaison shall submit items for the agenda and supporting documentation to the Clerk's Office one week prior to a meeting, no later than 2:00 p.m. The Clerk's Office will compile meeting material and distribute. The Planning & Zoning Commission is exempt from this requirement as the Planning Department advertises, compiles meeting material and distributes for its commission.
- e. Rules of Order: Pursuant to KMC 1.15.120(b) and KMC 1.90.050(c), in all matters of parliamentary procedure, Robert's Rules of Order, as revised shall be applicable and govern all meetings, except as specified in KMC 1.15.060 (Motions), KMC 1.15.100 (Speaking), and KMC 1.15.110 (Voting).
- f. Quorum: No meeting may proceed in the absence of a quorum, i.e. a quorum is more than one-half of the board/commission (quorum of the whole).
- g. Motion: Pursuant to KMC 1.15.060(k), all motions require a second. A majority of votes is required to pass a motion.
- h. Speaking: In a meeting, members should be recognized by the Chair before speaking.
- i. When is it a Meeting: If any public business is discussed collectively by four or a majority of members of one body.
- j. Representation of the body: Members of a City of Kenai Board, Commission, Committee or Council on Aging may only speak on behalf of the body when approved to do so by a majority vote of the body; at which time their basic responsibility is to carry out the body's directives identified within motion as approved.

Commented [SS6]: It is important to keep the City of Kenai bodies and staff on task, including this in the policy ensures that body is acting on matters that the City Council has given them authority to act on.

Commented [SS7]: This addition is important in establishing each members role to the body they have been appointed to; if speaking on behalf of the body, a member must receive direction from a majority of the body to do so.

This would not prevent a member from providing comments on a subject to the council as an individual, they would just need to make it clear they are speaking as an individual and do not represent the opinions of the body they serve on.

Commented [SS8]: More than three would be a quorum, and a violation of the State of Alaska Open meetings act.

Commented [SS9]: Neither Council Liaison or a Council Member who sponsored a legislative item should influence the direction in which an advisory body is going to advise. The Council members (Liaison or legislative sponsor) will have the opportunity to debate the issue when it is before the City Council.

7. Council Participation

- a. Any Council Member may attend a meeting or work session of any Commission, Committee or the Council on Aging; however, no more than three Council Members may attend any one meeting without additional public notice.
- b. Only the Council Liaison to the respective, Commission, Committee or Council on Aging may speak on behalf of the Council if approved to do so by a majority vote of the City Council. [PARTICIPATION BY COUNCIL MEMBERS AT COMMISSION, COMMITTEE OR COUNCIL ON AGING MEETINGS SHOULD BE LIMITED TO INTRODUCTION OF LEGISLATION BY ONE COUNCIL LEGISLATIVE SPONSOR. PARTICIPATION BY ANY OTHER COUNCIL MEMBERS, WRITTEN OR ORAL, IS DISCOURAGED.] Participation of the Liaison at Commission, Committee and Council on Aging meetings is limited to updating the body on the actions of the Council and reporting back to the Council the actions of the Commission, Committee or Council on Aging. The Liaison is a non-voting member and does not participate in the debate of an advisory body.
- c. Participation by Council Members other than the Liaison should be limited to ONE Council Member who is a sponsor of a legislative item to be considered for recommendation from the advisory body. The

sponsors participation should be limited to three-minute testimony and answering questions from the body, the sponsor of the legislation will not participate in debate of the advisory body. When speaking to the advisory body as the legislate sponsor the following additional rules apply:

i. The legislative sponsor will not testify from the Dais, testimony from the sponsor shall be made from the area designated for public comment.

ii. If the legislative sponsor is the Liaison to the advisory body, the legislative sponsor will remove themselves from the dais and seat themselves in the public area of the chambers. The legislative sponsor will remain in the public seating area during the discussion, debate and voting on the legislative item in which they sponsored.

- b. Exception: Council Members may fully participate in any joint work session or other meeting with a Commission, Committee, or the Council on Aging when it has been noticed that the City Council will be in attendance, or there has been a specific delegation of authority by the Council for a member(s) to represent the Council.

Brian Gabriel Sr., Mayor

ATTEST:

Shellie Saner, MMC, City Clerk

*Policy History: Action Approval on 08-04-2004; R2017-24; R2018-19; 2019-03; 2023-XX
Note: Between 2004 and 2017 other amendments to the policy were made through the action approval process.*



Kenai City Council - Regular Meeting

March 01, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comments 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 comments limited to ten (10) minutes per speaker*)

1. Rasmussen Foundation/State of Alaska Broadband Access and Digital Equity Across Alaska, Associate Emily Pape, MMP of Kallander & Associates.

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3336-2023** - Accepting and Appropriating an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3337-2023** - Accepting and Appropriating an Increase from the Kenai Peninsula Borough for the Senior Citizen Program Grant. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2023-16** - Amending the Employee Classification Plan by Removing the Data Entry Clerk, Consolidating the Meals Driver and Driver Classes, and Adjusting the Ranges of Driver, Kitchen Assistant, and Cook Positions at the Kenai Senior Center. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-17** - Authorizing the Use of the Fleet Replacement Fund for the Purchase of Equipment to Upfit Four New Police Vehicles and Authorizing the Sole Source Purchase of a Portion of the Items from Alaska Safety Inc. Utilizing the Contract of Another Government Agency in which the City is Authorized to Participate. (Administration)

5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-18** - Renumbering Kenai City Council Supervisory Sub-Committee Policy No. 2017-02 to Policy No. 20.230. (City Clerk)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-19** - Authorizing the Purchase of Real Property Described as Lots 8 and 9, Block 19, of the Original Townsite of Kenai, According to US Survey 2970B, Record of the Kenai Recording District, Third Judicial District, State of Alaska, and Designated as Kenai Peninsula Borough Parcel Number 04710308 from Billy McCann Et Al. and Glenda Sterling, for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that the Public Interest Will Not Be Served by an Appraisal. (Administration)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2023-20** - Authorizing a Budget Transfer in the Visitor Center Improvement Capital Project Fund and Authorizing a Contract Award and Corresponding Purchase Order for the Visitor Center Roof Replacement Project. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2023-21** - Authorizing a Contract Award and Corresponding Purchase Order for the Green Strip Playground Equipment Project. (Administration)

E. MINUTES

1. *Regular Meeting of February 15, 2023. (City Clerk)

F. UNFINISHED BUSINESS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit and Winger)
[01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; First Public Hearing by Council Scheduled for 02/01/23; 02/01/23 Referred to the Planning & Zoning Commission for a Work Session; Second City Council Public Hearing Scheduled for March 1, 2023.]

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for Cook Inlet Cannabis Co., DBA: East Rip - License No. 13382. (City Clerk)
3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts LLC., DBA: Herban Extracts LLC. - License No. 14432. (City Clerk)
4. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License for KRC LLC., DBA: Kenai River Cannabis. - License No. 17808. (City Clerk)
5. ***Action/Approval** - Non-Objection to the Renewal of a Retail Marijuana Store License and a Standard Marijuana Cultivation License for Majestic Gardens LLC., DBA: Majestic Gardens LLC. - License No.'s 15393 and 15395. (City Clerk)
6. ***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for D & E Investments Inc., DBA: The Bow - License No. 1312. (City Clerk)

7. ***Action/Approval** - Non-Objection to the Transfer of Ownership of a Beverage Dispensary Liquor License and Restaurant Designation Permit for Solitaire LLC., DBA: Pizza Paradisos - License No. 3032. (City Clerk)
8. ***Ordinance No. 3338-2023** - Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

1. **Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) [*Postponed to the March 15, 2023 Regular City Council Meeting*]

N. ADJOURNMENT

O. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83177161203>

Meeting ID: 831 7716 1203 **Passcode:** 166921

OR

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

Meeting ID: 831 7716 1203 **Passcode:** 166921



Kenai City Council - Regular Meeting

March 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comments 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 comments limited to ten (10) minutes per speaker*)

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

D. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3338-2023** – Amending Kenai Municipal Code Chapter 1.15 - Rules of Order, to Allow Approval of the Agenda and Consent Agenda in One Motion, Remove Sections that May Conflict with the State of Alaska Open Meetings Act, and Remove any Rules that are Standard Rules as Established in Roberts Rules of Order. (City Clerk)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-22** - Authorizing a Budget Transfer in the Water & Sewer Capital Project Fund, Public Works Department – Water Division for Additional SCADA Related Services. (Administration)
3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-23** - Requesting State of Alaska Funding Support for the Wildwood Drive Rehabilitation Project. (Administration)

E. MINUTES

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

F. UNFINISHED BUSINESS

1. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-15** - Amending the City Council Selecting and Appointing a Qualified Person or Persons to Fill Vacancies on the City Council Policy No. 2021-01 and Renumbering and Renaming to City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (City Clerk) *[Clerk's*

Note: At the February 15, 2023 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]

- **Substitute Resolution No. 2023-15** - Repealing City Council Policy No. 2021-01 - Selecting and Appointing a Qualified Person to Fill Vacancies on the City Council and Adopting City Council Policy No. 20.220 - Filling Council Vacancies by Appointment. (Gabriel and Baisden)

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Limited Marijuana Cultivation Facility for Jennifer Huffman DBA: Grateful Bud LLC., - License No. 16474. (City Clerk)
3. ***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License and a Standard Marijuana Cultivation License for Red Run Cannabis Cultivators, LLC., DBA: Red Run Cannabis Cultivators, LLC. - License No.'s 19372 and 10052; and a Retail Marijuana Store License for Red Run Cannabis Company, LLC., DBA: Red Run Cannabis Company, LLC. – License No. 10056 (City Clerk)
4. **APPROVED WITHOUT OBJECTION AS AMENDED. *Action/Approval** - Special Use Permit to Rebecca Boettcher, DBA: The Fishing Grounds, LLC for Operation of a Snack/Gift Shop Inside the Kenai Municipal Airport. (Administration)
5. ***Action/Approval** - Special Use Permit to Pacific Star Seafoods, Inc. for On or Off Loading Fish at the Kenai Municipal Airport. (Administration)
6. ***Ordinance No. 3339-2023** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
7. ***Ordinance No. 3340-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
8. ***Ordinance No. 3341-2023** - Accepting and Appropriating a Donation to the Kenai Senior Center. (Administration)
9. **APPROVED WITHOUT OBJECTION. Action/Approval** - Approving a Memorandum of Agreement for the Use of the Alaska Regional Aircraft Fire Training Center for the Calendar Year 2023. (Administration)
10. **APPROVED WITHOUT OBJECTION. Action/Approval** - Issuing a Letter of Support for the Challenger Learning Center of Alaska's Request for Funding. (Administration)
11. **Discussion** – Scheduling Council Employee Evaluations. (Gabriel)

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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Join Zoom Meeting

<https://us02web.zoom.us/j/89054304153>

Meeting ID: 890 5430 4153 **Passcode:** 616083

OR

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

Meeting ID: 890 5430 4153 **Passcode:** 616083



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

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

Monday, February 27, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval
4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4958](#) February 13, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 021323 PC Meeting Minutes_Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

F. PLAT COMMITTEE REPORT

G. OTHER

[KPB-4957](#) Discussion On Planning Commission Bylaws

Attachments: [G1. PC Bylaws Info Desk Packet](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, March 20, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Meeting Agenda Plat Committee

Monday, February 27, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

- 1) Staff will present a report on the item.
- 2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue. – 5 minutes per person
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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-4952](#) February 13, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 021323 Plat Committee Minutes_Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4953](#) Barber Subdivision; KPB File 2023-013
Attachments: [E1. Barber Subdivision_Packet](#)
[E1. Barber Subdivision_Desk Packet](#)
2. [KPB-4954](#) Carl & Emma Clark Estates #2; KPB File 2023-012
Attachments: [E2. Carl & Emma Clark Estates #2_Packet](#)
3. [KPB-4955](#) Queen Aleta Subdivision; KPB File 2023-015
Attachments: [E3. Queen Aleta Subdivision_Packet](#)
4. [KPB-4956](#) S & S Subdivision 2023 Replat; KPB File 2023-016
Attachments: [E4. S & S Subdivision 2023 Replat_Packet2](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, March 20, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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



Meeting Agenda Plat Committee

Monday, March 20, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

[KPB-4999](#) February 27, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 022723 Plat Committee Meeting Minutes Packet](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5000](#) Bear Run Kilpin 2023 Replat: KPB File 2023-002
Seabright Surveying / Barrett
Location: Winchester Avenue & Colt Street
Fritz Creek Area / Kachemak Bay APC
Attachments: [E1. Bear Run Kilpin 2023 Replat Packet](#)
2. [KPB-5001](#) Moose Haven; KPB File 2023-009
Peninsula Surveying, LLC / Lastinger
Location: McNamara Court, Royce Street & Emilie Avenue
Funny River Area / Funny River APC
Attachments: [E2. Moose Haven Packet](#)
3. [KPB-5002](#) Ninilchik Townsite Ancient Basement Replat; KPB File 2022-172
Johnson Surveying / Ancient Basements, LLC
Location: Bayview Street & Mission Avenue
Ninilchik Area
Attachments: [E3. Ninilchik Townsite Ancient Basement Replat Packet](#)
4. [KPB-5003](#) Binkley Subdivision 2023 Replat; KPB File 2023-019
Edge Survey & Design, LLC / Reutov
Location: E. Beluga Avenue & Robin Place
City of Soldotna
Attachments: [E4. Binkley Subdivision 2023 Replat Packet](#)

5. [KPB-5004](#) Harden Subdivision Mugs & Tad Addition; KPB File 2023-020
Edge Survey & Design, LLC / Carmody
Location: Beatty Avenue, Grassim Street & Oil Well Road
Ninilchik Area

Attachments: [E5. Harden Subdivision Mugs & Tad Addition Packet](#)

F. PUBLIC COMMENT

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G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, April 10, 2023 at 5:30 p.m. The meeting will be held via Zoom only, the meeting will not be physically open to the public. The Planning Commission and staff will be attending via Zoom.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

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

Monday, March 20, 2023

7:30 PM

Betty J. Glick Assembly Chambers

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4993](#) Fort Raymond Subdivision Replat Number 5 KPB File 2022-029

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

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4994](#) February 27, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 022723 PC Meeting Minutes Packet](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4995](#) Utility Easement Vacation; KPB File 2023-021V1
Ability Surveys / Shapiro
Request: Vacates entire 10' utility easement on the east boundary of Lot 8, Bluff Point Subdivision, Plat HM 83-81
Diamond Ridge Area

Attachments: [E1. UEV Lot 8 Bluff Point Subdivision Packet](#)
2. [KPB-4996](#) Section Line Easement Vacation; KPB File 2023-021V
Ability Surveys / Shapiro
Request: Vacates the entire 33' Section line easement along the northern lot boundary of Lot 8 Bluff Point Subdivision; Plat HM 83-81
Diamond Ridge Area

Attachments: [E2. SLEV Lot 8 Bluff Point Subdivision Packet](#)
3. [KPB-4997](#) Pedestrian Easement Vacation; KPB File 2023-007V2V
Edge Survey & Design, LLC / City of Soldotna
Request: Vacates entire 20' pedestrian easement granted on Mullen Homestead Subdivision Addition No. 3. Plat KN 2000-44
City of Soldotna

Attachments: [E3. PEV Mullen Homestead Sub Addn No 3 Packet](#)
4. [KPB-4998](#) Seismographic Trails Vacation; KPB File 2023-020V
Edge Survey & Design, LLC / Carmody
Request: Vacates two portions of two seismograph trails, and associated utility easements granted on Ninilchik Right-Of-Way Map, Plat HM 84-115
Ninilchik Area

Attachments: [E4. STV Ninilchik ROW Map Packet](#)

F. PLAT COMMITTEE REPORT

G. OTHER

1. Planning Commission Bylaws Discussion

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

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

The next regularly scheduled Planning Commission meeting will be held Monday, April 10, 2023 at 7:30 p.m. The meeting will be held via Zoom only, the meeting will not be physically open to the public. The Planning Commission and staff will be attending via Zoom.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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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.