



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

January 27, 2021 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic Participation Info Page 2****

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Election of Chair and Vice-Chair
4. Agenda Approval
5. Consent Agenda
6. *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. *[January](#) 13, 2021

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

1. [Resolution](#) **PZ2021-03** - Preliminary Subdivision Plat of Illiamna View Subdivision 2020 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Clifford Heus and Kathleen Heus, 4540 Kenaitze Court, Kenai, AK 99611

F. PUBLIC HEARINGS

1. [Resolution](#) **PZ2021-01** – Application for a Conditional Use Permit for eight single family additional dwellings, on Government Lot 107, Section 31, Township 6 North, Range 11 West, and located at 1614 Second Avenue. The application was submitted by Byler Contracting,

P.O. Box 877750., Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

1. [City](#) Council
2. [Kenai](#) Peninsula Borough Planning
3. City Administration

K. ADDITIONAL PUBLIC COMMENT

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

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. February 10, 2021

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/86782840817>

Meeting ID: 867 8284 0817
Passcode: 411431

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16699006833

Meeting ID: 867 8284 0817
Passcode: 411431

File Attachments for Item:

*January 13, 2021

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JANUARY 13, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent:

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

A quorum was present.

3. Agenda Approval

MOTION:

Without objection, agenda was approved.

4. Consent Agenda

MOTION:

Vice Chair Fikes **MOVED** to approve the consent agenda and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *December 9, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

[Clerk’s Note: Commissioner Halstead joined the meeting at 7:03 p.m., and Commissioner Springer joined the meeting at 7:07 p.m.]

- 1. **Resolution PZ2020-37** – Preliminary Subdivision Plat of Beaver Creek Alaska Subdivision 2020 Replat, submitted by Segesser Surveys, Inc., 30485 Rosland Street, Soldotna, AK 99669, on behalf of Freedom Indeed, LLC, P.O. Box 1109, Kasilof, AK 99610 and Luke Saven LLC, P.O. Box 439, Kasilof, AK 99610

Planning Director Foster presented his staff report with information provided in packet noting that the owners wish to move the property line five feet to the east between the two lots which will create Lots 2A and 3A, Block G. It is noted that the adjustment of the property line between the two lots will bring the structure located on Lot 3A, Block G into conformance with the side yard setback requirement of 10’ for the General Commercial zone.

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

- Further development of the property shall conform to all federal, State of Alaska, and local regulations; and,
- Luke Saven is a Limited Liability Corporation; the letters LLC should be inserted after Luke Saven on the plat; and,
- The plat note numbers should be corrected; they are not sequential.

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2020-37 and Commissioner Springer **SECONDED** the motion.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the December 16 and January 6 City Council meetings.
2. **Borough Planning** – Vice Chair Fikes reported on the actions of the Borough Planning Commission meeting January 11, 2021.
3. **City Administration** – Planning Director Foster reported on the following:
 - Items in the upcoming Planning & Zoning Commission meeting on January 27th will include a conditional use permit, a review and comment on a draft for the Capital Improvement Plan, and the election of Chair and Vice Chair;
 - The Alaskan chapter of the American Planning Association will be holding a virtual conference in February.

City Manager Ostrander reported on the following:

- Welcomed Planning Director Foster to the Commission;
- The Kenai Peninsula Borough has an adanomous task force that is looking to modify the Borough’s habitat protection code. City of Kenai Administration has been working with the Borough in making modifications to how they handle permits within the City, and Council will be considering these proposed changes in the upcoming Council meeting on January 20th.

K. **ADDITIONAL PUBLIC COMMENT**

1. Citizens Comments – None.

L. **INFORMATIONAL ITEMS**

1. Planning and Zoning Resolutions - Fourth Quarter 2020
2. Building Permit Reports – Fourth Quarter 2020
3. Code Enforcement – Fourth Quarter 2020

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. January 27, 2021

N. **COMMISSION COMMENTS & QUESTIONS** – None.

Commissioner Greenberg welcomed new Planning Director and new Commissioner Douthit.

Commissioner Douthit thanked the Commission for welcoming him.

Vice Chair Fikes welcomed Planning Director Foster and Commissioner Greenberg, and noted that the PowerPoint that was presented in the meeting was very well done.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:33 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

File Attachments for Item:

Resolution PZ2021-03 - Preliminary Subdivision Plat of Illiamna View Subdivision 2020 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Clifford Heus and Kathleen Heus, 4540 Kenaitze Court, Kenai, AK 99611



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-03**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT ILLIAMNA VIEW SUBDIVISION 2020 REPLAT ATTACHED HERETO BE APPROVED

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

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential Zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, Kenaitze Court and I Street SE provide access to the proposed Lots 1-B and 1-C, Block Two (2) Illiamna View Subdivision 2020 Replat; and,

WHEREAS, Kenaitze Court is a gravel City maintained road. The right-of-way for I Street SE provides legal access to the proposed lots; however, this street has not been developed. Because it is unlikely that these parcels will be further developed, the City of Kenai will not require that I Street SE be further developed at this time. An installation agreement is not required; and

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

WHEREAS, A note on the plat provides that conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation; and

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of Illiamna View Subdivision 2020 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
3. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: January 21, 2021
SUBJECT: PZ2021-03 – Preliminary Plat – Illiamna View Subdivision 2020 Replat

Applicant: Clifford and Kathleen Heus
4540 Kenaitze Court
Kasilof, AK 99610

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

Requested Action: Preliminary Subdivision Plat – Illiamna View Subdivision 2020 Replat

Legal Description: Unsubdivided remainder of Lot 1, Block 2, Illiamna View Subdivision resubdivision of Lots 1, Block 1, and Lot 1, Block 2, Illiamna View Subdivision, Plat No. 78-99.

Property Address: 4500 I Street S.E.

KPB Parcel No: 049-310-10

Lot Size: Approximately 16.234 acres (707,153 square feet)

Existing Zoning: Rural Residential (RR)

Current Land Use: Vacant

Land Use Plan: Low Density Residential

GENERAL INFORMATION

McLane Consulting, Inc. submitted a preliminary plat on behalf of the property owners, Clifford and Kathleen Heus. The plat affects the parcel described as unsubdivided remainder of Lot 1, Block 2, of Iliamna View Subdivision, resubdivision of Lots 1, Block 1, and Lot 1, Block 2, Iliamna View Subdivision, Plat No. 78-99.

The property owner wishes to subdivide a large lot comprised of approximately 16.234 acres (approximately 707,153 square feet) into two lots. The proposed Lot 1-B, Block 2, Iliamna View Subdivision 2020 Replat will be approximately 1.239 acres (approximately 53,971 square feet). The proposed Lot 1-C, Block 2, Iliamna View Subdivision 2020 Replat is approximately 14.980 acres (approximately 652,529 square feet).

The application submitted by McLane Consulting, Inc. indicates that the purpose of the plat is to provide private access to the Kenai River. The property owner also owns several lots within Iliamna View Subdivision and would like to access the Kenai River via the proposed Lot 1-B, Block 2, Iliamna View Subdivision 2020 Replat. It should be noted that there is a section line easement along the north boundary of the proposed lot. Access is not limited to private use only.

Application, Public Notice, Public Comment

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

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of January 21, 2021.

ANALYSIS

Access to the proposed lots is provided via Kenaitze Court and I Street SE. Kenaitze Court is a gravel City maintained road. The right-of-way for I Street SE provides legal access to the proposed lots; however, the street has not been developed. Because it is unlikely that these parcels will be further developed, the City of Kenai will not require that I Street SE be further developed at this time. An installation agreement is not required.

A note on the plat provides that conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.



The probability of this property being developed is highly unlikely. The property is mostly wetlands and also within the flood hazard area by FEMA. The flood zone AR is per FEMA panel 020012-2035A. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*. City staff recommends approval of the preliminary plat of Illiamna View Subdivision 2020 Replat, subject to the conditions as forth below.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Illiamna View Subdivision 2020 Replat, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
3. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.

ATTACHMENTS

1. Resolution No. PZ2021-03
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-03**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT ILLIAMNA VIEW SUBDIVISION 2020 REPLAT ATTACHED HERETO BE APPROVED

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

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential Zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, Kenaitze Court and I Street SE provide access to the proposed Lots 1-B and 1-C, Block Two (2) Illiamna View Subdivision 2020 Replat; and,

WHEREAS, Kenaitze Court is a gravel City maintained road. The right-of-way for I Street SE provides legal access to the proposed lots; however, this street has not been developed. Because it is unlikely that these parcels will be further developed, the City of Kenai will not require that I Street SE be further developed at this time. An installation agreement is not required; and

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

WHEREAS, A note on the plat provides that conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation; and

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of Illiamna View Subdivision 2020 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
3. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

Name:	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:	Clifford Heus						
Mailing Address:	4540 Kenaitze Ct	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04931010					
Current City Zoning:	Rural Residential					
Use:	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

Preliminary Plat Name:	Illiamna View Subdivision 2020 Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No			
Street Name (if vacating ROW):						

Exceptions Required and Requested:

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Comments:

KPB 20.40.080
 This subdivision will not have any wastewater generated or disposed
 Exception to KPB 20.30.190(A) Lot Dimensions - 3:1 depth/width ratio

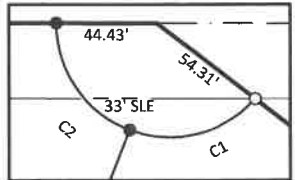
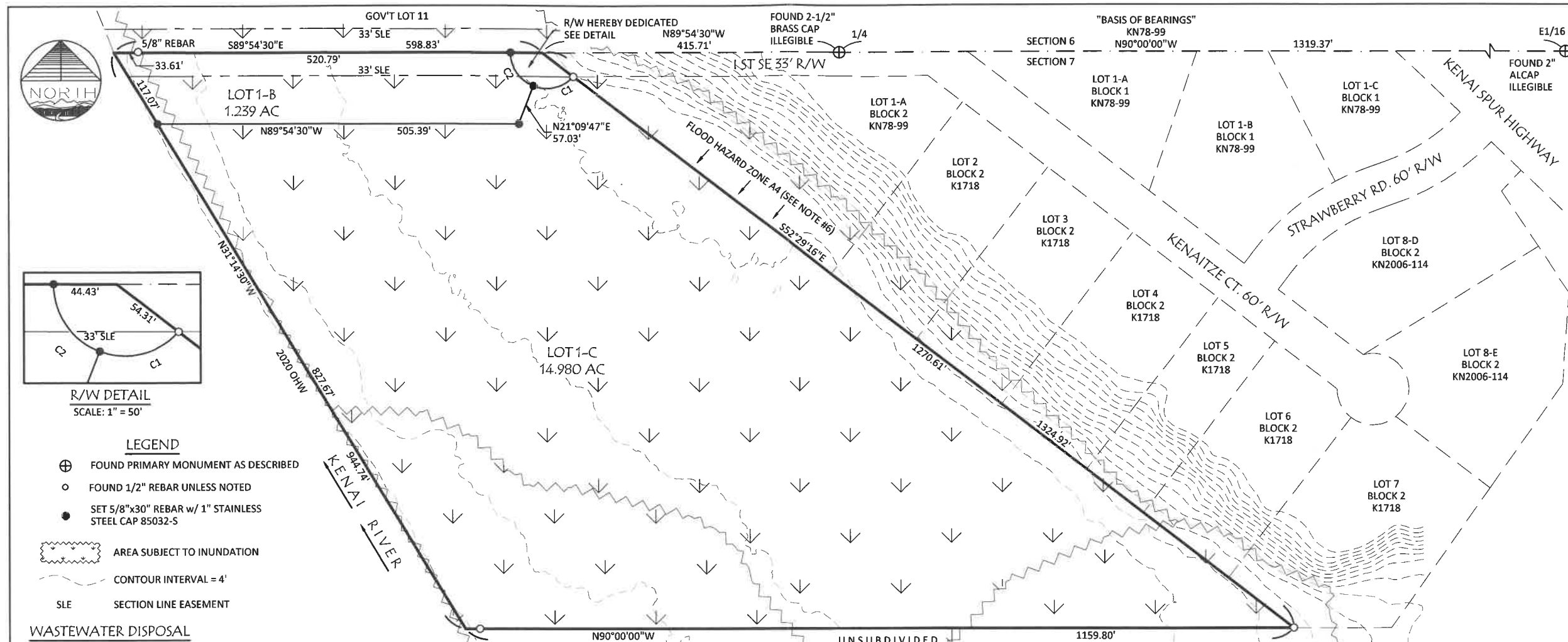
REQUIRED ATTACHMENTS

<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
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SIGNATURE

Signature:	<i>Clifford Heus / Kathleen Heus</i>		Date:	<i>12/29/80</i>		
Print Name:	Clifford Heus / Kathleen	Title/Business:				

Heus



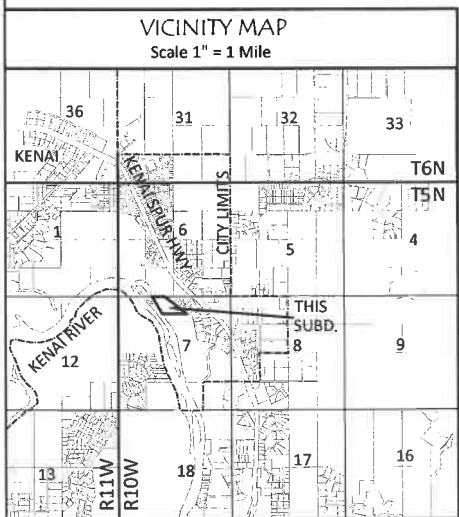
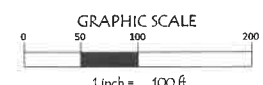
R/W DETAIL
SCALE: 1" = 50'

LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 1/2" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- AREA SUBJECT TO INUNDATION
- - - CONTOUR INTERVAL = 4'
- SLE SECTION LINE EASEMENT

WASTEWATER DISPOSAL

CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THESE LOTS AS OF THE DATE OF THIS PLAT. IF CIRCUMSTANCES CHANGE TO ALLOW LAWFUL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS, THOSE SYSTEMS MUST MEET THE WASTEWATER DISPOSAL REQUIREMENTS OF KPB CHAPTER 20.40 AND THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	69°21'00"	50.00	60.52	34.59	N 76° 04' 00" E	56.89'
C2	69°21'00"	50.00	60.52	34.59	S 34° 35' 00" E	56.89'

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 A UTILITY 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. THE NATURAL MEANDERS OF ORDINARY HIGH WATER FOR THE KENAI RIVER FORM THE TRUE BOUNDS OF LOT 1-B AND LOT 1-C. THE MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
5. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50-FOOT ANADROMOUS STREAM HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
6. SOME OR ALL THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. THE FLOOD ZONE A4 IS PER FEMA PANEL 020012-2035A. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH TITLE 21, CHAPTER 6 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES.
7. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
8. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - 8.1. A GENERAL EASEMENT TO HOMER ELECTRIC ASSOCIATION RECORDED DECEMBER 11, 1959 IN MISC. BOOK 5, PAGE 91 KR.D. NO LOCATION DEFINED.
 - 8.2. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AUGUST 19, 1988 IN BOOK 332, PAGE 320 KR.D.
 - 8.3. RESERVATION OF EASEMENT FOR HIGHWAY PURPOSES BY PUBLIC LAND ORDER No.601 DATED AUGUST 10, 1949 AND AMENDED BY PUBLIC LAND ORDER No.757 DATED OCTOBER 10, 1959, PUBLIC LAND ORDER No.1613 DATED APRIL 7, 1958 AND DEPARTMENT OF THE INTERIOR ORDER No.2665 DATED OCTOBER 16, 1951, AMENDMENT No.1 DATED JULY 17, 1952 AND AMENDMENT No.2 DATED SEPTEMBER 15, 1956 FILED IN THE FEDERAL REGISTER.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

CLIFFORD HEUS
4540 KENAITZE CT, KENAI, AK 99611

KATHLEEN HEUS
4540 KENAITZE CT, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: CLIFFORD HEUS AND KATHLEEN HEUS
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 2021

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

PLAT APPROVAL

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

AUTHORIZED OFFICIAL

DATE

Plat # _____

Rec Dist _____

Date _____ 20__

Time _____ M



ILLIAMNA VIEW SUBDIVISION 2020 REPLAT
REPLAT OF THE UNSUBDIVIDED REMAINDER LOT 1 BLOCK 2 OF ILLIAMNA SUBDIVISION RESUBDIVISION LOT 1, BLOCK 1 & LOT 1 BLOCK 2 (KN78-99)

CLIFFORD HEUS, OWNER
4540 KENAITZE CT
KENAI, AK 99611

KATHLEEN HEUS, OWNER
4540 KENAITZE CT
KENAI, AK 99611

16.283 AC. M/L SITUATED IN SECTION 7, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.



ENGINEERING - TESTING SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99669
VOICE: (907) 283-4218
FAX: (907) 283-3265
WWW.MLANE.CG.COM

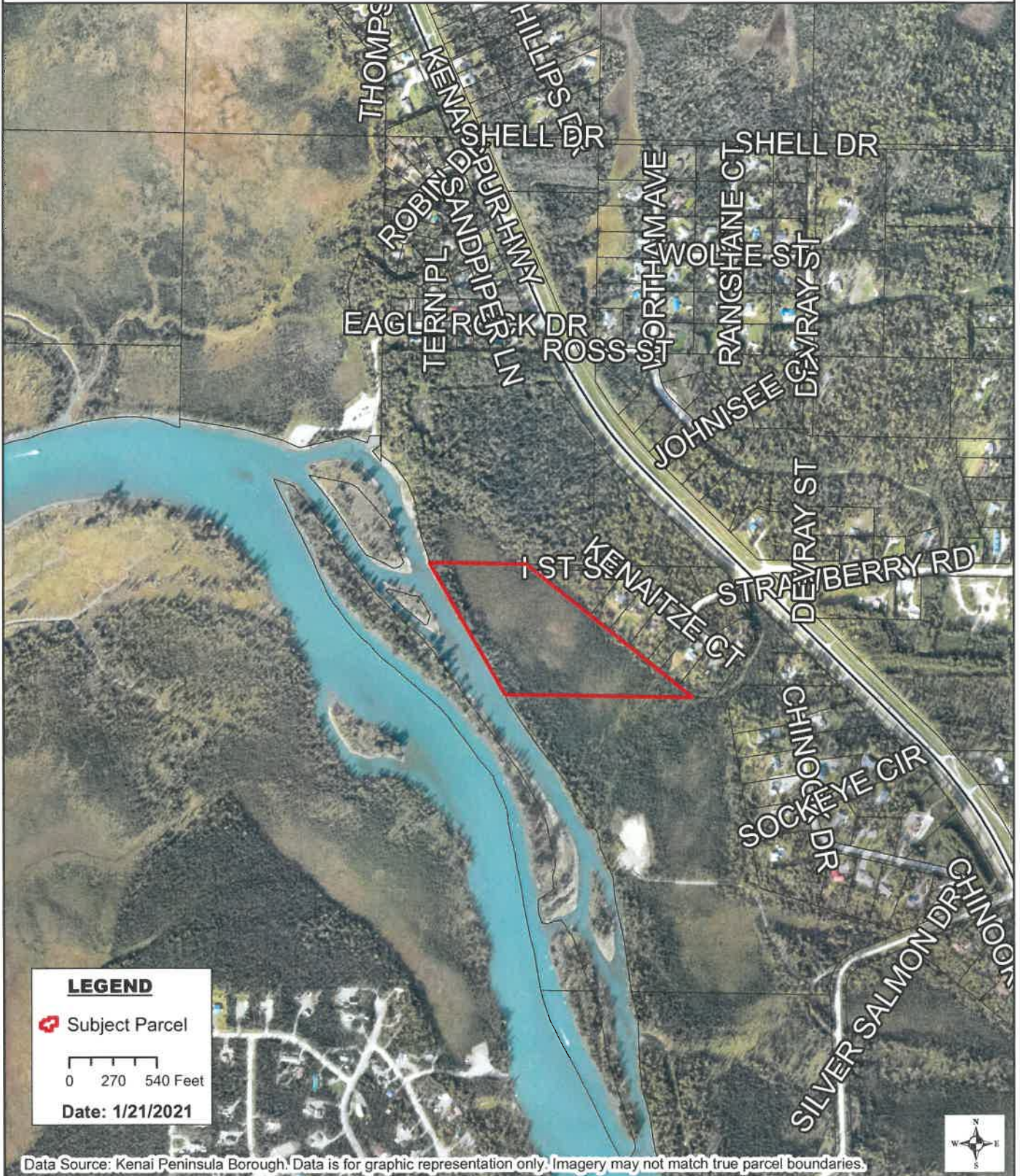
KPB File No. 2021-xxx

Project No. 202019

SCALE 1" = 100' DATE: JULY 2020 BOOK No.: 20-01 DRAWN BY: JAH



ILLIAMNA VIEW SUBDIVISION
Parcel No. 04931010
4500 I Steet SE
Unsubdivided remainder of
Lot 1, Block 2, Iliamna View Subdivision

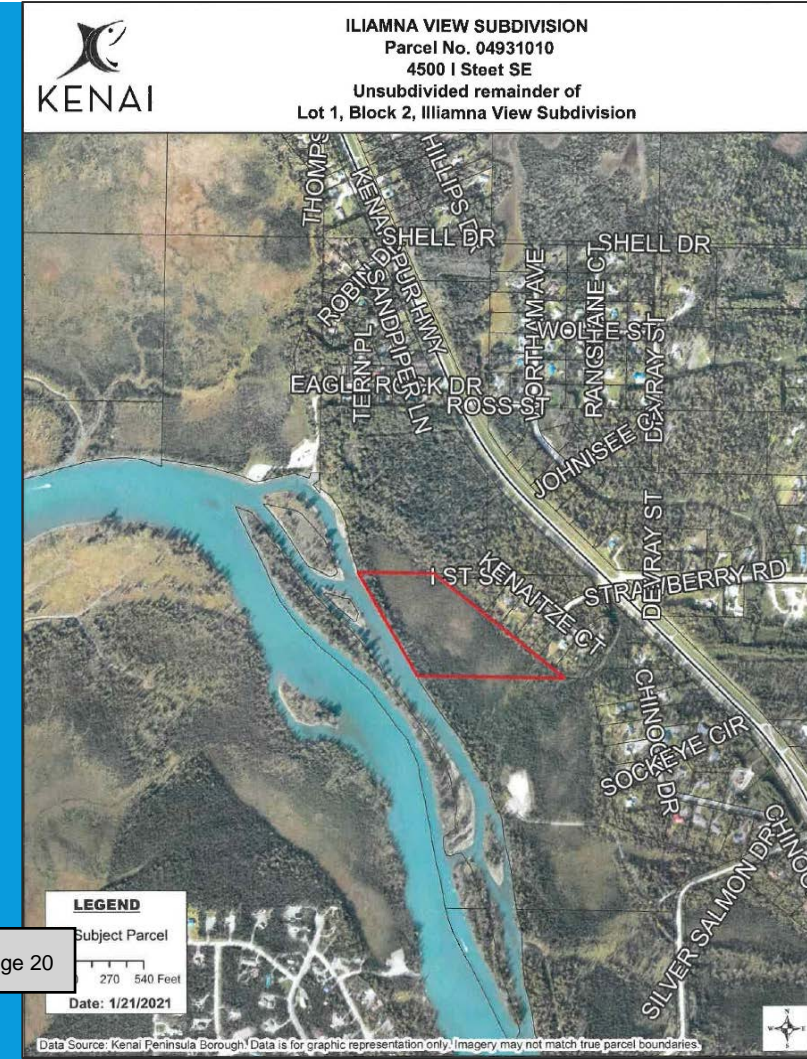


PLANNING & ZONING COMMISSION

PZ2021-03 - Preliminary Plat -
Illiamna View Subdivision 2020 Replat

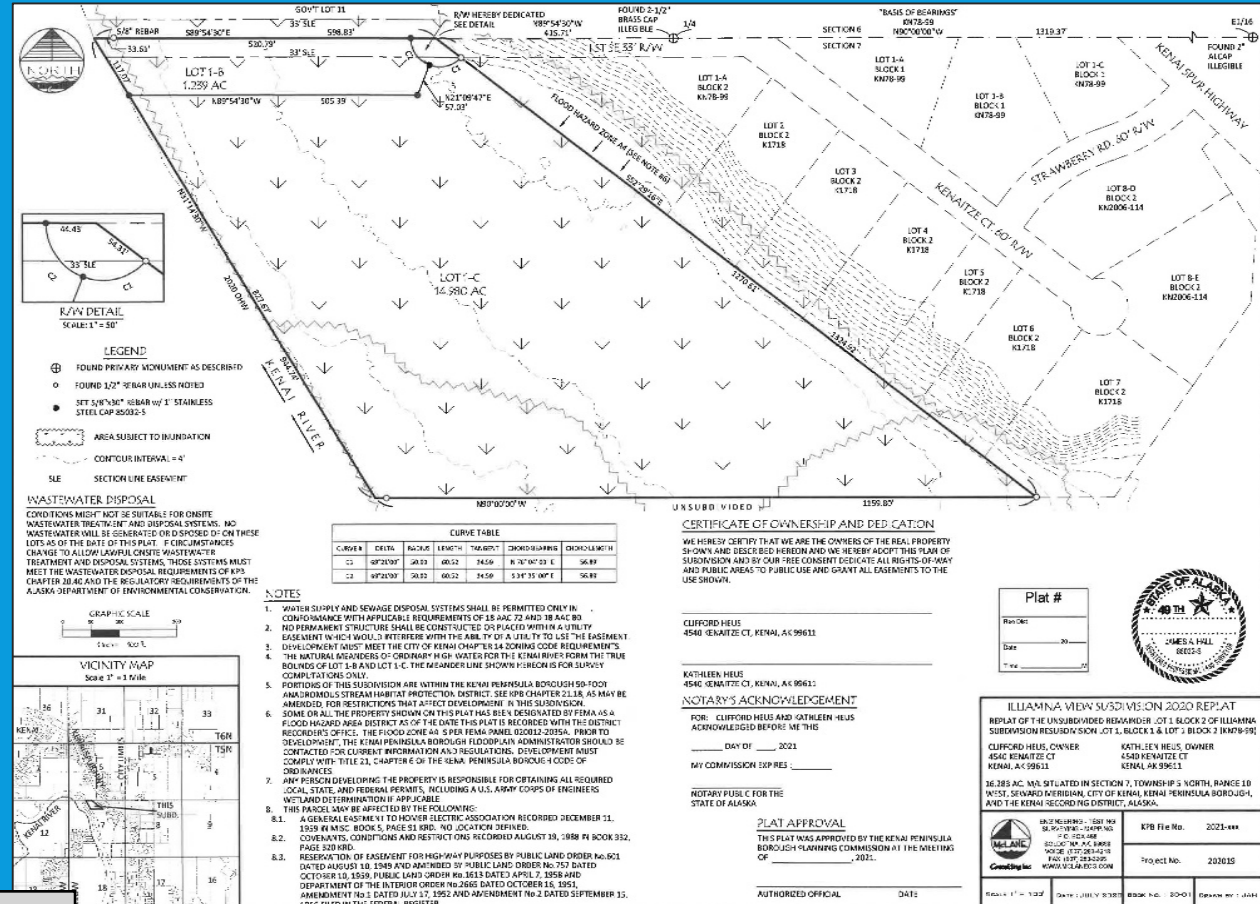
SUMMARY

- McLane Consulting, Inc. submitted a preliminary plat on behalf of the property owners, Clifford and Kathleen Heus.



PRELIMINARY PLAT

- The plat affects the parcel described as unsubdivided remainder of Lot 1, Block 2, of Iliamna View Subdivision, resubdivision of Lots 1, Block 1, and Lot 1, Block 2, Iliamna View Subdivision, Plat No. 78-99.
- The property owner wishes to subdivide a lot approximately 16.2 acres into two lots. The proposed Lot 1-B, Block 2 will be approximately 1.2 acres. The proposed Lot 1-C, Block 2, is approximately 14.9 acres.
- The purpose of the plat is to provide private access to the Kenai River via the proposed Lot 1-B, Block 2. It should be noted that there is a section line easement along the north boundary of the proposed lot. Access is not limited to private use only.



STAFF ANALYSIS

- Access is provided via Kenaitze Court and I Street SE. Kenaitze Court is a gravel City maintained road. The right-of-way for I Street SE provides legal access to the proposed lots; however, the street has not been developed. Because it is unlikely that these parcels will be further developed, the City of Kenai will not require that I Street SE be further developed at this time. An installation agreement is not required.
- A note on the plat provides that conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat.
- The probability of this property being developed is highly unlikely. The property is mostly wetlands and also within the flood hazard area by FEMA.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.

RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Illiamna View Subdivision 2020 Replat, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
 3. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.

ATTACHMENTS

- 1. Resolution No. PZ2021-03
- 2. Application
- 3. Preliminary Plat
- 4. Aerial Map

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-03**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING THAT ILLIAMNA VIEW SUBDIVISION 2020 REPLAT ATTACHED HERETO BE APPROVED**

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

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential Zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, Kenaitze Court and I Street SE provide access to the proposed Lots 1-B and 1-C, Block Two (2) Illiamna View Subdivision 2020 Replat; and,

WHEREAS, Kenaitze Court is a gravel City maintained road. The right-of-way for I Street SE provides legal access to the proposed lots; however, this street has not been developed. Because it is unlikely that these parcels will be further developed, the City of Kenai will not require that I Street SE be further developed at this time. An installation agreement is not required; and

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

WHEREAS, A note on the plat provides that conditions might not be suitable for onsite wastewater treatment and disposal systems. No wastewater will be generated or disposed of on these lots as of the date of this plat. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation; and

WHEREAS, the Planning and Zoning Commission finds:

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

Resolution No. PZ2021-03
Page 2 of 2

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

Section 1. That the preliminary plat of Illiamna View Subdivision 2020 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and regulations. Development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
3. If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.


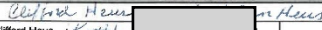
PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

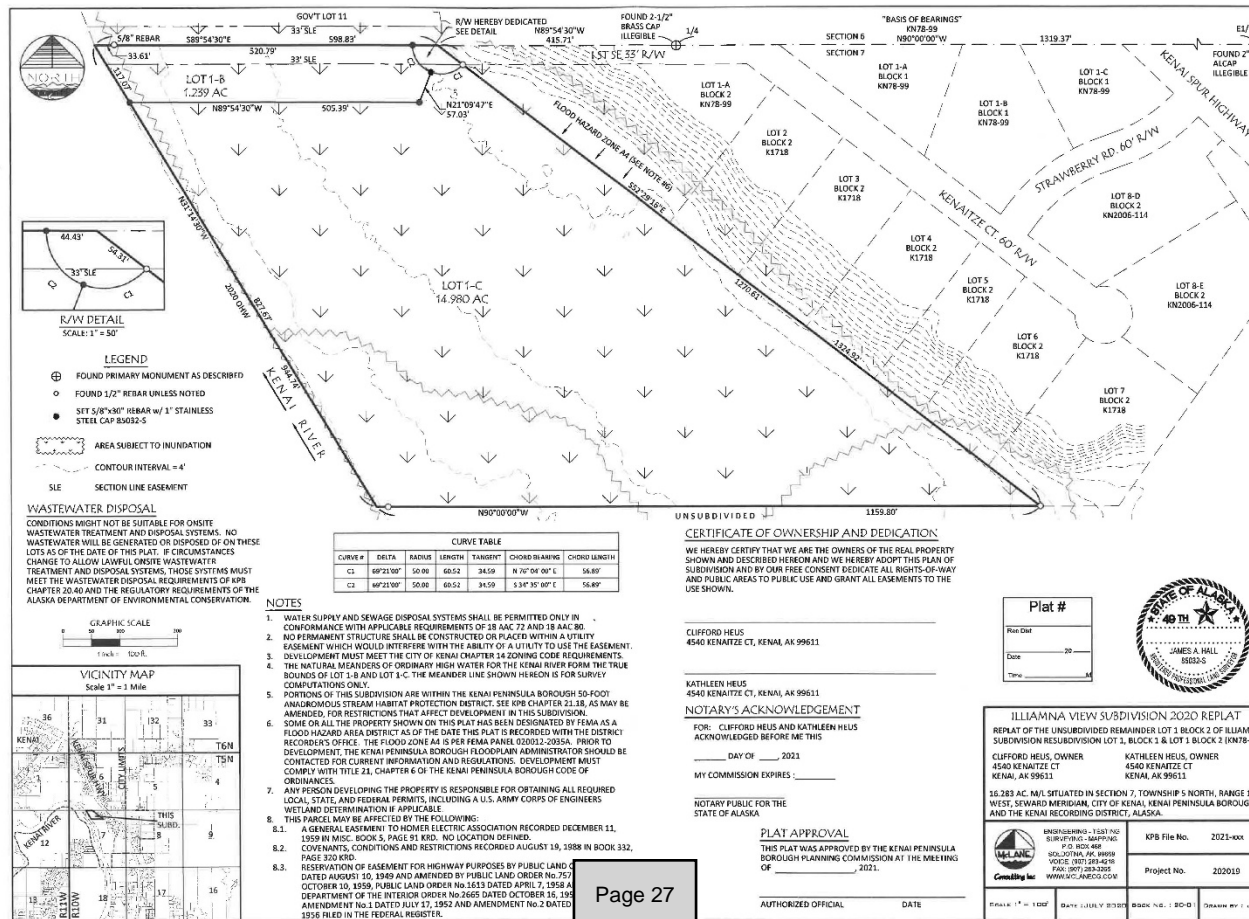
ATTEST:

JAMIE HEINZ, CITY CLERK

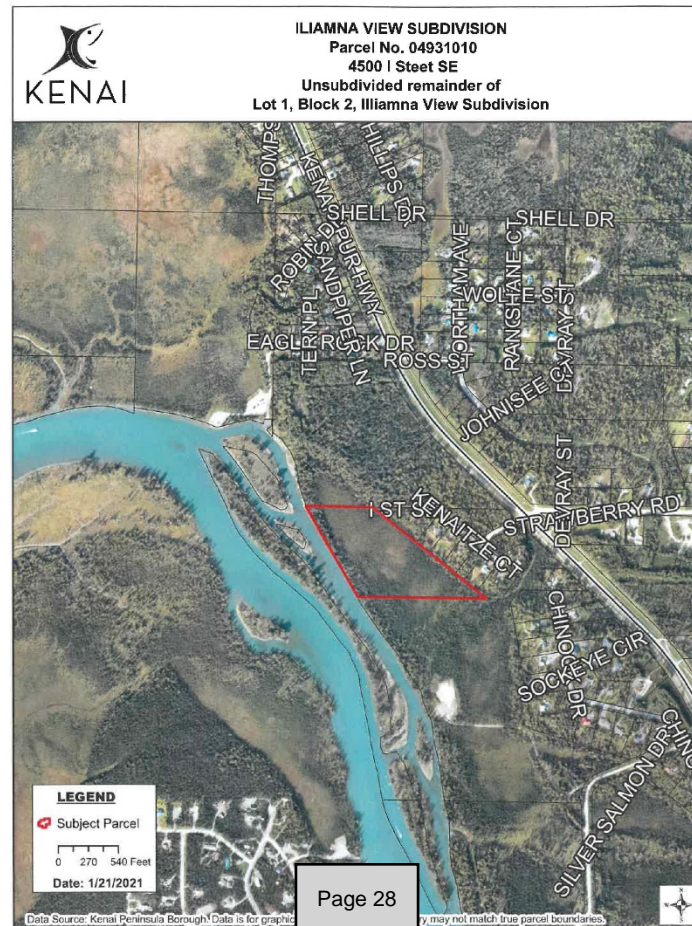
2. APPLICATION

		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:	Clifford Heus					
Mailing Address:	4540 Kenaitze Ct	City:	Kenai	State:	AK Zip Code: 99611	
Phone Number(s):						
Email:						
PROPERTY INFORMATION						
Kenai Peninsula Borough Parcel #:	04931010					
Current City Zoning:	Rural Residential					
Use:	<input type="checkbox"/> Residential <input checked="" type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community					
PLAT INFORMATION						
Preliminary Plat Name:	Illianna View Subdivision 2020 Replat					
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:						
KPB 20.40.080 This subdivision will not have any wastewater generated or disposed Exception to KPB 20.30.190(A) Lot Dimensions - 3:1 depth/width ratio						
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:	12/29/20
Print Name:	Clifford Heus	Kathleen Heus				

3. PRELIMINARY PLAT



4. AERIAL MAP



File Attachments for Item:

Resolution PZ2021-01 – Application for a Conditional Use Permit for eight single family additional dwellings, on Government Lot 107, Section 31, Township 6 North, Range 11 West , and located at 1614 Second Avenue. The application was submitted by Byler Contracting, P.O. Box 877750., Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-01**

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

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1614 Second Avenue

LEGAL DESCRIPTION: GL 107, Sec.31, T6N, R11W

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04311006

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 5, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on January 27, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight additional proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the additional 8 single family dwelling units in this zone. The proposed construction of the eight units will offer four 2-bedroom and four 3-bedroom units. Access to the four 2-bedroom units is via McKinley Street and the four 3-bedroom units are accessed via 2nd Avenue. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

With the addition of the eight single family units, the total square footage of buildings located on the property will be approximately 14,052 square feet; 12,752 square feet for the eight new units, plus the approximately 1,300 square feet of the existing single family dwelling. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement.

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

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

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

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, west, and east, and commercial businesses and a church to the south, which front on the Kenai Spur Hwy. The applicant states that the proposed development will offer value in the current market and will not negatively impact the surrounding properties. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential

classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 64,800 square feet required for nine single family dwelling units in the Suburban Residential district.

Water and sewer services are available along 2nd Avenue and McKinley Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both 2nd Avenue and McKinley Street have access to City water, City sewer, natural gas, electricity, and telephone services. 2nd Avenue and McKinley Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 18 parking spaces. The attached application meets this requirement by providing a garage and driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of an additional eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to 4 units will be provided via individual driveways on McKinley Street. The access to the four remaining units will be provided via a driveway from 2nd Avenue.

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

See Conditions of Approval as set forth below. The applicant must obtain a building permit and an approved site plan prior to construction.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of an additional eight residential single-family dwelling units on GL 107, Sec.31, T6N, R11W located at 1614 Second Avenue.

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

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: January 21, 2021
SUBJECT: Resolution PZ2021-01 – Conditional Use Permit – Eight Additional Dwelling Units at 1614 2nd Avenue

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: GL 107, Sec.31, T6N, R11W

Property Address: 1614 2nd Avenue

KPB Parcel No: 04311006

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Single Family Dwelling Unit

Land Use Plan: Suburban Residential

GENERAL INFORMATION

A seven or more family dwelling is listed as a conditional use within the Suburban Residential Zone in Kenai Municipal Code 14.22.010, Land Use Table. The applicant, Byler Contracting, has submitted an application for a conditional use permit to construct 8 single-family dwelling units in addition to the existing single-family dwelling unit at 1614 2nd Avenue. In order to construct these additional units, a conditional use permit, including conditions cited in footnote 3 of the 14.22.010 Land Use Table, must be granted by the City of Kenai Planning and Zoning Commission.

Application, Public Notice, Public Comment

Kenai Municipal Code 14.22.010 – Land Use Table provides that a Seven or More Family Dwelling is a conditional use. Accordingly, on January 5, 2021, an application for a conditional use permit

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

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

ANALYSIS

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

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(d)-Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

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

Applicant Response: Offering separate residential structures to follow with the surrounding area, all parking will be on lot, which should control traffic.

Staff Response: The eight additional proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the additional 8 single family dwelling units in this zone. The proposed construction of the eight units will offer four 2-bedroom and four 3-bedroom units. Access to the four 2-bedroom units is via McKinley Street and the four 3-bedroom units are accessed via 2nd Avenue. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

With the addition of the eight single family units, the total square footage of buildings located on the property will be approximately 14,052 square feet; 12,752 square feet for the eight new units, plus the approximately 1,300 square feet of the existing single family dwelling. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement.

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



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

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

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

Applicant Response: You will have 8 new homes that should bring the values up on the surrounding property.

Staff Response: The surrounding neighborhood consists of primarily single-family dwellings to the north, west, and east, and commercial businesses and a church to the south, which front on the Kenai Spur Hwy. The applicant states that the proposed development will offer value in the current market and will not negatively impact the surrounding properties. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values.

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

Applicant Response: It would put in that neighborhood a brand new look with all up to date finishes. It would increase of said property from \$166,000 to Apx \$1.5 million.

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

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot



size of 64,800 square feet required for nine single family dwelling units in the Suburban Residential district.

Water and sewer services are available along 2nd Avenue and McKinley Street, which are both paved, City maintained roads.

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

Applicant Response: There is water + sewer on 2 sides of the property.

Staff Response: The properties located along both 2nd Avenue and McKinley Street have access to City water, City sewer, natural gas, electricity, and telephone services. 2nd Avenue and McKinley Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 18 parking spaces. The attached application meets this requirement by providing a garage and driveway for parking at least two vehicles per each dwelling unit.

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

Applicant Response: We will be adding 2 drive ways McKinley and 1 new drive way on 2nd Ave, all tenant parking will be on the lot.

Staff Response: The use of an additional eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to 4 units will be provided via individual driveways on McKinley Street. The access to the four remaining units will be provided via a driveway from 2nd Avenue.

Criteria #6: Specific conditions deemed necessary.

Applicant Response: All traffic will be headed to the spur hwy so no tenant traffic should bother the neighbors. All parking for the tenants will be on the property.

Staff Response: See Conditions of Approval as set forth below. The applicant must obtain a building permit and an approved site plan prior to construction.

RECOMMENDATIONS

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

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



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

ATTACHMENTS

- A. Resolution No. PZ2021-01
- B. Application
- C. Site Plan
- D. Map
- E. Elevation/Floor Plan Drawings





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-01**

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

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1614 Second Avenue

LEGAL DESCRIPTION: GL 107, Sec.31, T6N, R11W

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04311006

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 5, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on January 27, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight additional proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the additional 8 single family dwelling units in this zone. The proposed construction of the eight units will offer four 2-bedroom and four 3-bedroom units. Access to the four 2-bedroom units is via McKinley Street and the four 3-bedroom units are accessed via 2nd Avenue. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

With the addition of the eight single family units, the total square footage of buildings located on the property will be approximately 14,052 square feet; 12,752 square feet for the eight new units, plus the approximately 1,300 square feet of the existing single family dwelling. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement.

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

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

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

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, west, and east, and commercial businesses and a church to the south, which front on the Kenai Spur Hwy. The applicant states that the proposed development will offer value in the current market and will not negatively impact the surrounding properties. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential

classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 64,800 square feet required for nine single family dwelling units in the Suburban Residential district.

Water and sewer services are available along 2nd Avenue and McKinley Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both 2nd Avenue and McKinley Street have access to City water, City sewer, natural gas, electricity, and telephone services. 2nd Avenue and McKinley Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 18 parking spaces. The attached application meets this requirement by providing a garage and driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of an additional eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to 4 units will be provided via individual driveways on McKinley Street. The access to the four remaining units will be provided via a driveway from 2nd Avenue.

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

See Conditions of Approval as set forth below. The applicant must obtain a building permit and an approved site plan prior to construction.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of an additional eight residential single-family dwelling units on GL 107, Sec.31, T6N, R11W located at 1614 Second Avenue.

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

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



Conditional Use Permit Application

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

PROPERTY OWNER

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

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04311006
Physical Address:	1614 SECOND AVE KENAI
Legal Description:	GOVT. LOT 107
Zoning:	RESIDENTIAL
Acres:	2.5

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?	1-HOUSE A RENTAL
--	------------------

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

8- NEW HOMES ON GOVT LOT 107, ALL THE NEW HOMES WILL HAVE GARAGE AND ALL PARKING WILL BE ON THE LOT.

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

OFFERING SEPERATE RESIDENTIAL STRUCTURES TO FOLLOW WITH THE SURROUNDING AREA, ALL PARKING WILL BE ON LOT, WHICH SHOULD CONTROL TRAFFIC

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

YOU WILL HAVE 8 NEW HOMES THAT SHOULD BRING THE VALUES UP ON THE SURROUNDING PROPERTY

RECEIVED
 CITY OF KENAI
 DATE 1-5-21
 PLANNING DEPARTMENT

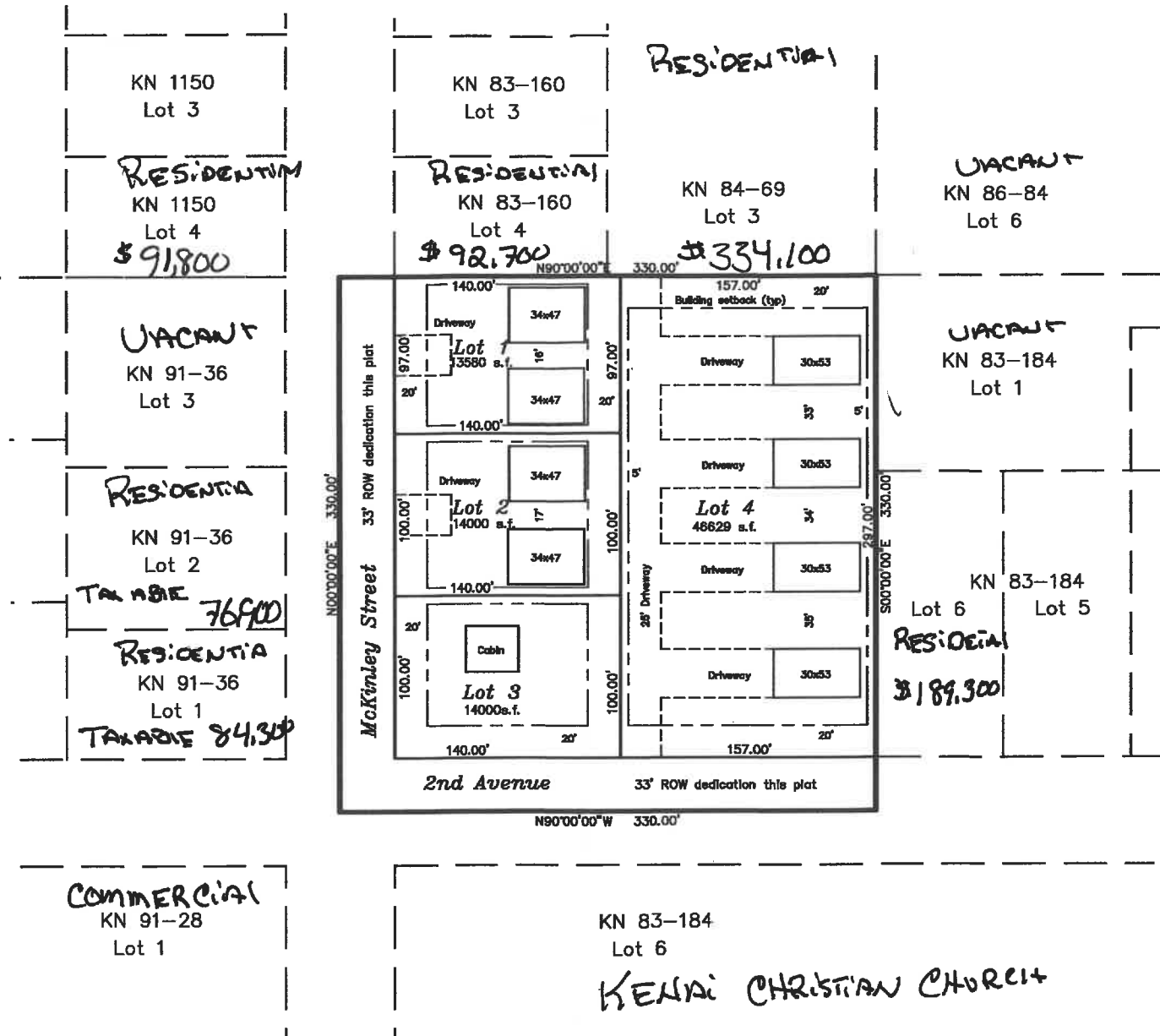
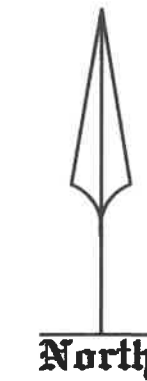
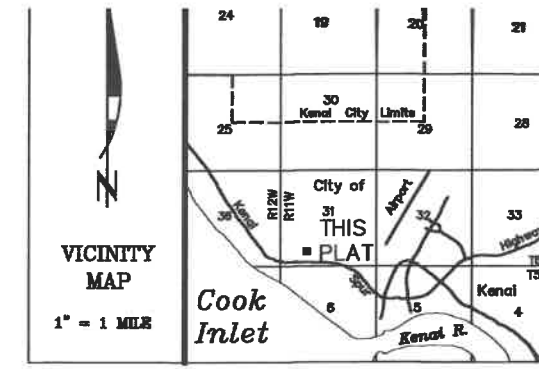
Use of surrounding property - north:	RESIDENTIAL	
Use of surrounding property - south:	COMMERCIAL	
Use of surrounding property - east:	RESIDENTIAL	
Use of surrounding property - west:	RESIDENTIAL	
Explain how the conditional use is in harmony with the City's Comprehensive Plan: - IT WOULD PUT IN THAT NEIGHBORHOOD A BRAND NEW LOOK WITH ALL UP TO DATE FINISHES, IT WOULD INCREASE THE VALUE OF SAID PROPERTY FROM \$166,000 TO APX \$1.5 million		
Are public services and facilities on the property adequate to serve the proposed conditional use? THERE IS WATER & SEWER ON 2 SIDES OF THE PROPERTY		
Explain how the conditional use will not be harmful to public safety, health, or welfare: WE WILL BE ADDING 2 DRIVEWAYS MCKINIE AND 1 NEW DRIVEWAY ON SECOND AVE, ALL TENET PARKING WILL BE ON THE LOT		
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? ALL TRAFFIC WILL BE HEADED TO THE SPUR HWY SO NO TENET TRAFFIC SHOULD BOTHER THE NEIGHBORS ALL PARKING FOR THE TENETS WILL BE ON THE PROPERTY		
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: 1-5-2021
Print Name:	ROB CORESON	Title/Business: SALES REP FOR BYIE TC
For City Use Only		Date Application Fee Received: 1/5/2021 CONTRACT NO
		PZ Resolution Number: PZ 2021-01

LEGEND:

- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- ⊕ 3 1/4" BRASS CAP MON. FOUND
- ⊕ 2 1/2" BRASS. CAP MON. FOUND
- ⊗ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊗ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊙ 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- ⊕ 2 1/2" ALUM. CAP MONUMENT LS8859 SET
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2011-41 KR

NOTES:

- 1) Base of bearing taken from Basin View Subdivision Part Three, Plat 83-173, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 6) Front 15 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 10) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



CERTIFICATE of OWNERSHIP and DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

FOR _____
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KPB FILE No.

Proposed subdivision of Government Lot 107	
Located within the SW1/4 NW1/4 SE1/4 SW1/4 Section 31, T5N, R11W, S.M. City of Kenai, Kenai Peninsula Borough, Alaska.	
Containing 2.500 Ac.	
Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 282-3809	Owner
JOB NO.	DRAWN:
SURVEYED:	SCALE: 1"=

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: SECOND AVENUE AND MCKINLEY STREET DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

PAUL OSTRANDER, CITY MANAGER
 CITY OF KENAI
 DATE _____



YOR'S CERTIFICATE

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



GL 107, Sec.31, T6N, R11W
1614 2nd Avenue
Parcel 04311006



Data Source: Kenai Peninsula Borough. Data is for graphic representation. Imagery may not match true parcel boundaries.



Building (4)
2-BED - 2 BATH
433 sqft GARAGE



19 STANDARD SPEC

Issued For Review

Living Area = 1,077 sq. ft.
Garage Area = 433 sq. ft.

Accepted
(Buyer) X
(Contract)

Dennis Byler
Byler Contracting
P.O. Box 877750
Wasilla, AK, 99687

Ph: (907) 357-3073
Fax: (907) 357-3061
Email: dennis@bylercontracting.com

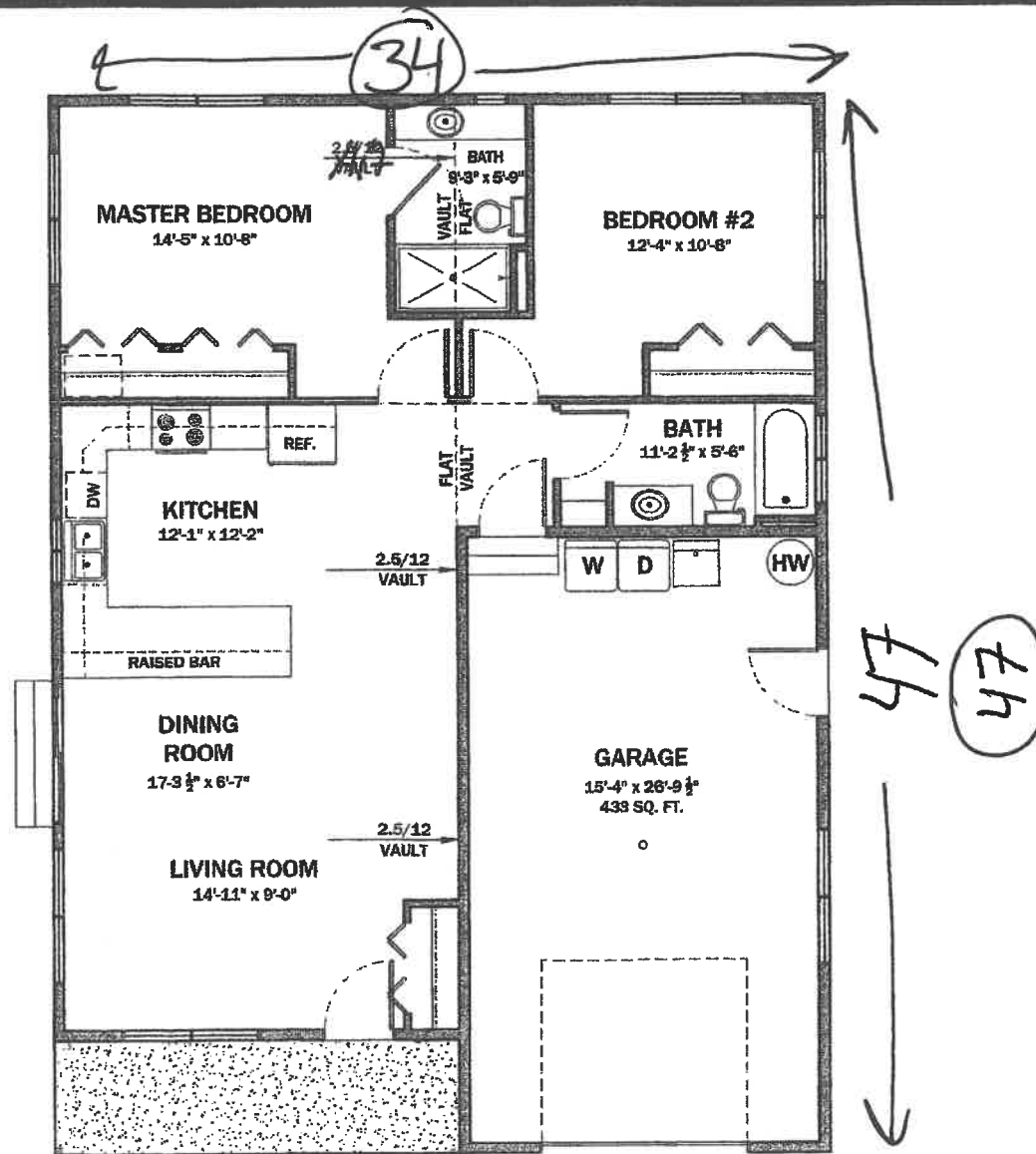


EXHIBIT E



©2008 bylercontracting

NO STAIRS TO FRONT



30

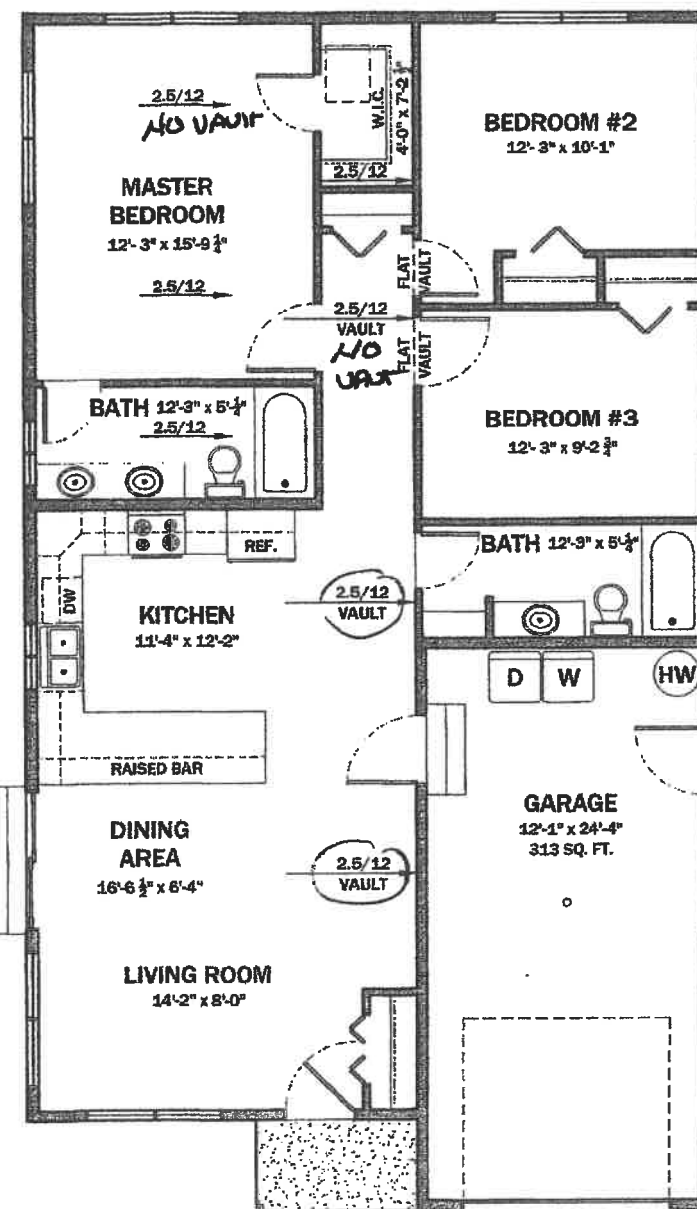
BUILDING
(4) - 3BED-2BATH
W/ 313 SQ FT GARAGES

Buyer Initial:
/

Living Area = 1,209 sq. ft.
Garage Area = 313 sq. ft.

- STANDARD SPEC

53



Accepted As I

(Buyer) X

(Contractor) X

Dennis Byler
Byler Contracting
P.O. Box 877750
Wasilla, AK, 99687

Ph: (907) 357-3073
Fax: (907) 357-3061
Email: dennis@bylercontracting.com

EXHIBIT E

PLANNING & ZONING COMMISSION

Resolution PZ2021-01 – Conditional Use Permit – Eight Additional Dwelling Units

1614 2nd Avenue

SUMMARY

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: GL 107, Sec.31, T6N, R11W

Property Address: 1614 2nd Avenue

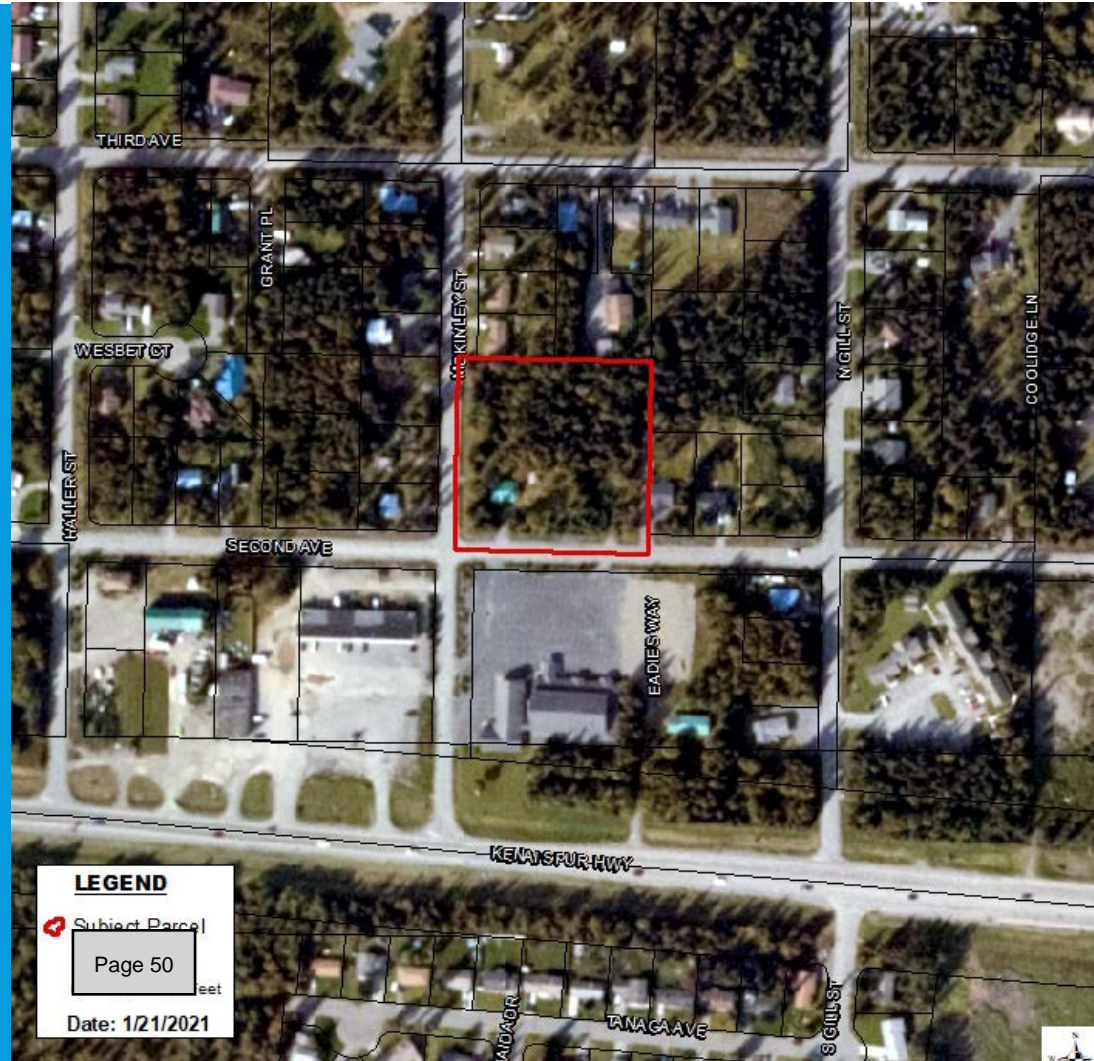
KPB Parcel No: 04311006

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential

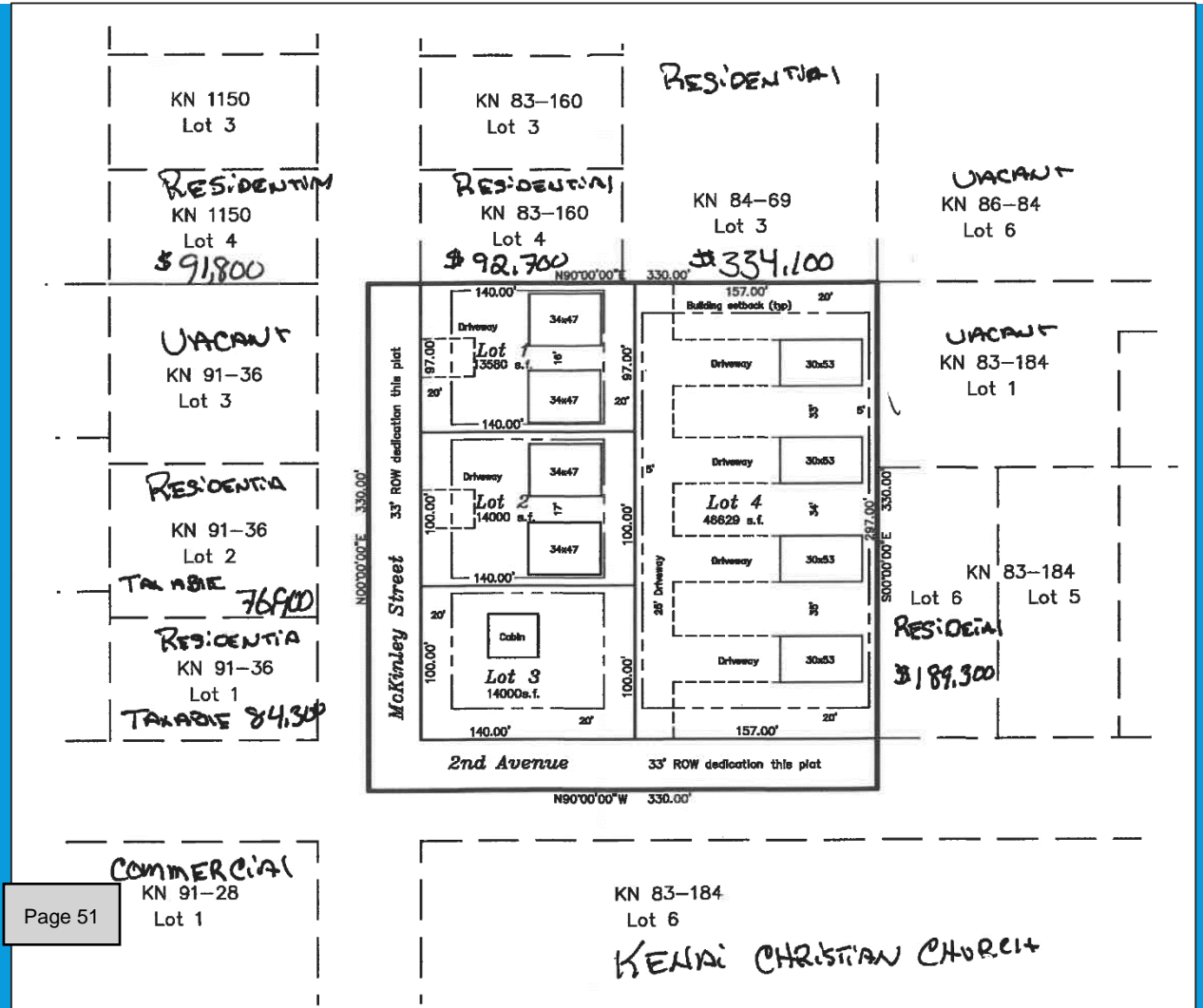
Current Land Use: Single Family Dwelling Unit

Land Use Plan: Suburban Residential




DRAFT SITE PLAN

- Proposal for an additional 8 single family dwelling units:
 - 4 2-bedroom units
 - 4 3-bedroom units
- Existing single family dwelling unit.
- Neighboring properties include single family residential, commercial, and institutional.



2-BEDROOM DRAWINGS



Building (4)
2-BED - 2 BATH
433 sqft GARAGE

Issued For Review


Living Area = 1,077 sq. ft.
Garage Area = 433 sq. ft.

Accepted
(Buyer) X

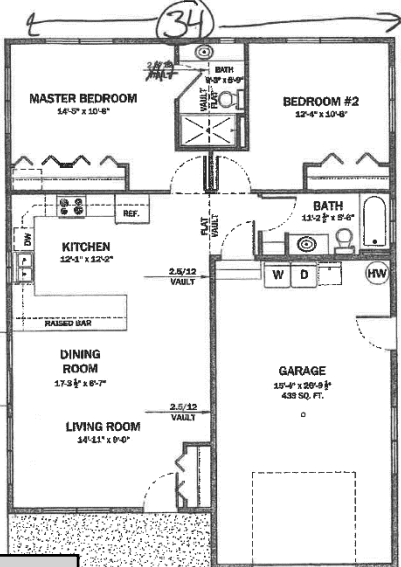
(Contractor) X

Dennis Byler
Byler Contracting
P.O. Box 877750
Wasilla, AK, 99687

Ph: (907) 357-3073
Fax: (907) 357-3061
Email: dennis@bylercontracting.com




19 STANDARD SPEC




34

47 (47)



3-BEDROOM DRAWINGS



©2008 bylercontracting

BUILDING
(4) - 3BED-2BATH
w/ 313 sqft GARAGES


Buyer Initial: _____

Living Area = 1,209 sq. ft.
Garage Area = 313 sq. ft.

Accepted As Is
(Buyer) X
(Contractor) X

Dennis Byler
Byler Contracting
P.O. Box 877750
Wasilla, AK, 99687

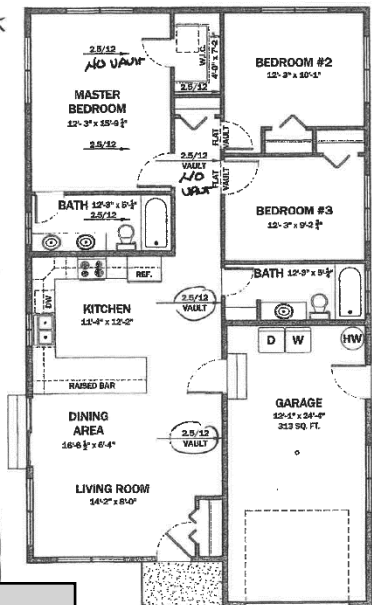
Ph: (907) 357-3073
Fax: (907) 357-3061
Email: dennis@bylercontracting.com




NO STORAGE FREIGHT

30

STANDARD SPEC



53



STAFF ANALYSIS

- Kenai Municipal Code 14.20.150(d) – Review Criteria for Conditional Use Permits
- Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. KMC 14.20.150(d)- Conditional Use Permits Review Criteria states six conditions that the Planning and Zoning Commission must deem to exist when establishing findings prior to issuing a conditional use permit:

REVIEW CRITERIA

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

RECOMMENDATIONS

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

RECOMMENDATIONS CONTINUED

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

ATTACHMENTS

- A. Resolution
- B. Application
- C. Site Plan
- D. Map
- E. Elevation/Floor Plan Drawings
- F. Requirements Tables

A. RESOLUTION



CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-01

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

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1614 Second Avenue

LEGAL DESCRIPTION: GL 107, Sec.31, T6N, R11W

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04311006

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 5, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on January 27, 2021, following requirements outlined in Kenai Municipal Code 14.20.260 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight additional proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the additional 8 single family dwelling units in this zone. The proposed construction of the eight units will offer four 2-bedroom and four 3-bedroom units. Access to the four 2-bedroom units is via McKinley Street and the four 3-bedroom units are accessed via 2nd Avenue. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

Resolution No. PZ2021-01
Page 2 of 4

With the addition of the eight single family units, the total square footage of buildings located on the property will be approximately 14,052 square feet; 12,752 square feet for the eight new units, plus the approximately 1,300 square feet of the existing single family dwelling. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement.

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

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

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, west, and east, and commercial businesses and a church to the south, which front on the Kenai Spur Hwy. The applicant states that the proposed development will offer value in the current market and will not negatively impact the surrounding properties. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential

A. RESOLUTION CONTINUED

Resolution No. PZ2021-01
Page 3 of 4

classification provides for areas that will typically be developed at a higher density than the Low Density Residential classification.

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 64,800 square feet required for nine single family dwelling units in the Suburban Residential district.

Water and sewer services are available along 2nd Avenue and McKinley Street, which are both paved, City maintained roads.

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

Criteria Met: The properties located along both 2nd Avenue and McKinley Street have access to City water, City sewer, natural gas, electricity, and telephone services. 2nd Avenue and McKinley Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 18 parking spaces. The attached application meets this requirement by providing a garage and driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of an additional eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to 4 units will be provided via individual driveways on McKinley Street. The access to the four remaining units will be provided via a driveway from 2nd Avenue.

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

See Conditions of Approval as set forth below. The applicant must obtain a building permit and an approved site plan prior to construction.

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

Section 1. That a conditional use permit is granted to Byler Contracting for the use of an additional eight residential single-family dwelling units on GL 107, Sec.31, T6N, R11W located at 1614 Second Avenue.

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

Resolution No. PZ2021-01
Page 4 of 4

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


PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of January, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK

B. APPLICATION

		Conditional Use Permit Application		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-9200 planning@kenai.city www.kenai.city/planning	
PROPERTY OWNER					
Name:	TK LLC				
Mailing Address:	P.O. Box 10658				
City:	BAKERS FIELD	State:	CA	Zip Code:	93389
Phone Number(s):	KEN DUNBAR 1-907-947-3000				
Email:	KDUNBAR@KENDUNBARANDSONS.COM				
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)					
Name:	BYIER CONTRACTING - ROB CORESO				
Mailing Address:	P.O. Box 87750				
City:	WASILLA	State:	AK	Zip Code:	99687
Phone Number(s):	ROB - 907-398-7845				
Email:	ROB@BYIERCONTRACTING.COM				
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel # (Property Tax ID):	04311006				
Physical Address:	1614 SECOND AVE KENAI				
Legal Description:	GOVT. LOT 107				
Zoning:	RESIDENTIAL				
Acres:	2.5				
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?	1- House A Rental				
Conditional Use Requested for (attach additional sheets if necessary):	8- NEW HOMES ON GOVT LOT 107, ALL THE NEW HOMES WILL HAVE GARAGE AND ALL PARKING WILL BE ON THE LOT.				
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:					
OFFERING SEPERATE RESIDENTIAL STRUCTURES TO FOLLOW WITH THE SURROUNDING AREA, ALL PARKING WILL BE ON LOT, WHICH SHOULD CONTROL TRAFFIC					
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:					
YOU WILL HAVE 8 NEW HOMES THAT SHOULD BRING THE VALUES UP ON THE SURROUNDING PROPERTY					

RECEIVED
 CITY OF KENAI
 DATE 1-5-21
 PLANNING DEPARTMENT

Use of surrounding property - north:	RESIDENTIAL
Use of surrounding property - south:	COMMERCIAL
Use of surrounding property - east:	RESIDENTIAL
Use of surrounding property - west:	RESIDENTIAL
VAN SHAWN ON Plot Plan	
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
- IT WOULD PUT IN THAT NEIGHBORHOOD A BRAND NEW LOOK WITH ALL UP TO DATE FINISHES, IT WOULD INCREASE THE VALUE OF SAID PROPERTY FROM \$166,000 TO AFX \$1.5 million	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
THERE IS WATER & SEWER ON 2 SIDES OF THE PROPERTY	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
WE WILL BE ADDING 2 DRIVE WAYS MCKINIE AND 1 NEW DRIVE WAY ON SECOND AVE, ALL TENET PARKING WILL BE ON THE LOT	
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?	
ALL TRAFFIC WILL BE HEADED TO THE SPUR HWY SO NO TENET TRAFFIC SHOULD BOTHER THE NEIGHBORS ALL PARKING FOR THE TENETS WILL BE ON THE PROPERTY	
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: 1-5-2021
Print Name: ROB CORESO	Title/Business: SALES REP FOR BYIER CONTRACTING
For City Use Only Date Application Fee Received: 1/5/2021 PZ Resolution Number: PZ 2.021-01	

C. SITE PLAN

LEGEND:

- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- ⊗ 3 1/4" BRASS CAP MON. FOUND
- ⊗ 2 1/2" BRASS CAP MON. FOUND
- ⊗ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊗ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊗ 5/8" REBAR #/ALUM. CAP FOUND
- ⊗ 5/8" REBAR #/PLASTIC CAP FOUND
- ⊗ 2 1/2" ALUM. CAP MONUMENT US8809 SET
- ⊗ 5/8" REBAR #/PLASTIC CAP US8809 SET
- () RECORD DATUM PLAT 2011-41 WRD

NOTES:

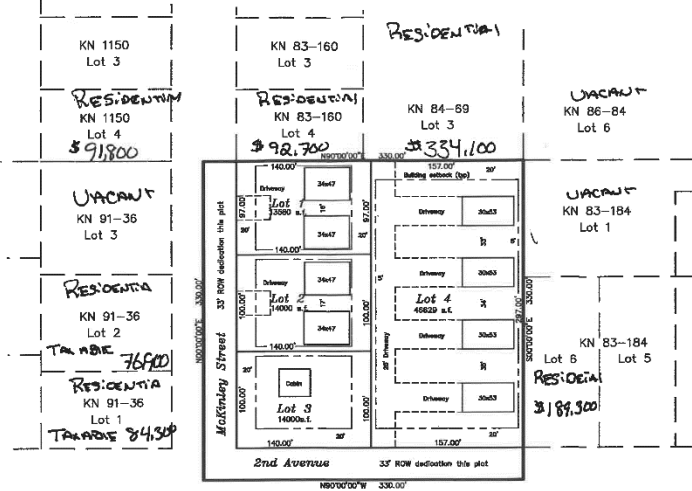
- 1) Book of bearing taken from Bush View Subdivision Part Three, Plat 83-173, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 4) Front 15 feet adjacent to rights-of-way to also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of utility to use the easement.
- 10) WASTEWATER DISPOSAL: Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



SURVEY
I hereby certify the accuracy of the plat and the correctness of the measurements as shown thereon.

NOTARY'S CERTIFICATE

By that I am properly registered and licensed and surveying in the State of Alaska, this plat was made by me or under my direct supervision, to show same actually exist on described, and I and others declare are correct.

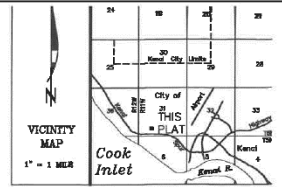
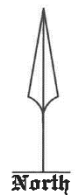


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CERTIFICATE OF ACCEPTANCE

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 EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS: BECOME AVAILBLE AND MONUMENT SURVEY DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

FILE: 2010/0000000 CITY OF KENAI DATE:



CERTIFICATE OF OWNERSHIP and DEDICATION

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

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KPB FILE NO.

Proposed subdivision of
Government Lot 107

Located within the SW1/4 NW1/4 SE1/4 SW1/4 Section 31, T24N, R11W, S4M, City of Kenai, Kenai Peninsula Borough, Alaska.


Containing 2.500 Ac.

Surveyor: Sagobber Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 282-3900	Owner:
JOB NO.:	DRAWN:
SURVEYED:	SCALE: 1"=

D. AERIAL MAP



E. 2-BEDROOM DRAWINGS



Building (4)
2-BED - 2 BATH
433 sqft GARAGE

Issued For Review


Living Area = 1,077 sq. ft.
Garage Area = 433 sq. ft.

Accepted
(Buyer) X

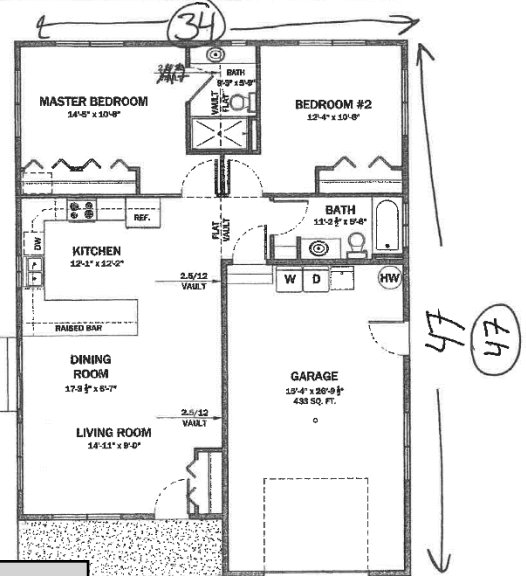
(Contractor) _____

Dennis Byler
Byler Contracting
P.O. Box 877750
Wassila, AK, 99687


Ph: (907) 357-3073
Fax: (907) 357-3061
Email: dennis@bylercontracting.com



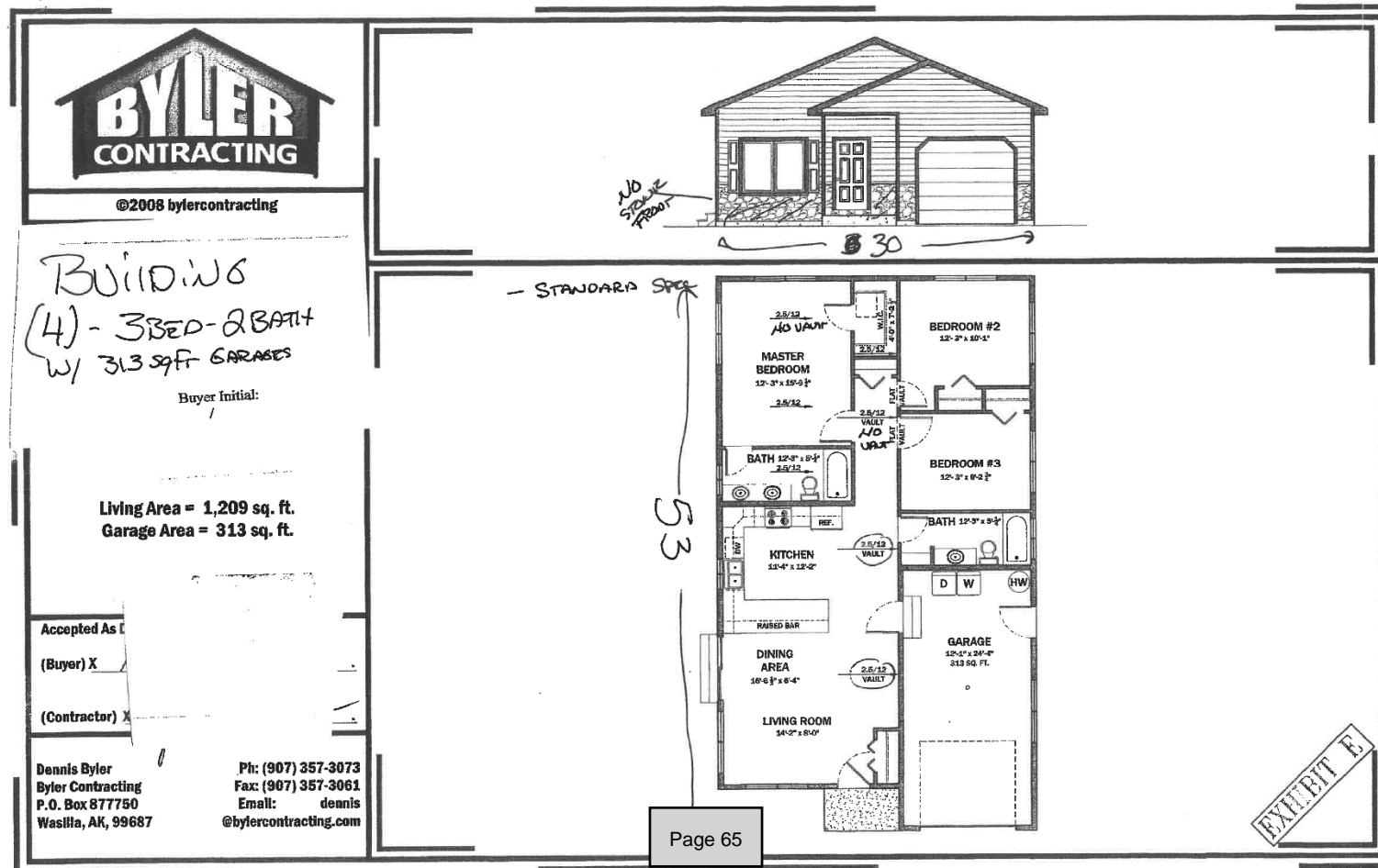
19 STANDARD SPEC



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E. 3-BEDROOM DRAWINGS



F. LAND USE TABLE

14.22.010 Land use table.

LAND USE TABLE

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

NOTE: Reference footnotes on following pages for additional restrictions

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

F. LAND USE TABLE

Footnotes:

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

F. MINIMUM LOT REQUIREMENTS

14.24.010 Minimum lot area requirements.

Table 14.24.010. DEVELOPMENT REQUIREMENTS TABLE

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

Key: N = Not allowed.

Footnotes:

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

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

F. DEVELOPMENT REQUIREMENTS

14.24.020 General Requirements.

Table 14.24.020. DEVELOPMENT REQUIREMENTS TABLE

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

Footnotes:

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

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

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

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

File Attachments for Item:

City Council



Kenai City Council - Regular Meeting

January 20, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public comment limited to three (3) minutes) per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Dr. Kristin Mitchell** - COVID-19 Vaccine Update and Q & A.
2. **Joy Merriner, BDO USA, LLP** - Presentation of the FY2020 City of Kenai Comprehensive Annual Financial Report, Federal and State Single Audit Reports, and Audit Wrap Up.

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED AS AMENDED. Ordinance No. 3177-2021** - Authorizing a Shop Local Economic Stimulus Program to Benefit Kenai Small Businesses And Award of a Professional Services Agreement to the Kenai Chamber of Commerce and Visitor Center for Administration of the Program.
 - **Substitute Ordinance No. 3177-2021** - Authorizing a Shop Local Economic Stimulus Program to Benefit Kenai Small Businesses And Residents And Award of a Professional Services Agreement to the Kenai Chamber of Commerce and Visitor Center for Administration of the Program.
2. **ENACTED UNANIMOUSLY. Ordinance No. 3178-2021** - Accepting and Appropriating a COVID Cares Act for Older Adults and Their Caregivers 2021 Grant Passed Through the State of Alaska for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency.

3. **ADOPTED UNANIMOUSLY. Resolution No. 2021-01** - Approving Amendments to the Kenai Community Library Policies to Adopt Rules Regarding the Lending of Various Electronic Devices and to Make Housekeeping Changes.
4. **ADOPTED UNANIMOUSLY. Resolution No. 2021-02** - Further Extending the Disaster Emergency Declaration for the City of Kenai Made on March 18, 2020 in Response to the COVID-19 Health Emergency.
5. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2021-03** - Supporting an Amendment Under Consideration by the Kenai Peninsula Borough Anadromous Waters Habitat Protection Work Group to Allow Limited Commercial Activities Within the Habitat Protection District in the City of Kenai.
6. **ADOPTED UNANIMOUSLY. Resolution No. 2021-04** - Accepting a Quitclaim Deed from the Kenai Peninsula Borough for the Land Described as T.6N., R.11W. Sec. 31, Lots 40, 41, and 42 Containing 3.75 Acres, More Commonly Known as the 4th Avenue Park, for the Public Purposes of Maintaining a Public Park.

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of January 6, 2021.

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified.
2. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Purchase Orders Over \$15,000.
3. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Non-Objection to the Liquor License Renewals for The Bow Bar and The Cannery Lodge.
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 2/3/2021.** *Ordinance No. 3179-2021 - Amending Positions in the Classified Service in the Public Works and Senior Center Departments as Established by the Annual Budget.
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 2/3/2021.** *Ordinance No. 3180-2021 - Amending Kenai Municipal Code 3.05.070-Citation Procedure, and Kenai Municipal Code 13.10.015 – Minor Offense Fine Schedule to Incorporate Various Animal Control Offenses into the Minor Offense Fine Schedule and Make Other Housekeeping Changes.
6. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 2/3/2021.** *Ordinance No. 3181-2021 - Waiving Kenai Municipal Code 21.10.130 - Lease Execution and Approving a Lease Execution Extension to July 27, 2021 to Kenai Aviation Operations, LLC for Lot 9A, Block 5, General Aviation Apron Subdivision No. 5.
7. **APPOINTMENT OF DAVID PECK CONFIRMED.** Action/Approval - Confirmation of Mayoral Nomination for Appointment to Harbor Commission.

8. **APPROVED UNANIMOUSLY AS AMENDED. Action/Approval** - Supporting a Transportation Program for Individuals Receiving COVID-19 Vaccinations at Locations in Kenai.
9. **APPROVED UNANIMOUSLY. Action/Approval** - Supporting an Amendment to the Grant Agreement with the Kenai Peninsula Food Bank of Alaska.
10. **Discussion** - Development of City of Kenai Business Stimulus / Incentive Programs.
11. **Discussion** - Kenai Fine Arts Center Remodel Update.
12. **Discussion** - COVID-19 Response.

H. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks & Recreation Commission
5. Planning & Zoning Commission
6. Beautification Committee
7. Mini-Grant Steering Committee

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.

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/88043579001>

Meeting ID: 880 4357 9001 **Passcode:** 372771

OR

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

Meeting ID: 880 4357 9001 **Passcode:** 372771

File Attachments for Item:

Kenai Peninsula Borough Planning



Planning Commission Tentative Agenda

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

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

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

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

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

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

**January 25, 2021
7:30 p.m.**

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDAS

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

If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.

***1. Time Extension Requests**

***2. Planning Commission Resolutions**

***3. Administrative Approvals**

***4. Plat Amendment Requests**

***5. Commissioner Excused Absences**
Virginia Morgan – East Peninsula

***6. Minutes**
a. January 11, 2020 Plat Committee Meeting Minutes
b. January 11, 2020 Planning Commission Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. Moose Range Ridge Estates Oehler Replat
KPB File: 2020-155; [Segesser Surveys/Oehler Family Trust]
Location: Sandlin Street & Velma Avenue
Sterling Area
2. Right-Of-Way Vacation – Essick Remote NW
Location and request: Vacate Essick Remote NW right of way south of intersection with Gene Smart Remote NW as dedicated on Caribou Island Amended, Plat SW-37. The right-of-way being vacated is 100 feet in width, unconstructed, and located within the North 1/2 of Section 25, Township 4 North, Range 7 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2020-154V; Petitioners: Michael & Peggy Clements
3. Ordinance 2021-__: Amending KPB 21.06, Administration, and KPB 21.06.070, “Development” definition, for floodplain management purposes.
4. Ordinance 2021-19-__: Authorizing the acquisition of real property located at 4135 Hohe Street, Homer, AK on behalf of South Peninsula Hospital, appropriating \$315,000.00 from the South Peninsula Hospital Plant Replacement & Expansion Fund for the purchase, and authorizing an amendment to the SPH, Inc. Operating Agreement.

F. UNFINISHED BUSINESS

G. PLAT COMMITTEE REPORT - *Plat Committee Meeting did not meet on January 25, 2021*

H. OTHER

I. 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)

1. Alaska Department of Transportation Presentation: Sterling Highway MP 45-60 Project

J. DIRECTOR'S COMMENTS

K. COMMISSIONER COMMENTS

L. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, February 8, 2021** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce	TBD	
Cooper Landing	Zoom	TBD	
Funny River	Funny River Community Center	TBD	
Kalifornsky	Zoom	TBD	
Kachemak Bay	Zoom	TBD	

Moose Pass	Moose Pass Community Hall	TBD	
Hope / Sunrise	Zoom	TBD	

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

**CONTACT INFORMATION
KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215
 Phone: toll free within the Borough 1-800-478-4441, extension 2215
 Fax: 907-714-2378
 e-mail address: planning@kpb.us
 website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees.

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

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