



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

**September 13, 2023 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

[www.kenai.city](http://www.kenai.city)

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

**Agenda**

**A. CALL TO ORDER**

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

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

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of August 23, 2023

**C. SCHEDULED PUBLIC COMMENT *Public comment limited to ten (10) minutes per speaker***

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

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-17** – Recommending Approval for Preliminary Plat – City Park Subdivision 2023 Replat for a Parcel Merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) in the Suburban Residential (RS) and Urban Residential (RU) Zoning Districts.

**F. PUBLIC HEARINGS**

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. \***Action/Approval** - Requesting an Excused Absence for the August 23, 2023 Regular Meeting – Fikes.

**I. REPORTS**

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

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

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: September 27, 2023

**L. COMMISSION COMMENTS AND QUESTIONS**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://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/85141377461>

**Meeting ID:** 851 4137 7461 **Passcode:** 524935

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

**Meeting ID:** 851 4137 7461 **Passcode:** 524935

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
AUGUST 23, 2023 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on August 23, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait, Chair  
Gary Greenberg  
John Coston

Joe Halstead, Vice Chair  
Jim Glendening  
Gwen Woodard

A quorum was present.

Absent:

Diane Fikes

Also in attendance were:

Linda Mitchell, Planning Director  
James Baisden, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

Chair Twait noted the following additions to the Packet:

**ACTION**

Add to Item H.1

**ITEM**

**Discussion/Action** - AMCO Adopted Marijuana Regulation Changes

- Recommendation Memo

**MOTION:**

Commissioner Woodard **MOVED** to approve the agenda and consent agenda with the requested additions. Commissioner Coston **SECONDED** the motion.

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

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

**UNANIMOUS CONSENT** was requested.

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

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a

Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of July 26, 2023

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS - None.**

**D. UNSCHEDULED PUBLIC COMMENTS - None.**

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-16** – Recommending Approval for Preliminary Plat – Strawberry Hill Estates 2023 Addition for a Subdivision of a Parcel Located at 801 Devray Street (KPB Parcel No. 04951027) into 13 Lots and Deny the Requested Exceptions to the Subdivision Design Standards in the Rural Residential (RR) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-16. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet, and it was noted that the applicant is requesting two exceptions to the standards. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Recommend Kenai City Council to deny the requested exceptions to exceed the maximum block length of 1,400 linear feet and waive the rights-of-way dedication of Devray Street.
2. Recommend Kenai City Council to approve the exceptions from connecting to City water and sewer systems.
3. Revised Note 4 on the Preliminary Plat to “DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS”.

Chair Twait opened the floor for public comment.

Applicant David Bunts explained the requested exceptions and responded to questions from the Commission.

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

**MOTION TO AMEND:**

Vice Chair Halstead **MOVED** to amend the Resolution by changing the number to PZ2023-15. Commissioner Woodard **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested on the motion to amend.

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

**MOTION TO AMEND:**

Vice Chair Halstead **MOVED** to amend the Resolution PZ2023-15 by adding the following condition:

4. Recommend Kenai City Council to approve the exception from the road improvement construction of Devray Street and requiring the subdivider include a covenant on the recorded plat that if an improvement district is formed, the real property involved will be a part of the improvement district without further action by the then owner of the property in question.

Commissioner Greenberg **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

NAY: None

ABSENT: Fikes

**MOTION PASSED WITHOUT OBJECTION.**

**VOTE ON MAIN MOTION AS AMENDED:**

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

NAY: None

ABSENT: Fikes

**MOTION PASSED WITHOUT OBJECTION.**

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Discussion/Action** – Alcohol and Marijuana Control Office (AMCO) Adopted Marijuana Regulation Changes

Planning Director Mitchell presented a brief summary of the information provided in the packet.

Ryan Tunseth, owner of East Rip and President of the Alaska Marijuana Industry Association, provided information about the State regulations and responded to questions from the Commission.

**MOTION:**

Commissioner Glendening **MOVED** to recommend that the City Council place a moratorium on allowing marijuana establishments to continue offering exterior walk-up and drive through window pick-up services, and that they refer the issue back to the Planning & Zoning Commission for further consideration. Vice Chair Halstead **SECONDED** the motion.

**VOTE:**

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

NAY: None

ABSENT: Fikes

**MOTION PASSED WITHOUT OBJECTION.**

I. **REPORTS**

1. City Council – Vice Mayor Baisden reported on the actions of the August 16, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Mitchell reported on the following:
  - Max Best has been hired as a temporary planner to assist with the waterfront revitalization project rezoning; Mitchell explained next steps on the project including the public process and development of hybrid zoning design standards.
  - New administrative assistant started today; recruitment for 2<sup>nd</sup> part-time assistant is ongoing.
  - A conditional use permit for the Aspen Creek facility development that was previously approved by the Commission has been delayed due to a condition of the permit; the applicant will submit a CUP amendment request to modify a condition to reduce the width of the right-of-way easement.

- There has been an increase in code violation complaints.

J. **ADDITIONAL PUBLIC COMMENT** – None.

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: September 13, 2023

L. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening inquired why a local business was denied a storefront improvement grant.

Vice Chair Halstead noted the good discussions, and thanked the Commission for asking the right questions.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

There being no further business before the Commission, the meeting was adjourned at 8:21 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of August 23, 2023.

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Meghan Thibodeau  
Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2023-17**

A RESOLUTION **RECOMMENDING** THAT CITY PARK SUBDIVISION 2023 REPLAT PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 320, 330, and 420 S. Spruce Street

LEGAL DESCRIPTIONS: Tract A, Park View Subdivision (Plat No. KN 79-156), Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149), and West Half of the East Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (W1/2 E1/2 SE1/4 SW1/4 NE1/4) and East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (E1/2 W1/2 SE1/4 SW1/4 NE1/4) of Section 6, Township 5 North, Range 11 West, Seward Meridian lying Northwesterly of S. Spruce Street.

KPB PARCEL NUMBERS: 04701005, -18, and -28

WHEREAS, the City of Kenai received a revised preliminary plat from McLane Consulting, Inc. on behalf of the property owner, Boys & Girls Club of the Kenai Peninsula for a parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision with right-of-way vacations of Char Circle and a portion of S. Spruce Street, and execute a 50-foot in width, non-exclusive access and utility easement to benefit the adjacent property to the south, 420 S. Spruce Street; and,

WHEREAS, the preliminary plat, subject to the listed conditions, generally meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Suburban Residential (RS) and Urban Residential (RU) zoning districts; and

WHEREAS, the street name is referenced correctly; and,

WHEREAS, the parcels will have access from the 50-foot non-exclusive easement to S. Spruce Street, which is a City-maintained road; and

WHEREAS, City water and sewer lines are available to the parcels; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat, subject to the listed conditions, conforms to the minimum street widths, provides utilities/access easements, provides satisfactory and desirable building sites, and the on-site water and

sewer systems will be subject to the regulatory requirements of the Public Works Department.

2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot sizes in the subject zoning districts.
3. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.
4. The execution of a 50-foot in width, non-exclusive access and utility easement between the affected parties provides adequate access for the future development/uses of the subject parcels.

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

**Section 1.** That the preliminary plat of City Park Subdivision 2023 Replat for a parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision with right-of-way vacations of Char Circle and the portion of S. Spruce Street be approved subject to the following conditions.

1. The portion of S. Spruce Street to be vacated lies west of a straight line, starting at the southeast corner of Tract A, City Park Subdivision No. 2 and ending at the southernmost point of the dedicated S. Spruce Street in the Park View Subdivision.
2. Tract 2A will receive the vacation of S. Spruce Street on Government Lot 155.
3. Revised the preliminary plat to include the adjacent parcel located at 420 S. Spruce Street (KPB Parcel No. 04701005) and identified as "Tract 2B" to receive the vacation of S. Spruce Street on Government Lot 157.
4. Include a Certificate of Ownership and Dedication for the parcel located at 420 S. Spruce Street (KPB Parcel No. 04701005).
5. Update the ownership under the Certificate of Ownership and Dedication, Notary's Acknowledgement, and Title Block for Tract A KN79-156.
6. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as delineated on Exhibit A.
7. Execute a 50-foot in width, non-exclusive access and utility easement from Tract 2B to S. Spruce Street.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 13<sup>TH</sup> DAY OF SEPTEMBER, 2023.



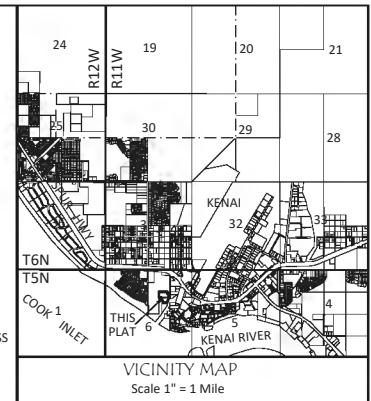
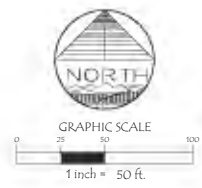
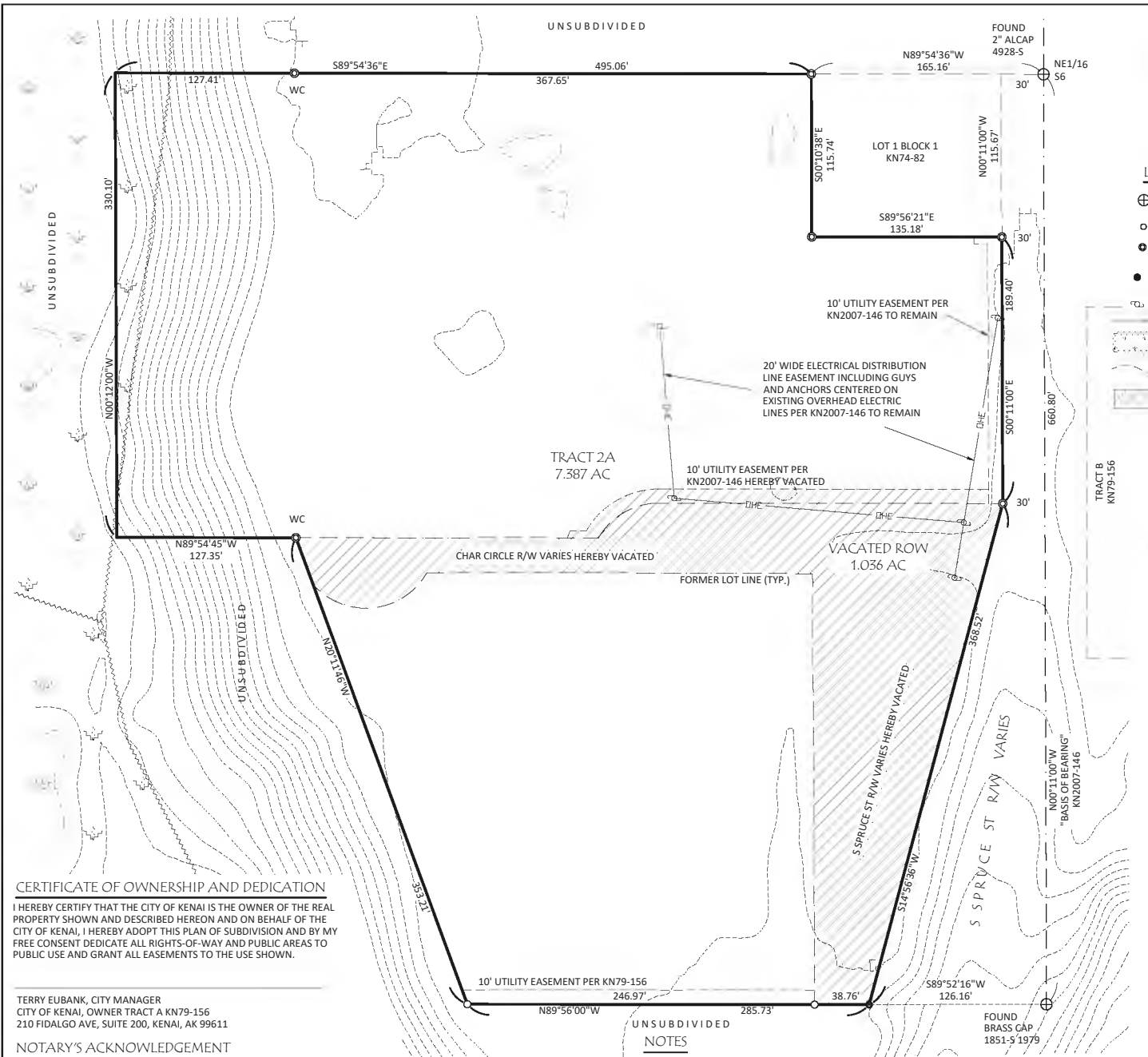
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Jeff Twait, Chairperson

ATTEST:

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Meghan Thibodeau, Deputy City Clerk



**LEGEND**

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR
- FOUND 2" ALCAP 4928-S
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- ⊕ POWER POLE
- OVERHEAD ELECTRIC
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'
- ▭ R/W HEREBY VACATED

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

JEFF DOLIFKA - BOARD PRESIDENT  
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, OWNER TRACT A KN2007-146  
320 S SPRUCE ST, KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR: JEFF DOLIFKA  
ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2023  
MY COMMISSION EXPIRES : \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA



<b>Plat #</b>	
Rec Dist	
Date	____/____/20____
Time	____:____ M

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

TERRY EUBANK, CITY MANAGER  
CITY OF KENAI, OWNER TRACT A KN79-156  
210 FIDALGO AVE, SUITE 200, KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR: TERRY EUBANK  
ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2023  
MY COMMISSION EXPIRES : \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

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

**NOTES**

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

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2023.

AUTHORIZED OFFICIAL

**CITY PARK SUBDIVISION 2023 REPLAT**

A RESUBDIVISION OF TRACT A PARK VIEW SUBDIVISION KN79-156 AND TRACT A CITY PARK SUBDIVISION No.2 KN2007-146 AND THE ASSOCIATED R/W VACATION OF CHAR CIRCLE AND S SPRUCE STREET  
CITY OF KENAI  
OWNER TRACT A KN79-156  
210 FIDALGO AVE STE 200, KENAI, AK 99611  
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA  
OWNER TRACT A KN2007-146  
320 S SPRUCE ST, KENAI, AK 99611  
7.387 AC - SITUATED IN THE NE1/4 SECTION 6, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.



KPB File No.	2023-xxx
Project No.	232006

Scale: 1" = 50'    Date: APR 2023    BOOK: XX-XX    Drawn by: JAH



**EXHIBIT A**  
**Resolution No. 2023-17**  
**Right-of-Way Vacations of**  
**Char Circle and a Portion of S. Spruce Street**



Map for Reference Only  
NOT A LEGAL DOCUMENT

Date Printed: 9/9/2023



0 100 200 400 Feet



# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director *LM*  
**DATE:** September 9, 2023  
**SUBJECT:** Resolution No. PZ2023-17 – Preliminary Plat – City Park Subdivision 2023 Replat

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**Request** The applicant is proposing a preliminary plat to merge two (2) parcels, right-of-way vacations, and execute a non-exclusive access and utility easement.

**Staff Recommendation** Adopt Resolution No. PZ2023-17 recommending approval of Preliminary Plat – City Park Subdivision 2023 Replat for the parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision with the right-of-way vacations of Char Circle and a portion of S. Spruce Street, subject to the listed conditions.

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**Applicant:** McLane Consulting, Inc.  
Attn: James Hall  
PO Box 468  
Soldotna, AK 99669

**Property Owners:** Boys & Girls Club of the Kenai Peninsula  
Thor Evenson

**Legal Descriptions:** Tract A, Park View Subdivision (Plat No. KN 79-156), Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149), and West Half of the East Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (W1/2 E1/2 SE1/4 SW1/4 NE1/4) and East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (E1/2 W1/2 SE1/4 SW1/4 NE1/4) of Section 6, Township 5 North, Range 11 West, Seward Meridian lying Northwesterly of S. Spruce Street.

**Property Addresses:** 320, 330, and 420 S. Spruce Street

**KPB Parcel Nos.:** 04701005, -18, -28

**ROW Vacated Area:** Approximately 0.95-acre

Zoning Districts: Suburban Residential (RS) and Urban Residential (RU)  
Surrounding Uses: North – Kenai Little League Fields; South – S. Spruce Street; West – Vacant; East – Transitional House & Vacant

## SUMMARY

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On July 26, 2023, your Commission passed Resolution PZ2023-13 recommending that Kenai Peninsula Borough Planning Commission approve the preliminary plat for City Park Subdivision 2023 Replat with vacation of Char Circle and exclude the portion of S. Spruce Street. Kenai Municipal Code (KMC) Section 22.050.110, *Determination as to need for public purpose*, states City Council will determine whether rights-of-way is needed for a public purpose by resolution. On August 2, 2023, City Council postponed the consideration of Resolution No. 2023-49 declaring the right-of-way vacations are no longer needed for a public purpose and consenting to vacation of the rights-of-way (ROW) to allow additional time for the affected parties/property owners to address access concerns. The representatives of Boys & Girls Club (“B&G Club”) met with the adjacent/affected property owners and have come to a consensus.

The applicant has submitted a revised preliminary plat for a parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision with right-of-way vacations of Char Circle and a portion of S. Spruce Street, and execute a 50-foot in width, non-exclusive access and utility easement to benefit the adjacent property to the south, 420 S. Spruce Street (“Evenson’s property”).

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission. Furthermore, KMC Section 22.05.110 states City Council will determined the reason of the land to include but not limited to rights-of way or easement is no longer needed for a public purpose by resolution.

## ANALYSIS

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The preliminary plat generally meets the preliminary plat requirements and development requirements for the Suburban Residential (RS) and Urban Residential (RU) zoning districts. The merged parcel will have access via S. Spruce Street, which is a City-maintained road. City water and sewer lines are available to the proposed parcel. The Public Works Director reviewed the revised preliminary plat and had no comments.

The proposed 50-foot non-exclusive access and utility easement would provide access through Tract 2A (“B&G Club’s property”) to Evenson’s property. However, it would leave a remnant portion of a public ROW between the 50-foot non-exclusive access easement and Evenson’s property (see *Figure 1*). If Evenson’s property is improved/developed, then this remnant portion of the public ROW would need to be improved. In order to get to Evenson’s property, it would start at the constructed S. Spruce Street, through a non-exclusive access easement on the B&G Club’s property to an offset portion of S. Spruce Street that does not connect to S. Spruce Street.

Staff finds the best course of action is to include this remnant portion in the ROW vacation. To keep lot lines straight, the vacation of a portion of S. Spruce Street would lie west of a straight line, starting at the southeast corner of Tract A, City Park Subdivision No. 2 and ending at the southernmost point of the dedicated S. Spruce Street in the Park View Subdivision (see Exhibit A). Tract 2A will receive the vacation of S. Spruce Street on Government Lot 155. Evenson’s property will need to be included in the plat and identified as “Tract 2B” to receive the vacation of

S. Spruce Street on Government Lot 157. The Public Works Director provided an as-built of the sewer and water lines along S. Spruce Street that shows the proposed ROW vacations would not have a negative effect on existing/future sewer or water connection lines. The total area of the right-of-way (ROW) vacations is approximately 0.95 acre.

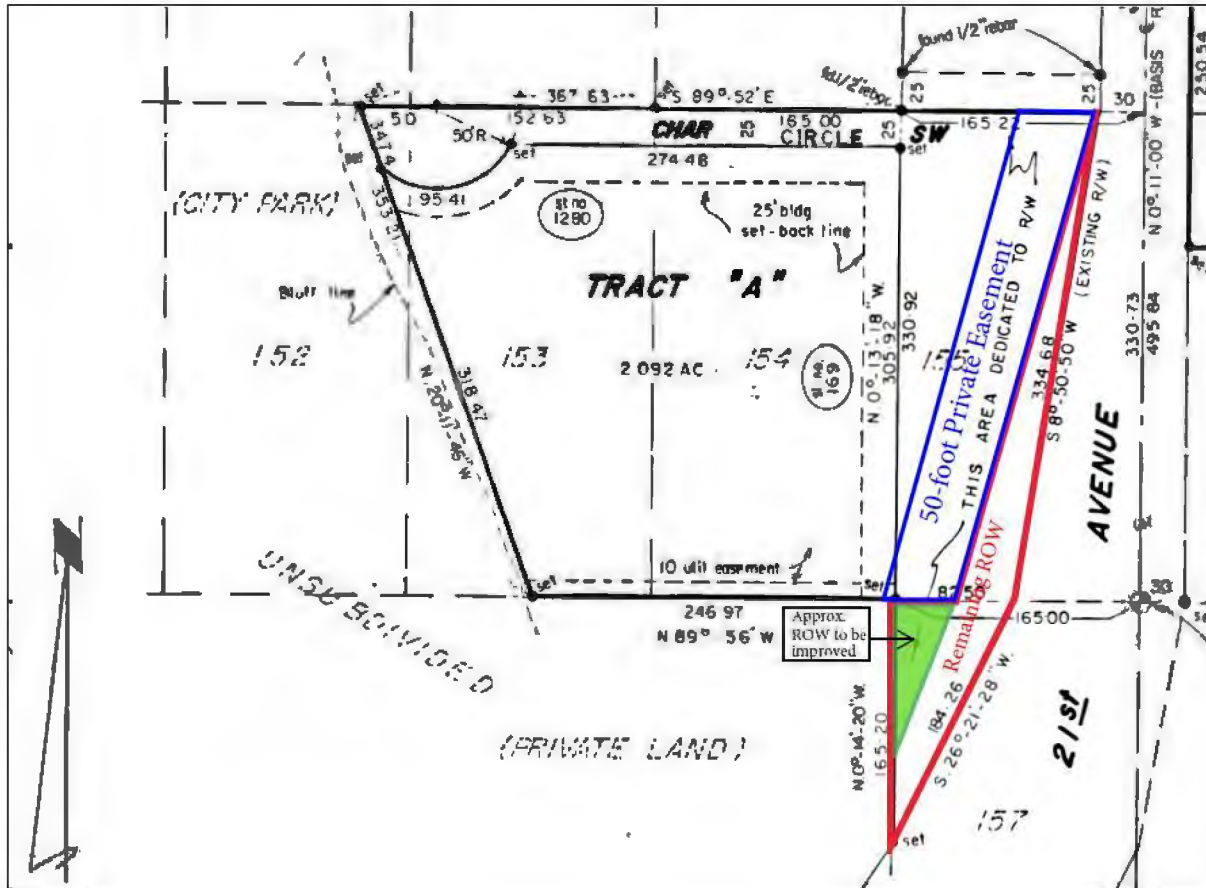


Figure 1. Remnant Portion (in green) of ROW to Access Evenson's Property (For Reference Only)

Staff finds that the preliminary plat generally meets the following KMC sections.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat, subject to the listed conditions, conforms to the minimum street widths, provides utilities/access easements, provides satisfactory and desirable building sites, and the on-site water and sewer systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot sizes in the subject zoning districts.
3. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

4. The execution of a 50-foot in width, non-exclusive access and utility easement between the affected parties provides adequate access for the future development/uses of the subject parcels.

## STAFF RECOMMENDATION

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Staff finds that the preliminary plat for City Park Subdivision 2023 Replat generally meets the standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-17 to Kenai Peninsula Borough, subject to the following conditions.

1. The portion of S. Spruce Street to be vacated lies west of a straight line, starting at the southeast corner of Tract A, City Park Subdivision No. 2 and ending at the southernmost point of the dedicated S. Spruce Street in the Park View Subdivision.
2. Tract 2A will receive the vacation of S. Spruce Street on Government Lot 155.
3. Revised the preliminary plat to include the adjacent parcel located at 420 S. Spruce Street (KPB Parcel No. 04701005) and identified as "Tract 2B" to receive the vacation of S. Spruce Street on Government Lot 157.
4. Include a Certificate of Ownership and Dedication for the parcel located at 420 S. Spruce Street (KPB Parcel No. 04701005).
5. Update the ownership under the Certificate of Ownership and Dedication, Notary's Acknowledgement, and Title Block for Tract A KN79-156.
6. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as delineated on Exhibit A.
7. Execute a 50-foot in width, non-exclusive access and utility easement from Tract 2B to S. Spruce Street.

## ATTACHMENTS

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Exhibit A - Aerial Map  
Application with Certificate of Plat  
Preliminary Plat, City Park Subdivision 2023 Replat  
Park View Subdivision (Plat No. KN 79-156)  
City Park Subdivision No. 2 (Plat No. KN 2007-149)  
As-Built Sewer/Water Connection Lines



**EXHIBIT A**  
**Resolution No. 2023-17**  
**Right-of-Way Vacations of**  
**Char Circle and a Portion of S. Spruce Street**



Date Printed: 9/9/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT



0 100 200 400 Feet





# Preliminary Plat Submittal Form

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99811  
(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:							
Mailing Address:		City:		State:		Zip Code:	
Phone Number(s):							
Email:							

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04701028 & 04701018					
Current City Zoning:	SUBURBAN RESIDENTIAL (KN2007-146) & URBAN RESIDENTIAL (KN79-156)					
Use:	<input type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			

### PLAT INFORMATION

Preliminary Plat Name:	CITY PARK SUBDIVISION 2023 REPLAT					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No			
Street Name (if vacating ROW):	CHAR CIRCLE & PORTION OF S SPRUCE ST					

### Exceptions Required and Requested:

--	--	--	--	--	--	--

### Comments:

--	--	--	--	--	--	--

### REQUIRED ATTACHMENTS

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

### SIGNATURE

Signature:	<i>Jeffrey D. Little</i>	President of 2404 S 62nd City of KP	Date:	1-7-2023
Print Name:	Jeffrey D Little	Title/Business:	President	



# Signatory Authority Resolution

05/09/2023

Date: 05/09/2023

**The Boys & Girls Club of the Kenai Peninsula resolves to allow Board President, Jeff Dolifka, to have signatory authority for BGCKP Campus/Clubhouse.**

On May 9<sup>th</sup>, 2023 the Boys & Girls Club of the Kenai Peninsula's Board of Directors approved a resolution to allow BGCKP President, Jeff Dolifka, to have signatory authority for BGCKP Campus/Clubhouse.

  
\_\_\_\_\_  
Board Chair, Jeff Dolifka

6-7-2023  
\_\_\_\_\_  
Date

*Stewart Title of the Kenai Peninsula, Inc.*

35681 Kenai Spur Hwy., Unit B  
Soldotna, AK 99669  
Tel: (907) 260-8031 Fax: (907) 260-8036

**Amendment No. 1: Change effective date and vesting on Parcel 1**

**CERTIFICATE TO PLAT**

McLane Consulting, Inc.  
PO Box 468  
Soldotna, AK 99669  
Attention: James Hall

File Number: 22825  
Premium: \$250.00  
Tax:

Gentlemen:

This is a certificate as of April 27, 2023 at 10:17 am for a plat out of the following property:

**PARCEL 1:**

Tract "A", CITY PARK SUBDIVISION, NO. 2, according to Plat No. 2007-146, Kenai Recording District, Third Judicial District, State of Alaska.

**PARCEL 2:**

Tract "A", PARK VIEW SUBDIVISION, according to Plat No. 79-156, Kenai Recording District, Third Judicial District, State of Alaska. **EXCEPTING THEREFROM** the subsurface estate and all rights, privileges, immunities and appurtenances of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 [85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (f) (1976)], as reserved by the United States of America in the Patent of record to said land.

The Company certifies that record title is vested in

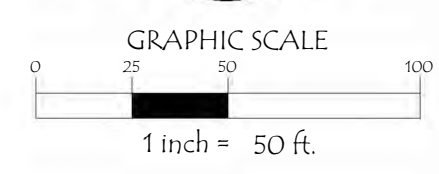
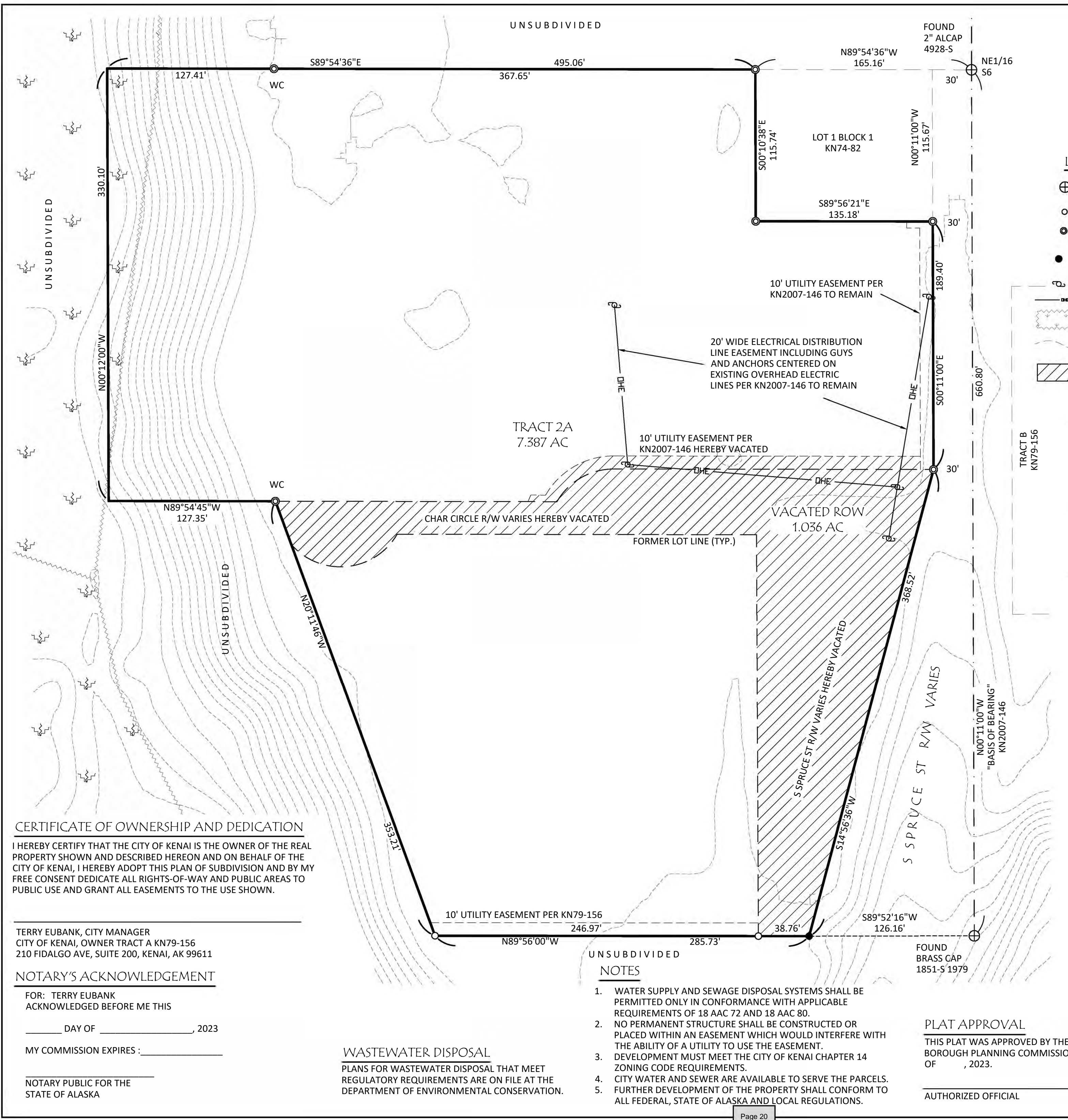
Boys and Girls Club of the Kenai Peninsula, a non profit corporation as to Parcel 1 and City of Kenai as to Parcel 2

an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in State of Alaska Patent, and/or in acts authorizing the issuance thereof. Said patent, among other things, reserves all oil, gas and other minerals together with the privileges, mining and drilling rights and immunities. **FURTHER**, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
3. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska  
Recorded: September 27, 1982  
Volume/Page: 194/784

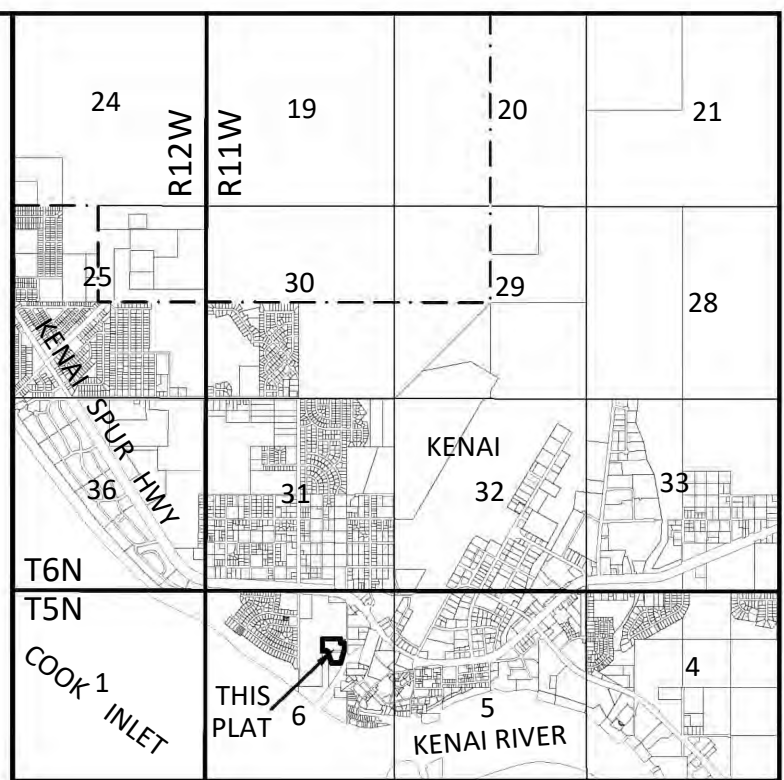
**FURTHER**, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

4. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated  
Taxing Authority: City of Kenai
5. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:



**LEGEND**

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR
- FOUND 2" ALCAP 4928-S
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- ⚡ POWER POLE
- OVERHEAD ELECTRIC
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'
- ▨ R/W HEREBY VACATED



VICINITY MAP  
Scale 1" = 1 Mile

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

JEFF DOLIFKA - BOARD PRESIDENT  
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, OWNER TRACT A KN2007-146  
320 S SPRUCE ST, KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR: JEFF DOLIFKA  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #	
Rec Dist	_____
Date	_____20____
Time	_____M

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

TERRY EUBANK, CITY MANAGER  
CITY OF KENAI, OWNER TRACT A KN79-156  
210 FIDALGO AVE, SUITE 200, KENAI, AK 99611

**NOTARY'S ACKNOWLEDGEMENT**

FOR: TERRY EUBANK  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023  
MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

**WASTEWATER DISPOSAL**

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

**NOTES**

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

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2023.

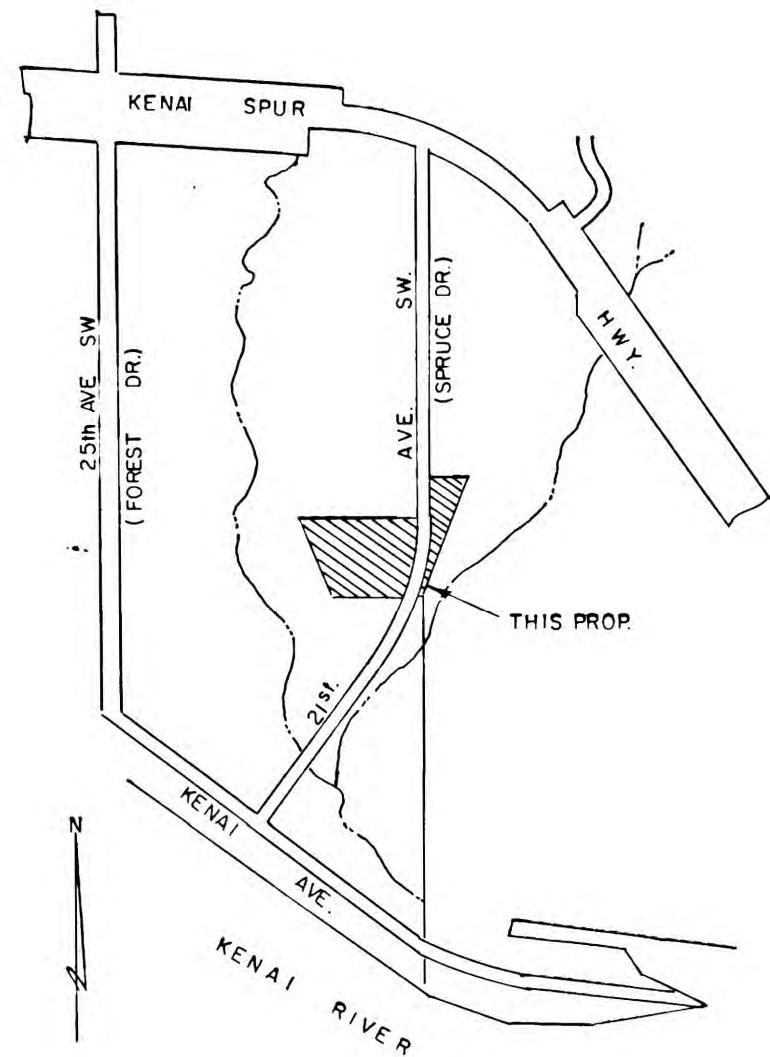
AUTHORIZED OFFICIAL

CITY PARK SUBDIVISION 2023 REPLAT	
A RESUBDIVISION OF TRACT A PARK VIEW SUBDIVISION KN79-156 AND TRACT A CITY PARK SUBDIVISION No.2 KN2007-146 AND THE ASSOCIATED R/W VACATION OF CHAR CIRCLE AND S SPRUCE STREET	
CITY OF KENAI OWNER TRACT A KN79-156 210 FIDALGO AVE STE 200, KENAI, AK 99611	
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA OWNER TRACT A KN2007-146 320 S SPRUCE ST, KENAI, AK 99611	
7.387 AC - SITUATED IN THE NE1/4 SECTION 6, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.	
	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK. 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM
KPB File No.	2023-xxx
Project No.	232006
Scale: 1" = 50'	Date: APR 2023
BOOK: XX-XX	Drawn by: JAH

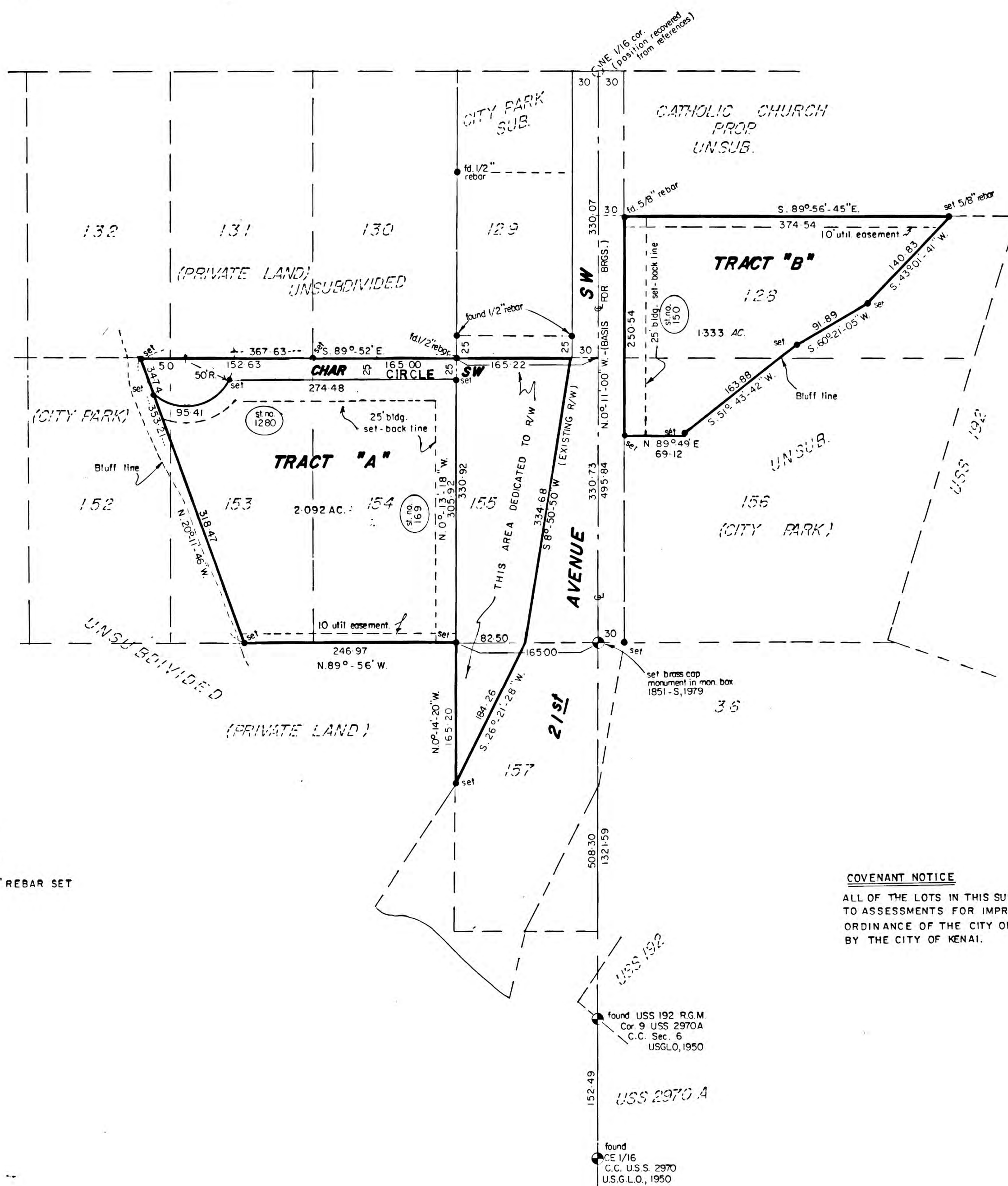
# PARK VIEW SUBDIVISION

LOCATED WITHIN B.L.M. LOTS 128, &  
152-157, (ALL WITHIN THE NE 1/4)  
SEC. 6, T.5 N., R.11 W., S.M., CITY OF KENAI, AK.

4652 AC. TOTAL AREA



VICINITY MAP  
POR. S. 6, T. 5 N., R. 11 W.  
1"=800'



### CERTIFICATE OF OWNERSHIP & DEDICATION

I HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT THIS SUBDIVISION IS MADE WITH THE CONSENT OF THE CITY. I FURTHER CERTIFY THAT THE CITY OF KENAI DOES HEREBY DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN.

*[Signature]*  
CITY MANAGER

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, THIS 20th DAY OF September, 1979.

*[Signature]*  
NOTARY PUBLIC

MY COMMISSION EXPIRES 2/20/83

### PLAT APPROVAL

THIS PLAT, HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF June 12, 1979, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THERE TO.

KENAI PENINSULA BOROUGH

BY: *[Signature]*

NOTE: ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.

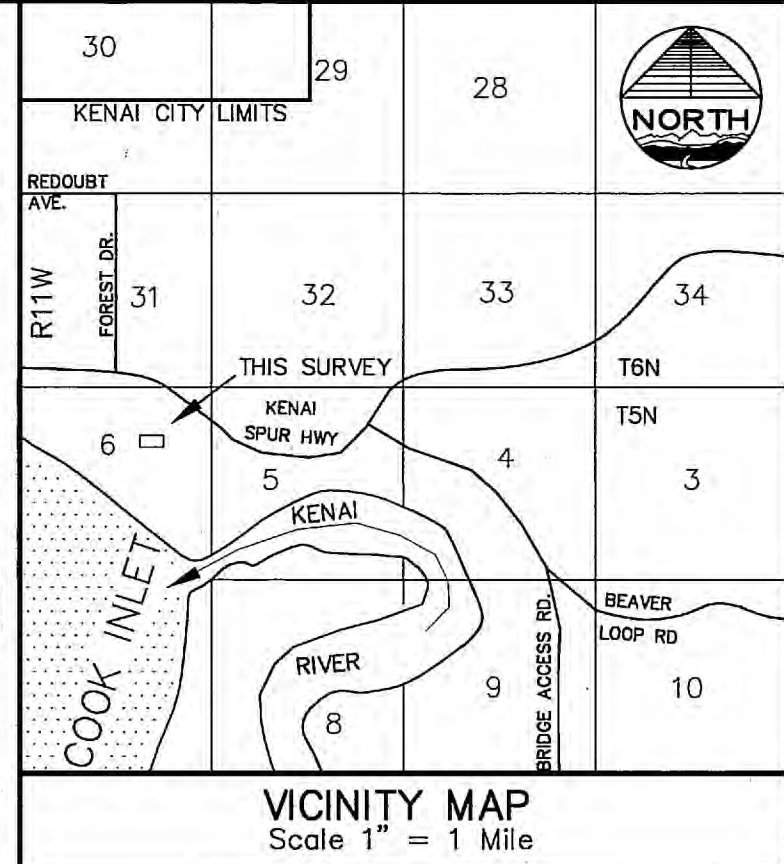
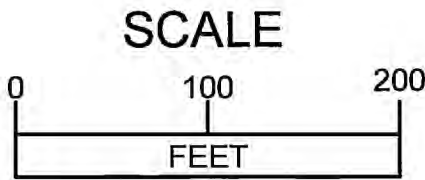
### COVENANT NOTICE

ALL OF THE LOTS IN THIS SUBDIVISION SHALL BE SUBJECT TO ASSESSMENTS FOR IMPROVEMENTS REQUIRED BY ORDINANCE OF THE CITY OF KENAI, WHEN INSTALLED BY THE CITY OF KENAI.

79-156  
RECORDED - FILED 303  
Kenai REC. DIST.  
DATE 9-21 1979  
TIME 3:56 P.M.  
witnessed by KPB

	<b>PARK VIEW SUBDIVISION</b>	
	CITY OF KENAI, BOX 580, KENAI, ALASKA 99611	
MALONE SURVEYING BOX 566 KENAI, ALASKA 99611		
DATE: 5-21-79	# 79-27 FB32	DRN: PJM CKD: HM

LEGEND:  
● 5/8" REBAR SET



**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 direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The front ten (10) feet along street rights of ways and the front twenty (20) feet within five (5) of the side lot lines is also utility easement unless shown otherwise.
- 5) Development is subject to the City of Kenai Title 14 Zoning Code.
- 6) The existing overhead electric line is the centerline of a twenty (20) foot wide electrical distribution line easement including guys and anchors.
- 7) Survey monumentation to be completed prior to June 1, 2008.

**WASTEWATER DISPOSAL**

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	52.36	50.00	60°00'00"	28.87	50.00	S60°05'15"W

**NOTARY'S ACKNOWLEDGEMENT**

FOR: **ERIC DERLETH**  
 Subscribed and sworn before me this  
 19<sup>th</sup> day of **DECEMBER**, 2007.  
 My commission expires **10/15/2011**

*Bethany Olson*  
 Notary Public for the State of Alaska  
**BETHANY OLSON**  
 NOTARY PUBLIC  
 My Comm. Exp.: 10/15/2011

**NOTARY'S ACKNOWLEDGEMENT**

FOR: **Linda Hutchings**  
 Subscribed and sworn before me this  
 21<sup>st</sup> day of **DECEMBER**, 2007.  
 My commission expires **11/09/2011**  
*SAM*  
 Notary Public for the State of Alaska

**LEGEND**

- BLM monument as described
  - ⊙ Found 1/2" diam. rebar
  - ⊙ Set 5/8" x 30" diam. rebar w/ 2" diam. alum. cap 4928-S
  - ⊙ Primary survey monument as described
- ( ) Record data BLM [ ] KN 79-156 { } KN 74-82

**PLAT APPROVAL**

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of  
 August 13, \_\_\_\_\_ 2007.

KENAI PENINSULA BOROUGH by  
*Max J. Bond*  
 Authorized Official

**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.

*Eric Derleth*  
 Eric Derleth, President  
 KPCCC Group, Inc., An Alaskan Non-Profit Corporation

*Linda Hutchings*  
 Linda Hutchings, Treasurer  
 KPCCC Group, Inc., An Alaskan Non-Profit Corporation



2007-146  
 Kenai REC. DIST. 20-  
 Date **12-28** 20 **07**  
 Time **1:39** P.M.  
 Requested By **McLane**  
 Address \_\_\_\_\_

**CITY PARK SUBDIVISION No. 2**

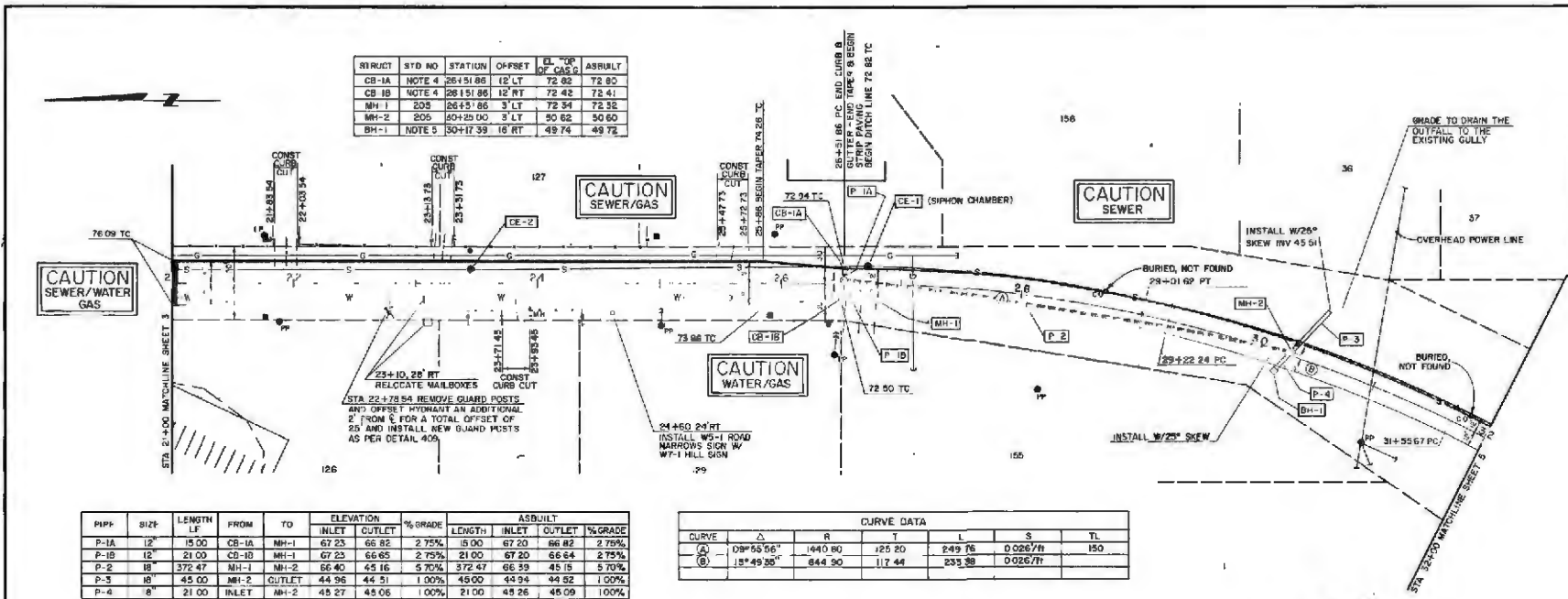
A REPLAT OF THE REMAINDER OF LOT 129, AND LOTS 130, 131, AND 132  
 KPCCC Inc.  
 320 S. Spruce St. Kenai AK 99611  
 LOCATION  
 4.564 acres M/L situated in the Lots 129, 130, 131, and 132, Section 6, T5N, R11W, S.M., AK., the City of Kenai, Kenai Peninsula Borough and the Kenai Recording District.

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

KPB FILE NO. 2007-207  
 PROJECT NO. 072029

SCALE 1" = 100' DATE: 00T 07 BOOK NO.: 07-09 DRAWN BY: SAM

STRUCT	STD NO	STATION	OFFSET	CL. OF	ASBUILT
CB-1A	NOTE 4	26+51.86	12' LT	72.82	72.80
CB-1B	NOTE 4	26+151.86	12' RT	72.42	72.41
MH-1	205	26+45.66	3' LT	72.34	72.32
MH-2	205	30+25.00	3' LT	50.62	50.60
BH-1	NOTE 5	30+17.39	16' RT	49.74	49.72



PIPE	SIZE	LENGTH LF	FROM	TO	ELEVATION			ASBUILT			
					INLET	OUTLET	% GRADE	LENGTH	INLET	OUTLET	% GRADE
P-1A	12"	15.00	CB-1A	MH-1	67.23	66.82	2.75%	15.00	67.20	66.82	2.75%
P-1B	12"	21.00	CB-1B	MH-1	67.23	66.85	2.75%	21.00	67.20	66.84	2.75%
P-2	18"	372.47	MH-1	MH-2	66.40	45.16	5.70%	372.47	66.39	45.15	5.70%
P-3	18"	45.00	MH-2	OUTLET	44.36	44.31	1.00%	45.00	44.34	44.32	1.00%
P-4	8"	21.00	INLET	MH-2	45.27	45.06	1.00%	21.00	45.26	45.09	1.00%

CURVE DATA						
CURVE	Δ	R	PI	L	S	TL
(A)	10°45'56"	1440.80	125.20	249.76	0.026/71	150
(B)	18°49'30"	844.50	117.44	233.38	0.026/71	

NOTE SEWER & WATER LINES SHOWN ARE FOR REFERENCE ONLY, FIELD VERIFY

It shall be the Contractor's sole responsibility following utility inspection for field locations and elevations prior to excavation.

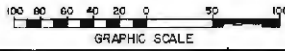
DATE AND OWNER: **ELBROOK**  
 City of Elbrook  
 210 Pickett St  
 Elbrook, NY 12521  
 518-581-1515

DESIGNER: **WATER ELECTRIC**  
 16110 Elwood St  
 Elbrook, NY 12521  
 518-581-1515

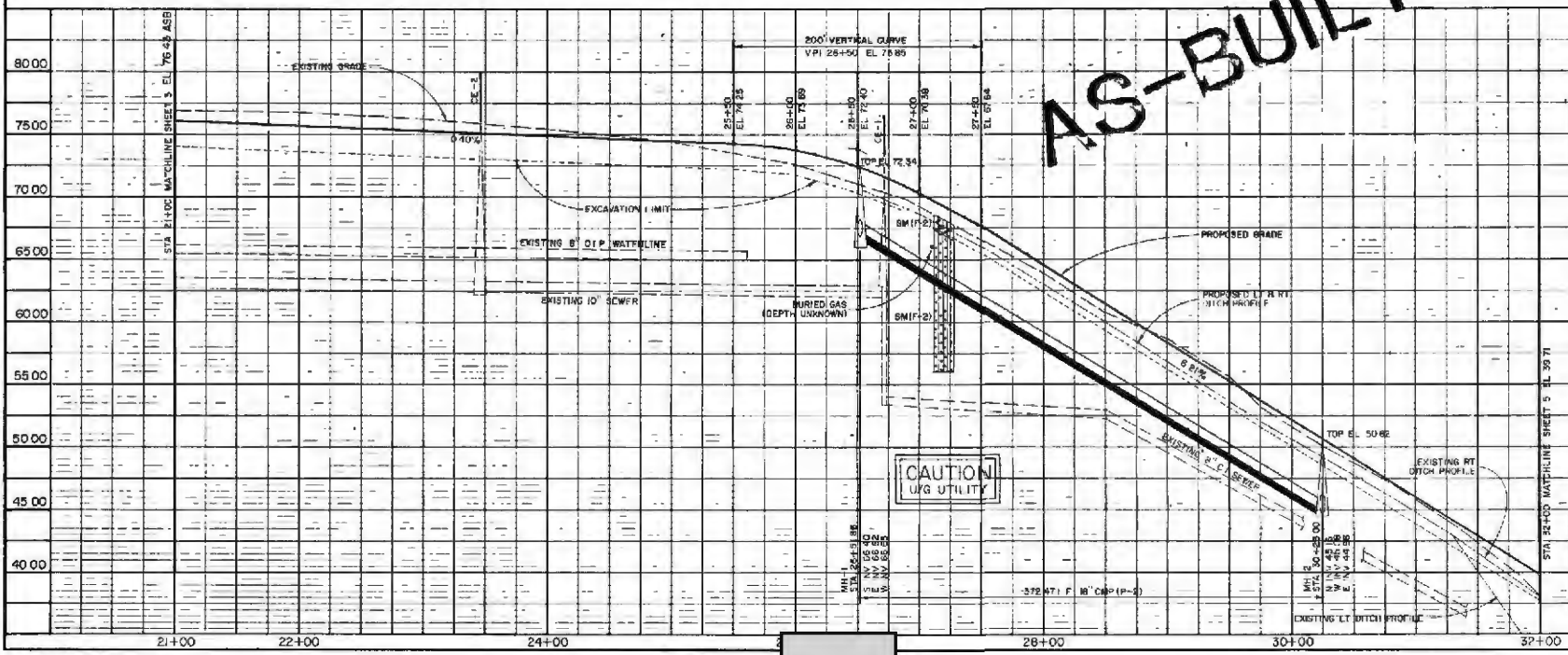
CONTRACTOR: **ELBROOK**  
 Elbrook Station  
 Route 1209  
 Elbrook, NY 12521  
 518-581-1515

DATE: **DATE**  
 1000 Elwood St  
 Elbrook, NY 12521  
 518-581-1515

- NOTES
- ALL CLEANOUTS SHALL BE LOCATED, EXTENDED AND CAPPED AT FINISHED GRADE
  - MANHOLES CE-2 AND CE-1 WILL BE RAISED AS PER MANHOLE SUMMARY, SHEET 9
  - ALL DRIVEWAYS SHALL HAVE PAVED APPROACHES TO ROW
  - CURB INLET FRAME, GRATE AND CURB BOX SHOULD BE A NEEBAM P-4257-10V OR EQUIVALENT
  - BH-1 SHALL BE A NEEBAM P-2501 OR EQUIVALENT RECEIVE GRATE MOUNTED ON STANDARD CATCH BASIN
  - ALL EXISTING STREET SIGNS AND POSTS SHALL BE REMOVED AND DELIVERED TO THE CITY OF ELBROOK'S SHOP
  - ALL BACKSLOPES WILL HAVE 4" OF TOPSOIL AND SEEDING



**AS-BUILT**



86-12-31-4



## Kenai City Council - Regular Meeting

September 06, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://www.kenai.city)

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

### Action Agenda

#### **A. CALL TO ORDER**

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

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

#### **B. SCHEDULED ADMINISTRATIVE REPORTS**

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

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

#### **E. PUBLIC HEARINGS**

1. **ENACTED UNANIMOUSLY. Ordinance No. 3368-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Operations Facility Capital Funds to Provide Supplemental Funding for the Kenai Municipal Airport Operations Facility Boiler and HVAC Controls Replacement Project. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3369-2023** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Procure Consumables for Aircraft Rescue and Fire Training Operations at the Alaska Fire Training Facility. (Administration) [*KMC 1.15.070(d)*]
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Enactment (Requires Five Affirmative Votes)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2023-53** - Authorizing a Budget Transfer in the Vintage Point Congregate Housing Improvement Capital Fund, and Authorizing a Construction Agreement and Corresponding Purchase Order for the Vintage Point Boiler and Controls Replacement Project. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2023-54** - Authorizing a Professional Services Agreement and Corresponding Purchase Order for the Lilac Lane Roadway Improvements Project. (Administration)



5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-55** - Denying the Requested Exceptions to Kenai Municipal Code Section 14.10.070, Subdivision Design Standards and Granting Exceptions to Kenai Municipal Code Section 14.10.080, Minimum Improvements Required for Strawberry Hill Estates 2023 Addition Preliminary Plat. (Administration)

**F. MINUTES**

1. \*Special Meeting of August 11, 2023. (City Clerk)
2. \*Regular Meeting of August 16, 2023. (City Clerk)

**G. UNFINISHED BUSINESS**

1. **REFERRED TO PLANNING & ZONING COMMISSION AND POSTPONED TO 9/20/2023. Resolution No. 2023-49** - Declaring the Rights-of-Way of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) are No Longer Needed for a Public Purpose and Consenting to Vacation of the Rights-of-Way. (Administration) *[At the 08/02/23 meeting, this item was postponed to 09/06/23.]*

**H. NEW BUSINESS**

1. \*Action/Approval - Bills to be Ratified. (Administration)
2. \*Action/Approval - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for Kenai Joe’s Taphouse, LLC, DBA Kenai Joe’s Taphouse, LLC – License No. 626. (City Clerk)
3. \*Action/Approval - Non-Objection to the Transfer of Ownership of a Restaurant Eating Place Liquor License and Restaurant Designation Permit for Jersey Subs AK LLC., DBA: Jersey Subs AK - License No. 5900. (City Clerk)
4. \*Action/Approval - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts, LLC., DBA Herban Extracts LLC - License No. 14432. (City Clerk)
5. \*Action/Approval - Special Use Permit for Corvus Airlines, Inc. DBA Ravn Alaska, LLC for Use of 1,200 Square Feet of Warm Storage of a De-Ice Vehicle. (Administration)
6. \*Action/Approval - Consent to Assignment and Assignment and Assumption of Lease Agreement, of Lot 3, Block 1, General Aviation Apron No. 1 Amended to Vickie L. Tyler. (Administration)
7. \*Ordinance No. 3370-2023 - Accepting and Appropriating Fiscal Year 2023 Funds from the Sign Research Foundation for the Sign Research Foundation Scholarship Program. (Administration)
8. Discussion - Marijuana Walk/Drive Up Regulations. (Legal)

**I. COMMISSION / COMMITTEE REPORTS**

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

6. Beautification Committee

**J. REPORT OF THE MAYOR**

**K. ADMINISTRATION REPORTS**

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

**L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://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/82088608349>

**Meeting ID:** 820 8860 8349 **Passcode:** 358169

OR

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

**Meeting ID:** 820 8860 8349 **Passcode:** 358169



# Plat Committee Agenda

## ACTION

August 28, 2023– 7:00 PM

Regular Meeting

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building

**Jeremy Brantley**, Chair  
Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Virginia Morgan**  
Cooper Land / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tauffest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Vacant**  
City of Seward  
Term Expires 2026

**Pamela Gillham**  
Kalifornsky / Kasilof District  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

Hearing procedure for Planning Commission public hearings are as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for the 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 must begin by stating his or her name and mailing 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. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press \*9 by phone to speak.

### A. CALL TO ORDER

### B. ROLL CALL

Election of Officers

- Chair
- Vice Chair

## **C. APPROVAL OF AGENDA AND CONSENT AGENDA**

(Action 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 commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

- \*1. Agenda**
- \*2. Member Excused Absences**
- \*3. Minutes**
  - a. August 14, 2023 Plat Committee
- \*4. Grouped Plats**
  - 3. W.R. Bell Subdivision 2023 Addition; KPB File 2023-087

**Motion to approve the consent & regular agendas passed by unanimous vote (4-Yes).**

## **D. UNFINISHED BUSINESS - None**

## **E. NEW BUSINESS**

- 1. Bidarki Creek No. 5; KPB File 2022-160R1  
Orion Surveys / Lamb & Reilly  
Location: Just Past MP 171 Sterling Highway  
City of Homer

**Motion to grant preliminary approval passed by unanimous vote (3-Yes, 1-Recused).**

- 2. Pacific Park Subdivision Blauvelt Addition; KPB File 2023-088  
Fineline Surveys Inc. / Blauvelt  
Location: Whiskey Gulch Street  
Anchor Point Area / Anchor Point APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

**Motion to grant the exception request to KPB 20.30.190(B) – Lot Dimensions, passed by unanimous vote (4-Yes).**

- 3. W.R. Bell Subdivision 2023 Addition; KPB File 2023-087  
Ability Surveys / Busby Enterprises  
Location: Alpine Way  
City of Homer

**Motion to grant preliminary approval passed by unanimous vote (4-Yes).**

## **F. OTHER (No Public Hearing)**

## **G. ADJOURNMENT**

## MISCELLANEOUS INFORMATIONAL ITEMS

### NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, September 11, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

### CONTACT INFORMATION

#### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

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



# Planning Commission Agenda

## ACTION

August 28, 2023– 7:30 PM

Regular Meeting

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George A. Navarre Kenai Peninsula  
Borough Administration Building

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Ridgeway / Sterling  
Funny River District  
Term Expires 2024

**Pamela Gillham, Vice Chair**  
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Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
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### A. CALL TO ORDER

### B. ROLL CALL

**C. APPROVAL OF AGENDA AND CONSENT AGENDA**

(Action items listed with an asterisk (\*) are considered to be routine and non-controversial by the Commission and will be approved by one motion. Public testimony will be taken. There will be no separate discussion of these items unless a commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

- \*1. Time Extension Request – None**
- \*2. Planning Commission Resolutions – None**
- \*3. Plats Granted Administrative Approval**
  - a. Clan Maxwell Estates Woodland Hollow Addition 2; KPB File 2022-017
  - b. Fort Raymond Subdivision No. 1 Hemlock Addition; KPB File 2022-177
- \*4. Plats Granted Final Approval – None**
- \*5. Plat Amendment Request – None**
- \*6. Commissioner Excused Absences**
  - a. Diane Fikes, City of Kenai
  - b. City of Seward, Vacant
- \*7. Minutes**
  - a. August 14, 2023 PC Meeting Minutes

**Motion to approve the consent & regular agendas passed by unanimous vote (7- Yes, 1-Absent)**

**D. UNFINISHED BUSINESS - None**

**E. NEW BUSINESS**

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

**Public Hearing: Legislative Matters**

- 1. Street Naming Resolution 2023-04  
Request: Naming a private road in T05N R12W SEC 14 / ESN 202  
Petitioner: Randolph Tavenner  
Fitz Creek Area

**Motion to adopt Street Naming Resolution 2023-04 naming a certain private road within Emergency Service Number 202 to Shadow Drive passed by unanimous vote (7-Yes, 1-Absent).**

- 2. Ordinance 2023-19-13: Appropriating \$24,975.00 from the Eagle Lake Reclamation account for reclamation work at the Eagle Lake Material Site.

**Motion to forward to the Assembly a recommendation to adopt Ordinance 2023-19-13 passed by unanimous vote (7-Yes, 1-Absent)**

- F. **PLAT COMMITTEE REPORT** - Plat Committee reviewed and approved 3 preliminary plats
- G. **OTHER (No Public Hearing)**
- H. **PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**
- I. **DIRECTOR'S COMMENTS**
- J. **COMMISSIONER COMMENTS**
- K. **ADJOURNMENT**

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

Vacations of rights-of-way, 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.