



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

July 27, 2022 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 2****

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 22, 2022

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 PZ2022-16** – Preliminary Subdivision Plat of Kings Cove, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Caryn Lee Giliam, 5014 E. 145 Ave., Anchorage, AK 99516.

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. Resolution PZ2022-19** – Application for Transfer of Conditional Use Permit PZ12-22, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.
- 2. Resolution PZ2022-20** – Application for Transfer of Conditional Use Permit PZ15-24, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting Date: August 10, 2022

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/88083560677> OR Call: (253) 215-8782 or (301) 715-8592

Meeting ID: 880 8356 0677 **Passcode:** 499668

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JUNE 22, 2022 – 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 June 22, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present: J. Twait, G. Woodard, D. Fikes, V. Askin, G. Greenberg, J. Halstead

Commissioners absent: A. Douthit

Staff/Council Liaison present: Planning Director R. Foster, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written. Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

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

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

5. *Excused Absences – None.

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 25, 2022
2. *Regular Meeting of June 08, 2022

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** – None.

D. **UNSCHEDULED PUBLIC COMMENTS** – None.

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2022-15** – Preliminary Subdivision Plat of Kristine Subdivision Jahrig Addition, submitted by McLane Consulting, PO. Box 468, Soldotna, AK 99669, on behalf of Will & Becky Jahrig, PO Box 51, Kenai, AK 99611.

MOTION:

Commissioner Askin **MOVED** to adopt Resolution No. PZ2022-15. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report as provided in the packet, explaining that the proposed Kristine Subdivision Jahrig Addition will create a Lot 3A (approximately 3.9 acres), Lot 3B (approximately 2.8 acres), and a Lot 3C (approximately 1.5 acres). Approval of the plat was recommended, subject to the following conditions:

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

VOTE:

YEA: Askin, Woodard, Fikes, Greenberg, Halstead, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2022-14** – Application for a Conditional Use Permit for a Restaurant / Brewery, for the property described as Lot 3 Kristine Sub No. 1, located at 992 Bridge Access, Kenai, Alaska 99611. The application was submitted by Will Jahrig, PO Box 51, Kenai, AK 99611.

MOTION:

Commissioner Halstead **MOVED** to adopt Resolution No. PZ2022-15. Commissioner Askin **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to obtain a conditional use permit (CUP) for a restaurant/brewery. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction, a building permit must be issued by the Building Official for the City of Kenai.
4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue.
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.

Applicant Will Jahrig clarified that they are selling lot 3C to Rick McGlasson who owns Kassik's Brewery, and helping them so they can start building the new facility. He expressed excitement to be working with them, and noted that he also has plans to build a new house and shop on lot 3A.

Rick McGlasson explained that he had purchased the brewery from the original owners a few years ago. He noted that the new location in Kenai will be a good fit, and will improve customer traffic year-round.

In response to questions from the commission, McGlasson clarified that he will be running a restaurant in addition to the brewery; he will not be detrimentally affected by new brewery licensing restrictions because they are the first brewery in Kenai and their license will be transferred from previous location; clarified details about development of utility lines.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Support was expressed by the commission; it was noted that the brewery will be positive for Kenai's growth, is a good fit for future development on the waterfront, and supports the Comprehensive Plan. Discussion included changing the zoning in the waterfront area to support development, and Director Foster noted that this could be a recommendation of the feasibility study. The suggestion was made to the business owner that there be a focus on providing a waterfront view in their landscape plan.

UNANIMOUS CONSENT was requested.

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

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval:** Recommending the City Council Approve Resolution No. 2022-XX – Approving the Sale of 1107 Second Street to Amy Fisher

MOTION:

Commissioner Halstead **MOVED** to recommend that the City Council Approve Resolution No. 2022-XX – Approving the Sale of 1107 Second Street to Amy Fisher. Commissioner Askin **SECONDED** the motion.

Director Foster clarified that the City had received competitive land purchase applications for 1107 Second Street and 1103 Second Street from Amy Fisher and Habitat for Humanity; after discussions, Fisher withdrew her application for 1103 Second Street if Habitat for Humanity withdrew their request for 1107 Second Street. He explained that the lot is currently vacant, and the proposed use would be a two-car garage. The window for competing applications closes on July 2, 2022.

Clarification was provided on that the ownership would not be transferred to Fisher until after the condition of garage construction occurred; one moving part is the subdivision, which is dependent on the design of the garage. Discussion included GIS discrepancies, and potential complications if a combined property is reverted back to the City.

VOTE:

YEA: Woodard, Fikes, Greenberg, Halstead, Twait, Askin

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval:** Recommending the City Council Approve Ordinance No. XXXX-2022 – Approving the Conditional Donation of City Owned Parcels to the Central Peninsula Habitat for Humanity, Inc.

MOTION:

Commissioner Askin **MOVED** to recommend that the City Council Approve Ordinance No. XXXX-2022 – Approving the Conditional Donation of City Owned Parcels to the Central Peninsula Habitat for Humanity, Inc. Commissioner Woodard **SECONDED** the motion.

Director clarified that Central Peninsula Habitat for Humanity had requested to continue with the construction of housing on Second Street parcels agreed to in Ordinance 2942-2017 for a conditional donation, which has expired. Two parcels they were requesting (1107 and 1103 Second Street) were applied for to purchase by Amy Fisher; after discussions, Habitat for Humanity withdrew their request for 1107 Second Street. He noted that the construction of single family homes would be consistent with the zoning district.

Clarification was provided that COVID-19 had caused delays which had prevented the homes from being built within the conditional timeframe specified in Ordinance 2942-2017.

VOTE:

YEA: Fikes, Greenberg, Halstead, Twait, Askin, Woodard

NAY:

MOTION PASSED UNANIMOUSLY.

- I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Glendening reported on the actions of the June 15, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning reported on the actions of the June 13, 2022 Kenai Peninsula Borough Planning Meeting.
3. City Administration – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting on July 13, 2022 will include a plat application and a lease renewal.
 - Update on bowling alley: City staff has been in touch with new owner who has they started plans for demolition.
 - Director Foster noted that this is his last Planning & Zoning Commission meeting for the City of Kenai; noted this has been a great commission to work with.
 - Max Best will serve as Interim Planning Director; he had previously served as Planning Director for the Kenai Peninsula Borough.

K. **ADDITIONAL PUBLIC COMMENTS**

Vice Mayor Glendening commended Director Foster for his work with the City, and noted that Max Best will serve well as interim.

- H. **INFORMATIONAL ITEMS** – None.

I. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. July 13, 2022

J. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard expressed excitement for development on the waterfront.

Commissioner Askin noted that she was sorry to hear Director Foster is leaving, and she was excited for the brewery.

Commissioner Halstead noted that Director Foster will be missed.

Commissioner Greenberg thanked Director Foster and wished him luck.

Commissioner Fikes thanked Director Foster for his great work.

Chair Twait expressed appreciation for Director Foster's great work.

K. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:09 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-16**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KING COVE SUBDIVISION 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, existing street names are referenced correctly; and,

WHEREAS, access to the proposed lot is via the Kenai Spur Highway which is a paved State maintained highway; and Highbush Lane which is an unmaintained gravel street; and

WHEREAS, Water and sewer lines are located within the right-of-way at the intersection of the Spur Highway and Highbush Lane; and,

WHEREAS, the developer is requesting a recommendation for an exception to KMC 14.10.080(c) from building a portion of the subdivision roads; and,

WHEREAS, the developer is requesting a recommendation for an exception to KMC 14.10.080(f) from installing sanitary sewer to the subdivision; and,

WHEREAS, KMC 14.10.090, variations and exceptions allows for the City Council to vary or modify the minimum subdivision requirements, after a report by the Planning and Zoning Commission so that the subdivider may develop the property in a reasonable manner while at the same time protecting the public welfare and interests of the City, surrounding areas, and general intent and spirit of the development requirements with the tract to be subdivided is of unusual shape or size or is surrounded by such development or unusual conditions that strict application of the improvements requirements would result in real difficulties, substantial hardship, or injustice and,

WHEREAS, the Planning and Zoning Commission finds:

1. Highbush Lane accessing the subdivision was improved in 2012 to access a drill pad north and west of the subdivision.
2. An engineering analysis will be required before the City is willing to accept the road for maintenance.
3. The road bed is greater than 30' wide and accesses one residence beyond the subdivision.

4. The road was constructed to support large drilling equipment for well development at the drill pad northwest of the subdivision and should be adequate to support fire and emergency vehicle ingress and egress.
5. The subdivider will include a note on the recorded plat that when 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.
6. Pearson Avenue adjacent to this subdivision is an unconstructed section line easement containing an overhead electric transmission line.
7. An installation agreement will be required for the unnamed court and that portion of Highbush Lane from the Kenai Spur Highway to the unnamed court.
8. Construction of Pearson Avenue will not be necessary to access King Cove subdivision.
9. An existing sanitary sewer main is available for the developer 750' from the southwest corner of the subdivision at a stub out at the intersection of the Kenai Spur Highway.
10. The subdivision is comprised of lots that are in excess of 40,000 square feet and will meet the requirements of the Alaska Department of Environmental Conservation (ADEC) for on-site water and waste water systems.
11. An engineer will provide the necessary submittals to meet the standards for the on-site systems.
12. The cost for the connection and a system to serve this large-lot subdivision is prohibitive and may well result in the development being financially unfeasible.
13. 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 Black Gold Estates 2021 Replat be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Pursuant to KMC 14.10.080 an installation agreement with the city for the development of the unnamed court and upgrade of Highbush Lane from the Kenai Spur to the unnamed court.
3. Request the Council approve a waiver for Pearson Avenue and Highbush Lane to the unnamed court to Pearson Avenue, from the Kenai City Council for KMC 14.10.080(c) based on the above supporting findings 1, 2, 3, 4, 5, 6, 7, and 8.
4. Request the Council approve a waiver for sanitary sewer installation from the Kenai City Council for KMC 14.10.080(f) based on the above supporting findings 5, 9, 10, 11, and 12.
5. Conformance with KPB preliminary and final plat recommendation and adherence to Kenai Municipal Code.

6. Include a note on the recorded plat that when 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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,
ALASKA, this 27th day of July, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

SHELLIE SANER, MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Max Best, Interim Planning Director
DATE: July 13, 2022
SUBJECT: PZ2022-16 – Preliminary Plat – King Cove Subdivision

Applicant: Caryn Lee Giliam
5014 E. 145 Ave.
Anchorage, AK 99516

Submitted By: McLane Consulting
P.O. Box 468
Kenai, AK 99611

Requested Action: Preliminary Subdivision Plat – King Cove Subdivision

Legal Description: Government Lots 4 & 5 and the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE1/4 NW1/4 NE1/4) of Section 34, Township 6 North, Range 11 West, Seward Meridian, City of Kenai, Kenai Peninsula Borough, and the Kenai Recording District

Property Address: Vacant

KPB Parcel No: 04516019

Lot Size: Approximately 15.04 acres

Existing Zoning: Rural Residential

Current Land Use: Vacant

Land Use Plan: Residential

GENERAL INFORMATION

McLane Consulting submitted a preliminary plat on behalf of the property owner, Caryn Lee Giliam. The plat affects KPB Parcel 04901135 a resubdivision of Government Lots 4 & 5 and the NE1/4 NW1/4 NE1/4 of Section 34, T6N, R11W, S.M. AK.

The proposed King Cove Subdivision will create eight lots, Lots 1, 2, 3 and 5 (approximately 1.733 acres), and a Lots 6, 7, and 8 (approximately 1.0 acres) Lot 4 (approximately 3.00 acres).

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 August, 23, 2022.

ANALYSIS

The subject parcels are currently undeveloped. Access to the proposed King Cove subdivision is provided via Mile 5.5 Kenai Spur Highway and North Highbush Lane, which is a gravel road, not maintained by the City. The subdivision is located in the Rural Residential zone, which requires a minimum lot size of 20,000 square feet. Each lot is in excess of one acre; therefore, all eight lots meet the minimum lot size for the zone.

The minimum lot width for the Residential Zone is ninety feet with the exception of corner lots which require an additional ten feet as set forth in Kenai Municipal Code (KMC) 14.10.70(e)(4). Each lot is greater than 145 feet wide, therefore, the minimum lot width requirement has been met.

KMC 14.10.070(b)(2) requires the minimum width for minor streets shall be sixty (60) feet. A thirty foot half right-of-way is being proposed for Highbush Lane which is adjacent to a thirty foot public road easement associated with the property to the west. Additionally, the unnamed Court is sixty feet wide and meets the width requirement. There is a proposed thirty foot dedication in the undeveloped Pearson Avenue fifty foot section line easement along the northern property line. Along with the adjacent northern property there is in excess of 60' of road easement.

KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.

KMC 14.10.080(c) All street and public ways shall be graded to their full width and to the appropriate grade, and shall be surfaced to a minimum width of thirty (30) feet in accordance with applicable standard specifications of the City, and all streets in any subdivision that the City



Planning Commission shall designate as major streets shall be surfaced to a minimum width of forty (40) feet. The cross-section of construction shall contain non-frost susceptible material to the depth of forty-two (42) inches from appropriate grade, and in the absence of any other specified depth by applicable standard specifications of the City. Such construction shall be subject to inspection and approval by the City Engineer or his equivalent under contract by the City, and shall comply with all applicable City standards for construction.

Pursuant to KMC 14.10.090 the property owner is requesting an exception/waiver to the requirements of KMC 14.10.080(c) for the installation of Pearson Avenue and the upgrade of Highbush Lane. An installation agreement for the unnamed court will be required to meet the above minimum requirements.

Relevant Conditions: Highbush Lane accessing the subdivision was improved in 2012 to access a drill pad north and west of the subdivision. It is unknown if the road meets City construction standards for inclusion into the maintenance system. An engineering analysis will be required before the City is willing to accept the road for maintenance. The road bed is greater than 30' wide and accesses one residence beyond the subdivision. The road was adequate to support large drilling equipment for well development. It should be adequate to support fire and emergency vehicles. The subdivider will include a note on the recorded plat that when 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.

Pearson Avenue adjacent to this subdivision is an unconstructed section line easement containing an overhead electric transmission line. The construction of Pearson Avenue will not be necessary to access this subdivision. The subdivider will include a note on the recorded plat that when 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.

KMC 14.10.080(e) Public water. In subdivisions of ten (10) lots or less, the subdivider will include a covenant on the recorded plat that when 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. The plat meets this requirement.

KMC 14.10.080(f). The subdivider shall install sanitary sewer lines to serve each lot. All such sewer lines shall be constructed in accordance with regulations and requirements of, and under the supervision of the City Engineer's office or his equivalent under contract by the City if such sanitary sewers are available for connection by the said subdivider and are located within one thousand five hundred (1,500) feet of the subdivider's nearest lot line.

Pursuant to KMC 14.10.090 the property owner is requesting an exception/waiver to the requirements of KMC 14.10.080(f) for the installation of sanitary sewer.

Relevant Conditions: An existing sanitary sewer main is available for the developer 750' from the southwest corner of the subdivision at a stub out at the intersection of the Kenai Spur Highway and Highbush Lane. The subdivision is comprised of lots that are in excess of 40,000 square feet and will need to meet the requirements of the Alaska Department of



Environmental Conservation (ADEC) for on-site water and waste water systems. An engineer will providing the necessary submittals to meet the standards for the on-site systems. The cost for the connection and a system to serve this large-lot subdivision is prohibitive and may well result in the development being financially unfeasible. The subdivider will include a note on the recorded plat that when 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.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of King Cove Subdivision subject to the following recommendations and conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Pursuant to KMC 14.080., the City will require an installation agreement for development of the unnamed Court and that portion of Highbush Lane from the Kenai Spur Highway and the unnamed Court.
3. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements of Highbush Lane and Pearson Avenue per the above conditions.
4. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements for sanitary sewer per the above conditions.
5. Conformance with KPB preliminary and final plat recommendation and adherence to Kenai Municipal Code.
6. Include a note on the recorded plat that when 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

ATTACHMENTS

1. Application
2. Preliminary Plat
3. Aerial Map





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:	Caryn Lee Giliam						
Mailing Address:	5014 E 145 Ave	City:	Anchorage	State:	AK	Zip Code:	99516
Phone Number(s):	(907) 203-5818						
Email:	cari@fastmail.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04516019		
Current City Zoning:	Heavy Industrial		
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial
	<input type="checkbox"/> Other:		
Water:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community
Sewer:	<input checked="" type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community

PLAT INFORMATION

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

Exceptions Required and Requested:

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Comments:

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REQUIRED ATTACHMENTS

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

Signature:	<i>Caryn Giliam</i>	Date:	6/2/22
Print Name:	Caryn Giliam	Title/Business:	

Stewart Title of the Kenai Peninsula, Inc.

35096 Kenai Spur Hwy.
Soldotna, AK 99669
Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

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

File Number: 22087
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of June 17, 2022 at 8:00 A.M. for a plat out of the following property:

Lots 4 and 5 and the NE1/4NW1/4NE1/4 in Section 34, Township 6 North, Range 11 West, Seward Meridian, 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.

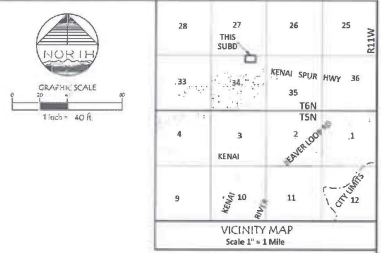
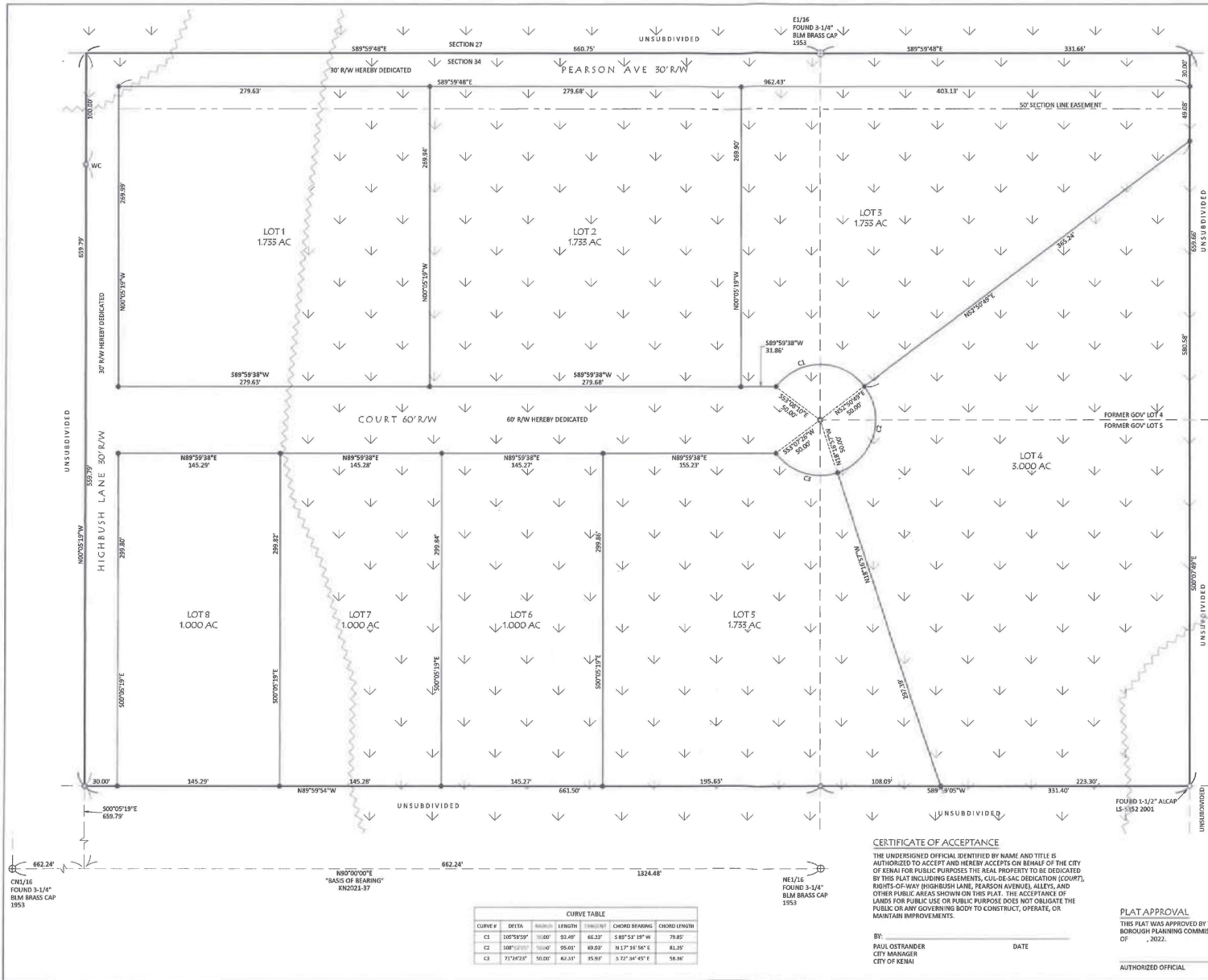
The Company certifies that record title is vested in

Caryn Lee Giliam, a single person
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **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.
2. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated
Taxing Authority: The City of Kenai
3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
4. **SUBJECT TO A ROAD RESERVATION** of 50 feet along each side of the section line as created by A.S. 19.10.010.
5. **TERMS, COVENANTS, CONDITIONS AND PROVISIONS**, including rights of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.
6. **RESERVATION** of the subsurface estate in said land including, but not limited to, rights of entry to explore, develop or remove minerals from said subsurface estate, as set forth in Sections 14 (f) and 14 (g) of the Alaska Native Claims Settlement Act referred to herein above.

NOTE: No assurance is given as to the vertical delineation of the surface and subsurface estates in said land as provided in said act.

7. **AN OIL AND GAS LEASE** affecting the above interest under the terms, covenants and conditions therein provided:
Lessor: State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ACCEPT 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.

CARYN LEE GILHAM
5014 E 145 AVE, ANCHORAGE, AK 99516

NOTARY'S ACKNOWLEDGEMENT

FOR: CARYN LEE GILHAM
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____ 2022

MY COMMISSION EXPIRES : _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA

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.

WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

COOPY R. McLANE C.E. 11510 AK DATE _____

LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND SECONDARY MONUMENT AS DESCRIBED
- FOUND 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-S
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP #5032-S

AREA SUBJECT TO INUNDATION



Plot #

Plot No. _____

Date: _____ 20__

Time: _____ M

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 PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAN INCLUDING EASEMENTS, CUL-DE-SAC DEDICATION (COURT), RIGHTS-OF-WAY (HIGRIBUSH LANE, PEARSON AVENUE), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAN. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

BY: PAUL OSTRANDER
CITY MANAGER
CITY OF KENAI

DATE _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2022.

AUTHORIZED OFFICIAL _____

KINGS COVE

A SUBDIVISION OF GOVT LOT 4 & 5 AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NE1/4NW1/4NE1/4Q) OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA.

CARYN LEE GILHAM, OWNER
5014 E 145 AVE, ANCHORAGE, AK 99516
15.035 AC - SITUATED IN THE NE1/4 SECTION 34, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECONSTRUCTING DISTRICT, ALASKA.

Project No. 222015

Scale: 1" = 40' Date: JUNE 2022 Book No.: 21-06 Drawn by: JAH

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
CL	108°59'59"	10.00'	62.29'	S 88°54'19" W	79.85'
CL	148°11'00"	10.00'	65.41'	N 17°31'56" E	81.29'
CL	71°34'23"	50.00'	62.31'	S 72°46'43" E	58.30'



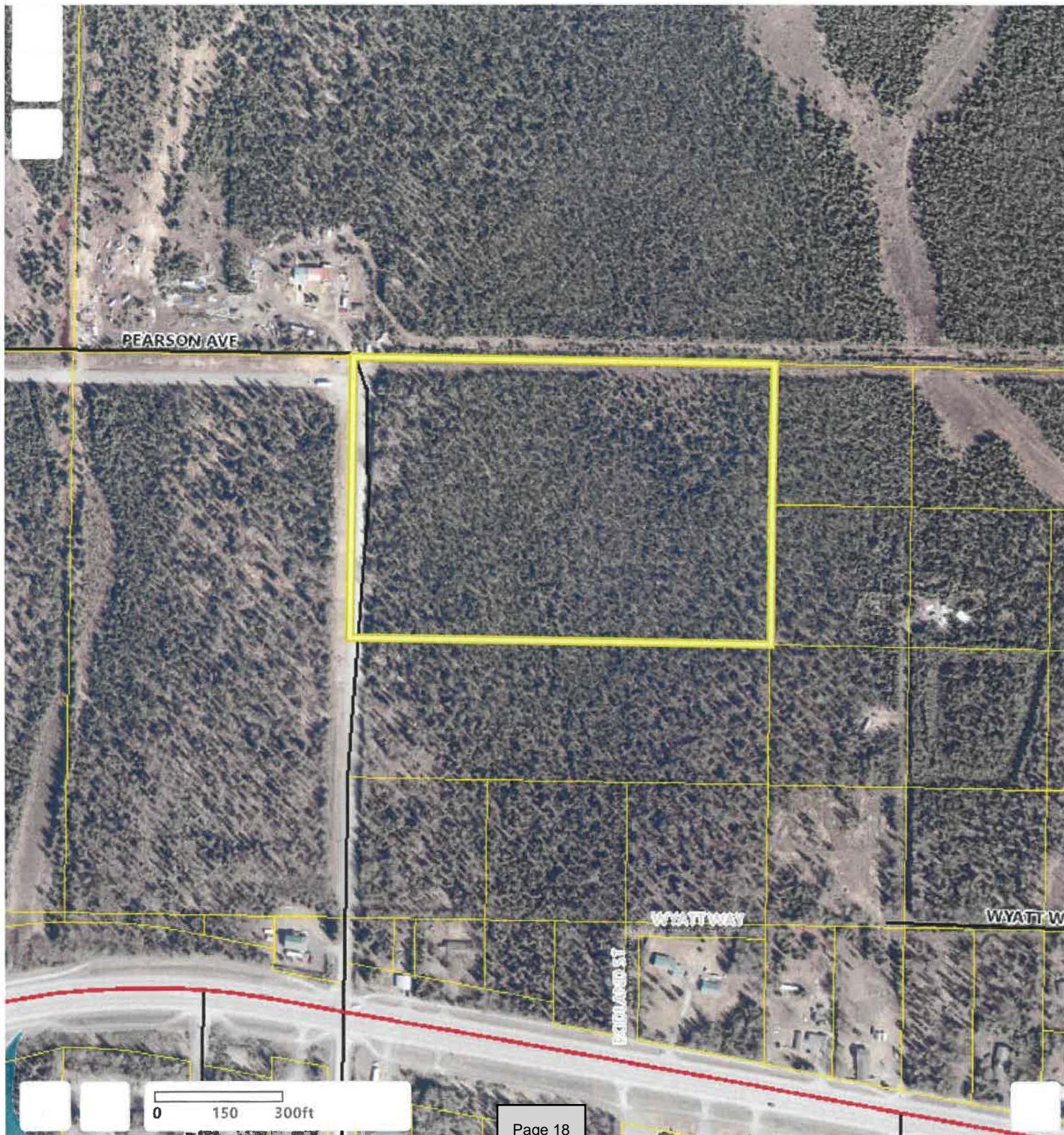
Search...

Sign in

Basic Tools



Tool Labels





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2022-19
TRANSFER OF CONDITIONAL USE PERMIT PZ12-22**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A REQUEST FOR A TRANSFER OF CONDITIONAL USE PERMIT FOR THE USE OF AN ASSISTED LIVING FACILITY IN THE SUBURBAN RESIDENTIAL ZONE TO:

APPLICANT: ASPEN CREEK KENAI LLC.

USE: ASSISTED LIVING FACILITY

LEGAL DESCRIPTION: TRACT 36A. KILLEN ESTATES 2014 REPLAT

PHYSICAL ADDRESS: 701 N. FOREST DRIVE (BUILDING 1)

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04321030

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on July 15, 2022; and,

WHEREAS, the application affects land zoned as Suburban Residential; and,

WHEREAS, the application meets the requirements of Kenai Municipal Code 14.20.150(5) stating conditional use permits may be transferred from one owner to another for the same use; and,

WHEREAS, the Planning and Zoning Commission finds:

1. The Transferor has complied with the conditions of the existing Conditional Use Permits PZ12-22; and,
2. The Transferee will comply with the conditions of the existing Conditional Use Permits PZ12-22; and,
3. The transfer of the conditional use permit will not change the use of the property.

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

Section 1. That the conditional use permit granted under PZ12-22 is transferred to ASPEN CREEK KENAI LLC.

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

- A. Facility be licensed by the State of Alaska and managed in compliance with State licensing requirements.
- B. Applicant must comply with all Federal, State and local regulations.
- C. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.150(f).
- D. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of July, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

MICHELLE M. SANER, MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Max Best, Interim Planning Director
DATE: July 27, 2022
SUBJECT: PZ2022-19 and PZ2022-20 – Transfer of Conditional Use Permit PZ12-22 and Transfer of Conditional Use Permit PZ15-24

Applicants: J. A. C. Enterprises, Inc., Transferor
P. O. Box 2829
Kenai, AK 99611

Aspen Creek Kenai LLC, Transferee
701 N. Forest Dr.
Kenai, AK 99611

Legal Description: Tract 36A, Killen Estates 2014 Replat

Property Address: 701 N. Forest Drive

KPB Parcel No: 04321030

Lot Size: Approximately 4.62 acres (201,247 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Assisted Living Facility I

Land Use Plan: Neighborhood Residential

GENERAL INFORMATION

The Planning and Zoning Commission granted Conditional Use Permit (PZ 12-22) to Clint Hall on August 8, 2012, for an Assisted Living Facility (Building 1). On July 17, 2013, Clint Hall subsequently conveyed the property to J. A. C. Enterprises, Inc. The corporation was incorporated on July 23, 2012, and the 2021 biennial report indicates that Clinton D. Hall is a 100% shareholder in said corporation. The corporation is in good standing with the State of Alaska, Corporation Section.

J. A. C. Enterprises, Inc. has a current business license and is current with any obligations to the Kenai Peninsula Borough and the City of Kenai.

The Planning and Zoning Commission granted Conditional Use Permit (PZ 15-24) to Clint Hall on August 26, 2015, for an Assisted Living Facility (Building 2)

The Assisted Living Facility commonly known as Charis Place was conveyed to Brooks Holding LLC and Miriam, LLC on December 30, 2021. A Lease was executed between Brooks Holding LLC and Miriam LLC, Lessors, and Aspen Creek Kenai LLC, Lessee, for the lease term of twenty-five (25) years. Aspen Creek Kenai LLC was incorporated on July 7, 2021. The 2021 biennial report indicates that Aspen Creek Kenai LLC is owned by Brooks Holding LLC and Tirzah LLC, each as to a fifty percent (50%) interest. Aspen Creek Kenai LLC is in good standing with the State of Alaska, Corporation Section. Aspen Creek Kenai LLC has a current business and is current with any obligations to the Kenai Peninsula Borough and the City of Kenai.

On July 15, 2022, an Application for Transfer of Conditional Use Permit was submitted by Transferor, J. A. C. Enterprises, Inc., and Aspen Creek Kenai LLC, Transferee, pursuant to Kenai Municipal Code as set forth below:

- KMC 14.20.150(i)(5) A Conditional Use Permit is not transferable from one (1) parcel of land to another. Conditional Use Permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.
- KMC 14.20.158(a) No Conditional Use Permit issued hereunder shall be transferred until the proposed transferee has made application for transfer in writing filed with the administrative official, which application shall state that he intends to be bound by the plan and statements contained in the application of the permit holder or shall contain the amendments to the plan his proposed operation would mandate. The Commission shall approve the application for transfer and in so doing amend the site plan and statements if such amendments as are contained in the application for transfer would have been approved had they been contained in the original application.

The transferee, Aspen Creek Kenai LLC, agrees to operate under the terms and conditions of the original Conditional Use Permit PZ12-22 and PZ15-24 granted by the Planning & Zoning Commission.

RECOMMENDATIONS

Staff hereby recommends approval of the Transfer of Conditional Use Permit PZ12-22 and PZ15-24, subject to the original conditions as set forth on the original permit and additional conditions, as follows:

- A. Facility be licensed by the State of Alaska and managed in compliance with State licensing requirements.
- B. Applicant must comply with all Federal, State and local regulations.
- C. Applicant shall file an annual report for the Conditional Use Permit as set forth in



Kenai Municipal Code 14.20.150(f).

D. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

ATTACHMENTS

- A. Application
- B. Aerial Map





Transfer of 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

TRANSFEROR

Current CUP Holder (Transferor):				JAC Enterprise Inc			
Mailing Address:		PO Box 2829					
City:		Kenai		State: AK		Zip Code: 99611	
Phone Number(s):		(907) 260-7607					
Email:		mjbsales@gmail.com					

TRANSFEEE

Proposed New CUP Holder (Transferee):				Aspen Creek Kenai LLC			
Mailing Address:		701 N. Forest Dr.					
City:		Kenai		State: AK		Zip Code: 99611	
Phone Number(s):		907-335-2050					
Email:		rene@aspencreekalaska.com/brod@aspencreekalaska.com					

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):				04321030			
Physical Address:		701 N. Forest Dr. Kenai AK 99611 (Blag 1)					
Legal Description:		36A, Killen Estates 2016 replat according to 2016-62 (plot #)					
Zoning:		suburban residential					
Current CUP Resolution #:		PZ12-22		(PZ16-34)			
Allowed Use by Current CUP:		Assisted Living Facility					

CERTIFICATION OF TRANSFEEE: I hereby certify that I am the property owner (transferee), or have been authorized to act on behalf of the property owner, and hereby apply for a Transfer of Conditional Use Permit. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I have submitted with this transfer application any amendments to the site plan or proposed amendments to operation. If amendments would prevent compliance with terms and conditions of the Conditional Use Permit to be transferred, a new Conditional Use Permit may be required. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Signature:			<i>Rene Brought</i>			Date:		07/15/2022	
Print Name:		Rene Brought		Title/Business:		Executive Director			

ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge this application for a Transfer of Conditional Use Permit and consent to the transfer.

Signature:			<i>Chris Hall</i>			Date:		7 15 22	
Print Name:		Chris Hall		Title/Business:		President			

For City Use Only

Date Application Fee Received: 7/15/2022
PZ Resolution Number: 2022-19

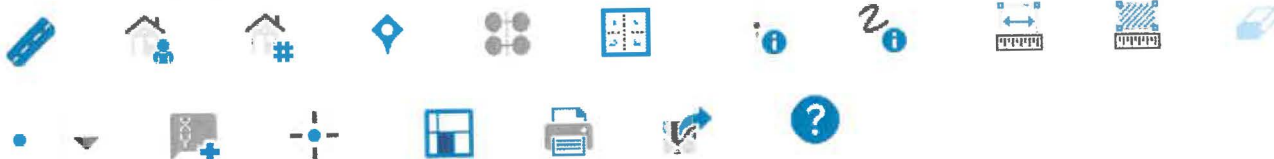


Search...

Sign in

Basic Tools

Tool Labels ✕



PARCEL ID:
04321030
Private
Commercial

Owner:
BROOKS HOLDING

[Add to Results](#)
[View Additional Details](#)
[Run a Report](#)



SILVER PINES RD

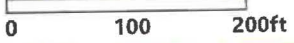
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**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2022-20
TRANSFER OF CONDITIONAL USE PERMIT PZ15-24**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A REQUEST FOR A TRANSFER OF CONDITIONAL USE PERMIT FOR THE USE OF AN ASSISTED LIVING FACILITY IN THE SUBURBAN RESIDENTIAL ZONE TO:

APPLICANT: ASPEN CREEK KENAI LLC.

USE: ASSISTED LIVING FACILITY

LEGAL DESCRIPTION: TRACT 36A. KILLEN ESTATES 2014 REPLAT

PHYSICAL ADDRESS: 701 N. FOREST DRIVE (BUILDING 2)

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04321030

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on July 15, 2022; and,

WHEREAS, the application affects land zoned as Suburban Residential; and,

WHEREAS, the application meets the requirements of Kenai Municipal Code 14.20.150(5) stating conditional use permits may be transferred from one owner to another for the same use; and,

WHEREAS, the Planning and Zoning Commission finds:

1. The Transferor has complied with the conditions of the existing Conditional Use Permits PZ15-24; and,
2. The Transferee will comply with the conditions of the existing Conditional Use Permits PZ15-24; and,
3. The transfer of the conditional use permit will not change the use of the property.

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

Section 1. That the conditional use permit granted under PZ15-24 is transferred to ASPEN CREEK KENAI LLC.

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

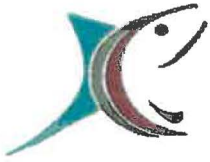
- A. Facility be licensed by the State of Alaska and managed in compliance with State licensing requirements.
- B. Applicant must comply with all Federal, State and local regulations.
- C. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.150(f).
- D. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of July, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

MICHELLE M. SANER, MMC, CITY CLERK



Transfer of 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

TRANSFEROR

Current CUP Holder (Transferor):		JAC Enterprise Inc	
Mailing Address:	PO Box 2829		
City:	Kenai	State:	AK
		Zip Code:	99611
Phone Number(s):	907-260-7607		
Email:	mpbsales@gmail.com		

TRANSFEEE

Proposed New CUP Holder (Transferee):		Aspen Creek Kenai LLC	
Mailing Address:	701 N. Forest Dr.		
City:	Kenai	State:	AK
		Zip Code:	99611
Phone Number(s):	907-335-2050		
Email:	rene@aspencreekalaska.com / brad@aspencreekalaska.com		

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):		04321030	
Physical Address:	701 N. Forest Dr., Kenai, AK 99611 (Blag 2)		
Legal Description:	36A, Killen Estates 2016 replat according to plat # 2016-162		
Zoning:	Suburban residential		
Current CUP Resolution #:	P21524		
Allowed Use by Current CUP:	Assisted Living Facility		

CERTIFICATION OF TRANSFEEE: I hereby certify that I am the property owner (transferee), or have been authorized to act on behalf of the property owner, and hereby apply for a Transfer of Conditional Use Permit. I agree to operate under the terms and conditions of the original Conditional Use Permit and application. I have submitted with this transfer application any amendments to the site plan or proposed amendments to operation. If amendments would prevent compliance with terms and conditions of the Conditional Use Permit to be transferred, a new Conditional Use Permit may be required. I understand site visits may be required to process this application for purpose of confirming compliance with conditional use permit conditions.

Signature:		Date:	07/15/2022
Print Name:	Rene Bryant	Title/Business:	Executive Director

ACKNOWLEDGEMENT OF TRANSFEROR: I hereby acknowledge this application for a Transfer of Conditional Use Permit and consent to the transfer.

Signature:		Date:	7-15-22
Print Name:	Clint Hall	Title/Business:	President

For City Use Only

Date Application Fee Received: 7/15/22
PZ Resolution Number: 2022-20



KENAI

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

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: July 21, 2022
SUBJECT: **Resolution PZ2022-20 Staff Report**

Please note that the staff report for Resolution PZ2022-20 is shared with Resolution PZ2022-19 and can be found on page 21 of the July 27, 2022 Planning & Zoning Commission meeting packet.

The permanent record of this staff report will be filed with PZ2022-19.



Kenai City Council - Regular Meeting

July 06, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. Consent Agenda (*Public 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. "Introduction to Executive Director" Peter Evon, Executive Director of the Kenaitze Indian Tribe.

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

D. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3295-2022** – Amending the Official Zoning Map by Rezoning Certain Parcels Southeast of Beaver Loop Road along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane from Rural Residential to Rural Residential-1. (Administration)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-52** – Authorizing a Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)
3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-53** – Authorizing a Service Agreement for the Personal Use Fishery Dumpsters and Portable Restrooms. (Administration)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-54** – Authorizing a Service Contract Extension to Provide Refueling Services for City Facility Fuel Tanks. (Administration)
5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-55** – Amending the Facility Management Agreement for Winter Services Provided by Red Line Sports at the City of Kenai Multi-Purpose Facility. (Administration)

6. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-56** – Approving Amendments to the Standard Lease Form for the Lease of Airport Reserve Lands Between the City of Kenai and State of Alaska, Department of Transportation & Public Facilities, Division of Facility Services-10 On Lot 4A, FBO Subdivision No. 11. (Administration)

E. MINUTES

1. *Regular Meeting of June 15, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. *Action/Approval - Bills to be Ratified. (Administration)
2. *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. *Action/Approval – Special Use Permit to Kenai Chamber of Commerce and Visitor Center to use and operate of the Moosemeat John Cabin. (Administration)
4. *Action/Approval – Restaurant Designation Permit Filed by Griffin Golf LLC, D/B/A Kenai Golf Course. (City Clerk)
5. *Ordinance No. 3296-2022 – Accepting and Appropriating Donations to the Kenai Community Library for the Purchase of Library Materials. (Administration)
6. *Ordinance No. 3297-2022 – Amending Kenai Municipal Code 7.15.090 - Disposal of Surplus or Obsolete Materials and Equipment, to Allow for the Police Department to Dispose of Certain Surplus and Obsolete Materials without Advertisement, Public Opportunity, or Procedures to Obtain the Highest Price. (Administration)
7. *Ordinance No. 3298-2022 – Enacting Kenai Municipal Code Chapter 14.30 - Floodplain Management, within Title 14 - Planning and Zoning, to Regulate Land Use within the Flood Plain and Authorizing the City to Participate in the National Flood Insurance Program. (Administration)
8. *Ordinance No. 3299-2022 – Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Non-Federal Reimbursable Agreement to Provide Project Support for a Medium Intensity Approach Light System with Runway Alignment Indicator Lights (MALSR) and any Other Impacts from the Kenai Municipal Airport Runway Rehabilitation Project. (Administration)
9. **APPROVED WITHOUT OBJECTION. Action/Approval** – City of Kenai Police Department Appointment to the Kenai Peninsula Borough’s Emergency Services Communication Advisory Board. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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

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/84905778809>

Meeting ID: 849 0577 8809 **Passcode:** 187298

OR

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

Meeting ID: 849 0577 8809 **Passcode:** 187298



**Meeting Agenda
Planning Commission**

Monday, July 18, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

- [KPB-4407](#)
- a. Barbara Heights Subdivision Griffith Addition; KPB File 2021-156
 - b. Barnett's South Slope Subdivision Evans Addition; KPB File 2022-015
 - c. Inglebrook 2022 Replat; KPB File 2022-021
 - d. Paces Pleasant Haven Subdivision Addition No. 3; KPB File 2022-013
 - e. Timber Hills Subdivision 2022 Replat; KPB File 2022-07
 - f. Towle Subdivision 2021 Replat; KPB File 2021-153
 - g. Tulchina Point Estates 2022 Replat; KPB File 2022-023

Attachments: [C3. Admin Approvals](#)

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

[KPB-4408](#) June 27, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 062722 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4409](#) Building Setback Permit - Lot 39, Stariski Meadows; Plat HM 97-62
KPB File 2022-079; PC Resolution 2022-28

Attachments: [E1. BSP Stariski Meadows](#)
2. [KPB-4410](#) Utility Easement Vacation - Lot 39, Stariski Meadows; Plat HM 97-62
KPB File 2022-086V; PC Resolution 2022-31

Attachments: [E2. UEV Stariski Meadows](#)
3. [KPB-4411](#) Building Setback Permit
Lot 18, Block 4, Soldotna South Sub Ophein Replat; Plat KN 85-162
KPB File 2022-084; PC Resolution 2022-30

Attachments: [E3. BSP Soldotna South Sub](#)
4. [KPB-4412](#) Utility Easement Vacation
Lot 58 of Lillian Walli Estates Subdivision; Plat HM 88-16
KPB File 2022-087V; PC Resolution 2022-29

Attachments: [E4. UEV Lillian Walli Sub](#)
5. [KPB-4413](#) Seismograph Trail Vacation; KPB File 2022-091V

Attachments: [E5. Seimograph Trail Vacation](#)
[E5 PC Comment KPB 2022-091V Syverson](#)
6. [KPB-4414](#) Location: Between MP 157-169 Sterling Hwy.
PC Resolution 2022-27

Attachments: [E6. CUP Alaska DOT&PF](#)
7. [KPB-4415](#) Ordinance 2022-30: Approving Stephenkie Alaska Sub Block 8
Residential Waterfront Local Option Zoning District & Amending KPB
21.46.110

Attachments: [E7. LOZD Stephenkie AK Sub](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS**K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

[KPB-4433](#) Advisory Planning Commission Meeting Minutes

Attachments: [Anchor Point APC 07-14-22 Unapproved Minutes](#)

[Moose Pass APC 071422 Unapproved Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, August 8, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION
KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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

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

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