



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

**June 08, 2022 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

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

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

**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**

**F. PUBLIC HEARINGS**

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

**1. PZ2022-13 -Townsite Historic Review 508 Mission Avenue**

**2. Action/Approval - Special Use Permit for Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin**

**I. PENDING ITEMS**

**J. REPORTS**

1. City Council Report
2. KPB Planning Report
3. City Administration Report

**K. ADDITIONAL PUBLIC COMMENT**

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

**L. INFORMATIONAL ITEMS**

1. Charles Eubank Letter Dated May 30, 2022

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: June 22, 2022

**N. COMMISSION COMMENTS AND QUESTIONS****O. ADJOURNMENT**

*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/89358313214> OR Call: (253) 215-8782 or (301) 715-8592

**Meeting ID:** 893 5831 3214 **Passcode:** 952423



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. 2022-13**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** THAT THE PROPOSED RELOCATION OF THE HERMANSEN/MILLER HOUSE TO 508 MISSION AVENUE LOCATED AT T 5N R 11W SEC 6 SEWARD MERIDIAN KN SOUTHEAST PORTION OF GOVERNMENT LOT 38 MEETS DEVELOPMENT REQUIREMENTS AND REVIEW FOR THE TOWNSITE HISTORIC DISTRICT

APPLICANT: Jet Property Development, LLC

PROPERTY ADDRESS: 508 Mission Avenue

LEGAL DESCRIPTION:

T 5N R 11W SEC 6 Seward Meridian KN Southeast Portion of Government Lot 38

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04704007

WHEREAS, a complete application for a review of development within the Townsite Historic District was submitted to the City; and,

WHEREAS, the existing T 5N R 11W SEC 6 Seward Meridian KN Southeast Portion of Government Lot 38 is located within the Townsite Historic District (TSH Zone) of the City; and,

WHEREAS, the applicant has demonstrated with plans and other documents that all of the conditions have been found to exist as a prerequisite to issuance of a variance permit pursuant to Kenai Municipal Code 14.20.105, Townsite Historic (TSH) Zoning District; and,

WHEREAS, the Planning and Zoning Commission finds:

1. The proposed development is possible and compatible with the historic character of the TSH Zone; and,
  2. The use will not violate the historic and scenic quality of the TSH Zone; and,
  3. The proposed development will not allow for a use or structure not allowed within the TSH Zone; and,
  4. The structure has been modified such over time that it is no longer eligible for consideration on the Alaska Heritage Resource Inventory and this modification will not impact a historic resource within the City.
-

Resolution No. PZ2022-13  
Page 2 of 2

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

**Section 1.** That the proposed relocation to 508 Mission Avenue meets the requirements of development within the Townsite Historic District.

**Section 2.** That the development permit is subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction, the owner shall be required to obtain a Building Permit.
3. Prior to issuance of a Building Permit for the proposed construction, a Landscape/Site plan must be reviewed and approved by the Planning Director.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 8th day of June, 2022.

\_\_\_\_\_  
JEFF TWAIT, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
MEGHAN THIBODEAU, DEPUTY CITY CLERK



## STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Ryan Foster, Planning Director  
**DATE:** June 1, 2022  
**SUBJECT:** PZ2022-13 – Review of Development in Townsite Historic District

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**Applicant:** Jet Property Development, LLC  
53455 Bystedt Ave  
Kenai, Alaska 99611

**Legal Description:** T 5N R 11W SEC 6 Seward Meridian KN Southeast Portion of Government Lot 38

**Property Address:** 508 Mission Avenue

**KPB Parcel No:** 04704007

**Lot Size:** 0.15 acres (approximately 6,534 square feet)

**Existing Zoning:** Townsite Historic District (TSH)

**Current Land Use:** Vacant

**Land Use Plan:** Mixed Use

### GENERAL INFORMATION

Jet Property Development, LLC has submitted an application to relocate the Hermansen/Miller House to 508 Mission Street (a vacant lot), which is in danger of falling off the bluff at 605 Main Street. The existing structure is located adjacent to the Kenai Townsite Historic District and is proposed to be moved into the KTHD at 508 Mission Street (located within the Townsite Historic District (TSH Zone) and the development is subject to a review of development by the Planning and Zoning Commission for consistency with the TSH Zone.

The intent of the Townsite Historic (TSH) Zoning District is to preserve the historic nature of Old Town Kenai and to encourage development that is compatible with the historic character of the TSH zone.

## ANALYSIS

KMC 14.20.105(h) requires the Planning and Zoning Commission review all building permit applications for properties included in the Historic Preservation Plan. During the 1995 “Kenai Townsite Historic Survey Report” (Report) the subject structure at 605 Main Street was issued Alaska Heritage Resource (AHR) #KEN-279. The Alaska Heritage Resources Survey (AHR) is an inventory of all reported historic and prehistoric sites within the State of Alaska and is maintained by the Office of History and Archaeology. This inventory of cultural resources includes objects, structures, buildings, sites, districts, and travel ways, with a general provision that they are over 50 years old.

According to the Report (p.196) the Hermansen/Miller House, at 605 Main Street, is adjacent to the KTHD and has received numerous alterations, such as an added dormer, vinyl siding, replacement of original multi-pane windows with large single panes, and removal of a hip-roofed bay. These changes compromised the Design, Workmanship, and Materials of the building, changing its historic appearance.

Although the Hermansen/Miller House remains in its original Location, and exhibits some historic Feeling (in the respect that one can sense it was not recently constructed), the many alterations to the property have rendered it not eligible for individual National Register listing. **If the Hermansen/Miller House were located within the boundaries of the KTHD, it would not be a contributing property in the District.**

Development criteria within the TSH Zoning District are detailed in KMC 14.20.105(c).

*KMC 14.20.105(c)(1) Encourage, whenever possible and compatible with historic character of the TSH zone, foot traffic; restaurants, gift shops, parks, etc.; indigenous Kenai Peninsula flora; wooden structures including log style with soft colored or natural sidings.*

The relocation of the building to 508 Mission Avenue would use the same materials as the existing structure. The property is one of few remaining early Kenai residences from the Early Community Building Era, and is considered the first frame building constructed in Kenai.

*KMC 14.20.105(c)(2) Discourage uses which will violate the historic and scenic quality of the TSH zone; buildings and building additions that are not compatible with adjacent buildings or which violate the existing character and scale of the district.*

Although associated with one of the historic themes of the District, Hermansen/Miller House has lost its historic integrity, and would not be a contributing property if located within the KTHD. The relocation, as a residential structure from the early community building era will not be out of scale with its surroundings.

*KMC 14.20.105(c)(3) Specific structures and activities which will not be allowed, but are not limited to: (a) Buildings with “modern design style of architecture” that have no historical correlation with the district; (b) Gas stations; (c) Auto repair shops; (d) Kennels or similar uses; (e) Livestock, stables, commercial horseback riding; (f) Auto body and paint shops*

None of these uses or structures will be created by the proposed building relocation.



*KMC 14.20.105(c)(4) Commercial buildings are limited to a total area of no more than five thousand (5,000) square feet per story. Any individual unit within the structure may be of no more than two thousand five hundred (2,500) square feet, except that the Commission may allow a larger individual unit if it is determined to be compatible with the zone.*

Not applicable; the structure is a residential building less than 2,500 square feet.

*KMC 14.20.105(c)(5) Metal-sided buildings may be allowed if the Commission determines they are compatible with the zone.*

Not applicable; the building will follow the materials used in the existing structure, which are vinyl, not metal sided.

### RECOMMENDATION

The Planning and Zoning Staff recommend that the Planning and Zoning Commission approve of the proposed relocation as meeting requirements of the Townsite Historic District development review, 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 commencement of construction, the owner shall be required to obtain all appropriate Building Permits.
3. Prior to issuance of a Building Permit for the proposed construction, a Landscape/Site plan must be reviewed and approved by the Planning Director.

### ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map
- D. Historic District Map
- E. Photos





### Application for Review of Development in the Townsite Historical (TSH) Zoning District

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

#### PROPERTY OWNER

Name:	JET PROPERTY DEVELOPMENT, LLC.						
Mailing Address:	53455 BISTROT DR.	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 398-1004						
Email:	jon@jethornton.com						

#### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:							
Mailing Address:		City:		State:		Zip Code:	
Phone Number(s):							
Email:							

#### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04704007
Physical Address:	508 MISSION ST.
Legal Description:	T 5N R 11W SEC 6 SENARO MERIDIAN KN LOT 38
Acres:	.15

#### DEVELOPMENT DESCRIPTION

Describe the proposed development and how it is compatible with the TSH District:

RELOCATE THE HERMANSSEN/MILLER HOUSE, WHICH IS IN DANGER OF FALLING OFF THE BLUFF AT 605 MAIN ST. TO 508 MISSION ST.

Is a Building Permit Required?  Yes  No

This development will not create one of the following (not allowed within the TSH District):

(a) Buildings with "modern design style of architecture" that have no historical correlation with the district; (b) Gas stations; (c) Auto repair shops; (d) Kennels or similar uses; (e) Livestock, stables, commercial horseback riding; (f) Auto body and paint shops;

Yes

#### REQUIRED ATTACHMENTS

- Current color photographs of the site and of any existing structures representing both the overall condition of structures and accurately portraying materials and color
- Reproducible schematic plans of the proposed construction sufficient to show building size and layout, exterior elevations, proposed materials and colors.
- A landscaping and site plan complying with KMC 14.25 and the development criteria of this chapter drawn to scale showing the existing structure and all proposed alterations and additions in relation to the site.

#### SIGNATURE

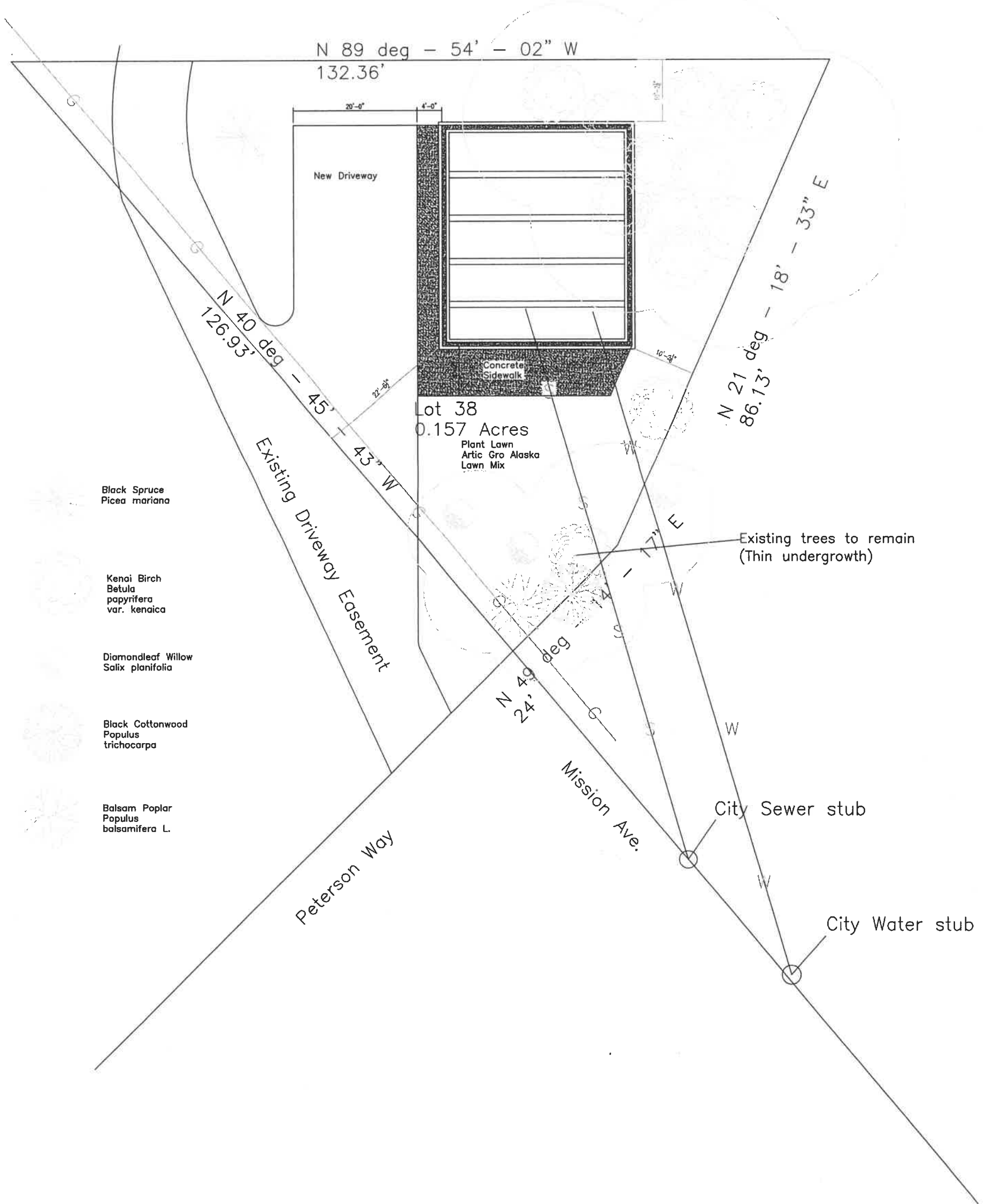
Signature:		Date:	5/25/22
Print Name:	Jonathan E. Thornton	Title/Business:	JET PROPERTY DEVELOPMENT LLC.



# Site Plan

508 Mission St.  
 T 5N R 11W SEC 6  
 SEWARD MERIDIAN KN  
 SOUTHEAST PORTION OF GOVT LOT 38

Clear trees in this area  
 Replace with Lawn





**PZ2022-13 Townsite Historic Review**  
**508 Mission Avenue**  
**Parcel 04704007**



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

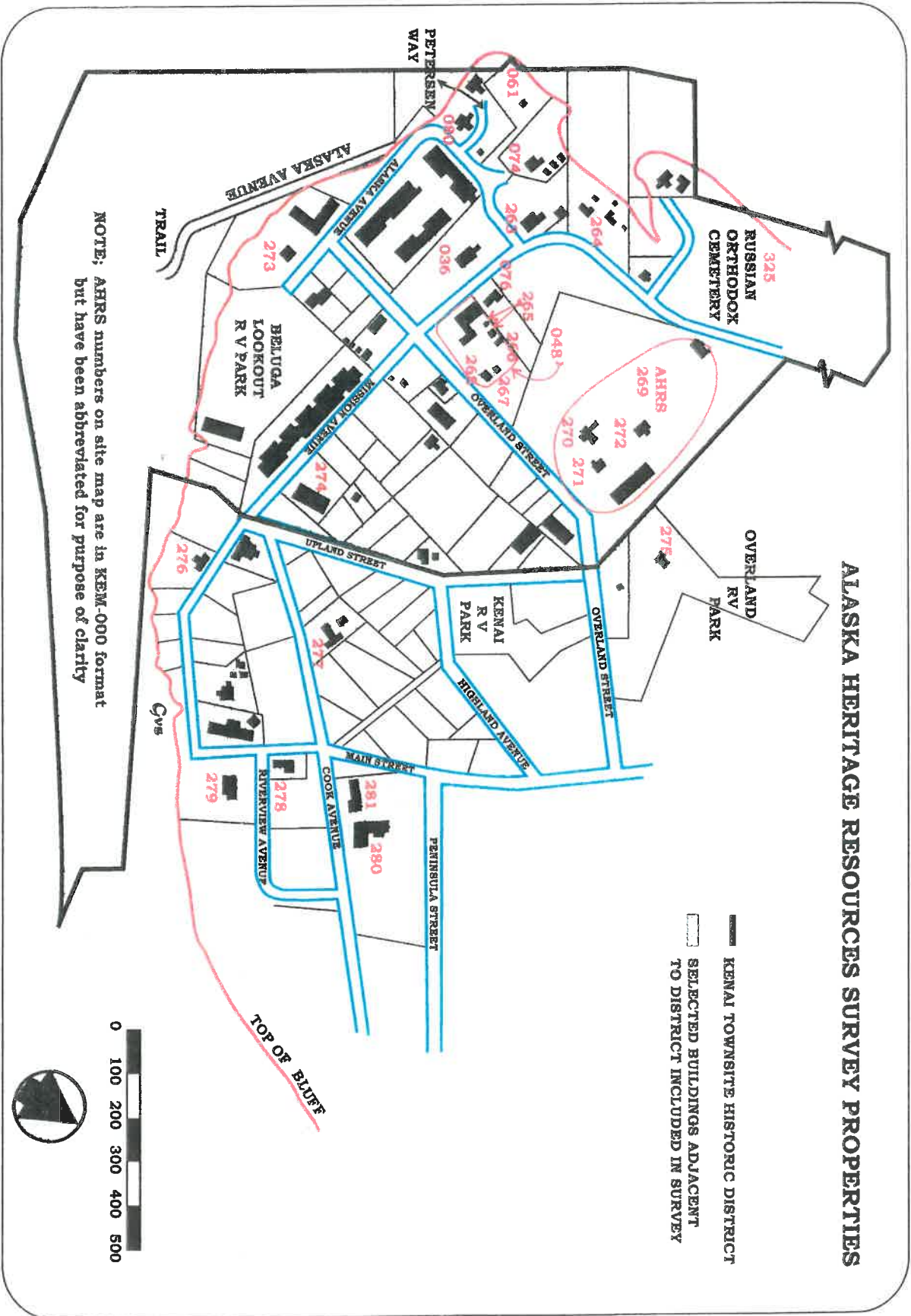


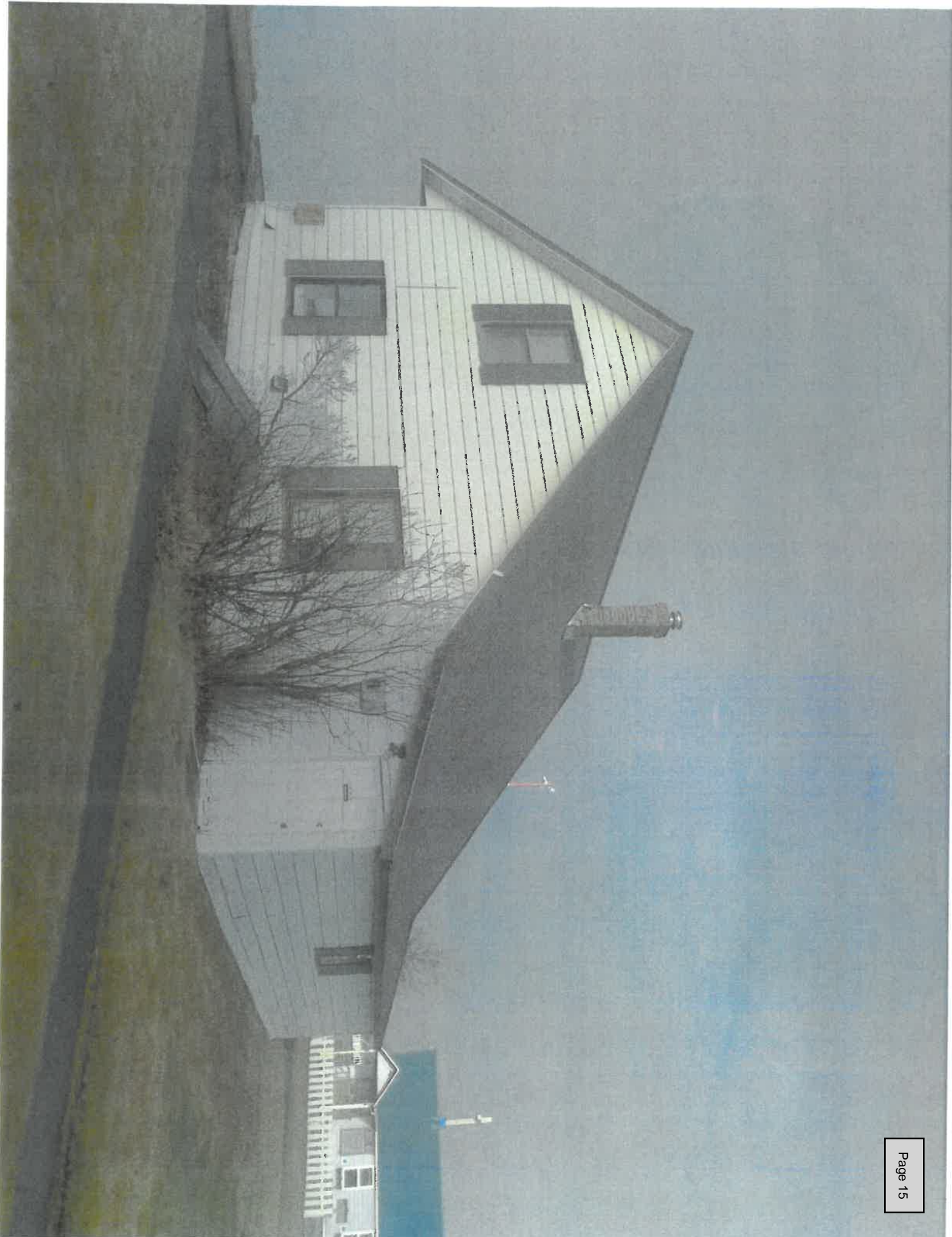
Figure 83. Alaska Heritage Resources Survey Properties.

KENAI TOWNSITE HISTORIC DISTRICT SURVEY 6/96



















# PLANNING & ZONING COMMISSION

Resolution PZ2022-13 – Review of Development in Townsite Historic District

508 Mission Avenue

# SUMMARY

**Applicant:** Jet Property Development, LLC  
53455 Bystedt Ave  
Kenai, Alaska 99611

**Legal Description:** T 5N R 11W SEC 6 Seward Meridian  
KN Southeast Portion of Government  
Lot 38

**Property Address:** 508 Mission Avenue

**KPB Parcel No:** 04704007

**Lot Size:** 0.15 acres (approx. 6,534 square feet)

**Existing Zoning:** Townsite Historic District (TSH)

**Current Land Use:** Vacant

**Land Use Plan:** Mixed Use



# SUMMARY

- Jet Property Development, LLC has submitted an application to relocate the Hermansen/Miller House to 508 Mission Avenue (a vacant lot), which is in danger of falling off the bluff at 605 Main Street.
- The existing structure is located adjacent to the Kenai Townsite Historic District and is proposed to be moved into the KTHD at 508 Mission Avenue (located within the Townsite Historic District (TSH Zone) and the development is subject to a review of development by the Planning and Zoning Commission for consistency with the TSH Zone.
- The intent of the Townsite Historic (TSH) Zoning District is to preserve the historic nature of Old Town Kenai and to encourage development that is compatible with the historic character of the TSH zone.



# STAFF ANALYSIS

- KMC 14.20.105(h) requires the Planning and Zoning Commission review all building permit applications for properties included in the Historic Preservation Plan.
- According to the Report (p.196) the Hermansen/Miller House, at 605 Main Street, is adjacent to the KTHD and has received numerous alterations, such as an added dormer, vinyl siding, replacement of original multi-pane windows with large single panes, and removal of a hip-roofed bay. These changes compromised the Design, Workmanship, and Materials of the building, changing its historic appearance.
- Although the Hermansen/Miller House remains in its original location, and exhibits some historic Feeling (in the respect that one can sense it was not recently constructed), the many alterations to the property have rendered it not eligible for individual National Register listing.
- **If the Hermansen/Miller House were located within the boundaries of the KTHD, it would not be a contributing property in the District.**



# REVIEW CRITERIA TSH ZONING DISTRICT

- *Criteria #1: KMC 14.20.105(c)(1) Encourage, whenever possible and compatible with historic character of the TSH zone, foot traffic; restaurants, gift shops, parks, etc.; indigenous Kenai Peninsula flora; wooden structures including log style with soft colored or natural sidings.*
- *Criteria #2: KMC 14.20.105(c)(2) Discourage uses which will violate the historic and scenic quality of the TSH zone; buildings and building additions that are not compatible with adjacent buildings or which violate the existing character and scale of the district.*
- *Criteria #3: KMC 14.20.105(c)(3) Specific structures and activities which will not be allowed, but are not limited to: (a) Buildings with "modern design style of architecture" that have no historical correlation with the district; (b) Gas stations; (c) Auto repair shops; (d) Kennels or similar uses; (e) Livestock, stables, commercial horseback riding; (f) Auto body and paint shops*
- *Criteria #4: KMC 14.20.105(c)(4) Commercial buildings are limited to a total area of no more than five thousand (5,000) square feet per story. Any individual unit within the structure may be of no more than two thousand five hundred (2,500) square feet, except that the Commission may allow a larger individual unit if it is determined to be compatible with the zone.*
- *Criteria #5: KMC 14.20.105(c)(5) Metal-sided buildings may be allowed if the Commission determines they are compatible with the zone.*



# RECOMMENDATIONS

- The Planning and Zoning Staff recommend that the Planning and Zoning Commission approve of the proposed relocation to 508 Mission Avenue as meeting requirements of the Townsite Historic District development review, 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 commencement of construction, the owner shall be required to obtain all appropriate Building Permits.
  - 3. Prior to issuance of a Building Permit for the proposed construction, a Landscape/Site plan must be reviewed and approved by the Planning Director.

# ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map
- D. Historic District Map
- E. Photos

# A. APPLICATION

 <p><b>Application for Review of Development in the Townsite Historical (TSH) Zoning District</b></p>		<p>City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (807) 283-8200 planning@kenai.city www.kenai.city/planning</p>						
<b>PROPERTY OWNER</b>								
Name:	VET Recovery Development, LLC.							
Mailing Address:	3455 System Rd City Kenai AK 99611							
Phone Number(s):	(907) 398-1004							
Email:	jon@vetrecovery.com							
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)								
Name:								
Mailing Address:	City: State: Zip Code:							
Phone Number(s):								
Email:								
<b>PROPERTY INFORMATION</b>								
Kenai Peninsula Borough Parcel # (Property Tax ID):	04704007							
Physical Address:	508 WISSON ST.							
Legal Description:	T 5N R 1W SEC 6 SE 1/4 SW 1/4 LOTS 38							
Acres:	.15							
<b>DEVELOPMENT DESCRIPTION</b>								
Describe the proposed development and how it is compatible with the TSH District:								
<p>RELOCATE THE HERRMANN MILLER HOUSE, WHICH IS IN DANGER OF FALLING OFF THE CLIFF AT LOS WOOD ST. TO 508 WISSON ST.</p>								
<p>Is a Building Permit Required? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>This development will not create one of the following (not allowed within the TSH District):</p> <table border="0"> <tr> <td>(a) Buildings with "modern design style of architecture" that have no historical correlation with the district;</td> <td>(b) Gas stations;</td> <td>(c) Auto repair shops;</td> <td>(d) Kennels or similar uses;</td> <td>(e) Livestock, stables, commercial horseback riding;</td> <td>(f) Auto body and paint shops;</td> </tr> </table> <p style="text-align: right;"><input checked="" type="checkbox"/> Yes</p>			(a) Buildings with "modern design style of architecture" that have no historical correlation with the district;	(b) Gas stations;	(c) Auto repair shops;	(d) Kennels or similar uses;	(e) Livestock, stables, commercial horseback riding;	(f) Auto body and paint shops;
(a) Buildings with "modern design style of architecture" that have no historical correlation with the district;	(b) Gas stations;	(c) Auto repair shops;	(d) Kennels or similar uses;	(e) Livestock, stables, commercial horseback riding;	(f) Auto body and paint shops;			
<b>REQUIRED ATTACHMENTS</b>								
<input checked="" type="checkbox"/> Current color photographs of the site and of any existing structures representing both the overall condition of structures and accurately portraying materials and color <input checked="" type="checkbox"/> Reproducible schematic plans of the proposed construction sufficient to show building size and layout, exterior elevations, proposed materials and colors. <input checked="" type="checkbox"/> A landscaping and site plan complying with KMC 14.25 and the development criteria of this chapter drawn to scale showing the existing structure and all proposed alterations and additions in relation to the site.								
<b>SIGNATURE</b>								
Signature:								
Print Name:	Jonathan E. Harrison Title/Business: VET Recovery Development, LLC							
Date:	5/25/22							



# C. AERIAL MAP





# E. PHOTOS





# E. PHOTOS



# E. PHOTOS



# E. PHOTOS



# E. PHOTOS





## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Ryan Foster, Planning Director

**DATE:** June 1, 2022

**SUBJECT:** **Action/Approval - Special Use Permit for Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin**

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The Kenai Chamber of Commerce and Visitor Center has requested a Special Use Permit to use and operate the Moosemeat John Cabin located on approximately 10,000 square feet (100 feet x 100 feet) of Lot 1, Gusty Subdivision No. 8, a City-owned parcel upon which the Kenai Visitor and Cultural Center is also located. Since 2013, the Kenai Chamber of Commerce and Visitor Center has allowed the use of the Moosemeat John Cabin during the summer months by the Kenai Historical Society in conjunction with its operations in Old Town Kenai. The Kenai Chamber of Commerce operated on the premises from 1977 until 2012. In 2012, the Kenai Chamber of Commerce merged with the Kenai Convention and Visitor's Bureau to form the new entity, "Kenai Chamber of Commerce and Visitor Center".

A Special Use Permit was granted for the use of the Moosemeat John Cabin for twelve months between July 31, 2021 and July 30, 2022. The Kenai Chamber of Commerce and Visitor Center would like a Special Use Permit for the same use of the Moosemeat John Cabin for July 31, 2022 to July 30, 2023. The Kenai Chamber of Commerce and Visitor Center complied with the terms of the Special Use Permit for the Moosemeat John Cabin for previous years of issuance.

If the City Council approves the attached Special Use Permit with the Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin, the City Manager will sign the Special Use Permit granting the continued use of the cabin by the Kenai Chamber on behalf of the City.

Please review the attached draft special use permit and application materials.

**Does the Commission recommend City Council approve the execution of a special use permit to the Kenai Chamber of Commerce and Visitor Center?**

### Attachments

- A. Special Use Permit Application
- B. Aerial map
- C. Special Use Permit for Moosemeat John Cabin



**City of Kenai  
Special Use Permit  
Application**

Application Date: **5.2.2022**

**Applicant Information**

Name of Applicant:	Kenai Chamber of Commerce and Visitor Center						
Mailing Address:	11471 Kenai Spur Highway	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ( )		Work/ Message Phone: ( ) 283.1991				
E-mail: (Optional)	brett@kenaichamber.org						
Name to Appear on Permit:	Kenai Chamber of Commerce and Visitor Center: Brett Perry						
Mailing Address:	11471 Kenai Spur Highway	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	Home Phone: ( )		Work/ Message Phone: ( ) 283.1991				
E-mail: (Optional)	brett@kenaichamber.org						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input checked="" type="checkbox"/> Other <u>Non-Profit</u>						

**Property Information**

Legal or physical description of the property:  
**Moosemeat John Historic Cabin**

Description of the proposed business or activity intended: **To facilitate the Kenai Historical Society**

Is the area to be used in front of or immediately adjacent to any established business offering the same or similar products or services upon a fixed location?  YES  NO

Would the use under this permit interfere with other businesses through excessive noise, odor, or other nuisances?  YES  NO

If you answered yes to any of the above questions, please explain:

What is the term requested (not to exceed one year)? **One Year**

Requested Starting Date: **6.30.2022**

Signature:	<i>Brett Perry</i>	Date:	<b>5-2-2022</b>
Print Name:	<b>Brett Perry</b>	Title:	<b>KCCVC Executive Director</b>

For City Use Only:	Date Application Fee Received:
<input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land	City Council Action/Resolution: _____
<input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve	Account Number: _____



**Moosemeat John Cabin  
Special Use Permit**  
Southeast 100 ft x 100 ft  
portion of  
Lot 1, Gusty Subd,  
Addition No. 8



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

## SPECIAL USE PERMIT

The CITY OF KENAI (City), for the consideration, and pursuant to the conditions set out below, hereby grants the Kenai Chamber of Commerce and Visitor Center (PERMITTEE) the right to use the Premises, identified on the attached Exhibit A to this Permit, and described as:

The southeast 100 foot x 100 foot portion of Lot 1, Gusto Subdivision, Addition No. 8, Kenai Recording District, according to Plat No. 91-9, to use and operate the "Moosemeat John" Cabin.

1. **Use/Term.** Permittee shall have use of the Premises on the 31st day of July 2022 through the 30th day of July 2023.
2. **Fee.** The Permittee shall not be charged a fee for the use or privilege specified herein.
3. **No Exclusivity.** The use by the Permittee of the Premises is limited to the purposes specified herein and is not intended to grant any exclusive use to the described Premises except as otherwise provided herein. This use is also subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities.
4. **Improvements.** Permittee shall not make any permanent improvements to the Premises.
5. **Preparation of Premises.** It is Permittee's responsibility to prepare the Premises and to assure itself to its own satisfaction that the Premises are safe for its purposes. The City does not make any warranty or guaranty of the suitability of the Premises for Permittee's intended purposes.
6. **Trash and Debris.** The Premises must be returned to its original condition at the end of each use. Clean up and/or repair charges beyond normal wear and tear will be billed to Permittee based upon cost of repair. Debris and trash shall be collected and removed from the Premises by Permittee. Permittee shall alert City (Parks and Recreation Department) of unsightly, unsanitary, dirty or other conditions on the Premises which exist prior to Permittee's use.
7. **No Alcohol or Illegal Substances.** No possession or consumption of alcoholic beverages, marijuana or illegal substances is permitted on the Premises.
8. **No Joint Venture.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
9. **Personalty.** Any or all personal property placed or used upon lands or in facilities may be removed and/or impounded by the City, and when so removed and/or impounded, such property may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus storage charges of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its invitees to the Premises.



10. **Assumption of Risk.** Permittee assumes full control and sole responsibility as between Permittee and City for the activities of Permittee, its personnel, employees, and persons acting on behalf of or under the authority of the Permittee anywhere on the Premises. Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
11. **No Waiver.** Failure to insist upon a strict compliance with the terms, conditions, and requirements herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
12. **Insurance.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, City is entitled to coverage to the extent of the higher limits.
  - A. Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
  - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
  - C. All insurance required must meet the following additional requirements:
    - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
    - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
    - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
    - iv. Provide the City with notification at least thirty (30) days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
    - v. Evidence of insurance coverage must be submitted to City prior to any use.

City may increase the amount or revise the type of required insurance on written demand without requiring amendments to this Permit. City will base any increase or revision on reasonable and justifiable grounds. Within two weeks of the written demand, Permittee shall submit to City evidence of insurance coverage that meets the requirements of the City.

- 13. **No Discrimination.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.
- 14. **Contact Information.** The Contact information for the Permittee, and the person in responsible charge for Permittee during the term of the Permit, for purposes of notice and all communications from City to Permittee is:

Brett Perry  
 Executive Director  
 Kenai Chamber of Commerce & Visitor Center  
 11471 Kenai Spur Hwy.  
 Kenai, AK 99611

- 15. **Indemnity, Defend, and Hold Harmless Agreement:** Permittee agrees to fully indemnify, defend, and hold harmless, the City of Kenai, its officers, agents, employees, and volunteers from and against all actions, damages, costs, liability, claims, losses, judgments, penalties, and expenses of every type and description, including any fees and/or costs reasonably incurred by the City's staff attorneys and outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "Liabilities"), to which any or all of them may be subjected, to the extent such Liabilities are caused by or result from any negligent act or omission or willful misconduct of the Permittee in connection with or arising from or out of Permittee's activities on or use of the Premises. This shall be a continuing obligation and shall remain in effect after termination of this Permit.
- 16. **Authority.** By signing this Permit, Permittee represents that it has read this agreement and it agrees to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the organization to bind the organization hereunder.

**CITY OF KENAI**

**KENAI CHAMBER OF COMMERCE & VISITOR CENTER**

By: \_\_\_\_\_

By: \_\_\_\_\_

Paul Ostrander  
City Manager

Date

\_\_\_\_\_(Title)

Date

ACKNOWLEDGMENTS

STATE OF ALASKA

) ss

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this \_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

\_\_\_\_\_  
Notary Public for Alaska

My Commission Expires: \_\_\_\_\_

STATE OF ALASKA

) ss

THIRD JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this \_\_\_ day of \_\_\_\_\_, 2022, the foregoing instrument was acknowledged before me by \_\_\_\_\_ (Title) on behalf of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notary Public for Alaska

My Commission Expires: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michelle M. Saner, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott M. Bloom, City Attorney



## Kenai City Council - Regular Meeting

June 01, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

**\*\*Telephonic/Virtual Information on Page 4\*\***

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

### Action Agenda

#### A. CALL TO ORDER

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

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

#### B. SCHEDULED PUBLIC COMMENTS

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

#### C. UNSCHEDULED PUBLIC COMMENTS

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

#### D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3289-2022** – Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023 and Committing \$3,986,107 of General Fund, Fund Balance for Future Capital Improvements. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3290-2022** – Authorizing the Return of Funds Remaining from Completed or Canceled Capital Projects to the General, Airport Special Revenue and Water and Sewer Special Revenue Funds. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3291-2022** – Accepting and Appropriating Private Donations to the Kenai Community Library for the Purchase of Programming Equipment and Library Materials. (Administration)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3292-2022** – Increasing Estimated Revenues and Appropriations in the General Fund and Public Safety Capital Project Fund to Provide Supplemental Funding for the Fire Department Flooring Replacement Project. (Administration)

5. **POSTPONED TO 6/15/2022. Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk)
6. **POSTPONED TO 6/15/2022. Resolution No. 2022-37** – Removing the Moratorium on the Purchase of Standard Cemetery Plots for the Sole Purpose of Reserving a Cemetery Plot Not Being Used for Immediate Internment. (City Clerk)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2022-38** – Fixing the Rate of Levy of Property Tax for the Fiscal Year Commencing July 1, 2022 and Ending June 30, 2023. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2022-39** – Amending the Comprehensive Schedule of Rates, Charges, and Fees to Incorporate Changes Included in the FY2023 Budget to Include Adjusting Airport Fees, Animal Control Fees, Fire Department Ambulance Fees, Library Fees, Parks and Recreation Fees, City Dock Fees, Water Fees, Sewer Fees, Senior Center Fees, and Adjusting the Monthly Rental Rates at Vintage Pointe. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2022-40** – Approving the Divestment of the City's Interest in the Deeded Thirty-Foot Public Use Easement Lying Along the North Boundary Of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian, Alaska, and Determining The Easement Is Not Needed For A Public Purpose. (Administration)
10. **ADOPTED UNANIMOUSLY. Resolution No. 2022-41** – Authorizing Renewal of the City's Insurance Coverage with Alaska Municipal League Joint Insurance Association for July 1, 2022 Through June 30, 2023. (Administration)
11. **ADOPTED UNANIMOUSLY. Resolution No. 2022-42** – Authorizing Contracts for Employee Health Care and Other Benefits Effective July 1, 2022. (Administration)
12. **ADOPTED UNANIMOUSLY. Resolution No. 2022-43** – Authorizing the City Manager to Enter Into a Memorandum of Agreement with the State of Alaska Department of Natural Resources, Division of Forestry to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)
13. **ADOPTED UNANIMOUSLY. Resolution No. 2022-44** – Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Swanson Properties, LLC on Lot 6, Block 5, General Aviation Subdivision No. 1 Amended. (Administration)
14. **ADOPTED UNANIMOUSLY. Resolution No. 2022-45** – Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns. (Council Members Sounart and Pettay)

## E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** \*Budget Work Session of May 14, 2022. (City Clerk)

**F. UNFINISHED BUSINESS**

1. **ENACTED AS AMENDED. Ordinance No. 3287-2022** – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 04701018) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden) [*Clerk's Note: At the May 18th Meeting, this Ordinance was Postponed to this Meeting; a Motion to Enact is On the Floor.*]

**G. NEW BUSINESS**

1. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval - Bills to be Ratified. (Administration)
2. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/15/2022.** \*Ordinance No. 3294-2022 – Accepting and Appropriating Funding From the State of Alaska Department of Natural Resources, Division of Forestry, to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)
3. **APPROVED UNANIMOUSLY. Action/Approval** – Executing an Amendment to the Facility Management Agreement with Kenai Chamber of Commerce and Visitor Center, Inc. to Extend the Current Agreement to June 30, 2023. (Administration)
4. **APPROVED UNANIMOUSLY. Action/Approval** – Approving Official Bond Amounts for City Manager, City Clerk and Finance Director. (Administration)
5. **BOARD OF ADJUSTMENT SCHEDULED FOR 6/20/2022 AT 7:00 P.M. Discussion** – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

**H. COMMISSION / COMMITTEE REPORTS**

1. Council on Aging
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee
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](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/89499065354>

**Meeting ID:** 894 9906 5354 **Passcode:** 382673

OR

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

**Meeting ID:** 894 9906 5354 **Passcode:** 382673





# Planning Commission Tentative Agenda

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

Robert Ruffner, Planning Director • Charlie Pierce, Borough Mayor

**Blair Martin**, Chair – District 2-Kenai ~ **Jeremy Brantley**, Vice Chair – District 5 Sterling/Funny River ~ **Syverine Abrahamson-Bentz**, Parliamentarian – District 9 – South Peninsula

**Pamela Gillham**, District 1 – Kalifornsky ~ **John Hooper**, District 3 Nikiski ~ **Michael Horton**, District 4 – Soldotna ~ **Jeremy Brantley**, District 5 – Sterling/Funny River

**Virginia Morgan**, District 6 – East Peninsula ~ Vacant, District 7 – Central ~ **David Strutzer**, District 8 – Homer

**Franco Venuti**, City of Homer ~ **Charlene Tautfest**, City of Soldotna ~ Vacant, City of Seward ~ Vacant, City of Seldovia

**May 23, 2022**

**7:30 p.m.**

**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.

The hearing procedure for the Planning Commission public hearings is 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**

## **C. APPROVAL OF CONSENT AND REGULAR AGENDAS**

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

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

- \*1. Time Extension Request - None**
- \*2. Planning Commission Resolutions - None**
- \*3. Plats Granted Administrative Approval**

- a. Horse Creek Subd. 2021 Addition; KPB File 2021-099
- b. Mackey Lakes Subdivision Douglas Replat; KPB File 2021-109

**\*4. Plats Granted Final Approval - None**

**\*5. Plat Amendment Request – None**

**\*6. Commissioner Excused Absences**

- a. City of Seward, Vacant
- b. City of Seldovia, Vacant
- c. District 7 – Central, Vacant

**\*7. Minutes**

- a. May 9, 2022 Planning Commission Meeting Minutes

**D. OLD 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)*

1. Section Line Easement Vacation; KPB File 2022-060V  
Request: Vacate section line easement associated with Tracts A, B & C of Quartz Creek Subdivision Plan SW 94-11  
PINs: 119-124-17, 119-124-18 & 119124-19  
Petitioner(s)/Landowner(s): Three Bears of Alaska & Kenai Peninsula Borough  
Cooper Landing Area
2. Conditional Use Permit; PC Resolution 2022-22  
To perform bank stabilization on a parcel within the 50' Habitat Protection District of the Kenai River  
Location: 992 Bridge Access Road, Kenai; PIN 049-011-35  
Petitioners: Will & Becky Jahrig  
City of Kenai
3. Conditional Land Use Permit – Materials Processing; PC Resolution 2022-21  
Location: 27083 Seward Hwy., Seward; PIN 125-090-28  
Applicant/Landowner: Colaska Inc. - QAP  
Moose Pass Area

**Public Hearing: Legislative Matters**

4. Ordinance 2022-14: Authorizing the sale of certain parcels of borough-owned land by live outcry auction followed by a subsequent online-only auction land sale.
5. Resolution 2022-XX: Classifying & reclassifying certain borough-managed land in the Moose Pass area.

**F. PLAT COMMITTEE REPORT – The plat committee will review 10 Plats**

**G. OTHER (No Public Hearings)**

1. Plat Committee – June 13, 2022

- H. **PUBLIC COMMENT/PRESENTATION** (Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)
- I. **DIRECTOR'S COMMENTS**
- J. **COMMISSIONER COMMENTS**
- K. **ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held **Monday, June 13, 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**

Phone: 907-714-2215

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

Fax: 907-714-2378

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

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

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

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

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

3050 Kim N Ang Ct.,  
Kenai, Alaska 99611  
(907) 398-3117  
May 30, 2022

City of Kenai Planning and Zoning Board President and Vice Mayor

Subject: Unethical display of favoritism toward the individual who filed the rezoning permit #PZ2022-12.

I would like to file a formal complaint on the actions of one of your board members that was displayed during the rezoning meeting that occurred on May 25, 2022. During the meeting break a board member left her seat approached the rezoning applicant embraced him and sat down and talked to him before returning to her seat. I find this to be inappropriate conduct which requires your attention. This display indicated her intension of voting in favor of the petition before the vote was taken. This action alone should have nullified the vote. I am requesting you re-schedule another board meeting and to remove this person from the board for her conduct unprofessional actions of this type only shows bad judgement and do you really need people on your board with bad judgement, which in some cases makes life changing decisions on other people's lives?

Sincerely,

  
Charles Eubank