



Kenai Planning & Zoning Commission - Regular Meeting

November 29, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of November 08, 2023

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

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-21** – Recommending Approval for Preliminary Plat – Kenai Townsite Oiler’s 2024 Addition for a Parcel Merger of Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition, a Right-of-Way Vacation of Outside Way as Dedicated on Original Townsite of Kenai Subdivision, a Utility Easement Vacation, and a 60-foot Right of Way Dedication in the Central Commercial (CC) Zoning District.

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the November 8, 2023 Regular Meeting – Halstead and Woodard.

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: December 13, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

The agenda and supporting documents are posted on the City's website at www.kenai.city. 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/88221213336>

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

Meeting ID: 882 2121 3336 **Passcode:** 193178 **Meeting ID:** 882 2121 3336 **Passcode:** 193178

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 8, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on November 8, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston

Diane Fikes
Jim Glendinging

A quorum was present.

Absent:

Joe Halstead, Vice Chair

Gwen Woodard

Also in attendance were:

Linda Mitchell, Planning Director
Alex Douthit, City Council Liaison
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda and consent agenda. Commissioner Coston **SECONDED** the motion.

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

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

UNANIMOUS CONSENT was requested.
There being no objection; **SO ORDERED**.

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of October 25, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS - None.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-19** – Recommending Approval to Rezone the Properties Located at 103 Birch Street and 1202, 1204, and 1206 First Avenue From General Commercial (CG) to Suburban Residential (RS) Zoning District.

MOTION:

Commissioner Greenberg **MOVED** to approve Resolution PZ2023-19. Commissioner Glendening **SECONDED** the motion.

Director Mitchell presented her staff report with information in the packet, explaining that the applicant has requested to rezone four parcels of approximately 2.36 acres total. Current uses, surrounding uses, and applicant's reasons for zoning were reviewed, and it was noted that the property owners' signatures met the threshold for a majority required for rezoning. Clarification was provided that after reviewing the Comprehensive Plan, an incorrect land use map was found which delayed presentation of the resolution to the Commission; a Comprehensive Plan amendment is not required. It was noted that staff's recommendation is that the Commission recommend approval of the rezone to City Council.

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

VOTE:

YEA: Fikes, Coston, Greenberg, Glendening, Twait

NAY: None

ABSENT: Halstead, Woodard

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the October 25, 2023 Regular Meeting – Greenberg.

Approved by the consent agenda.

2. ***Action/Approval** – Granting a Home Occupation Permit to Allow a Home Day Care for up to Eight (8) Children on a Property Located at 621 Fir Drive in the Suburban Residential (RS) Zoning District.

Approved by the consent agenda.

I. REPORTS

1. City Council – Council Member Douthit reported on the actions of the November 1, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Mitchell reported on the following:

- Clarified Planning code requirements for conditional use permit applicant participation.
- Recruitment for a second part-time administrative assistant is to be determined.
- The City is doing a classification study; will be published early next year.
- Bluff stabilization update: City was issued real estate certification.
- Building plans for Kassik's Brewery have been submitted.
- Waterfront rezone is still in progress.

J. ADDITIONAL PUBLIC COMMENT

Keith Shaffer requested clarification on the current status of the rezone in PZ2023-19, and expressed appreciation for how it was handled.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: November 22, 2023

Commissioners Fikes and Greenberg noted they may be absent.

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Glendening thanked Council Member Douthit for his report; expressed interest in having virtual meetings participation being referred to Commissions for the discussion.

Commissioner Greenberg noted a split zone on North Spruce Street for future cleanup.

Chair Twait requested clarification on the code for Commissioner and Council Member remote electronic participation.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Commission, the meeting was adjourned at 7:39 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of November 8, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-21**

A RESOLUTION **RECOMMENDING** THAT KENAI TOWNSITE OILER'S 2024 ADDITION PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 817 Cook Avenue, 601 Main Street, and 814 Riverview Drive

LEGAL DESCRIPTIONS: Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition

KPB PARCEL NUMBERS: 04710204, -11, and -12

WHEREAS, the City of Kenai received a preliminary plat from Edge Survey and Design, LLC on behalf of the property owner, Peninsula Oilers Baseball Club, Inc. for a parcel merger of Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition with a right-of-way (ROW) vacation of Outside Way between Cook Avenue and Riverview Drive, a utility easement vacation along Outside Way, and a 60-foot ROW dedication; and,

WHEREAS, the preliminary plat, subject to the listed conditions, generally meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Central Commercial (CC) zoning district; and

WHEREAS, the existing street names are referenced correctly; and,

WHEREAS, the applicant has proposed the 60-foot ROW dedication to bear the street name, Oilers Avenue, however, the street suffix needs to change from "Avenue" to "Street" for consistency with KMC 14.15.010 *Uniform numbering system*; and,

WHEREAS, KMC 14.15.140 authorizes the Kenai City Council to name and rename streets within the City limits upon recommendation from the Planning and Zoning Commission and after consultation with the Kenai Peninsula Borough or any other affected municipality; and,

WHEREAS, the Kenai Peninsula Borough has no objection to naming the street to Oilers Street; and,

WHEREAS, the merged parcel will have access from Main Street, Riverview Drive, Cook Avenue, and the proposed 60-foot ROW to be named Oilers Street, which are all City-maintained roads; and

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

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat, subject to the listed conditions, conforms to the minimum street widths, provides utilities/access easements, provides satisfactory and desirable building sites, and the on-site water and sewer systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.070(b)(2), the Commission may lessen the minimum width for minor streets to 50 feet. The required minimum width for minor streets is 60 feet but the street widths in the surrounding area are typically 30 feet. The existing public street easement is 40 feet and a 50-foot right-of-way dedication is substantial for the area and greater than the existing public street easement.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the subject zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.
5. The merged parcels will result in the existing structure to decrease in nonconformity with the current setback requirements and double frontage lots.

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

Section 1. That the preliminary plat of Kenai Townsite Oiler's 2024 Addition for a parcel merger of Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition with a right-of-way (ROW) vacation of a portion of Outside Way, a utility easement vacation along Outside Way, and a 50-foot ROW dedication be approved subject to the following conditions.

1. Reduce the proposed 60-foot ROW dedication to 50 feet.
2. Correct the note reference from Note 8 to Note 6 for the indicated *5' Public Street Easement Note 8*.
3. Revise the street suffix of the proposed street name, Oilers "Avenue" to "Street".
4. Kenai City Council must consent to the ROW vacation of Outside Way between Cook Avenue and Riverview Drive is not needed for a public purpose and approve the ROW vacation.

Section 2. That the official street name for the 50-foot dedicated right-of-way be assigned to Oilers Street, subject to Kenai City Council adopting a resolution for the naming of a street within City limits.

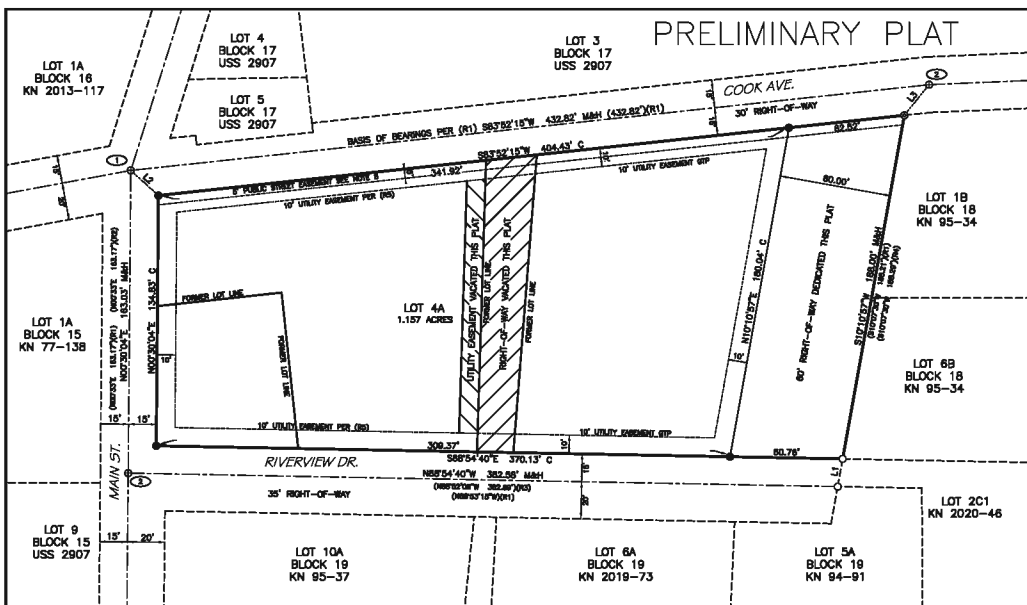
PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 29TH DAY OF NOVEMBER, 2023.

Jeff Twait, Chairperson

ATTEST:

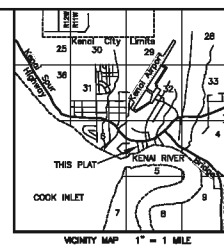
Meghan Thibodeau, Deputy City Clerk

PRELIMINARY PLAT



NOTES

- FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
- DEVELOPMENT OF THIS PARCEL, SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- A 10' UTILITY EASEMENT IS BEING GRANTED THIS PLAT ALONG FORMER LOT 4, A 10' UTILITY EASEMENT HAS GRANTER PER (R2) ALONG FORMER LOT 5A, THE FRONT 10 FEET ADJACENT TO RIGHT OF WAY IS AN UTILITY EASEMENT, NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH COULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- THE KENAI CITY COUNCIL CONSENTED TO THE VACATIONS OF RIGHT-OF-WAY AT THE MEETING OF NOVEMBER 08, 2023.
- RIGHT-OF-WAY VACATION WAS APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 11, 2023.
- THESE PARCELS SUBJECT TO UTILITY EASEMENT WITH NO DEFINED LOCATION, GRANTED TO KENAI POWER CORPORATION, RECORDED DECEMBER 31, 1983, MISC. VOLUME 11, PAGE 179, R2D.
- THESE PARCELS SUBJECT TO PUBLIC STREET EASEMENT, RECORDED AUGUST 30, 1967, MISC. VOLUME 28, PAGE 81 AND PAGE 82, R2D.
- WASTEWATER DISPOSAL: CITY WATER AND SEWER ARE AVAILABLE TO SERVE THIS PARCEL. PLANS FOR WASTEWATER TREATMENT AND DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



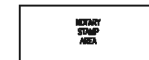
CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT PENINSULA OILERS BASEBALL CLUB INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF PENINSULA OILERS BASEBALL CLUB INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

MIKE TICE - PRESIDENT
PENINSULA OILERS BASEBALL CLUB INC.
PO BOX 318
KENAI, ALASKA 99611

NOTARY ACKNOWLEDGEMENT

FOR ME TICE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2023



PUBLIC NOTARY SIGNATURE

LEGEND

- ⊙ FOUND PRIMARY MONUMENT AS REFERENCED
- ⊙ FOUND PROPERTY CORNER 1-1/2" ALUMINUM CAP STAMPED LS 0182 1994
- FOUND PROPERTY CORNER - 5/8" REBAR
- SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2024
- Ⓜ MONUMENT REFERENCE NUMBER
- (R1) RECORD DATA, SEE REFERENCE
- ▨ RIGHT-OF-WAY BEING VACATED
- ▨ UTILITY EASEMENT BEING VACATED
- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- · · · · FORMER LOT LINE
- MONUMENT TIE LINE
- M&H MEASURED AND HELD
- C COMPLETED
- GTP GRANTED THIS PLAT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF DECEMBER 11, 2023.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF ACCEPTANCE AND DEDICATION BY CITY OF KENAI

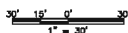
THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

DEDICATION OF RIGHT OF WAY - OILERS AVENUE, AS SHOWN.

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

BY: TERRY ELBANK - CITY MANAGER
CITY OF KENAI
210 PENALBY AVE.
KENAI, ALASKA 99611

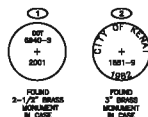
DATE



REFERENCES

- (R1) ORIGINAL TOWNSITE OF KENAI, PLAT USS 2970, KENAI RECORDING DISTRICT
- (R2) MILLER HOUSE SUBDIVISION, PLAT KN 95-37, KENAI RECORDING DISTRICT
- (R3) KENAI TOWNSITE 2018 ADDITION, PLAT KN 2019-73, KENAI RECORDING DISTRICT
- (R4) ORIGINAL TOWNSITE OF KENAI LAGHOLE REPLAT NO. 2, PLAT KN 95-34, KENAI RECORDING DISTRICT
- (R5) KENAI TOWNSITE OILER ADDITION, PLAT KN 93-11, KENAI RECORDING DISTRICT
- (R6) ORIGINAL TOWNSITE OF KENAI BLUFF REPLAT, PLAT KN 2020-46, KENAI RECORDING DISTRICT

MONUMENT SUMMARY

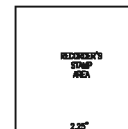


LINE TABLE

LINE	BEARING	DISTANCE
L1	R11°10'57\"/>	

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2023-000

KENAI TOWNSITE OILER'S 2024 ADDITION

A SUBDIVISION OF
LOT 54 AND 55
KENAI TOWNSITE OILERS ADDITION, PLAT 93-11
AND
LOT 4
TOWNSITE OF KENAI, U.S. SURVEY 2970
LOCATED WITHIN SW 1/4 SECTION 5,
T.5N., R.11W., S.4M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

OWNERS:
PENINSULA OILERS BASEBALL CLUB INC.
PO BOX 318
KENAI, ALASKA 99611
CONTAINING 1.410 ACRES



8000 KING STREET ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794
AEDL 1382

DRAWN BY: DATE: 10/01/2023 PROJECT: 23-567
CHECKED BY: SCALE: 1" = 30' SHEET: 1 OF 1
MA



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: November 28, 2023
SUBJECT: Resolution No. PZ2023-21 – Preliminary Plat – Kenai Townsite Oiler’s 2024 Addition

Request The applicant is proposing a preliminary plat to merge three (3) parcels, vacate a right-of-way (ROW), vacate a utility easement, and dedicate a ROW.

Staff Recommendation Adopt Resolution No. PZ2023-21 recommending approval of Preliminary Plat – Kenai Townsite Oiler’s 2024 Addition for a parcel merger of Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition with a ROW vacation of Outside Way between Cook Avenue and Riverview Drive, a 10-foot utility easement vacation along Outside Way, and a 60-foot ROW dedication.

Applicant: Edge Survey and Design, LLC
Attn: Jason Young
PO Box 208
Kasilof, AK 99610

Property Owner: Peninsula Oilers Baseball Club, Inc.

Legal Descriptions: Lot 4, Block 18 Original Townsite of Kenai
Lots 5A and 5B, Kenai Townsite Oilers Addition

Property Addresses: 817 Cook Avenue, 601 Main Street, and 814 Riverview Drive

KPB Parcel Nos.: 04710204, -11, and -12

Combined Area: 1.157 acres

ROW Vacated Area: 0.085 acre

Zoning District: Central Commercial (CC)

Surrounding Uses: North – Kenai Art Center, Kenai Historic Cabin Park, and Old Town Kenai Park; South – Vacant Lot, Cabins, and Single-Family

Residence; West – Apartments; East – Vacant Lot and Single-Family Residence

SUMMARY

The City received a preliminary plat from Edge Survey and Design, LLC on behalf of the property owner, Peninsula Oilers Baseball Club, Inc. (“Oilers”) for a parcel merger of Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition with a right-of-way (ROW) vacation of Outside Way between Cook Avenue and Riverview Drive, a utility easement vacation along Outside Way, and a 60-foot ROW dedication.

In 1994, a preliminary plat to vacate Outside Way between Cook Avenue and Riverview Drive was approved by Kenai Planning and Zoning Commission, Kenai City Council, and Kenai Peninsula Borough Planning Commission (see attached Minutes and Related Documents). Unfortunately, a final plat was not recorded. Therefore, the applicant has submitted a preliminary plat for the same ROW vacation of Outside Way with the addition of a 60-foot ROW dedication as required by KMC 14.10.070(b)(2). The representatives of Oilers indicated the same reasons as requested in 1994 for the ROW vacation of Outside Way since an additional access (i.e., Public Street Easement) was developed and maintained by the City and the elimination of Outside Way would allow the Oilers to have one (1) contiguous property. The total area of the ROW vacation is approximately 0.085 acre. The combined parcel area with the vacated ROW and dedicated ROW will be approximately 1.157 acres.

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

ANALYSIS

The proposed parcel merger with the ROW vacation and ROW dedication meets the preliminary plat requirements and development requirements for the Central Commercial (CC) zoning district. In reviewing the surrounding plats, there appears to be a recorded 40-foot Public Street Easement under Book 28, Page 49 in Kenai Recording District (see attached Plat Nos. KN 94-91 and KN 95-34), where the proposed 60-foot ROW dedication would overlap it. The City currently maintains the 40-foot public street easement. Unfortunately, the subject easement is not referenced on the Certificate of Plat, however, staff requested a copy from the Archival Unit at the State’s Recorder’s Office but they are still searching for the document. The proposed ROW dedication would formalize the public street easement into a ROW with an official street name. The merged parcel will have access from Main Street, Riverview Drive, Cook Avenue, and the proposed ROW dedication. An installation agreement is not required since all the roads are City-maintained and City water and sewer lines are available to the proposed parcel. The Public Works Director reviewed the proposed preliminary plat and had no comments.

The applicant has proposed the 60-foot ROW dedication to bear the street name, Oilers Avenue, however, the street suffix needs to change from “Avenue” to “Street” for consistency with KMC 14.15.010 *Uniform numbering* system. KMC 14.15.140 authorizes the Kenai City Council to name and rename streets within the City limits upon recommendation from the Planning and Zoning Commission and after consultation with the Kenai Peninsula Borough or any other affected municipality. The Kenai Peninsula Borough has no objection to naming the street to Oilers Street.

Staff finds that the proposed preliminary plat meets the following Title 14 of Kenai Municipal Code (KMC) sections and aligns with the intent of the Kenai Zoning Code.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat, subject to the listed conditions, conforms to the minimum street widths, provides utilities/access easements, provides satisfactory and desirable building sites, and the on-site water and sewer systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.070(b)(2), the Commission may lessen the minimum width for minor streets to 50 feet. The required minimum width for minor streets is 60 feet but the street widths in the surrounding area are typically 30 feet. The existing public street easement is 40 feet and a 50-foot right-of-way dedication is substantial for the area and greater than the existing public street easement.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the subject zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.
5. The merged parcels will result in the existing structure to decrease in nonconformity with the current setback requirements and double frontage lots.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Kenai Townsite Oiler's 2024 Addition to merge Lot 4, Block 18 Original Townsite of Kenai, and Lots 5A and 5B, Kenai Townsite Oilers Addition, vacate Outside Way between Cook Avenue and Riverview Drive, vacate a utility easement along the west side of Outside Way, and dedicate a 50-foot right-of-way (ROW) meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-21 to Kenai Peninsula Borough, subject to the following conditions.

1. Reduce the proposed 60-foot ROW dedication to 50 feet.
2. Correct the note reference from Note 8 to Note 6 for the indicated 5' Public Street Easement Note 8.
3. Revise the street suffix of the proposed street name, Oilers "Avenue" to "Street".
4. Kenai City Council must consent to the ROW vacation of Outside Way between Cook Avenue and Riverview Drive is not needed for a public purpose and approve the ROW vacation.
5. Kenai City Council adopt a resolution for the naming of the 50-foot dedicated ROW to Oilers Street.

ATTACHMENTS

Aerial Map

Preliminary Plat, Kenai Townsite Oiler's 2024 Addition

Application with Certificate of Plat

Original Townsite of Kenai (Plat No. KT)

Kenai Townsite Oilers Addition (Plat No. KN 93-11)

Original Townsite of Kenai Laddville Replat (Plat No. KN 94-91)

Original Townsite of Kenai Laddville Replat No. 2 (Plat No. KN 95-34)

KPB Planning Commission Minutes and Related Documents – January 10, 1994

Planning and Zoning Commission Minutes – January 12, 1994

City Council Minutes - January 19, 1994



Resolution PZ2023-21
Preliminary Plat
Kenai Townsite Oiler's Addition
817 Cook Avenue, 601 Main Street, and
814 Riverview Drive



Date Printed: 11/28/2023

Map for Reference Only
NOT A LEGAL DOCUMENT

OCT 19 2023



Planning & Zoning
By: *[Signature]*
**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: *Edge Survey and Design LLC.*
Mailing Address: PO Box 208 City: Kasilof State: AK Zip Code: 99610
Phone Number(s): 907-283-9047
Email: jason@edgesurvey.net

PROPERTY OWNER

Name: Peninsula Oilers Baseball Club Inc. - Mike Tice
Mailing Address: PO Box 318 City: Kenai State: AK Zip Code: 99611
Phone Number(s): Mike Tice 907-830-8149
Email: mtice@oilersbaseball.com

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #: 04710211, 04710212, 04710204
Current City Zoning: Central Commercial
Use: Residential Recreational Commercial
 Other: _____
Water: On Site City Community
Sewer: On Site City Community

PLAT INFORMATION

Preliminary Plat Name: Kenai Townsite Oilers 2023 Replat
Revised Preliminary Plat Name: _____
Vacation of Public Right-of-Way: Yes No
Street Name (if vacating ROW): Outside Way and Public Street Easement

Exceptions Required and Requested:

None

Comments:

REQUIRED ATTACHMENTS

Certificate to Plat (1) 24" x 36" Plat (2) 11" x 17" Plats

SIGNATURE

Signature: *Michael Tice* Date: 10-8-2023
Print Name: Michael Tice Title/Business: President

1

Stewart Title of the Kenai Peninsula, Inc.

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

CERTIFICATE TO PLAT

Edge Survey and Design, LLC.
PO Box 208
Kasilof, AK 99610
Attention: Jason Young

File Number: 23336
Premium: \$350.00
Tax:

Gentlemen:

This is a certificate as of August 25, 2023 at 8:00 A.M. for a plat out of the following property:

Lots Five "A" (5A) and Five "B" (5B), Block Eighteen (18), KENAI TOWNSITE OILERS ADDITION, according to Plat No. 93-11, Kenai Recording District, Third Judicial District, State of Alaska.

and

Lot Four (4), Block Eighteen (18), ORIGINAL TOWNSITE OF KENAI, U.S. Survey No. 2970 A & B, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

The Peninsula Oilers Baseball Club, Inc., an Alaska corporation
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated:
Taxing Authority: City of Kenai
3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
4. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: December 31, 1963
Volume/Page: Misc. 11/179
Granted To: Kenai Power Corporation
Affects: General Easement, no definite location disclosed (Lot 4)
5. **PUBLIC STREET EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
Recorded: August 30, 1967
Volume/Page: Misc. 28/81
Affects: Portion of Lot 5
6. **PUBLIC STREET EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
Recorded: August 30, 1967
Volume/Page: Misc. 28/82
Affects: Portion of Lot 4

7. **AN OIL AND GAS LEASE** affecting the above interest under the terms, covenants and conditions therein provided:
 Lessor: Edward R. and Esther A. McElligott
 Lessee: Union Oil Company of California
 Recorded: October 5, 1978
 Volume/Page: 133/380
 (Portion of Lot 5)
FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
8. **AN OIL AND GAS LEASE** affecting the above interest under the terms, covenants and conditions therein provided:
 Lessor: Edward R. and Esther A. McElligott
 Lessee: Union Oil Company of California
 Recorded: October 10, 1978
 Volume/Page: 133/681
 (Affects Lot 4)
FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
9. **AN OIL AND GAS LEASE** affecting the above interest under the terms, covenants and conditions therein provided:
 Lessor: Clarence B. Ladd
 Lessee: Union Oil Company of California
 Recorded: November 3, 1978
 Volume/Page: 135/33
 (Portion of Lot 5)
FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
10. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:
 Recorded: June 18, 1974
 Volume/Page: 238/771
 (Affects Lot 4 and a Portion of Lot 5)
FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
11. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat USS 2970.
12. **EFFECT** of the notes on said Plat USS 2970.
13. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 93-11.
14. **EFFECT** of the notes on said Plat No. 93-11.
15. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:
 Amount: \$205,000.00
 Dated: December 27, 2013
 Recorded: December 30, 2013
 Serial No.: 2013-012068-0
 Trustor: Peninsula Oilers Baseball Club, Inc., an Alaska non-profit corporation
 Trustee: First American Title Insurance Company
 Beneficiary: First National Bank Alaska
 (Affects Lots 5A, 5B and Lot 4)

16. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:

Amount: \$50,000.00
Dated: May 16, 2018
Recorded: May 21, 2018
Serial No.: 2018-004305-0
Trustor: Peninsula Oilers Baseball Club, Inc., an Alaska corporation
Trustee: First American Title Insurance Company
Beneficiary: First National Bank Alaska
(Affects Lot 5A)

Stewart Title of the Kenai Peninsula, Inc.

By



Authorized Coconsignature

Terri Cotterell
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.

PENINSULA OILERS BASEBALL CLUB, INC.

BYLAWS

ARTICLE I – OFFICE

The principal office of business of Peninsula Oilers Baseball Club, Inc., shall be at the discretion of the Board of Directors.

ARTICLE II – MEMBERS

- Section 1. Annual Meeting:** The annual meeting of the Board of Directors shall be held on the first full week in October, each year, for the purpose of electing Directors and transacting such other business as may come before the meeting. If the election of Directors shall not be held on the day designated herein, or at any annual meeting of the Board of Directors or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting as soon thereafter as may be convenient.
- Section 2. Special Meeting:** Unless otherwise prescribed by State Statute, special meetings of the Board of Directors, for any purpose, may be called by the President, the Board of Directors, or by the President at the request of three (3) members of the Board of Directors entitled to vote.
- Section 3. Place of Meeting:** The place of the annual meeting and any other meetings held will be designated by the Board of Directors or the President.
- Section 4. Notice of Meeting:** Written, or printed notice stating the place, day and time of the meeting, and in case of a special meeting, the purpose for which the meeting is called, shall be delivered no less than ten (10) days and no more than thirty (30) days before the date of the meeting either personally, electronically, or by mail. This will be at the direction of the President or the Secretary, or the person calling the meeting, to each member of record entitled to vote at such meeting. If mailed, such notice shall be deemed delivered when deposited in the United States mail and addressed to the member at his address as it appears on the books of the Board of Directors, with postage thereon paid.
- Section 5. Quorum:** Shall constitute one third (1/3) of the number of voting Board of Directors then fixed by the By-Laws, excluding vacancies. Not less than thirty (30) minutes after the time fixed for the beginning of any meeting where a quorum is not present, the presiding officer will call for the roll and then adjourn the meeting
- Section 6. Voting:** Each voting member of the Board of Directors shall have one vote, either in person, or electronically. A member may vote by proxy with the proxy being in writing addressing the issues to be voted on, and in the possession of the person voting the proxy. A voting member of the Board of Directors may only vote a proxy. To be considered a voting member, a Board of Director must be a member in good standing as defined in section 7 of this article.

Section 7. Member in good Standing: A member who has demonstrated participation in a minimum of half of the scheduled meetings in the previous year or half of the scheduled meetings since becoming a member.

ARTICLE III – BOARD OF DIRECTORS

Section 1. Management/ Powers:

- a. The Board of Directors shall manage the affairs of the Peninsula Oilers Baseball Club, Inc.
- b. The Board shall specifically have, but not limited to, the power to:
 1. Establish and amend, by the majority vote of the Directors, all Articles of Incorporation and By-Laws of the Association.
 2. Procure and maintain (stocks, bonds, notes, certificates of deposits or other securities), if desired, in the name of the Peninsula Oilers Baseball Club, Inc.
 3. Procure and maintain liability, hazard, workmen's compensation, accident or any other insurance as needed or required.
 4. Authorize disbursements of funds and conduct fundraisers.
 5. Ratify or disavow any action of the Executive Committee.

Section 2. Number: The number of members of the Board of Directors shall be fixed from time to time by the By-Laws, but at no time shall the board be less than twenty-five (25) members. Members will be elected to fill a one, two or three year term, by a majority of the Board of Directors.

Section 3. Regular Meeting: Regular meetings of the Board of Directors may be held on a weekly, monthly or other basis without any notice other than as provided for in this section. The Board of directors has the power to provide day, time and place for these regularly scheduled meetings and any meeting of the Board of Directors.

Section 4. Special Meetings: Special Meetings of the Board of Directors may be called by or at the request of the President, or by the President at the request of three (3) members of the Board of Directors entitled to vote.

Section 5. Notice: Notice of any special meeting shall be given, in person, or electronically, at least twenty-four (24) hours prior to the meeting. Any director may waive notice of any meeting. The attendance of any Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not legally called or convened.

Section 6. Manner of Acting: The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 7. Vacancies: Any vacancy occurring on the board of Directors may be filled by the affirmative vote of the majority of the remaining Directors, though less

than a quorum. A Director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. Any Director position to be filled by reason of an increase in the number of Directors shall be filled by election at an annual meeting or a special meeting called for that purpose.

Section 8. Payment of Expense: Expenses incurred while on official Board business may be paid upon approval of the Board of Directors who will determine what is "official board business".

Section 9. Compensation: No earnings of the Peninsula Oilers Baseball Club, Inc., shall inure to the benefit of, or be distributed to Directors or Officers of the Corporation except as provided for in this Article and Section as follows:

- a. Appropriate compensation is authorized when a member of the Board of Directors is holding one of the paid staff position.
- b. All Board members shall receive 2 box seat tickets to each home game; 10 % discount off merchandise purchased at the Team Store at the Oilers Office and other special compensation from time to time as the Board of Directors deems proper.

Section 10. Restrictions: Income of the Peninsula Oilers Baseball Club, INC., shall be distributed in such a manner as not to be subject to tax under Section 4942 of the IRS code. The Board will not retain business holdings or make any investments as to subject Peninsula Oilers Baseball Club, INC., to any tax under the IRS code.

Section 11. Presumption of Assent: Any Director who is present at a meeting of the Board of Directors at which action of any corporate matter is taken shall be presumed to have assented to the action taken, however his/her dissent may be entered in the minutes of the meeting on request or he/she may file his written dissent to such action with the Secretary of the meeting before the adjournment thereof.

Section 12. Indemnification of Directors: Each Director and Officer, whether or not then in office, shall be indemnified by the Corporation against all costs and expenses reasonably incurred or imposed upon said Director after adoption of these By-Laws in connection with any action, suit or proceedings to which he/she may be made a party by reason of his/her being or having been a Director or Officer of Peninsula Oilers Baseball Club, INC., except in relation to matters as to which a recovery shall be against him/her by reason of his/her finally having been adjusted in such action, suit or proceedings to have been derelict in the performance of his/her duties as such Director or Officer. The foregoing right to indemnify shall include reimbursement of the amounts and expenses paid in settling any such action suit or proceeding when settlement seems to be in the best interest of Peninsula Oilers Baseball Club, INC.

Section 13. Honorary Board of Directors: There may be an Honorary Board of Directors composed of those persons selected for such honor by a majority vote of the Board of Directors and as such:

- a. will be ex-officio members of the Board of Directors, with no voting,

- or decision making powers; and,
- b. will be provided passes for admission to home baseball games, and receive the same discounts as the Board of Directors.

Section 14. Removals: board Members may be removed from the Board of Directors by a two thirds (2/3rds) vote of the Board of Directors for any action deemed not appropriate for a Board of Director member, providing that notice of this intent to call for such a vote, naming the Director, is given in writing, to all Board members at least thirty (30) days prior to a vote by the board.

Section 15. Term of Office: A term of office shall normally be for three (3) years as designated from time to time except for the initial board whose terms will be equally divided among one (1), two (2), and three (3) year terms.

- a. Terms of office after the expiration, resignation or removal of a board member shall begin at the close of the meeting at which a vacancy shall be filled and shall run through the term designated for that particular director. The objective being, insofar as practical, to have no more than one-third (1/3) of the Directors replaced at any time.

ARTICLE IV – OFFICERS

Section 1. Number: The officers of the Peninsula Oilers Baseball Club, Inc., shall be President, one or more Vice-Presidents, a Secretary, and a Treasurer, each of whom shall be elected by a majority of the Board of Directors and subject to the control of the Board of Directors. Such other Officers as may be deemed to be necessary may be elected by the Board of Directors.

Section 2. Election and Term of Office: The Officers of the Peninsula Oilers Baseball Club, Inc., shall be elected annually, by a majority vote of the Board of Directors at the annual meeting. Each officer shall hold office until his successor shall have been duly elected or until his death, or until he/she shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal: The Board of Directors may remove Any Officer elected by the Board of Directors by a two thirds (2/3rds) vote, whenever in its judgment the best interests of the Peninsula Oilers Baseball Club, Inc., would be served thereby.

Section 4. Vacancies: A vacancy in any office for any reason may be filled by the Board of Directors, providing those rules for Election of Officers in Section 2., of this Article are followed.

Section 5. Duties of the President:

- a. Act as the presiding officer and be the principal Officer of the Peninsula Oilers Baseball Club, Inc;
- b. Preside over all meetings of the Board of Directors and the Executive Committee and serve as a member of the Executive Committee;
- c. Be an eligible signer on any official bank accounts;
- d. Create and appoint committees as the need arises;
- e. Delegate responsibility to members of the Board as deemed necessary;
- f. Serve on all committees;

- g. Act as the employer for all persons hired by the board;
- h. May sign any promissory notes, contracts, mortgages, and deeds, not expressly delegated to another Officer or Director; and,
- i. Perform all duties incidental to the office of President and such other duties as may be, from time to time, prescribed by the Board of Directors.

Section 6. Duties of the First Vice-President:

- a. Perform the duties of the President in his/her absence;
- b. Be the chairperson of committees upon the appointment by the President;
- c. May sign any promissory notes, contracts, and mortgages with the President and other Officers on behalf of Peninsula Oilers Baseball Club;
- d. Serve as a member of the Executive Committee; and,
- e. The President or the Board of Directors may assign any other duties as necessary.

Section 7. Duties of Other Vice-Presidents:

- a. Perform the duties of the President or First Vice-President in their absence;
- b. Be the chairman at special committees upon the appointment of the President;
- a. May sign any promissory notes, contracts, mortgages and deeds with other Officers on behalf of Peninsula Oilers Baseball Club, Inc.;
- b. Serve as a member of the Executive Committee; and,
- c. Any other duties as from time to time may be assigned to him/her by the President or Board of Directors.

Section 8. Duties of the Secretary:

- a. Record the proceedings of all meetings of the Board of Directors and Executive Committees;
- b. Take care of all correspondence as directed by the President or Board of Directors;
- a. Certify election results, amendments to these By-Laws and the Articles of Incorporation and keep a roll of Directors attendance at meetings;
- b. May sign any promissory notes, contracts, mortgages, or deed with other Officers on behalf of Peninsula Oilers Baseball Club, Inc.; and,
- c. Serve as a member of the Executive Committee.

Section 9. Duties of the Treasurer:

- a. Present a monthly financial report, provided regular monthly meetings are held, and review expenditures and payment of bills if requested by the President;
- b. Present a complete, detailed annual financial report at the annual meeting;
- c. Serve as committee chairperson of the finance and budget committees;
- d. Responsible for overseeing the filing of any Federal or State information and reports pertaining to the finances of the Board of Directors, not assigned to another Officer, agent, or employee;
- e. Sign any promissory note, contracts, and mortgages on behalf of Peninsula Oilers Baseball Club, Inc.; and,

- f. Be a member of the Executive Committee.

Section 10. Compensation: Except as specified in Article 9, Section 9, no Officer shall receive compensation for any services performed for the Board. Officers may receive bona fide expenses as voted and approved on an individual basis by the Board of Directors.

ARTICLE V – Executive Committee

Section 1. Make up/powers: Officers of the Board of Directors will serve as the Executive Committee. The Executive Committee, in an emergency, has the powers of the Board between meetings and other specific duties as delegated by the Board of Directors. Any action taken by the Executive Committee shall either be ratified by a majority vote or rejected by a two-thirds (2/3rds) vote of the Board of Directors present at the next scheduled meeting.

ARTICLE VI – [Standing Rules] Deleted: Board of Director's Meeting – 7/11/09

ARTICLE VII – Dissolution

Section 1. Peninsula Oilers Baseball Club, Inc., may be dissolved upon the affirmative vote of two-thirds (2/3rds) of the members of the Board of Directors then in office, taken at a Board meeting called for that purpose or upon written consent of all the members entitled to vote at that time. Upon dissolution or other termination of the Peninsula Oilers Baseball Club, Inc., no part of the property, nor the proceeds thereof shall be distributed to or inure to the benefit of any Board member. "Coral Seymour Memorial Park, intact, shall revert back to the City of Kenai, as per terms of an agreement. All other property and obligations, be distributed to any fund or foundation as directed by the Board of directors as provided for and described in Section 501 © (3) of the Internal Revenue code.

ARTICLE VIII – Contracts, Loans, Checks

Section 1. Contracts: The Board of Directors may authorize any Officer or agent to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation.

Section 2. Loans: No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by the Board of Directors.

Section 3. Checks, drafts: All checks, drafts, or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of Peninsula Oilers Baseball Club, Inc., shall be signed by such Officers as the Board of Directors may direct.

Section 4. Deposits: All funds of the Peninsula Oilers Baseball Club, Inc., not otherwise designated for maintenance and operation shall be deposited to the credit in such banks, trust companies, or other depositories as the board of Directors may select.

ARTICLE IX - Seal

Section 1. The seal of Peninsula Oilers Baseball Club, INC., shall be a circle formed by the words Peninsula Oilers Baseball Club, INC.

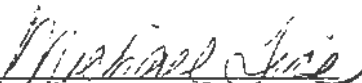
ARTICLE X – Fiscal Year

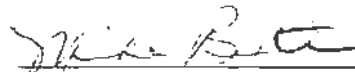
Section 1. The fiscal year of the corporation shall begin on the first day of October and end on the thirtieth day of September in each year.

ARTICLE XI – Waiver of Notice

Section 1. Whenever any notice is required to be given to any Director under the provisions of the By-Laws or the Article of Incorporation, a waiver thereof in writing signed by the person entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

These By-Laws signed this 9th day of May, 2015 by the following Officers and Directors of the Peninsula Oilers Baseball Club, Inc.:


Michael Tice, President

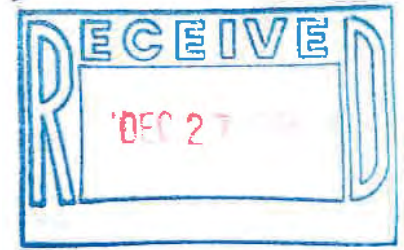

Mike Baxter, 1st Vice President


Ozzie Osborne, 2nd President


Charlie Pierce, Treasurer


Sharon Hale, Secretary

THE PENINSULA CLARION
KENAI PENINSULA BOROUGH
PLANNING COMMISSION



NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT A PETITION HAS BEEN RECEIVED TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY. AREA UNDER CONSIDERATION IS DESCRIBED AS FOLLOWS:

- A. LOCATION AND REQUEST: VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY KNOWN AS OUTSIDE WAY. VACATE THAT PORTION OF OUTSIDE WAY WHICH LIES BETWEEN COOK AVENUE AND RIVERVIEW AVENUE WITHIN THE CITY OF KENAI. ALSO BEING WITHIN SECTION 5, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA.
- B. PURPOSE AS STATED IN PETITION: OUTSIDE WAY WAS PLATTED TO PROVIDE ACCESS BETWEEN COOK STREET & RIVERVIEW DRIVE. SINCE PLATTING, ANOTHER ACCESS HAS BEEN DEVELOPED AND IS CURRENTLY MAINTAINED BY THE CITY OF KENAI. THERE APPEARS TO BE NO REASON FOR DEVELOPMENT OF OUTSIDE WAY. VACATION OF RIGHT-OF-WAY WOULD PROVIDE OWNER WITH ONE CONTIGUOUS PIECE OF PROPERTY.
- C. PETITIONER(S): PENINSULA OILERS BASEBALL CLUB, INC. BY STEVE HORN, EXECUTIVE DIRECTOR OF KENAI, ALASKA.

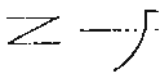
PUBLIC HEARING WILL BE HELD BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON MONDAY, JANUARY 10, 1993. COMMENCING AT 7:30 P.M., OR AS SOON THEREAFTER AS BUSINESS PERMITS. MEETING TO BE HELD IN THE BOROUGH ADMINISTRATION BUILDING, SOLDOTNA, ALASKA.

ANYONE WISHING TO TESTIFY MAY COME TO THE ABOVE MEETING TO GIVE TESTIMONY; OR MAY SUBMIT A WRITTEN STATEMENT TO THE ATTENTION OF RICHARD TROEGER, OR ROBBIE HARRIS, KENAI PENINSULA BOROUGH PLANNING DEPARTMENT - 144 N. BINKLEY STREET - SOLDOTNA, ALASKA 99669. WRITTEN TESTIMONY SHOULD BE RECEIVED BY THE PLANNING DEPARTMENT NO LATER THAN WEDNESDAY, JANUARY 5, 1994.

FOR ADDITIONAL INFORMATION CONTACT ROBBIE HARRIS OR RICHARD TROEGER, RESOURCE PLANNING DEPARTMENT, 262-4441 (1-800-478-4441 TOLL FREE WITHIN KENAI PENINSULA BOROUGH).

ROBBIE HARRIS
PLATTING OFFICER

PUBLISH 2X (DEC 30, 1993 & JAN 5, 1994.)



MAIN STREET

N 0°33'00" E

59.60

67.38

N 83°47'14" E

LOT 5B

S 6°05'04" E

84.62

RIVERVIEW DRIVE

LOT

COOK AVENUE

N 83°52'19" E 404.09

FORMER LOT LINE

Vacated This Plat

FORMER LOT LINE

362.40

4-A

252.80

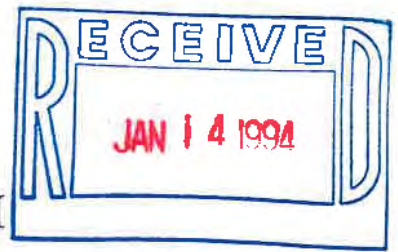
S 88°53'12" E 293.27

182.80

40' R/W RIVERVIEW DRIVE

Public Street Easement Bk.28 Page 49

N 10°09'11" E 188.23



**KENAI PENINSULA BOROUGH
144 NORTH BINKLEY
SOLDOTNA, ALASKA 99669-7599
(907) 262-4441**

January 13, 1994

NOTICE OF PLANNING COMMISSION ACTION

MEETING OF JANUARY 10, 1994

RE: Kenai Townsite Oilers 2nd Addn. Preliminary Plat

The proposed preliminary plat was conditionally approved by the Kenai Peninsula Borough Planning Commission. The conditions of approval are stated in the attached unapproved minutes.

If you have any questions, please feel free to contact the Kenai Peninsula Borough Planning Department.

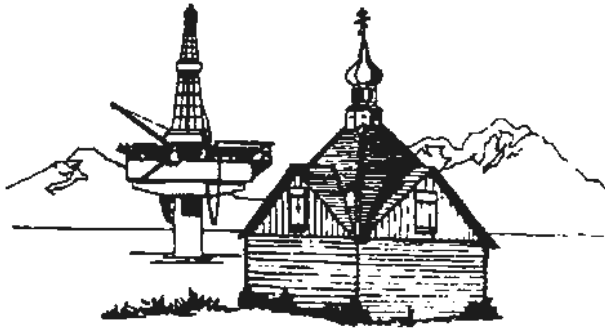
This notice and unapproved minutes were sent January 14, 1994 to:

City of: City of Kenai, 210 Fidalgo Street, Suite 200, Kenai, Alaska 99611.

Survey Firm: Swan Surveying, P.O. Box 987, Soldotna, Alaska 99669

Subdivider/Petitioner: Peninsula Oilers Baseball Club, P.O. Box 318, Kenai, Alaska 99611.

KPB File Number: 94-001



CITY OF KENAI

" Oil Capital of Alaska "

210 FIDALGO AVE., SUITE 200 KENAI, ALASKA 99611-7794
TELEPHONE 907-283-7535
FAX 907-283-3014



January 20, 1994

Mr. Richard P. Troeger
Planning Director
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, AK 99669

RE: *Petition to Vacate a portion of a public right-of-way known as Outside Way. Vacate that portion of Outside Way lying between Cook Avenue and Riverview Avenue, Kenai, Alaska; also being within Section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska. KPB File 94-001.*

At their regularly scheduled meeting of January 19, 1994, the Kenai City Council approved the above-referenced vacation of right-of-way known as Outside Way.

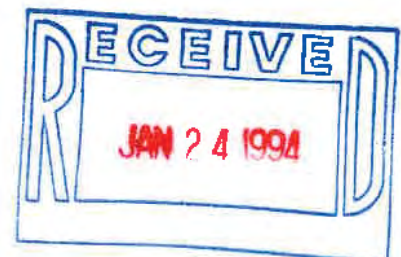
Thank you for your assistance in this matter.

CITY OF KENAI

Carol L. Freas
Carol L. Freas
City Clerk

clf

cc: Jack La Shot, City Engineer
Robbie Harris, Platting Officer, KPB
Steven Horn, Executive Director,
Peninsula Oilers





KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441

DON GILMAN
MAYOR

January 31, 1994

Kenai City Council
210 Fidalgo, Suite 200
Kenai, Alaska 99611

Dear City Council Members:

RE: Petition to Vacate Petition to vacate a portion of a public right-of-way known as Outside Way. Vacate that portion of Outside Way lying between Cook Avenue and Riverview Avenue, Kenai, Alaska within Section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska; KPB File 94-001

Thank you for your letters advising that the Kenai Planning Commission and the Kenai City Council approved the above referenced vacation.

This vacation was approved by the Borough Planning Commission at their January 24, 1994 meeting. The motion to approve the vacation passed by unanimous consent. Attached are draft minutes and other related materials for your information.

Sincerely,

Richard P. Troeger
Planning Director

RPT:mes

Attachments

cc: Steve Horn





- LEGEND**
- 1. All lots and all streets are shown with their original survey lines.
 - 2. All lots and all streets are shown with their original survey lines and the original owner's name.
 - 3. All lots and all streets are shown with their original survey lines and the original owner's name and the acreage of each lot.
 - 4. All lots and all streets are shown with their original survey lines and the original owner's name and the acreage of each lot and the date of the original survey.
 - 5. All lots and all streets are shown with their original survey lines and the original owner's name and the acreage of each lot and the date of the original survey and the name of the surveyor.

KENAI
 RIVER

TOWNSITE OF KENAI, ALASKA
 U. S. SURVEY NO. 2970 A - BOURCART
 U. S. SURVEY NO. 2970 B - SUBDIVISION
 AREA: 70.937 ACRES
 LATITUDE 67° 33' 00" N, LONGITUDE 151° 53' 30" W
 AT CORNER IN 1
 MAGNETIC DECLINATION 21° 00' E
 SCALE IN FEET
 SURVEYED BY ELLIOTT PETERSON, CHAS. H. GIBBERN
 JAN. 10, 1915

CERTIFICATE of OWNERSHIP and DEDICATION

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Clarence B. Ladd
Clarence B. Ladd

Notary's Acknowledgement

Subscribed and sworn before me on this 24th day of January, 1993, for Clarence B. Ladd

John Charles D. Williamson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2/15/94

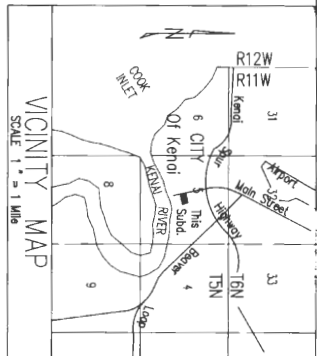
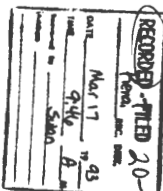
LEGEND

Set 5/8" rebar with plastic cap of each corner.

Fd. Brass Cap
In Mon. Box

BASIS OF BEARING
S 85°52'15" W 432.82
TOWNSITE OF KENAI
27'50" R/W

93-11



MAIN STREET 30' R/W



WASTEWATER DISPOSAL :

The Alaska Department of Environmental Conservation has reviewed plans for this subdivision's wastewater disposal, and approves this subdivision for platting.

Paul E. Johnson Signature
PE Title
2-8-93 Date



MICHAEL A. SWAN
REGISTRATION NO. LS-6940

CERTIFICATE of OWNERSHIP and DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Paul C. Wilson
Paul C. Wilson

Pamela J. Wilson
Pamela J. Wilson

Notary's Acknowledgement

Subscribed and sworn before me on this 30th day of June, 1993, for Paul C. Wilson

For FOX ENTERPRISES

Pamela J. Wilson
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES July 2, 1995

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of January 11, 1993

KENAI PENINSULA BOROUGH

Paul Johnson
Authorized Official

SHEET 2 SIGNATURE SHEET of INTEREST ONLY
SHEET 1 of 2

KENAI TOWNSITE OILERS ADDITION
A resubdivision of Lot 5, Block 18, Townsite of Kenai

Owner: Fox Enterprises
Paul C. Wilson & Pamela J. Wilson
8400 Horizontal Rd., Anchorage, AK 99507
Located within SW1/4NW1/4 of section 5, T3N, R11W, S4M, AK, the City of Kenai and the Kenai Peninsula Borough.
Containing 25,529 sq. ft.



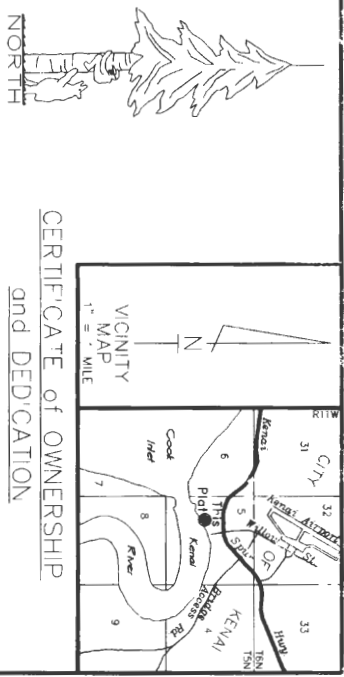
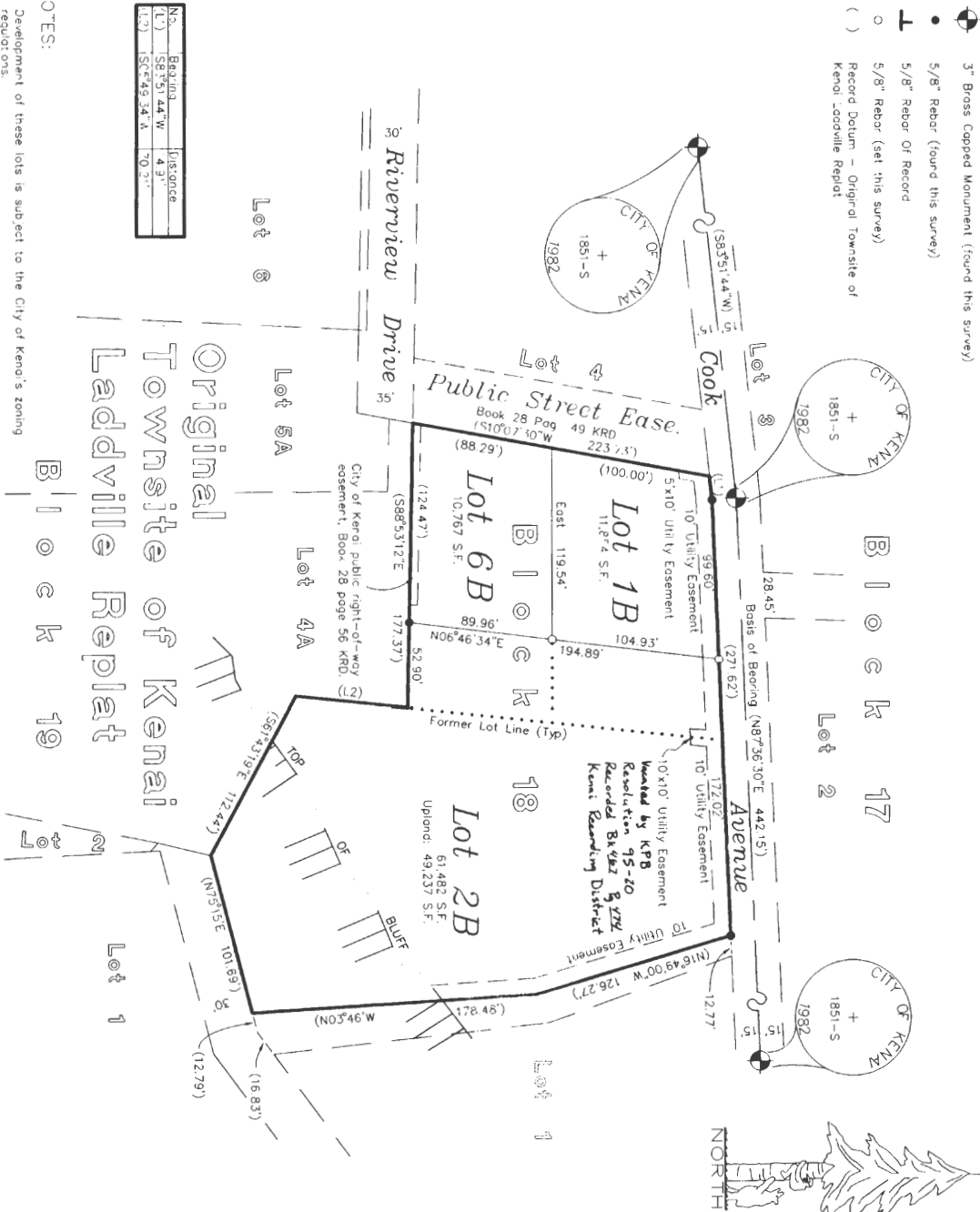
SWAN SURVEYING

P.O. Box 987
SOLDOTNA, AK 99669
PHONE 907-262-1014

DATE SURVEYED	DATE	DRAWN
Jan 1993	1993	MAS
K.P.B. FILE NO.	BR. NO.	KENAI RECORDING DISTRICT
93-004	9218	

LEGEND

- 3" Brass Copied Monument (found this survey)
- 5/8" Rebar (found this survey)
- 5/8" Rebar Of Record
- 5/8" Rebar (set this survey)
- () Record Datum - Original Townsite of Kenai - Cassville Replat



CERTIFICATE OF OWNERSHIP and DEDICATION

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

I FURTHER CERTIFY THAT DEED(S) OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPLAT, OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARY(IES).

Blanca Ladd
Blanca Ladd
Also Known As
Clarence B. Ladd
807 Cook Avenue
Kenai, Alaska 99611

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN BEFORE ME THIS 27th DAY OF July 1995 FOR Blanca Ladd.



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 22, 1995
KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL

KPB FILE No. 95-064
Original Townsite of Kenai Laddville Replat No. 2

A replat of Lots 1A, 2A and 6A of the Original Townsite of Kenai, Laddville Replat.
Located within the SW 1/4 Section 5, 15N, 111W, S.M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska
Containing 1.931 Ac.

INTEGRITY SURVEYS
605 SWIRRS DRIVE KENAI, ALASKA 99611
SURVEYORS 283-9047 PLANNERS

JOB NO.	95048	DRAWN BY	REW	DATE	4/21/95
SURVEYED	1 MAY, 1995	SCALE	1" = 50'	PROJECT	34035

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this sketch represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.
Date 4 July, 1995



RECORDED	20
REC. DIST.	Kenai
DATE	7-27-95
TIME	2:33 PM
REQUESTED BY:	INTEGRITY SURVEYS
	605 SWIRRS DRIVE
	KENAI, ALASKA 99611

No.	Bearing	Distance
1	S83°51'44"W	4.91'
2	S56°49'34"E	70.31'

NOTES:

- 1) Development of these lots is subject to the City of Kenai's zoning regulations.
- 2) No permanent structure shall be constructed or placed within a utility easement which would interfere with the quality of a utility to use the easement.
- 3) A bi-directional electric easement exists across Lot 8, Block 18 of the Original Townsite of Kenai.

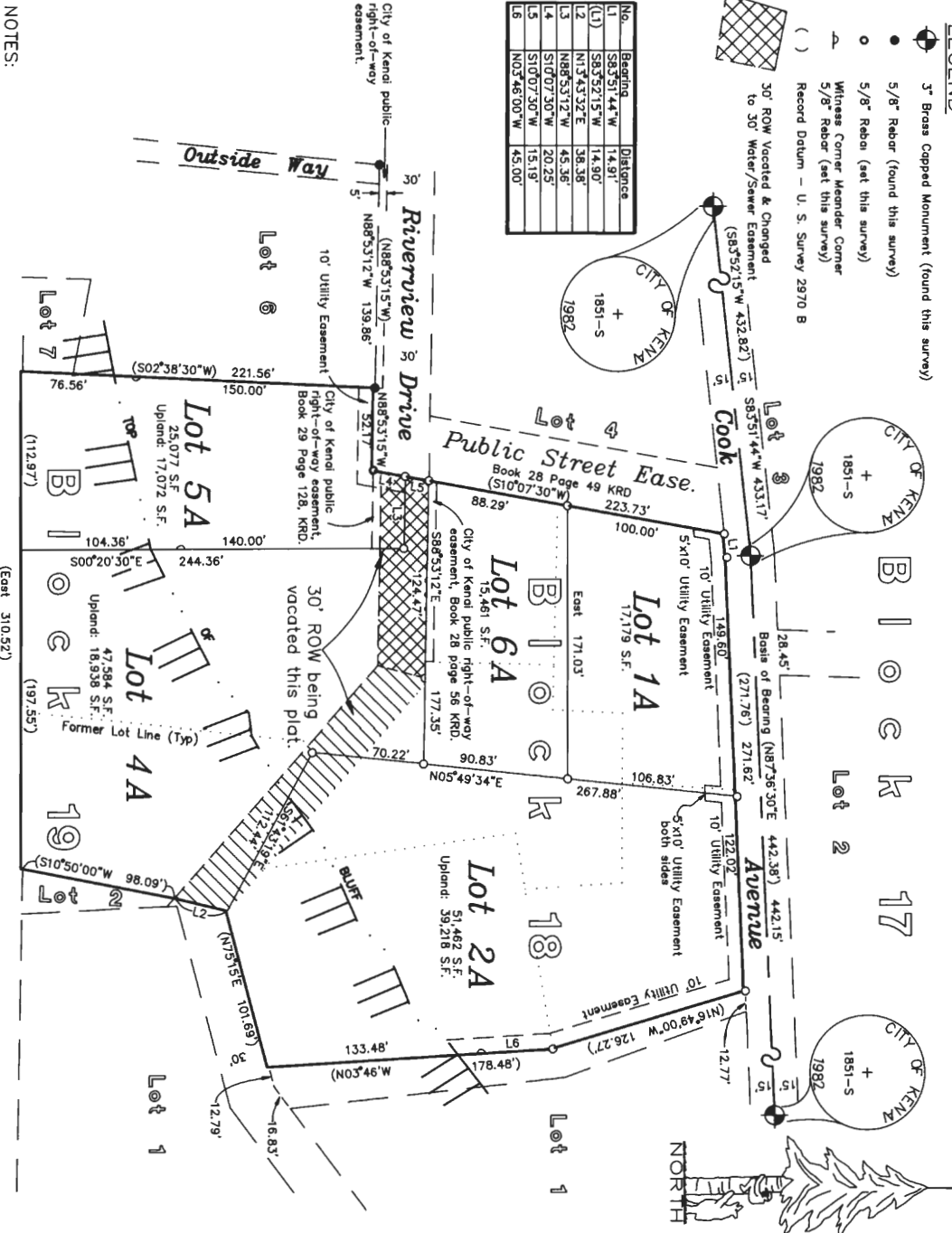
4) "WASTEWATER DISPOSAL: Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
Subject to any noted restrictions,
The Alaska Department of Environmental Conservation approves this subdivision for plating."

Signature: *Clifford E. Baker*
Title: Surveyor
Date: 7-7-95

LEGEND

- 3" Brass Capped Monument (found this survey)
- 5/8" Rebar (found this survey)
- 5/8" Rebar (set this survey)
- △ Witness Corner Meander Corner
- 5/8" Rebar (set this survey)
- () Record Datum - U. S. Survey 2970 B

No.	Bearing	Distance
1	S85°51'44"W	14.91'
2	S85°52'15"W	14.90'
3	N1°34'32"E	38.36'
4	N88°53'12"W	45.36'
5	S10°07'30"W	20.25'
6	S10°07'30"W	15.19'
7	N03°48'00"W	45.00'



NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 5th DAY OF July 1994 FOR *Clarence Ladd Ladd* by *Clarence Ladd* and *Clarence Ladd*

Clarence Ladd Notary Public for Alaska
 My Commission Expires 7-23-97

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 13, 1994

KENAI PENINSULA BOROUGH
 AUTHORIZED OFFICIAL: *[Signature]*

CERTIFICATE OF OWNERSHIP and DEDICATION

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

WE FURTHER CERTIFY THAT DEED(S) OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPLAT, OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARIES.

RECORDED 20
 KENAI REC. DIST.
 DATE: 12-30-94
 TIME: 2:57 PM

REQUESTED BY:
 INTEGRITY SURVEYS
 605 SWIRES DRIVE
 KENAI, ALASKA 99611

DATE: 12-30-94
 TIME: 2:57 PM

RECORDED BY:
 INTEGRITY SURVEYS
 605 SWIRES DRIVE
 KENAI, ALASKA 99611

INTEGRITY SURVEYS
 605 SWIRES DRIVE KENAI, ALASKA 99611
 SURVEYORS 283-9047 PLANNERS

JOB NO: 94036
 SURVEYED: April - June 1994
 DRAWN: ECG 8 September, 1994
 SCALE: 1" = 50'
 FIELD BK: 94-4, Pg 1

- NOTES:**
- 1) Development of these lots is subject to the City of Kenai's zoning regulations.
 - 2) No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
 - 3) Blanket electric easements exist across Lot 8, Block 18 and Lot 4, Block 19 of the Original Townsite of Kenai.
 - 4) **WASTEWATER DISPOSAL:** Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
- The Alaska Department of Environmental Conservation approves this subdivision for plating.
- [Signature]* Environmental Engineer
 12-15-94 date

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this sketch represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

Date: 13 Dec 94

US SURVEY 257



STATE OF ALASKA
 DEPARTMENT OF REVENUE
 DIVISION OF LAND SURVEYING
 4930
 1994
 12-30-94
 2:57 PM

KPB FILE No. 94-046

Original Townsite of Kenai Laddville Replat

A replat of Lots 2, 3, 5, 6, 7 & 8 Block 18; Lots 3, 4, & 5, Block 19 of the Original Townsite of Kenai; & ROW vacation of a portion of Riverview Drive.

Located within the SW 1/4 Section 5, T34N, R11W, S.M., City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska. Containing 3.598 Ac.

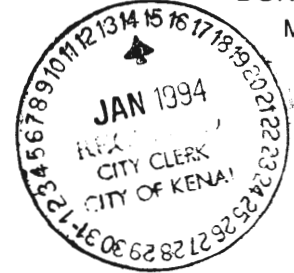


H-4

KENAI PENINSULA BOROUGH

144 N. BINKLEY : SOLDOTNA, ALASKA - 99669-7599
BUSINESS (907) 262-4441

DON GILMAN
MAYOR



January 11, 1994

City Council
City of Kenai
210 Fidalgo, Suite 200
Kenai, Alaska 99611

Dear City Council Members:

RE: Petition to Vacate Petition to vacate a portion of a public right-of-way known as Outside Way. Vacate that portion of Outside Way lying between Cook Avenue and Riverview Avenue, Kenai, Alaska; also being within Section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska. KPB File 94-001

The Planning Commission postponed consideration of the proposed vacation at their January 10, 1994 meeting.

This vacation is being sent to you for your review and action before Borough Planning Commission review.

Attached are draft minutes and other related materials for your information.

Sincerely,

Richard P. Troeger
Planning Director

RPT:mes

Attachments

cc: Steve Horn, Executive Director
Peninsula Oilers

AGENDA ITEM D. PUBLIC HEARINGS

2. Petition to vacate a portion of a public right-of-way known as Outside Way. Vacate that portion of Outside Way lying between Cook Avenue and Riverview Avenue, Kenai, Alaska; also being within Section 5, Township 5 North, Range 11 West, Seward Meridian, Alaska. KPB File 94-001

Staff report as read by Dick Troeger.

PC Meeting 1-10-94

Petitioners: Peninsula Oilers Baseball Club, Inc. of Kenai, Alaska.

Purpose as stated in the petition: Outside Way was platted to provide access between Cook Street and Riverview Drive. Since platting, another access has been developed and is currently maintained by the City of Kenai. There appears to be no reason for development of Outside Way. Vacation of the right-of-way would provide the owner with one contiguous piece of property.

Public notice appeared in the December 30, 1993 and January 5, 1994 issues of the Peninsula Clarion.

Twenty-five certified mailings were sent to owners of property within a 300 foot radius and to other interested parties. Twenty of the receipts have been returned. Two mailings were returned marked "Forwarding Expired." One mailing was returned for an address correction and was re-mailed.

A statement of non-objection was received from Homer Electric Association.

No statements of objection were received.

Findings of Fact

1. Sufficient rights-of-way have been dedicated to surrounding properties.
2. The right-of-way proposed for vacation does not appear to be in use for access.
3. Per petition the right-of-way proposed for vacation is not used as public access and has not been constructed.

The preliminary plat showing the proposed vacation is scheduled for Commission review and action January 10, 1994.

STAFF RECOMMENDATIONS: Approve vacation of that portion of Outside Way lying between Cook Avenue and Riverview Avenue, subject to the following conditions:

1. Submittal of the final plat within one year of vacation approval.
2. The City Council of the City of Kenai, has thirty days in which they may veto Planning Commission approval of the vacation.

NOTE: If the vacation is denied, the petitioner has eight calendar days in which to appeal the Planning Commission denial. Written appeal must be submitted to the Clerk of the City of Kenai.

END OF STAFF REPORT

Chairman Hammelman opened the public hearing for comment.

1. Clarence Ladd, 807 Cook, Kenai

Mr. Ladd stated that he's lived in the area for more than 30 years. Mr. Ladd said that the right-of-way has been used for access for several years -- dating back before statehood. He said he has a cabin in this area that he's been trying to restore. About six years ago it almost burned down, and the fire department used this right-of-way to get to the cabin.

Mr. Ladd stated that he's talked to the fire chief and the police chief. The Oilers Building (formerly the Trades Building) has no parking on Main Street or Cook Avenue. The building was built right to the edge of the street. Mr. Ladd said presently the area is barricaded with a garbage container. Also, cars are parking in this area. The back area has two vacant lots and plenty of parking space to accommodate the Oilers' activities.

Mr. Ladd said easements were established for public access for good reasons. He said for safety reasons, i.e. access for the fire department, and public travel he would like to see the right-of-way left intact.

Chairman Hammelman asked if the area proposed for vacation was blocked. Mr. Ladd replied that it has been blocked just behind the Oilers Building for the last year or two. This building was purchased last summer by Fox Oil Enterprise. Mr. Ladd stated that the Oilers building was on a five foot portion of his property for about 30 years. In March 1993 the Oilers approached Mr. Ladd because they wanted to buy the whole corner but couldn't complete this transaction until the building was moved. Mr. Ladd agreed to a land trade with the Oilers. Now the Oilers want to close the right-of-way to public access.

Vice Chairman Bryson inquired if Mr. Ladd talked with the fire department. Mr. Ladd replied that he spoke with the fire chief and the fire marshall. Vice Chairman Bryson asked if comments would be provided to the City Planning Commission. Mr. Ladd said he understood that the fire chief and police chief were going to forward a report to the Kenai city manager. Mr. Ladd said he talked with the City of Kenai engineer, Jack LaShot, today. Mr. LaShot said this matter would be reviewed by the City of Kenai Planning Commission Wednesday, January 12. Mr. Ladd said he would attend this meeting.

Commissioner Coleman asked if the right-of-way was currently being used. Mr. Ladd replied that it has been used practically every day.

Seeing and hearing no one else wishing to speak, Chairman Hammelman closed the public hearing and opened discussion among the Commissioners.

MOTION: Commissioner Clutts moved, seconded by Commissioner Painter, to approve vacation of that portion of Outside Way lying between Cook Avenue and Riverview Avenue, subject to staff

recommendations.

Commissioner Gannaway said that the Commissioners were again faced with addressing an action before it has been reviewed by the City. Commissioner Gannaway stated that he would prefer to have the City of Kenai's comments regarding this vacation before the Commissioners review it.

WITHDRAWAL OF MOTION: Commissioner Clutts withdrew his motion. Commissioner Painter withdrew the second.

MOTION: Commissioner Carpenter moved, seconded by Commissioner Mumma, to postpone the decision on the vacation until the City of Kenai Planning Commission reviews it.

VOTE: A roll call vote was taken with all Commissioners present voting yes. The motion passed.

THE PENINSULA CLARION
KENAI PENINSULA BOROUGH
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT A PETITION HAS BEEN RECEIVED TO VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY. AREA UNDER CONSIDERATION IS DESCRIBED AS FOLLOWS:

- A. LOCATION AND REQUEST: VACATE A PORTION OF A PUBLIC RIGHT-OF-WAY KNOWN AS OUTSIDE WAY. VACATE THAT PORTION OF OUTSIDE WAY WHICH LIES BETWEEN COOK AVENUE AND RIVERVIEW AVENUE WITHIN THE CITY OF KENAI. ALSO BEING WITHIN SECTION 5, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA.
- B. PURPOSE AS STATED IN PETITION: OUTSIDE WAY WAS PLATTED TO PROVIDE ACCESS BETWEEN COOK STREET & RIVERVIEW DRIVE. SINCE PLATTING, ANOTHER ACCESS HAS BEEN DEVELOPED AND IS CURRENTLY MAINTAINED BY THE CITY OF KENAI. THERE APPEARS TO BE NO REASON FOR DEVELOPMENT OF OUTSIDE WAY. VACATION OF RIGHT-OF-WAY WOULD PROVIDE OWNER WITH ONE CONTIGUOUS PIECE OF PROPERTY.
- C. PETITIONER(S): PENINSULA OILERS BASEBALL CLUB, INC. BY STEVE HORN, EXECUTIVE DIRECTOR OF KENAI, ALASKA.

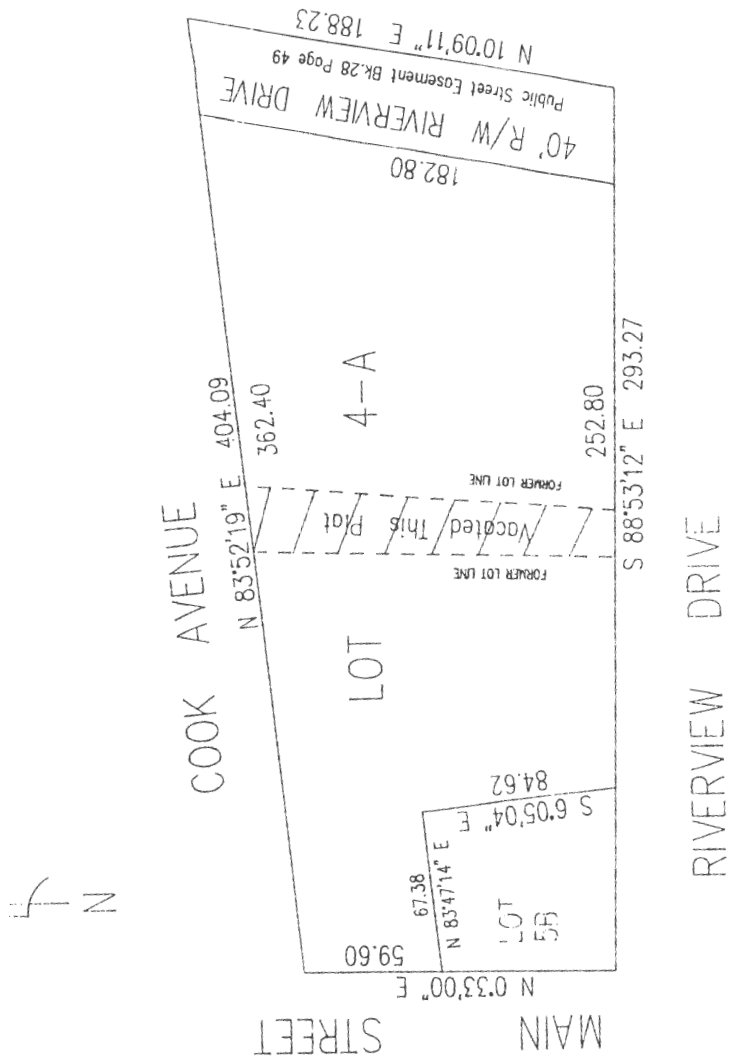
PUBLIC HEARING WILL BE HELD BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON MONDAY, JANUARY 10, 1993. COMMENCING AT 7:30 P.M., OR AS SOON THEREAFTER AS BUSINESS PERMITS. MEETING TO BE HELD IN THE BOROUGH ADMINISTRATION BUILDING, SOLDOTNA, ALASKA.

ANYONE WISHING TO TESTIFY MAY COME TO THE ABOVE MEETING TO GIVE TESTIMONY; OR MAY SUBMIT A WRITTEN STATEMENT TO THE ATTENTION OF RICHARD TROEGER, OR ROBBIE HARRIS, KENAI PENINSULA BOROUGH PLANNING DEPARTMENT - 144 N. BINKLEY STREET - SOLDOTNA, ALASKA 99669. WRITTEN TESTIMONY SHOULD BE RECEIVED BY THE PLANNING DEPARTMENT NO LATER THAN WEDNESDAY, JANUARY 5, 1994.

FOR ADDITIONAL INFORMATION CONTACT ROBBIE HARRIS OR RICHARD TROEGER, RESOURCE PLANNING DEPARTMENT, 262-4441 (1-800-478-4441 TOLL FREE WITHIN KENAI PENINSULA BOROUGH).

ROBBIE HARRIS
PLATTING OFFICER

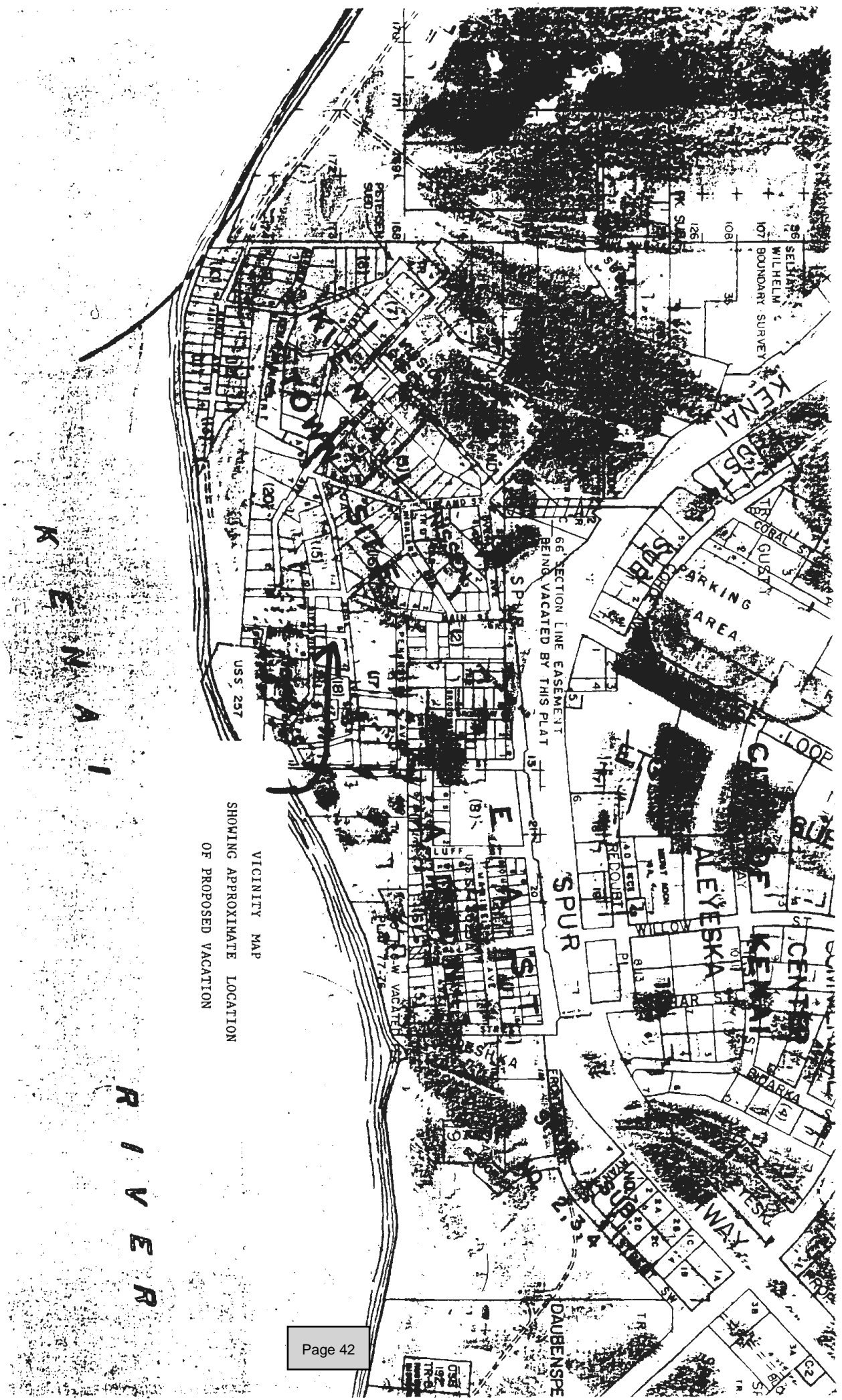
PUBLISH 2X (DEC 30, 1993 & JAN 5, 1994.)



WASTEWATER DISPC
 The Alaska Department of Environmental Conservation has reviewed plans...
 subdivision's wastewater disposal...
 approves this subdivision for plc.

Signature _____
 Title _____

MICHAEL A. S.
 REGISTRATION NC.



VICINITY MAP
 SHOWING APPROXIMATE LOCATION
 OF PROPOSED VACATION



Homer Electric Association, Inc.

CENTRAL PENINSULA SERVICE CENTER

280 AIRPORT WAY • POUCH 5280 • KENAI, ALASKA 99611 • (907) 283-5831

January 4, 1994

Ms. Robbie Harris
Kenai Peninsula Borough Planning Department
144 N. Binkley St.
Soldotna, AK 99669

Dear Robbie,

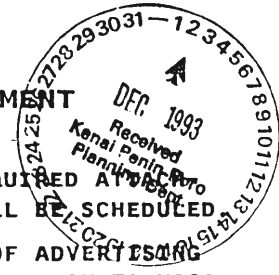
Re.: Right of Way Vacation
Outside Way
Section 5, T 5 N, R 11 W, S.M.

Please be advised that Homer Electric Association has no objection to the proposed vacation.

Sincerely,

Dave Bear
Right of Way Agent

**PETITION TO VACATE
PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT
PUBLIC HEARING REQUIRED**



UPON RECEIPT OF COMPLETE APPLICATION WITH FEES AND ALL REQUIRED ATTACHMENTS; A PUBLIC HEARING BEFORE THE PLANNING COMMISSION WILL BE SCHEDULED AT THE FOLLOWING FEES - \$200 NON-REFUNDABLE FEE TO HELP DEFRAY COSTS OF ADVERTISING A PUBLIC HEARING. ANY REQUIRED PLAT FEES WILL BE IN ADDITION TO VACATION FEES.

- PUBLIC RIGHT-OF-WAY PROPOSED TO BE VACATED IS Outside Way; DEDICATED BY PLAT OF Townsite of Kenai, Alaska SUBDIVISION, FILED AS PLAT NO. USS 2970 IN Kenai RECORDING DISTRICT.
A&B
- VACATION OF ASSOCIATED UTILITY EASEMENTS. ARE EASEMENTS IN USE BY ANY UTILITY COMPANY; IF SO WHICH? _____
- EASEMENT FOR PUBLIC ROAD OR RIGHT-OF-WAY AS SET OUT IN (SPECIFY TYPE OF DOCUMENT) _____ AS RECORDED IN BOOK _____ PAGE _____ OF THE _____ RECORDING DISTRICT. (COPY OF RECORDED DOCUMENT MUST BE SUBMITTED WITH PETITION)
- SECTION LINE EASEMENT
- SUBMIT THREE COPIES OF PLAT OR MAP SHOWING AREA PROPOSED TO BE VACATED. IF RIGHT-OF-WAY OR EASEMENT WAS GRANTED BY DOCUMENT; ONE COPY OF RECORDED DOCUMENT MUST BE SUBMITTED.

HAS RIGHT-OF-WAY BEEN FULLY OR PARTIALLY CONSTRUCTED? YES NO
 IS RIGHT-OF-WAY USED BY VEHICLES/PEDESTRIANS/OTHER? YES NO
 HAS SECTION LINE EASEMENT BEEN CONSTRUCTED? YES NO
 SECTION LINE EASEMENT BEING USED? YES NO

THE PETITIONER MUST PROVIDE REASONABLE JUSTIFICATION FOR THE VACATION. REASON FOR VACATING Outside Way was plotted to provide access between Cook Street & Riverview Drive. Since platting another access has been developed & is currently maintained by the city of Kenai. There appears to be no reason for development of Outside Way. Vacation of right-of-way would provide owner with one contiguous piece of property.

THE PETITION MUST BE SIGNED (WRITTEN SIGNATURE) BY OWNERS OF MAJORITY OF THE FRONT FEET OF LAND FRONTING PART OF RIGHT-OF-WAY OR SECTION LINE EASEMENT PROPOSED TO BE VACATED. EACH MUST INCLUDE MAILING ADDRESS AND LEGAL DESCRIPTION OF HIS/HER PROPERTY.

SUBMITTED BY: SIGNATURE *Steuern*
 NAME Steuern Executive Director Peninsula Oilers Baseball Club, Inc.
 ADDRESS PO Box 318
Kenai, AK
 PHONE 283-7133

PETITIONERS
 SIGNATURE *Steuern*
 NAME Steuern Ex. Dir.
 ADDRESS PO Box 318
Kenai, AK

SIGNATURE _____
 NAME _____
 ADDRESS _____
 OWNER OF _____

OWNER OF Lot 5A & 4 Townsite of Kenai
 SIGNATURE _____
 NAME _____
 ADDRESS _____
 OWNER OF _____

SIGNATURE _____
 NAME _____
 ADDRESS _____
 OWNER OF _____

**KENAI PENINSULA BOROUGH
144 NORTH BINKLEY
SOLDOTNA, ALASKA 99669-7599
(907) 262-4441**

January 13, 1994



NOTICE OF PLANNING COMMISSION ACTION

MEETING OF JANUARY 10, 1994

RE: Kenai Townsite Oilers 2nd Addn. Preliminary Plat

The proposed preliminary plat was conditionally approved by the Kenai Peninsula Borough Planning Commission. The conditions of approval are stated in the attached unapproved minutes.

If you have any questions, please feel free to contact the Kenai Peninsula Borough Planning Department.

This notice and unapproved minutes were sent January 14, 1994 to:

City of: City of Kenai, 210 Fidalgo Street, Suite 200, Kenai, Alaska 99611.

Survey Firm: Swan Surveying, P.O. Box 987, Soldotna, Alaska 99669

Subdivider/Petitioner: Peninsula Oilers Baseball Club, P.O. Box 318, Kenai, Alaska 99611.

KPB File Number: 94-001

AGENDA ITEM G. CONSIDERATION OF PLATS

- 2. Kenai Townsite Oilers 2nd Addn.
KPB FILE 94-001

(Preliminary)

Staff report as read by Dick Troeger.

PC Meeting 1-10-94

Location: Main Street/Cook Avenue/Riverview Drive/Outside Way within City of Kenai
Proposed Use: Commercial
Zoning: Urban Residential (RU)
Sewer/Water: City

Supporting Information: Proposed replat will combine Lot 5A, Kenai Townsite Oilers Addition with vacated right-of-way and Lot 4, Block 18, Kenai Townsite into one lot, if the vacation is approved.

A public hearing before this Commission is scheduled for January 10, 1994.

The Advisory Planning Commission minutes were not received at time of this report (1-7-94).

STAFF RECOMMENDATIONS: Grant approval of the preliminary plat subject to any above recommendations, and the following conditions:

- 1. Final approval of requested vacation.

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

- 2. Provide date of this survey.
- 3. Show existing streets with name and width.
- 4. Vicinity Map — show sections.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

- 5. Provide Improvement Installation Agreement from City or letter that an agreement is not required.
- 6. Boundary of subdivision must be wider line weight.
- 7. Identify existing easements and label use or cite record reference.
- 8. Provide or correct dedication and/or approval statement(s) with notary's acknowledgement as needed.
- 9. Survey and monumentation to meet Ordinance requirements or an exception having been granted.
- 10. Conform to conditions of KPB Planning Commission Resolution 78-6.
- 11. State of Alaska, Department of Environmental Conservation requires their approval on the final plat and recorded instruments in accordance with 18AAc Chapter 72 Article 3.
- 12. Compliance with Ordinance 90-38 (Substitute) - Ownership.

END OF STAFF REPORT

MOTION: Commissioner Gannaway moved, seconded by Commissioner Horne, to grant approval of the preliminary plat subject to staff recommendations.

Commissioner Mumma asked what would happen to the plat if the vacation was not approved. Chairman Hammelman replied that approval of the preliminary plat was contingent upon final approval of the requested vacation.

VOTE: Seeing and hearing no further discussion or objection, the motion passed.

MOTION passes and will go to the City Council for recommendation.

- b. Vacation - Peninsula Oilers - Portion of Outside Way R.O.W.

Bryson said this is in the old town area, on Riverview Drive.

La Shot said one owner owns two lots and is trying to make one continuous parcel, which would be 4A as shown. Right now the city does not perform any maintenance or have any utilities in this right-of-way. He said it is being used as parking for the Peninsula Oilers building. La Shot said if you follow through towards the bluff, there is only one piece that could be continued on, and it doesn't exist at this time. The City Administration has no problem with this vacation.

Bryson said this vacation came before the Borough Commission on Monday night and was postponed until the city acts on it.

PUBLIC HEARING

Clarence Ladd, 807 Cook Avenue. Ladd said he was at the Borough meeting on Monday, January 10. He stated Steve Horn, petitioner for the vacation, was not at the meeting and he has not been able to contact him. Ladd said no one was at the meeting representing Homer Electric at the Borough meeting. Ladd said he checked with Homer Electric about their utilities through the area. He showed the Commission a map that shows four of HEA's wires going overhead. Ladd stated his concern is that he has a log cabin back there and it caught fire a few years back. He said he almost lost the building because it is blocked off to fire trucks. He added he gave the Oilers some land for parking. Ladd said when Dave Bear (HEA) returns from Homer he is going to talk to him about this vacation.

Walker asked Ladd to specify what his objection to the vacation is.

Ladd said there are fire hydrants at two corners there. He said the pump truck had a problem getting around there. Ladd said he doesn't think a fire truck could get through if there are cars parked there or if a dumpster is sitting there. He stated his main concern is safety, in case of fire.

Bryson asked La Shot if the Fire Department has voiced any concerns. La Shot said there has been no concern on the part of the city. He said the utility companies do have the opportunity to review the vacations. If they utility company wishes to retain an easement in lieu of the right-of-way, they have that right. La Shot said the city is looking at it for their own utilities and assumes the other utilities do the same.

Bryson stated he has driven by the area and said it appears to be used for parking, but other than that it appears wide open.

Pierce asked La Shot if HEA has had the opportunity to evaluate the vacation. La Shot said it is his understanding that all right-of-way/easement vacations are sent to the utility companies for their review. He asked Pierce if Enstar gets them. Pierce said yes, Enstar does get them. Pierce asked La Shot if he was certain HEA has had the opportunity to respond to this vacation. La Shot said no, he can't be certain. Bryson added a statement of non-objection was received by the Borough by HEA regarding this vacation. He added HEA either missed it or didn't check it out. Bryson suggested La Shot call the Borough for confirmation.

Goecke asked for clarification on ownership; do the Oilers own the whole part other than part 5b? Ladd answered yes. He said he gave the Oilers some land because their building was 6' into his property. He added the building could not be moved because of the concrete foundation and walls.

Bryson said the new name will be Lot 4A after the vacation.

MOTION

Pierce **MOVED** for recommendation to the Council for approval of the vacation. Goecke **SECONDED**.

VOTE

Pierce	Yes	Werner-Quade	Yes
Glick	Yes	Bryson	Yes
Goecke	Yes		
Walker	Yes		

MOTION passes.

Bryson added if HEA erred in this vacation, it will come back to the Borough for action.

5. PUBLIC HEARINGS

None

**KENAI CITY COUNCIL MEETING MINUTES
JANUARY 19, 1994
PAGE 13**

H-2. Purchase Orders Exceeding \$1,000

MOTION:

Councilwoman Monfor **MOVED** for approval of the purchase orders exceeding \$1,000 and Councilman Bookey **SECONDED** the motion. There were no objections. **SO ORDERED.**

H-3. Approval - Petition to Vacate that Portion of the Twenty Foot Alleyway Bounded by Lots 1-3, Block 2 and Lots 7-11 and the North Half of Lot 12, Block 1, Bush Lanes Subdivision (Plat 1018 KRD)

MOTION:

Councilman Smalley **MOVED** for approval of the petition to vacate that portion of the twenty foot alleyway bounded by Lots 1-3, Block 2 and Lots 7-11 and the north half of Lot 12, Block 1, Bush Lanes Subdivision (Plat 1018 KRD). Councilman Bookey **SECONDED** the motion.

Smalley asked if the gate will remain unlocked in order to have right-of-way access. Kornelis stated as far as Public Works is concerned, if it is not open, they will ask Doyle to open it to let them in. If they cannot ask Doyle, they will cut the lock.

VOTE:

Councilman Smalley requested **UNANIMOUS CONSENT**. There were no objections. **SO ORDERED.**

H-4. Approval - Petition to Vacate a Portion of a Public Right-of-Way Known as Outside Way Lying Between Cook Avenue and Riverview Avenue, Kenai, AK; Also Being Within Section 5, Township 5 North, Range 11 West, Seward Meridian, AK.

MOTION:

Councilman Smalley **MOVED** for approval of Item H-4 and Councilman Bookey **SECONDED** the motion.

Smalley stated this is a small parcel adjoining the Oilers building. This will vacate a strip down the middle of the property. The testimony given at the Planning & Zoning Commission meeting was included in the packet.

**KENAI CITY COUNCIL MEETING MINUTES
JANUARY 19, 1994
PAGE 14**

VOTE:

There were no objections to the motion. **SO ORDERED.**

H-5. Discussion - Evaluation Forms.

Councilman Smalley stated he preferred Evaluation Form #1 in the packet. Smalley added the form is workable, applicable and gives a place for comments. Monfor stated she spoke with Swarner and they both like Form #1. Bookey had no objection. Bannock stated he liked Form #3.

MOTION:

Councilman Smalley **MOVED** to use Item #1 for the evaluation of Administration and requested **UNANIMOUS CONSENT**. Councilman Bookey **SECONDED** the motion. There were no objections. **SO ORDERED.**

Smalley stated he would support the evaluation of the city manager by the department heads. Similar evaluation is done in his work. Smalley added he believes it is important for the city manager to get that direct feedback from the department heads.

Vice Mayor Measles asked for a motion.

MOTION:

Councilman Smalley stated **SO MOVED**. Councilwoman Monfor **SECONDED** the motion for discussion.

Monfor stated she suggested the department heads' evaluating the city manager, but does not have strong feelings one way or the other. Monfor stated she spoke with Swarner and was told Swarner did not have a problem with the evaluation, one way or the other either. Vice Mayor Measles asked if Council wanted the department heads to use the form included in the packet. Monfor stated yes.

There was some question as to what the motion was. Smalley explained his motion meant to have the department heads use the evaluation form in the packet to evaluate the city manager.



Kenai City Council - Regular Meeting

November 15, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3377-2023** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3378-2023** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3379-2023** - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of Trauma Care Supplies. (Administration)
4. **ENACTED UNANIMOUSLY. Ordinance No. 3380-2023** - Amending Kenai Municipal Code 22.05.095 - Methods of Sale or Disposal, to Provide a Veterans Land Purchase Price Discount for Certain Residential Land Purchases. (Baisden)

F. MINUTES

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

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Standard Marijuana Cultivation Facility License for Shackelford Investments, LLC, DBA Shackelford Investments, LLC – License No. 31826. (City Clerk)
3. ***Action/Approval** - Non-Objection to the Issuance of a New Beverage Dispensary Tourism Liquor License to Salamatof Cannery Lodge LLC, DBA Salamatof Cannery Lodge LLC – License No. 6111. (Administration)
4. ***Action/Approval** - Special Use Permit to American Red Cross of Alaska for General Office Space at the Alaska Regional Fire Training Center. (Administration)
5. ***Ordinance No. 3381-2023** - Repealing Kenai Municipal Code Appendices - Public Record Inspection Regulations, Repealing Kenai Municipal Code Chapter 10.40 - Release of Public Records and Re-Enacting Kenai Municipal Code 10.40 - Access to Public Records. (Baisden)
6. ***Ordinance No. 3382-2023** - Amending Kenai Municipal Code Chapter 7.05 Taxation of Real and Personal Property to Provide an Exemption on the First \$100,000 of Assessed Valuation Other Than Motor Vehicles and Watercraft Owned by Each Taxpayer and Making Housekeeping Changes. (Gabriel, Knackstedt, Baisden, Daniel, Askin, Sounart, Douthit)
7. **NOMINATIONS APPROVED UNANIMOUSLY. Action/Approval** - Council Confirmation of Mayoral Nominations to the City's Commissions and Committee. (Mayor Gabriel)
8. **NOMINATIONS APPROVED UNANIMOUSLY. Action/Approval** - Council Confirmation of Mayoral Nominations to the Planning & Zoning Commission. (Mayor Gabriel)
9. **POSTPONED TO 12/20/2023. Discussion** - Scheduling a Joint Work Session with Kenaitze Indian Tribe. (Administration)

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

2. Council Comments

M. **EXECUTIVE SESSION**

N. **PENDING ITEMS**

O. **ADJOURNMENT**

P. **INFORMATION ITEMS**

The agenda and supporting documents are posted on the City's website at www.kenai.city. 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/89901965085>

Meeting ID: 899 0196 5085 **Passcode:** 971156

OR

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

Meeting ID: 899 0196 5085 **Passcode:** 971156



Meeting Agenda Planning Commission

Monday, November 13, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request - NONE
2. Planning Commission Resolutions - NONE
3. Plats Granted Administrative Approval

- [KPB-5608](#)
- a. Granross Grove 2022 Replat; KPB File 2022-134
 - b. Patsy's Creek 2022 Replat; KPB file 2022-073
 - c. Puffin Acres 2023: KPB file 2023-046
 - d. Quartz Creek Subdivision 2023 Addition; KPB file 2023-034

Attachments: [C3. Consent Agenda Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-5609](#)
- a. Foster Lake Subdivision 2023 Replat; KPB File 2023-077
 - b. Stephens Subdivision Whitcomb Replat; KPB File 2023-049

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request - NONE
6. Commissioner Excused Absences

- a. Jeremy Brantley - Ridgeway, Sterling, Funny River District

7. Minutes

- [KPB-5610](#) October 23, 2023 PC Meeting Minutes

Attachments: [C7. 102323 PC Meeting Minutes](#)

D. OLD BUSINESS - NONE**E. NEW BUSINESS**

1. [KPB-5611](#) 1. Ordinance 2023-25: Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District & Amending KPB 21.46.040

Attachments: [E1. LOZD - Anchors Aweigh North Packet](#)

2. [KPB-5612](#) 2. Right-Of-Way Vacation; KPB File 2023-114V
McLane Consulting / Triple-Knot Land & Livestock, Oliva
Request: Vacates a 110' x 30' portion of Park Rd. and the entire Sara Jane ROW of Rappe Park Subdivision, KN 1987-105
Nikiski Area / Nikiski APC

Attachments: [E2 Right-Of-Way Vacation; KPB File 2023-114V A](#)
[E2. ROWV KPB 2023-114V Desk Packet](#)

3. [KPB-5613](#) 3. ROW Vacation; KPB File 2023-115V
McLane Consulting / Asimakopoulos
Request: Reconfigures the Paulk Ave. cul-de-sac by vacating & relocating the current bulb and associated utility easements of Jakes Estate Salmon Nest Addition, KN 1988-56
Kalifornsky Area / Kalifornsky APC

Attachments: [E.3 ROW Vacation; KPB File 2023-115V Asimakopoulos A](#)

F. PLAT COMMITTEE REPORT

G. OTHER

1. [KPB-5634](#) 2024 Planning Commission Meeting Dates

Attachments: [G1. 2024 PC Meeting Dates](#)

2. [KPB-5614](#) Planning Commission Bylaw Review

Attachments: [G2. PC Bylaws Review](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, December 11, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Meeting Agenda Plat Committee

Monday, November 13, 2023

5:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

1. Agenda
2. Member / Alternate Excused Absences - NONE
3. Minutes

[KPB-5617](#) October 9, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 100923 Plat Committee Minutes](#)

4. Grouped Plats

[KPB-5618](#) November 13, 2023 Grouped Plats Staff Report

Attachments: [C4. Grouped Plats](#)

D. OLD BUSINESS - NONE

E. NEW BUSINESS

1. [KPB-5619](#) Anchor View Estates 2023 Addition; KPB File 2023-116
Fineline Surveys, Inc. / Kimbrell, Beller
Location: Shorebird Lane off the Sterling Highway
Anchor Point Area / Anchor Point APC
Attachments: [E1. Anchor View Estate 2023 Addn. Packet](#)
2. [KPB-5620](#) Baron Wood Subdivision 2023 Replat; KPB File 2023-105
Johnson Surveying / Hardcastle
Location: Childs Avenue off Bridge Access Road
City of Kenai
Attachments: [E2. Baron Wood Sub 2023 Replat Packet](#)
3. [KPB-5621](#) Marysville 2023; KPB File 2023-106
Geovera, LLC / Emmitt & Mary Trimble Joint Revocable Trust
Location: Birch Street
Anchor Point Area / Anchor Point APC
Attachments: [E3. Marysville 2023 Packet](#)
4. [KPB-5622](#) Seward Original Townsite Verhey Replat; KPB File 2023-108
AK Lands / Verhey
Location Second Avenue
City of Seward
Attachments: [E4. Seward Original Townsite Verhey Replat Packet](#)

5. [KPB-5623](#) Townsite of Kasilof Pree Replat; KPB File 2023-117
Edge Survey & Design, LLC / Kenai Peninsula Borough, Pree
Location: Heine Berger Lane off Kalifornsky Beach Road
Kasilof Area

Attachments: [E5. Townsite of Kasilof Pree Replat_Packet](#)
6. [KPB-5624](#) Two Moose Creek Reserve Golden Eagle Airpark Unit
KPB File 2023-113
Seabright Surveying / East Road Services, Inc.
Location: Benson Road off Sterling Highway
Anchor Point Area / Anchor Point APC

Attachments: [E6. Two Moose Creek Reserve Gold Eagle Airpark Unit 1_Packet](#)
7. [KPB-5625](#) Waterfront Tracts Resubdivision; KPB File 2023-104
Stantec Consulting Services, Inc. / City of Seward
Location: Railway Avenue & Lowell Point Road
City of Seward

Attachments: [E7. Waterfront Tracts Resubdivision_Packet](#)
8. [KPB-5626](#) Bings Landing Subdivision Gregory Addition; KPB File 2023-110
McLane Consulting Group
Keys, Collins, Christine S & Bradley J Goetz Trust Agreement,
Roberts
Location: Sterling Highway, Jalapeno Street, Bings Landing Road
Sterling Area

Attachments: [E8. Bings Landing Sub Gregory Addn_Packet](#)
[E8. Bings Land Sub Gregory Addn_Desk Packet](#)
9. [KPB-5627](#) Evenson Subdivision 2023 Replat; KPB File 2023-119
McLane Consulting Group / Carroll
Location: Cobbler Lane Off Kalifornsky Beach Road
Kasilof Area

Attachments: [E9. Evenson Subdivision 2023 Replat_Packet](#)
10. [KPB-5628](#) South Bend Bluff Estates 2023 Replat; KPB File 2023-112
McLane Consulting Group / Cunningham, Presley, Roberts
Location: Winridge Avenue
Kalifornsky Area / Kalifornsky APC

Attachments: [E10. South Bend Bluff Estates 2023 Replat_Packet](#)

11. [KPB-5629](#) Tuttle Subdivision 2023 Replat; KPB File 2023-120
McLane Consulting Group / Rozak, Pond
Location: Moraine Vista Street off the Sterling Highway
Kasilof Area

Attachments: [E11. Tuttle Sub 2023 Replat Packet](#)
12. [KPB-5630](#) Hall-Ewing Subdivision; KPB File 2023-103
Segesser Surveys / Hall, Ewing
Location: New Orleans Avenue
Nikiski Area / Nikiski APC

Attachments: [E12. Hall-Ewing Subdivision](#)
13. [KPB-5631](#) Peaceful Acres Redwine Addition; KPB File 2023-122
Segesser Surveys / Redwine
Location: Cardwell Road
Kalifornsky Area / Kalifornsky APC

Attachments: [E13. Peaceful Acres Redwine Addn Packet](#)
14. [KPB-5632](#) Shoreline Heights 2023 Addition; KPB File 2023-121
Segesser Surveys / Lowe
Location: Pey Drive
City of Kenai

Attachments: [E14. Shoreline Heights 2023 Addn Packet](#)
15. [KPB-5633](#) St. Luke Lutheran Church Replat; KPB File 2023-118
Segesser Surveys / St. Luke Lutheran Church of the Unaltered
Augsburg Confession
Location: Kenai Spur Highway
Salamatof Area / Nikiski APC

Attachments: [E15. St. Luke Luthern Church Replat Packet](#)
[E15. St. Luke Luther Church Replat](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, December 11, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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