



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

June 22, 2022 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

- [1.](#) *Regular Meeting of May 25, 2022
- [2.](#) *Regular Meeting of June 08, 2022

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

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

F. PUBLIC HEARINGS

- [1.](#) **Resolution PZ2022-14** – Application for a Conditional Use Permit for a Restaurant / Brewery, for the property described as Lot 3 Kristine Sub No. 1, located at 992 Bridge

Access, Kenai, Alaska 99611. The application was submitted by Will Jahrig, PO Box 51, Kenai, AK 99611.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. Action/Approval:** Recommending the City Council Approve Resolution No. 2022-XX – Approving the Sale of 1107 Second Street to Amy Fisher
- 2. Action/Approval:** Recommending the City Council Approve Ordinance No. XXXX-2022 – Approving the Conditional Donation of City Owned Parcels to the Central Peninsula Habitat for Humanity, Inc.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** Next Meeting Date July 13, 2022

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85979065726>

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

Meeting ID: 859 7906 5726 **Passcode:** 735182

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
MAY 25, 2022 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on May 25, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:06 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

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

Commissioners absent: J. Halstead

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

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the Packet:

- Add item F.1. **Resolution PZ2022-12**
- Public Comment
 - Rezoning Property Petitioner Map

MOTION:

Commissioner Askin **MOVED** to approve the agenda with the requested revisions; requested to hear New Business and Unfinished Business prior to Public Hearings. Vice Chair Douthit **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

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

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

5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 11, 2022

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** – Recommending the City Council Approve Resolution No. 2022-XX to record a document divesting the City’s interest in the Deeded thirty foot (30’) strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian

MOTION:

Vice Chair Douthit **MOVED** to Recommend the City Council Approve Resolution No. 2022-XX to record a document divesting the City’s interest in the Deeded thirty foot (30’) strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report, explaining that the commission had previously recommended approval of this preliminary plat, but it was determined that a 30 foot public use easement was still deeded to the City of Kenai. It was noted that government lots are not platted and this was an unusual situation, and there was no need for public use of the easement.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS** – None.

1. **Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. *[Clerk’s Note: At the May 11th Meeting, this Action was Postponed to this Meeting; a Motion to Approve is On the Floor.]*

Chair Twait noted that at the previous meeting he had been recused from voting, and passed the gavel to Vice Chair Douthit.

Director Foster provided an update on the ordinance, noting that at their last meeting the commission had asked for additional information including concept drawings which had been added to the packet. He explained that the zoning is Urban Residential which would require a Conditional Use Permit to operate as a Day Care Center. He clarified that the land use classification is designated as Mixed Use, and provided a definition for Mixed Use.

Vice Chair Douthit opened for public testimony.

Mayor Brian Gabriel noted that he is the co-sponsor of ordinance, provided clarification on the background of the Boys & Girls Club plans and the donation of funds they received for this project, and explained how

this is a chance to facilitate a campus for over a thousand people and create a business environment where people will come to the city to spend money. He discussed the safeguards built into the conditional donation that will protect the city in case they move in a different direction, and questions about vacation of right-of-way. He noted that the public hearing on this ordinance at the last City Council meeting had the most public comment he'd ever seen on an item, and there was a lot of support.

Mike Navarre, Board Member for the Boys & Girls Club, explained how their board had considered alternatives to their plan for this property, and that they are doing their due diligence under a tight timeline as they can't apply for grants prior to obtaining enough property for the project. He noted that this plan isn't ideal nor is it a done deal, but it would be a cost-effective opportunity.

Chris Andrews explained that in the packet there is a parking lot where his house is located, and explained that there had been little communication and no agreement as to what would happen with their house. He stated that this was not due diligence and requested clarification on the Boys & Girls Club plans.

Jeff Dolifka, President of the Boys & Girls Club, explained his prior communications with Mr. and Mrs. Andrews and clarified that the plans were only preliminary and they will be going in a different direction so they will not need the Andrews property.

Kyle Cornellis testified that the issue of the Andrews property speaks to the early nature of the donation request, that the drawings are preliminary and the donation would allow them to go through the process of planning. He noted that the Kenai Community Care Center location on its own would be inadequate so if the land is not donated they will reassess.

Sarah Andrews discussed her prior communications with the Boys & Girls Club, expressed concern about how it could affect her property values. She noted that she supports the Boys & Girls Club but hopes that they maintain the greenbelt next to her property and not pave it over.

Kristine Schmidt stated that the City does not have a neutral process for land donation, and the one it uses is ad hoc and unfair. She noted that this would not be the best use for the public, and it is ideal for housing which the city needs and would generate tax revenue. She suggested the Boys & Girls Club lease the property.

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

The commission discussed the possibilities of outreach to see if other parties are interested in this property, subdivision of the parcel to allow for a portion to be sold, road vacation, land quality and potential for residential use. It was suggested that a Whereas be added to the ordinance specifying that a minimum of two acres be donated to the Boys & Girls Club, and the property lines be adjusted later.

City Manager Ostrander provided background on the City's recent history of land donation to nonprofits.

In response to questions from the commission, Chris Hough explained that the previous suggestion to donate a minimum of two acres and adjust the boundaries later would not work with their timeline for financing and grant application. Without a legal description they could not receive insurance or a loan, and re-platting is a lengthy process.

In response to questions from the commission, Kyle Cornellis noted that maximum flexibility is needed from the City; the complete timeframe for the project is not yet known. He noted that even if the land is conditionally donated the project may not work out, in which case the land goes back to the City. He clarified that the grant process would be hindered by longer deliberations.

It was noted that it would be prudent to provide outreach and allow others to express interest in the property, as it is a valuable piece of land with a view. The timeframe was considered, and it was noted that there is some urgency with the sale of the Care Center.

Support was expressed for recommending approval so that the Boys & Girls Club can receive grants, and because it will provide opportunities for youth and it will bring revenue to the city.

It was suggested that there be a waiting period to allow for interest from other parties to be expressed. Director Foster explained there is a process in code for competitive land purchases but noted that there is not guidance for conditional donations.

Director Foster clarified how the ordinance has been noticed as public hearing, and will return to the City Council for a final vote to approve.

VOTE:

YEA: Woodard, Greenberg, Fikes, Askin

NAY: Douthit

MOTION PASSED.

Vice Chair Douthit returned the gavel to Chair Twait.

F. PUBLIC HEARINGS

1. **Resolution PZ2022-12** - Application for the rezoning of parcels in Basin View Subdivision, Ames Road, and Beaver Loop Road, from Rural Residential (RR) to Rural Residential-1 (RR-1). The application was submitted by Jerry C. Huf, 765 Ames Rd, Kenai AK, 99611 with a petition of a majority of the property owners in the area to be rezoned.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2022-12. Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to rezone 74 parcels. He reviewed the applicant's reasons for rezoning, and noted that the 46 signers met the threshold for a majority. He explained the differences between Rural Residential (RR) and Rural Residential-1 (RR-1), including the more limited opportunities for Conditional Use Permits (CUP) in RR-1. A Comprehensive Plan analysis was provided, and it was noted that staff's recommendation is that the property is suitable for recommending approval to the City Council.

Applicant Jerry Huf explained that his main reason for rezoning is to protect the neighborhood from any more businesses that create traffic and impact livability and enjoyment of property. He noted that the neighborhood is highly desirable area for fishing and guiding, and he would like to narrow the opportunities for high use/high traffic CUP businesses and protect the residential environment. He stated that he hasn't spoken to anyone in the neighborhood that opposed rezoning, and he knows he could get more signatures for approval.

Chair Twait opened for public hearing.

Chuck Eubank noted some previous problems in the neighborhood from businesses, and noted that the proposed rezoning will also affect selected adjoining subdivisions. He stated that the cause for the rezoning application is the lack of enforcement of CUPs and City ordinances. He questioned the applicant's residence in the neighborhood, evidence against CUP owners, and placing of speed signs on electrical poles. He stated that the rezoning will cost the subdivision businesses that generate income.

Charlotte Coots spoke in support of rezoning, noting that from previous Board of Adjustment hearings that the City does not enforce covenants, and that CUPs are not being overseen once the permit is

granted which has caused problems. She stated that rezoning will help to protect the neighborhood from high-traffic businesses.

Francis Eurick spoke in support of rezoning, noting that it will preserve the stability of the neighborhood.

Jim Richardson spoke in support of rezoning, noting concern with CUPs that are not being enforced and that they cause problems for adjoining property owners. He explained the issues he has had with a neighbor that has a CUP, and that others have seen this and want to protect their neighborhood from this happening.

Charlotte Coats noted that her husband had submitted the photos and email comment provided in the laydown, which she said show clients on the property of someone who told the City that he was not running a business out of his home. She stated that this is an example of what her neighborhood wants to be protected from.

Mack Padgett explained that he supports the rezoning application because he wants to fight CUPs, which have become a problem in the Beaver Creek neighborhood.

Carol Padgett questioned whether City staff considered covenants when reviewing Planning & Zoning applications. She stated her support for rezoning the neighborhood.

Jerry Huf stated that CUPs do not improve property values in the neighborhood, and that the priorities of the Comprehensive Plan support livability and enjoyment of property. He responded to questions raised during earlier comment about posted speed signs, and noted that he only has issues with high use/high traffic CUP businesses. He reiterated that he wants to protect his neighborhood as residential, and clarified who in the neighborhood he spoke with.

Kristine Schmidt noted that she participated in the development of this zone. She stated that the City's decision not to consider covenants is a policy decision, and they could be considered under non-economic value. She explained the background and intent of the RR zone, and that it was the least restrictive. She stated that she hoped the commission would honor the wishes of the neighborhood and support rezoning.

MJ Loveland clarified that people who didn't sign the position were neutral on rezoning, not against it. She stated her support for rezoning.

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

The commission discussed the types of businesses that would still be allowed in RR-1, the allowed uses per the Land Use Table. It was clarified that Airbnbs could fall under different categories of short-term rentals, and definitions for Cabin Rentals and Bed and Breakfasts were considered.

Preference was expressed for confirming the support from property owners who didn't sign, and if not it was suggested that the boundary line be moved.

Support was expressed for rezoning based on the amount of public support. Clarification was provided that the commission evaluates an application based on the information provided in the packet.

It was noted that the commission was providing a recommendation to City Council, who would hold another public hearing on the application.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Glendening reported on the actions of the May 18, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the May 23, 2022 Kenai Peninsula Borough Planning meeting.
3. City Administration – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting on June 8, 2022 will include a town site historic development and a Special Use Permit for the Moosemeat John Cabin;
 - Provided an update on the outstanding code violation for bowling alley;
 - Board of Adjustment appeal hearing has been scheduled for May 31, 2022;
 - Waterfront presentations in the Informational Items.

K. ADDITIONAL PUBLIC COMMENTS – None.

L. INFORMATIONAL ITEMS

1. Waterfront Project Presentation (May 2-3)

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 8, 2022

N. COMMISSION COMMENTS & QUESTIONS

Vice Chair Douthit noted that he had received signification feedback from the community on the Boys & Girls Club land donation.

Chair Twait recognized the recent school shooting in Texas, and encouraged the commission to write letters to the school board to change building entrances.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:08 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JUNE 8, 2022 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 8, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

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

Commissioners absent: J. Halstead

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

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

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

MOTION:

Commissioner Askin **MOVED** to adopt Resolution No. PZ2022-13. Commissioner Fikes **SECONDED** the motion.

Director Foster provided a staff report as provided in the packet, explaining that the applicant wants to relocate the Hermansen/Miller House to 508 Mission Avenue because it is in danger of falling of the bluff at its current location. The proposed new location is in the Kenai Townsite Historic District (TSH); the criteria for the TSH zoning district was reviewed and it was noted that the application met the criteria and City staff recommends approval subject to the following conditions:

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

Jonathan Thornton, owner of the Hermansen/Miller House clarified that the siding is metal and not vinyl. He explained that his intention is to save this historical building which is in danger of falling off the bluff and relocate it to a part of town where it will add historic beauty and value.

In response to questions from the commission, Mr. Thornton clarified that he is not yet certain what the building's use will be but could potentially be used for vacation rentals; that the building is currently eight feet away from the bluff and further erosion will prevent the building from being moved; that the old foundation will be filled in after the building is moved.

Director Foster explained that the structure is historic but has been modified enough that it cannot be a nationally registered structure, and is a different time period than the other buildings in the area it's being moved to. The commission discussed more modern buildings that have been built in the TSH, and it was noted that they would have gone through the TSH review process and would have to fit in as best they can with the historic district.

Jonathan Thornton explained how the building would fit in aesthetically at the new location, and the meaning of acquiring national registry status for historic buildings. He clarified that there will be a plaque onsite at the new building location, and discussed potential solutions for creating road access.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

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

MOTION:

Commissioner Halstead **MOVED** to recommend City Council approve the execution of a special use permit to the Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin. Commissioner Askin **SECONDED** the motion.

Director Foster provided a staff report noting that that this Special Use Permit has been provided on an annual basis for several years, and this is a continuation without any major changes.

The commission discussed why this is an annual SUP instead of a lease, and Director Foster clarified that a SUP can allow for more flexibility and may be a better option for the Chamber. It was suggested that the maintenance needed for the building, if appraised for a certain amount, could count towards the improvement value requirements for leasing City-owned land.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Glendening reported on the actions of the June 1, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Foster reported on the following:
 - The appellant for the May 31, 2022 Board of Adjustment meeting withdrew their appeal;
 - A Board of Adjustment meeting has been scheduled for June 20, 2022;
 - The next Planning & Zoning Commission meeting on June 8, 2022 will include a conditional use permit for a restaurant and brewery, a preliminary plat, and an application for competitive land purchase.

K. ADDITIONAL PUBLIC COMMENTS – None.

H. INFORMATIONAL ITEMS

1. Charles Eubank Letter Dated May 30, 2022

The commission discussed the optics and ethics of talking to the public during an at-ease during a meeting.

I. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 22, 2022

J. COMMISSION COMMENTS & QUESTIONS

Commissioner Askin reminded everyone to stay safe in the sun.

K. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:15 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-15**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KRISTINE SUBDIVISION JAHRIG ADDITION ATTACHED HERETO BE APPROVED

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

WHEREAS, the plat meets Municipal Code requirements of the Heavy Industrial (HI) District; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access is provided via Bridge Access Road, which is a paved, State of Alaska maintained road; and

WHEREAS, City water and sewer lines are located along Bridge Access Road; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of Kristine Subdivision Jahrig Addition be approved subject to the following conditions:

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

Resolution No. PZ2022-15

Page 2 of 2

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of June, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

MEGHAN THIBODEAU, DEPUTY CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 17, 2022
SUBJECT: PZ2022-15 – Preliminary Plat – Kristine Subdivision Jahrig Addition

Applicant: Will and Becky Jahrig
P. O. Box 51
Kenai, AK 99611

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

Requested Action: Preliminary Subdivision Plat – Kristine Subdivision Jahrig Addition

Legal Description: Lot 3, Kristine Subdivision No. 1

Property Address: 992 Bridge Access Rd

KPB Parcel No: 04901135

Lot Size: Approximately 8.34 acres

Existing Zoning: Heavy Industrial

Current Land Use: Vacant Commercial

Land Use Plan: Industrial

GENERAL INFORMATION

McLane Consulting submitted a preliminary plat on behalf of the property owners, Will and Becky Jahrig. The plat affects the parcel at 992 Bridge Access Road (KPB: 04901135).

The proposed Kristine Subdivision Jahrig Addition will create a Lot 3A (approximately 3.9 acres), Lot 3B (approximately 2.8 acres), and a Lot 3C (approximately 1.5 acres).

Application. Public Notice. Public Comment

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

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of June 17, 2022.

ANALYSIS

Access to the proposed Kristine Subdivision Jahrig Addition is provided via Bridge Access Road, which is a paved, State of Alaska maintained road, and Childs Avenue, which is a gravel road, not maintained by the City. City water and sewer lines are adjacent along Bridge Access Road.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Kristine Subdivision Jahrig Addition subject to the following conditions:

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

ATTACHMENTS

1. Application
2. Preliminary Plat
3. Aerial Map



RECEIVED

CITY OF KENAI

DATE 6/1/22

PLANNING DEPARTMENT



Preliminary Plat
Submittal Form

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

APPLICANT (SURVEYOR)

Name:	McLane Consulting						
Mailing Address:	PO BOX 468	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-283-4218						
Email:	JHALL@MCLANECG.COM						

PROPERTY OWNER

Name:	Will and Becky Jahrig						
Mailing Address:	PO BOX 51	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-252-5916						
Email:	wjahrig@yahoo.com or jahrig@alaskalaska.net						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04901135					
Current City Zoning:	Heavy Industrial					
Use:	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

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

Exceptions Required and Requested:

Comments:

REQUIRED ATTACHMENTS

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

SIGNATURE

Signature:		Date:	6/1/22
Print Name:	Will and Becky Jahrig	Title/Business:	owner

McLANE

CONSULTING, INC.
P.O. Box 468 Soldotna, Alaska 99669
(907) 283-4218 fax (907) 283-3265

LETTER OF TRANSMITTAL

To: City of Kenai
Planning Department
210 Fidalgo Ave
Kenai, AK 99611

DATE: 6/1/2022 JOB # 222018
ATTENTION: Planning Dept.
RE: Kristine Subdivision Jahrig Addition
Prelim-Plat
From: James Hall

We are sending you: Attached Under separate Cover

Via: Email

Copies	Description
1	Plat City of Kenai Submittal Form
1	Preliminary Plat - Full Scale
2	Preliminary Plat - 11x17
1	Deed

Reason for Transmittal Checked Below:

- FOR APPROVAL AS REQUESTED APPROVED AS SUBMITTED REVIEW/COMMENT
 FOR YOUR USE APPROVED AS NOTED RETURNED FOR CORRECTIONS

Remarks:

Copy to: File Signed: James



F-81391dj

DEED OF PERSONAL REPRESENTATIVE

The GRANTOR,

WILLIAM H. AMBROSE and SUNNI HOLBROOK, Co-Personal Representatives of the ESTATE OF DONALD FREDRICKSON, Deceased, Superior Court Case No. 3AN-98-359PR, whose address is 1841 ORCHARD PLACE, ANCHORAGE, AK 99501, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and transfer to the said GRANTEE,

WILLIAM JAHRIG and BECKY JAHRIG, husband and wife, as Tenants by the Entirety, with rights of survivorship, whose address is P.O. Box 51, Kenai, AK 99611-0051, and to their heirs and assigns, forever, all of the right, title and interest and estate of DONALD FREDRICKSON, Deceased, at the time of death, and also all of the right, title and interest that the said Estate, by operation of law or otherwise, may have acquired, in and to the following described real property:

Lot 3, KRISTINE SUBDIVISION NO. 1, according to the official plat thereof, filed under Plat Number 2020-44, in the records of the Kenai Recording District, Third Judicial District, State of Alaska.

SUBJECT TO:

Reservations and exceptions as contained in the United States Patent and/or in Acts authorizing the issuance thereof.

Taxes and/or assessments due the Kenai Peninsula Borough, for the year 2021, a lien, but levy therefore has not been made.

Oil and Gas Lease, including the terms and provisions thereof dated June 1, 1978, wherein lessor is Donald Fredrickson and lessee is Union Oil Company of California, primary term 5 years, as may be extended by the terms therein, recorded January 29, 1980, Book 152 Page 922.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

WILLIAM JAHRIG
PO BOX 51, KENAI, AK 99611

BECKY JAHRIG
PO BOX 51, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: WILLIAM AND BECKY JAHRIG
ACKNOWLEDGED BEFORE ME THIS

DAY OF 2022

MY COMMISSION EXPIRES:

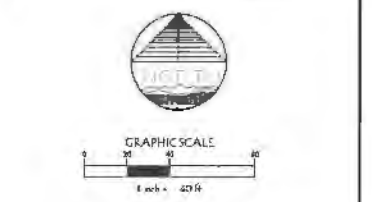
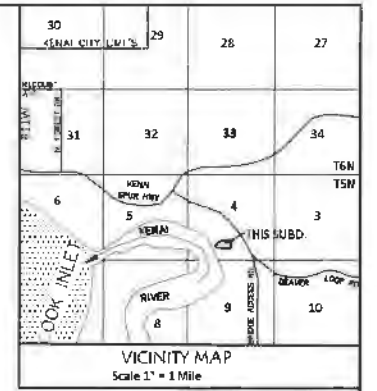
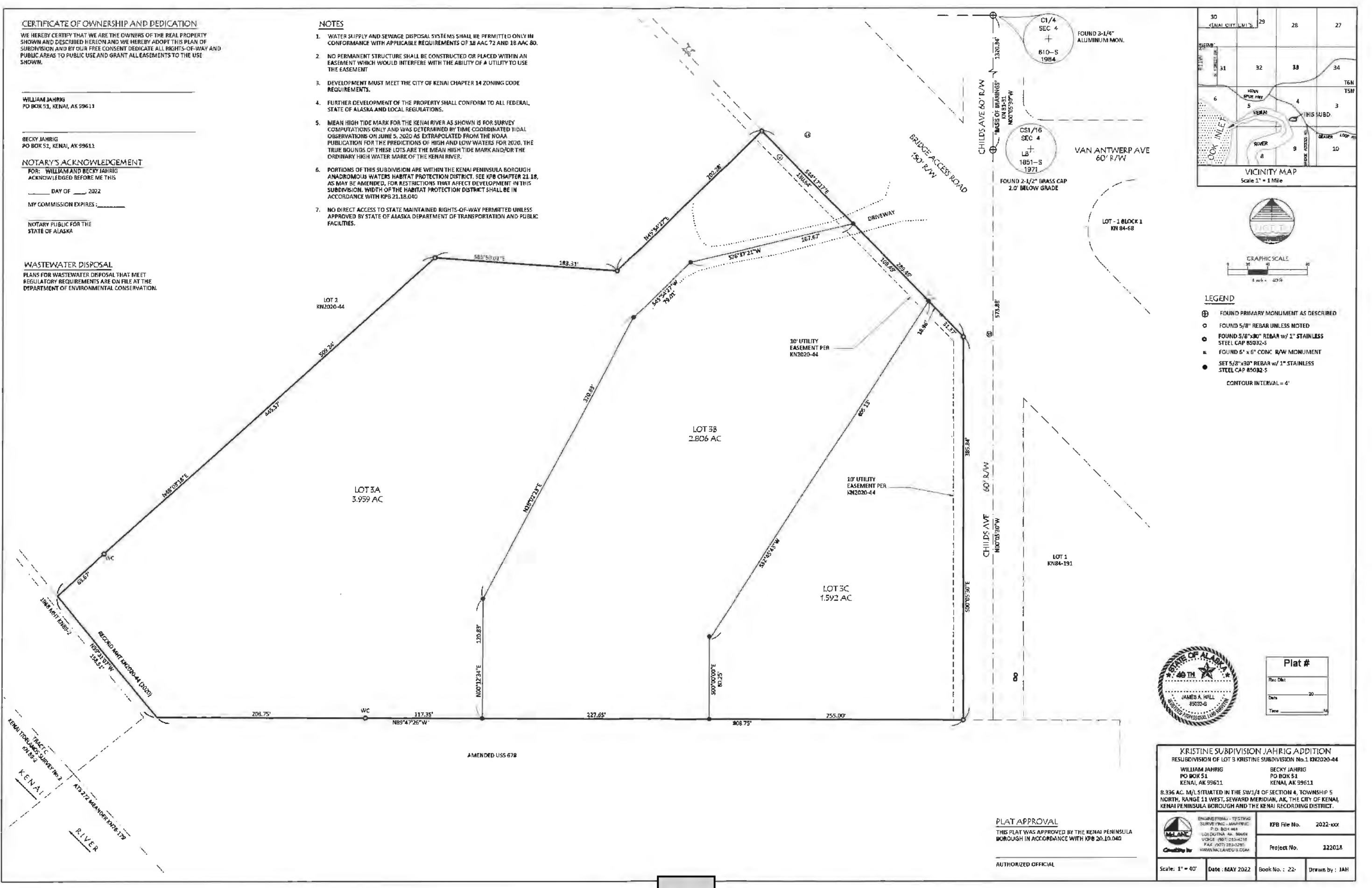
NOTARY PUBLIC FOR THE
STATE OF ALASKA

WASTEWATER DISPOSAL

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

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
4. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.
5. MEAN HIGH TIDE MARK FOR THE KENAI RIVER AS SHOWN IS FOR SURVEY COMPUTATIONS ONLY AND WAS DETERMINED BY TIME COORDINATED TIDAL OBSERVATIONS ON JUNE 5, 2020 AS EXTRAPOLATED FROM THE NOAA PUBLICATION FOR THE PREDICTIONS OF HIGH AND LOW WATERS FOR 2020. THE TRUE BOUNDS OF THESE LOTS ARE THE MEAN HIGH TIDE MARK AND/OR THE ORDINARY HIGH WATER MARK OF THE KENAI RIVER.
6. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.18.040.
7. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - ⊙ FOUND 5/8" REBAR UNLESS NOTED
 - ⊙ FOUND 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
 - ⊙ FOUND 6" x 6" CONC. R/W MONUMENT
 - ⊙ SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
- CONTOUR INTERVAL = 4'



Plat #	
Rev: Dist	
Date	20
Time	

KRISTINE SUBDIVISION JAHRIG ADDITION
RESUBDIVISION OF LOT 3 KRISTINE SUBDIVISION No.1 KN2020-44
WILLIAM JAHRIG PO BOX 51 KENAI, AK 99611
BECKY JAHRIG PO BOX 51 KENAI, AK 99611
8.336 AC. M/L SITUATED IN THE SW1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, AK, THE CITY OF KENAI, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT.

 ENGINEERING - TITLING SURVEYING - ALASKA P.O. BOX 448 GOLDSTEIN AV. BOHEM VOICE (907) 253-4218 FAX (907) 253-4291 WWW.ML&A.SURV.COM	KPB File No.	2022-xxx
	Project No.	222013
Scale: 1" = 40'	Date: MAY 2022	Book No.: 22- Drawn by: JAH

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH IN ACCORDANCE WITH KPB 20.10.040
AUTHORIZED OFFICIAL



Kristine Subdivision Jahrig Addition
992 Bridge Access Road
KPB #04901135



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

PLANNING & ZONING COMMISSION

Resolution PZ2022-15 – Preliminary Plat – Kristine Subdivision Jahrig Addition

SUMMARY

Applicant: Will and Becky Jahrig
P. O. Box 51
Kenai, AK 99611

Property Address: 992 Bridge Access Rd

KPB Parcel No: 04901135

Lot Size: Approximately 8.34 acres

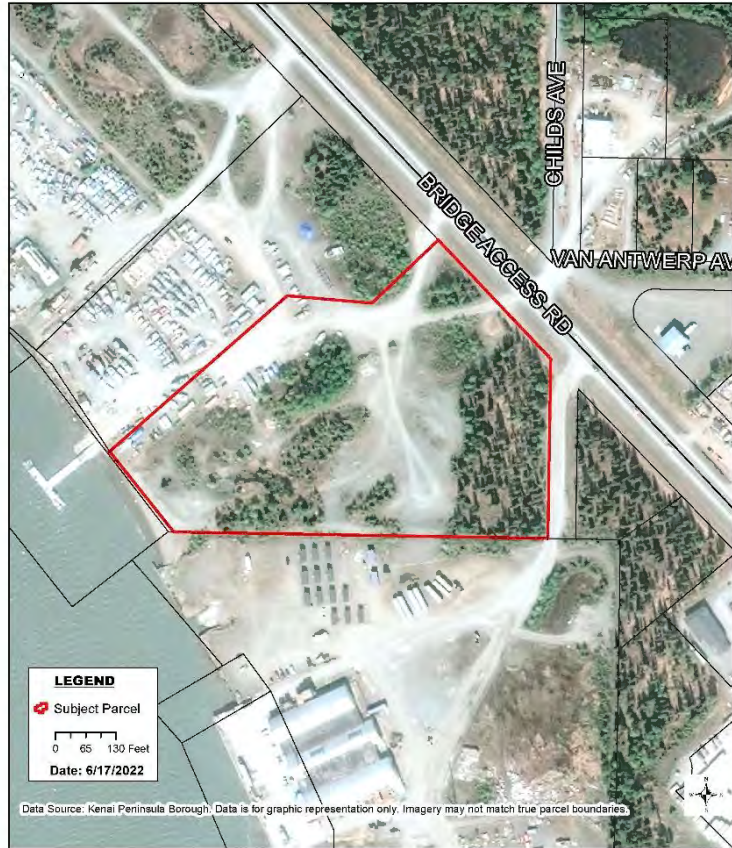
Existing Zoning: Heavy Industrial

Current Land Use: Vacant and Commercial

Land Use Plan: Industrial



Kristine Subdivision Jahrig Addition
992 Bridge Access Road
KPB #04901135



STAFF ANALYSIS

- Access to the proposed Kristine Subdivision Jahrig Addition is provided via Bridge Access Road, which is a paved, State of Alaska maintained road, and Childs Avenue, which is a gravel road, not maintained by the City.
- City water and sewer lines are adjacent along Bridge Access Road.
- The preliminary plat meets requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations.


RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Kristine Subdivision Jahrig Addition subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

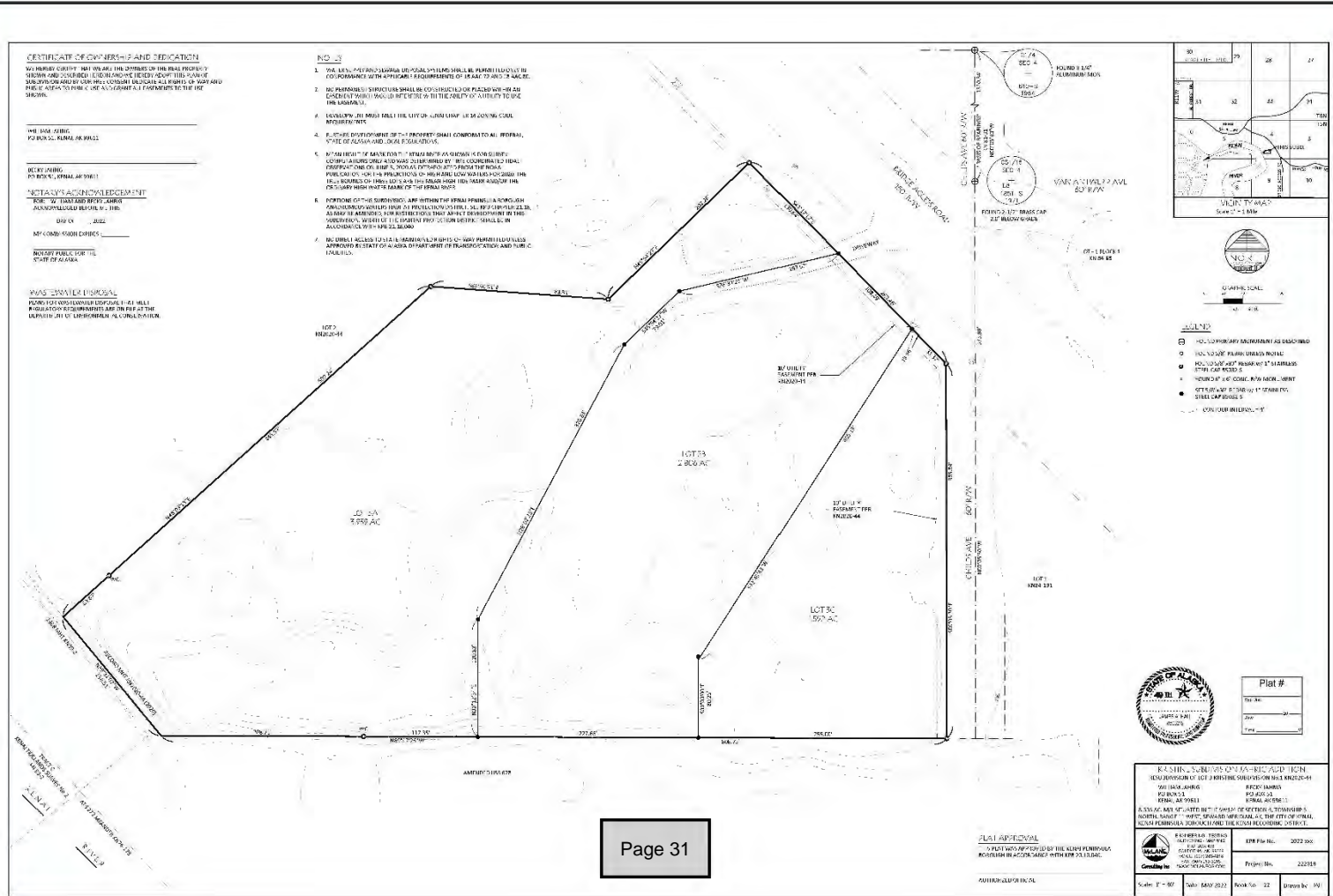
ATTACHMENTS

- A. Application
- B. Preliminary Plat
- C. Aerial Map

A. APPLICATION

RECEIVED CITY OF KENAI PLANNING DEPARTMENT	
DATE <i>6/11/22</i>	
 Preliminary Plat Submission Form	<small>City of Kenai Planning Department 11 Edgemo Avenue Kenai, AK 99611 (907) 283-8200 planning@kenai.city www.kenai.city/planning</small>
APPLICANT (SURVEYOR)	
Name:	McLane Consulting
Mailing Address:	PO BOX 468 City: Soldotna State: AK Zip Code: 99669
Phone Number(s):	907-283-4218
Email:	JHALL@MCLANECG.COM
PROPERTY OWNER	
Name:	Will and Becky Jahrig
Mailing Address:	PO BOX 51 City: Kenai State: AK Zip Code: 99611
Phone Number(s):	907-252-5916
Email:	<i>wjahrig@yahoo.com or jahrig@acsalaska.net</i>
PROPERTY INFORMATION	
Kenai Peninsula Borough Parcel #:	04901135
Current City Zoning:	Heavy Industrial
Use:	<input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community
PLAT INFORMATION	
Preliminary Plat Name:	Kristine Subdivision Jahrig Addition
Revised Preliminary Plat Name:	
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Street Name (if vacating ROW):	
Exceptions Required and Requested:	
Comments:	
REQUIRED ATTACHMENTS	
<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat <input type="checkbox"/> (2) 11" x 17" Plats
SIGNATURE	
Signature:	<i>Will Jahrig</i> Date: <i>6/11/22</i>
Print Name:	Will and Becky Jahrig <i>owner</i>

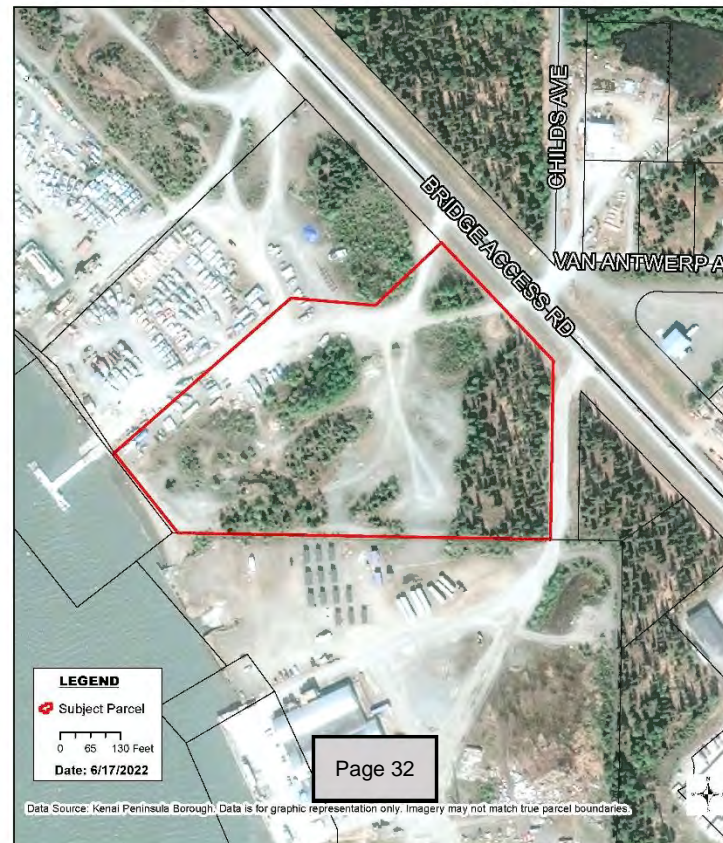
B. PRELIMINARY PLAT



C. AERIAL MAP



Kristine Subdivision Jahrig Addition
992 Bridge Access Road
KPB #04901135





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-14**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A RESTAURANT/BREWERY.

APPLICANT: Will J. Jahrig

PROPERTY ADDRESS: 992 Bridge Access Rd

LEGAL DESCRIPTION: Lot 3, Kristine Subdivision No. 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04901135

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 31, 2022; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on June 22, 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The proposed restaurant/brewery meets the intent of the Heavy Industrial (IH) Zone to allow for a broad range of industrial and commercial uses. It is intended to apply to industrial areas which are sufficiently isolated from residential and commercial areas to avoid any nuisance effect.

A restaurant/brewery is consistent with the intent of the Heavy Industrial District by providing both an industrial and commercial use in a location that will not disturb neighboring residential or commercial uses. Frequent vehicle trips generated by a restaurant/brewery is consistent with a Heavy Industrial zoning district.

The Land Use Table provides that a Restaurant is a conditional use; therefore, a conditional use permit must be granted for the operation of a restaurant/brewery. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The parcel located to the north is leased for boat storage. The parcel to the south is a commercial cannery not in use. The parcel to the east is a vacant lot and the river is located to the west. All adjacent properties are zoned Heavy Industrial. The economic and noneconomic value of adjacent properties should not be significantly impacted by the restaurant/brewery use. New construction, in this case for commercial activities, typically results in an increase of neighboring property values.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes an Industrial land use for this neighborhood. The Industrial Land Use Classification is defined in the Comprehensive Plan:

“Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.”

The subject parcel has similar land use, lot size and orientation, City water and wastewater connections, as neighboring properties. With the introduction and rapid growth of craft breweries in recent years, many restaurant/breweries have been established in industrial areas to accommodate the industrial characteristics of the brewing process.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai. Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses. The restaurant/brewery operations would be in harmony with the site design and layout of the Heavy Industrial Zoning District.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

Criteria Met. The subject property is currently accessed via Bridge Access Road, a paved, City maintained road. The proposed access to the restaurant/brewery, upon approval of the Kristine Subdivision Jahrig Addition is from Childs Avenue, a gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary to provide

access to the proposed restaurant/brewery. City water and sewer is located adjacent to the subject property along Bridge Access Road. The property has access to electricity, gas, and telephone services. There are recommended conditions with requirements related to public services and facilities:

4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue. This condition access to the restaurant/brewery is adequate.

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

Criteria Met: The use of a restaurant/brewery will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use. There are recommended conditions with requirements related to public safety, health, and welfare:

2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director. This condition ensures site plan and landscaping requirements are met for a commercial business, including for vehicle parking.

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

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Will J. Jahrig for a Restaurant/Brewery for property described as Lot 3, Kristine Subdivision No. 1, and located at 992 Bridge Access Road.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction, a building permit must be issued by the Building Official for the City of Kenai.
4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.

6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of June, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 17, 2022
SUBJECT: PZ2022-14 – Conditional Use Permit – Restaurant/Brewery

Applicant: Will J. Jahrig
P. O. Box 51
Kenai, AK 99611

Legal Description: Lot 3, Kristine Subdivision No. 1

Property Address: 992 Bridge Access Rd

KPB Parcel No: 04901135

Lot Size: Approximately 8.34 acres (363,290 square feet)

Existing Zoning: Heavy Industrial

Current Land Use: Vacant Commercial

Land Use Plan: Industrial

GENERAL INFORMATION

The applicant, Will Jahrig, has submitted a conditional use permit application for a restaurant/brewery at 992 Bridge Access Road.

Restaurants are listed as a conditional use within the Heavy Industrial zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines restaurant, “means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.” There are no definitions related to breweries or any other alcohol related uses in KMC 14. Staff believes “restaurant” is the best possible fit for a restaurant/brewery land use in the City of Kenai. An update of the code should be considered to include breweries and distilleries.

Application. Public Notice. Public Comment

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

ANALYSIS

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

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

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

Applicant Response: Developing the property as a brewery is a new business to Kenai that would strengthen economic vitality of Kenai and surrounding areas and is consistent with future commercial opportunities for the riverfront property identified in the recent waterfront development studies.

Staff Response: The proposed restaurant/brewery meets the intent of the Heavy Industrial (IH) Zone to allow for a broad range of industrial and commercial uses. It is intended to apply to industrial areas which are sufficiently isolated from residential and commercial areas to avoid any nuisance effect.

A restaurant/brewery is consistent with the intent of the Heavy Industrial District by providing both an industrial and commercial use in a location that will not disturb neighboring residential or commercial uses. Frequent vehicle trips generated by a restaurant/brewery is consistent with a Heavy Industrial zoning district.

The Land Use Table provides that a Restaurant is a conditional use; therefore, a conditional use permit must be granted for the operation of a restaurant/brewery. The applicant has provided a site plan that provides the layout of the premises.

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

Applicant Response: All adjoining properties are not in use or utilized as boat storage.

Staff Response: The parcel located to the north is leased for boat storage. The parcel to the south is a commercial cannery not in use. The parcel to the east is a vacant lot and the river is located to the west. All adjacent properties are zoned Heavy Industrial. The economic and noneconomic value of adjacent properties should not be significantly



impacted by the restaurant/brewery use. New construction, in this case for commercial activities, typically results in an increase of neighboring property values.

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

Applicant Response: A brewery was consistently identified as a valued and highly requested business in the recent Kenai Waterfront and Revitalization study.

Staff Response: The Land Use Plan, from the 2016 Comprehensive Plan, proposes an Industrial land use for this neighborhood. The Industrial Land Use Classification is defined in the Comprehensive Plan:

“Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.”

The subject parcel has similar land use, lot size and orientation, City water and wastewater connections, as neighboring properties. With the introduction and rapid growth of craft breweries in recent years, many restaurant/breweries have been established in industrial areas to accommodate the industrial characteristics of the brewing process.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses. *The restaurant/brewery operations would be in harmony with the site design and layout of the Heavy Industrial Zoning District.*

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

Applicant Response: Building design and landscaping plans are currently being prepared.

Staff Response: The subject property is currently accessed via Bridge Access Road, a paved, City maintained road. The proposed access to the restaurant/brewery, upon approval of the Kristine Subdivision Jahrig Addition is from Childs Avenue, a gravel road, not maintained by the City. Improvements to Childs Avenue may be necessary to provide access to the proposed restaurant/brewery. City water and sewer is located adjacent to the subject property along Bridge Access Road. The property has access to electricity,



gas, and telephone services. There are recommended conditions with requirements related to public services and facilities:

4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue. This condition access to the restaurant/brewery is adequate.

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

Applicant Response: Brewery must comply with current Alcoholic Beverage Control Board regulations.

Staff Response: The use of a restaurant/brewery will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use. There are recommended conditions with requirements related to public safety, health, and welfare:

2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director. This condition ensures site plan and landscaping requirements are met for a commercial business, including for vehicle parking.

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: This section of Bridge Access Road is primarily used for commercial industry and access to the property will be from Childs Ave, lessening impact from Bridge Access Rd.

Staff Response: See Conditions of Approval as set forth below.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction, a building permit must be issued by the Building Official for the City of Kenai.
4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.

Page 4 of 5



6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map





Conditional Use Permit Application

RECEIVED

**CITY OF KENAI
PLANNING DEPARTMENT**

DATE 5-31-22

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

PROPERTY OWNER

Name:	Will J Jahrig			
Mailing Address:	PO Box 51			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-252-5916			
Email:	jahrig@acsalaska.net			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	
Physical Address:	992 Bridge Access Rd
Legal Description:	KN 2020044 Kristine Sub Lot 3, (see proposed re-plat map attached, in progress)
Zoning:	Heavy Industrial
Acres:	8.36

CONDITIONAL USE DESCRIPTION

(include site plan/floor plan with square footages)
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	Undeveloped
--	-------------

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

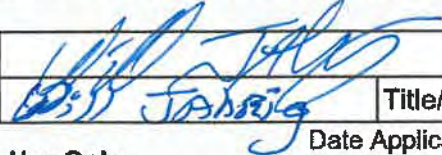
Commercial Brewery

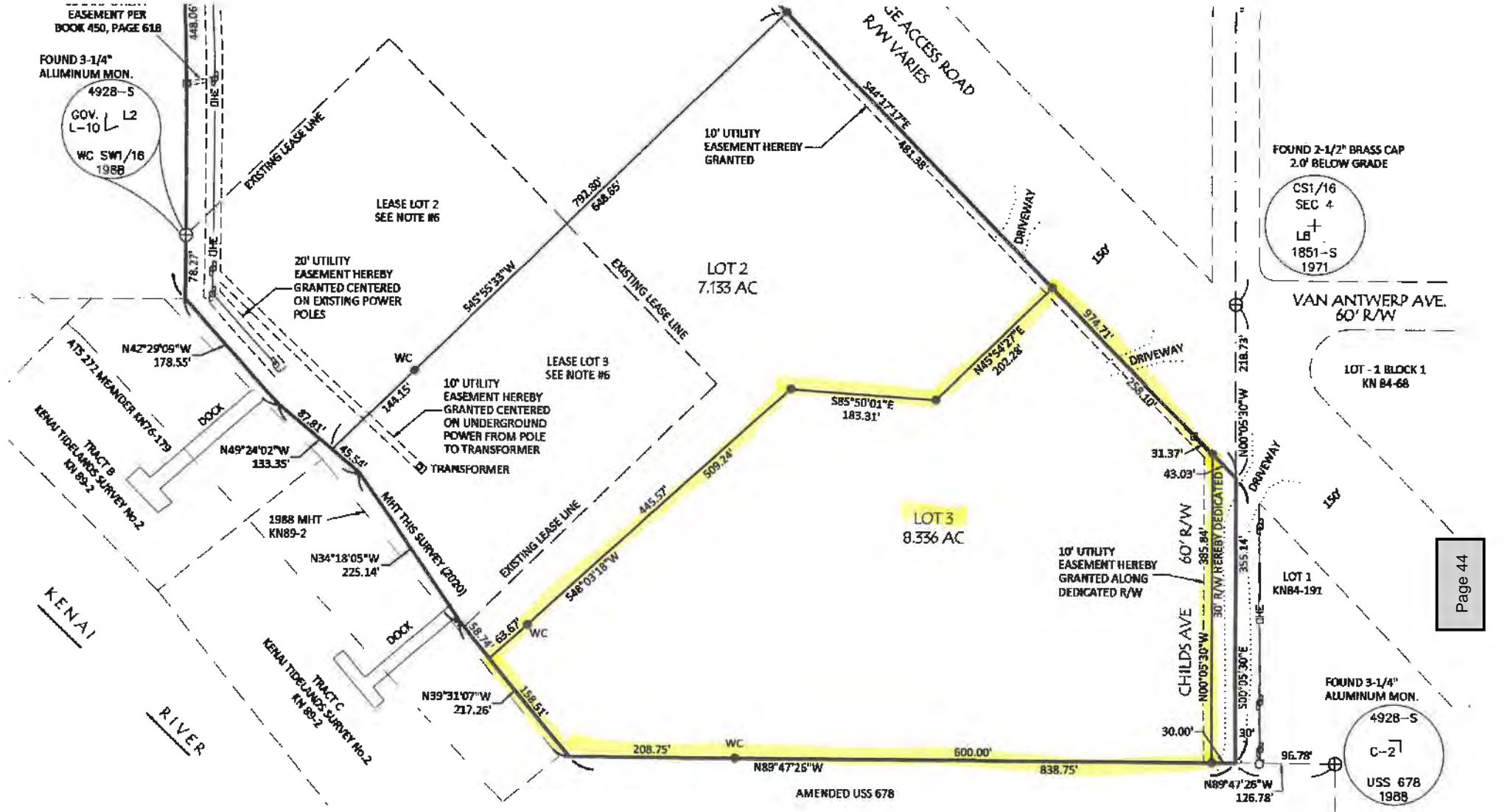
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:

Developing the property as a brewery is a new business to Kenai that would strengthen economic vitality of Kenai and surrounding areas and is consistent with future commercial opportunities for the riverfront property identified in the recent waterfront development studies.

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

All adjoining properties are not in use or utilized as boat storage. See below.

Use of surrounding property - north:	This property is leased for boat storage.		
Use of surrounding property - south:	This property has 3 large commercial cannery buildings not in use.		
Use of surrounding property - east:	Property is one acre of undeveloped land on Bridge Access Rd.		
Use of surrounding property - west:	River front property.		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
A brewery was consistently identified as a valued and highly requested business in the recent Kenai Waterfront and Revitalization study			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Building design and landscaping plans are currently being prepared.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
Brewery must comply with current Alcoholic Beverage Control Board regulations.			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
This section of Bridge Access Road is primarily used for commercial industry and access to the property will be from Childs Ave, lessening impact from Bridge Access Rd.			
AUTHORITY TO APPLY FOR CONDITIONAL USE:			
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 6-7-22
Print Name:	Bill Jarrig	Title/Business:	OWNER
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	







CUP Restaurant/Brewery
992 Bridge Access Road
KPB #04901135



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

PLANNING & ZONING COMMISSION

Resolution PZ2022-14 – Conditional Use Permit – Restaurant/Brewery
992 Bridge Access Road

SUMMARY

Applicant: Will J. Jahrig
P. O. Box 51
Kenai, AK 99611

Legal Description: Lot 3, Kristine Subdivision No. 1

Property Address: 992 Bridge Access Rd

KPB Parcel No: 04901135

Lot Size: 8.34 acres (363,290 square feet)

Existing Zoning: Heavy Industrial

Current Land Use: Vacant Commercial

Land Use Plan: Industrial



CUP Restaurant/Brewery
992 Bridge Access Road
KPB #04901135



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

SUMMARY

- The applicant, Will Jahrig, has submitted a conditional use permit application for a restaurant/brewery at 992 Bridge Access Road
- Restaurants are listed as a conditional use within the Heavy Industrial zone in Kenai Municipal Code 14.22.010, Land Use Table. KMC 14.20.320 Definitions, defines restaurant, “means an establishment where food and drink is prepared, served, and consumed primarily within the principal building.”
- There are no definitions related to breweries or any other alcohol related uses in KMC 14. Staff believes “restaurant” is the best possible fit for a restaurant/brewery land use in the City of Kenai.

SITE PLAN

- Site plan identifies the layout of the proposed restaurant/brewery.



STAFF ANALYSIS

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

REVIEW CRITERIA

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

RECOMMENDATIONS

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
 3. Prior to beginning any construction, a building permit must be issued by the Building Official for the City of Kenai.
 4. Prior to beginning any construction, the City of Kenai Public Works Department will need to be consulted on any potential or required improvements to Childs Avenue.


RECOMMENDATIONS CONTINUED


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

ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map

A. APPLICATION

		RECEIVED City of Kenai Planning and Zoning Department 210 Hidalgo Avenue Kenai, AK 99611 (907) 283-6200 planning@kenai.city www.kenai.city/planning	
		Conditional Use Permit Application DATE 5-31-22 PLANNING DEPARTMENT	
PROPERTY OWNER			
Name:	Will J Jahrig		
Mailing Address:	PO Box 51		
City:	Kenai	State:	AK Zip Code: 99611
Phone Number(s):	907-252-5916		
Email:	jahrig@acsalaska.net		
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)			
Name:			
Mailing Address:			
City:		State:	Zip Code:
Phone Number(s):			
Email:			
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel # (Property Tax ID):			
Physical Address:	992 Bridge Access Rd		
Legal Description:	KN 2020044 Kristine Sub Lot 3, (see proposed re-plat map attached, in progress)		
Zoning:	Heavy Industrial		
Acres:	8.36		
CONDITIONAL USE DESCRIPTION (include site plan/floor plan with square footages) (include State Business License and KPB Tax Compliance if applicable)			
How is this property currently being used?	Undeveloped		
Conditional Use Requested for (attach additional sheets if necessary):	Commercial Brewery		
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:			
Developing the property as a brewery is a new business to Kenai that would strengthen economic vitality of Kenai and surrounding areas and is consistent with future commercial opportunities for the riverfront property identified in the recent waterfront development studies.			
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:			
All adjoining properties are not in use or utilized as boat storage. See below.			

Use of surrounding property - north:	This property is leased for boat storage.
Use of surrounding property - south:	This property has 3 large commercial cannery buildings not in use.
Use of surrounding property - east:	Property is one acre a undeveloped land on Bridge Access Rd.
Use of surrounding property - west:	River front property.
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
A brewery was consistently identified as a valued and highly requested business in the recent Kenai Waterfront and Revitalization study.	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Building design and landscaping plans are currently being prepared.	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
Brewery must comply with current Alcoholic Beverage Control Board regulations.	
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?	
This section of Bridge Access Road is primarily used for commercial industry and access to the property will be from Childs Ave, lessening impact from Bridge Access Rd.	
AUTHORITY TO APPLY FOR CONDITIONAL USE:	
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.	
Signature:	 Date: 6-1-22
Print Name:	Will J. Jahrig Title/Business: Owner
Date Application Fee Received:	
PZ Resolution Number:	
For City Use Only	

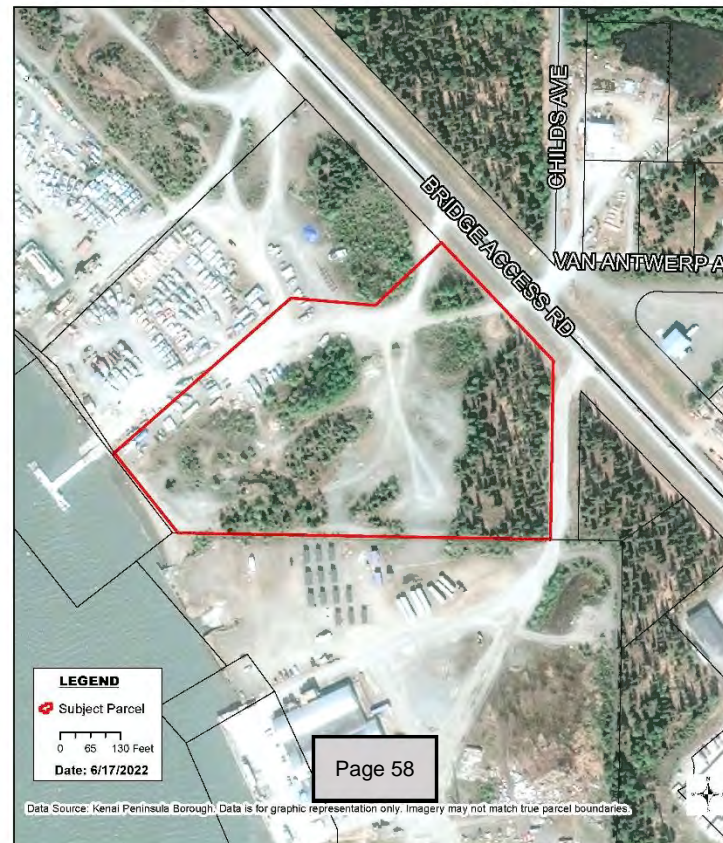
B. SITE PLAN



C. AERIAL MAP



CUP Restaurant/Brewery
992 Bridge Access Road
KPB #04901135



MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 17, 2022
SUBJECT: **Action/Approval: Recommending the City Council Approve Resolution No. 2022-XX – Approving the Sale of 1107 Second Street to Amy Fisher**

On May 26, 2022, staff received competitive land purchase applications for 1107 Second Street and 1103 Second Street from Amy Fisher. After discussions with Habitat for Humanity, Amy agreed to withdraw her application for 1103 Second Street if Habitat for Humanity withdrew their request for 1107 Second Street in their request for conditional donations for construction of housing. The proposed use of 1107 Second Street, which is currently vacant, is to construct a two car garage next to her home at 1105 Second Street. If approved, a removal of the lot line between 1105 and 1107 Second Street may be necessary, dependent on the size of the garage.

Ordinance 2942-2017 approved the conditional donation of five parcels on Second Street for the Central Peninsula Habitat for Humanity for construction of housing. Only one of the five has been constructed to date, and Ordinance 2942-2017 has expired. 1107 Second Street was one of the conditionally donated parcels. In concurrence with this application, Habitat for Humanity has requested a conditional donation of the remaining 3 parcels originally approved, agreeing to drop their request for 1107 Second Street.

Pursuant to Kenai Municipal Code 22.05.040 application review, notice of the application was posted in the Peninsula Clarion and stated competing applications may be submitted for the parcel within 30 -days to the City. The 30 -day window from publication ends on July 2, 2022, and to-date, no competing applications have been submitted to the City.

The parcel is within the Suburban Residential (RS) Zone. Pursuant to KMC 14.20.065, the purpose of the RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. A two car garage at 1107 Second Street, in conjunction with a single family dwelling at 1105 Second Street, would be consistent with this zoning district. Both City sewer and water services are located adjacent to the subject property.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including the following supporting this application:

Objective Q- 4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

Objective LU-2: Promote the infill of existing, improved subdivision lots.

Please review the attached materials.

Does the Commission recommend Council approve the sale of 1107 Second Street to Amy Fisher?

Attachments:

City of Kenai Land Competitive Purchase Application from Amy Fisher

Email Withdrawing 1103 Second Street Application

Ordinance 2942-2017

1107 Second Street Map





City of Kenai
Competitive Land
Purchase Application

Application Date: 5/26/22

Applicant Information

Name of Applicant: Amy S. Fisher
Mailing Address: 1105 Second St, Kenai, AK 99611
Phone Number(s): Home Phone: 907-420-4727
E-mail: (Optional) citgoqueev@aol.com
Name to Appear on Deed: Amy S. Fisher
Type of Applicant: [X] Individual (at least 18 years of age)

Property Information

Legal description of property (or, if subdivision is required, a brief description of property):
Property ID - 03910209
Address - 1107 Second St., Kenai, AK 99611
Document/Book Page 355/171
Does the property require subdivision? (if Yes, answer next question) [X] NO
Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes
1. Do you believe the proposed subdivision would serve other City purposes? [X] YES [] NO
2. If determined it does not, applicant is responsible for all subdivision costs. Initials
If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. Initials asf
It is the responsibility of the applicant to cover costs associated with title insurance. Initials asf
It is the responsibility of the applicant to cover recording costs associated with the purchase. Initials asf
The purchaser must pay not less than 50% of the costs of sale associated with a sale at not less than fair market value as determined by an appraisal or 100% of the costs of sale if the sale is at less than fair market value. Initials asf
Requested closing date: As Soon As Possible

RECEIVED
CITY OF KENAI
DATE 5-26-22
PLANNING DEPARTMENT

Proposed Use and Improvements

Proposed Use (check one): Aeronautical Non-Aeronautical

Type of Land Use: Commercial Residential Industrial Public/Institutional Tidelands Other

Do you plan to construct new or additional improvements? (if Yes, answer next 3 questions) YES NO

1. What is the estimated value of the improvement? *\$30,000*

2. What is the type of improvement? Building Land Other:

3. What are the dates construction is estimated to commence and be completed? (Generally within two years)

Estimated Start Date: *5/1/24*

Estimated Completion Date: *6/30/24*

If you do not plan to construct new improvements, how does the proposed use benefit the community?

N/A

Describe the proposed business or activity intended:

Build a 2 car detached garage on lot next to my home.

How does the proposed purchase benefit the City of Kenai and support a thriving business, residential, recreational, or cultural community?

Property would be owned by a local Kenai resident + properly maintained. Property taxes would be increased giving additional funds to the city of Kenai.

Submitting an application to purchase does not give the applicant a right to purchase or use the land requested in the application. If the land is sold in a competitive public sale set in response to this Competitive Land Purchase Application to anyone other than the applicant, the application fee and any deposit made to cover the cost of appraisal or subdivision will be refunded in total to the applicant. If the land is sold to the applicant, any deposit, after deducting the City's expenses, will be credited to the purchaser at closing.

Signature:	<i>Amy S. Fisher</i>	Date:	<i>5/26/22</i>
Print Name:	<i>Amy S. Fisher</i>	Title:	

For City Use Only:	Date Application Fee Received:	_____
Account: <input type="checkbox"/> General Fund <input type="checkbox"/> Airport Fund	Date Application Determined Complete:	_____
Method of Sale (check one):	30-Day Notice Publication Date:	_____
<input type="checkbox"/> Public Auction <input type="checkbox"/> Over-the-Counter	City Council Ordinance:	_____
<input type="checkbox"/> Leased Land with Option to Purchase	Account Number:	_____



1107

From: [AMY FISHER](#)
To: [Ryan Foster](#)
Subject: 1107 Second St
Date: Wednesday, June 15, 2022 2:56:12 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ryan, I am willing to rescind my application for the purchase of 1103 Second St and continue my application for 1107 Second St.

I'm agreeing to do this only due to the fact that Habitat for Humanities is agreeing to rescind their application for my preferred property of 1107 Second St. and they move forward with 1103 Second St.

Thank you for your assistance in the matter.

Amy S Fisher
Sent from my iPhone



Sponsored by: City Manager

CITY OF KENAI

ORDINANCE NO. 2942 - 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, CONDITIONALLY DONATING CERTAIN FORECLOSED CITY-OWNED PROPERTIES DESCRIBED AS LOTS 8, 9, AND 11, BLOCK 9, AND LOTS 4 AND 5, BLOCK 10, MOMMSSENS SUBDIVISION REPLAT OF ADDN. 1 & 2, ADDN. NO. 2, (PARCEL NUMBERS 03910208; 03910209; 03910211; 03910304 AND 03910305) TO CENTRAL PENINSULA HABITAT FOR HUMANITY, INC. FOR CONSTRUCTION OF HOUSING.

WHEREAS, Kenai Municipal Code 22.05.125 allows the Council, by Ordinance, to donate foreclosed real property no longer needed by the City for public purpose to a non-profit corporation, for consideration agreed upon between the City and Grantee without a public sale, if it is advantageous to the City; and,

WHEREAS, Central Peninsula Habitat for Humanity, Inc. is a non-profit charitable housing organization and has identified Lots 8, 9, and 11, Block 9, and Lots 4 and 5, Block 10, Mommsens Subd. Replat Addn. No. 1 & 2, Addn. No. 2 (Parcel Numbers 03910208; 03910209; 03910211; 03910304; and 03910305) - (See Attachment B) as properties meeting the needs of their organization; and,

WHEREAS, the above-referenced properties were acquired through tax and special assessment foreclosures (judgement year was 1987); and,

WHEREAS, Ordinance No. 1414-91 declared the properties were not needed for a public purpose and could be sold; and,

WHEREAS, the subject properties have been included in public foreclosure sales in 2005 and 2007 where no bids to purchase were received; and,

WHEREAS, it is advantageous to the City of Kenai to donate these lots to Central Peninsula Habitat for Humanity, Inc. to provide needed safe affordable low income housing over the next few years, which will produce tax revenue for the City of Kenai, rather than having these lots remain vacant; and,

WHEREAS, at their regular meeting of March 22, 2017 the Planning and Zoning Commission reviewed the subject Ordinance and recommends the Council of the City of Kenai enact this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, that:

Section 1. Form: That this is a non-code ordinance.

Section 2. That the Kenai City Council hereby authorizes the City Manager to execute the transfer of title of certain foreclosed City-owned real properties described as Lots 8, 9, and 11, Block 9, and Lots 4 and 5, Block 10, Mommsens Subd. Replat Addn. No. 1 & 2, Addn. No. 2 (Parcel Numbers 03910208; 03910209; 03910211; 03910304; and

03910305), to Habitat for Humanity, on a form approved by the City Attorney, for less than fair market value and for the sole purpose of the construction of single-family residences, subject to the following conditions:

1. Central Peninsula Habitat for Humanity, Inc. shall pay the sum of taxes and assessments owed to the Kenai Peninsula Borough and the City of Kenai, upon the transfer of ownership to Central Peninsula Habitat for Humanity, Inc. from the City of Kenai.
2. Up to five parcels will be granted for construction to Central Peninsula Habitat for Humanity, Inc. The grants will be according to the following timeline: One parcel will be granted for the 2017 construction season. Construction must be complete on the parcel by the end of 2018. Upon timely completion of that project, the second parcel may be granted. The second project must be completed by the end of 2020. Upon timely completion of the second project, a third parcel may be granted. The third project must be completed by the end of 2022. Upon timely completion of the third project, a fourth parcel may be granted. That project must be completed by the end of 2024. Upon timely completion of the fourth project, a fifth parcel may be granted. The fifth project must be completed by the end of 2026.

Section 3. That the Kenai City Council further finds the disposal of the subject parcel to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by disposing of the property interest for less than fair market value, in accordance with the recitals above which are incorporated herein.

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 5. Effective Date: That pursuant to KMC 1.15.070(f), this Ordinance shall take effect 30 days after adoption.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of April, 2017.


BRIAN GABRIEL, SR., MAYOR

ATTEST:

Sandra Modigh, City Clerk

Approved by Finance 

Introduced: March 15, 2017
Adopted: April 5, 2017
Effective: May 5, 2017

Attachments: A - C



1107 Second St
Lot 9, Block 9, Mommsens Subdivision Replat Addition No 1&2
Parcel 03910209



MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 17, 2022
SUBJECT: **Action/Approval: Recommending the City Council Approve Ordinance No. XXXX-2022 – Approving the Conditional Donation of City Owned Parcels to the Central Peninsula Habitat for Humanity, Inc.**

On May 30, 2022, staff received a letter from the Central Peninsula Habitat for Humanity, Inc. requesting to continue with the construction of housing on Second Street parcels agreed to in Ordinance 2942-2017 for a conditional donation, which has expired. In the letter, it was noted that Habitat for Humanity has not built homes for the past two years due to COVID-19. After discussions with Amy Fisher, Habitat for Humanity agreed to withdraw 1107 Second Street from their request for conditional donations for construction of housing. The proposal is now for:

- 1109 Second Street (#03910208)
- 1106 Second Street (#03910304)
- 1103 Second Street (#03910211)

The parcels are within the Suburban Residential (RS) Zone. Pursuant to KMC 14.20.065, the purpose of the RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The construction of single family homes would be consistent with this zoning district. Both City sewer and water services are located adjacent to the subject properties.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including the following supporting this request:

Objective Q- 4: Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

Objective LU-2: Promote the infill of existing, improved subdivision lots.

Please review the attached materials.

Does the Commission recommend Council approve the conditional donation of City owned parcels to the Central Peninsula Habitat for Humanity, Inc.?

Attachments:

Letter Requesting Conditional Donation to Habitat for Humanity

Email Withdrawing 1107 Second Street from Their Request

Ordinance 2942-2017

Requested Second Street Parcels Map





RECEIVED
CITY OF KENAI
DATE 5/30/22
PLANNING DEPARTMENT

City of Kenai
210 Fidalgo Avenue
Kenai, AK. 99611-7794

Subject: Purchase of lots by the Central Peninsula Habitat for Humanity, Inc.

Dear City Council/Planning Committee,

The Central Peninsula Habitat for Humanity has not built for the past two years due to COVID-19. The first year being that we were in isolation, the second year was due to inflated material costs and lack of materials as well. Currently, the Family Selection Committee is working on selecting a new partner family our upcoming build. We will be breaking ground the first week in July of this year.

The Board of Directors voted in a quorum requesting that the City of Kenai please continue with our agreement referenced in Section 2 of the attached Ordinance No.2942-2017, parcel # 039-102-08,039-102-09,039-102-11,039-103-05 and 039-103-04.

Thank you in advance for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Carri Rossini".

Carri Rossini
Executive Director

Katie Rector

From: Carri Rossini <cphfh15@gmail.com>
Sent: Tuesday, June 14, 2022 3:15 PM
To: Katie Rector
Subject: Re: Ordinance No. 2942-2017

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Katie,
The Board of Directors met last night & they voted in a quorum to drop 1107 2nd from the list.
Let me know if I need to do anything further.
Thank you,
Katie

Sent from my iPhone

On Jun 14, 2022, at 1:26 PM, Katie Rector <krector@kenai.city> wrote:

Good morning,
I was just checking in to see if you had a chance to review my previous email and decide if that was something you were okay with doing?
Thank you,



Katie Rector
Planning Admin Assistant III

City of Kenai | 210 Fidalgo Avenue | Kenai, AK 99611
P: (907) 283-8237 | **W:** www.kenai.city | **E:** krector@kenai.city

From: Katie Rector <>
Sent: Tuesday, June 7, 2022 8:43 AM
To: 'Carri Rossini' <cphfh15@gmail.com>
Subject: RE: Ordinance No. 2942-2017

Good morning,
We received your letter requesting the 4 properties be conditionally donated. We talked previously about another person wanting one of the properties and the Planning Director suggest you both put in applications so the commission can be the one to decide who would get the properties. The applicant

From: Carri Rossini <cphfh15@gmail.com>
Sent: Monday, May 16, 2022 6:23 AM
To: Katie Rector <krector@kenai.city>
Subject: Re: Ordinance No. 2942-2017

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Katie,

Thank you for your follow up. The Board of Directors is meeting this evening. I want to present all of the parcels that we are interested in to the board for their review. I do not think that we need to hold up all of these parcels if there is another interested party. Are you able to tell me which parcel the other interested party is looking at?

Thank you in advance for your time and consideration.

Have a great day!

Best,

Carri

ED Central Peninsula Habitat for Humanity



Sponsored by: City Manager

CITY OF KENAI

ORDINANCE NO. 2942 - 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, CONDITIONALLY DONATING CERTAIN FORECLOSED CITY-OWNED PROPERTIES DESCRIBED AS LOTS 8, 9, AND 11, BLOCK 9, AND LOTS 4 AND 5, BLOCK 10, MOMMSSENS SUBDIVISION REPLAT OF ADDN. 1 & 2, ADDN. NO. 2, (PARCEL NUMBERS 03910208; 03910209; 03910211; 03910304 AND 03910305) TO CENTRAL PENINSULA HABITAT FOR HUMANITY, INC. FOR CONSTRUCTION OF HOUSING.

WHEREAS, Kenai Municipal Code 22.05.125 allows the Council, by Ordinance, to donate foreclosed real property no longer needed by the City for public purpose to a non-profit corporation, for consideration agreed upon between the City and Grantee without a public sale, if it is advantageous to the City; and,

WHEREAS, Central Peninsula Habitat for Humanity, Inc. is a non-profit charitable housing organization and has identified Lots 8, 9, and 11, Block 9, and Lots 4 and 5, Block 10, Mommsens Subd. Replat Addn. No. 1 & 2, Addn. No. 2 (Parcel Numbers 03910208; 03910209; 03910211; 03910304; and 03910305) - (See Attachment B) as properties meeting the needs of their organization; and,

WHEREAS, the above-referenced properties were acquired through tax and special assessment foreclosures (judgement year was 1987); and,

WHEREAS, Ordinance No. 1414-91 declared the properties were not needed for a public purpose and could be sold; and,

WHEREAS, the subject properties have been included in public foreclosure sales in 2005 and 2007 where no bids to purchase were received; and,

WHEREAS, it is advantageous to the City of Kenai to donate these lots to Central Peninsula Habitat for Humanity, Inc. to provide needed safe affordable low income housing over the next few years, which will produce tax revenue for the City of Kenai, rather than having these lots remain vacant; and,

WHEREAS, at their regular meeting of March 22, 2017 the Planning and Zoning Commission reviewed the subject Ordinance and recommends the Council of the City of Kenai enact this Ordinance.

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Section 2. That the Kenai City Council hereby authorizes the City Manager to execute the transfer of title of certain foreclosed City-owned real properties described as Lots 8, 9, and 11, Block 9, and Lots 4 and 5, Block 10, Mommsens Subd. Replat Addn. No. 1 & 2, Addn. No. 2 (Parcel Numbers 03910208; 03910209; 03910211; 03910304; and

03910305), to Habitat for Humanity, on a form approved by the City Attorney, for less than fair market value and for the sole purpose of the construction of single-family residences, subject to the following conditions:


1. Central Peninsula Habitat for Humanity, Inc. shall pay the sum of taxes and assessments owed to the Kenai Peninsula Borough and the City of Kenai, upon the transfer of ownership to Central Peninsula Habitat for Humanity, Inc. from the City of Kenai.
2. Up to five parcels will be granted for construction to Central Peninsula Habitat for Humanity, Inc. The grants will be according to the following timeline: One parcel will be granted for the 2017 construction season. Construction must be complete on the parcel by the end of 2018. Upon timely completion of that project, the second parcel may be granted. The second project must be completed by the end of 2020. Upon timely completion of the second project, a third parcel may be granted. The third project must be completed by the end of 2022. Upon timely completion of the third project, a fourth parcel may be granted. That project must be completed by the end of 2024. Upon timely completion of the fourth project, a fifth parcel may be granted. The fifth project must be completed by the end of 2026.

Section 3. That the Kenai City Council further finds the disposal of the subject parcel to be in the best interests of the citizens of the City of Kenai and that the public interest shall be served by disposing of the property interest for less than fair market value, in accordance with the recitals above which are incorporated herein.

Section 4. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 5. Effective Date: That pursuant to KMC 1.15.070(f), this Ordinance shall take effect 30 days after adoption.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 5th day of April, 2017.


BRIAN GABRIEL, SR., MAYOR

ATTEST:

Sandra Modigh, City Clerk

Approved by Finance 

Introduced: March 15, 2017
Adopted: April 5, 2017
Effective: May 5, 2017

Attachments: A - C



1109 Second Street (#03910208)
1106 Second Street (#03910304)
1103 Second Street (#03910211)





Kenai City Council - Regular Meeting

June 15, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS (*Public comment limited to ten (10) minutes per speaker*)

1. Representative Ben Carpenter, Update on Working with the State Attorney General on the Rights of Grand Juries.

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3294-2022** - Accepting and Appropriating Funding from the State of Alaska Department of Natural Resources, Division of Forestry, to Support Spruce Beetle Mitigation and Hazard Fuel Reduction. (Administration)
2. **POSTPONED INDEFINITELY. Resolution No. 2022-46** – Authorizing Award of a Sole Source Contract to Perform a Communications Tower Study. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2022-47** – Authorizing the Use of the Equipment Replacement Fund and Authorizing Award of a Contract for the Purchase of a Replacement Ambulance for the Kenai Fire Department. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2022-48** – Amending the Employee Classification Plan by Changing the Title of the Accountant Class of Employees to a Controller and Increasing the Range. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2022-49** – Authorizing Binding of Airport Owners and Operators Liability Insurance Coverage for July 1, 2022 through June 30, 2023. (Administration)

6. **ADOPTED UNANIMOUSLY. Resolution No. 2022-50** – Authorizing a Budget Transfer in the General Fund, Public Works Department – Streets Division for the Purchase of Sanding Equipment. (Administration)
7. **ADOPTED AS AMENDED UNANIMOUSLY. Resolution No. 2022-51** – Adopting the City of Kenai Land Management Plan (Administration)

E. MINUTES

1. *Regular Meeting of May 18, 2022. (City Clerk)
2. *Regular Meeting of June 1, 2022. (City Clerk)

F. UNFINISHED BUSINESS

1. **ENACTED AS AMENDED UNANIMOUSLY. Ordinance No. 3293-2022** – Amending the Appendices to the Kenai Municipal Code to Delete Cemetery Regulations, Amending Title 24-Municipal Cemetery, to Include Certain Portions of the Appended Cemetery Regulations and Make Other Housekeeping Changes and Adopting a Kenai Municipal Cemetery Regulations Policy. (City Clerk) *[Clerk's Note: At the Meeting of June 1, 2022, this Ordinance was Postponed to this Meeting; a Motion to Enact is on the Floor.]*
2. **ADOPTED UNANIMOUSLY. Resolution No. 2022-37** - Removing the Moratorium on the Purchase of Standard Cemetery Plots for the Sole Purpose of Reserving a Cemetery Plot Not Being Used for Immediate Internment. (City Clerk) *[Clerk's Note: At the Meeting of June 1, 2022, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.]*

G. NEW BUSINESS

1. *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED AS AMENDED UNANIMOUSLY. Action/Approval** - FY2022 Purchase Orders Over \$15,000. (Administration)
3. *Action/Approval - FY2023 Purchase Orders Over \$15,000. (Administration)
4. *Action/Approval - Los Compadres Liquor License Renewal. (City Clerk)
5. *Action/Approval – Special Use Permit to Empire Airlines, Inc. for Aircraft Loading and Parking. (Administration)
6. *Action/Approval – Special Use Permit to Everts Air Fuel, Inc. for Aircraft Loading and Parking. (Administration)
7. *Action/Approval – Special Use Permit to Crowley Fuels LLC for Aviation Fueling and Apron Fueling Area. (Administration)
8. *Action/Approval – Special Use Permit to Alaska Geographic for a Vending Kiosk in the Airport Terminal. (Administration)
9. *Action/Approval – Special Use Permit to United Parcel Service Co., for Aircraft Loading and Parking. (Administration)
10. *Action/Approval – Special Use Permit to Kenai Aviation for Aircraft Parking. (Administration)
11. *Action/Approval – Special Use Permit to Alaska Air Fuel, Inc. for Aircraft Loading and Parking. (Administration)
12. *Action/Approval – Fifth Amendment to Agreement for Restaurant Concessions with Situla LLC (DBA Brother's Café) (Administration)

13. ***Ordinance No. 3295-2022** – Amending the Official Zoning Map by Rezoning Certain Parcels Southeast of Beaver Loop Road along Basin View Way, Kim N Ang Court, Cub Court, Ames Road, and Dolchok Lane from Rural Residential to Rural Residential-1. (Administration)
14. **APPROVED UNANIMOUSLY. Action/Approval** – Recommending the City of Kenai Representative for Appointment to the Kenai Peninsula Borough Planning Commission. (City Clerk)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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

The agenda and supporting documents are posted on the City's website at www.kenai.city. 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/84183465688>

Meeting ID: 841 8346 5688 **Passcode:** 371491

OR

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

Meeting ID: 841 8346 5688 **Passcode:** 371491



Meeting Agenda Planning Commission

Monday, June 13, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

- [KPB-4318](#)
- a. King Rapids Subdivision Hansen's Addition; KPB File 2021-168
 - b. Mac McGahan Subdivision 2020 Replat; KPB File 2021-096
 - c. Playle Estates; KPB File 2021-159R1
 - d. The Stordahle Subdivision; KPB File 2021-161

Attachments: [C3. Plat Administrative Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-4319](#)
- a. Anglers Crest Subdivision Tikahtnu Heights Addition 2022 Replat; KPB File 2022-016
 - b. Eastberg Dominish 2021 Replat; KPB File 2021-027
 - c. Koala Acres 2022 Replat; KPB File 2022-026
 - d. Sumpter Subdivision 2022 Replat; KPB File 2022-050

Attachments: [C4. Plat Final Approvals](#)

5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

- [KPB-4320](#) May 23, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 052322 PC Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4321](#) Section Line Easement Vacation; KPB File 2022-060V
Vacate the section line easements associated with Tracts A, B, & C of Quartz Creek Subdivision

Attachments: [E1. SLEV Quartz Creek Sub](#)
[E1.SLEV Quartz Creek PC Desk Packet](#)

2. [KPB-4322](#) Utility Easement Vacation; KPB File 2022-052V
Vacate portions of utility easements located within Lot 5 of Cole's Corner, Plat KN 85-31

Attachments: [E2. UEV Cole's Corner](#)

3. [KPB-4323](#) PC Resolution SN 2022-02
Naming unnamed public rights-of-way in the Moose Pass area

Attachments: E3. SN RES 2022-02
[E3. SN RES 2022-02 PC Desk Packet](#)

4. [KPB-4324](#) Conditional Use Permit; PC Resolution 2022-23

Attachments: [E4. CUP Lavalle](#)
[E4. CUP Lavalle PC Desk Packet](#)

5. [KPB-4325](#) Ordinance 2022-22: Authorizing a negotiated lease option and subsequent ground lease of certain real property containing 40 acres more or less to Utopian Power for the development of a solar farm facility.

Attachments: [E5. ORD 2022-22](#)

6. [KPB-4326](#) Resolution 2022-XX; Authorizing the acquisition of real property located in Soldotna Alaska on behalf of Central Emergency Services for the purpose of a replacement site for Central Emergency Services Station 1

Attachments: [E6. RES 2022-XX](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

[KPB-4356](#) June 13, 2022 Director's Report

Attachments: [6_13_22 Directors Report PC Deak Packet](#)

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

[KPB-4355](#) APC Meeting Minutes

Attachments: [Misc Information PC Desk Packet](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, June 27, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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.