



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

May 29, 2024 – 7:00 PM

**Kenai City Council Chambers
210 Fidalgo Avenue, Kenai, Alaska**

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 8, 2024

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 PZ2024-10** – Recommending Approval on Preliminary Plat – Thompson Park 2024 Replat for a Replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision within the Suburban Residential (RS) Zoning District.
2. **Resolution PZ2024-11** - Recommending Approval on Preliminary Plat – Shoreline Heights 2014 Addition Phase 1 Bowlin Replat to Replat Lots 34 and 35 of Shoreline Heights 2014 Addition Phase 1 within the Rural Residential (RR) Zoning District.

F. PUBLIC HEARINGS

1. **Resolution PZ2024-12** - Granting a Conditional Use Permit Amendment for a Retail Marijuana Store Within the Existing Marijuana Cultivation Facility (PZ2021-44) on the Property Described as Lot 1 of Yragui Subdivision, Located at 8847 Kenai Spur Highway within the General Commercial (CG) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. *Action/Approval** – Resolution No. 2024-17 - Recommending Approval on the Street Renaming of Cook Inlet View Drive to Cook Inlet Drive.
- 2. Action/Approval** – Approving the Transfer of a Conditional Use Permits PZ1989-06 for Guide Service, PZ1995-01 for Bed and Breakfast, and PZ2003-42 for Lodging on the Property Described as Lot 29, Block 1 of Anglers Acres Subdivision Part 2, Located at 1535 Angler Drive within the Rural Residential (RR) Zoning District.

I. REPORTS

1. Planning Director
2. Commission Chair
- 3.** Kenai Peninsula Borough Planning
- 4.** City Council Liaison

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 12, 2024

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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

Registration is required to join the meeting remotely through Zoom. Please use the link below to register:

<https://us02web.zoom.us/meeting/register/tZwof-qvpjlpHNLn1t341FOVzHFUtqQM4mfv>

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 8, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JOE HALSTEAD, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on May 8, 2024, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:03 p.m.

1. Pledge of Allegiance

Chair Halstead led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Joe Halstead, Chair
Glenese Pettey
Jeff Twait
Gwen Woodard

John Coston, Vice Chair
Sonja Barbaza
Diane Fikes (*electronic participation; joined 7:15 p.m.*)

A quorum was present.

Also in attendance were:

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

3. Approval of Agenda and Consent Agenda

MOTION:

Commissioner Woodard **MOVED** to approve the agenda and consent agenda. Commissioner Twait **SECONDED** the motion.

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

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

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of March 13, 2024

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS** - None.

F. **PUBLIC HEARINGS**

1. **Resolution No. PZ2024-08** - Granting a Conditional Use Permit to Two (2) Six-Unit Apartment Buildings on the Property Located at 2150 Redoubt Avenue within the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-08. Vice Chair Coston **SECONDED** the motion.

Planning Director Mitchell presented the staff report as provided in the packet, and explained that the applicant has requested a conditional use permit (CUP) for two six-unit apartment buildings for senior housing. It was noted that both buildings would be under the same CUP, but the project would be phased with one building this year and another building the following year. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all Federal, State of Alaska, and local regulations.
2. Phase 1 will consist one (1) six-unit apartment building with on-site improvements, such as the perimeter/interior landscaping adjacent to the constructed building and paving the fire apparatus access road and driveway. Phase 2 will consist of a second identical or similar 6-unit apartment building within the next two (2) years.
3. Provide a recreation area for the residents, such as a community garden or outdoor patio area in either the northwest or northeast corners of the property, subject to setback requirements.
4. A biennial fire inspection must be completed by the City of Kenai Fire Marshal.
5. The applicant will meet with City staff for on-site inspections when requested.

Applicant Dana Gregoire clarified that this development is another two phases of senior housing with identical layouts to others built on Redoubt Avenue; the land was donated by the City for this purpose.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Vice Chair Coston spoke in support, noting that he looked forward to seeing the development of affordable housing.

Gregoire provided information on the status of waiting lists for senior housing and low-income family units, hearing and mobility impairment accessibility, rental rates and funding.

Chair Halstead spoke in support.

VOTE:

YEA: Twait, Woodard, Barbaza, Pettet, Coston, Halstead

NAY: None

MOTION PASSED WITHOUT OBJECTION.

[Clerk's note: Commissioner Fikes abstained from discussion and voting on Resolution PZ2024-08 pursuant to KMC 14.05.025(e)]

Chair Halstead noted the 15-day appeal period.

2. **Resolution PZ2024-09** - Granting an Encroachment Permit for a Residential Detached Accessory Structure to Encroach into the Required (West) Side Yard Setback on the Property Located at 3018 Bree Avenue within the Rural Residential (RR) Zoning District.

MOTION:

Vice Chair Coston **MOVED** to approve Resolution PZ2024-09. Commissioner Twait **SECONDED** the motion.

Planning Director Mitchell presented the staff report as provided in the packet, and explained that the applicant has requested an encroachment permit for a one-story detached accessory structure which would encroach 8.25 feet into the required 15-foot side yard setback, or 6.75 feet away from the property line. The criteria for encroachment permits were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. An as-built survey by a registered professional land surveyor must be submitted to the Building Official prior to the issuance of the Certificate of Occupancy.
2. Prior to the building permit issuance, Lots 34 and 35 of Shoreline Heights 2014 Addition Phase 1 must be consolidated or merged.

Applicant Ryan Bowlin noted that he had estimated the encroachment distance using the Kenai Peninsula Borough parcel viewer map but it may be as close as two or three feet from the property line, and that he was currently in the process of merging the two properties.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

Clarification was provided that the easement had been removed in the original plat; that setback requirements are based on zoning and density; and that the applicant's proposed location for the structure was chosen because it is the most optimal spot on the property where it would be farther from the neighbor's house, easier for vehicular access and closer to the applicant's residence.

The applicant requested an increase in the encroachment to 12 feet into the setback and three feet from the west property line, to allow for possible discrepancy in the original estimated distance.

MOTION TO AMEND:

Commissioner Twait **MOVED** to amend Resolution PZ2024-09 by increasing the encroachment distance to three feet from the property line. Commissioner Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend.

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

Chair Halstead stated that he was not in support of the increased encroachment distance, although he noted that the neighboring property owner had not spoken in opposition. Commissioner Twait stated support but encouraged the applicant to minimize the encroachment as much as possible.

VOTE:

YEA: Pettey, Coston, Twait, Woodard, Barbaza

NAY: Halstead

MOTION PASSED.

[Clerk's note: Commissioner Fikes abstained from discussion and voting on Resolution PZ2024-08 pursuant to KMC 14.05.025(e)]

Chair Halstead noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the March 13, 2024 Regular Meeting – Pettey

Approved by the consent agenda.

2. ***Action/Approval** – Recommending Approval of a Lease of Airport Reserve Land for the Property Described as Lot 9A, Block 5, General Aviation Apron Subdivision No. 5.

Approved by the consent agenda.

3. ***Action/Approval** – Recommending Approval of a Lease of Airport Reserve Land for the Property Described as Lot 5A, Block 1, FBO Subdivision 2018 Replat.

Approved by the consent agenda.

4. **Discussion/Recommendation** - Recommendation to Council on Enactment of Ordinance No. 3416-2024 - An Ordinance Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures For Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks And Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to the Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions.

MOTION:

Vice Chair Coston **MOVED** to recommend Council enactment of Ordinance No. 3416-2024. Commissioner Twait **SECONDED** the motion.

City Clerk Saner summarized the report as provided in the packet, noting that the proposed new code had substantial structural changes.

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

I. REPORTS

1. Planning Director – Planning Director Mitchell reported on the following:
 - Attended Comprehensive Safety Action Plan public workshop at Kenai River Center; City is partnering with the Borough to get community feedback on areas where traffic safety can be improved.
 - Storefront and Streetscape Improvement Program application period is open until May 17, 2024.
 - Hoping to go live with new code enforcement software in June.
 - City Council Budget Work session took place on May 4, 2024; reviewed FY2025 changes to the Planning & Zoning budget.
2. Commission Chair – No report.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.
4. City Council Liaison – Council Member Douthit reported on recent actions of the City Council.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: May 22, 2024

Vice Chair Coston noted he would be attending remotely for the May 22, June 12, and June 26 scheduled meetings.

L. COMMISSION COMMENTS AND QUESTIONS

Vice Chair Coston and Commissioner Twait thanked Joe Halstead for serving as Chair.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 8:12 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of May 8, 2024.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-10**

A RESOLUTION **RECOMMENDING** THAT PRELIMINARY PLAT FOR THOMPSON PARK 2024 REPLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 4030, 4036, 4040 and 4050 Forget Me Not Road

LEGAL DESCRIPTION: Lots 14, 15, 16 and 17, Block 5 of Thompson Park Subdivision

KPB PARCEL NUMBERS: 04908414, -15, -16, -17

WHEREAS, the City of Kenai received a preliminary plat from McLane Consulting, Inc. on behalf of the property owners, Robert Reinhardt and Shannon Reinhardt (Lots 16 and 17) and John Reinhardt (Lots 14 and 15) for a replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision; and,

WHEREAS, the preliminary plat meets the minimum lot width and minimum lot depth requirements as outlined in Kenai Municipal Code (KMC) Section 14.10.070(d)(2); and,

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

WHEREAS, the proposed merged lots will have access off of Forget Me Not Road, which is a City-maintained road; and,

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

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat conforms to the minimum street widths, provides utilities/access easements, provides a satisfactory and desirable building sites, and the on-site water and wastewater systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is eliminating lot lines and existing improvements are in place for the development of this replat. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RS zoning district.

4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.
5. The merging of Lots 14 and 15 will eliminate the nonconformity of the required side yard setbacks for the existing single-family dwelling.

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

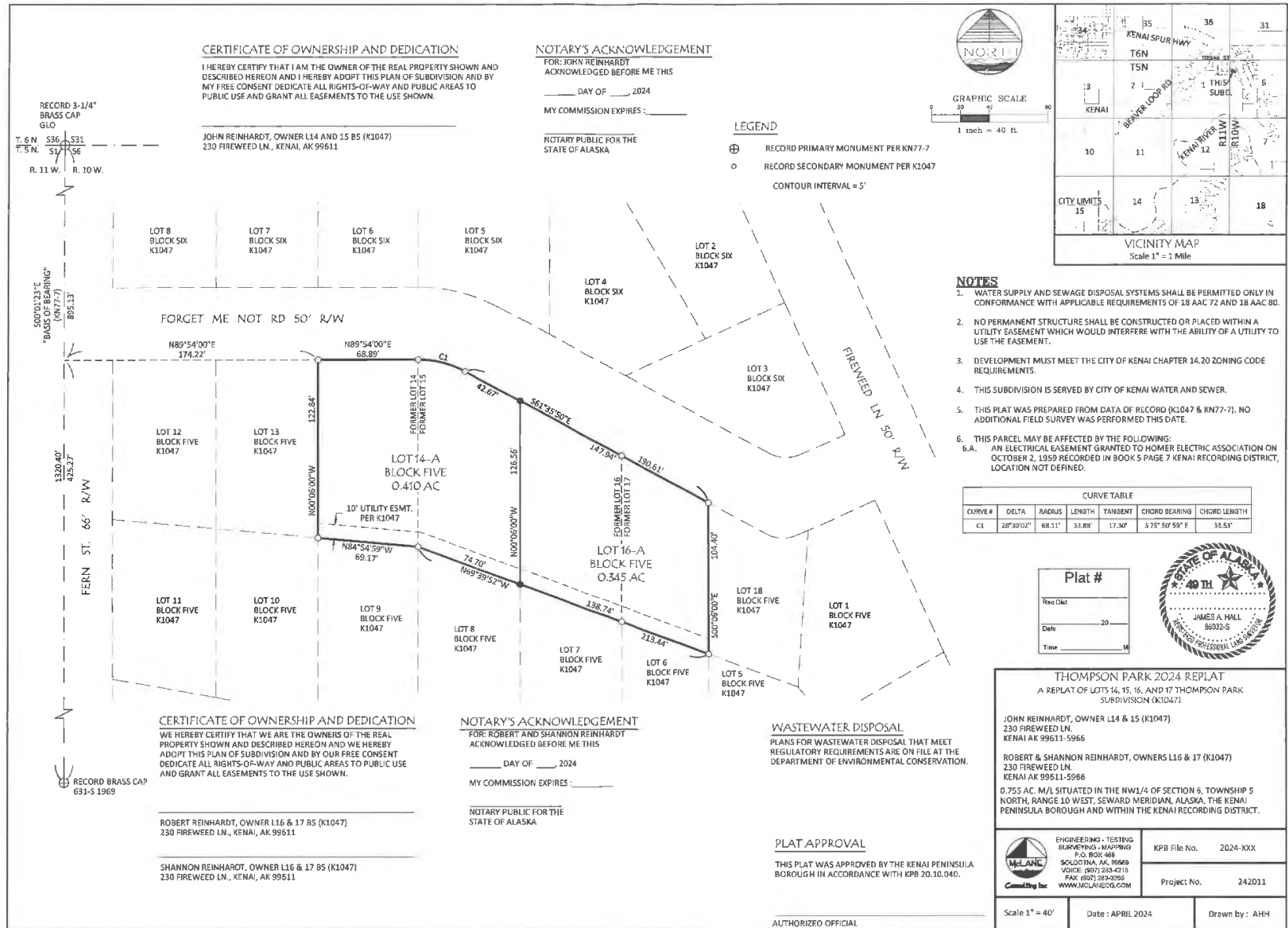
Section 1. That preliminary plat Thompson Park 2024 Replat for a replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision into two (2) lots to be approved.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 29TH DAY OF MAY, 2024.

JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
THROUGH: Linda Mitchell, Planning Director
FROM: Beth McDonald, Administrative Assistant
DATE: May 22, 2024
SUBJECT: Resolution No. PZ2024-10 – Preliminary Plat – Thompson Park 2024 Replat

Request	The applicant is proposing a preliminary plat to replat Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision.
Staff Recommendation	Adopt Resolution No. PZ2024-10 recommending approval of Preliminary Plat – Thompson Park 2024 Replat for a replat of four (4) lots into two (2) lots.

Applicant:	McLane Consulting, Inc. Attn: James Hall P.O. Box 468 Soldotna, AK 99669
Property Owners:	Robert Reinhardt and Shannon Reinhardt (Lots 16 and 17) John Reinhardt (Lots 14 and 15)
Legal Description:	Lots 14, 15, 16 and 17, Block 5 of Thompson Park Subdivision
Property Addresses:	4030, 4036, 4040 and 4050 Forget Me Not Road
KPB Parcel Nos.:	04908414, -15, -16, -17
Zoning District:	Suburban Residential (RS)
Land Use Plan:	Suburban Residential (SR)
Surrounding Uses:	Residential

SUMMARY

The City received a preliminary plat from McLane Consulting, Inc. on behalf of the property owners for a replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision into two (2) lots with lot sizes of approximately 15,028 square feet (0.345-acre) and 17,860 square feet (0.43-acre). The subject parcels are located along Forget Me Not Road between Fern Street and Fireweed

Lane. Currently, a single-family dwelling is situated on the lot line between Lots 14 and 15. There is a single-family dwelling on Lot 16 and Lot 17 is vacant. The surrounding area primarily consists of single-family dwellings and vacant lots owned by the same property owner on the adjacent lot with a principal structure.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The proposed replat meets the minimum lot size requirement of 7,200 square feet for a single/two/three family dwelling within the Suburban Residential (RS) zoning district. The proposed merged lots will be approximately 0.38 acres and 0.43 acres. There are several parcels within and surrounding the Thompson Park Subdivision that are similar in size to the proposed merged lots. The digital notation in red on the plat (i.e., KPB PC Resolution 2003-03) does not affect the subject parcels. The proposed merged lots will continue to have access off of Forget Me Not Road, which is a City maintained road. City water and sewer services are available in this area. Public Works Department did not provide any comments for the subject preliminary plat.

Staff finds that the preliminary plat for a replat of Lots 14, 15, 16 and 17, Block 5 of Thompson Park Subdivision meets the following Title 14 of Kenai Municipal Code (KMC) sections and aligns with the intent of the Kenai Zoning Code.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat conforms to the minimum street widths, provides utilities/access easements, provides a satisfactory and desirable building sites, and the on-site water and wastewater systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is eliminating lot lines and existing improvements are in place for the development of this replat. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RS zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.
5. The merging of Lots 14 and 15 will eliminate the nonconformity of the required side yard setbacks for the existing single-family dwelling.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat Thompson Park 2024 Replat for a replat of four (4) lots into two (2) lots meets the general standards of Kenai Municipal Code (KMC), Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table* and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2024-10 for the replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision to Kenai Peninsula Borough.

ATTACHMENTS

Aerial Map

Applications

Preliminary Plat – Thompson Park 2024 Replat

Thompson Park Subdivision

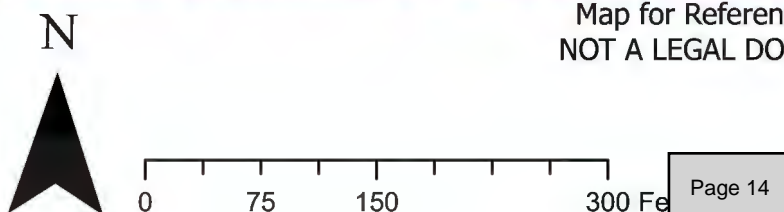


Resolution No. PZ2024-10
Preliminary Plat - Thompson Park 2024 Replat
Lots 14, 15, 16, and 17, Block 5 of Thompson
Park Subdivision
KPB Parcel IDs: 04908414, -15, -16, -17



Date Printed: 5/26/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



Zoning

- Rural Residential (RR)
- Suburban Residential (RS)
- Limited Commercial (LC)



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 & AHAMILTON@MCLANECG.COM						

PROPERTY OWNER

Name:	Robert & Shannon Reinhardt						
Mailing Address:	230 Fireweed Ln	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-690-0663						
Email:	r_reinhardt@hotmail.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04908416 & 04908417						
Current City Zoning:	Suburban Residential (RS)						
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:						
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community						
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community						

PLAT INFORMATION

Preliminary Plat Name:	Thompson Park Subdivision 2024 Replat						
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:

Vacation of Public Right

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:	4/1/24	
Print Name:	Robert Reinhardt			Title/Business:		



Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidaigo 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 & AHAMILTON@MCLANECG.COM						

PROPERTY OWNER

Name:	John Reinhardt						
Mailing Address:	230 Fireweed Ln	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 953-2587						
Email:	summit8_07@yahoo.com						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04908414 & 04908415		
Current City Zoning:	Suburban Residential (RS)		
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:		
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community		
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community		

PLAT INFORMATION

Preliminary Plat Name:	Thompson Park Subdivision 2024 Replat
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:	4-2-24
Print Name:	John Reinhardt	Title/Business:	

Stewart Title of the Kenai Peninsula, Inc.

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

CERTIFICATE TO PLAT

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669
Attention: Andrew Hamilton

File Number: 24252
Premium: \$500.00
Tax:

Gentlemen:

This is a certificate as of April 05, 2024 at 8:00 A.M. for a plat out of the following property:

Lots Fourteen (14), Fifteen (15) Sixteen (16) and Seventeen (17), THOMPSON PARK, according to Plat No. K-1047, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

John R. Reinhardt, as to Lots 14 and 15, and Robert J. Reinhardt and Shannon K. Reinhardt, husband and wife as to Lot 16, and Robert Reinhardt and Shannon K. Reinhardt, husband and wife as to Lot 17
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **TAXES AND ASSESSMENTS**, if any due the taxing authority:
Taxing Authority: CITY OF KENAI
2. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
3. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: October 2, 1959
Volume/Page: 5/7
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed
4. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. K-1047.
5. **EFFECT** of the notes on said Plat No. K-1047.
6. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:
Recorded: September 15, 1961
Volume/Page: 19/327
(Lot 15)

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
7. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:
Recorded: September 15, 1961
Volume/Page: 19/329
(Lot 14)

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance

nor responsibility therefore is implied or assumed.

8. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:

Recorded: September 15, 1961
Volume/Page: 19/328
(Lot 16)

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

9. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:

Recorded: July 30, 1968
Volume/Page: 52/191
And Recorded: July 30, 1968
Volume/Page: 52/194

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

10. **COVENANTS, CONDITIONS AND RESTRICTIONS**, including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such Covenant, condition or restriction violates 42 USC 3604 (c), as contained in an instrument:

Recorded: June 30, 1969
Volume/Page: 56/87
(Lot 17)

11. **COVENANTS, CONDITIONS AND RESTRICTIONS**, including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such Covenant, condition or restriction violates 42 USC 3604 (c), as contained in an instrument:

Recorded: December 14, 1976
Volume/Page: 102/746
(Lot 16)

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

Amount: \$175,000.00
Dated: May 2, 2019
Recorded: May 13, 2019
Serial No.: 2019-003771-0
Trustor: John R. Reinhardt, a single man
Trustee: First American Title Insurance Company
Beneficiary: Robert Reinhardt and Shannon Reinhardt, husband and wife
(Lots 14 and 15)

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

Amount: \$147,000.00
Dated: May 28, 2014
Recorded: May 29, 2014
Serial No.: 2014-004169-0
Trustor: Robert J. Reinhardt and Shannon K. Reinhardt, husband and wife
Trustee: First American Title Insurance Company
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS) acting as nominee for Residential Mortgage, LLC
(Lot 16)

Stewart Title of the Kenai Peninsula, Inc.

By

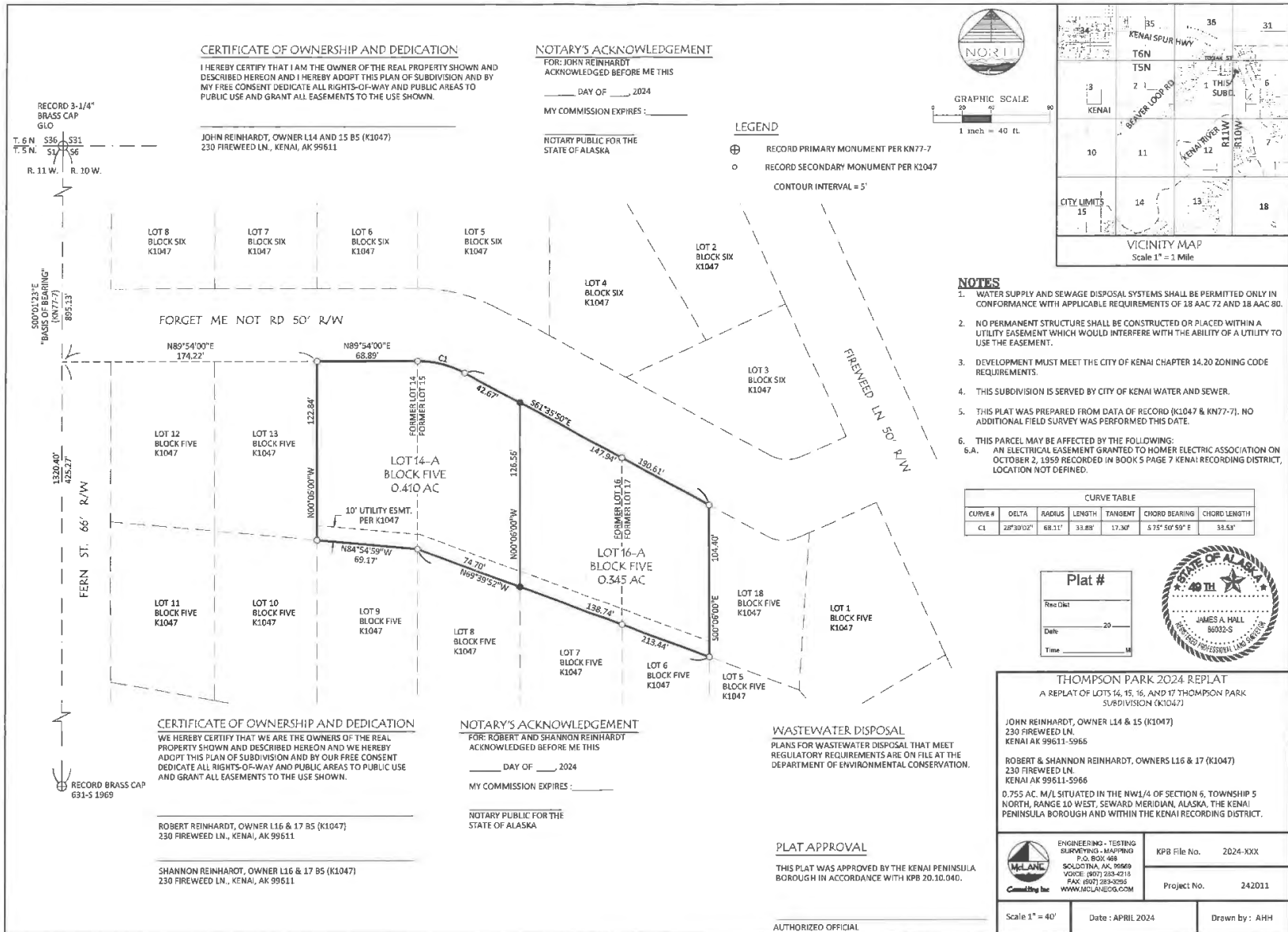


Authorized Coownersignature

Terri Cotterell

Authorized Signator

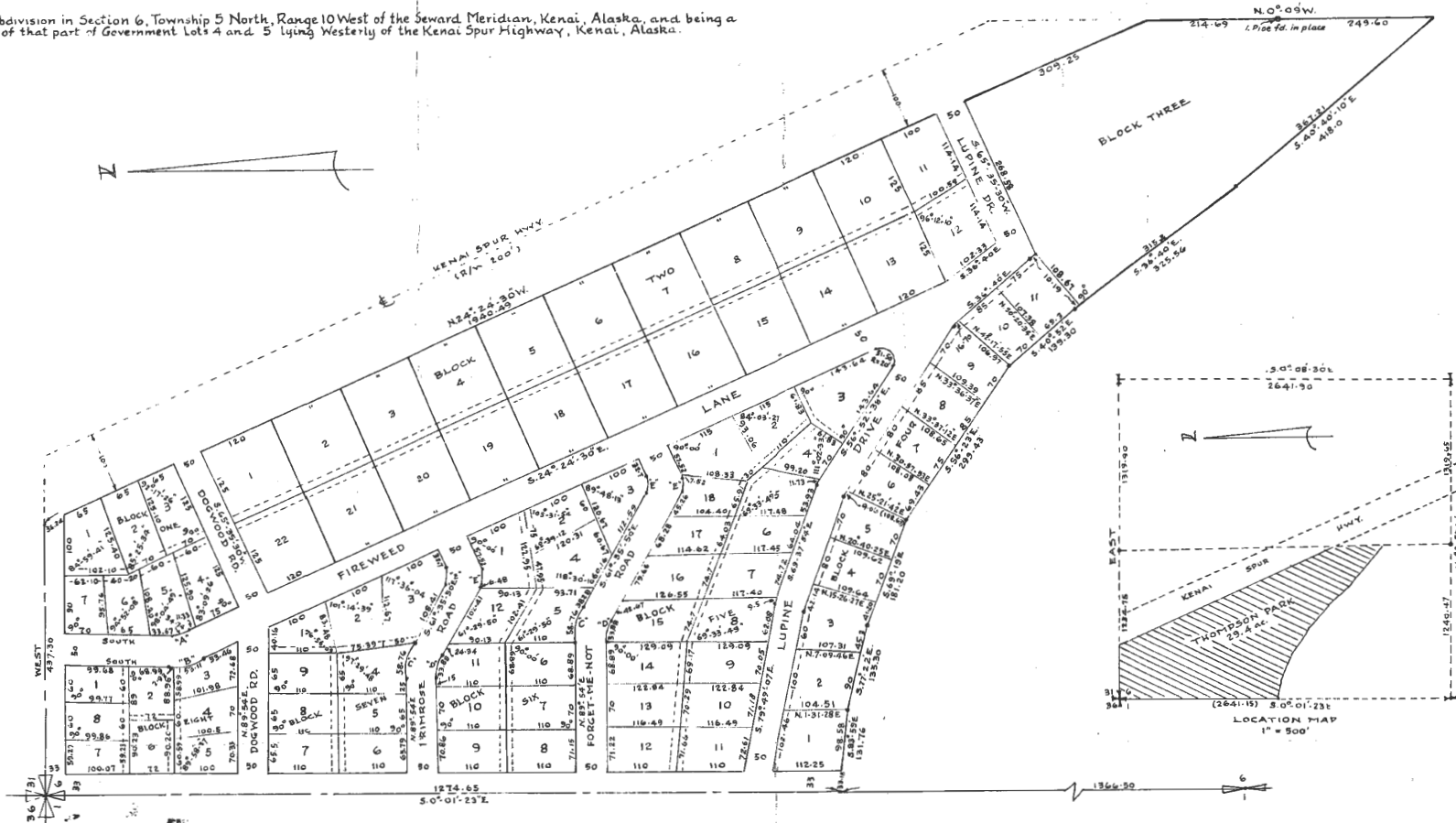
NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.



RECORDED - FILED
K-1047
61-1533
DATE 12-1-1960
TIME 4:15 P.M.
Presented by City of Kenai
Approved by _____

THOMPSON PARK

A subdivision in Section 6, Township 5 North, Range 10 West of the Seward Meridian, Kenai, Alaska, and being a part of that part of Government Lots 4 and 5 lying Westerly of the Kenai Spur Highway, Kenai, Alaska.



Curve Data

A	$\Delta = 24^\circ 24' 30''$ $R = 81.54'$ $T = 17.63'$
B	$\Delta = 24^\circ 24' 30''$ $R = 181.54'$ $T = 28.45'$
C	$\Delta = 28^\circ 30' 10''$ $R = 118.11'$ $T = 30.0'$
D	$\Delta = 28^\circ 30' 10''$ $R = 68.11'$ $T = 17.30'$
E	$\Delta = 52^\circ 48' 40''$ $R = 25.0'$ $T = 12.41'$

Note: Corners in Blocks 1 & 8 are marked by 1/2" iron pipes. All other block corners marked by square-head iron bolts.
Public Utility Easements, in block interiors, are shown by broken lines, and are 10' in width from lot lines.

Certificate Of Ownership And Dedication
We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision with our free consent, and dedicate all streets to public use as noted.

Nov. 25 1960
Witnessed by:

Bern Houston
Witness

Bertha M. Thompson
Witness

J. W. Thompson
Owner

William J. Thompson
Owner

Kenai City Planning Commission
[Signature]

Certificate Of Land Surveyor
I hereby certify that the plat shown hereon is a true representation of a survey made under my direction, that reference monuments have been set at all block corners, and that all of the dimensions given are true and correct, to the best of my knowledge and belief.

September 18th 1960

[Signature] Malone



Notary's Acknowledgement
Subscribed and sworn to before me, a Notary Public, this 25th day of November, 1960.
Stanley F. Thompson
Notary Public

My commission expires: 3-21-64

Thompson Park
K-1047

J. W. THOMPSON
DEVELOPER

F. J. J. MALONE
LAND SURVEYOR

SCALE: 1" = 100'

BOUNDARY SURVEY ACCORDING
TO 1:5,000 TRAVERSE SPECIFICATIONS



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-11**

A RESOLUTION **RECOMMENDING** THAT PRELIMINARY PLAT FOR SHORELINE HEIGHTS 2014 ADDITION PHASE 1 BOWLIN REPLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 3018 Bree Avenue and 1502 Pey Drive

LEGAL DESCRIPTION: Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1

KPB PARCEL NUMBERS: 03914157 and 03914158

WHEREAS, the City of Kenai received a preliminary plat from Edge Survey and Design on behalf of the property owner, Ryan Bowlin for a replat of Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1; and,

WHEREAS, the preliminary plat meets the minimum lot width and minimum lot depth requirements as outlined in Kenai Municipal Code (KMC) Section 14.10.070(d)(2); and,

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

WHEREAS, the proposed lot merger will have access off of Pey Drive and Bree Avenue; and,

WHEREAS, City water and sewer lines are available to the proposed lot merger; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat conforms to the minimum street widths, provides utilities/access easements, provides a satisfactory and desirable building sites, and the on-site water and wastewater systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is eliminating a lot line and existing improvements are in place for the development of this replat. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RR zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the

maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

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

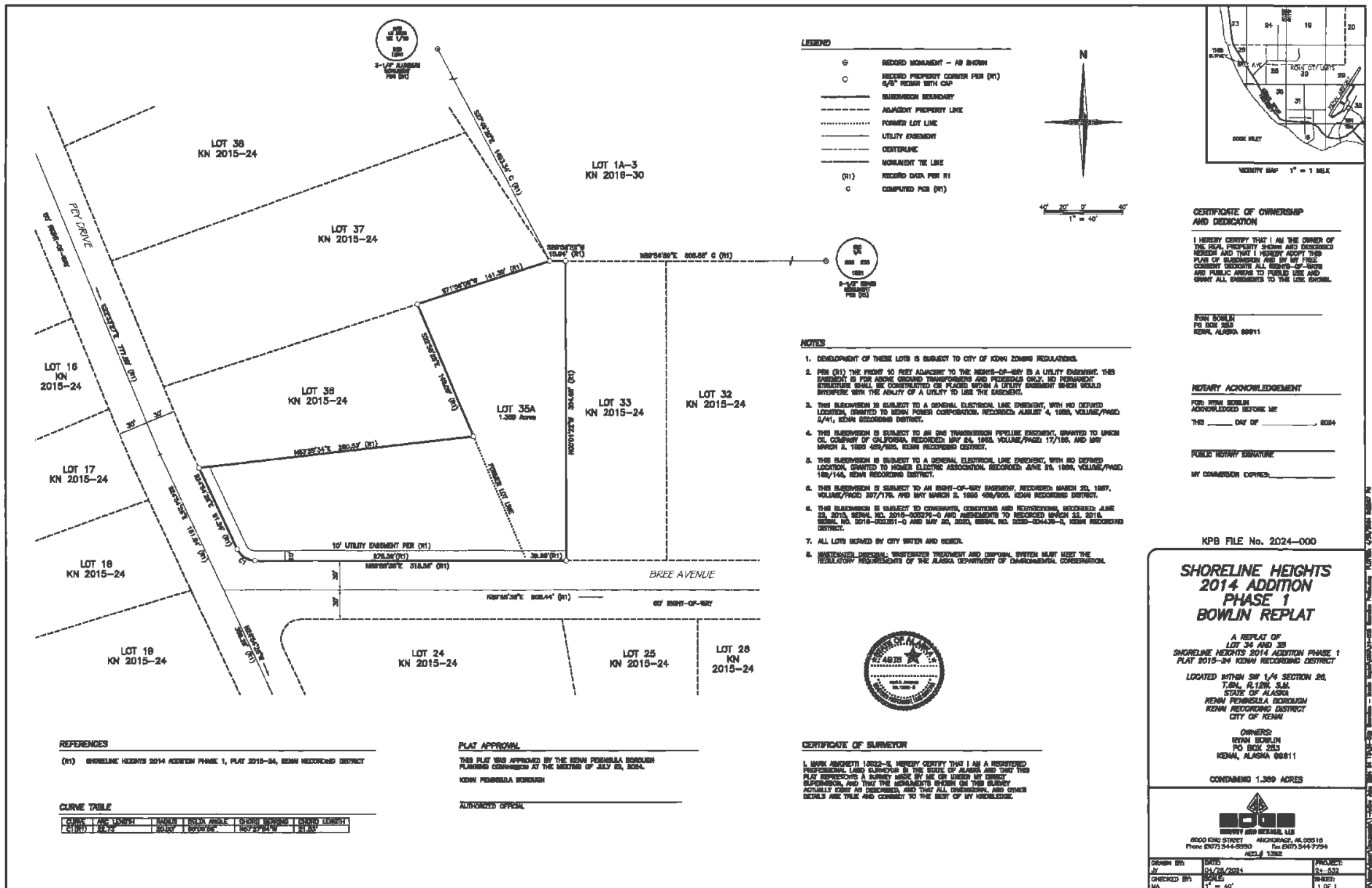
Section 1. That preliminary plat Shoreline Heights 2014 Addition Phase 1 Bowlin Replat for a replat of Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1 into one (1) lot to be approved.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 29TH DAY OF MAY, 2024.

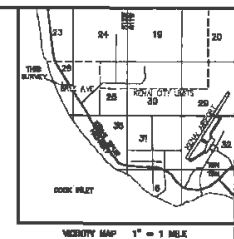
JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



- LEGEND**
- ⊕ RECORD MONUMENT - AS SHOWN
 - RECORD PROPERTY CORNER PER (R1)
 - 3/4" RECORD WITH CAP
 - EASEMENT BOUNDARY
 - ADJACENT PROPERTY LINE
 - FORMER LOT LINE
 - UTILITY EASEMENT
 - CENTERLINE
 - MONUMENT TIE LINE
 - (R1) RECORD DATA PER R1
 - C COMPUTED PER (R1)



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

RYAN BOWLIN
PO BOX 263
KENAI, ALASKA 99511

NOTARY ACKNOWLEDGEMENT

FOR RYAN BOWLIN
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2024

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES: _____

KPB FILE No. 2024-000

**SHORELINE HEIGHTS
2014 ADDITION
PHASE 1
BOWLIN REPLAT**

A REPLAT OF
LOT 34 AND 35
SHORELINE HEIGHTS 2014 ADDITION PHASE 1
PLAT 2015-24 KENAI RECORDING DISTRICT
LOCATED WITHIN SW 1/4 SECTION 26,
T.10N., R.12E., S.4E.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

OWNER:
RYAN BOWLIN
PO BOX 263
KENAI, ALASKA 99511

CONTAINING 1.389 ACRES



SHORELINE HEIGHTS, LLC
8000 KING STREET
ANCHORAGE, AL 99510
Phone (907) 344-5580 Fax (907) 344-7799
NDC# 1382

OWNER BY JY	DRAWN BY JY	DATE 04/28/2024	PROJECT 24-532
CHECKED BY JAG	SCALE 1" = 40'	REVISIONS 1 OF 1	

REFERENCES

(R1) SHORELINE HEIGHTS 2014 ADDITION PHASE 1, PLAT 2015-24, KENAI RECORDING DISTRICT

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	INTERIOR ANGLE	CHORD BEARING	CHORD LENGTH
1 (R1)	34.75	30.00	1.000000°	N67°22'24"W	21.60

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 22, 2024.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK ANSCHUTZ 15022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY CLOSE SUPERVISION, AND THAT THE MEASUREMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST OR RECONSTRUCTED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: May 24, 2024
SUBJECT: Resolution No. PZ2024-11 – Preliminary Plat – Shoreline Heights 2014 Addition Phase 1 Bowlin Replat

Request The applicant is proposing a preliminary plat to merge Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1.

Staff Recommendation Adopt Resolution No. PZ2024-11 recommending approval of Preliminary Plat – Shoreline Heights 2014 Addition Phase 1 Bowlin Replat for a replat of two (2) lots into one (1) lots.

Applicant: Edge Survey and Design
Attn: Jason Young
P.O. Box 208
Kasilof, AK 99610

Property Owner: Ryan Bowlin

Legal Description: Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1

Property Addresses: 3018 Bree Avenue and 1502 Pey Drive

KPB Parcel Nos.: 03914157 and 03914158

Zoning District: Rural Residential (RR)

Land Use Plan: Low Density Residential (LDR)

Surrounding Uses: Residential

SUMMARY

The City received a preliminary plat from Edge Survey and Design on behalf of the property owner for a replat of Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1 into one (1) lot with a combined lot size of approximately 1.389 acres. The subject parcels are located in the northeast corner of Pey Drive and Bree Avenue. Currently, a single-family dwelling is situated on the Lot 35

and Lot 34 is vacant. The surrounding area primarily consists of single-family dwellings and vacant residential lots.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and provide recommendation to the Kenai Peninsula Borough Planning Commission.

ANALYSIS

The proposed replat meets the minimum lot size requirement of 20,000 square feet for a single/two/three family dwelling within the Rural Residential (RR) zoning district. The proposed lot merger will be approximately 1.39 acres (60,461 square feet). There are a few lots within the Shoreline Heights 2014 Addition Phase 1 that are close in size to the proposed lot merger. Within the Shoreline Heights 2014 Addition Phase 1 plat, the lot size ranges from 24,591 square feet to 57,429 square feet with an average lot size of approximately 36,490 square feet.

The Shoreline Heights 2014 Addition Phase 1 plat shows a 30-foot right-of-way (ROW) under ADL 63572 and identifies a 10-foot utility easement adjacent to the rights-of-way. An easement vacation plat was recorded under Plat No. 2017-10 in the Kenai Recording District, which vacates the 30-foot ROW under ADL 63572. Therefore, the existing easements will not create an adverse impact to the development of the proposed lot merger.

The proposed lot merger will continue to have access off of Bree Avenue and Pey Drive. City water and sewer services are available in this area. Public Works Department did not provide any comments for the subject preliminary plat.

Staff finds that the preliminary plat for a lot merger of Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1 meets the following Title 14 of Kenai Municipal Code (KMC) sections and aligns with the intent of the Kenai Zoning Code.

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the preliminary plat conforms to the minimum street widths, provides utilities/access easements, provides a satisfactory and desirable building sites, and the on-site water and wastewater systems will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.10.080 *Minimum improvement required*, the preliminary plat is eliminating a lot line and existing improvements are in place for the development of this replat. Therefore, an installation agreement is not required.
3. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the preliminary plat meets City standards for minimum lot size in the RR zoning district.
4. Pursuant to KMC 14.24.020 *General Requirements*, the preliminary plat meets City standards for minimum lot width/depth and access/utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat Shoreline Heights 2014 Addition Phase 1 Bowlin Replat for a lot merger meets the general standards of Kenai Municipal Code (KMC), Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table* and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2024-11 for the replat of Lots 34 and 35, of Shoreline Heights 2014 Addition Phase 1 to Kenai Peninsula Borough.

ATTACHMENTS

Aerial Map

Application

Preliminary Plat – Shoreline Heights 2014 Addition Phase 1 Bowlin Replat

Shoreline Heights 2014 Addition Phase 1 Plat

Easement Vacation Plat

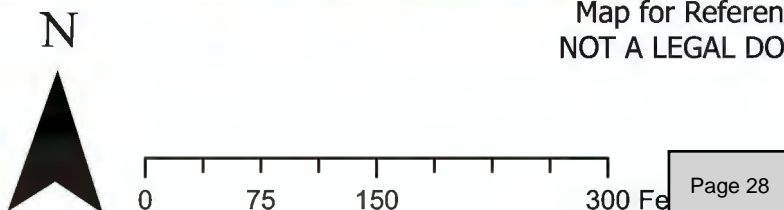




Resolution No. PZ2024-11
Preliminary Plat - Shoreline Heights 2014
Addition Phase 1 Bowlin Replat
3018 Bree Avenue and 1502 Pey Drive
KPB Parcel IDs: 03914157 and 03914158



Date Printed: 5/26/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



Zoning	
	Rural Residential (RR)
	General Commercial (CG)

RECEIVED

CITY OF KENAI

MAY 01 2024

Preliminary Plat Submittal Form Planning & Zoning

By: 

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

APPLICANT (SURVEYOR)

Name:	Edge Survey and Design						
Mailing Address:	POB 208	City:	Kasilof	State:	AK	Zip Code:	99610
Phone Number(s):	907-283-9047						
Email:	jason@edgesurvey.net						

PROPERTY OWNER

Name:	Ryan Bowlin						
Mailing Address:	POB 253	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-398-8232						
Email:							

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	03914157 and 03914158						
Current City Zoning:	Rural Residential						
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Commercial <input type="checkbox"/> Other:						
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community						
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input type="checkbox"/> Community						

PLAT INFORMATION

Preliminary Plat Name:	Shoreline Heights						
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:

None


Comments:

Lot Line Vacation Replat

REQUIRED ATTACHMENTS

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

SIGNATURE

Signature:				Date:	4/4/24	
Print Name:	Ryan Bowlin			Title/Business:		

Stewart Title of the Kenai Peninsula, Inc.

35681 Kenai Spur Hwy., Unit B

Soldotna, AK 99669

Tel: (907) 260-8031 Fax: (907) 260-8036

CERTIFICATE TO PLAT

Edge Survey and Design, LLC.

PO Box 208

Kasilof, AK 99610

Attention: Jason Young

File Number: 24269

Premium: \$300.00

Tax:

Gentlemen:

This is a certificate as of April 10, 2024 at 8:00 A.M. for a plat out of the following property:

Lots Thirty-four (34) and Thirty-five (35), SHORELINE HEIGHTS 2014 ADDITION PHASE 1, according to Plat No. 2015-24, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

Ryan Bowlin, an unmarried person

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

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in State of Alaska Patent, and/or in acts authorizing the issuance thereof. Said patent, among other things, reserves all oil, gas and other minerals together with the privileges, mining and drilling rights and immunities. FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
3. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Dated: May 14, 1965
Recorded: May 24, 1965
Volume/Page: 33/74

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

4. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
5. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: August 4, 1958
Volume/Page: 2/41
Granted To: Kenai Power Corporation
Affects: General Easement, no definite location disclosed

Assigned to the City of Kenai by Instrument recorded December 31, 1963 in Volume 11 at Page 188.

6. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:

For: Gas transmission pipelines
In Favor Of: Union oil Company of California
Recorded: May 24, 1965
Volume/Page: 17/185

Partially Assigned to the Marathon Oil Company by Instrument recorded March 2, 1995 in Volume 459 at Page 905.

7. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: June 26, 1986
Volume/Page: 188/146
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed

8. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
For: Right of Way
Recorded: March 20, 1987
Volume/Page: 307/179

9. **EFFECT** of the notes on said Plat No. 2015-24.

10. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 2015-24.

11. **COVENANTS, CONDITIONS AND RESTRICTIONS**, including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such Covenant, condition or restriction violates 42 USC 3604 (c), as contained in an instrument:
Recorded: June 22, 2015
Serial No.: 2015-005279-0

AND AMENDMENTS thereto:

Recorded: March 22, 2016
Serial No.: 2016-002351-0

Recorded: May 20, 2020
Serial No.: 2020-004436-0

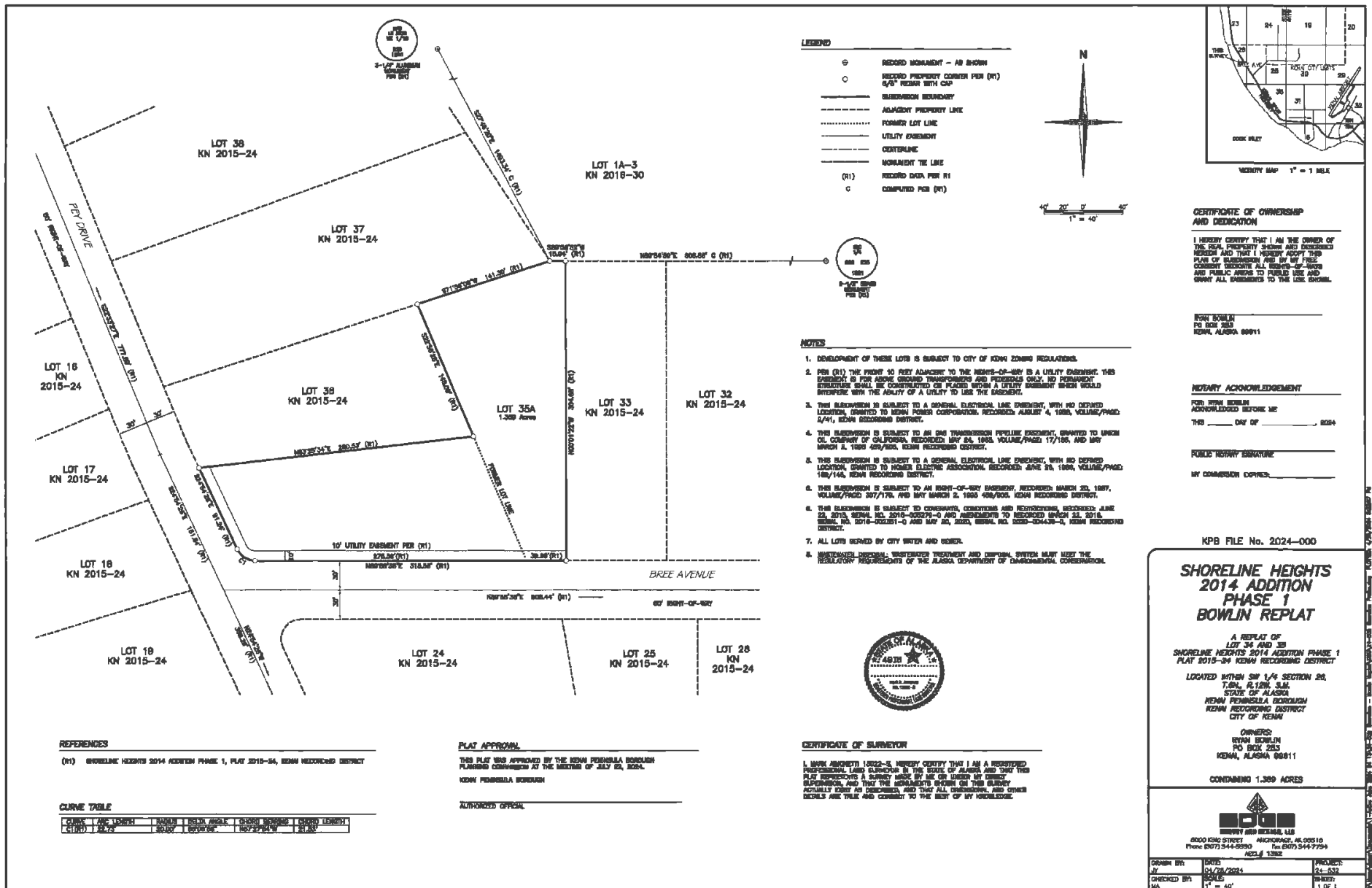
12. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:
Amount: \$550,000.00
Dated: June 17, 2023
Recorded: June 20, 2023
Serial No.: 2023-004692-0
Trustor: Ryan Bowlin, an unmarried person
Trustee: First American Title Insurance Company
Beneficiary: Shane C. Bowlin and Karen A. Bowlin, husband and wife

Stewart Title of the Kenai Peninsula, Inc.



Terri Cottrell
Authorized Signator

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



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

RYAN BOWLIN
PO BOX 253
KENAI, ALASKA 99511

NOTARY ACKNOWLEDGMENT

RYAN BOWLIN
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2024

PUBLIC NOTARY SIGNATURE

MY COMMISSION EXPIRES: _____

KPB FILE No. 2024-000

**SHORELINE HEIGHTS
2014 ADDITION
PHASE 1
BOWLIN REPLAT**

A REPLAT OF
LOT 34 AND 35
SHORELINE HEIGHTS 2014 ADDITION PHASE 1
PLAT 2015-24 KENAI RECORDING DISTRICT
LOCATED WITHIN SW 1/4 SECTION 26,
T.10N., R.12E., S.4E.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

OWNER:
RYAN BOWLIN
PO BOX 253
KENAI, ALASKA 99511

CONTAINING 1.389 ACRES



SHORELINE HEIGHTS, LLC
2600 KING STREET
ANCHORAGE, AK 99510
Phone (907) 344-5550 Fax (907) 344-7799

ADD'L 1382

OWNER BY:	DATE:	PROJECT:
JY	04/28/2024	24-532
CHECKED BY:	SCALE:	REVISION:
MA	1" = 40'	1 OF 1



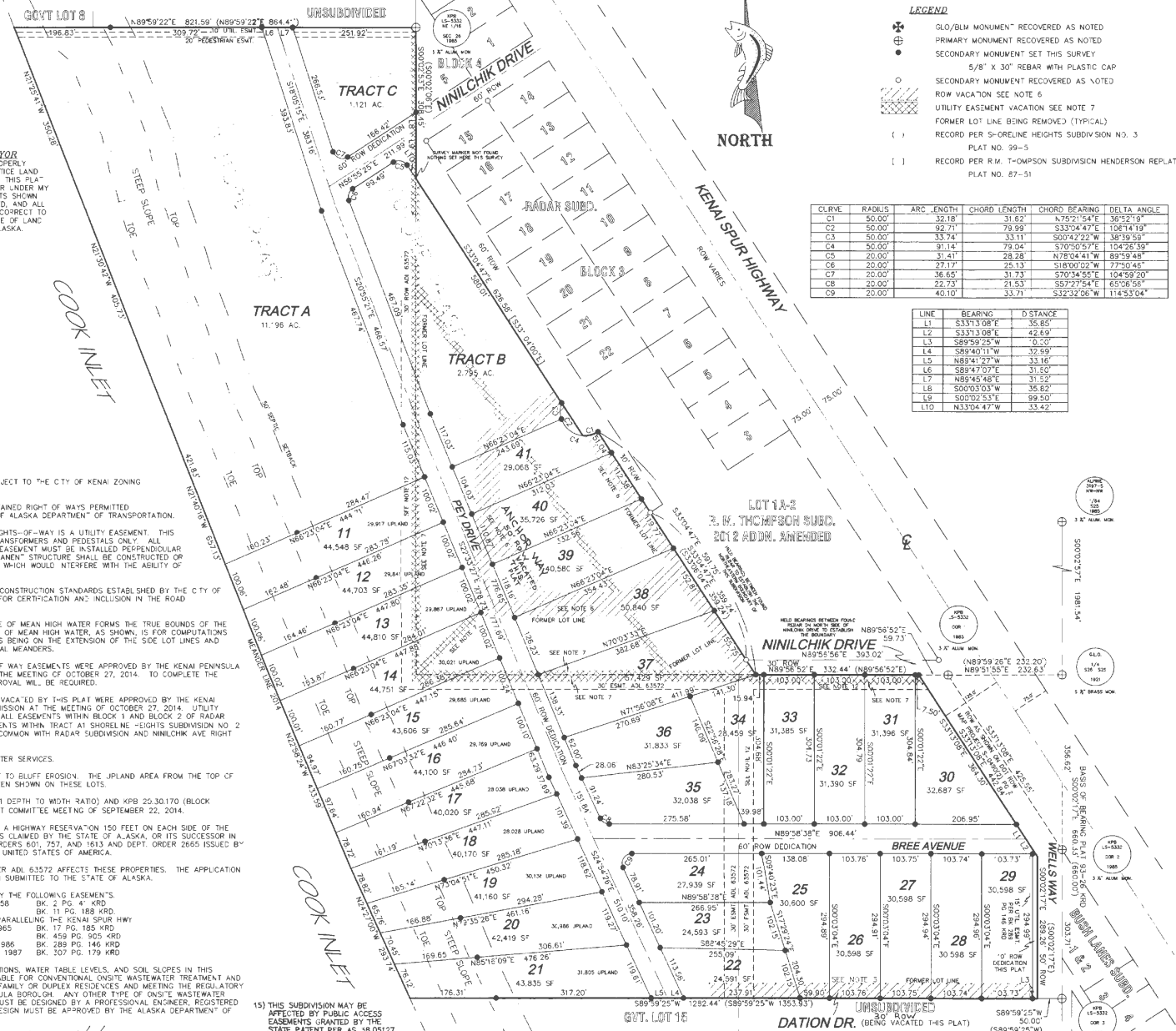
CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.

NOTES:

- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- NO PRIVATE ACCESS TO STATE MAINTAINED RIGHT OF WAYS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. THIS EASEMENT IS FOR ABOVE GROUND TRANSFORMERS AND PEDESTALS ONLY. ALL UNDERGROUND UTILITIES WITHIN THIS EASEMENT MUST BE INSTALLED PERPENDICULAR TO THE RIGHTS-OF-WAY. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE CITY OF KENAI IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- PUBLIC RIGHT OF WAYS AND RIGHT OF WAY EASEMENTS WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. TO COMPLETE THE VACATION OF ADL 53572 STATE APPROVAL WILL BE REQUIRED.
- UTILITY EASEMENTS THAT ARE BEING VACATED BY THIS PLAN WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. UTILITY EASEMENTS BEING VACATED INCLUDE ALL EASEMENTS WITHIN BLOCK 1 AND BLOCK 2 OF RADAR SUBDIVISION (K-705 AND ALL EASEMENTS WITHIN TRACT A1 SHORELINE HEIGHTS SUBDIVISION NO. 2 THAT ADJOIN THE FORMER LOT LINE COMMON WITH RADAR SUBDIVISION AND NINILCHIK AVE RIGHT OF WAY.
- ALL LOTS TO BE SERVED BY CITY WATER SERVICES.
- LOTS 11-21, INCLUSIVE, ARE SUBJECT TO BLUFF EROSION. THE UPLAND AREA FROM THE TOP OF THE BLUFF LINE TO THE ROW HAS BEEN SHOWN ON THESE LOTS.
- AN EXCEPTION TO KPB 20.30.190 (3-1 DEPTH TO WIDTH RATIO) AND KPB 20.30.170 (BLOCK LENGTH) WAS APPROVED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 22, 2014.
- THESE PARCELS MAY BE SUBJECT TO A HIGHWAY RESERVATION 150 FEET ON EACH SIDE OF THE CENTER LINE KENAI SPUR HIGHWAY AS CLAIMED BY THE STATE OF ALASKA, OR ITS SUCCESSOR IN INTEREST, PURSUANT PUBLIC LAND ORDERS 601, 757, AND 1613 AND DEPT. ORDER 2665 ISSUED BY THE COMMISSIONER OF NATOR OF THE UNITED STATES OF AMERICA.
- A 30' RIGHT OF WAY EASEMENT UNDER ADL 63572 AFFECTS THESE PROPERTIES. THE APPLICATION TO VACATE THE EASEMENT HAS BEEN SUBMITTED TO THE STATE OF ALASKA.
- THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
ELECTRIC ESMI AUG. 4, 1958 BK. 2 PG. 4 KRD
ASSIGNED TO CITY OF KENAI BK. 11 PG. 188 KRD
GAS TRANSMISSION LINE ROUGHLY PARALLEL TO THE KENAI SPUR HWY MAY 24, 1965 BK. 17 PG. 185 KRD
ASSIGNED TO MARATHON OIL BK. 459 PG. 905 KRD
ELECTRIC ESMI JUNE 26, 1986 BK. 288 PG. 146 KRD
RIGHT OF WAY MARCH 20, 1987 BK. 307 PG. 179 KRD
- WASTEWATER DISPOSAL SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

15) THIS SUBDIVISION MAY BE AFFECTED BY PUBLIC ACCESS EASEMENTS GRANTED BY THE STATE PATENT PER AS 38.05127



LEGEND

- GLO/BLM MONUMENT RECOVERED AS NOTED
- PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT SET THIS SURVEY
- 5/8" X 30" REBAR WITH PLASTIC CAP
- SECONDARY MONUMENT RECOVERED AS NOTED
- ROW VACATION SEE NOTE 6
- UTILITY EASEMENT VACATION SEE NOTE 7
- FORMER LOT LINE BEING REMOVED (TYPICAL)
- RECORD PER S-SHORELINE HEIGHTS SUBDIVISION NO. 3 PLAT NO. 99-5
- RECORD PER R.M. TOMPSON SUBDIVISION HENDERSON REPLAT PLAT NO. 87-51

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	32.18'	31.62'	N75°21'54"E	36°52'19"
C2	50.00'	42.71'	79.99'	S33°04'47"E	106°14'19"
C3	50.00'	33.74'	31.11'	S60°42'22"W	36°19'58"
C4	50.00'	91.14'	79.04'	S70°50'57"E	104°26'39"
C5	20.00'	31.41'	28.28'	N78°04'41"W	89°59'48"
C6	20.00'	27.77'	25.13'	S18°00'02"W	77°50'46"
C7	20.00'	36.65'	31.73'	S70°34'55"E	104°59'20"
C8	20.00'	22.73'	21.53'	S57°27'54"E	65°06'58"
C9	20.00'	40.10'	33.71'	S32°32'06"W	114°53'04"

LINE	BEARING	DISTANCE
L1	S33°13'08"E	35.85'
L2	S33°13'08"E	42.48'
L3	S89°59'25"W	6.00'
L4	S89°40'11"W	32.59'
L5	N89°41'23"W	33.16'
L6	S88°47'07"E	31.56'
L7	N89°40'48"E	31.52'
L8	S00°03'03"W	35.82'
L9	S00°02'53"E	89.50'
L10	N33°04'47"W	33.42'

CERTIFICATE OF OWNERSHIP AND DEDICATION

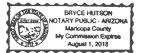
I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BRYAN R. LOWE
12231 N. CHERRY HILLS DR. W
SUN CITY, AZ 85351

NOTARY'S ACKNOWLEDGMENT

FOR BRYAN R. LOWE
ACKNOWLEDGED BEFORE ME THIS 27 DAY OF March, 2015

NOTARY PUBLIC FOR ARIZONA
MY COMMISSION EXPIRES 3/31/2018



CERTIFICATE OF ACCEPTANCE

I HEREBY CERTIFY THAT THE CITY OF KENAI APPROVES AND ACCEPTS THE DEDICATION OF THE RIGHT OF WAYS AND EASEMENTS AS SHOWN ON THIS SUBDIVISION PLAT.

4/3/2015
RICK KOCH
CITY MANAGER - CITY OF KENAI
215 FIDALGO AVE.
KENAI, AK 99811

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF SEPTEMBER 22, 2014.

KENAI PENINSULA BOROUGH

Max J. Burt
AUTHORIZED OFFICIAL

KPB FILE NO. 2015-24

SHORELINE HEIGHTS 2014 ADDITION PHASE 1

A SUBDIVISION OF BLOCK 1 AND 2 RADAR SUBDIVISION (PLAT KAN-705) AND TRACT A1-A SHORELINE HEIGHTS SUB. NO. 3 (PLAT 99-5 KRD)

OWNER: BRYAN LOWE
12231 N. CHERRY HILLS DR. W
SUN CITY AZ 85351

LOCATED WITHIN THE N/4 SEC. 26, T05N. R12W, SEWARD MERIDIAN, CITY OF KENAI, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 45,707 ACRES

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, AK 99811

PHONE : (907) 281-9047
FAX : (907) 283-9071
info@integritysurveys.com

SURVEYORS PLANNERS

JOB NO: 214120 DRAWN: MARCH 19, 2015 SF
SURVEYED: AUG. - SEPT. 2014 SCALE: 1" = 100'
FIELD BK: 2014-9 PG: 1-6 FILE: 214120.FP.DWG

EASEMENT VACATION PLAT

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAN WAS DRAFTED UNDER MY DIRECT SUPERVISION AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 11-15, 22-24, 30-33, AND 37 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 2, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

FOR BRYAN R. LOWE
ACKNOWLEDGED BEFORE ME THIS 3 DAY OF JAN 2011

NOTARY PUBLIC
My Comm. Exp. 12/31/2012

WE, THE UNDERSIGNED, CERTIFY THAT ALASKA BELL LLC IS THE OWNER OF LOT 36 OF SHORELINE HEIGHTS 2014 ADDITION PHASE I, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

FOR: WANCY DELL 2017

NOTARY PUBLIC FOR NC
MY COMMISSION EXPIRES 10-5-18

FOR: JOSEPH WELLS

NOTARY PUBLIC FOR NC
MY COMMISSION EXPIRES 10-5-18

1) DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF A/C 13572 EASEMENT BEING VACATED WITHIN SECTION 26 OF T6N R.20W S26W2E MERIDIAN.

2) NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS VACATION PLAT. ALL BOUNDARY LINES AND DIMENSIONAL DATA SHOWN ARE FROM THE PLAT OF SHORELINE HEIGHTS 2014 ADDITIONAL PHASE 1 PLAT NO. 3015-24 FINAL RECORDING DISTRICT.

4) VACATION OF ABL 63572 EASEMENT, AS SHOWN ON THIS DRAWING, WAS APPROVED BY THE KENAL PENINSULA RECREATION PLANNING

COMMISSION BY THE MEETING OF OCTOBER 27, 2014. THE HATCHED AREA SHOWS THE PORTION OF EASEMENT THAT WILL BE VACATED BY THIS PLAT.

BY THE ALTERNATE ROUTE IN ACCORDANCE WITH 11 JAN 61, 055 IS VIA THE KONA SPUR HIGHWAY AND PLATTED RIGHTS-OF-WAY DEDICATED

BY "THE PLA" OF S-DRELINE HEIGHTS 2014 ADDITION PHASE 1.

 NORTH OF ADL 63572
EASEMENT VACATED BY THIS PLAN

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO THE PORTIONS OF PUBLIC ACCESS EASEMENTS MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES THAT WERE GRANTED UNDER THE RIGID-OF-WAY PERMIT NDL 03592 (SPECIAL AREA OF INTEREST BY DIAGONAL MATCHING ON THIS PLAT).

APPROVED: [Signature] DATE: 28 Feb 2017
 For: 1 COMMISSIONER
 DEPARTMENT OF NATURAL RESOURCES

I HEREBY CERTIFY THAT THE CITY OF KENAI APPROVES AND ACCEPTS THE VACATION OF EASEMENTS AS SHOWN ON THIS EASEMENT VACATION PLAN.

Paul Pott

PAUL COSTA
CITY MANAGER - CITY OF KENAI
210 FIDALGO AVE.
KENAI AK 99501

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 23, 2016

NEW PENINSULA BOROUGH
Page 50

Paul B. Doelken
AUTHORIZED OFFICIAL

KPB FILE No. 2016-094

DATE OF SURVEY	NAME OF SURVEYOR
beginning N/A	INTEGRITY SURVEYS INC.
	820 SET MET DR.
ending N/A	KENAI, AK 99611
	Kenai@integrity-surveys.net

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

ADL 63572 EASEMENT VACATION PLAT
ASSOCIATED WITH
LOTS 11-15, 22-24, 32-35, 37-38 AND TRACTS A, B AND C OF

ENDPULSE HEIGHTS 2014 ADDITION (PAGE 1)
FLAT 2015-24 KENAI RECORDING DISTRICT

WITHIN SECTION 28 T6N, R12W, S64MD MERIDIAN

APPROVAL RECOMMENDED

[Signature] 2/27/2017

DATE DEC 28 2016

FILE	CHECKED	FILE
1" = 100'	SM	24420 ESMT DWG
DWG No.	FIELD NO.	DWG FILE NO.

214120 5/4 EV-3-235

Page 1061



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-12**

A RESOLUTION **GRANTING** AN AMENDMENT TO CONDITIONAL USE PERMIT TO ALLOW AN APPROXIMATELY 155 SQUARE FOOT RETAIL MARIJUANA STORE WITHIN THE EXISTING MARIJUANA CULTIVATION FACILITY (PZ2021-44).

APPLICANT: Nicholas Mann

PROPERTY OWNERS: Jeremy Uei and Katherine Uei

BUILDING ADDRESS: 8847 Kenai Spur Highway

LEGAL DESCRIPTION: Lot 1, of Yragui Subdivision

KPB PARCEL ID: 04510012

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 18, 2024; and,

WHEREAS, the applicant has demonstrated 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 May 22, 2024, following requirements outlined in Kenai Municipal Code Sections 14.20.280 and 14.20.330(c) for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The marijuana cultivation facility was granted with an approved CUP and the new request to allow the operation of retail marijuana store would further promote the broad range of commercial uses in the surrounding area.

The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved

for commercial purposes, and because a commercial zone is not suited to the uses excluded above.

The existing marijuana cultivation has been operating for over a year without any code violations. A zoning complaint was submitted in August 2023 regarding the odor and unsecured building; however, the City and Alcohol and Marijuana Control Office (AMCO) conduct separate investigations and did not find or discover any issues with code compliance. Therefore, it was unfounded.

As noted by the applicant, the existing site generates a large amount of [consumer] traffic and this proposed use would align with the existing retail and service establishments on the premises.

Furthermore, a commercial marijuana establishment must comply with KMC 14.20.330 *Standards for Commercial Marijuana Establishment*, such as buffering requirements, as noted below.

No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:

- (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment; and*
- (2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.*

The buffer maps for 500 feet and 1,000 feet show compliance with the provisions noted above. Within the 500-foot buffer, the existing land uses table (see attachment) does not identify any institutional uses. However, two (2) commercial uses were identified, one (1) located at the subject property and the other adjacent to the subject property, located 1205 Aliak Drive, as shown in the Table 1 below. However, 1205 Aliak Drive is vacant. The identified commercial uses are general commercial uses; therefore, the proposed retail marijuana store is located outside the 500-foot buffer from any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment.

Table 1 500-foot Buffer - Commercial Land Uses

PARCEL_ID	PHYSICAL_ADDRESSES	OWNER	OWN_TYPE	USE_TYPE
04510012	8887 KENAI SPUR HWY, 8867 KENAI SPUR HWY, 8847 KENAI SPUR HWY	UEI JEREMY F	Private	Commercial
04510020	1205 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Commercial

Within the 1,000-foot buffer, the existing land uses table (see attachment) does not identify any institutional uses. Therefore, the proposed retail marijuana store is located outside the 1,000-foot buffer from any primary and secondary schools (K-12).

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

Findings: The economic and noneconomic value of adjacent properties would not be adversely affected by the proposal. The operation of any commercial marijuana establishment is subject to KMC as well as AMCO standards and any code violations may be subject to the revocation of the CUP. A retail store would generate commercial activity on the commercial premises. There is existing fencing between the commercial premises and residential uses. Since its operation in March 2023, there has not been any code violations. A retail use would be consistent with the existing commercial development.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Central Commercial (CC) land use classification. The CC Land Use Classification is defined in the Comprehensive Plan:

Central Commercial is intended for retail, service, and office businesses at a more compact and denser scale; locations are accessible and convenient to both motorists and pedestrians. Central Commercial-type development is particularly desirable in the Townsite Historic District and adjacent core area. Residences may be appropriate among commercial uses in these central areas. Non-commercial uses such as public offices, institutional uses and residences may be appropriate among commercial uses. Central Commercial may also apply at locations that have evolved into new Kenai commercial “centers” that are developed at a small to medium scale.

Buffers or buffer zones between commercial uses and adjacent non-commercial uses are desirable.

The subject property is surrounded by Kenai Spur Highway to the west, vacant commercial lot and residential uses to the south, vacant residential lot to the east, and a vacant lot to the north. The proposed use would be consistent with the existing commercial development on the subject property. Mitigation measures and buffers were reviewed and considered in the approved CUP (PZ2021-44) for the marijuana cultivation facility. Staff finds the proposed use does not require additional mitigation measures or buffers since there are not any new adverse impacts to consider between the building and surrounding uses.

RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

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

Findings: City water and sewer are available along Candlelight Drive, which is a City-maintained road. The primary access is off of Kenai Spur Highway, a State-maintained right-of-way. The approximately 4770-square foot building requires 1 space per 2,000 square feet for warehouse with retail use; however, a minimum of four (4) spaces must be provided. Therefore, the proposed use would not require additional parking spaces. Staff finds that there are adequate public services and facilities to serve the proposed use.

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

Findings: There are adequate services, access, and parking to serve the existing uses and proposed use on the subject property. Staff finds the proposed use would not adversely impact the public safety, health or welfare.

6. *KMC 14.150(d)(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.*

Findings: No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

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

Section 1. That an amendment to the conditional use permit is granted for the operation of an approximately 155 square foot retail marijuana store within the existing marijuana cultivation facility (PZ2021-44) on Lot 1, Yragui Subdivision, located at 8847 Kenai Spur Highway.

Section 2. That the amendment to the conditional use permit is subject to the original conditions in the CUP (Resolution No. PZ2021-44) and the following condition:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 29TH DAY OF MAY, 2024.

JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: May 24, 2024

SUBJECT: Resolution PZ2024-12 – Conditional Use Permit Amendment to Allow a Retail Marijuana Store within the Existing Marijuana Cultivation Facility (PZ2021-44)

Request The applicant is requesting to establish a retail marijuana store in conjunction with the existing marijuana cultivation facility.

Staff Recommendation Adopt Resolution PZ2024-12 approving an amendment to the Conditional Use Permit for the operation of an approximately 155 square foot retail marijuana store within the existing marijuana cultivation facility (PZ2021-44).

Applicant	Nicholas Mann
Property Owners	Jeremy Uei and Katherine Uei
Legal Description	Lot 1, Yragui Subdivision
Building Address	8847 Kenai Spur Highway
KPB Parcel ID	04510012
Lot Size (acreage)	1.58
Zoning	General Commercial (CG)
Current Property Use	Retail and Service Establishments, Wholesale
Current Building Use	Marijuana Cultivation Facility (PZ2021-44)
Land Use Plan	Central Commercial (CC)

SUMMARY

The Planning and Zoning Commission granted a Conditional Use Permit (PZ2021-44) for Standard Marijuana Cultivation Facility on a property described as Lot 1, of Yragui Subdivision, located at 8847 Kenai Spur Highway. The same applicant, as the original Conditional Use Permit (CUP) is requesting to establish a retail marijuana store within the existing marijuana cultivation facility. The proposed retail store will be approximately 155 square feet and located in the northwest corner of the subject building.

ANALYSIS

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. Prior to granting a conditional use permit or amendment, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The marijuana cultivation facility was granted with an approved CUP and the new request to allow the operation of retail marijuana store would further promote the broad range of commercial uses in the surrounding area.

The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above.

The existing marijuana cultivation has been operating for over a year without any code violations. A zoning complaint was submitted in August 2023 regarding the odor and unsecured building; however, the City and Alcohol and Marijuana Control Office (AMCO) conduct separate investigations and did not find or discover any issues with code compliance. Therefore, it was unfounded.

As noted by the applicant, the existing site generates a large amount of [consumer] traffic and this proposed use would align with the existing retail and service establishments on the premises.

Furthermore, a commercial marijuana establishment must comply with KMC 14.20.330 *Standards for Commercial Marijuana Establishment*, such as buffering requirements, as noted below.

No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:

- (1) *One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment; and*
- (2) *Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.*

The buffer maps for 500 feet and 1,000 feet show compliance with the provisions noted above. Within the 500-foot buffer, the existing land uses table (see attachment) does not identify any institutional uses. However, two (2) commercial uses were identified, one (1) located at the subject property and the other adjacent to the subject property, located 1205 Aliak Drive, as shown in the Table 1 below. However, 1205 Aliak Drive is vacant. The identified commercial uses are general commercial uses; therefore, the proposed retail marijuana store is located outside the 500-foot buffer from any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment.

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04510020	1205 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Commercial

Within the 1,000-foot buffer, the existing land uses table (see attachment) does not identify any institutional uses. Therefore, the proposed retail marijuana store is located outside the 1,000-foot buffer from any primary and secondary schools (K-12).

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

Findings: The economic and noneconomic value of adjacent properties would not be adversely affected by the proposal. The operation of any commercial marijuana establishment is subject to KMC as well as AMCO standards and any code violations may be subject to the revocation of the CUP. A retail store would generate commercial activity on the commercial premises. There is existing fencing between the commercial premises

and residential uses. Since its operation in March 2023, there has not been any code violations. A retail use would be consistent with the existing commercial development.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Central Commercial (CC) land use classification. The CC Land Use Classification is defined in the Comprehensive Plan:

Central Commercial is intended for retail, service, and office businesses at a more compact and denser scale; locations are accessible and convenient to both motorists and pedestrians. Central Commercial-type development is particularly desirable in the Townsite Historic District and adjacent core area. Residences may be appropriate among commercial uses in these central areas. Non-commercial uses such as public offices, institutional uses and residences may be appropriate among commercial uses. Central Commercial may also apply at locations that have evolved into new Kenai commercial “centers” that are developed at a small to medium scale.

Buffers or buffer zones between commercial uses and adjacent non-commercial uses are desirable.

The subject property is surrounded by Kenai Spur Highway to the west, vacant commercial lot and residential uses to the south, vacant residential lot to the east, and a vacant lot to the north. The proposed use would be consistent with the existing commercial development on the subject property. Mitigation measures and buffers were reviewed and considered in the approved CUP (PZ2021-44) for the marijuana cultivation facility. Staff finds the proposed use does not require additional mitigation measures or buffers since there are not any new adverse impacts to consider between the building and surrounding uses.

RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 2 – Provide economic development to support the fiscal health of Kenai.

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-1

Establish siting and design standards so that development is in harmony and scale with surrounding uses.

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

Findings: City water and sewer are available along Candlelight Drive, which is a City-maintained road. The primary access is off of Kenai Spur Highway, a State-maintained right-of-way. The approximately 4770-square foot building requires 1 space per 2,000 square feet for warehouse with retail use; however, a minimum of four (4) spaces must be provided. Therefore, the proposed use would not require additional parking spaces. Staff finds that there are adequate public services and facilities to serve the proposed use.

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

Findings: There are adequate services, access, and parking to serve the existing uses and proposed use on the subject property. Staff finds the proposed use would not adversely impact the public safety, health or welfare.

Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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.

Findings: No additional or specific conditions are deemed necessary to fulfill the above-mentioned criteria.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.330(c) notices of the public hearing for the conditional use permit amendment to allow a retail marijuana store were mailed to property owners within a five hundred-foot (500') periphery of the subject property or expanded until a minimum of 30 different property owners are available for notification. City staff published notice of the public hearing in the *Peninsula Clarion* at least seven (7) days prior to the date of the hearing. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit amendment request.

As of the date of this staff report, no public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed amendment to the CUP for the operation of an approximately 155 square foot retail marijuana store within the existing marijuana cultivation facility (PZ2021-44) on Lot 1, Yragui Subdivision, located at 8847 Kenai Spur Highway meets the criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code (KMC) 14.20.150 and KMC 14.20.330 *Standards for Commercial Marijuana Establishments*, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2024-12 approving the amendment to the Conditional Use Permit, subject to the original conditions in CUP (Resolution PZ2021-44) and the following condition:

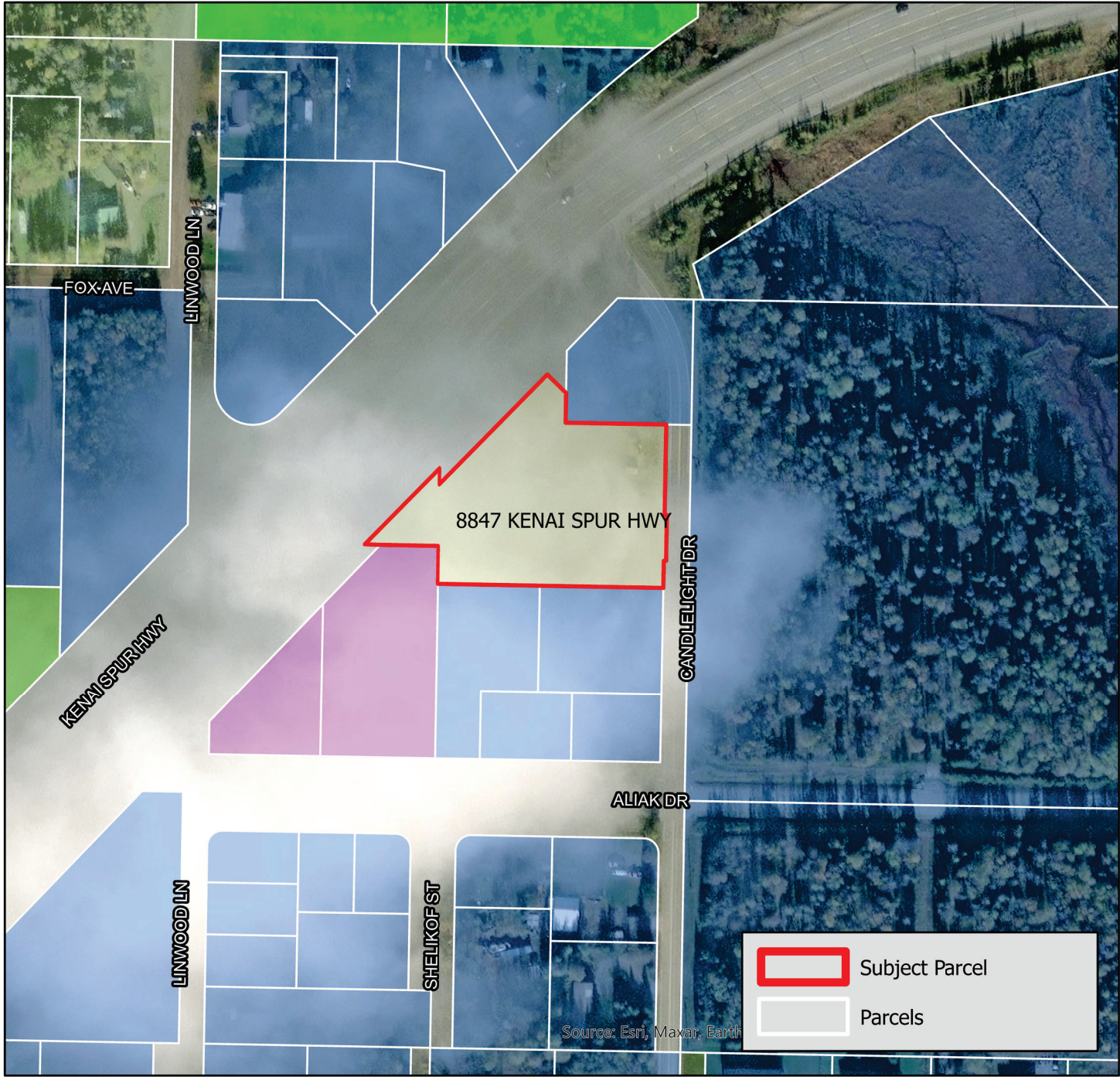
1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.

ATTACHMENTS

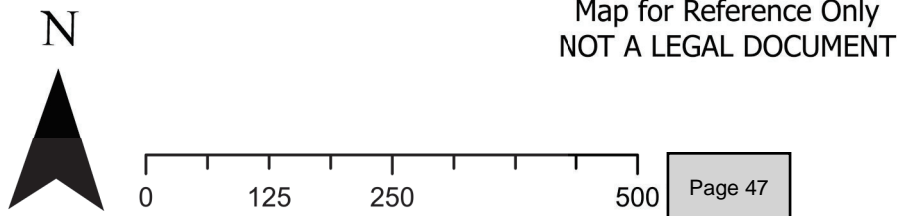
Aerial Map
Application
Buffer Maps
Land Uses within Buffers Table
Floor Plan
Resolution PZ2021-44



Resolution No. PZ2024-12
Conditional Use Permit Amendment
Retail Marijuana Store
8847 Kenai Spur Highway
KPB Parcel ID: 04510012



Date Printed: 5/26/2024



Zoning	
	Rural Residential (RR)
	Rural Residential 1 (RR-1)
	Suburban Residential (RS)
	Limited Commercial (LC)
	General Commercial (CG)



Conditional Use Permit Application

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

PROPERTY OWNER

Name: KATHERINE + JEREMY UEI
Mailing Address: 130 SWALLOW ST #6
City: KENAI State: AK Zip Code: 99611
Phone Number(s): 907 398 3864
Email: JEREMY UEI@HOTMAIL.COM

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name: NICHOLAS MAUN
Mailing Address: 140 BIDARKA ST #1342
City: KENAI State: ALASKA Zip Code: 99611
Phone Number(s): 714-221-9919
Email: SHACKLEFORD.INVESTMENTS.LLC@GMAIL.COM

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID): 045 10012
Physical Address: 8847 KENAI SPUR HIGHWAY, KENAI, AK 99611
Legal Description: T6N R11W SECTION 34; SEWARD MERIDIAN KN, 2003064 YRAGUI SUBPLOT 1;
Zoning: CG
Acres: 1.58

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? MARIJUANA GROW

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

MARIJUANA RETAIL

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

CURRENTLY A CULTIVATION, PROPERTY HAS LARGE AMOUNTS OF TRAFFIC. KMC 14.20.150+14.22.010+14.20.330 COMPLIANT (LIKE THE FIRST CONDITIONAL USE PERMIT)

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

NO MORE TRAFFIC/IMPACT THAN ALREADY EXIST. THE PROPERTY HAS MULTIPLE OTHER HIGH-TRAFFIC BUSINESSES, AND ALL TRAFFIC EXITS DIRECTLY ONTO THE KENAI SPUR HIGHWAY. MY BUILDING IS OPPOSITE THE OTHER BUSINESSES, SO THERE IS PLENTY OF SPACE FOR OVERFLOW PARKING + MANUEVERING
KMC 14.20.330 COMPLIANT (NO SMC SITE CONSUMPTION, OR VISIBLE MARIJUANA ACTIVITY)

Use of surrounding property - north:	HIGHWAY/RESIDENTIAL		
Use of surrounding property - south:	RESIDENTIAL		
Use of surrounding property - east:	RESIDENTIAL		
Use of surrounding property - west:	UNDEVELOPED.		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
REPURPOSING OLD INDUSTRIAL PROPERTY AND PROVIDING HIGH PAYING, PERMANENT JOBS (GOAL 2 - ECONOMIC DEVELOPMENT)			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
YES - NO MORE REQUIRED THAN IS ALREADY BEING USED			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
ALL ACTIVITIES WILL BE CONDUCTED IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. CONSTRUCTION WILL BE COMPLETED IN JUST A FEW DAYS COMPLETELY INDOORS AWAY FROM PUBLIC VIEW. NO WASTE WILL BE PRODUCED.			
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?			
VERY MINIMAL CONSTRUCTION, UTILIZING EXISTING TRAFFIC, LOW PROFILE RETAIL. THE PROPERTY IS ALREADY FENCED OFF FROM ALL SURROUNDING NEIGHBORS, AND ALL TRAFFIC IS DIRECTED AWAY FROM RESIDENTIAL AREAS.			
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:	NICK MANN		Date: 4/18/24
Print Name:	NICHOLAS MANN	Title/Business:	OWNER, SHACKLEFORD LLC
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	



Legend

- Transportation
- Mileposts
- Roads
 - Medium Collector
 - Medium Volume - Unmaintained
 - Medium Volume - Maintained
 - Low / Seasonal
 - Legal Trail
 - Private
 - State Hwy
- Platted / Proposed

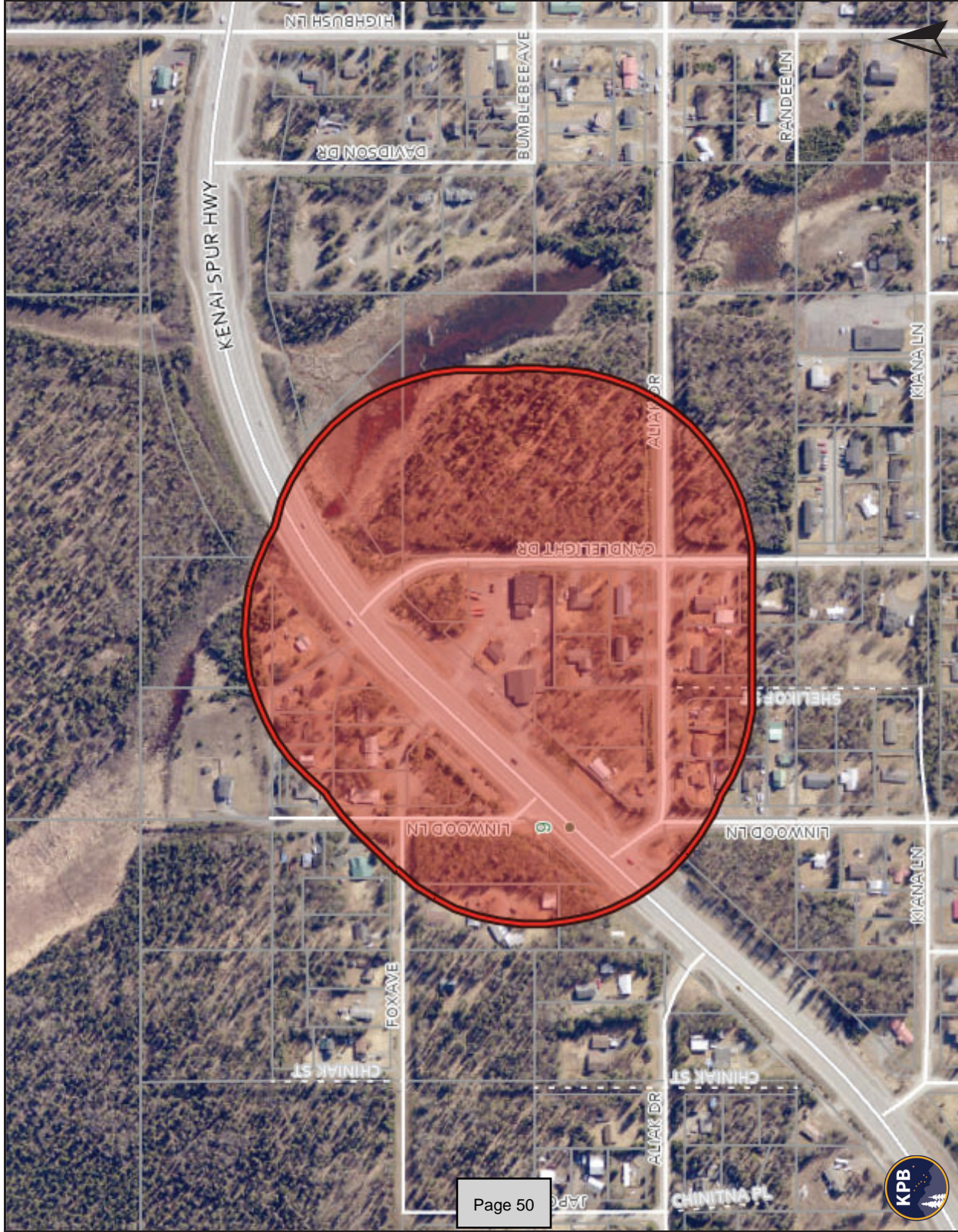
Parcels and PLSS

Tax Parcels

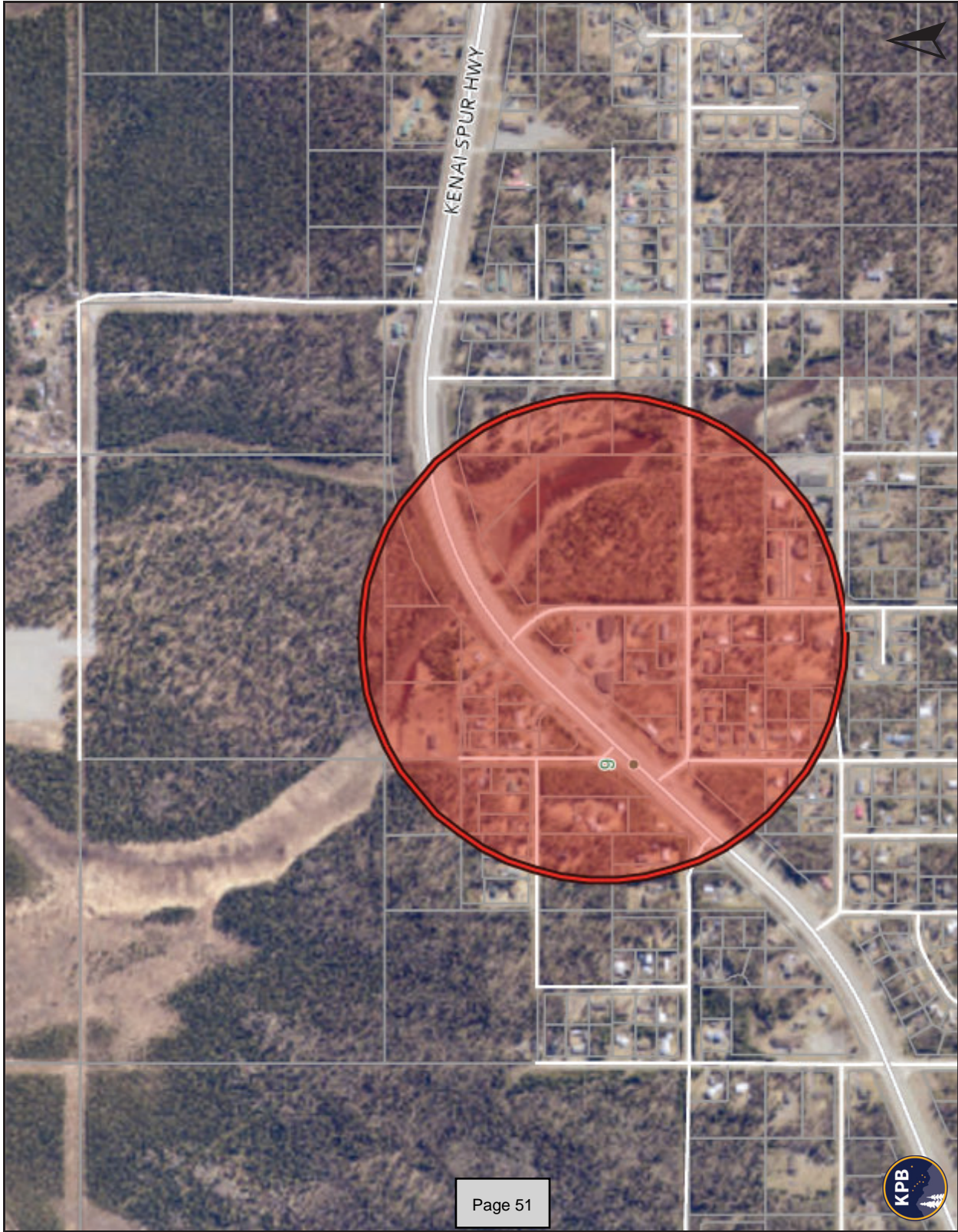


9" Imagery

- Red: Red
- Green: Green
- Blue: Blue
- Red: Red
- Green: Green
- Blue: Blue
- Red: Red
- Green: Green



NOTE: Every reasonable effort has been made to ensure the accuracy of these data. However, by accepting this material, you agree that the Kenai Peninsula Borough assumes no liability of any kind arising from the use of this data. The data are provided without warranty of any kind, either expressed or implied, including but not limited to time, money or goodwill arising from the use, operation or modification of the data. In using these data, you further agree to indemnify, defend, and hold harmless Kenai Peninsula Borough for any and all liability of any nature arising from the lack of accuracy or correctness of the data, or use of the data.



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Legend

Transportation

Mileposts

Roads

- Medium Collector
- Medium Volume -
- Unmaintained
- Medium Volume -
- Maintained

Low / Seasonal

Legal Trail

Private

State Hwy

Platted / Proposed

Parcels and PLSS

Tax Parcels



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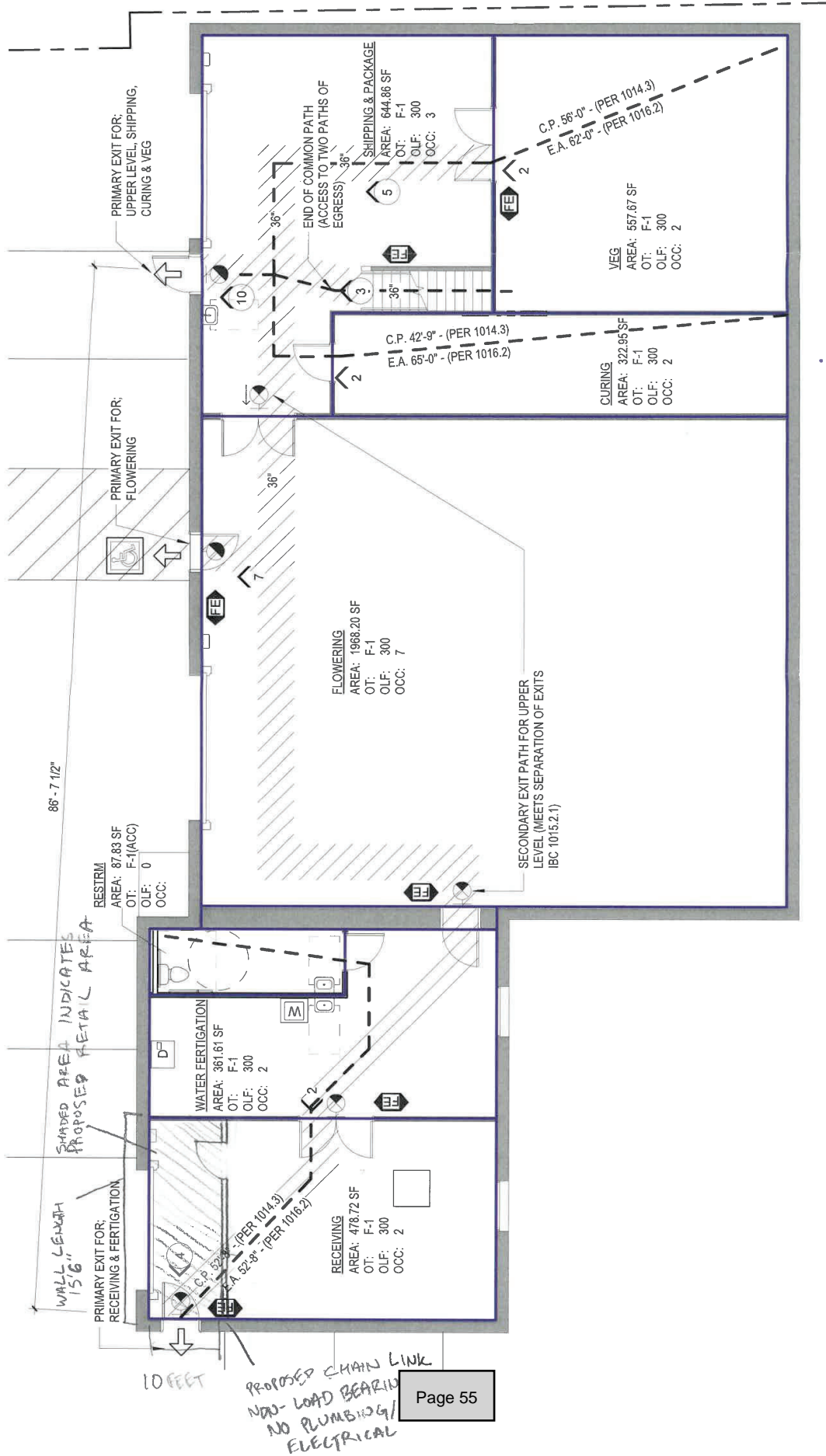
LAND USES WITHIN 500-FOOT BUFFER OF 8847 KENAI SPUR HIGHWAY

PARCEL ID	PHYSICAL ADDRESSES	OWNER	OWN TYPE	USE TYPE	LEGAL	ACREAGE
04507015	1111 FOX AVE	HAYES JACK L & JEANNE N	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 090002 NEALSAND SUB LOT 4	0.4600
04508001	716 LINWOOD LN	GOODWIN DOUGLAS EUGENE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 36	2.5000
04508002	8752 KENAI SPUR HWY	RILEY REVOCABLE TRUST	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 35	2.2400
04508013	710 LINWOOD LN	HAYES NEAL A	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 1	0.2300
04508014	712 LINWOOD LN	HAYES JACK LEE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 2	0.2400
04508015	714 LINWOOD LN	MARSING SETH	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 3	0.3600
04508016	8816 KENAI SPUR HWY	HAYES ENTERPRISES	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 4	0.5100
04508017	8748 KENAI SPUR HWY	LUCE PEGGY	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 5	0.5200
04508018	706 LINWOOD LN	MCKAY ERIN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 6	0.3700
04508019	8880 KENAI SPUR HWY	SARVIS BERRY INVESTMENTS LLC	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 7	0.5400
04508020	8848 KENAI SPUR HWY	RUARK WALTER	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 8	0.3400
04508021	8912 KENAI SPUR HWY	HAYES NEAL A	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROYL HAYES SUB LOT 9	0.5000
04508022	8719 KENAI SPUR HWY	HURBS STEPHEN MICHAEL ESTATE OF	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2010093 JUSTA SUBDIVISION LOT 1	1.7100
04509005	8984 KENAI SPUR HWY	BROWN ROBERT	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN SOUTH 264 FT OF GOVT LOT 53	0.6500
04509006	601 LINWOOD LN	VIP PROPERTY MANAGEMENT LLC	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN THAT PTN OF GOV LOT 52 LYING NORTH OF KENAI SPUR HWY	1.4300
04509034	1106 FOX AVE	HAYES CHRISTOPHER LEE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 53 EXCLUDING THE SOUTH 264 FT	1.4900
04510003	NONE	ALASKA STATE D O T & P F	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN NORTH 165 FT OF EAST 165 FT OF GOVT LOT 51	0.5700
04510007	502 CANDLELIGHT DR	ALASKA MENTAL HEALTH TRUST AUTHORITY	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN SE1/4 SE1/4 NW1/4	10.0000
04510012	8887 KENAI SPUR HWY, 8867 KENAI SPUR HWY	UEI JEREMY F	Private	Commercial	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2003064 YRAGUI SUB LOT 1	1.5800
04510014	503 CANDLELIGHT DR	UPDIKE JESSE J	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2003064 YRAGUI SUB LOT 3	0.5300
04510016	1209 ALIAK DR	GLADDEN ROY S	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 2A	0.5600
04510017	1211 ALIAK DR	RAYE KIRSTEN K	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 4A	0.2500
04510018	1213 ALIAK DR	BENNETT FREDRICK W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 4B	0.2400
04510019	1203 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2008080 SCHURR SUB SEE ADDN LOT 1	0.4000
04510020	1205 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Commercial	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2008080 SCHURR SUB SEE ADDN LOT 2	0.9000
04511012	9007 KENAI SPUR HWY	HINKLE GARY C & JUDITH A	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 79	1.6000
04512003	410 CANDLELIGHT DR	ALASKA MENTAL HEALTH TRUST AUTHORITY	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN N1/2 NE1/4 SW1/4	5.0000
04512020	408 SHELIKOF ST	PACE TONY LEE & RHONDA K	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 4	0.5400
04512021	1212 ALIAK DR	ISAACS SHAWN D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 1	0.2800
04512022	411 CANDLELIGHT DR	PACE TONY LEE & RHONDA KAY	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 2	0.4400
04512023	407 CANDLELIGHT DR	DROBNICK JEAN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 3	0.4600
04512029	412 LINWOOD LN	PERRY DOUGLAS W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 1	0.1900
04512030	1204 ALIAK DR	BEAUCHAMP LANE R	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 2	0.1800
04512031	1206 ALIAK DR	WEST RICHARD D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 3	0.1800
04512032	409 SHELIKOF ST	WEST RICHARD D	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 4	0.3400
04512033	408 LINWOOD LN	MASTERS CRYSTAL D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 5	0.1900
04512034	410 LINWOOD LN	EVANS JAMES	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 6	0.1900

LAND USES WITHIN 1000-FT BUFFER OF 8847 KENAI SPUR HWY (RETAIL MARIJUANA STORE)

PARCEL_ID	PHYSICAL_ADDRESSES	OWNER	OWN_TYPE	USE_TYPE	LEGAL	ACREAGE
04501012	NONE	KENAI PENINSULA BOROUGH	Borough	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN NE1/4 NW1/4	40.0000
04507003	715 LINWOOD LN	COOK INLET REGION INC	Native	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 37	2.5000
04507009	706 CHINIAK ST	HAYES JACK L	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940071 CHINIAK SUB PART 2 LOT 2A	0.6500
04507010	1103 FOX AVE	HANSEN ALMA	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940071 CHINIAK SUB PART 2 LOT 2E	0.4600
04507011	1105 FOX AVE	HAYES JACK L	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940071 CHINIAK SUB PART 2 LOT 2C	0.4600
04507012	711 LINWOOD LN	HAYES ENTERPRISES LLC	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0950002 NEALSAND SUB LOT 1	0.7000
04507013	1107 FOX AVE	HAYES ENTERPRISES LLC	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0950002 NEALSAND SUB LOT 2	0.4600
04507014	1109 FOX AVE	HAYES JACK L & JEANNE	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0950002 NEALSAND SUB LOT 3	0.4600
04507015	1111 FOX AVE	HAYES JACK L & JEANNE N	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0950002 NEALSAND SUB LOT 4	0.4600
04508001	716 LINWOOD LN	GOODWIN DOUGLAS EUGENE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 36	2.5000
04508002	8752 KENAI SPUR HWY	RILEY REVOCABLE TRUST	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 35	2.2400
04508007	8688 KENAI SPUR HWY	KENAI PENINSULA BOROUGH	Borough	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN PORTION NE1/4 SE1/4 NW1/4 LYING NORTH OF KENAI SPUR HW	1.1100
04508013	710 LINWOOD LN	HAYES NEAL A	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 1	0.2300
04508014	712 LINWOOD LN	HAYES JACK LEE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 2	0.2400
04508015	714 LINWOOD LN	MARSING SETH	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 3	0.3600
04508016	8816 KENAI SPUR HWY	HAYES ENTERPRISES	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 4	0.5100
04508017	8748 KENAI SPUR HWY	LUCE PEGGY	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 5	0.5200
04508018	706 LINWOOD LN	MCKAY ERIN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 6	0.3700
04508019	8880 KENAI SPUR HWY	SARVIS BERRY INVESTMENTS LLC	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 7	0.5400
04508020	8848 KENAI SPUR HWY	RUARK WALTER	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 8	0.3400
04508021	8912 KENAI SPUR HWY	HAYES NEAL A	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940038 ROY L HAYES SUB LOT 9	0.5000
04508022	8719 KENAI SPUR HWY	HURBS STEPHEN MICHAEL ESTATE OF	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2010093 JUSTA SUBDIVISION LOT 1	1.7100
04508023	8715 KENAI SPUR HWY	WHEELER JAMES RICHARD	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2010093 JUSTA SUBDIVISION LOT 2	1.7100
04509003	1104 FOX AVE	HAYES ELIZABETH A	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 54	2.5000
04509005	8984 KENAI SPUR HWY	BROWN ROBERT	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN SOUTH 264 FT OF GOVT LOT 53	0.6500
04509006	601 LINWOOD LN	VIP PROPERTY MANAGEMENT LLC	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN THAT PTN OF GOV LOT 52 LYING NORTH OF KENAI SPUR HW	1.4300
04509024	1103 ALIAK DR	KING ANDREA A	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 59 EXCLUDING THE EAST 132 FT	1.5000
04509025	1105 ALIAK DR	GOODWIN WILLIAM	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN EAST 132 FT OF GOVT LOT 55	1.0000
04509034	1106 FOX AVE	HAYES CHRISTOPHER LEE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 53 EXCLUDING THE SOUTH 264 FT	1.4900
04510003	NONE	ALASKA STATE D O T & P F	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN NORTH 165 FT OF EAST 165 FT OF GOVT LOT 51	0.5700
04510007	502 CANDLELIGHT DR	ALASKA MENTAL HEALTH TRUST AUTHORITY	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN SE1/4 NE1/4 NW1/4	10.0000
04510012	8887 KENAI SPUR HWY, 8867 KENAI SPUR HWY,	UEI JEREMY F	Private	Commercial	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2003064 YRAGUI SUB LOT 1	1.5800
04510014	503 CANDLELIGHT DR	UPDIKE JESSE J	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2003064 YRAGUI SUB LOT 2	0.5300
04510016	1209 ALIAK DR	GLADDEN ROY S	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 2A	0.5600
04510017	1211 ALIAK DR	RAYE KIRSTEN K	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 4A	0.2500
04510018	1213 ALIAK DR	BENNETT FREDRICK W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2005056 YRAGUI SUB ADDN NO 1 LOT 4E	0.2400
04510019	1203 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2008080 SCHURR SUB SEE ADDN LOT 1	0.4000
04510020	1205 ALIAK DR	SEE CHARLES L & PATRICIA G	Private	Commercial	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 2008080 SCHURR SUB SEE ADDN LOT 2	0.9000
04511010	9040 KENAI SPUR HWY	KENAI LIONS CLUB INC	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN PORTION OF GOVT LOT 80 LYING NORTH OF KENAI SPUR HW	0.1100
04511012	9007 KENAI SPUR HWY	HINKLE GARY C & JUDITH A	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 75	1.6000
04511014	407 LINWOOD LN	STERLING CHARLES J	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0880064 LINWOOD SUB NO 2 LOT 1A	0.3800
04511015	403 LINWOOD LN	MAHAN MERANDA M	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0880064 LINWOOD SUB NO 2 LOT 3A	0.3800
04511017	9025 KENAI SPUR HWY	HINKLE GARY C & JUDITH A	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN NORTH 148.54 FT OF WEST 148.66 FT OF GOVT LOT 81	0.5100
04512003	410 CANDLELIGHT DR	ALASKA MENTAL HEALTH TRUST AUTHORITY	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN N1/2 NE1/4 NW1/4	5.0000
04512005	405 CANDLELIGHT DR	WHITELEY DWAYNE & WESTERFIELD AMANDA	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN NORTH 165 FT OF EAST 165 FT OF GOVT LOT 91	0.6300
04512006	401 CANDLELIGHT DR		Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN - RS GOVT LOT 90 EXCLUDING THE NORTH 165 FT OF THE EAST 165 F	1.8800
04512011	LINWOOD LN	CLIFFORD GLENN T	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0001455 MAY SUB TRACT A	0.5100
04512014	402 LINWOOD LN	ANDERSON SOPHIA L	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0001724 SHELIKOF SUB LOT 1 BLK 1	0.3100
04512015	404 LINWOOD LN	BRUXVOORT LUCAS S	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0001724 SHELIKOF SUB LOT 2 BLK 1	0.3100
04512016	406 LINWOOD LN	MAKI CODY M	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0001724 SHELIKOF SUB LOT 3 BLK 1	0.3100
04512017	405 SHELIKOF ST	KENAI PENINSULA BOROUGH	Borough	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0760008 SHELIKOF SUB RESUB LOTS 4-7 BLOCK 1 LOT 4/	0.3100
04512018	403 SHELIKOF ST	KENAI PENINSULA BOROUGH	Borough	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0760008 SHELIKOF SUB RESUB LOTS 4-7 BLOCK 1 LOT 5/	0.3100
04512019	1203 KIANA LN	ALDRIDGE DARTANIAN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0760008 SHELIKOF SUB RESUB LOTS 4-7 BLOCK 1 LOT 6/	0.3100
04512020	408 SHELIKOF ST	PACE TONY LEE & RHONDA K	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 1	0.5400
04512021	1212 ALIAK DR	ISAACS SHAWN D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 2	0.2800
04512022	411 CANDLELIGHT DR	PACE TONY LEE & RHONDA KAY	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 3	0.4400
04512023	407 CANDLELIGHT DR	DROBNICK JEAN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0780038 PACE SUB NO 1 LOT 4	0.4600
04512025	1311 KIANA LN	HOWLAND DANETTE R	Private	Institutional	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0790113 RASMUSSEN VACATION & REPLAT LOT 1F	1.0200
04512029	412 LINWOOD LN	PERRY DOUGLAS W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 1	0.1900
04512030	1204 ALIAK DR	BEAUCHAMP LANE R	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 2	0.1800

04512031	1206 ALIAK DR	WEST RICHARD D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 3	0.1800
04512032	409 SHELKOF ST	WEST RICHARD D	Private	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 4	0.3400
04512033	408 LINWOOD LN	MASTERS CRYSTAL D	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 5	0.1900
04512034	410 LINWOOD LN	EVANS JAMES	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830075 MAY SUB ALIAK ADDN LOT 6	0.1900
04512035	408 CANDLELIGHT DR	POPE TIM W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 1-f	0.2600
04512036	406 CANDLELIGHT DR	PHILE JEFFERY C	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 1-e	0.3600
04512037	404 CANDLELIGHT DR	ROZZELL FAMILY TRUST	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 1-c	0.4100
04512038	402 CANDLELIGHT DR	WHITESIDE ROBIN	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 2-f	0.3200
04512039	1301 KIANA LN	GUFFY JOHN K	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 2-e	0.3100
04512040	1303 KIANA LN	HALL JAMES W	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 3-f	0.1600
04512041	1305 KIANA LN	HART-KUMMERT VICKY L	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0830270 SPRUCE CORNER SUB TYLER ADDN LOT 3-e	0.1600
04512042	1307 KIANA LN	DYROY SHERRIE LYNNE	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940033 RASMUSSEN SUB NO 3 LOT 2-A-;	0.6200
04512043	1309 KIANA LN	DAVENPORT TIMOTHY J	Private	Residential	T 6N R 11W SEC 34 SEWARD MERIDIAN KN 0940033 RASMUSSEN SUB NO 3 LOT 2-A-;	0.6200
04519034	1505 ALIAK DR	ALASKA MENTAL HEALTH TRUST AUTHORITY	State	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN SW1/4 SW1/4 NE1/4	2.5000
04519051	703 DAVIDSON DR	KENAI A WAY LLC	Private	Accessory Building	T 06N R 11W SEC 34 SEWARD MERIDIAN KN 2020063 MCLENNAN ESTATES ADDN NO 1 LOT 1-f	2.0500
04519052	701 DAVIDSON DR	KENAI A WAY LLC	Private	Accessory Building	T 06N R 11W SEC 34 SEWARD MERIDIAN KN 2020063 MCLENNAN ESTATES ADDN NO 1 LOT 1-f	0.9200
04519053	601 DAVIDSON DR	LOTTI CAMRON D	Private	Residential	T 06N R 11W SEC 34 SEWARD MERIDIAN KN 2020063 MCLENNAN ESTATES ADDN NO 1 LOT 2-f	1.5700
04521001	1506 ALIAK DR	COOK INLET REGION INC	Native	Vacant	T 6N R 11W SEC 34 SEWARD MERIDIAN KN GOVT LOT 76	2.5000





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-44**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A STANDARD MARIJUANA CULTIVATION FACILITY.

APPLICANT: Nicholas Mann

PROPERTY ADDRESS: 8847 Kenai Spur Highway

LEGAL DESCRIPTION: Lot 1, Yragui Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04510012

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City; 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 December 22, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 and KMC14.20.330(c) for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: 8847 Kenai Spur Highway is zoned General Commercial (CG). The proposed Standard Marijuana Cultivation Facility meets the intent of the General Commercial Zone (CG) to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above. A Standard Marijuana Cultivation Facility would be a primary commercial use.

The Land Use Table provides that a Standard Marijuana Cultivation Facility is a conditional use for the General Commercial Zoning District; therefore, a conditional use permit must be granted for the operation of a Standard Marijuana Cultivation Facility. The applicant has provided a site plan that provides the layout of the premises.

"Marijuana cultivation facility, standard" means an entity registered to cultivate in an area greater than five hundred (500) square feet under cultivation, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

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

Criteria Met. To the North of the subject parcel is the Kenai Spur Highway. The parcel to the South is a residential dwelling. To the East is undeveloped. The parcel to the West is vacant commercial. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by this change in use since the business is for wholesale only with no consumers accessing the property, and no additional traffic. The applicant has also noted "we are a wholesale only business, so there will be no foot traffic or other signs of activity to adversely affect the neighborhood".

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

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

"Central Commercial is intended for retail, service, and office businesses at a more compact and denser scale; locations are accessible and convenient to both motorists and pedestrians. Central Commercial-type development is particularly desirable in the Townsite Historic District and adjacent core area. Residences may be appropriate among commercial uses in these central areas. Non-commercial uses such as public offices, institutional uses and residences may be appropriate among commercial uses. Central Commercial may also apply at locations that have evolved into new Kenai commercial "centers" that are developed at a small to medium scale."

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

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

- ED-5 Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.

Goal 3 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-5 Support development at emerging community “centers” that lie outside the major employment centers but provide a mix of retail, service, and residential uses.

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

Criteria Met. The subject property is accessed via a paved, State of Alaska Department of Transportation maintained highway. City sewer and water provide service to the property via Candlelight Drive. There is access to natural gas, electricity, and telephone services.

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

Criteria Met: A Standard Marijuana Cultivation Facility would not be harmful to the public safety, health, or welfare. The applicant has noted there will be “no odor or visual signs of the business we are undertaking inside the building”. The applicant has also provided a site plan with the layout of the facility on the property and no additional traffic will be generated since it is a wholesale business, and consumers will not be accessing the property.

6. *KMC 14.150(d)(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 Nicholas Mann for a Standard Marijuana Cultivation Facility for property described as Lot 1, Yragui Subdivision and located at 8847 Kenai Spur Highway.

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 operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.

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(l)(5).
8. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 22nd day of December, 2021.



JEFF TWAIT, CHAIRPERSON

ATTEST:



MEGHAN THIDODEAU, DEPUTY CITY CLERK



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: May 24, 2024

SUBJECT: **Resolution No. 2024-17 – Recommending Approval on the Street Renaming of Cook Inlet View Drive to Cook Inlet Drive**

At its meeting on May 15, 2024, the City Council referred Resolution No. 2024-17 to Planning and Zoning Commission for their recommendation on the street renaming of Cook Inlet View Drive. This resolution is sponsored by Council Member Sounart to address the increased complaints and disruptions to the residents by removing “view” from the street name to reduce the number of visitors and tourists from driving through the residential neighborhood.

Pursuant to Kenai Municipal Code Section 14.15.140, City Council may change, rename, or name an existing street or newly established street within City limits upon recommendation from the Planning and Zoning Commission and after consultation with the Kenai Peninsula Borough (KPB) or any other affected municipality. KPB Planning Department does not have any concerns with the street renaming to Cook Inlet Drive.

The property owners along Cook Inlet View Drive have been notified via US mail of the proposed street renaming and the scheduled public meetings. As of date, one (1) public comment has been received in support of the street renaming.

Attachment

Resolution No. 2024-17

Memorandum from Council Member Sounart

Public Comment



Sponsored by: Sounart

**CITY OF KENAI
RESOLUTION NO. 2024-17**

A RESOLUTION RENAMING COOK INLET VIEW DRIVE TO COOK INLET DRIVE.

WHEREAS, Kenai Municipal Code Section 14.15.140 authorizes City Council to name and rename an existing street or newly established street within City limits upon recommendation from the Planning and Zoning Commission and after consultation with the Kenai Peninsula Borough (KPB) or any other affected municipality; and,

WHEREAS, there has been an increase in complaints over the years that the existing street name, Cook Inlet View Drive, suggests the road has a scenic view, which has resulted in visitors, tourists, motorhomes, and tour buses/vans driving through the residential neighborhood and on the unimproved dead-end street that leads to the edge of the bluff; and,

WHEREAS, the removal of “view” from Cook Inlet View Drive would deter visitors, tourists, motorhomes, and tour buses/vans from driving through the residential neighborhood and lingering at the edge of the bluff; and,

WHEREAS, the KPB Planning Department has no objection to renaming Cook Inlet View Drive to Cook Inlet Drive; and,

WHEREAS, adjacent property owners have _____ to changing the street name to Cook Inlet Drive; and,

WHEREAS, the street name assignment would not adversely impact 911 navigation; and,

WHEREAS, the Planning and Zoning Commission during their May 22, 2024 regular meeting recommended Council _____ this resolution renaming Cook Inlet View Drive to Cook Inlet Drive; and,

WHEREAS, it is in the best interest of the City of Kenai to rename the street to protect the residential neighborhood from increased tourist traffic and activities.

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

Section 1. That Cook Inlet View Drive in the City of Kenai is renamed as Cook Inlet Drive.

Section 2. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 5TH DAY OF JUNE, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

MEMORANDUM

TO: Mayor Gabriel and Council Members

THROUGH: Terry Eubank, City Manager

FROM: Deborah Sounart, Council Member

DATE: May 9, 2024

SUBJECT: **Resolution No. 2024-17 – Street Renaming of Cook Inlet View Drive to Cook Inlet Drive**

This resolution seeks to change the street name of Cook Inlet View Drive to Cook Inlet Drive. There has been an increase in complaints over the years that the existing street name, Cook Inlet View Drive, suggests the road has a scenic view, which has resulted in visitors, tourists, motorhomes, and tour buses/vans driving through the residential neighborhood and on the unimproved dead-end street, known as 1st NW that leads to the edge of the bluff. The removal of “view” from Cook Inlet View Drive would deter visitors and tourists from driving down through the residential neighborhood on an already busy street and lingering at the edge of the dangerously eroding bluff.

Pursuant to Kenai Municipal Code Section 14.15.140, City Council may change, rename, or name an existing street or newly established street within City limits upon recommendation from the Planning and Zoning Commission and after consultation with the Kenai Peninsula Borough (KPB) or any other affected municipality.

This resolution will be referred to Planning and Zoning Commission for their recommendation at their regularly scheduled meeting on May 22, 2024.

With staff’s recommendations, all property owners along Cook Inlet View Drive will be notified of the proposed street renaming and the scheduled public meetings to provide several opportunities for submissions of comments. In addition, staff will request for comments from the Public Works Department, Police Department, Fire Department, and local United States Post Office.

Thank you for your consideration.

Attachment
Aerial Map



Resolution No. 2024-17
Street Renaming
Cook Inlet View Drive to Cook Inlet Drive



Date Printed: 5/9/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



0 100 200 400 Feet

Linda Mitchell

From: Valerie Williams <vaheath@hotmail.com>
Sent: Thursday, May 23, 2024 2:30 PM
To: Planning Department
Subject: Cook Inlet view drive to Cook Inlet drive comment

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

I live on wells way, at the end of Cook Inlet view drive. I have so appreciated the concrete barriers and signs placed at the end of Cook Inlet view drive. It has made a big difference! We still have people going down the bluff with ropes, but it has cut it down dramatically. It has also seemed to stop the parties that used to be common place.

I believe that changing the name of the road will also help keep people from thinking this is a viewpoint. Changing the big green road signs on the spur leaving out the word "view" would make a big difference.

Another thing that would help is having a sign beyond the concrete barriers that just says "keep off the bluff", or maybe something about no trespassing, erosion control in process. Many people climb down the bluff on ropes not only causing erosion to city property and my property but it is dangerous and a safety hazard that could cause a serious injury.

Thank you so much for everything you have done about this issue. It has been appreciated.

Valerie and Wister Williams
1105 Wells Way

MEMORANDUM

TO: Planning and Zoning Commission

THROUGH: Linda Mitchell, Planning Director

FROM: Beth McDonald, Administrative Assistant

DATE: May 22, 2024

SUBJECT: **Action/Approval - Transfer of Conditional Use Permits, PZ1989-06 Amended for Guide Service, PZ1995-01 for Bed & Breakfast, and PZ2003-42 for Lodging**

The Planning and Zoning Commission granted the transfer of Conditional Use Permits for Guide Service and Bed and Breakfast (Resolution Nos. PZ1989-06 Amended and PZ1995-01) and approved Lodging on the 1.01-acre property described as Lot 29, Block 1, Anglers Acres Sub Part 2, located at 1535 Angler Drive within the Rural Residential (RR) zoning district to Ross and Angela Harding, d.b.a. Riddles Fishing Lodge on September 24, 2003 (Resolution No. PZ2003-43).

On April 30, 2024, an Application for Transfer of the Conditional Use Permits (CUPs) was submitted by Transferee, Brittany Harding in accordance with Kenai Municipal Code (KMC), as set forth below:

- KMC 14.20.150(l)(5) *A Conditional Use Permit is not transferable from one (1) parcel of land to another. Conditional Use Permits may be transferred from one (1) owner to another for the same use, but if there is a change in use on the property, a new permit must be obtained.*
- KMC 14.20.157(a) *No Conditional Use Permit issued hereunder shall be transferred until the proposed transferee has made application for transfer in writing filed with the administrative official, which application shall state that he intends to be bound by the plan and statements contained in the application of the permit holder or shall contain the amendments to the plan his proposed operation would mandate. The Commission shall approve the application for transfer and in so doing amend the site plan and statements if such amendments as are contained in the application for transfer would have been approved had they been contained in the original application.*

There will not be a change in use on the property as shown on the submitted site plan. The transferee has provided a copy of the State Business License and Kenai Peninsula Borough Tax Compliance Form. The Fire Marshal passed the biennial fire inspection conducted on June 15,

2023. The transferee is required to operate under the terms and conditions of the approved CUPs at the subject property.

STAFF RECOMMENDATION

Staff hereby recommends approval of the Transfer of the Conditional Use Permits (Resolution Nos. PZ1989-06 Amended, PZ1995-01, and PZ2003-42) for Guide Services, Bed and Breakfast, and Lodging on the 1.01-acre property described as Lot 29, Block 1, Anglers Acres Sub Part 2, located at 1535 Angler Drive within the Rural Residential (RR) zoning district, subject to the conditions as set forth in the approved CUPs.

ATTACHMENTS

- A. Aerial Map
- B. Application
- C. Site Plan
- D. Resolution Nos. PZ1989-06 Amended, PZ1995-01, and PZ2003-42



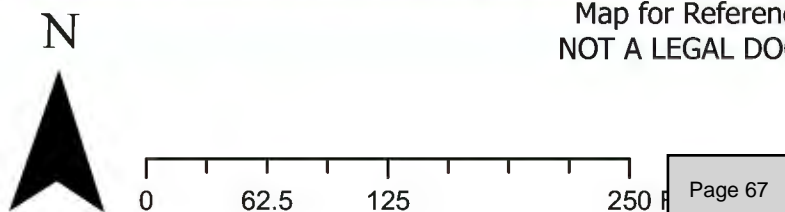


**Transfer of Conditional Use Permits -
Guide Service (PZ1989-06 Amended), Bed &
Breakfast (PZ1995-01), and Lodging (PZ2003-42)
1535 Angler Drive (KPB Parcel ID: 04939019)**



Date Printed: 5/25/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Transfer of Conditional Use Permit Application

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

TRANSFEROR

Current CUP Holder (Transferor):	Ross & Angelia Harding		
Mailing Address:	1535 Angler Drive		
City:	Kenai	State:	AK
Zip Code:	99611		
Phone Number(s):	907-394-1093		
Email:	kharding1431@gmail.com		

TRANSFeree

Proposed New CUP Holder (Transferee):	Brittany Harding		
Mailing Address:	1535 Angler Drive		
City:	Kenai	State:	AK
Zip Code:	99611		
Phone Number(s):	907-394-1099		
Email:	riddlesfishing@gmail.com		

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04939019
Physical Address:	1535 Angler Drive, Kenai, Alaska 99611
Legal Description:	TSNR 11W Sec 11 Seward Meridian KN0770116 Angler Acres
Zoning:	Rural Residential
Current CUP Resolution #:	PZ1989-06 (Guide Service) and PZ1995-01 (Bed & Breakfast)
Allowed Use by Current CUP:	Guided fishing and lodging

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

Signature:		Date:	4/25/24
Print Name:	Brittany Harding	Title/Business:	Owner - Riddle's Fishing Lodge LLC

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

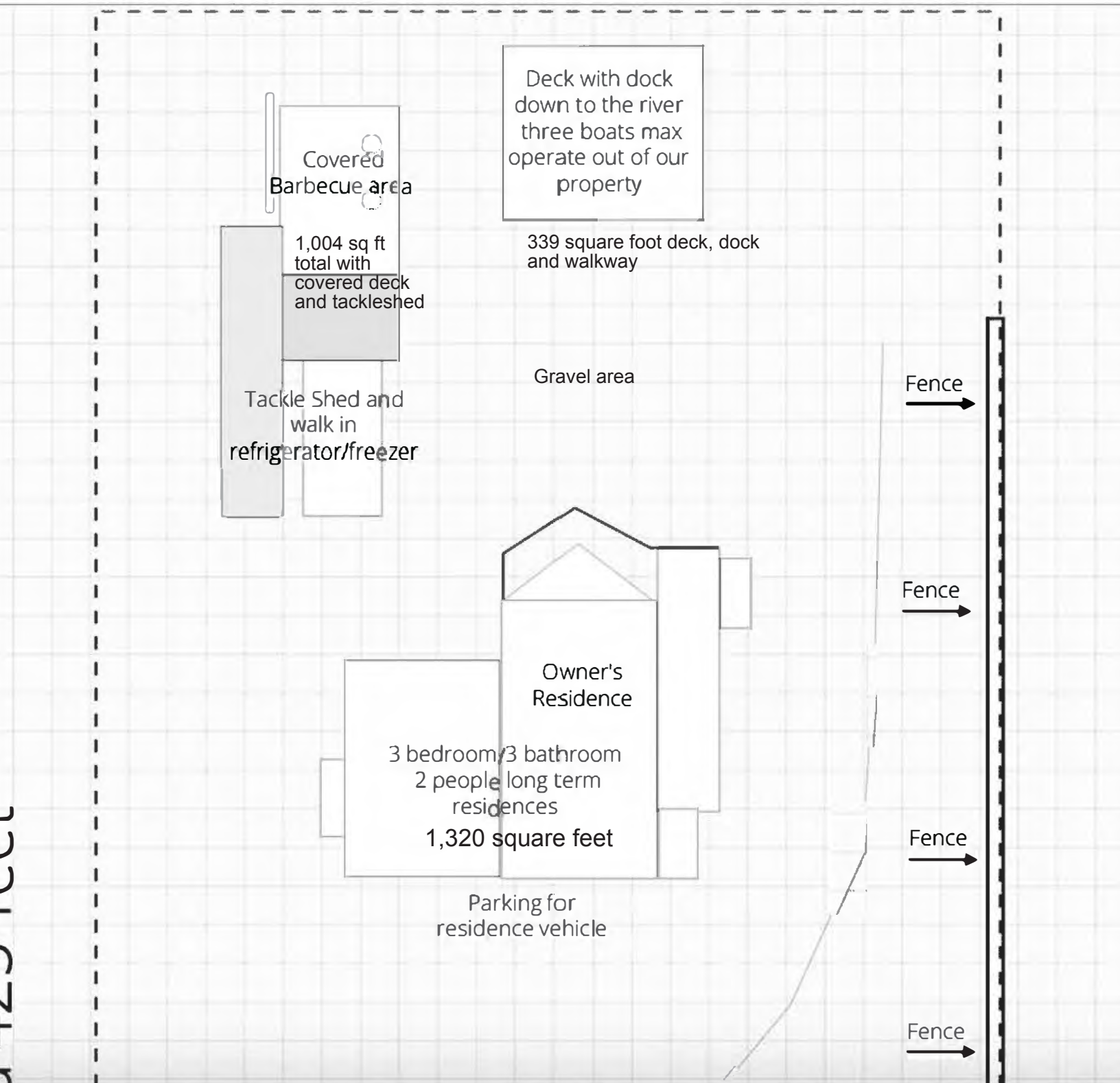
Signature:		Date:	4/25/24
Print Name:	Angelia Harding	Title/Business:	

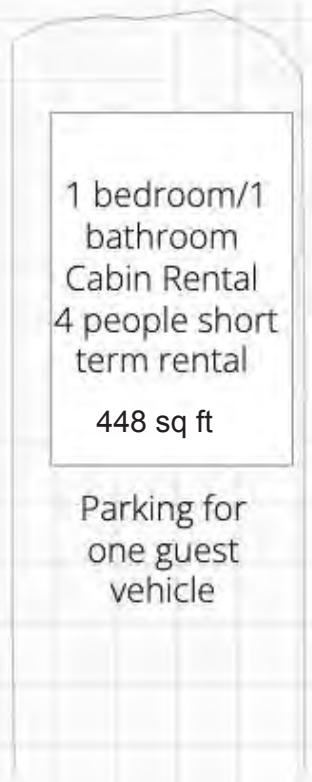
For City Use Only

Date Application Fee Received:
PZ Resolution Number:

Kenai River

Riverfront 102 feet wide





Gravel driveway



Fence →

Fence →

Gravel driveway

Gravel driveway

Parking for residence vehicles and boats



Parking for residence and guest vehicles

CITY OF KENAI
PLANNING & ZONING COMMISSION

RESOLUTION NO. 89-6 Amended

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
~~(GRANTING)~~ (DENYING) A REQUEST FOR A CONDITIONAL USE PERMIT AS
AUTHORIZED BY 14.20.150 OF THE KENAI ZONING CODE FOR

Charter Service
located Lot 29, Anglers Area
by Steve & Donna Lidd

WHEREAS, the Commission finds:

1. That an application meeting the requirements of Sec. 14.20.150(c-1) has been submitted and received on 7/28/89
2. That this request is located on land zoned RR
3. That the proposed use is (permitted)(not permitted)(not addressed) as a Conditional Use in this zone as specified in the Kenai Zoning Code Land Use Table.
4. That the applicant has demonstrated with plans and other documents that he can and will meet the following specific requirements and conditions as set forth in Sec. 14.20.150(b-1):

[i]

See Staff Report

[ii]

5. That a duly advertised public hearing as required by Sec 14.20.280 was conducted by the Commission on August 9, 1989.
6. That the following additional facts have been found to exist:
No more than three boats in operation at any one time.

CONDITIONAL USE PERMIT
Page 1 of 2

NOW, THEREFORE, BE IT RESOLVED, by the Planning and Zoning Commission of the City of Kenai that the applicant (has) ~~(has not)~~ demonstrated that the the proposed development meets the conditions required for said proposal and therefore the Commission (does) ~~(does not)~~ authorize the administrative official to issue the appropriate permit.

PASSED by the Planning and Zoning Commission of the City of Kenai, Alaska, this ninth day of August 19 89.

Patricia A. Nault
CHAIRMAN

ATTEST:

Janet A. Loper
Janet A. Loper, Planning Secretary

CONDITIONAL USE PERMIT

8/88

CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ 95-1
**CONDITIONAL USE PERMIT
BED & BREAKFAST**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **(GRANTING)** ~~(DENYING)~~ A REQUEST FOR A CONDITIONAL USE PERMIT FOR Steve & Donna Riddle USE Bed & Breakfast LOCATED Block 1, Lot 29 Angler's Acres

WHEREAS, the Commission finds:

- 1) That an application meeting the requirements of Section 14.20.150 has been submitted and received on: _____
- 2) This request is on land zoned Rural Residential
- 3) That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements and conditions in addition to existing requirements:
Contingent upon verification that a valid waste water discharge permit be obtained from DEC.
- 4) That upon approval of this permit the applicant will register with the City of Kenai Finance Department for the Hotel/Motel Bed Tax.
- 5) That a duly advertised public hearing as required by KMC 14.20.280 was conducted by the Commission on: January 11, 1995

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE APPLICANT **(HAS)** ~~(HAS NOT)~~ DEMONSTRATED THAT THE PROPOSED B&B MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION **(DOES)** ~~(DOES NOT)~~ AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, January 11, 1995.


ATTEST: Planning Secretary


CHAIRPERSON

CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ03-42 (PZ95-01 & PZ89-06)
TRANSFER OF CONDITIONAL USE PERMIT
BED & BREAKFAST, LODGE & GUIDE SERVICE

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI GRANTING THE TRANSFER OF A CONDITIONAL USE PERMIT FOR BED & BREAKFAST, LODGE & GUIDE SERVICE AS AUTHORIZED BY 14.20.158 OF THE KENAI ZONING CODE FROM:

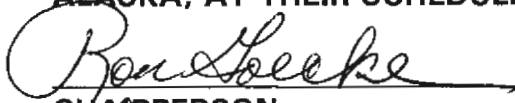
STEVE AND DONNA RIDDLE TO ROSS & ANGELIA HARDING FOR THE
PROPERTY KNOWN AS LOT 29, BLOCK 1, ANGLER ACRES, PART TWO (1535
ANGLER DRIVE), KENAI, ALASKA

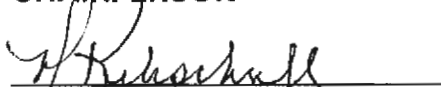
WHEREAS, the Commission finds:

1. That a Conditional Use Permit was granted to Steve & Donna Riddle in 1989 and amended on January 11, 1995.
2. That KMC 14.20.150 (i)(4) requires that a written request for transfer be submitted.
3. That Ross and Angelia Harding purchased the property from Steve & Donna Riddle.
4. That the transfer requires that the permit continue operation under conditions originally outlined.
5. A request to transfer the permit was received on September 5, 2003.
6. Applicant must comply with all Federal, State, and local regulations.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE CONDITIONAL USE PERMIT FOR STEVE AND DONNA RIDDLE FOR BED & BREAKFAST, LODGE & GUIDE SERVICE TO ROSS AND ANGELIA HARDING.

**PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI,
ALASKA, AT THEIR SCHEDULED MEETING SEPTEMBER 24, 2003.**


CHAIRPERSON


ATTEST



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Monday, May 13, 2024

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.

[KPB-5996](#) April 22, 2024 PC Meeting Minutes

Attachments: [C7. 042424 PC Meeting Minutes](#)

1. Time Extension Request - NONE
2. Planning Commission Resolutions - NONE
3. Plats Granted Administrative Approval - NONE
4. Plats Granted Final Approval (KPB 20.10.040) - NONE
5. Plat Amendment Request - NONE
6. Commissioner Excused Absences

Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District

7. Minutes

[KPB-5996](#) April 22, 2024 PC Meeting Minutes

Attachments: [C7. 042424 PC Meeting Minutes](#)

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

1. [KPB-5997](#) Utility Easement Vacation; KPB File 2023-112V
McLane Consulting / Roberts, Presley
Request: vacates an approximate 3000' utility easement granted by
South Bluff Estates KN 2002-42
Kalifornsky Area

Attachments: [E1. UEV_South Bluff Estates_Packet](#)

2. [KPB-5998](#) Right-Of-Way Vacation; KPB File 2024-036V
Seabright Surveying / Huyck, Dixon
Request: vacates the northern 18,261' & southern 3121' portions of Fritz Creek Valley Drive and re-dedicates the right-of-way along the existing road.
Fritz Creek Area / Kachemak APC

 Attachments: [E2. ROWV Fritz Creek Valley Dr. Packet](#)
3. [KPB-5999](#) Right-Of-Way Vacation; KPB File 2024-039V
Johnson Surveying / Wiley
Request: vacates the entire Circe Lane Right-of-Way
Cohoe Area

 Attachments: [E3. ROWV Circe Lane Packet](#)
4. [KPB-6000](#) Resolution 2024-XX: Authorizing the mayor to enter into a lease agreement with the USDA Forest Service for the Cooper Mountain communications site to support emergency management communication equipment.

 Attachments: [E4. RES 2024-XX USDA Forest Service Lease](#)
5. [KPB-6001](#) Resolution 2024-XX: Authorizing the mayor to enter into a memorandum of agreement with Homer Electric Association, Inc. to provide efficient danger tree removal adjacent to above ground utility infrastructure within KPB lands and KPB road rights-of-way.

 Attachments: [E5. RES 2024-XX HEA](#)

F. PLAT COMMITTEE REPORT

G. OTHER

1. Kenai River Center Report

[KPB-6024](#) Anadromous Waters Habitat Protection Annual Review

Attachments: [G1. Anadromous Water HPD Review](#)

2. Reminder – Due to the Memorial Day Holiday (5/27/24) the next Planning Commission meeting will be held Tuesday, May 28, 2024

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS**J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED**

[KPB-6025](#) Advisory Planning Commission Meeting Minutes

Attachments: [Misc Info](#) [APC Minutes](#)

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Tuesday, May 28, 2024 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.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Plat Committee

Monday, May 13, 2024

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-5986](#) April 22, 2024 Plat Committee Meeting Minutes

Attachments: [C3. 042224 Plat Minutes](#)

4. Grouped Plats

[KPB-5987](#) E1. Diamond View Estates 2024; KPB File 2024-040
E2. Glacier View Subdivision No. 28; KPB File 2024-041
E3. Nowag Tract Sigler Addition; KPB File 2024-043
E4. Moose Range Meadows 2024 Addition; KPB File 2024-045
E6. Nikiski North Subdivision Dyer Addition; KPB File 2024-034
E7. Marvel Manor Subdivision Phase 6; KPB File 2024-035
E8. Detling Homestead No. 3; KPB File 2024-047

Attachments: [C4. Grouped Plats](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5988](#) Diamond View Estates 2024; KPB File 2024-040
Geovera, LLC / Sookraj
Location: Diamond Ridge Road & Volcano View Court
Diamond Ridge Area / Kachemak Bay APC

Attachments: [E1. Diamond View Estates 2024 Packet](#)

2. [KPB-5989](#) Glacier View Subdivision No. 28; KPB File 2024-041
Peninsula Land Surveys / Miller
Location: Klondike Avenue
City of Homer

Attachments: [E2. Glacier View Sub. No. 28 Packet](#)

3. [KPB-5990](#) Nowag Tract Sigler Addition; KPB File 2024-043
Peninsula Surveying, LLC / Sigler
Location: East End Road
Fritz Creek Area / Kachemak Bay APC

Attachments: [E3. Nowag Tracts Sigler Addn Packet](#)

4. [KPB-5991](#) Moose Range Meadows 2024 Addition; KPB File 2024-045
Edge Survey & Design, LLC / Frawner
Location: Keystone Drive
Sterling Area

Attachments: [E4. Moose Range Meadows 2024 Addn Packet](#)
5. [KPB-5992](#) Gruber Subdivision Ames Addition; KPB File 2024-046
Edge Survey & Design, LLC / Ames
Location: Stubblefield Drive
Kalifornsky Area

Attachments: [E5. Gruber Sub. Ames Addn Packet](#)
6. [KPB-5993](#) Nikiski North Subdivision Dyer Addition; KPB File 2024-034
Segesser Surveys / Dyer
Location: Hinson Avenue & Bohlin Street
Nikiski Area / Nikiski APC

Attachments: [E6. Nikiski North Sub. Dyer Addn Packet](#)
7. [KPB-5994](#) Marvel Manor Subdivision Phase 6; KPB File 2024-035
Segesser Surveys / Stone, Hanson, Moline
Location: High Point Avenue off Robinson Loop Road
Sterling Area

Attachments: [E7. Marvel Manor Sub Phase 6 Packet](#)
8. [KPB-5995](#) Detling Homestead No. 3; KPB File 2024-047
Johnson Surveying / Gebhart
Location: Cohoe Loop Road, Denise Street, Detling Avenue & Marie Street
Cohoe Area

Attachments: [E8. Detling Homestead No. 3 Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Tuesday, May 28, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 6:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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e-mail address: planning@kpb.us

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

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

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



Kenai City Council - Regular Meeting

May 15, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

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

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3412-2024** - Accepting and Appropriating Grant Funds from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3413-2024** - Increasing Estimated Revenues and Appropriations in the General Fund - Police Department and Accepting a Grant from the US Department of Transportation Passed through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3414-2024** - Repealing Kenai Municipal Code Sections 13.10.010(a)(2) - Miscellaneous Offenses, 13.10.020 - Loitering and Sleeping on the Streets, Schools, and 13.10.030 - Curfew, to Remove Certain City Prohibitions Regarding Begging, Loitering and Sleeping, and Curfews in the City that are Not Enforceable as Specifically Written in Code. (Administration)
4. **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3415-2024** - Authorizing a Donation of Surplus Sand from the Kenai Municipal Airport to the Triumvirate Theatre for the Construction of a New Theatre. (Administration)
5. **AMENDED BY SUBSTITUTE. Ordinance No. 3416-2024** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing

Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning And Zoning Commission - Qualifications and Membership, and Approving Amendments to The Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)

- **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3416-2024 Substitute** - Repealing, Reenacting and Renaming Kenai Municipal Code Chapter 1.90 - Standard Procedures for Boards, Commissions and Committees, Enacting Chapter 1.95 - Standing Advisory Commissions, Repealing Chapters 11.10 - Harbor Commission, Chapter 19.05 Parks and Recreation Commission, Chapter 21.20 Airport Commission, Enacting Section 14.05.050 - Planning and Zoning Commission - Qualifications and Membership, and Approving Amendments to the Council on Aging Commission's By-Laws to Organize Streamline, and Improve the Efficiency of the City's Standing Commissions. (City Clerk)
- 6. **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3417-2024** - Increasing Estimated Revenues and Appropriations by \$12,600 in the General Fund for the Purchase of Approximately 7.8 Acres of Real Property Described as Tract B, Kenai Bluff Stabilization Subdivision from David W. Salter to be Retained by the City for a Public Purpose and Determining that the Public Interest will not be Served by an Appraisal. (Administration)
- 7. **ADOPTED WITHOUT OBJECTION. 2024-16** - Authorizing a Budget Transfer within the Water and Sewer Capital Project Fund for Lift Station Renovation Projects. (Administration)
- 8. **REFERRED TO THE PLANNING & ZONING COMMISSION, 2ND PUBLIC HEARING 6/5/2024. Resolution No. 2024-17** - Renaming Cook Inlet View Drive to Cook Inlet Drive. (Sounart)
- 9. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-18** - Accepting an Airport Improvement Program Grant from the Federal Aviation Administration for an Eco-Cart. (Administration)

F. MINUTES

1. *Regular Meeting of May 1, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Second Extension to the Agreement with Redline Sports for Management Services at the Kenai Multi-Purpose Facility. (Administration)
4. ***Ordinance No. 3418-2024** - Adopting the Annual Budget, Salary Schedule and Employee Classification Plan for the Fiscal Year Commencing July 1, 2024 and Ending June 30, 2025 and Committing \$4,499,039 of General Fund, Fund Balance for Future Capital Improvements. (Administration)
5. ***Ordinance No. 3419-2024** - Amending Sections of Kenai Municipal Code Title 23 - Personnel Regulations, Sections 23.05.070 - Definitions, 23.25.070 - Acting Positions, 23.30.030 - Probationary Period for Employees in the Classified Service, 23.30.110 - Travel Expense, 23.40.040 - Terminal Leave, 23.55.020 - Compensation Structure by Grade for Employees in

the Classified Service, 23.55.030 - Qualification Pay, and 23.55.080 - Longevity Pay for Employees in the Classified Service, to Ensure Appropriate Compensation and Benefits to City Employees Comparable to Other Places of Public Employment Improving Recruitment and Retention of Qualified Employees. (Administration)

6. ***Ordinance No. 3420-2024** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund and Awarding a Construction Agreement and Corresponding Purchase Order for the 2024 Lilac Lane Roadway Improvement Project. (Administration)
7. **APPROVED WITHOUT OBJECTION. Action/Approval** - Council on Aging 2024 Work Plan. (City Clerk)
8. **QUESTION DIVIDED. Action/Approval** - Parks and Recreation Commission 2024 Work Plan. (City Clerk) *[Objectives 1,3 & 4 Approved; Objective 2 Failed to Approve.]*

I. COMMISSION / COMMITTEE REPORTS

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

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

1. Bishops Attic Donation Letter

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.

Registration is required to join the meeting remotely through Zoom. Please use the link below to register: <https://us02web.zoom.us/join/register/tZYldu6qrD4iE9MPswnxWF153CpQTJzjWLEo>