



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

June 09, 2021 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

****Telephonic Participation Info Page 2****

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *May 26, 2021

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 PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603
2. **Resolution PZ2021-23** – Preliminary Subdivision Plat of Triple C Subdivision, submitted by Ability Surveys, 152 Dehel Ave., Homer, AK 99603, on behalf of Mark Holmes, 4493 Lakewood Blvd., Naples, FL 34112

F. PUBLIC HEARINGS

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base
2. **Action/Approval** - Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 23, 2021

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84232531392>

Meeting ID: 842 3253 1392

Passcode: 909445

Dial 12532158782

Dial 13462487799

Meeting ID: 842 3253 1392

Passcode: 909445

File Attachments for Item:

1. *May 26, 2021

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 26, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Chair Twait called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of the Allegiance.

2. Roll Call

Commissioners present: J. Twait, J. Halstead, G. Greenberg, A. Douthit, R. Springer

Commissioners absent: D. Fikes, G. Woodard

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as presented and Commissioner Douthit **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

5. *Excused absences – G. Woodard

B. APPROVAL OF MINUTES

1. *May 12, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2021-11** – Preliminary Subdivision Plat of Valhalla Heights 2021 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Jeremiah and Jennifer Cates, 415 Phillips Drive, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-11 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to remove the lot line between Lot 10A and Lot 12 to create a new Lot 10B Block 11, which will provide a greater wastewater disposal area for the property.

Approval of the plat was recommended, subject to the following conditions:

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

VOTE:

YEA: Springer, Halstead, Douthit, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2021-17** – Preliminary Subdivision Plat of Tide View Subdivision #2, submitted by Johnson Surveying, P.O. Box 27, Clam Gulch, AK 99568, on behalf of Mack and Carol Padgett, 855 Ames Rd., Kenai, AK 99611 and Ken and Elizabeth Smith, 4342 Freeman Creek Rd., Lenore, ID 83541

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-17 and Commissioner Springer **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to move the property line between two lots, and with the adjustment of the lot line, an existing 10'x12' cabin on Lot 1A will need to be moved in order to meet the 15 foot side

setback requirement.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.
3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend Resolution No. PZ2021-17 by changing the Resolution Number to 2021-18 and Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Douthit, Greenberg, Twait, Springer
NAY:

MOTION PASSED UNANIMOUSLY.

Clarification was provided that the applicant intends to move the cabin, but submitting an application for a waiver on the encroachment is also an option.

VOTE ON MAIN MOTION:

YEA: Greenberg, Twait Springer, Halstead, Douthit
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Resolution PZ2021-20** - Preliminary Subdivision Plat of TKC2 Subdivision, submitted by Segesser Surveys, 30485 Rosaland Street, Soldotna, AK 99669, on behalf of TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-20 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the Byler Contracting, on behalf of the applicant, has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Commission during tonight's meeting. The plat will subdivide the 2.5 acre Government Lot 26, into two smaller lots.

Approval of the plat was recommended, subject to the following conditions:

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

Clarification was provided that each parcel would be connecting sewer and water from Haller Street.

VOTE:

YEA: Twait, Springer, Halstead, Douthit, Greenberg

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-22 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster noted that staff recommends postponing Resolution No. PZ2021-22 until the next scheduled Planning & Zoning Commission meeting of June 9, 2021.

MOTION TO POSTPONE:

Commissioner Halstead **MOVED** to postpone Resolution No. PZ2021-22 until the Planning & Zoning Commission meeting of June 9, 2021 and Commissioner Douthit **SECONDED** the motion.

VOTE ON POSTPONEMENT:

YEA: Springer, Halstead, Douthit, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-19** – Application for a Conditional Use Permit for eight single family dwellings in the Suburban Residential zone, on Government Lot 26, Section 31, Township 6 North, Range 11 West, and located at 1714 Fourth Avenue. The application was submitted by Byler Contracting, P.O. Box 877750, Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-19 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for the purposes of constructing 8

single-family dwelling units. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.\
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
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.

Chair Twait opened for public hearing.

Wayne Jones expressed concerns about the development such as the effect on neighboring property values, the organization's non-local base, the potential loss of wooded spaces in the neighborhood, and increased traffic.

Fred Braun spoke in favor of the development, and clarified that the developer is an Alaskan resident. He explained his reasons for supporting the resolution, including the lack of rentals available in the area and the tax dollars it will provide to the City.

Star McCloud stated her opposition to the development, expressing concerns about the wildlife that can be found on the property, the addition of new driveways, and negative effects on neighboring property values. She encouraged the Commission to visit the neighborhood to see for themselves.

Sharon Shinn stated that she shared her neighbors' opposition to the development and their concerns about increased traffic, effect on wildlife, and negative effects on neighboring property values.

Rob Coreson clarified that Byler Contracting builds all over the state, and noted the quality and cleanliness of the projects they've completed locally. He explained the size and layout of the proposed units.

Wayne Jones noted that a number of homes in the area are rentals. He questioned the zoning classification of "medium density" for the residential area, and the length of time after planting for vegetation to hide the development.

Fred Braun explained that they intend to rent to professional people and this will not be low-income housing.

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

It was noted that no negative reports or complaints have been received regarding the organization's other similar project.

Commissioner Springer explained he will vote yes on this resolution, because once the plat is approved there would be no need to have a Conditional Use Permit for this, and would only need to receive a Building Permit for two four-plexes.

Clarification was provided that the applicant is required to plant a screen of trees as part of their landscape plan in order to receive approval.

Commissioner Douthit explained he will be voting yes, because he sees no difference in terms of density between this plan and the possibility for another contractor to create eight individual lots and create the same number of residences. He explained that the size of the proposed residences are average and not inadequately sized, and a growing community will naturally result in less green space. He also noted that the driveway plans meet City code.

Chair Twait explained he is in favor of the resolution, because it meets the criteria. He noted that he understands the public's concerns, but that the applicant can't be penalized because neighbors want to preserve the property as a green space. He noted that he does not expect neighboring property values to be harmed by this development.

Commissioner Greenberg explained that he will vote to approve the resolution, because the property is private ownership and we can't mandate that it remain green space. He noted that the landscape plan requirement to plant a screen of trees will provide a good buffer to maintain visual integrity.

Commissioner Halstead explained that he agrees with the other commissioners and will vote to approve the resolution, because the Conditional Use Permit application meets our requirements and it follows the City code, and he anticipates this being a well-maintained project.

VOTE:

YEA: Halstead, Douthit, Greenberg, Twait, Springer

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Glendening reported on the actions from the May 19, 2021 City Council meeting, and upcoming local events.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - Updated Airport Lease Lands brochure;
 - Upcoming meeting on June 9, 2021 is anticipated to include two Special Use Permits and two plats.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments
2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 9, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Halstead thanked everyone and noted his appreciation for the Airport Lands brochure.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

File Attachments for Item:

1. Resolution PZ2021-22 – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-22**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KENAI LANDING SUBDIVISION 2021 ADDITION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design; and,

WHEREAS, the plat meets Municipal Code requirements of the Heavy Industrial (IH) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the preliminary plat is provided via Cannery Road, which is a paved Kenai Peninsula Borough maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. The preliminary plat requests exceptions to the requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations and to the Kenai Peninsula Borough Subdivision Code.
2. The Kenai Peninsula Borough has platting authority in the City of Kenai, Staff recommends that the discussion and determination of the requested exceptions be executed through the KPB platting process. Staff members with the City of Kenai would be available for any future discussions on the topic of exceptions.

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

Section 1. That the preliminary plat of KENAI LANDING SUBDIVISION 2021 ADDITION be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be

improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.

3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 3, 2021
SUBJECT: PZ2021-22 – Preliminary Plat – Kenai Landing Subdivision 2021 Addition

Applicant: Kenai Landing, Inc.
4786 Homer Spit Road
Homer, AK 99603

PRL Logistics, Inc.
PO Box 222029
Anchorage, AK 99522

Submitted By: Edge Survey and Design
PO Box 208
Kasilof, AK 99610

Requested Action: Preliminary Subdivision Plat – Kenai Landing Subdivision 2021 Addition

Legal Description: T 5N R 11W SEC 8 & 17 SEWARD MERIDIAN KN 2005029 KENAI LANDING COTTAGES SUB Tract A

T 5N R 11W SEC 8 SEWARD MERIDIAN KN 2005029 KENAI LANDING COTTAGES SUB LOT 1

T 05N R 11W SEC 17 SEWARD MERIDIAN KN 2015029 KENAI RIVER SHORES SUB TRACT 1

Property Address: 2101 Bowpicker Ln, 2291 Bowpicker Ln, 2301 Bowpicker Ln

KPB Parcel No: 04910123, 04910124, 04910125

Lot Size: Approximately 49 Acres (2,134,440 sf), 6.64 acres (289,238 sf), 10.6 acres (461,736 sf)

Existing Zoning: Heavy Industrial
Current Land Use: Commercial Condominium
Land Use Plan: Heavy Industrial

GENERAL INFORMATION

Edge Survey and Design has submitted a preliminary plat on behalf of the property owners, Kenai Landing, Inc. and PRL Logistics, Inc. The plat affects the parcel described as T 5N R 11W SEC 8 & 17 SEWARD MERIDIAN KN 2005029 Kenai Landing Cottages Sub Tract A, T 5N R 11W SEC 8 SEWARD MERIDIAN KN 2005029 KENAI LANDING COTTAGES SUB LOT 1, T 05N R 11W SEC 17 SEWARD MERIDIAN KN 2015029 KENAI RIVER SHORES SUB TRACT 1. A Conditional Use Permit for a Planned Unit Residential Development (PUD) was recently issued for 2101 Bowpicker Lane in May of 2021. This plat will allow for the construction of Phase A of the PUD for 60 residential units.

Application, Public Notice, Public Comment

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

The property owners completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of June 4, 2021.

ANALYSIS

Access to the preliminary plat is provided via Cannery Road, which is a paved Kenai Peninsula Borough maintained road.

City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.

The preliminary plat requests exceptions to the requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations* and to the Kenai Peninsula Borough Subdivision Code (see Attachment C). These requested exceptions regard requirements for wastewater, access, and design standards. Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other



infrastructure improvements will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required. The applicant will also provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.

Since the Kenai Peninsula Borough has platting authority in the City of Kenai, Staff recommends that the discussion and determination of the requested exceptions be executed through the KPB platting process. Staff members with the City of Kenai would be available for any future discussions on the topic of exceptions.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Kenai Landing Subdivision 2021 Addition, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.



ATTACHMENTS

1. Resolution No. PZ2021-22
2. Application
3. Preliminary Plat
4. Requested KPB Subdivision Code Exceptions
5. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-22**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KENAI LANDING SUBDIVISION 2021 ADDITION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design; and,

WHEREAS, the plat meets Municipal Code requirements of the Heavy Industrial (IH) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the preliminary plat is provided via Cannery Road, which is a paved Kenai Peninsula Borough maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. The preliminary plat requests exceptions to the requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations and to the Kenai Peninsula Borough Subdivision Code.
2. The Kenai Peninsula Borough has platting authority in the City of Kenai, Staff recommends that the discussion and determination of the requested exceptions be executed through the KPB platting process. Staff members with the City of Kenai would be available for any future discussions on the topic of exceptions.

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

Section 1. That the preliminary plat of KENAI LANDING SUBDIVISION 2021 ADDITION be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be

improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.

3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ MMC, CITY CLERK



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

Name: Edge Survey and Design

Mailing Address: PO Box 208 City: Kasilof State: AK Zip Code: 99610

Phone Number(s): 907-283-9047

Email: jason@edgesurvey.net

PROPERTY OWNER

Name: Kenai Landing Inc. - John Faulkner

Mailing Address: 4786 Homer Spit Rd. City: Homer State: AK Zip Code: 99603

Phone Number(s):

Email: landsendjdf@gmail.com

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #: 04910123

Current City Zoning: Heavy Industrial

Use: Residential Recreational Commercial
 Other:

Water: On Site City Community

Sewer: On Site City Community

PLAT INFORMATION

Preliminary Plat Name: Kenai Landing 2021 Addition

Revised Preliminary Plat Name:

Vacation of Public Right-of-Way: Yes No

Street Name (if vacating ROW): N/A

Exceptions Required and Requested:

Please see attachment

Comments:

REQUIRED ATTACHMENTS

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

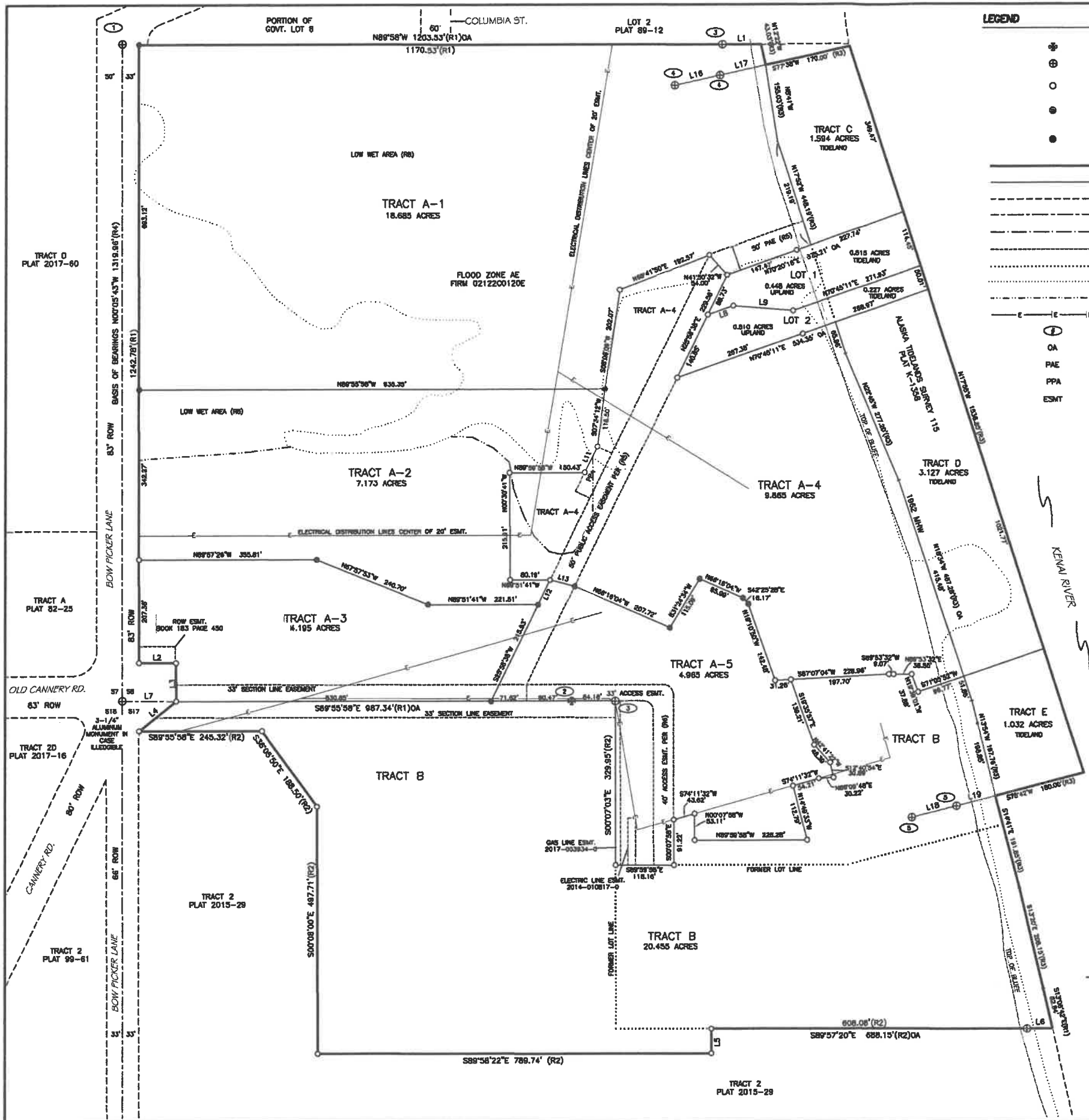
SIGNATURE

Signature: *John Faulkner* Date: 4/14/21

Print Name: John Faulkner Title/Business: Kenai Landing Inc.

Row HYDS

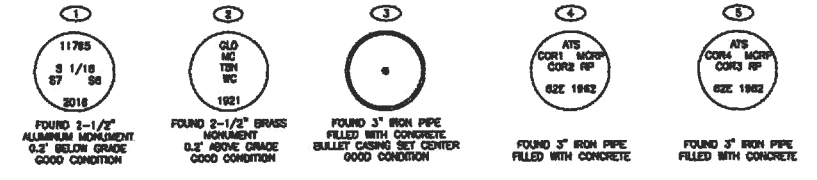
FRES PRL



LEGEND

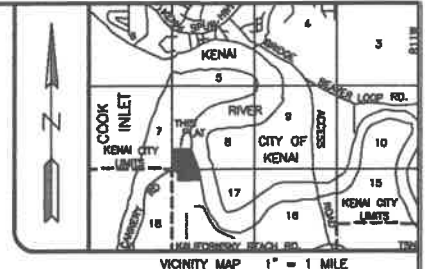
- ⊕ FOUND BLM MONUMENT AS REFERENCED
- ⊕ FOUND PRIMARY MONUMENT AS REFERENCED
- FOUND PROPERTY CORNER REBAR
- FOUND PROPERTY CORNER PLASTIC CAP STAMPED LS-11785
- SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2021
- SUBMISSION BOUNDARY
- - - INTERIOR LOT LINE
- - - ADJACENT PROPERTY LINE
- - - CENTERLINE RIGHT OF WAY
- - - 20 FOOT BUILDING SETBACK
- - - EASEMENT
- - - FORMER LOT LINE
- - - FLOOD ZONES
- - - LOW WET AREA
- - - OVERHEAD ELECTRIC LINES
- - - MONUMENT REFERENCE NUMBER
- - - OVERALL
- - - PUBLIC ACCESS EASEMENT
- - - PUBLIC PARKING AREA
- - - EASEMENT

MONUMENT SUMMARY



REFERENCES

- (R1) KENAI LANDING COTTAGES SUBD., PLAT 2005-29, KENAI RECORDING DISTRICT
- (R2) KENAI RIVER SHORE SUBDIVISION, PLAT 2015-29, KENAI RECORDING DISTRICT
- (R3) ALASKA TIDELANDS SURVEY NO. 115, PLAT K-1358, KENAI RECORDING DISTRICT
- (R4) DRAGSETH SUBDIVISION, PLAT 2017-60, KENAI RECORDING DISTRICT
- (R5) ACCESS EASEMENT RECORDED AUGUST 8, 2013 UNDER SERIAL NUMBER 2013-007373-0 KENAI RECORDING DISTRICT
- (R6) ACCESS AND UTILITY EASEMENT RECORDED MAY 23, 2013 UNDER SERIAL NUMBER 2013-004871-0 KENAI RECORDING DISTRICT
- (R7) CONDOMINIUM PLAT OF KENAI LANDING COMMERCIAL CONDOMINIUMS PHASES 7
- (R8) KENAI WATERSHED FORUM WETLANDS ASSESSMENT



PRELIMINARY PLAT

KPB FILE No. 2021-0000

KENAI LANDING SUBDIVISION 2021 ADDITION

A SUBDIVISION OF TRACT A AND LOT 1 PLAT 2005-29, TRACT 1 PLAT 2015-29

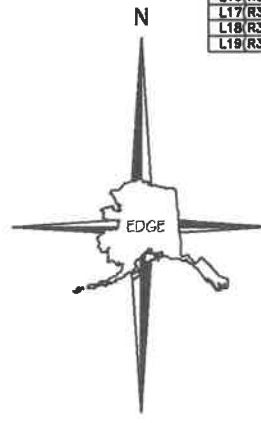
OWNERS: PRL LOGISTICS INC. PO BOX 222029 ANCHORAGE, ALASKA 99522

KENAI LANDING INC. 4786 HOMER SPIT ROAD HOMER, ALASKA 99603

LOCATED WITHIN NW 1/4 SECTION 17, WITHIN SW 1/4 SECTION 8, T.5N., R.11W., S.4M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI CONTAINING 72.791 ACRES

LINE TABLE

LINE	BEARING	DISTANCE
L1(R1)	S89°58'58"E	76.13'
L2(R1)	N89°58'59"W	74.81'
L3(R1)	S00°07'58"E	77.00'
L4(R2)	N51°08'38"E	95.43'
L5(R2)	S00°01'38"W	49.65'
L6(R2)	S88°57'20"E	82.07'
L7	N89°56'31"W	107.36'
L8	N70°45'11"E	54.72'
L9	N84°55'40"W	119.48'
L11	S25°58'40"W	57.67'
L12	S25°58'38"W	54.95'
L13	N73°21'37"W	81.00'
L16(R3)	S77°38'02"W	83.97'
L17(R3)	N77°38'02"E	83.97'
L18(R3)	S73°35'53"W	82.48'
L19(R3)	S73°35'53"W	80.48'



EDGE SURVEY AND DESIGN, LLC
 12501 OLD SEWARD, D ANCHORAGE, AK 99515
 Phone (907) 344-5990 Fax (907) 344-7794
 AECL# 1392

DRAWN BY: JY	DATE: 5/12/2021	PROJECT: 21-923
CHECKED BY: MA	SCALE: 1" = 100'	SHEET: 1 OF 2

NOTES

- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- THE FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, 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.
- BEARINGS ARE BASED ON THE PLAT OF DRAGSETH SUBDIVISION, FILED AS PLAT NO. 2017-60 IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY ARE PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH SEWARD MAPPED FLOOD DATA AREA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS PROPERTY IS IN ZONE AE, AN AREA SUBJECT TO 1% ANNUAL CHANCE FLOOD; FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP NO. 02122C0120E BEARING AN EFFECTIVE DATE OF OCTOBER 20, 2018 WAS USED TO DETERMINE THE FLOOD ZONE. EXACT DESIGNATION CAN BE DETERMINED BY AN ELEVATION CERTIFICATE. APPROXIMATE LIMIT OF TIDAL INUNDATION, SUBJECT TO CHANGE.
- PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY. PURSUANT TO KPB CHAPTER 21.08, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCRoACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
- NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
- TRACT A-3 & TRACT B ARE SUBJECT TO A ROAD RESERVATION OF 33 FEET ALONG EACH SIDE OF SECTION LINE AS CREATED BY A.S. 19.10.010.
- 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 THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- THIS PROPERTY IS SUBJECT TO THE RESERVATIONS & EXCEPTIONS AS CONTAINED IN U.S. PATENT AND/OR ACTS AUTHORIZING THE ISSUANCE THEREOF.
- THIS PROPERTY IS SUBJECT TO A RIGHT OF ENTRY RECORDED JUNNE 22, 2011 UNDER SERIAL NUMBER 2011-009827-0 AND AMENDED OCTOBER 17, 2011 UNDER SERIAL NO. 2011-009808-0. STIPULATION TO RIGHT OF ENTRY RECORDED MAY 31, 201 UNDER SERIAL NO. 2012-005105-0.
- PORTIONS OF THIS PROPERTY IS SUBJECT TO A GAS STORAGE LEASE GRANTED TO COOK INLET NATURAL GAS STORAGE ALASKA, LLC RECORDED AUGUST 8, 2011 RECORDED UNDER SERIAL NO. 2011-007435-0 AND GAS STORAGE DEED RECORDED AUGUST 17, 2011 UNDER SERIAL NO. 2011-007701-0 AND 2011-007702-0.
- THIS PROPERTY IS SUBJECT TO THE RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS AS DEFINED BY INSTRUMENT RECORDED OCTOBER 15, 2014 UNDER SERIAL NO. 2014-006763-0.
- THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 21.44.080.
- THIS PROPERTY IS SUBJECT TO A GENERAL ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. WITH NO DEFINED LOCATION, RECORDED JULY 10, 1961 IN BOOK 7 AT PAGE 129 NOT DEPICTED ON THIS PLAT.
- THIS PROPERTY IS SUBJECT TO A 15 FOOT WIDE BY 20 FOOT LONG ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSC., INC. RECORDED AUGUST 28, 2018 UNDER SERIAL NO. 2018-007712-0. SAID EASEMENT DESCRIPTION AND EXHIBIT SHOWN IN THE RECORD DOCUMENT IS AMBIGUOUS IN NATURE AND THEREFORE NOT DEPICTED ON THIS PLAT.
- EXCEPTIONS TO KPB 20.20.200 AND KPB 20.20.030 WERE GRANTED BY THE KPB PLAT COMMITTEE AT THE FEBRUARY 14, 2004 MEETING AS NOTED ON PLAT NO. 2005-29 AND KPB 20.30.030 AND KPB 20.30.170 WAS GRANTED BY THE PLAT COMMITTEE AT THE MARCH 23, 2015 MEETING AS NOTED ON PLAT NO. 2015-29.
- PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH 50' ANADROMOUS HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER KPB CHAPTER 21.18.
- EXCEPTIONS TO KPB 20.40.010-WASTEWATER DISPOSAL, KPB 20.30.170-BLOCK LENGTH, 20.30.210-ACCESS TO STREETS, 20.30.030-STREET LAYOUT, 20.30.200-LOTS MINIMUM SIZE, 20.30.190-LOTS DIMENSIONS AND 20.30.120-STREET WIDTH, WERE GRANTED BY THE KPB PLAT COMMITTEE AT THE JUNE 28, 2021 MEETING.
- WASTEWATER DISPOSAL: TRACTS A-1 THROUGH A-5 AND TRACT B ARE AT LEAST 200,000 SQUARE FEET OR A NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LOTS 1 AND 2: CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THESE TRACTS AS OF THE DATE OF THIS PLAT. IF CIRCUMSTANCES CHANGE TO ALLOW LAWFUL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS, THOSE SYSTEMS MUST MEET THE WASTEWATER DISPOSAL REQUIREMENTS OF KPB CHAPTER 20.40 AND REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENTAL OF ENVIRONMENTAL CONSERVATION.

24. FORMER TRACT A, PLAT 2005-29, SUBJECT TO DECLARATION OF KENAI LANDING CONDOMINIUMS AS LISTED:

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 1 AS IDENTIFIED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NUMBER 2012-004487-0 AND AMENDMENTS THERETO, AND AS SHOWN ON FLOOR PLANS AND AS-BUILT SURVEY FILED UNDER PLAT 2012-14, IN THE RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS, PHASE 2, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2013-67, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS, PHASE 3, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2014-24, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS, PHASE 4, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2014-65, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 5 AS IDENTIFIED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NUMBER 2012-004487-0 AND AMENDMENTS THERETO, AND AS SHOWN ON FLOOR PLANS AND AS-BUILT SURVEY FILED UNDER PLAT 2015-22, IN THE RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS, PHASE 6, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2015-48, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

CERTIFICATE OF OWNERSHIP AND DEDICATION

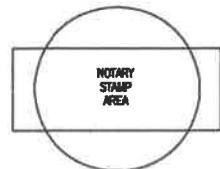
I HEREBY CERTIFY THAT PRL LOGISTICS INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF PRL LOGISTICS INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

RON HYDE, PRESIDENT
PRL LOGISTICS INC.
PO BOX 222029
ANCHORAGE, ALASKA 99522

NOTARY ACKNOWLEDGEMENT

FOR: RON HYDE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE



CERTIFICATE OF OWNERSHIP AND DEDICATION

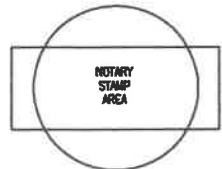
I HEREBY CERTIFY THAT KENAI LANDING INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAI LANDING INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JOHN D. FAULKNER, PRESIDENT
KENAI LANDING INC.
4788 HOMER SPIT ROAD
HOMER, ALASKA 99603

NOTARY ACKNOWLEDGEMENT

FOR: JOHN D. FAULKNER
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2021

NOTARY PUBLIC SIGNATURE



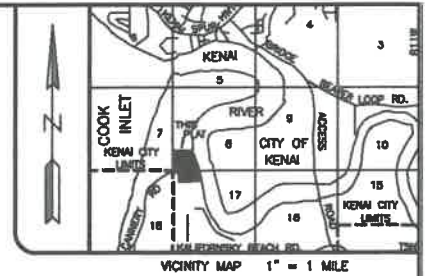
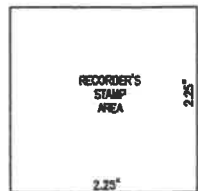
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 28, 2021.
KENAI PENINSULA BOROUGH

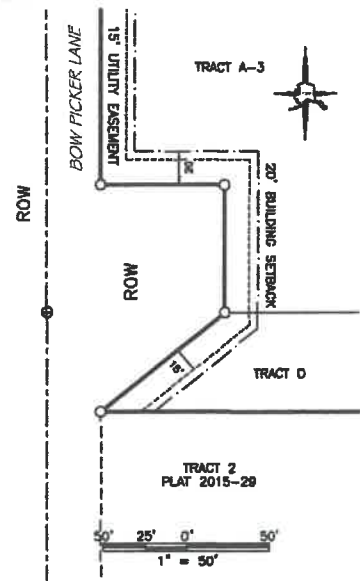
AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

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



UTILITY EASEMENT AND BUILDING SETBACK TYPICAL



KPB FILE No. 2021-0000

KENAI LANDING SUBDIVISION 2021 ADDITION

A SUBDIVISION OF
TRACT A AND LOT 1 PLAT 2005-29,
TRACT 1 PLAT 2015-29

OWNERS:
PRL LOGISTICS INC.
PO BOX 222029
ANCHORAGE, ALASKA 99522

KENAI LANDING INC.
4788 HOMER SPIT ROAD
HOMER, ALASKA 99603

LOCATED WITHIN
NW 1/4 SECTION 17,
SW 1/4 SECTION 8
T.5N., R.11W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
KENAI RECORDING DISTRICT
CITY OF KENAI

CONTAINING 72.791 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1382

DRAWN BY: JY	DATE: 5/17/2021	PROJECT: 21-923
CHECKED BY: MA	SCALE: 1" = 200'	SHEET: 2 OF 2

Kenai Landing Subdivision 2021 Addition

Exceptions to borough code.

20.40.010. - Wastewater disposal. 20.30.190. - Lots—Dimensions.

20.30.200. - Lots—Minimum size.

Findings: Lots 1 and 2 will not be developed and will not produce wastewater.

- 1) The land and improvements are for parking, and for docking and launching of marine vessels only. There are no permanent residences or offices planned or associated with this use. There is no wastewater produced by this use.; the small amounts generated by transient users is met with portable toilets.
- 2) Historically, potable water for marine vessels is trucked in.
- 3) If the need for wastewater services arises in the future, the adjacent owner operates an approved, large volume wastewater treatment facility and is agreeable to connection.

Note with 20.40.080 will be provided.

20.30.210. - Lots—Access to street.

20.30.030. - Proposed street layout—Requirements.

20.30.120. - Streets—Width requirements.

20.30.170. - Blocks—Length requirements.

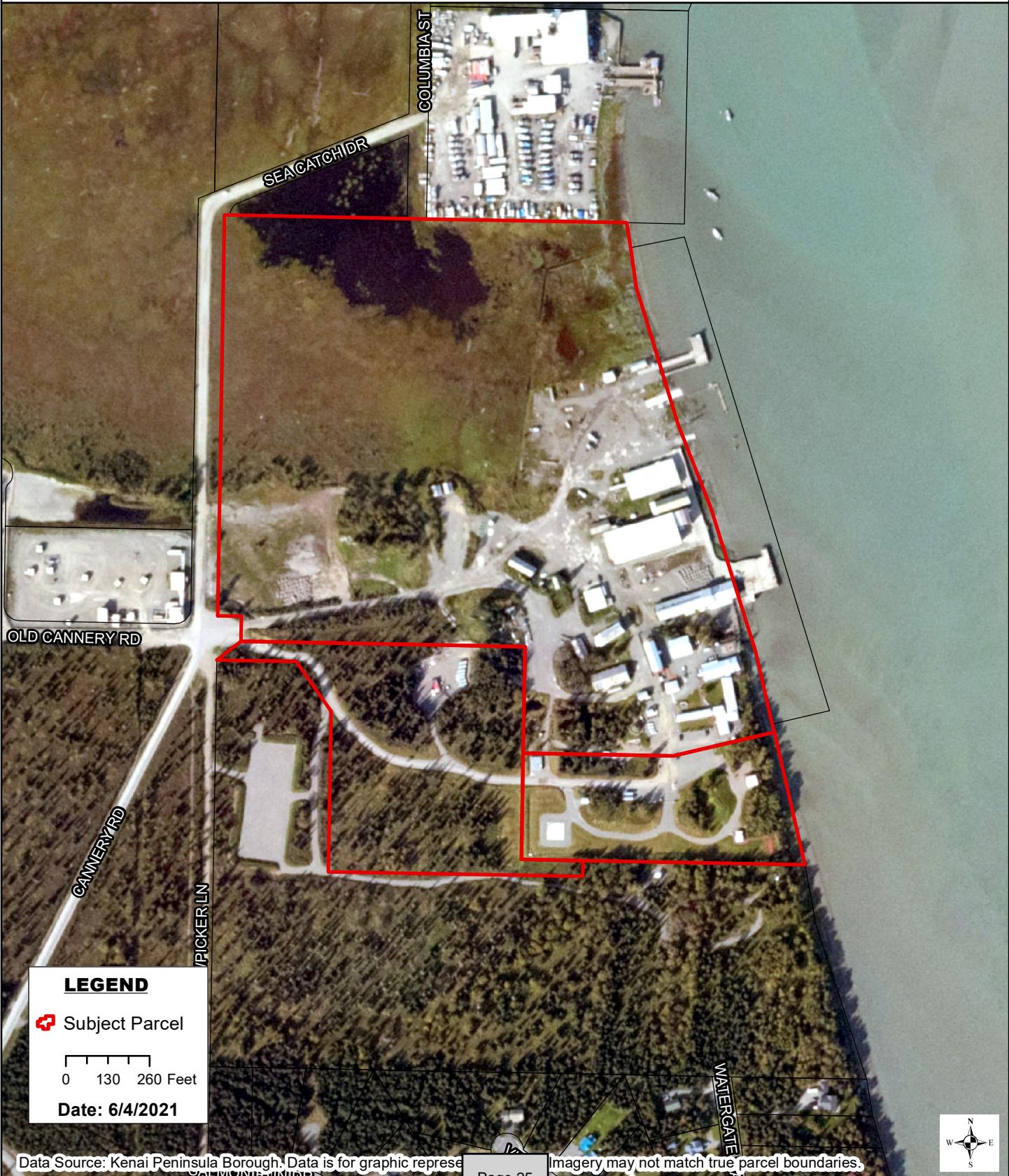
Findings:

- 1) An Exception to code is likely not required insofar as an existing SLE acts as dedicated legal access to all subdivided Tracts under 20.30.030.
- 2) Applicant has provided an access plan verifying the existence of legal access to the subdivision boundary and that construction design requirements under KPB Chapter 20.30 are practical and economical. 20.30.050 defines legal access “where unrestricted, public ROW connects the subdivision to the state highway system....and one of the following is met.”
The applicant has presented satisfactory evidence meeting criteria #2 thereunder.
- 3) 20.30.050(A)(1) directly references Section Lines as a means of legal access.
- 4) Parcel A abuts the 50'-wide public access easement created in replacement of a section line easement and carries with it all of the same rights, titles and interests to the public that a section line does. The wording of the easement supports this conclusion.
- 5) With reference to 20.30.050(A)(4), the state easement carries the full weight of a judicial decree since it absolutely involved a quasi-judicial proceeding involving the department of law and their consent.

- 6) The KPB was party to the State easement agreement and the public process that created the easement; the 60' width requirement was agreed to by the KPB at the time. It is neither fair nor reasonable to re-visit this ROW width.



2101, 2291, and 2301 Bowpicker Ln
Parcel 04910123 and 04910124 and 04910125

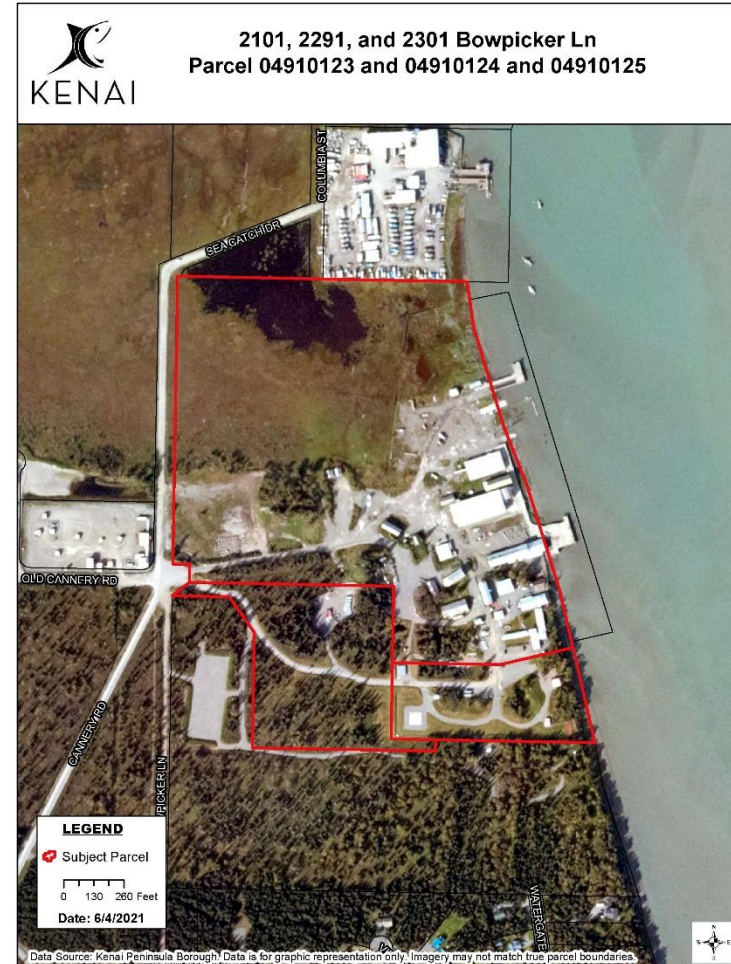


PLANNING & ZONING COMMISSION

PZ2021-22 – Preliminary Plat -
Kenai Landing Subdivision 2021 Addition

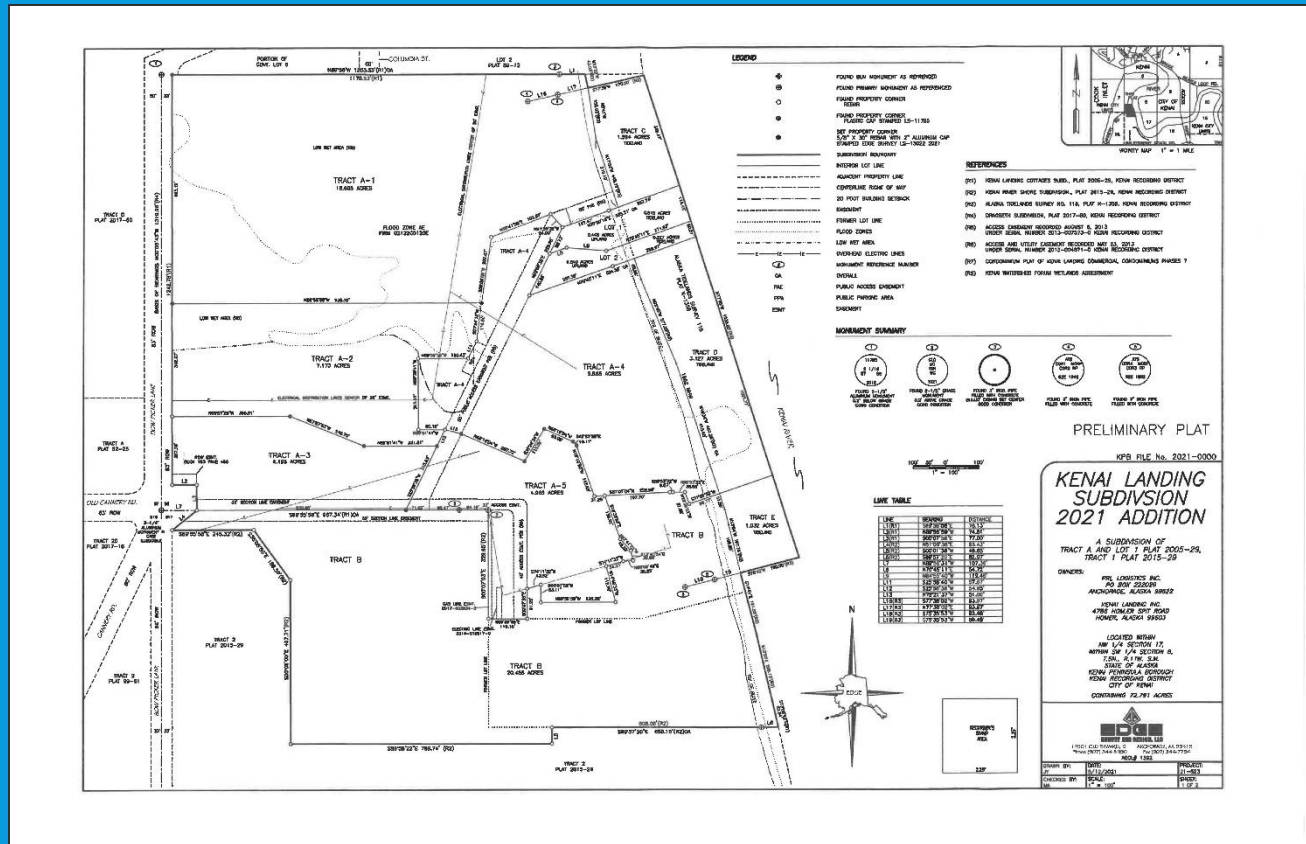
SUMMARY

- Edge Survey and Design has submitted a preliminary plat on behalf of the property owners, Kenai Landing, Inc. and PRL Logistics, Inc.



PRELIMINARY PLAT

- The plat affects the parcels described as:
 - T 5N R 11W SEC 8 & 17 SEWARD MERIDIAN KN 2005029 Kenai Landing Cottages Sub Tract A
 - T 5N R 11W SEC 8 SEWARD MERIDIAN KN 2005029 KENAI LANDING COTTAGES SUB LOT 1
 - T 05N R 11W SEC 17 SEWARD MERIDIAN KN 2015029 KENAI RIVER SHORES SUB TRACT 1.



STAFF ANALYSIS

- Access to the preliminary plat is provided via Cannery Road, which is a paved Kenai Peninsula Borough maintained road.
- City water and sewer lines are not available in this area. The properties are currently serviced by private wells and onsite septic systems and an installation agreement will not be required.
- The preliminary plat requests exceptions to the requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations and to the Kenai Peninsula Borough Subdivision Code (see Attachment C). These requested exceptions regard requirements for wastewater, access, and design standards.

STAFF ANALYSIS CONTINUED

- Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
- The applicant will also provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
- Since the Kenai Peninsula Borough has platting authority in the City of Kenai, Staff recommends that the discussion and determination of the requested exceptions be executed through the KPB platting process. Staff members with the City of Kenai would be available for any future discussions on the topic of exceptions.

RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Kenai Landing Subdivision 2021 Addition, subject to the following conditions:
 - 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 - 2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.
 - 3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.

RECOMMENDATIONS CONTINUED

- 4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
- 5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
- 6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
- 7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
- 8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.

ATTACHMENTS

- 1. Resolution No. PZ2021-22
- 2. Application
- 3. Preliminary Plat
- 4. Requested KPB Subdivision Code Exceptions
- 5. Aerial Map

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-22**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT KENAI LANDING SUBDIVISION 2021 ADDITION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Edge Survey and Design; and,

WHEREAS, the plat meets Municipal Code requirements of the Heavy Industrial (IH) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the preliminary plat is provided via Cannery Road, which is a paved Kenai Peninsula Borough maintained road; and

WHEREAS, City water and sewer lines are not located in this area and an installation agreement will not be required; and

WHEREAS, the Planning and Zoning Commission finds:

1. The preliminary plat requests exceptions to the requirements of KMC Subdivision design standards and KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations and to the Kenai Peninsula Borough Subdivision Code.
2. The Kenai Peninsula Borough has platting authority in the City of Kenai. Staff recommends that the discussion and determination of the requested exceptions be executed through the KPB platting process. Staff members with the City of Kenai would be available for any future discussions on the topic of exceptions.

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

Section 1. That the preliminary plat of KENAI LANDING SUBDIVISION 2021 ADDITION be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Add a Plat Note as following: Any infrastructure improvements (roadways, sewer, water, etc.) are considered private by the City of Kenai. Regarding any roadways or other infrastructure improvements that do not meet minimum standards required by the City of Kenai, if at any future time the City takes ownership and/or maintenance responsibilities of roadways within the subdivision or other infrastructure improvements will have to be

Resolution No. PZ2021-22
Page 2 of 2

improved to meet City of Kenai Standards in effect at time of acceptance. The cost of any infrastructure improvements to meet City of Kenai standards will be borne by property owners in the subdivision by assessment without further approval required.

3. Property owner will provide the City of Kenai a copy of DEC compliance certification on the water/sewer system.
4. The City of Kenai requests to receive approval from the Kenai Peninsula Borough on exception to requirements of Subdivision Code.
5. Plat Note 22 should update the KPB Plat Committee meeting date as necessary.
6. Surveyor and property owner must work with the City of Kenai and the Kenai Peninsula Borough when designating street names to ensure names meet City and Borough regulations.
7. Property owner will receive approval from the Kenai Peninsula Borough on exceptions to requirements in the Kenai Peninsula Borough Subdivision Regulations.
8. Staff members of the City of Kenai would be available for any future discussions on the topic of exceptions.


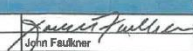

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

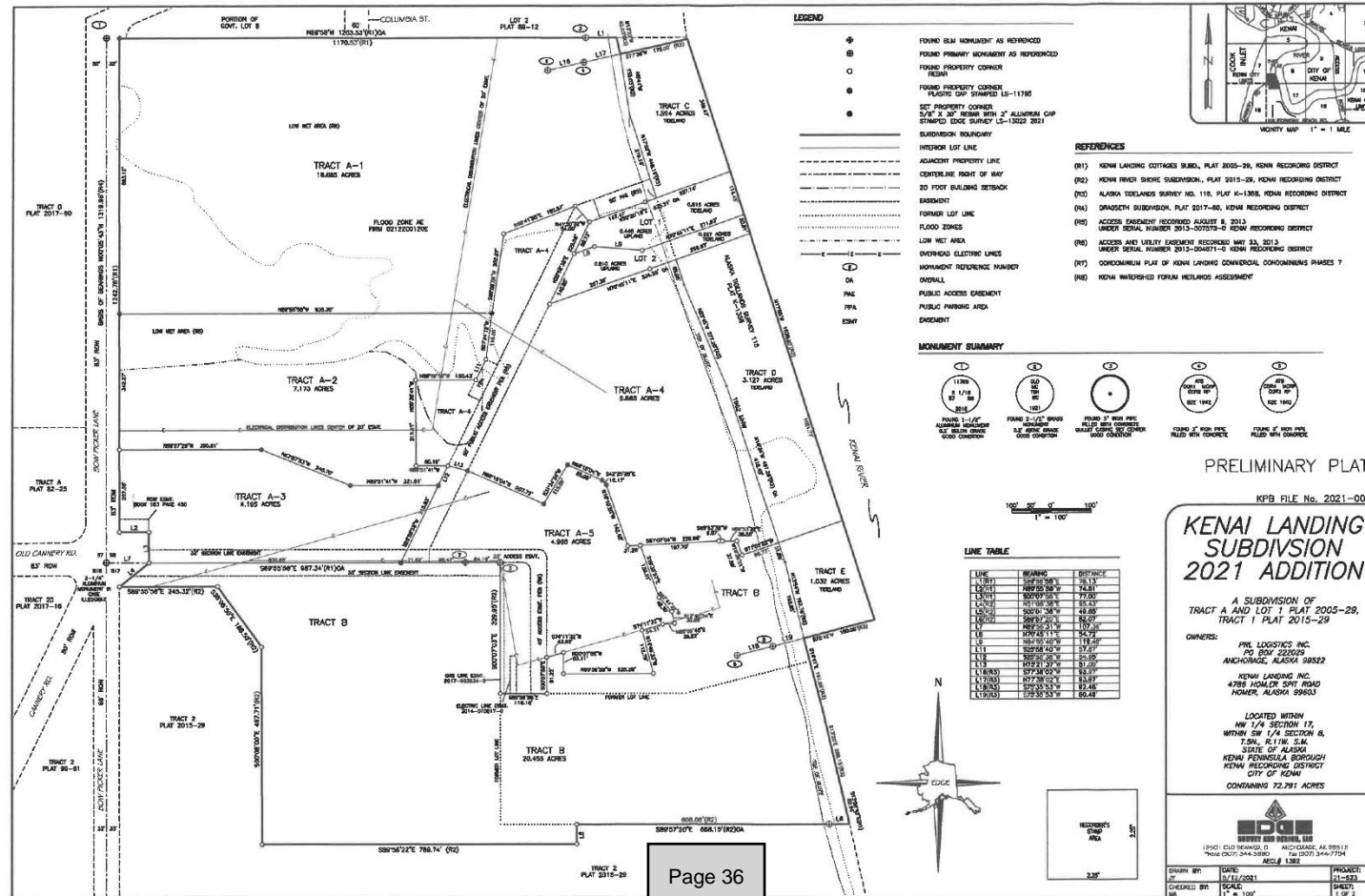
ATTEST:

JAMIE HEINZ MMC, CITY CLERK

2. APPLICATION

		Preliminary Plat Submittal Form		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99611 (907) 283-6200 planning@kenai.city www.kenai.city/planning		
				APPLICANT (SURVEYOR)		
Name:	Edge Survey and Design					
Mailing Address:	PO Box 208	City:	Kasilof	State:	AK Zip Code: 99610	
Phone Number(s):	907-283-9047					
Email:	jason@edgesurvey.net					
PROPERTY OWNER						
Name:	Kenai Landing Inc. - John Faulkner					
Mailing Address:	4786 Homer Spit Rd.	City:	Homer	State:	AK Zip Code: 99603	
Phone Number(s):						
Email:	landsendjdf@gmail.com					
PROPERTY INFORMATION						
Kenai Peninsula Borough Parcel #:	04910123					
Current City Zoning:	Heavy Industrial					
Use:	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input checked="" type="checkbox"/> Community					
Sewer:	<input checked="" type="checkbox"/> On Site <input type="checkbox"/> City <input checked="" type="checkbox"/> Community					
PLAT INFORMATION						
Preliminary Plat Name:	Kenai Landing 2021 Addition					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Street Name (if vacating ROW):	N/A					
Exceptions Required and Requested:						
Please see attachment						
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:	4/14/21
Print Name:	John Faulkner				Kenai Landing Inc.	
						

3. PRELIMINARY PLAT



3. PRELIMINARY PLAT

NOTES

1. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSEY STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. BEARINGS ARE BASED ON THE PLAT OF DRAGSETH SUBDIVISION, FILED AS PLAT NO. 2017-60 IN THE KENAI RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.
4. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
5. NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS-OF-WAY ARE PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES.
6. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CONTRIBUTION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
7. ANY PERSON DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
8. SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA OR THE KENAI PENINSULA BOROUGH AS A FLOOD HAZARDOUS AREA AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDS OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN HAZARDATION SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.00 OF THE KENAI PENINSULA BOROUGH CODE. BY CHANGING FLOODING ONLY, THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARDOUS AREA AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THIS PROPERTY IS IN ZONE AC, AN AREA SUBJECT TO ANNUAL CHANCE FLOODING. FLOOD INSURANCE RATE MAY INCREASE AS MAY NO. 22 CIRCULAR BEARING AN EFFECTIVE DATE OF OCTOBER 20, 2019 HAS BEEN USED TO DETERMINE THE FLOOD ZONE. EXACT DESIGNATION CAN BE DETERMINED BY AN ELEVATION CERTIFICATE. APPROXIMATE LIMIT OF FLOOD HAZARDATION, SUBJECT TO CHANGE.
9. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODPLAIN. PURSUANT TO KPS CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING PILL) IN THE FLOODPLAIN IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASES IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
10. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE INSTALLED ON ANY LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THESE SYSTEMS.
11. TRACT A-3 & TRACT B ARE SUBJECT TO A ROAD RESERVATION OF 33 FEET ALONG EACH SIDE OF SECTION LINE AS CREATED BY A.S. 19.10.010.
12. THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDARY OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
13. THIS PROPERTY IS SUBJECT TO THE RESERVATIONS & EXCEPTIONS AS CONTAINED IN U.S. PATENT AND/OR ACTS AUTHORIZING THE ISSUANCE THEREOF.
14. THIS PROPERTY IS SUBJECT TO A RIGHT OF ENTRY RECORDED JUNE 22, 2011 UNDER SERIAL NUMBER 2011-009827-0 AND AMENDED OCTOBER 17, 2011 UNDER SERIAL NO. 2011-009898-0. EASEMENT TO RIGHT OF ENTRY RECORDED MAY 21, 2011 UNDER SERIAL NO. 2011-005105-0.
15. PORTIONS OF THIS PROPERTY IS SUBJECT TO A GAS STORAGE LEASE GRANTED TO COOK HEAT NATURAL GAS STORAGE, ALASKA, LLC RECORDED AUGUST 6, 2011 UNDER SERIAL NO. 2011-002949-0 AND GAS STORAGE DEED RECORDED AUGUST 17, 2011 UNDER SERIAL NO. 2011-007701-0 AND 2011-007702-0.
16. THIS PROPERTY IS SUBJECT TO THE RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS AS DEFINED BY INSTRUMENT RECORDED OCTOBER 10, 2014 UNDER SERIAL NO. 2014-006783-0.
17. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESERVATIONS PER KPS 21.44.050.
18. THIS PROPERTY IS SUBJECT TO A GENERAL ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. WITH NO DEFINED LOCATION, RECORDED JULY 10, 1981 IN BOOK 7 AT PAGE 129 NOT NOTICED ON THIS PLAT.
19. THIS PROPERTY IS SUBJECT TO A 15 FOOT WIDE BY 20 FOOT LONG ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOC., INC. RECORDED AUGUST 29, 2018 UNDER SERIAL NO. 2018-007712-0. SMO EASEMENT DESCRIPTION AND EXIST SHOWN IN THE RECORD DOCUMENT IS AMBIGUOUS IN NATURE AND THEREFORE NOT NOTICED ON THIS PLAT.
20. EXCEPTIONS TO KPS 20.30.200 AND KPS 20.30.230 WERE GRANTED BY THE KPS PLAT COMMITTEE AT THE FEBRUARY 14, 2004 MEETING AS NOTED ON PLAT NO. 2003-29 AND KPS 20.30.230 AND KPS 20.30.170 WAS GRANTED BY THE PLAT COMMITTEE AT THE MARCH 23, 2018 MEETING AS NOTED ON PLAT NO. 2018-29.
21. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH OF ANADROMOUS HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER KPS CHAPTER 21.18.
22. EXCEPTIONS TO KPS 20.40.010-WASTEWATER DISPOSAL, KPS 20.30.170-BLOCK LENGTH, 20.30.210-ACCESS TO STREETS, 20.30.220-STREET LAYOUT, 20.30.230-LOT DIMENSIONS AND 20.30.120-STREET WIDTH WERE GRANTED BY THE KPS PLAT COMMITTEE AT THE JUNE 28, 2021 MEETING.
23. WASTEWATER DISPOSAL, TRACTS A-1 THROUGH A-3 AND TRACT B ARE AT LEAST 2000 SQUARE FEET OR A NOMINAL FIVE ACRES IN SIZE MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
24. FORMER TRACT A, PLAT 2005-29, SUBJECT TO DECLARATION OF KENAI LANDING CONDOMINIUMS AS LISTED:

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 1 AS IDENTIFIED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NUMBER 2012-004487-0 AND AMENDMENTS THERETO, AND AS SHOWN ON FLOOR PLANS AND AS-BUILT SURVEY FILED UNDER PLAT 2012-14, IN THE RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 2, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2013-61, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 3, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2014-24, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 4, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2014-65, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 5 AS IDENTIFIED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NUMBER 2012-004487-0 AND AMENDMENTS THERETO, AND AS SHOWN ON FLOOR PLANS AND AS-BUILT SURVEY FILED UNDER PLAT 2013-22, IN THE RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

KENAI LANDING COMMERCIAL CONDOMINIUMS PHASE 6, ACCORDING TO THE OFFICIAL MAPS AND FLOOR PLANS FILED AS PLAT NO. 2018-48, AND AS DESCRIBED IN THE DECLARATION RECORDED MAY 14, 2012 UNDER SERIAL NO. 2012-004487-0, AND ANY AMENDMENTS THERETO, RECORDS OF THE KRD, THIRD JUDICIAL DISTRICT, STATE OF AK.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT PRL LOGISTICS INC. IS THE OWNER OF THE NEAR PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF PRL LOGISTICS INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY THESE COVENANTS SECURE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT KENAI LANDING INC. IS THE OWNER OF THE NEAR PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAI LANDING INC. I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY THESE COVENANTS SECURE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JUNE 28, 2021.

KENAI PENINSULA BOROUGH

APPROVED OFFICIAL

CERTIFICATE OF SURVEYOR

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

CERTIFICATE OF OWNERSHIP AND DEDICATION

FOR PRL LOGISTICS INC. FOR PRL LOGISTICS INC. P.O. BOX 220029 ANCHORAGE, ALASKA 99522

FOR KENAI LANDING INC. FOR KENAI LANDING INC. 4785 HOBLER DRIVE ROAD HOMER, ALASKA 99603

NOTARY ACKNOWLEDGEMENT

FOR PRL LOGISTICS INC. FOR PRL LOGISTICS INC. THIS DAY OF 2021

FOR KENAI LANDING INC. FOR KENAI LANDING INC. THIS DAY OF 2021

UTILITY EASEMENT AND BUILDING SETBACK TYPICAL

KCPB FILE No. 2021-0000

KENAI LANDING SUBDIVISION 2021 ADDITION

A SUBDIVISION OF TRACT A AND LOT 1 PLAT 2005-29, TRACT 1 PLAT 2015-29

OWNERS: PRL LOGISTICS INC. P.O. BOX 220029 ANCHORAGE, ALASKA 99522

KENAI LANDING INC. 4785 HOBLER DRIVE ROAD HOMER, ALASKA 99603

LOCATED WITHIN NW 1/4 SECTION 17 SW 1/4 SECTION 8 T18N, R115E, S34M STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI CONTAINING 72.791 ACRES

RECORDS STAMP AREA

15001 15111 15211 15311 15411 15511 15611 15711 15811 15911 16011 16111 16211 16311 16411 16511 16611 16711 16811 16911 17011 17111 17211 17311 17411 17511 17611 17711 17811 17911 18011 18111 18211 18311 18411 18511 18611 18711 18811 18911 19011 19111 19211 19311 19411 19511 19611 19711 19811 19911 20011

SEARCHED BY: DATE: INDEXED BY: DATE: FILED: DATE: COUNTY: ALASKA

4. REQUESTED CODE EXCEPTIONS

Kenai Landing Subdivision 2021 Addition

Exceptions to borough code.

20.40.010. - Wastewater disposal. 20.30.190. - Lots—Dimensions.

20.30.200. - Lots—Minimum size.

Findings: Lots 1 and 2 will not be developed and will not produce wastewater.

- 1) The land and improvements are for parking, and for docking and launching of marine vessels only. There are no permanent residences or offices planned or associated with this use. There is no wastewater produced by this use.; the small amounts generated by transient users is met with portable toilets.
- 2) Historically, potable water for marine vessels is trucked in.
- 3) If the need for wastewater services arises in the future, the adjacent owner operates an approved, large volume wastewater treatment facility and is agreeable to connection.

Note with 20.40.080 will be provided.

20.30.210. - Lots—Access to street.

20.30.030. - Proposed street layout—Requirements.

20.30.120. - Streets—Width requirements.

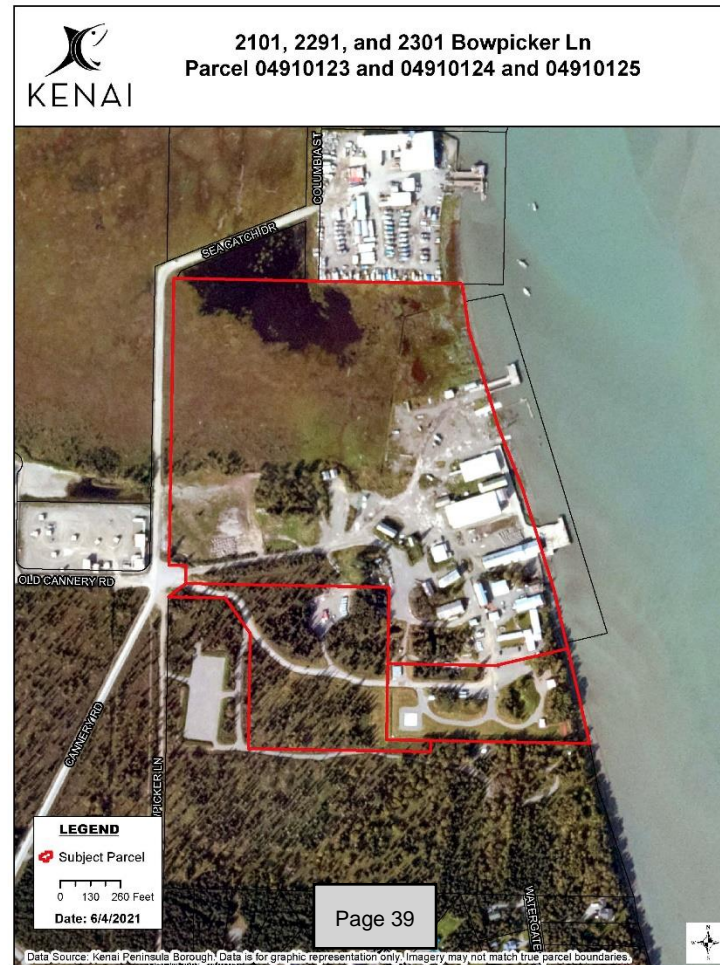
20.30.170. - Blocks—Length requirements.

Findings:

- 1) An Exception to code is likely not required insofar as an existing SLE acts as dedicated legal access to all subdivided Tracts under 20.30.030.
- 2) Applicant has provided an access plan verifying the existence of legal access to the subdivision boundary and that construction design requirements under KPB Chapter 20.30 are practical and economical. 20.30.050 defines legal access "where unrestricted, public ROW connects the subdivision to the state highway system....and one of the following is met."
The applicant has presented satisfactory evidence meeting criteria #2 thereunder.
- 3) 20.30.050(A)(1) directly references Section Lines as a means of legal access.
- 4) Parcel A abuts the 50'-wide public access easement created in replacement of a section line easement and carries with it all of the same rights, titles and interests to the public that a section line does. The wording of the easement supports this conclusion.
- 5) With reference to 20.30.050(A)(4), the state easement carries the full weight of a judicial decree since it absolutely involved a quasi-judicial proceeding involving the department of law and their consent.

- 6) The KPB was party to the State easement agreement and the public process that created the easement; the 60' width requirement was agreed to by the KPB at the time. It is neither fair nor reasonable to re-visit this ROW width.

5. AERIAL MAP



File Attachments for Item:

2. Resolution PZ2021-23 – Preliminary Subdivision Plat of Triple C Subdivision, submitted by Ability Surveys, 152 Dehel Ave., Homer, AK 99603, on behalf of Mark Holmes, 4493 Lakewood Blvd., Naples, FL 34112



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-23**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT “TRIPLE C” SUBDIVISION ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Ability Surveys and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed lots is via McCollum Drive and Fox Avenue. McCollum Drive is a paved City maintained road. Fox Avenue is an undeveloped road and is not maintained by the City; and

WHEREAS, water and sewer services are available for connection by the property owner; and,

WHEREAS an installation agreement is required for the development of Fox Avenue from McCollum Drive to Chiniak Street; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of “Triple C” Subdivision be approved subject to the following conditions:

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

2. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
3. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
4. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 4, 2021
SUBJECT: PZ2021-23 - Preliminary Plat – “Triple C” Subdivision

Applicant: Mark Holmes
4493 Lakewood Blvd.
Naples, FL 34112

Submitted By: Ability Surveys
152 Dehel Ave.
Homer, AK 99603

Requested Action: Preliminary Subdivision Plat – “Triple C” Subdivision

Legal Description: The Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (NW ¼ SW ¼ NW 1/4, in Section 34, T6N, R11W, Seward Meridian)

Address: 702 McCollum Drive

KPB Parcel No: 04507001

Lot Size: 10 acres (approximately 435,600 square feet)

Existing Zoning: Rural Residential

Current Land Use: Vacant Land

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Ability Surveys submitted a preliminary plat on behalf of the property owner, Mark Holmes. The plat affects the parcel described as the Northwest one-quarter of the Southwest one-quarter of

the Northwest one-quarter (NW ¼ SW ¼ NW 1/4, in Section 34, Township 6 North, Range 11 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska. The property owner proposes to subdivide an approximately 10-acre parcel into two lots of approximately 4.344 acres (Lot 1) and 4.344 acres (Lot 2).

ANAYLISIS

The subject parcel is currently undeveloped. The subdivision is located in the Rural Residential zone, which requires a minimum lot size of 20,000 square feet. Each lot is in excess of four (4) acres; therefore, both lots meet the minimum lot size requirement for the zone. The minimum lot width for the Residential Zone is ninety feet with the exception of corner lots which require an additional ten feet as set forth in Kenai Municipal Code (KMC) 14.10.70(e)(4). Each lot is approximately 280 feet in width, therefore, the minimum lot requirement has been met.

KMC 14.10.070(b)(2) requires the minimum width for minor streets shall be sixty (60) feet. The plat dedicates a 30-foot right-of-way for Fox Avenue. An additional 30-foot right-of-way for Fox Avenue has been dedicated by the plat of Kempf Subdivision which lies to the South of Lot 1, "Triple C" Subdivision. In addition, a 33-foot right-of-way was reserved in the Patent for Government Lot 55, Section 34, T6N, R11W, which lies to the South of Lot 2, "Triple C" Subdivision.

McCollum Drive is developed to the Southwest corner of the proposed Lot 1, "Triple C" Subdivision. The plat dedicates a 30-foot right-of-way for McCollum Drive. A 50-foot section line easement exists on the parcel adjacent to the dedicated right-of-way for McCollum Drive. If Triple "C" Subdivision is further subdivided it would be required to develop the right-of-way of McCollum Drive.

The plat dedicates a 30 foot right of way for Chiniak Street. An additional 33 feet was dedicated by the plat of Chiniak Subdivision and Chiniak Subdivision Part 2 which lies to the east of Lot 2 "Triple C" Subdivision. If Triple "C" Subdivision is further subdivided it would be required to develop the right-of-way of Chiniak Street.

Access to the proposed lots is via McCollum Drive and Fox Avenue. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

City water lines are existing within the right-of-way of Fox Avenue and can be extended to the subdivision. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.

City sewer lines are located within the right-of-way of McCollum Drive with a manhole located at the southwest corner of the subject parcel. Additionally, sewer lines are located at the southeast corner of the subject parcel, located within the right-of-way of Fox Avenue. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.



Application, Public Notice, Public Comment

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

The property owner completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements. City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of June 4, 2021.

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

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of "Triple C" Subdivision, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Pursuant to *KMC 17.10.010(a)* property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
3. Pursuant to *KMC 17.20.010(a)* property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
4. Pursuant to *KMC 14.10.080*, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

ATTACHMENTS

1. Resolution No. PZ2021-23
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-23**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT “TRIPLE C” SUBDIVISION ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Ability Surveys and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed lots is via McCollum Drive and Fox Avenue. McCollum Drive is a paved City maintained road. Fox Avenue is an undeveloped road and is not maintained by the City; and

WHEREAS, water and sewer services are available for connection by the property owner; and,

WHEREAS an installation agreement is required for the development of Fox Avenue from McCollum Drive to Chiniak Street; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of “Triple C” Subdivision be approved subject to the following conditions:

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

2. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
3. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
4. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, MMC, CITY CLERK



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:	Ability Surveys						
Mailing Address:	152 Dehel Ave.	City:	Homer	State:	AK	Zip Code:	99603
Phone Number(s):	907-235-8440						
Email:	gary@abilitysurveys.com						

PROPERTY OWNER

Name:	MARK HOLMES						
Mailing Address:	4493 LAKEWOOD BLVD	City:	NAPLES	State:	FL	Zip Code:	34112
Phone Number(s):	239-777-6672						
Email:	medvacmark@comcast.net						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04507001					
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 type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

Preliminary Plat Name:	TRIPLE C					
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 recognized

Comments:

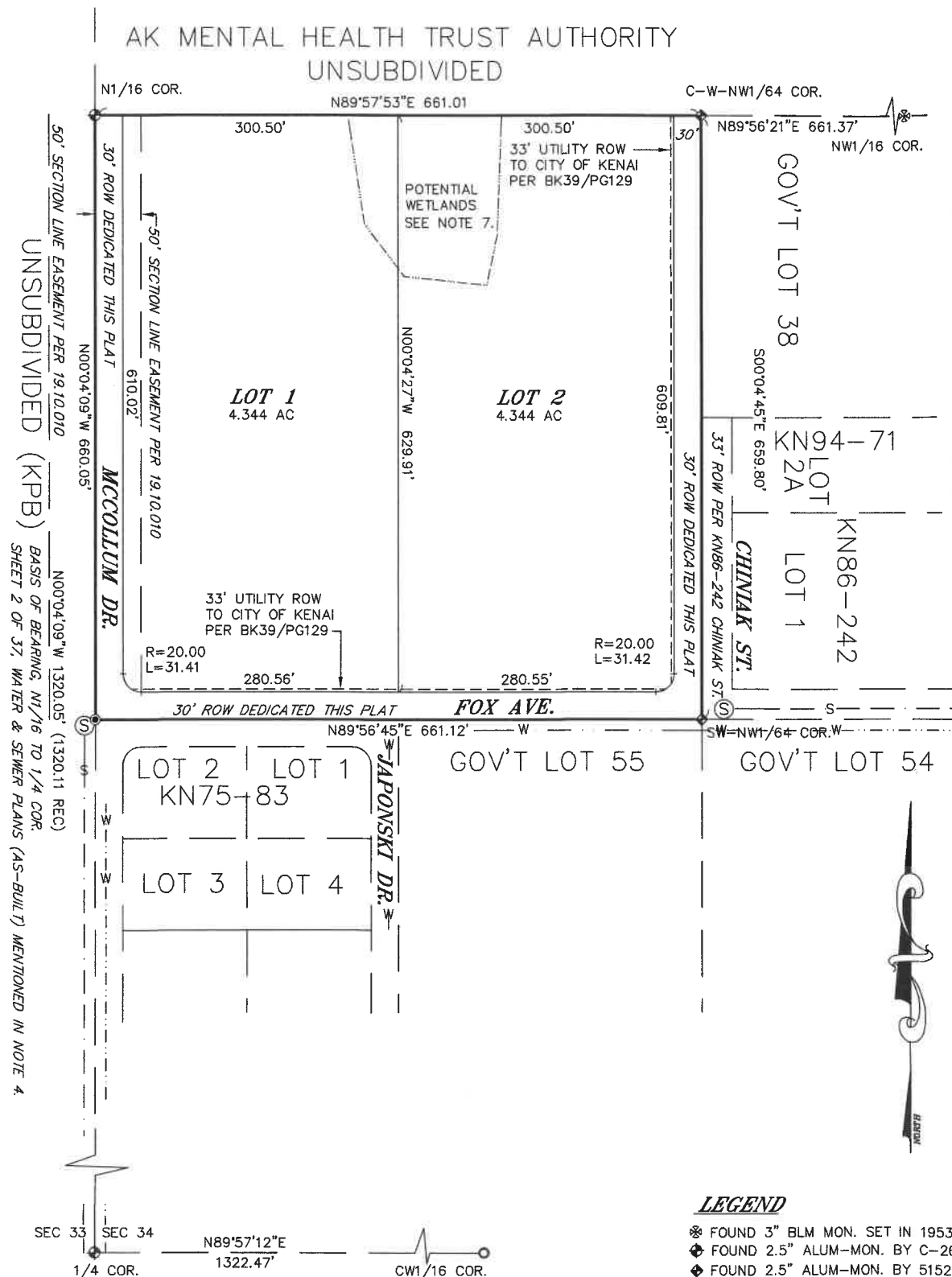
This received preliminary approval in 2014 but did not receive final approval because lienholder would not release it.

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
---	--	---

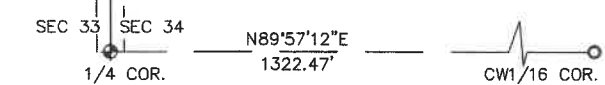
SIGNATURE

Signature:	<i>Gary Nelson</i>		Date:	5-13-2021	
Print Name:	Gary Nelson	Title/Business:	Owner/ Ability Surveys		



50' SECTION LINE EASEMENT PER 19.10.010 UNSUBDIVIDED (KPB) BASIS OF BEARING, N1/16 TO 1/4 COR. SHEET 2 OF 37, WATER & SEWER PLANS (AS-BUILT) MENTIONED IN NOTE 4.

AK MENTAL HEALTH TRUST AUTHORITY
UNSUBDIVIDED



NOTES

1. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
2. REFERENCE IS MADE TO STATE OF ALASKA PATENT RECORDED IN KRD BOOK 193, PAGE 570 WHEREIN ADL#51915 AND ADL#58205 ARE MENTIONED AS AFFECTING THE LAND WITHIN THIS PLAT, AND OTHER COVENANTS, CONDITIONS, AND RESTRICTIONS.
3. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN KRD DOCUMENT #2003-003812-0 MAY AFFECT LAND WITHIN THIS PLAT.
4. LOCATION OF WATER AND SEWER UTILITIES ARE BASED UPON AS-BUILT PLAN SHEETS 26, 30, AND 34 OF WATER AND SEWER IMPROVEMENTS FOR "FOX AVENUE" AND "MCCOLLUM DRIVE", AND "JAPONSKI DRIVE", ON FILE AT THE CITY OF KENAI.
5. PERSONS DEVELOPING THIS PROPERTY ARE RESPONSIBLE FOR OBTAINING ANY NECESSARY PERMITS FROM GOVERNING AGENCIES SUCH AS U.S. ARMY CORPS OF ENGINEERS, STATE OF ALASKA, KENAI PENINSULA BOROUGH, AND CITY OF KENAI.
6. THESE LOTS ARE SUBJECT TO KENAI CITY CODE.
7. POTENTIAL WETLANDS ARE PER KENAI WATERSHED FORUM IDENTIFIED AS "RELICT GLACIAL LAKEBED (LB6)".

CERTIFICATE OF OWNERSHIP

I hereby certify that Mark Holmes is the owner of the real property shown and described hereon, and that Mark Holmes hereby adopts this plan of subdivision, and by his free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.

For Mark Holmes
4493 LAKEWOOD BLVD.
NAPLES, FLORIDA 34112

NOTARY'S ACKNOWLEDGEMENT

For
Acknowledged before me this _____ day
of _____ 2021.

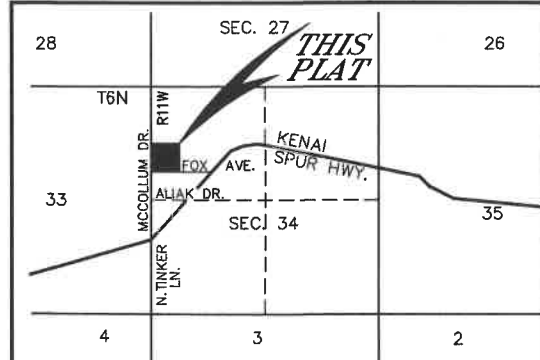
Notary public for Florida My Commission Expires

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____ KENAI PENINSULA BOROUGH

BY _____
Authorized Official

VICINITY MAP SCALE: 1" = 1/2 MILE



CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLES AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: MCCOLLUM DRIVE, FOX AVENUE, AND CHINIAK STREET. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

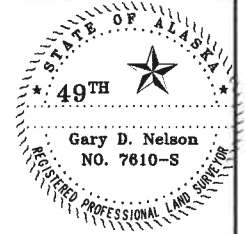
BY: _____ DATE: _____
NAME AND TITLE OF AUTHORIZED OFFICIAL
CITY OF KENAI.

LEGEND

- ⊗ FOUND 3" BLM MON. SET IN 1953
- ⊕ FOUND 2.5" ALUM-MON. BY C-263, SET IN 1986
- ⊕ FOUND 2.5" ALUM-MON. BY 5152-S, 1998
- ⊙ SET 5/8" REBAR FOR S-N 1/64TH COR.
- ⊙ FOUND 3" ALUM-MON. IN MON-CASE SET BY 610-S, 1996? (DATE STAMP DAMAGED)

PLAT #	
Rec Dist	_____
Date	20____
Time	____M

KPB FILE No. 2014-153
KPB FILE No. 2021-



"TRIPLE C" SUBDIVISION

A SUBDIVISION OF THE NW1/4 SW1/4 NW1/4 SEC. 34, T6N, R11W, S.M., CITY OF KENAI, KENAI PENINSULA BOROUGH, KENAI RECORDING DISTRICT, STATE OF ALASKA CONTAINING 10.015 ACRES

ABILITY SURVEYS
GARY NELSON, PLS
(907) 335-8440
152 DEHEL AVE., HOMER ALASKA 99603



702 McCollum Drive
Parcel 04507001



LEGEND

 Subject Parcel

0 65 130 Feet

Date: 6/4/2021

PLANNING & ZONING COMMISSION

PZ2021-23 – Preliminary Plat -
Triple C Subdivision

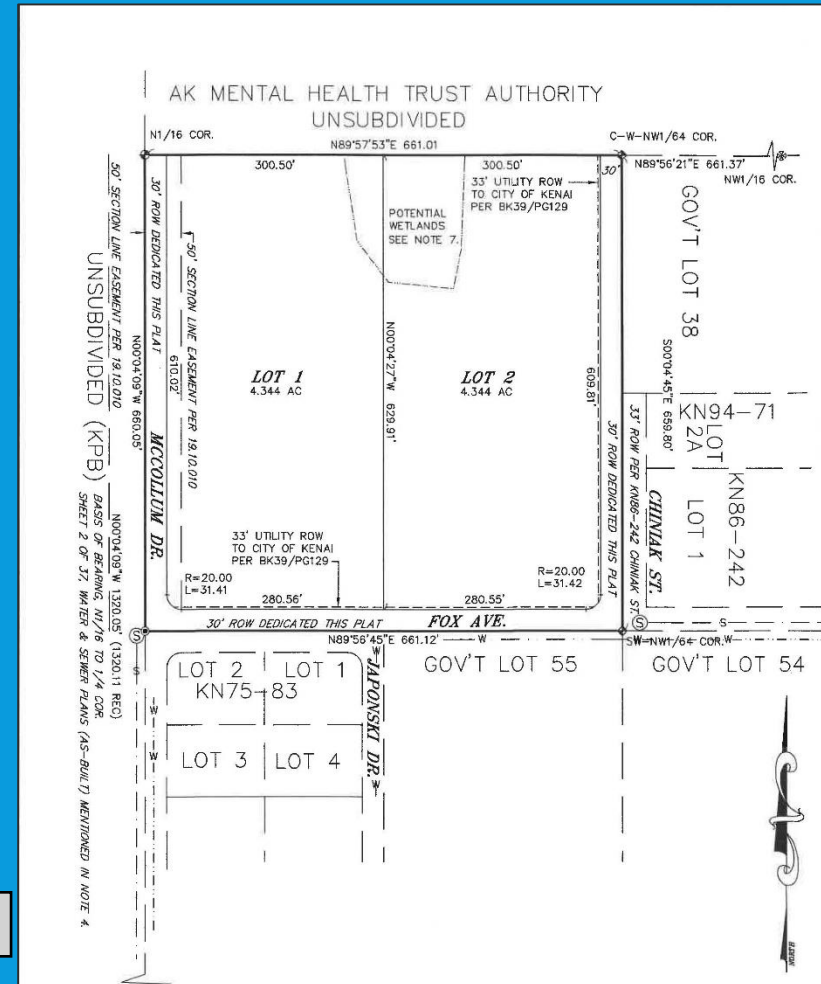
SUMMARY

- Ability Surveys submitted a preliminary plat on behalf of the property owner, Mark Holmes.



PRELIMINARY PLAT

- The plat affects the parcel described as The Northwest one-quarter of the Southwest one-quarter of the Northwest one-quarter (NW 1/4 SW 1/4 NW 1/4), in Section 34, T6N, R11W, Seward Meridian.
- The property owner proposes to subdivide an approximately 10-acre parcel into two lots of approximately 4.344 acres (Lot 1) and 4.344 acres (Lot 2).



STAFF ANALYSIS

- The subject parcel is currently undeveloped and meets minimum lot size standards.
- Access to the proposed lots is via McCollum Drive and Fox Avenue, an undeveloped street.
- Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street.
- City water lines are existing within the right-of-way of Fox Avenue and can be extended to the subdivision. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.

STAFF ANALYSIS CONTINUED

- City sewer lines are located within the right-of-way of McCollum Drive with a manhole located at the southwest corner of the subject parcel. Additionally, sewer lines are located at the southeast corner of the subject parcel, located within the right-of-way of Fox Avenue. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
- The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

- City staff recommends approval of the preliminary plat of Triple C Subdivision, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
 3. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
 4. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.

ATTACHMENTS

- 1. Resolution No. PZ2021-23
- 2. Application
- 3. Preliminary Plat
- 4. Aerial Map

1. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-23**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT "TRIPLE C" SUBDIVISION ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Ability Surveys and,

WHEREAS, the plat meets Municipal Code requirements of the Rural Residential; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed lots is via McCollum Drive and Fox Avenue. McCollum Drive is a paved City maintained road. Fox Avenue is an undeveloped road and is not maintained by the City; and

WHEREAS, water and sewer services are available for connection by the property owner; and,

WHEREAS an installation agreement is required for the development of Fox Avenue from McCollum Drive to Chiniak Street; and,

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the preliminary plat of "Triple C" Subdivision be approved subject to the following conditions:

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

Resolution No. PZ2021-23
Page 2 of 2

2. Pursuant to KMC 17.10.010(a) property owner must connect to the public water system; provided, that any part of the structure is or is to be within two hundred (200) feet of an existing public water main adjacent to the property line in a right of way.
3. Pursuant to KMC 17.20.010(a) property owner must connect to the public sewage system; provided, that nay part of the structure is or is to be within two hundred (200) feet of an existing public sewer main adjacent to the property line in a right of way.
4. Pursuant to KMC 14.10.080, the City will require an installation agreement for development of Fox Avenue from McCollum Drive to Chiniak Street. The installation agreement will be developed after the preliminary plat is approved and improvements will be constructed in accordance with the installation agreement.


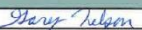
PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 9th day of June, 2021.

JEFF TWAIT, CHAIRPERSON

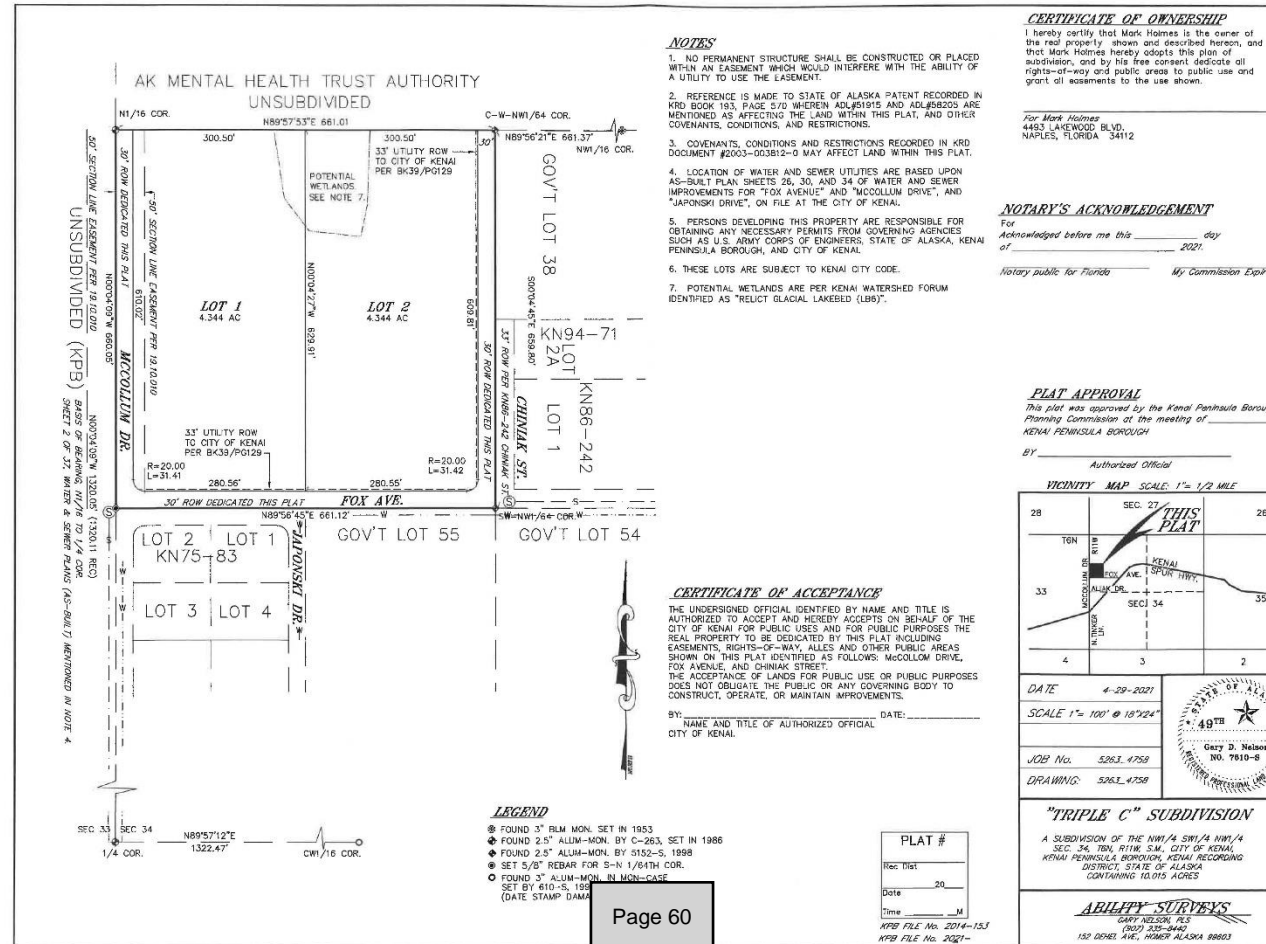
ATTEST:

JAMIE HEINZ, MMC, CITY CLERK

2. APPLICATION

		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:	Ability Surveys					
Mailing Address:	152 Dehel Ave.	City:	Homer	State:	AK Zip Code: 99603	
Phone Number(s):	907-235-8440					
Email:	gary@abilitysurveys.com					
PROPERTY OWNER						
Name:	MARK HOLMES					
Mailing Address:	4493 LAKEWOOD BLVD	City:	NAPLES	State:	FL Zip Code: 34112	
Phone Number(s):	239-777-6672					
Email:	medvacmark@comcast.net					
PROPERTY INFORMATION						
Kenai Peninsula Borough Parcel #:	04507001					
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 type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
PLAT INFORMATION						
Preliminary Plat Name:	TRIPLE C					
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 recognized						
Comments:						
This received preliminary approval in 2014 but did not receive final approval because lienholder would not release it.						
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:					Date:	5-13-2021
Print Name:	Gary Nelson				Owner/ Ability Surveys	

3. PRELIMINARY PLAT



4. AERIAL MAP



File Attachments for Item:

1. Special Use Permit to State of Alaska, Division of Forestry for Air Tanker Reload Base



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 3, 2021
SUBJECT: SPECIAL USE PERMIT TO STATE OF ALASKA, DIVISION OF FORESTRY FOR AIR TANKER RELOAD BASE

The State of Alaska, Division of Forestry has submitted a Special Use Permit Application for use of an air tanker reload base of that portion of Lot 4, FBO Subdivision No. 7, as delineated as Lot 4A of the proposed plat of FBO Subdivision No. 11, which will be recorded in the Kenai Recording District, Third Judicial District, State of Alaska. The preliminary plat was recommended for approval by the Planning and Zoning Commission on May 12, 2021. The plat has been sent to the Kenai Peninsula Borough for the final approval and recording process.

This parcel was appraised at a rate of \$2.01 per square foot in 2020 and the CPI adjustment for the past year is -1.01%. The annual lease rate would be \$17,160.90 based on \$2.01 per square foot, 107,811 total square feet, CPI adjustment of -1.01%, and an 8% of fair market value annual lease rate.

A Special Use Permit would allow the State of Alaska, Division of Forestry to continue air tanker reload base operations for fire response on July 1, 2021. The Special Use Permit would expire in 1 (one) year on June 30, 2022.

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

Does the Commission recommend City Council approve the execution of a special use permit to the State of Alaska Division of Forestry?

Attachment A: Special Use Permit Application dated March 8, 2021 from the Alaska Division of Forestry requesting use of the proposed Lot 4A, FBO Subdivision No. 11.

Attachment B: Preliminary plat of FBO Subdivision No. 11.

Attachment C: Aerial map of Lots 3 and 4, FBO Subdivision No. 7.

Attachment D: Special Use Permit for State of Alaska, Division of Forestry for Air Tanker Reload Base.



City of Kenai
Special Use Permit
Application

Application Date: 4.29.2021

Applicant Information

Name of Applicant: State of Alaska Division of Forestry
Mailing Address: 550 W. 7th Ave. City: Anchorage State: AK Zip Code: 99501
Phone Number(s): Home Phone: ()269-8461 Work/ Message Phone: ()269-8461
E-mail: (Optional) michael.burkhead@alaska.gov
Name to Appear on Permit: State of Alaska
Mailing Address: 550 W. 7th Ave. City: Anchorage State: AK Zip Code: 99501
Phone Number(s): Home Phone: ()269-8461 Work/ Message Phone: ()269-8461
E-mail: (Optional) michael.burkhead@alaska.gov
Type of Applicant: [] Individual (at least 18 years of age) [] Partnership [] Corporation [x] Government
[] Limited Liability Company (LLC) [] Other

Property Information

Legal or physical description of the property: Lot 4, FBO subdivision No. 7, According to Plat No. 2001-34

Description of the proposed business or activity intended: Air Tanker Reload Base

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

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

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

What is the term requested (not to exceed one year)? 1 year

Requested Starting Date: July 1, 2021

Signature: Michael Burkhead 337217 Date: 4.29.2021
Print Name: Michael Burkhead Title: Procurement Specialist III

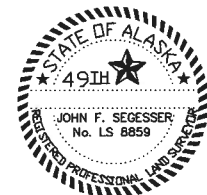
For City Use Only: [] General Fund [] Airport Reserve Land [] Airport Fund [] Outside Airport Reserve
Date Application Fee Received:
City Council Action/Resolution:
Account Number:

LEGEND:

- ⊗ 2 1/2" BRASS CAP MONUMENT GLO 1921 FOUND
- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊕ 3 1/4" ALUM. CAP MONUMENT LS6101 2009 RECORD
- () RECORD DATUM PLAT 2007-8, KRD

NOTES:

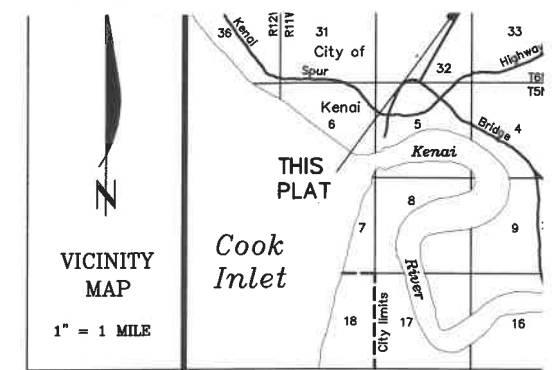
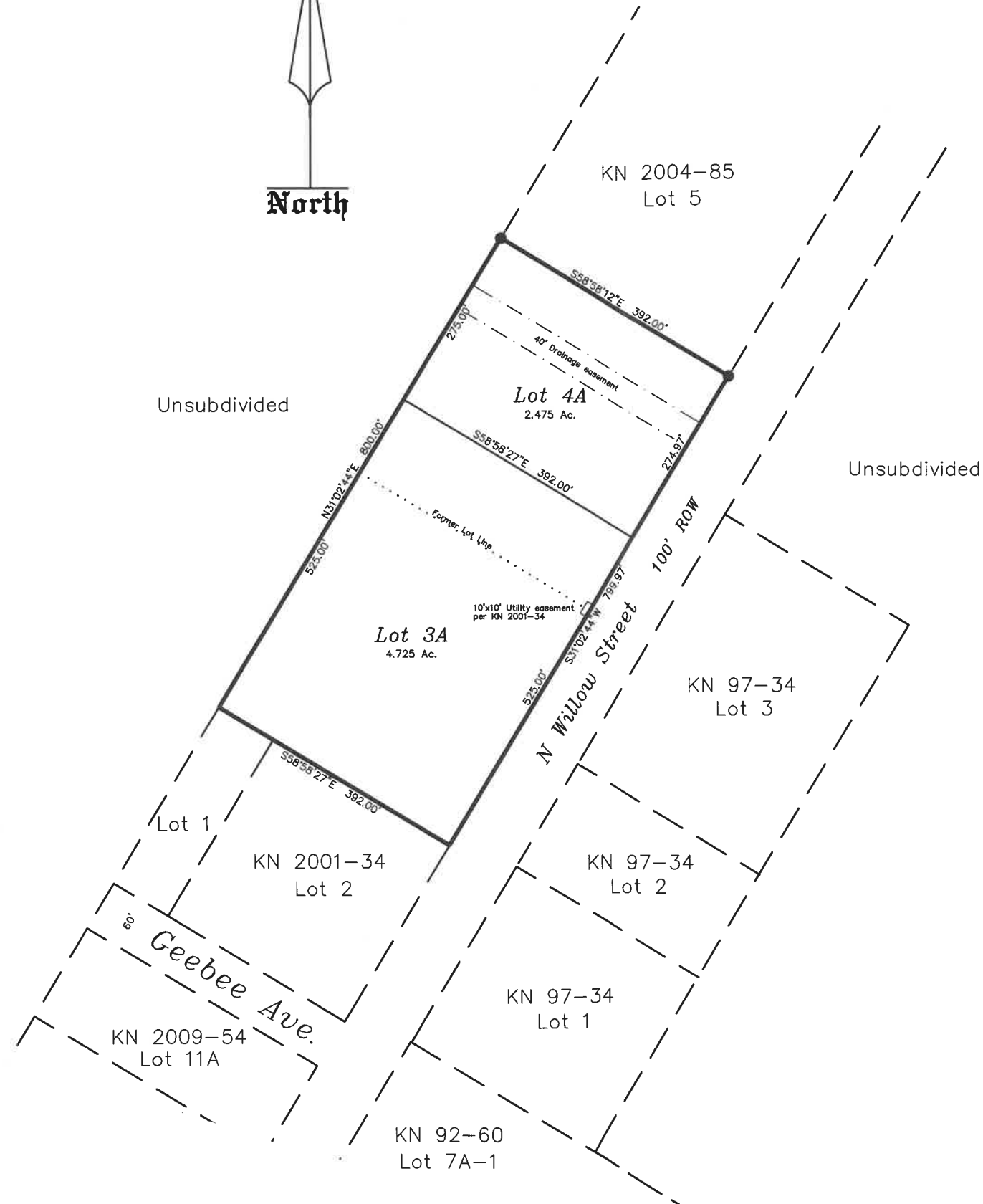
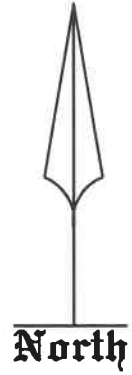
- 1) This plat is subject to City of Kenai zoning regulations.
- 2) Basis of bearing taken from Baron Park 2007 Replat, Plat 2007-8, Kenai Recording District.
- 3) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 4) These lots are served by city water and sewer.
- 5) Existing buried powerline(s) is the centerline of a 15' wide electrical distribution line easement.
- 6) Front 10 feet adjacent to rights-of-way is an utility easement. 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.
- 7) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat 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.

Date _____



CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE CITY OF KENAI, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

PAUL OSTRANDER, CITY MANAGER
CITY OF KENAI
210 FIDALGO AVENUE, SUITE 200
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20____.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No. _____

FBO Subdivision No. 11

A resubdivision of Lots 3 and 4 FBO Subdivision No. 7, Plat 2001-34, Kenai Recording District.

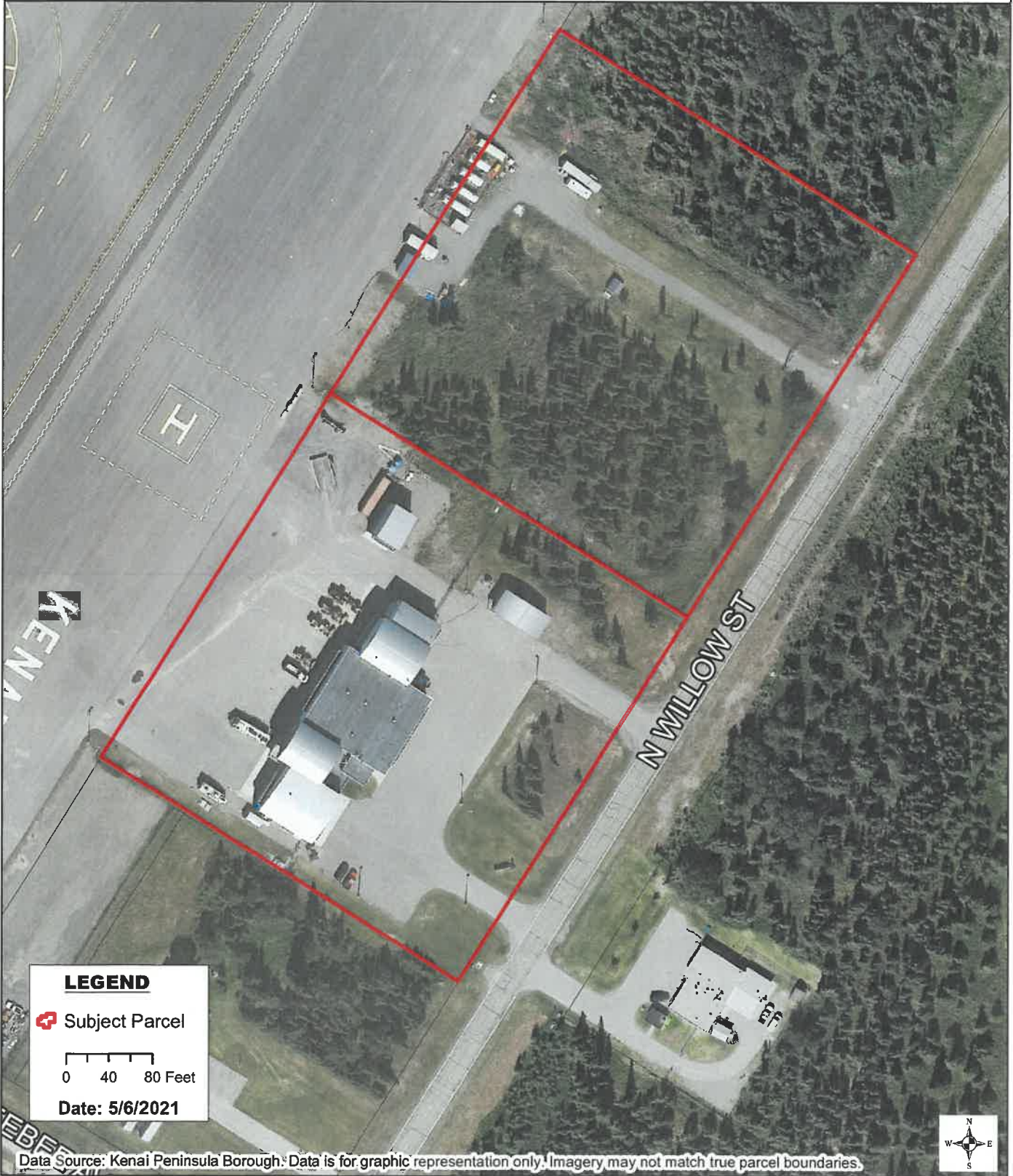
Located within NE1/4 Section 32, T6N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.

Containing 7.199 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner City of Kenai 210 Fidalgo Ave. Ste 200 Kenai, Alaska 99611
JOB NO. 21057	DRAWN: 5-6-21
SURVEYED:	SCALE: 1"=100'



PZ2021-14 FBO SUBDIVISION NO. 11
KPB #04336039 and 04336040
515 N. Willow St. and 525 N. Willow St.
Lots 3 and 4, FBO Subd. No. 7



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

SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **STATE OF ALASKA DIVISION OF FORESTRY** (PERMITTEE), whose address is 550 W. 7th Avenue, Anchorage, AK 99501, the non-exclusive right to use approximately 107,811± square feet of area as described below:

That portion of Lot 4, FBO Subdivision No. 7, as delineated as Lot 4A of the preliminary plat of FBO Subdivision No. 11, which will be recorded in the Kenai Recording District, Third Judicial District, State of Alaska.

1. **TERM.** This special use permit shall be for 12 months from July 1, 2021 to June 30, 2022.
2. **CANCELLATION.** Pursuant to requirements of the Federal Aviation Administration, the City reserves the right to cancel this special use permit on 90-days' notice, either delivered in person to the Permittee or by mail. Any or all personal property shall be removed at Permittee's expense upon cancellation or termination of this agreement.
3. **PERMIT FEES.** The Permittee shall be charged an annual permit fee of \$17,160.90 plus applicable sales tax.

The Permittee shall not use the parcels until starting monthly payments to the City for the permit fee.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax not enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
- B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State, Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.
- C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
- D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.

4. **USE.** The use by the Permittee of the Premises is limited to the purpose of an air tanker reload base. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:
 - A. Permittee shall use the Premises only for the purpose of an air tanker reload base.
 - B. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris.
 - C. The Permittee shall follow requirements of the City Fire Marshal and allow City staff to inspect the premises if requested.

5. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.
 - A. General Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual, with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.
 - B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
 - C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
 - D. All insurance required must meet the following additional requirements:
 - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
 - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
 - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.

- iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
 - v. Evidence of insurance coverage must be submitted to City by July 1, 2021. The effective date of the insurance shall be no later than July 1, 2021.
 - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.
6. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.
7. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
8. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.

9. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
10. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
11. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.
12. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
13. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
14. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
15. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
16. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreements and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

STATE OF ALASKA DIVISION OF FORESTRY CITY OF KENAI

By: _____

By: _____

Michael Burkhead
Procurement Specialist III

Date:

Paul Ostrander
City Manager

Date:

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____day of _____, 2021, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____day of _____, 2021, the foregoing instrument was acknowledged before me by John Sliwinski, Vice-President of Alaska Air Fuel, Inc., on behalf of the corporation.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

Jamie Heinz, MMC, City Clerk

SEAL:

APPROVED AS TO FORM:

Scott M. Bloom, City Attorney

DRAFT

File Attachments for Item:

2. Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: June 3, 2021
SUBJECT: **Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage**

James H. Doyle, Individually, d/b/a Weaver Brothers, Inc. has requested to use three adjacent City-owned parcels along Coral Street and two portions of additional City owned land for storage of truck trailers for one-year from June 21, 2021 to June 20, 2022. Weaver Brothers, Inc. has been storing truck trailers on three parcels via special use permit from June 20, 2019 to June 20, 2021. This request differs from the previous two approved special use permits by including two additional portions of City owned land, as depicted in Attachment C, in order to adjust for actual current usage for parking truck trailers. This requested SUP use is similar to the use of two parcels under a five-year lease from the City by Weaver Brothers for truck storage along Coral Street and allows for a temporary expansion of their business. The attached maps show the location of the parcels requested for a special use permit. The application submitted to the City is also attached to this memorandum.

The Coral Street Airport Zone of the City was appraised at a rate of \$0.50 per square foot and the CPI adjustment for the past year is -1.01%. The annual permit fee would be \$3,442.67 for all five lots based on \$0.50 per square foot, 86,945 total square feet to be used, CPI adjustment of -1.01%, and an 8% of fair market value annual special use permit rate.

The parcels are within the Airport Light Industrial (ALI) Zone of the City and within the Airport Reserve. Pursuant to requirements of the Federal Aviation Administration, the City would reserve the right to cancel this special use permit on 90-days' notice.

The recommendation of the Planning and Zoning Commission will be provided to City Council as part of their decision process for the special use permit. If City Council approves, City Administration would execute a special use permit for truck trailer storage for 12 months to James H. Doyle, Individually, d/b/a Weaver Brothers, Inc.

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

What is the recommendation of the Commission to City Council for the special use permit request?

Attachment A: Special Use Permit Application submitted on May 10, 2021.

Attachment B: Map of Lots 1, 2, and 3 requested in the SUP application.

Attachment C: Map of approximately 3,754 square foot and approximately 15,641 square foot portions of City land requested in the SUP application.

Attachment D: The Special Use Permit to Weaver Brothers, Inc. for Trailer Storage.





City of Kenai
Special Use Permit Application

PAID MAY 11 2021

Application Date: 5/10/2021

Applicant Information

Name of Applicant: JAMES H.DOYLE, INDIVIDUALLY, D/B/A WEAVER BROTHERS, INC.

Mailing Address: PO Box 2229 City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: ()283-7638 Work/ Message Phone: ()283-7957

E-mail: (Optional) kevind@wbialaska.com

Name to Appear on Permit: James Doyle

Mailing Address: PO Box 2229 City: Kenai State: AK Zip Code: 99611

Phone Number(s): Home Phone: ()283-7638 Work/ Message Phone: ()283-7957

E-mail: (Optional) kevind@wbialaska.com

Type of Applicant: Individual (at least 18 years of age) Partnership Corporation Government
 Limited Liability Company (LLC) Other

Property Information

Legal or physical description of the property:
415 coral st. Kenai, Alaska, 425 Coral St. Kenai, Alaska, 435 Coral St. Kenai, Alaska and those areas highlighted in yellow on attached map described as "A" + "B1"

Description of the proposed business or activity intended: Trailer storage

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

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

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

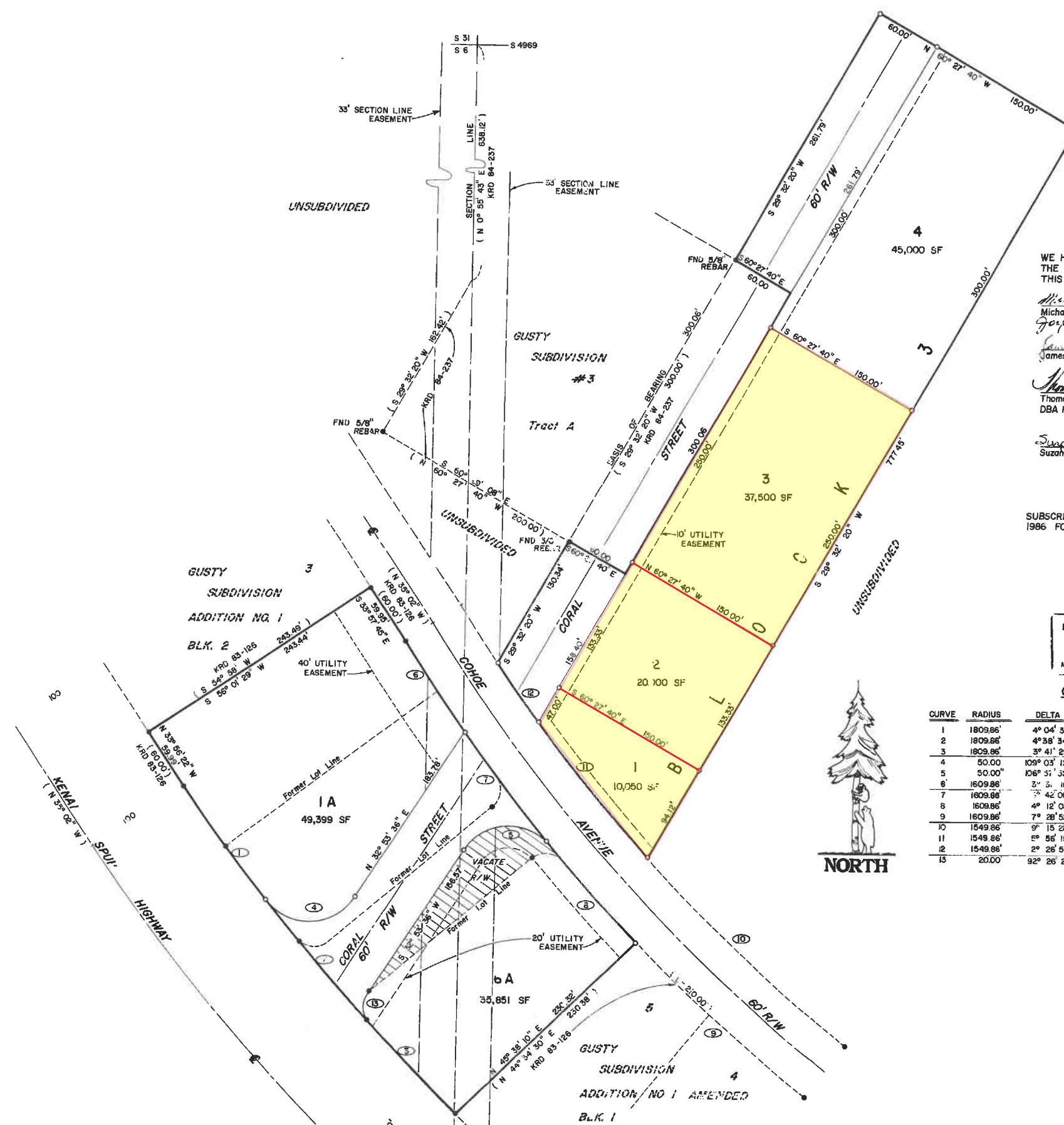
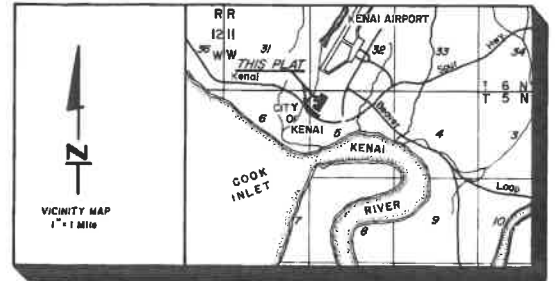
What is the term requested (not to exceed one year)? 1 year

Requested Starting Date: 6/20/2021

Signature: *James H. Doyle* Date: 5/10/2021

Print Name: James H. Doyle Title: President

For City Use Only: General Fund Airport Reserve Land Airport Fund Outside Airport Reserve
Date Application Fee Received: _____
City Council Action/Resolution: _____
Account Number: _____



LESSEE CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE LESSEES WITHIN THE LOTS SHOWN HEREON AND THAT WE HEREBY APPROVE THIS SUBDIVISION.

Michael J. Treat, Joyce A. Treat
 Michael J. Treat, Joyce A. Treat
 Joyce A. Treat, Block 3

James H. Doyle
 James H. Doyle
 LOT 3, BLOCK 3

Thomas H. Wagoner
 Thomas H. Wagoner
 DBA Peninsula Flooring Center
 LOT 2, BLOCK 3

Suzanne Roberts, Dan Roberts, Jacqueline Roberts
 Suzanne Roberts, Dan Roberts, Jacqueline Roberts
 LOT 6A, BLOCK 1

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 21st DAY OF April, 1986 FOR *Thomas H. Wagoner, Dan Roberts, Joyce A. Treat & James H. Doyle*

Cliff Baker
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 8-12-89

NOTARY PUBLIC
 STATE OF ALASKA
 CLIFF BAKER
 My Commission Expires 8-12-89

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD	CHORD BEARING
1	1809.86'	4° 04' 35"	128.76'	64.41'	128.73'	N 36° 00' 55" W
2	1809.86'	4° 38' 34"	146.65'	73.37'	146.62'	N 40° 22' 29" W
3	1809.86'	3° 41' 29"	116.61'	58.33'	116.59'	N 44° 32' 31" W
4	50.00'	109° 03' 12"	95.17'	70.17'	81.44'	S 87° 25' 12" W
5	50.00'	106° 51' 32"	93.34'	67.53'	80.37'	N 86° 22' 32" E
6	1609.86'	3° 5' 16"	98.94'	49.48'	98.92'	S 33° 40' 54" E
7	1609.86'	3° 42' 00"	132.06'	66.07'	132.02'	N 37° 47' 32" W
8	1609.86'	4° 12' 08"	118.07'	59.06'	118.04'	S 42° 14' 36" E
9	1609.86'	7° 28' 52"	210.20'	105.25'	210.05'	S 48° 05' 06" E
10	1549.86'	9° 15' 28"	250.42'	125.49'	250.15'	N 47° 10' 58" W
11	1549.86'	8° 58' 15"	160.61'	80.36'	160.54'	S 39° 35' 07" E
12	1549.86'	2° 26' 56"	66.24'	33.13'	66.24'	N 35° 23' 31" W
13	20.00'	92° 26' 23"	32.27'	20.87'	28.88'	N 03° 43' 56" E

NOTES:

- DOUBLE FRONTAGE LOTS ARE RESTRICTED TO ONE ACCESS ONLY.
- ALL WASTEWATER DISPOSAL SYSTEM SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION. ALL NEW INSTALLATIONS SHALL BE CONNECTED TO MUNICIPAL WATER & WASTE WATER SYSTEMS.
- NO DIRECT ACCESS TO STATE MAINTAINED R.O.W.'S PERMITTED UNLESS APPROVED BY STATE OF ALASKA, DEPT. OF TRANSPORTATION.

CERTIFICATE of APPROVAL by the ALASKA DEPT. of ENVIRONMENTAL CONSERVATION

THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.
 SIGNATURE: *[Signature]* TITLE: *[Title]* DATE: 3-25-86

CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I (AS THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

William J. Brighton
 WILLIAM J. BRIGHTON
 CITY MANAGER
 CITY OF KENAI
 210 FIDALGO ST.
 KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 25th DAY OF March, 1986 FOR *William J. Brighton*

Susan M. Gerlach
 SUSAN M. GERLACH
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 8-9-89

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF Feb. 24, 1986

KENAI PENINSULA BOROUGH!
[Signature]
 AUTHORIZED OFFICIAL

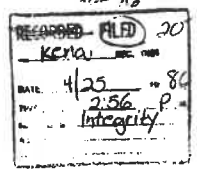
K.P.B. FILE NO. 85-421

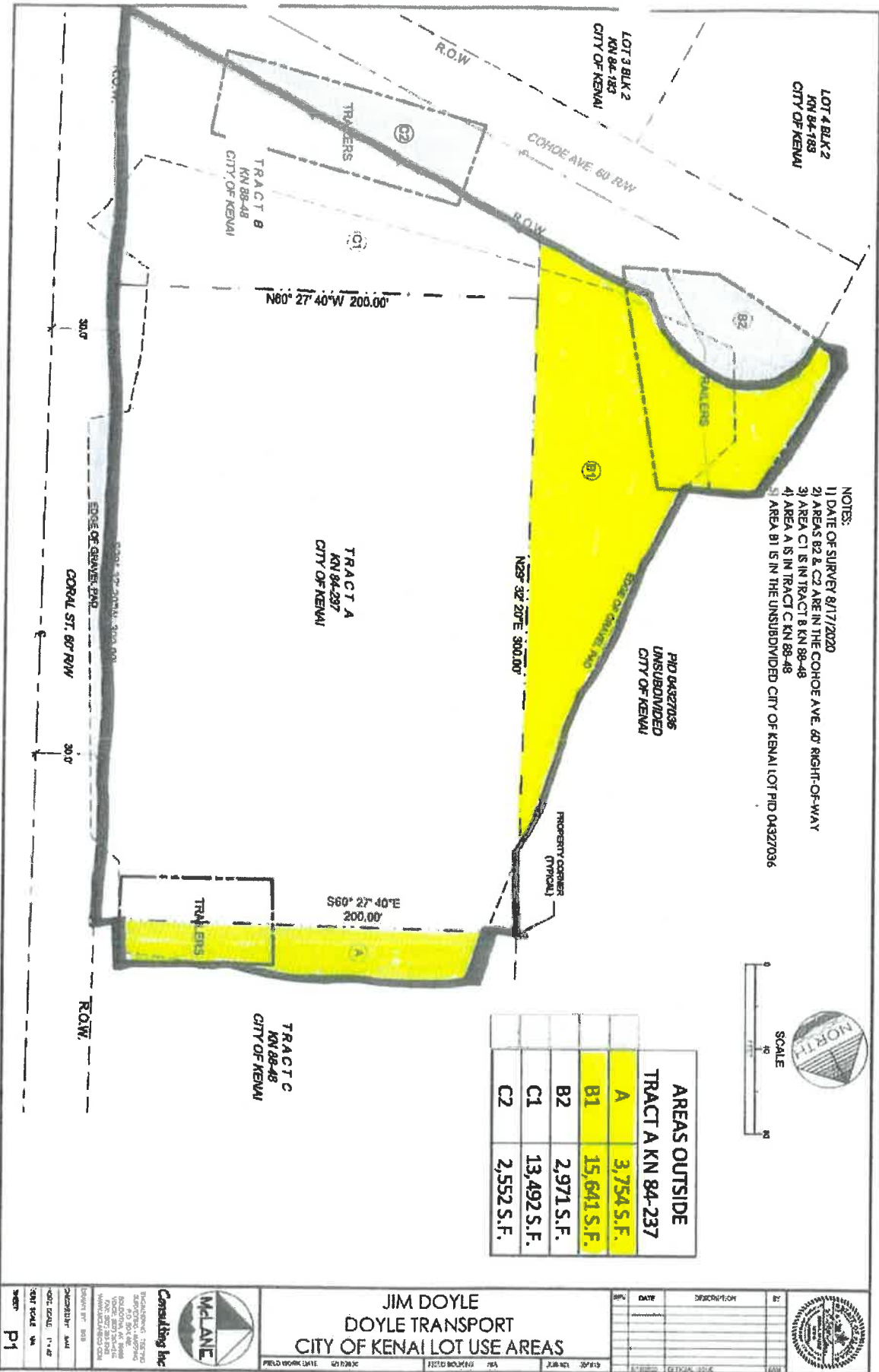
GUSTY SUBDIVISION NO. 4

A RESUBDIVISION OF AIRPORT LEASE LOTS 1-19, LOTS 1 & 2, BLOCK 2, & LOT 6, BLOCK 1 OF GUSTY SUBDIVISION ADDITION #1 AMENDED & R.O.W. VACATION OF CORAL STREET, LOCATED WITHIN NW 1/4, SEC. 5, T 5 N, R 11 W S.M., CITY OF KENAI, KENAI PENINSULA BOROUGH, ALASKA.

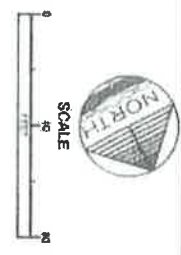
2.58 ACRES CONTAINING 4 LOTS.
INTEGRITY SURVEYS
 P.O. BOX 1831
 SOLDOTNA, ALASKA 99669

SURVEYORS	PLANNERS
JOB NO: 85-59	FIELD BOOK: 85-7
DISK NO: 2-10	FILE NAME: GUSTY SUBD. #4
SURVEYED: 3-86	PLATTED: 3-86
DRAFTED: MK	SCALE: 1"=80'
CHECKED: CB	SHEET: 1





- NOTES:
- 1) DATE OF SURVEY 8/17/2020
 - 2) AREAS B2 & C2 ARE IN THE COHOE AVE. 60' RIGHT-OF-WAY
 - 3) AREA C1 IS IN TRACT B & KN 88-48
 - 4) AREA A IS IN TRACT C & KN 88-48
 - 5) AREA B1 IS IN THE UNSUBDIVIDED CITY OF KENAI LOT PID 04327036



AREAS OUTSIDE TRACT A KN 84-237	
A	3,754 S.F.
B1	15,641 S.F.
B2	2,971 S.F.
C1	13,492 S.F.
C2	2,552 S.F.

JIM DOYLE
DOYLE TRANSPORT
CITY OF KENAI LOT USE AREAS



McLane Consulting Inc.
Professional Services
12345 Main Street
Kenai, Alaska 99550
Phone: (907) 336-1111
Fax: (907) 336-1112
www.mclaneconsulting.com



NO.	DATE	DESCRIPTION

SPECIAL USE PERMIT

The **CITY OF KENAI** (City), for the consideration, and pursuant to the conditions set out below, hereby grants to **JAMES H. DOYLE, INDIVIDUALLY, D/B/A WEAVER BROTHERS, INC.** (PERMITTEE), whose address is P.O. Box 2229, Kenai Alaska 99611, the non-exclusive right to use 86,945 square feet of area as described below:

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 1 BLK 3 (435 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 2 BLK 3 (425 Coral Street); and,

T5N R11W SEC 5 SEWARD MERIDIAN KN 0860076 GUSTY SUB NO 4 LOT 3 BLK 3 (415 Coral Street); and,

Approximately 3,754 square foot portion of T 5N R 11W SEC 5 SEWARD MERIDIAN KN 0890005 GUSTY SUB NO 7 TRACT C-1 as depicted in Attachment C (400 Coral Street); and,

Approximately 15,641 square foot portion of T 5N R 11W SEC 5 & 6 SEWARD MERIDIAN KN PTNS OF SEC 5 & 6 as depicted in Attachment C (700 First Avenue).

1. **TERM.** This special use permit shall be for 12 months from June 21, 2021 to June 20, 2022.
2. **CANCELLATION.** Pursuant to requirements of the Federal Aviation Administration, the City reserves the right to cancel this special use permit on 90-days' notice, either delivered in person to the Permittee or by mail. Any or all personal property shall be removed at Permittee's expense upon cancellation or termination of this agreement.
3. **PERMIT FEES.** The Permittee shall be charged an annual permit fee of \$3,442.67 plus applicable sales tax.

The Permittee shall not use the parcels until paying the City the permit fee.

Checks, bank drafts, or postal money orders shall be made payable to the City of Kenai and delivered to the City Hall, 210 Fidalgo Avenue, Kenai, Alaska 99611.

In addition to the permit fee specified above, the Permittee agrees to pay to the appropriate parties all levies, assessments, and charges as hereinafter provided:

- A. Sales tax nor enforced, or levied in the future, computed upon the permit fee payable in monthly installments whether said fee is paid on a monthly or yearly basis;
- B. All necessary licenses and permits; all lawful taxes and assessments which, during the term hereof may become a lien upon or which may be levied by the State,

Borough, City, or by any other tax levying body, upon any taxable possessory right which Permittee may have in or to the Premises by reason of its use or occupancy or by reason of the terms of this Permit, provided however, that nothing herein contained shall prevent Permittee from contesting any increase in such tax or assessment through procedures provided by law.

- C. Interest at the rate of eight percent (8%) per annum and penalties of ten percent (10%) of any amount of money owed under this Special Use Permit which are not paid on or before the due date.
- D. Costs and expenses incident to this Special Use Permit, including but not limited to recording costs.

4. **USE.** The use by the Permittee of the Premises is limited to the purpose of Truck Trailer Storage. This use is subject to City, Borough, and State laws and regulations and the reasonable administrative actions of the City for the protection and maintenance of the Premises and of adjacent and contiguous lands or facilities. Use of the Premises is subject to the following conditions:

- A. Permittee shall use the Premises only for truck trailer storage.
- B. Trailers must be stored in a manner that will not limit sight lines or create other unsafe driving conditions on adjacent right-of-ways.
- C. The premises shall be returned to its current condition prior to the end of the term of this Special Use Permit. This shall include the removal of any trash or debris.
- D. Trailers must be stored in a manner that will not impact any City snow clearing or moving activities.
- E. Trailers shall be stored such that there will not be oil or other hazardous fluids leaking onto the premises.
- F. Trailers shall be stored such that there will not be grass or vegetation growing between trailers.
- G. The Permittee shall follow requirements of the City Fire Marshal and allow City staff to inspect the premises if requested.
- H. The premises shall not be used to store junked vehicles or other salvaged vehicle or trailer parts.

5. **INSURANCE.** Permittee shall secure and keep in force adequate insurance, as stated below, to protect City and Permittee. Where specific limits are stated, the limits are the minimum acceptable limits. If Permittee's insurance policy contains higher limits, the City is entitled to coverage to the extent of the higher limits.

- A. Garage Liability or Commercial General Liability Insurance, including Premises, all operations, property damage, personal injury and death, broad-form contractual,

with a per-occurrence limit of not less than \$1,000,000 combined single limit. The policy must name the City as an additional insured.

- B. Worker's Compensation Insurance with coverage for all employees engaged in work under this Permit or at the Premises as required by AS 23.30.045. Permittee is further responsible to provide Worker's Compensation Insurance for any subcontractor who directly or indirectly provides services to Permittee under this Permit.
- C. Commercial Automobile Coverage with not less than \$1,000,000 combined single limit per occurrence. This insurance must cover all owned, hired, and non-owned motor vehicles the Permittee uses for snow moving and storage activities to, from, or on the Premises. The policy must name the City as an additional insured.
- D. All insurance required must meet the following additional requirements:
 - i. All policies will be by a company/corporation currently rated "A-" or better by A.M. Best.
 - ii. Permittee shall submit to the City proof of continuous insurance coverage in the form of insurance policies, certificates, endorsements, or a combination thereof, and signed by a person authorized by the insurer to bind coverage on its behalf.
 - iii. Permittee shall request a waiver of subrogation against City from Permittee's insurer and the waiver of subrogation, where possible, shall be provided at no cost to City.
 - iv. Provide the City with notification at least 30 days before any termination, cancellation, or material change in insurance coverage of any policy required hereunder.
 - v. Evidence of insurance coverage must be submitted to City by June 21, 2020. The effective date of the insurance shall be no later than June 21, 2020.
 - vi. This insurance shall be primary and exclusive of any other insurance carried by the City of Kenai. This insurance shall be without limitation on the time within which the resulting loss, damage, or injury is actually sustained.

6. **INDEMNITY, DEFEND, AND HOLD HARMLESS AGREEMENT.** The Permittee shall fully indemnify, hold harmless, and defend the City of Kenai, its officers, agents, employees, and volunteers at its own expense from and against any and all actions, damages, costs, liability, claims, losses, judgments, penalties, including reasonable Attorney's fees of or for liability for any wrongful or negligent acts, errors, or omissions of the Permittee, its officers, agents or employees, or any subcontractor under this Permit. The Permittee shall not be required to defend or indemnify the City for any claims of or liability for any wrongful or negligent act, error, or omission solely due to the independent

negligence of the City. If there is a claim of or liability for the joint negligence of the Permittee and the independent negligence of the City, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be established upon final determination of the percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. "Permittee" and "City" as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, for each party. The term "independent negligence of the City" is negligence other than in the City's selection, administration, monitoring, or controlling of the Permittee.

7. **PERMITTEE'S OBLIGATION TO PREVENT AND REMOVE LIENS.** Permittee will not permit any liens, including mechanic's, laborer's, construction, supplier's, mining, or any other liens obtainable or available under existing law, to stand against the Premises or improvements on the Premises for any labor or material furnished to Permittee or to any related entity or claimed entity. The Permittee shall have the right to provide a bond as contemplated by State of Alaska law and contest the validity or amount of any such lien or claimed lien. Upon the final determination of the lien or claim for lien, the Permittee will immediately pay any judgment rendered with all proper costs and charges and shall have such lien released or judgment satisfied at Permittee's own expense.
8. **PERSONALTY.** Permittee shall remove any and all personal property, including all vehicles, from the Premises at the termination of this Permit. Personal property placed or used upon the Premises and not removed upon termination of this Permit will be removed and/or impounded by the City. Property removed or impounded by the City may be redeemed by the owner thereof only upon the payment to the City of the costs of removal plus a storage fee of \$25 per day. The City of Kenai is not responsible for any damage to or theft of any personalty of Permittee or its customers.
9. **FORBEARANCE.** Failure to insist upon a strict compliance with the terms, conditions, and/or any requirement herein contained, or referred to, shall not constitute or be construed as a waiver or relinquishment of the right to exercise such terms, conditions, or requirements.
10. **TERMINATION, DEFAULT.** This Permit may be terminated by either party hereto by giving 30 days advance written notice to the other party. The City may terminate the Permit immediately, or upon notice shorter than 30 days, to protect public health and safety. The City may also terminate this Permit immediately, or upon notice shorter than 30 days, due to a failure of Permittee to comply with conditions and terms of this Permit, which failure remains uncured after notice by City to Permittee providing Permittee with a reasonable time period to correct the violation or breach.
11. **NO DISCRIMINATION.** Permittee will not discriminate on the grounds of race, color, religion, national origin, ancestry, age, or sex against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or State law. Permittee recognizes the right of the City to take any action necessary to enforce this requirement.

12. **ASSIGNMENT.** Permittee may not assign, by grant or implication, the whole any part of this Permit, the Premises, or any improvement on the Premises without the written consent of the City. Unless the City specifically releases the Permittee in writing, the City may hold the Permittee responsible for performing any obligation under this permit which an assignee fails to perform.
13. **ASSUMPTION OF RISK.** Permittee shall provide all proper safeguards and shall assume all risks incurred in its activities on the Premises and its exercise of the privileges granted in this Permit.
14. **NO JOINT VENTURE.** The City shall not be construed or held to be a partner or joint venturer of Permittee in the conduct of its business or activities on the Premises.
15. **SURVIVAL.** The obligations and duties of Permittee under paragraphs 5 and 6 of this Permit shall survive the cancellation, termination, or expiration of this Permit.
16. **AUTHORITY.** By signing this Permit, Permittee represents that is has read this agreements and consents to be bound by the terms and conditions herein and that the person signing this Permit is duly authorized by the business to bind the business hereunder.

WEAVER BROTHERS, INC.

CITY OF KENAI

By: _____

James H. Doyle
President

Date: _____

By: _____

Paul Ostrander
City Manager

Date: _____

By: _____

James H. Doyle
Individually

Date: _____

ACKNOWLEDGMENTS

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, the foregoing instrument was acknowledged before me by Paul Ostrander, City Manager of the City of Kenai, Alaska, an Alaska home rule municipality, on behalf of the City.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, the foregoing instrument was acknowledged before me by James H. Doyle, President of Weaver Brothers, Inc., an Alaska limited liability company, on behalf of the company.

Notary Public for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 2021, the foregoing instrument was acknowledged before me by James H. Doyle.

Notary Public for Alaska
My Commission Expires: _____

ATTEST:

Jamie Heinz, CMC, City Clerk

SEAL:

APPROVED AS TO FORM:

Scott M. Bloom, City Attorney

DRAFT

File Attachments for Item:

1. City Council



Kenai City Council - Regular Meeting

June 02, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Robert Ruffner** - Cook Inlet Fisheries Update

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3214-2021** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and the Airport Snow Removal Equipment Capital Project Funds to Provide Supplemental Funding for the Replacement of the Wide-Area Tractor and Mower. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3215-2021** - Increasing Estimated Revenues and Appropriations in the Water and Sewer Special Revenue and Water and Sewer Capital Projects Funds to Provide Supplemental Funding for the Wellhouse #1 Relocation Project and Authorizing the Issuance of a Contract for the Project. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3216-2021** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Terminal Improvement Capital Project Fund to Provide Additional Local Share to the Terminal Rehabilitation Project and to Provide Funding to Install Wireless Internet Service for the Public. (Administration)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2021-35** - Awarding a Professional Services Agreement and Issuing a Purchase Order for Design Services for the Kenai Bluff Stabilization Project. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2021-36** - Authorizing the Purchase of a New Grader for the Streets Department through Utilization of the State of Alaska Procurement Contract and Issuance of a Purchase Order. (Administration)
6. **ADOPTED UNANIMOUSLY. Resolution No. 2021-37** - Approving an Amendment to a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Soar International Ministries, Incorporated, for Tract A-2, General Aviation Apron Subdivision No.7. (Administration)
7. **ADOPTED. Resolution No. 2021-38** - Authorizing Contracts for Employee Health Care and Other Benefits Effective July 1, 2021. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2021-39** - Authorizing Renewal of the City's Insurance Coverage with Alaska Municipal League Joint Insurance Association for July 1, 2021 through June 30, 2022. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of May 19, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/16/2021.** *Ordinance No. 3217-2021 - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. (Mayor Gabriel, Vice Mayor Molloy, Council Member Winger)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/16/2021.** *Ordinance No. 3218-2021 - Accepting and Appropriating Drug Seizure Funds into the Police Small Tools Account. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/16/2021.** *Ordinance No. 3219-2021 - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 01 035) to Triumvirate Theatre for the Development of a Theatre Facility. (Administration)

5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 6/16/2021.**
***Ordinance No. 3220-2021** - Authorizing a Tourism, Travel, and Hospitality Services Economic Stimulus Program to Benefit Certain Kenai Small Businesses and Award of a Professional Services Agreement to the Kenai Chamber of Commerce and Visitor Center for Administration of the Program. (Administration)
6. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Special Use Permit to Crowley Fuels, LLC, for Aviation Fueling on the Apron Fueling Area. (Eland Conway)
7. **HEARINGS SET FOR 7/20/21 AT 6:00 P.M. AND 7/23/21 AT 6:00 P.M. Discussion** - Set Board of Adjustment Hearings for Two Appeals. (City Clerk)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. Negotiate a Settlement Agreement with Ron and Shirley Smith Regarding Utility Fees for 11440 Kenai Spur Highway Pursuant to AS 44.62.310(c)(1) a Matter of Which the Immediate Knowledge may have an Adverse Effect Upon the Finances of the City.

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89022372498>

Meeting ID: 890 2237 2498 **Passcode:** 207016

OR

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

Meeting ID: 890 2237 2498 **Passcode:** 207016

File Attachments for Item:

2. Kenai Peninsula Borough Planning



Planning Commission Final Agenda

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

Melanie Aeschliman, Planning Director • Charlie Pierce, Borough Mayor

Blair Martin, Chair – Kalifornsky Beach ~ Robert Ruffner, Vice Chair – Kaslof/Clam Gulch

Syverine Abrahamson-Bentz, Parliamentarian – Anchor Point/Ninilchik ~ Jeremy Brantley – Sterling

Paulette Bokenko-Carluccio – City of Seldovia ~ Cindy Ecklund – City of Seward ~ Pamela Gillham – Ridge Way

Davin Chesser – Northwest Borough ~ Diane Fikes – City of Kenai ~ Virginia Morgan – East Peninsula ~ Franco Venuti – City of Homer

May 24, 2021

7:30 p.m.

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 AGENDAS

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

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

***1. Time Extension Request**

***2. Planning Commission Resolutions**

- a. PC Resolution 2021-016V

***3. Plats Granted Administrative Approval**

- a. Seashore Bluffs; KPB File 2017-043R1
- b. Inglima Tract 2019 Replat: KPB File 2019-139

***4. Plats Granted Final Approval (20.10.040)**

- a. Marion Subdivision 2021 Replat; KPB File 2021-038

***5. Plat Amendment Request**

***6. Commissioner Excused Absences**

- a. Davin Chesser, Northwest Borough

***7. Minutes**

- a. May 10, 2021 Planning Commission Meeting
- b. May 10, 2021 Plat Committee Meeting

D. NEW BUSINESS

1. Barnett's South Slope Subdivision Quiet Creek Park Replat Lots 35, 36 & 37
KPB File: 2021-057
Geovera, LLC / Martin, Carter, Harris, Ferraro
Location: on Nelson Ave.
City of Homer
2. Barnett's South Slope Subdivision Quiet Creek Park Lot 38 Replat
KPB File: 2021-058
Geovera, LLC / Echo Trading Company, LLC, Drake
Location: on Nelson Ave.
City of Homer
3. Poage Subdivision Chaloux Replat
KPB File: 2021-059
Segesser Surveys / Chaloux
Location: on Robert Ave.
Funny River Area / Funny River APC
4. Don's Place Subdivision Heazlett Replat
KPB File: 2021-060
Segesser Surveys / Heazlett
Location: on Eagle Ave.
Nikiski Area
5. Bos'N Landing 2021 Replat
KPB File: 2021-062
McLane Consulting Group / Edward N. Krohn Estate
Location: off Lou Morgan Rd., on Starboard Beam Cir. & Focsle Cir.
Sterling Area
6. River Quest 2021 Replat
KPB File 2021-061
McLane Consulting Group / Schalkle, Crosswhite, Willkie
Location: on Davison Ave.
Kalifornsky Area / Kalifornsky APC
7. Review of the KPB Plat Committee Preliminary Approval
Bluff Haven Estates 2021 Replat (Approved April 12, 2021)
KPB File: 2021-030
Geovera, LLC / Evensen
Location: in the Diamond Ridge Area

E. OLD BUSINESS

1. Conditional Land Use Permit (CLUP)
Modification of CLUP for Material Extraction
PC Resolution 2021-10
Applicant: River Resources, LLC
Location: 34386 Patson Rd., Soldotna, AK 99669

PINs: 135-243-13 & 135-243-29

- F. **PLAT COMMITTEE REPORT** - No Meeting 5/24/21
- G. **OTHER**
- H. **PUBLIC COMMENT/PRESENTATION** (Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)
- I. **DIRECTOR'S COMMENTS**
- J. **COMMISSIONER COMMENTS**
- K. **ADJOURNMENT**

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, June 14, 2021** 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.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Zoom	June 10, 2021	7:00 PM
Cooper Landing	Zoom	June 9, 2021	6:00 PM
Funny River	Funny River Community Center	June 9, 2021	7:00 PM
Kalifornsky	Zoom	June 9, 2021	6:00 PM
Kachemak Bay	Zoom	June 10, 2021	7:00 PM
Moose Pass	Inactive	TBD	N/A
Hope / Sunrise	Zoom	June 9, 2021	7:00 PM

NOTE: Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website. Links to the websites can be found on the Planning Department website.

**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.