



**Kenai Planning and Zoning Commission
Meeting**

August 12, 2020 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

A Work Session will be held immediately following the regular meeting to discuss a Kenai Peninsula Borough proposed ordinance that would amend Kenai Peninsula Borough Chapter 2.40 – Planning Commission, Chapter 21.20 – Hearing and Appeals, and multiple sections of Title 20 – Subdivisions

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.](#) *July 22, 2020

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 PZ2020-25** – Reapproving the Preliminary Subdivision Plat of Beaver Loop Acres Addition No .2, with additional changes, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna AK 99669, on behalf of Beaver Loop Sand and Gravel, LLC, P.O.

Box 1290, and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611

F. PUBLIC HEARINGS

- 1. Resolution PZ2020-22** – Application for a Variance Permit for a building in access of 5,000.00 square feet per story to be located on the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. Resolution PZ2020-23** – Application for Review of Development in the Townsite Historical Zone for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611
- 2. Resolution PZ2020-24** – Application for an Amendment to Conditional Use Permit PZ15-04 to remove the reference to square footage of the existing building for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611
- 3. Action/Approval** – Recommendation to City Council for an Application for a Forty-Five (45) year Lease of City-owned Land Within the Airport Reserve described as Lot 5, FBO Subdivision No. 8 located at 525 N. Willow Street. The application was submitted by Alaska Air Fuel, Inc., 3700 W. Aviation Ave., Wasilla, AK 99654

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** August 26, 2020 - Regular Meeting @7pm
- 2.** August 26, 2020 - Work Session to Follow Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

The agenda and supporting documents are posted on the City's website at www.kenai.city. For additional information, please contact the Planning and Zoning Department at 907-283-8237.

Participation (join Zoom meeting): <https://us02web.zoom.us/j/85650090756>

Virtual Meeting ID: 856 5009 0756

Password: 096569

OR Telephonic Participation: +1 253 215 8782 or +1 301 715 8592

Meeting ID: 856 5009 0756

Password: 096569

File Attachments for Item:

*July 22, 2020

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 22, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, R. Springer, T. McIntyre, V. Askin

Commissioners absent: D. Fikes, G. Greenberg, J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson,
Deputy Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Askin **MOVED** to approve the agenda as written and Commissioner McIntyre **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Springer **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 – J. Halstead

B. APPROVAL OF MINUTES

1. *July 8, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2020-19** - Preliminary Subdivision Plat of Oberts Pillars Subdivision Donaghe Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Thomas Donaghe, 3305 Togiak St., Unit A, Kenai, AK 99611

The City Planner reviewed the staff report provided in the packet and noted the plat reflected the removal of the property line between two lots, allowing the property owner to construct the detached garage because it would be on the same parcel as the primary residence. Approval was recommended with the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations; and
- Insert an additional label for the “10’ utility easement” to add clarity to the plat.

MOTION:

Commissioner Askin **MOVED** to recommend approval of Resolution No. PZ2020-19 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

Commissioner McIntyre declared a potential conflict of interest with his home being in this neighborhood; Chair Twait determined there was no conflict.

VOTE:

YEA: McIntyre, Springer, Askin, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS – None.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Knackstedt reported on the actions from the July 15

City Council meeting.

2. **Borough Planning** – No report.

3. **Administration** – City Planner Appleby reported on the following:

- She attended the Borough Plat Committee meeting on July 13, three plats within the City of Kenai went before the Committee; two were approved and the Beaver Loop Acres Addition plat would be coming back to the Planning and Zoning Commission for further review;
- The department's Mid-Month report would be included in the next Council packet;
- Dipnet is in full swing and open until July 31; and
- She is working on Draft Land Management Plan, hoping it would go before the public soon.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – August 12, 2020

N. **COMMISSION COMMENTS & QUESTIONS** – None.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:25 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

File Attachments for Item:

Resolution PZ2020-25 – Reapproving the Preliminary Subdivision Plat of Beaver Loop Acres Addition No .2, with additional changes, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna AK 99669, on behalf of Beaver Loop Sand and Gravel, LLC, P.O. Box 1290, and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: August 7, 2020
SUBJECT: PZ2020-25 – Preliminary Subdivision Plat – Beaver Loop Acres Addition No. 2

Applicants: Beaver Loop Sand and Gravel LLC
P.O. Box 1290
Kenai, AK 99611

Estate of Patrick J. Doyle and Mary J. Doyle
2243 Beaver Loop Road
Kenai, AK 99611

Submitted By: Segesser Surveys.
30485 Rosaland St.
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – Beaver Loop Acres Addition No. 2

Legal Description: Tract A1, Beaver Loop Acres Addition No.1
Lot 2, Beaver Loop Acres Subdivision

Property Address: 2369 Beaver Loop Road
2243 Beaver Loop Road

KPB Parcel No: 04912051
04912048

Lot Size: 52.50 Acres (approximately 2,286,900 square feet)
1.09 Acres (approximately 47,480 square feet)

Existing Zoning: Rural Residential (RR)

Current Land Use: Gravel Pit and Residence

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Segesser Surveys submitted a preliminary plat on behalf of Beaver Loop Sand and Gravel, LLC and the Estate of Patrick J. Doyle and Mary J. Doyle. The plat affects the parcels described as Tract A1, Beaver Loop Acres Addition No. 1, and Lot 2, Beaver Loop Acres. The preliminary plat shows that the owner is subdividing Tract A1 and Lot 2 into Tract A2, and Lots 2A, 5, 6, 7, 8, and 9, Beaver Loop Acres Addition No. 2. This plat was initially reviewed under Resolution PZ2020-07 by the City's Planning and Zoning Commission on May 13, 2020. Since that meeting, the City requested the plat come back for a revised recommendation.

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 applicant 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 August 7, 2020.

ANALYSIS

Access to the proposed lots is via Beaver Loop Road, which is paved and maintained by the State of Alaska. The proposed plat does not dedicate any additional rights-of-way. City of Kenai water and sewer lines are not available to the proposed subdivision. Property owners will have to install a private well and a septic system following Alaska Department of Environmental Conservation requirements. Plat note six addresses wastewater disposal. The note provides that the soil conditions, water table levels, and soil slopes for lots five through nine have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences if regulatory requirements of the Kenai Peninsula Borough are met. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, and the design must be approved by the Alaska Department of Environmental Conservation. Any wastewater treatment or disposal system for Tract A2 of the proposed subdivision must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

A 15-foot easement for utilities is located along the southern boundary of the proposed lots. This is denoted in plat note four, which states the front 15-feet adjacent to rights-of-way is utility easement. The southern boundaries of the proposed lots are along right-of-way for Beaver Loop Road, and no permanent structure shall be placed within the utility easement.



The parcels are within the Rural Residential (RR) Zone of the City. Plat note two states that the subdivision is subject to City of Kenai zoning regulations.

The proposed Tract A2, Beaver Loop Acres Addition No. 2 is currently a gravel pit operated under a City conditional use permit by Beaver Loop Sand and Gravel, LLC. It is the intention of the property owner to reclaim the lots for the development of the proposed subdivision. The subdivision is in alignment with the reclamation plans of Beaver Loop Sand and Gravel, LLC.

Changes to the amended plat were to designate rights-of-way for road access along the western edge of the plat. This is an existing gravel road leading to the gravel pit. An additional right-of-way was added between Lots 5 and 6 and a plat note was added for Lots 7 and 8 to share a driveway in order to reduce the number of driveways directly connecting to Beaver Loop Road.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Beaver Loop Acres Addition No. 2, subject to the following conditions:

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

ATTACHMENTS

1. Resolution No. PZ2020-25
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2020-25**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT THE AMENDED RESUBDIVISION OF BEAVER LOOP ACRES ADDITION NO. 2 ATTACHED HERETO BE APPROVED

WHEREAS, the City of Kenai received the amended plat from Segesser Surveys, Incorporated to update the plat at the request of the City that was initially reviewed with Resolution No. PZ2020-07; and,

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

WHEREAS, street names are referenced correctly; and,

WHEREAS, the plat grants a fifteen-foot (15") utility easement adjacent to the right-of-way of Beaver Loop Road; and

WHEREAS, the plat will not change the existing access to the properties; and,

WHEREAS, Beaver Loop Road is a paved and State maintained road providing access to the property; and,

WHEREAS, an installation agreement is not required; 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, an easement is 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 14.10.080 Minimum improvements required, there is adequate access and facilities available to the proposed parcel. An installation agreement is not required.
3. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
4. 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 Beaver Loop Acres Addition No. 2 be approved subject to the following conditions:

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of August, 2020.

JEFF TWAIT, CHAIRPERSON

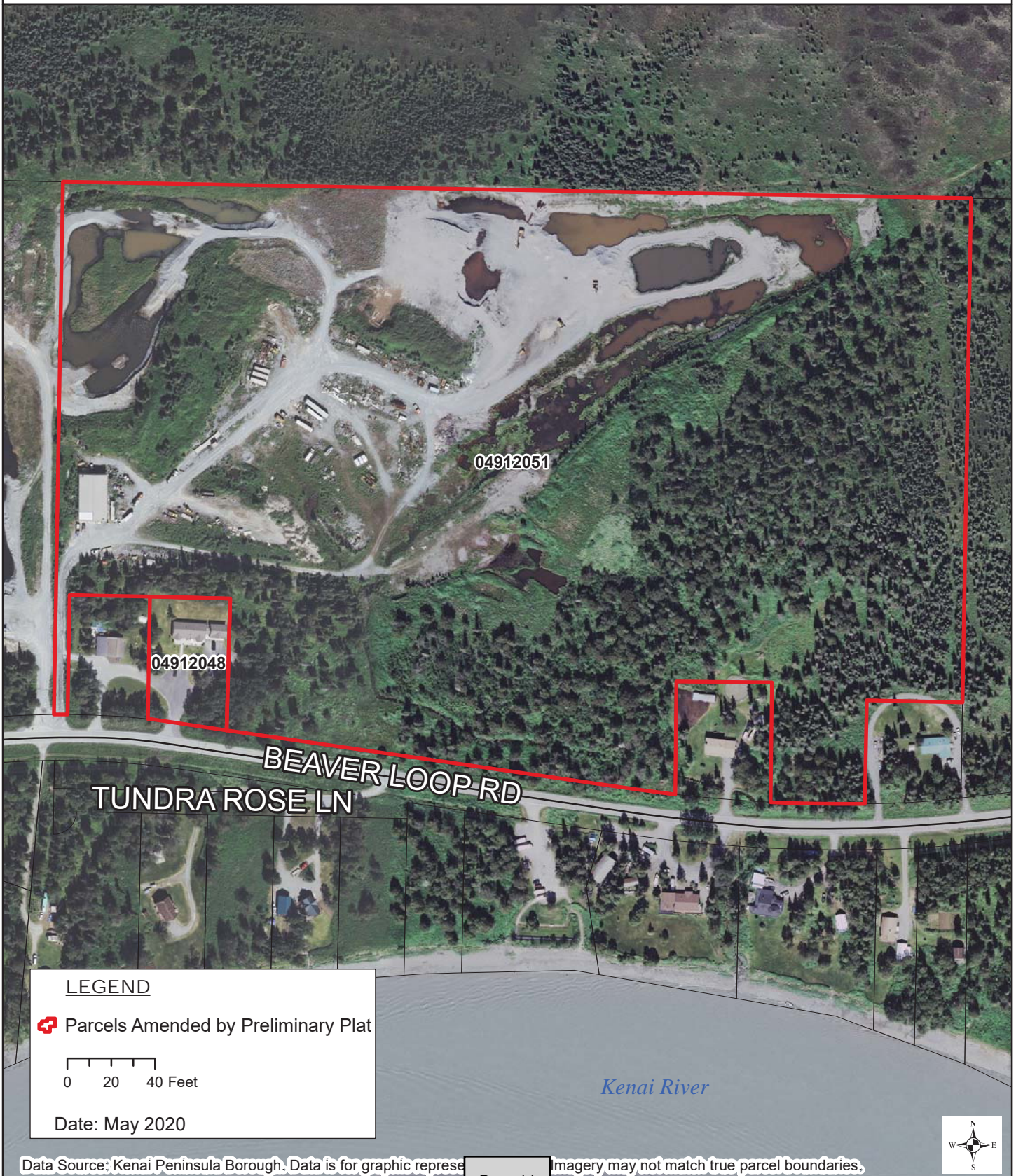
ATTEST:

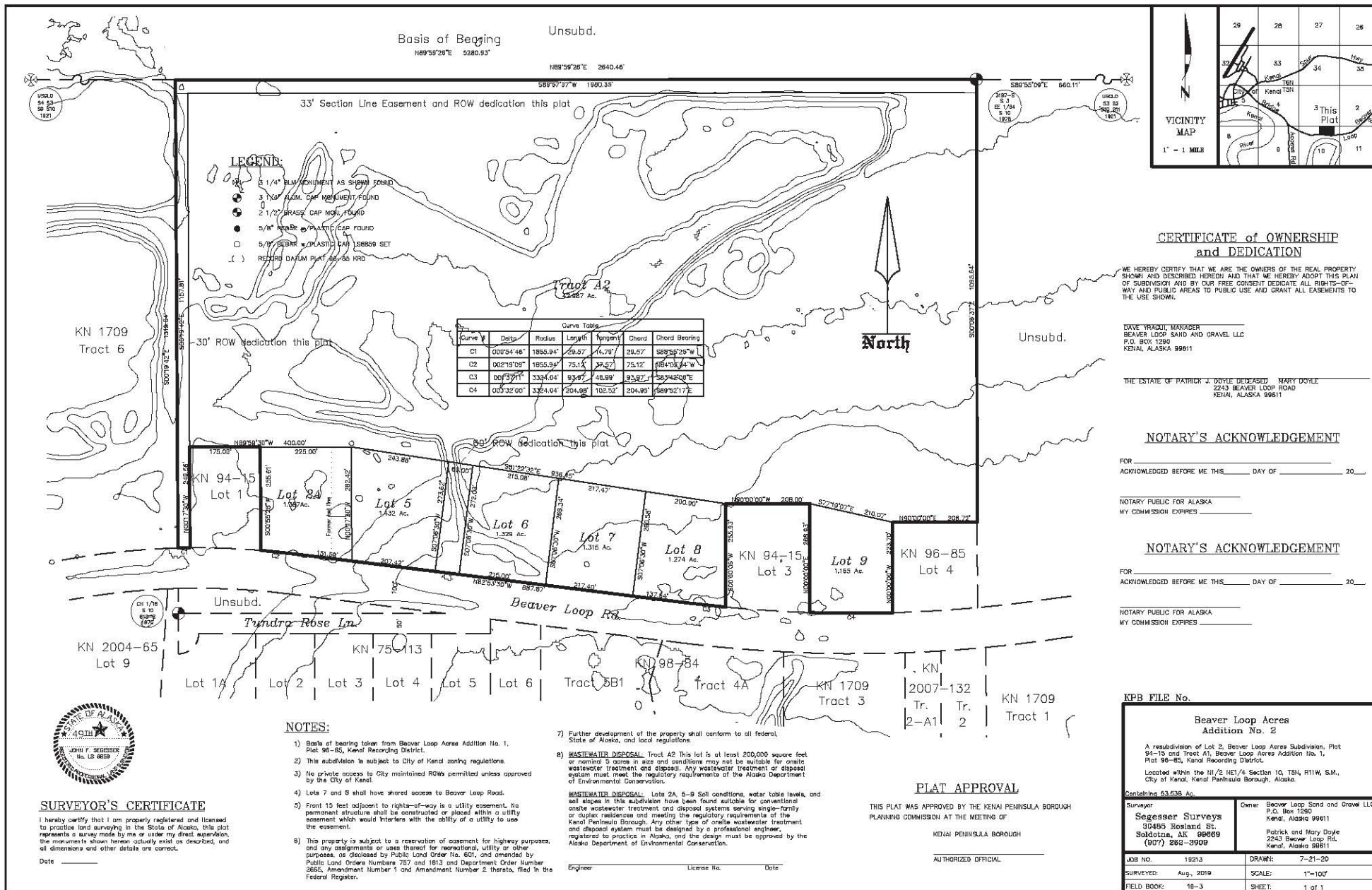
JAMIE HEINZ, CITY CLERK



Preliminary Plat Aerial Map

Parcels 04912051 and 04912048
2369 and 2243 Beaver Loop Road
Tract A1, Beaver Loop Acres Addition No. 1 and
Lot 2, Beaver Loop Acres Subdivision





File Attachments for Item:

Resolution PZ2020-22 – Application for a Variance Permit for a building in excess of 5,000.00 square feet per story to be located on the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611



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: Elizabeth Appleby, City Planner
DATE: August 7, 2020
SUBJECT: PZ2020-22 – Variance Permit – Commercial building over 5,000 square feet per story

Applicant: Kenaitze Indian Tribe.
P.O Box 988
Kenai, Alaska 99611

Legal Description: Lot 16B, Townsite of Kenai 2016 Addition

Property Address: 1000 Mission Avenue

KPB Parcel No: 04707134

Lot Size: 0.73 acres (approximately 31,799 square feet)

Existing Zoning: Townsite Historic District (TSH)

Current Land Use: Tyotkas Elder Center

Land Use Plan: Mixed Use

GENERAL INFORMATION

The Kenaitze Indian Tribe would like to expand the existing restaurant and kitchen located in the Tyotkas Elder Center. The building is located within the Townsite Historic District. (TSH Zone). The proposed addition would exceed the total square footage per story allowed in the TSH Zone by Kenai Municipal Code 14.20.10 (c) (4), as follows:

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

In 2017 the Kenaitze Indian Tribe demolished the existing Tyotkas Elder Center because it was deemed structurally unsound and unsafe to occupy. A building permit was issued to the Kenaitze Indian Tribe to construct an approximately 6,500 square foot mixed use commercial building. The building is currently used as social hall (approximately 4,900 square feet) with an approximately 1,600 square foot kitchen, food preparation area and restaurant. A Variance Permit was granted by the Planning and Zoning Commission to construct an approximately 6,500 square foot building which exceeded the 5,000 square foot per story allowance.

The addition to the Tyotkas Elder Center will increase the square footage of the building by approximately 1,619 square foot. The dining area will be increased by approximately 1,045 square feet, the kitchen area by approximately 404 square feet, and the salad preparation area by approximately 170 square feet. The purpose of this addition is to allow additional space in the dining area to accommodate the social distancing mandates of COVID-19. A Variance Permit must be granted by the Planning and Zoning Commission before this proposed addition may be constructed.

[Application, Public Notice, Public Comment](#)

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

[ANALYSIS](#)

KMC 14.20.180 details the intent, application, and review criteria for a variance permit. The Commission shall establish a finding that all of the following conditions exist as a prerequisite to issuance of a variance permit:

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same zoning district.*

This property has been used as an Elder Center for many years by the Kenaitze Indian Tribe. It is not feasible to construct a two-story building because it would not functionally service the needs of the tribal elders. The desired addition is to the dining hall and it is not possible expand to another story. The addition would meet all City setback requirements.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary hardship or inconvenience.*

The size of the building is necessary to accommodate the needs of the largely senior population that is visiting the facility. The request does not merely constitute a pecuniary hardship or inconvenience. The additional space in the dining room will also meet the need for additional spacing during the COVID-19 public health emergency.



3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

The social hall portion of the building is a permitted use. The dining area and kitchen are classified as a restaurant, which is a conditional use in the TSH District. The Planning & Zoning Commission previously granted a Conditional Use Permit (PZ15-04) for the restaurant. The Kenaitze Indian Tribe are in compliance with the conditions of the Conditional Use Permit.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

When the initial building was constructed, the Kenaitze Indian Tribe worked with a team of dedicated architects to determine the minimum size for the building that will accommodate all the various services, the Kenaitze Indian Tribe wanted to offer to their elders, including, a kitchen, dining area, library, and conference/craft area.

5. *The granting of a variance shall not be based upon other non-conforming land uses or structures within the same land use or zoning district.*

The requested variance is not based on other non-conforming land uses or structures in the same zoning district.

City staff finds the applicant meets the criteria for issuance of a variance permit in accordance with KMC 14.20.180, Variance permits, and recommends that the Planning and Zoning Commission approve the variance permit application, subject to the following conditions:

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

ATTACHMENTS

- A. Resolution No. PZ2020-22
- B. Application
- C. Aerial Map
- D. Site Plan
- E. Photos





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-22**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A VARIANCE PERMIT TO EXCEED THE MAXIMUM SQUARE FOOTAGE PER STORY ALLOWED WITHIN THE TOWNSITE HISTORIC DISTRICT AT LOT 16B, TOWNSITE OF KENAI 2016 ADDITION

APPLICANT: Kenaitze Indian Tribe

PROPERTY ADDRESS: 1000 Mission Avenue

LEGAL DESCRIPTION: Lot 16B, Townsite of Kenai 2016 Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04707134

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150, Variance permit – Permit Application, was submitted to the City; and,

WHEREAS, the existing Tyotkas Elder Center located on Lot 16B, Townsite of Kenai 2016 Addition is located within the Townsite Historic District (TSH Zone) of the City; and,

WHEREAS, Kenai Municipal Code 14.20.10(c)(4) requires building be 5,000 square feet or less per story within the Townsite Historic District; and,

WHEREAS, a Variance Permit was granted with Resolution PZ15-04 allowed for a 6,500 square foot building; and,

WHEREAS, the addition to the existing Tyotkas Elder Center building will increase the size of the building by approximately 1,619 square feet to become a total of 8,119 square feet; and,

WHEREAS, the applicant has demonstrated with plans and other documents that all of the conditions have been found to exist as a prerequisite to issuance of a variance permit pursuant to Kenai Municipal Code 14.20.180(c), Variance permit – Review Criteria; and,

WHEREAS, the Planning and Zoning Commission finds:

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same zoning district.*

This property has been used as an Elder Center for many years by the Kenaitze Indian Tribe. It is not feasible to construct a two-story building because it would not functionally service the needs of the tribal elders. The desired addition is to the dining hall and it is not possible expand to another story. The addition would meet all City setback requirements.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary hardship or inconvenience.*

The size of the building is necessary to accommodate the needs of the largely senior population that is visiting the facility. The request does not merely constitute a pecuniary hardship or inconvenience. The additional space in the dining room will also meet the need for additional spacing during the COVID-19 public health emergency.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

The social hall portion of the building is a permitted use. The dining area and kitchen are classified as a restaurant, which is a conditional use in the TSH District. The Planning & Zoning Commission previously granted a Conditional Use Permit (PZ15-04) for the restaurant. The Kenaitze Indian Tribe are in compliance with the conditions of the Conditional Use Permit.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

When the initial building was constructed, the Kenaitze Indian Tribe worked with a team of dedicated architects to determine the minimum size for the building that will accommodate all the various services, the Kenaitze Indian Tribe wanted to offer to their elders, including, a kitchen, dining area, library, and conference/craft area.

5. *The granting of a variance shall not be based upon other non-conforming land uses or structures within the same land use or zoning district.*

The granting of this variance permit is not based upon other non-conforming land uses or structures within the same land use or zoning district.

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

Section 1. That a Variance Permit is granted to the Kenaitze Indian Tribe relaxing the maximum square footage per story within the Townsite Historict District of 5,000 square feet as set forth in Kenai Municipal Code 14.24.020 – Development Requirements Table, for the development of an additional approximately 1,619 square feet for the building to become approximately 8,119 square feet.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be require to obtain a Building Permit.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 12th day of August, 2020.

ATTEST:

JEFF TWAIT, CHAIRPERSON

JAMIE HEINZ, CMC, CITY CLERK



Aerial Map Tyotkas Elder Center

Parcels 04707134
1000 Mission Avenue
Lot 16B, Townsite of Kenai 2016 Addition





Variance Permit Application

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

PROPERTY OWNER

Name:	Kenaitze Indian Tribe				
Mailing Address:	PO Box 988				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-335-7200				
Email:	dnelson@kenaitze.org				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Dawn Nelson				
Mailing Address:	PO box 988				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-335-7200				
Email:	dnelson@kenaitze.org				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04707134
Physical Address:	1000 Mission Avenue, Kenai, AK 99611
Legal Description:	T 5N R 11W Sec 6 Seward Meridian KN 2017043 Townsite of Kenai 2016 Addn L16B
Zoning:	Townsite Historic
Acres:	.73

VARIANCE DESCRIPTION

(include site plan with square footages and elevations of all existing/proposed buildings)
(use additional pages if necessary to answer questions)

A variance permit is the relaxation of the development requirements to provide relief when the literal enforcement would deprive a property owner of the reasonable use of their real property. The requirements for a variance permit in City Code must be met for a variance to be granted.

How is this property currently being used?	Elders Center
Use of surrounding property - north:	Dena'ina Wellness Center
Use of surrounding property - south:	Corner of Upland St. & Mission Ave
Use of surrounding property - east:	Upland St.
Use of surrounding property - west:	Mission Ave.

Variance Requested for (attach additional sheets if necessary):

The Tribe plans to construct building additions totaling 1,543 square feet and a patio totaling 626 square feet. Once completed the total square feet of the building will be 8,065 with a 626 square feet patio. The City of Kenai Zoning Code for the Townsite Historic (TSH) District limits the size of a commercial building to no more than 5,000 square feet per story, except that larger buildings may be allowed if they are compatible with the zone. Therefore, the owner is applying for this variance permit.

Explain the special conditions or circumstances present which are peculiar to the land or structure involved which are not applicable to other land or structures in the same land use or zoning district:

The Kenaitze Indian Tribe has operated an Elders Center for many years at this site. In 2015 the Tribe applied for and received a variance to construct a new 6,522 square foot building. This application, if approved, will allow two new building additions that will expand the footprint of the existing building by 1,543 square feet and a patio totaling 626 square feet to allow for expanded services/space now required due to the COVID-19 pandemic.

Explain the special conditions or circumstances present that have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary (monetary) hardship or inconvenience:

The Kenaitze Indian Tribe hired a professional architectural firm to identify ways we could address issues with the lack of social distancing and issues with the kitchen space, limiting our ability to provide meal deliveries and dining services. The firm identified two locations that would increase kitchen space for food preparations by 440 square feet and expand the dining area with an addition totaling 1,103 square feet and a patio totaling 626 square feet. The dining expansion will add both indoor and outdoor space to provide adequate physical distancing when the Tribe returns to in-facility dining services. The meal delivery service provides the at-risk population we serve with a nutritional meal and is intended to continue to support the population that cannot attend the gatherings once the building reopens.

Explain how this variance will not authorize a use that is not a permitted principal use in the zoning district in which the property is located:

The Kenaitze Indian Tribe is not changing the use of the building and has previously received a conditional use permit, which was required for restaurant-type establishments within this district.

Explain how the variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure:

If the variance is not granted, the Tribe will not be able to meet the demands to provide hand-delivered meal services and will not be able to continue to operate the facility as intended due to the COVID-19 pandemic once it continues in-facility services.

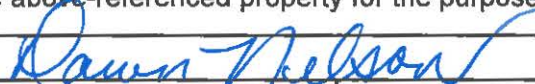
Explain how the granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district:

The Kenaitze Indian Tribe is not seeking the square footage variance based on the nonconforming uses of other structures in this district. The proposed additions are based on a direct need to address issues with social distancing and services due to the COVID-19 pandemic for our Elders and Vulnerable adults participating in our services.

AUTHORITY TO APPLY FOR A VARIANCE:

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a variance permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:



Date:

7-30-2020

Print Name:

Dawn Nelson

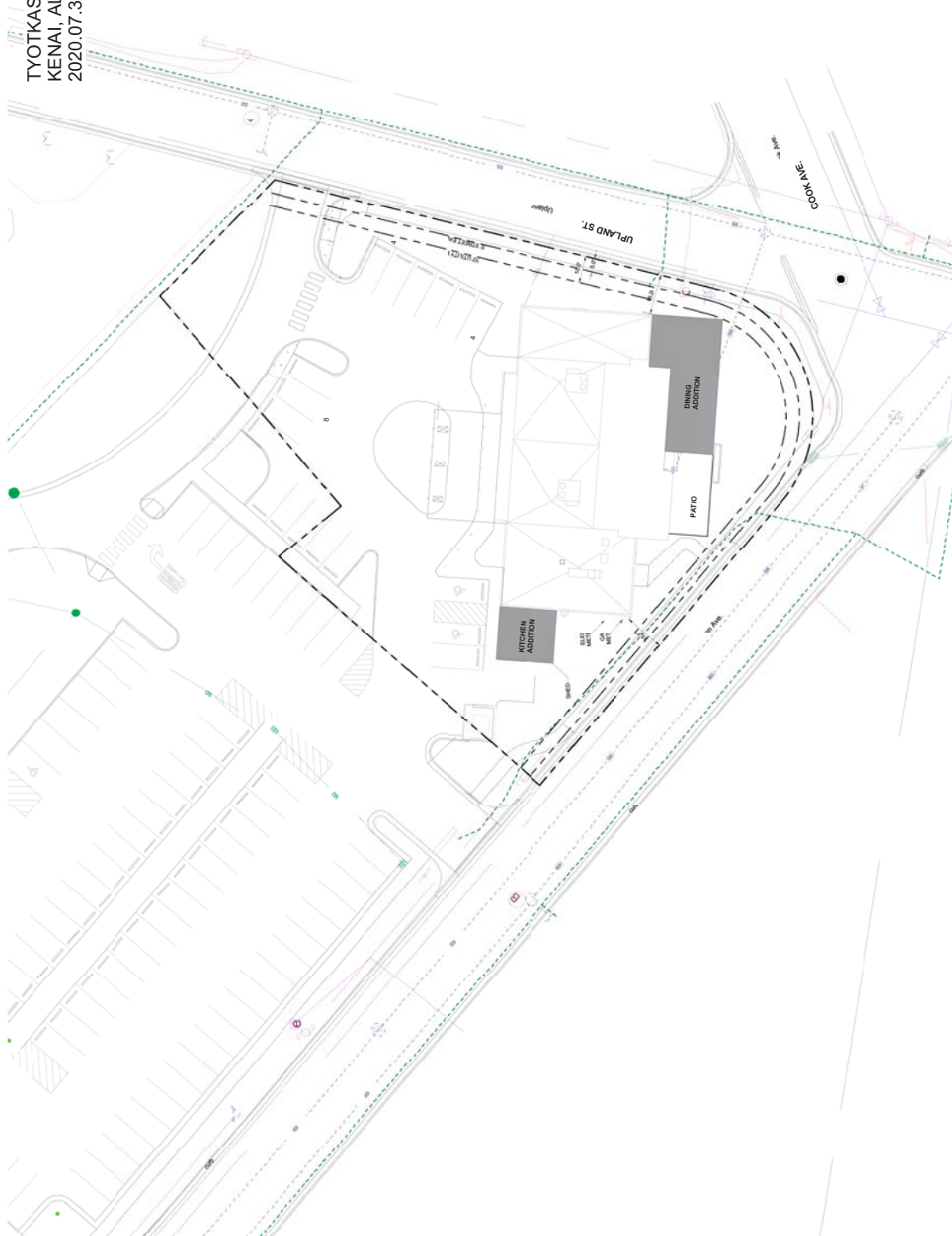
Title/Business:

Executive Director, Kenaitze Indian Tribe

For City Use Only

Date Application Fee Received:

PZ Resolution Number:



ROOMS AND SQUARE FOOTAGES:

- KITCHEN ADDITION: 404 SF
- NEW PANTRY: 73 SF
- DISHWASHING: 191 SF
- STAFF RR: 53 SF
- JANITOR: 47 SF
- SALAD BAR PREP: 170 SF
- KITCHEN PREP: 328 SF
- PANTRY: 137 SF
- LAUNDRY: 55 SF
- VESTIBULE: 107 SF
- WOMEN'S: 217 SF
- MEN'S: 204 SF
- MECH / ELEC: 249 SF
- OFFICE: 131 SF
- OPEN OFFICE: 508 SF
- CONFERENCE / CRAFTS: 360 SF
- COMMUNITY SPACE: 1950 SF
- DINING: 500 SF
- DINING ADDITION: 1045 SF
- PATIO

Dimensions:

- Overall width: 20' - 0"
- Overall depth: 59' - 11 1/2"
- Community Space depth: 19' - 3 1/2"
- Dining Addition depth: 18' - 7"

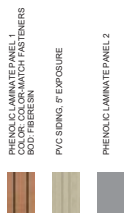
GROSS ADDITION SQUARE FOOTAGES:

- KITCHEN ADDITION: 440 GSF
- DINING ADDITION: 1,103 GSF
- PATIO: 626 GSF

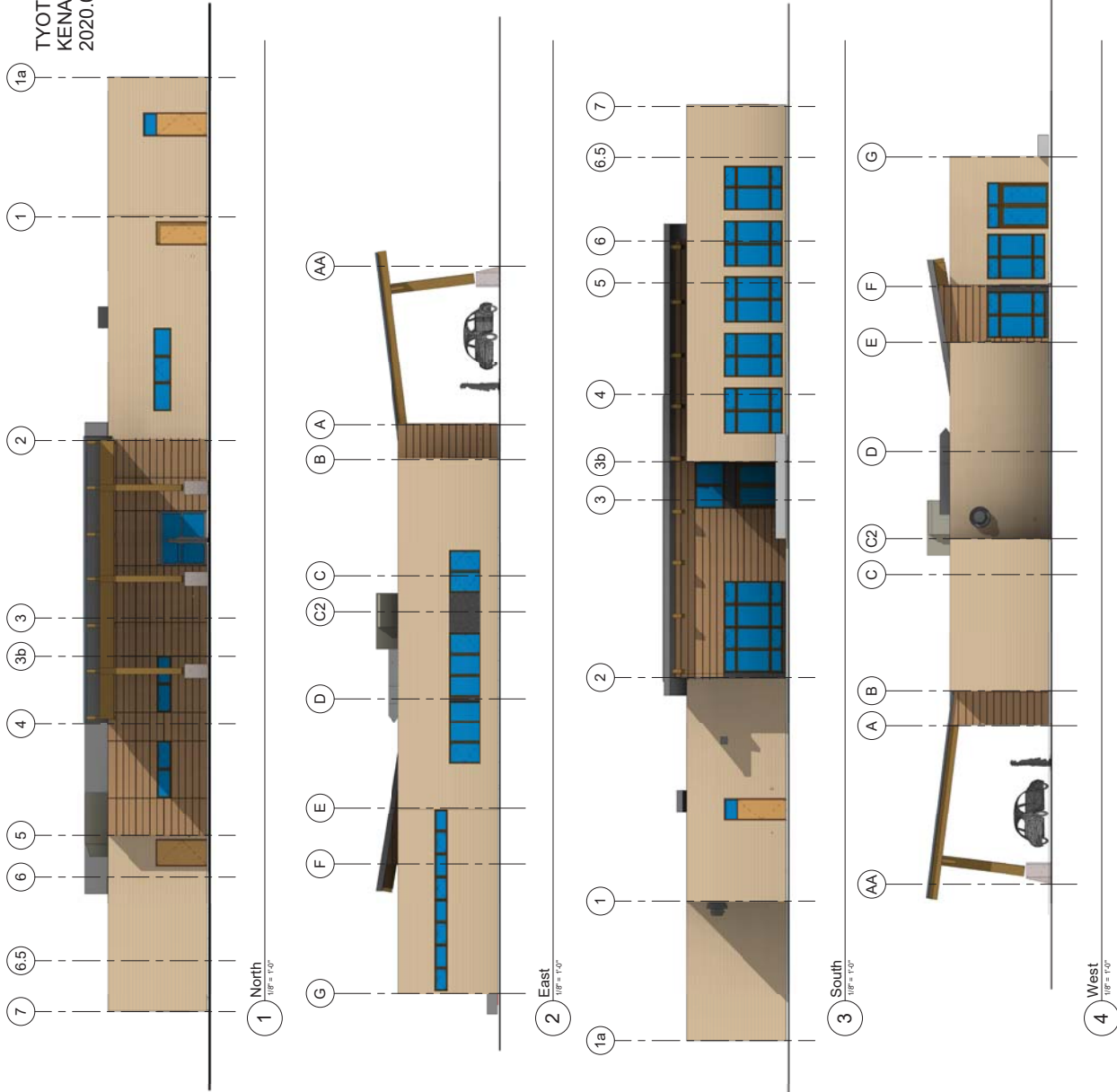
GROSS ADDITION SQUARE FOOTAGES:
KITCHEN ADDITION 440 GSF
DINING ADDITION 1,103 GSF
PATIO 626 GSF

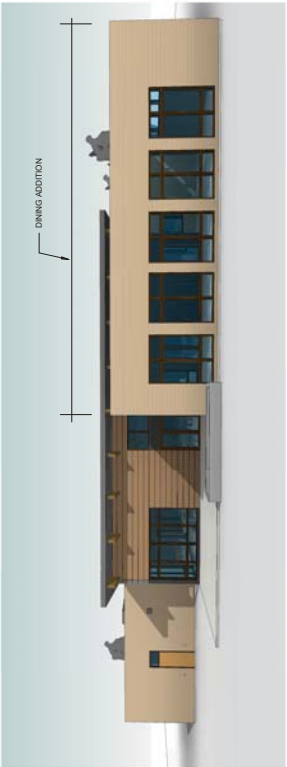
1 FLOOR PLAN- PRESENTATION $\frac{3/16" = 1'-0"$

EXTERIOR FINISH LEGEND



TYOTKAS KITCHEN AND DINING ADDITIONS
KENAI, ALASKA
2020.07.30

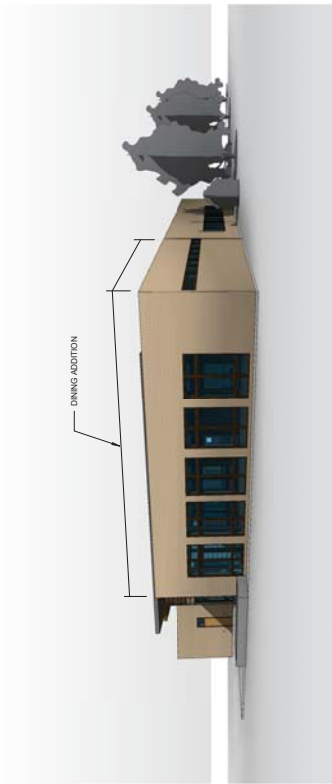




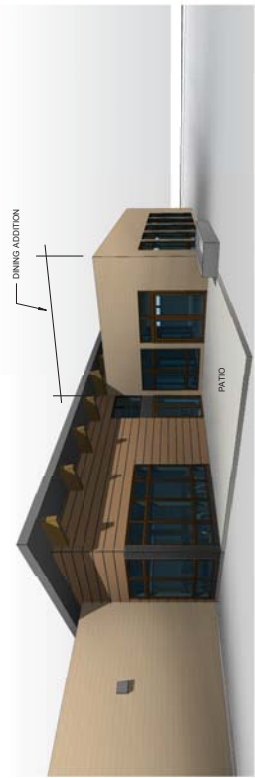
3 NORTHEAST PERSPECTIVE



1 SOUTHEAST PERSPECTIVE 3



4 SOUTHEAST PERSPECTIVE



2 SOUTHEAST PERSPECTIVE 2



1 KITCHEN ADDITION PERSPECTIVE 1



2 KITCHEN ADDITION PERSPECTIVE 2









File Attachments for Item:

Resolution PZ2020-23 - Application for Review of Development in the Townsite Historical Zone for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

STAFF REPORT

TO: Planning and Zoning Commission

FROM: Elizabeth Appleby, City Planner

DATE: August 7, 2020

SUBJECT: PZ2020-23 – Review of Development in Townsite Historic District

Applicant: Kenaitze Indian Tribe.
P.O Box 988
Kenai, Alaska 99611

Legal Description: Lot 16B, Townsite of Kenai 2016 Addition

Property Address: 1000 Mission Avenue

KPB Parcel No: 04707134

Lot Size: 0.73 acres (approximately 31,799 square feet)

Existing Zoning: Townsite Historic District (TSH)

Current Land Use: Tyotkas Elder Center

Land Use Plan: Mixed Use

GENERAL INFORMATION

The Kenaitze Indian Tribe has submitted an application to construct an addition to the existing Tyotkas Elder Center. The existing structure is an approximately 6,500-square-foot mixed use commercial building consisting of common areas, including a library, craft area, and office space. In addition, the building contains a commercial grade kitchen area for the preparation of meals and a dining area to serve lunch for tribal members and their guests. According to the application submitted, the dining area will be increased by approximately 1,045 square feet, the kitchen area by approximately 404 square feet, and the salad preparation area by approximately 170 square feet. The property is located within the Townsite Historic District (TSH Zone) and the development is subject to a review of development by the Planning and Zoning Commission for consistency with the TSH Zone.

The intent of the Townsite Historic (TSH) Zoning District is to preserve the historic nature of Old Town Kenai and to encourage development that is compatible with the historic character of the TSH zone. The existing building is constructed in a similar architectural style to that of the Dena'ina Wellness Medical Center which is located adjacent to the subject parcel and is also owned by the Kenaitze Indian Tribe.

ANALYSIS

KMC 14.20.105(h) requires the Planning and Zoning Commission review all building permit applications for properties included in the Historic Preservation Plan. During the 1995 "Kenai Townsite Historic Survey Report" (Report) the subject parcel was issued Alaska Heritage Resource (AHR) #KEN-274. The Alaska Heritage Resources Survey (AHR) is an inventory of all reported historic and prehistoric sites within the State of Alaska and is maintained by the Office of History and Archaeology. This inventory of cultural resources includes objects, structures, buildings, sites, districts, and travel ways, with a general provision that they are over 50 years old.

According to the Report the subject building was labeled as the Pharmacy/Jahrig Electric Company. It is discussed within the report that the subject parcel has had a varied history with multiple changes to the building in its present location. It is thought that the building was an old Northwestern Cannery building (construction date unknown). However, it was moved up the Inlet by boat and winched up the bluff in the late 1940's or 1950's. The report further states the original design of the building is not known as it has had many alterations at its current location on the subject parcel. In the 1950's a shed-roofed addition was added to the rear elevation of the building. The subject building was remodeled again in the 1970's when building wings and a basement were added. In 1995, a renovation took place. In 2011 the Planning and Zoning Commission approved PZ11-39 which authorized the issuance of an after the fact Building Permit for a covered canopy over an existing disability access ramp. Given the modifications to the subject building over the years and as noted in the Report, the former Pharmacy/Jahrig Electric Company building has lost its historic integrity due to the many modifications it has received. The building is no longer eligible for consideration on the Alaska Heritage Resources Inventory. The demolition of the original Tyotkas Elder Center building and construction of the existing build is not in violation of the National Historic Preservation Act or the Archaeological Resources Protection Act.

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

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

The addition to the building would use the same materials as the existing structure. The existing structure was reviewed by the Planning & Zoning Commission for development criteria within the TSH District before it was initially built. Landscaping for the structure would incorporate the natural landscape by drawing inspiration from the nearby beach. Sufficient parking is available already with a Permit granted for an off-site parking lot to accommodate Kenaitze Tribe buildings in Old Town Kenai. The continued use of the building as an Elders Center is not expected to draw additional traffic to the area.



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

The addition to the building would use the same materials as the existing structure, which already were found to meet the development requirements of the TSH Zone. The addition will not expand the structure such that it will be out of scale with its surroundings.

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

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

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

The applicant previously obtained a Variance Permit to construct a structure with more than 5,000 square feet per story. The applicant has submitted a new Variance Permit to modify the square footage per story approved by the City.

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

Not applicable; the building will follow the materials used in the existing structure.

RECOMMENDATION

The Planning and Zoning Staff recommend that the Planning and Zoning Commission approve of the proposed addition as meeting requirements of the Townsite Historic District development review, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be required to obtain all appropriate Building Permits.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.

ATTACHMENTS

- A. Resolution No. PZ2020-23
- B. Application
- C. Site Plan
- D. Aerial Map
- E. Photos





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-23**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** THAT THE PROPOSED ADDITION TO THE TYOTKAS ELDER CENTER LOCATED AT LOT 16B, TOWNSITE OF KENAI 2016 ADDITION MEETS DEVELOPMENT REQUIREMENTS AND REVIEW FOR THE TOWNSITE HISTORIC DISTRICT

APPLICANT: Kenaitze Indian Tribe

PROPERTY ADDRESS: 1000 Mission Avenue

LEGAL DESCRIPTION: Lot 16B, Townsite of Kenai 2016 Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04707134

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

WHEREAS, the existing Tyotkas Elder Center located on Lot 16B, Townsite of Kenai 2016 Addition is located within the Townsite Historic District (TSH Zone) of the City; and,

WHEREAS, the addition to the existing Tyotkas Elder Center building will increase the size of the building by approximately 1,619 square feet to become a total of 8,119 square feet; and,

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

WHEREAS, the Planning and Zoning Commission finds:

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

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

Section 1. That the proposed addition by the Kenaitze Indian Tribe to the Tyotkas Elders Center meets the requirements of development within the Townsite Historic District.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be require to obtain a Building Permit.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of August, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



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

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

PROPERTY OWNER

Name:	Kenaitze Indian Tribe						
Mailing Address:	PO Box 988	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-332-7200						
Email:	dnelson@kenaitze.org						

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Dawn Nelson						
Mailing Address:	PO Box 988	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-335-7200						
Email:	dnelson@kenaitze.org						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04707134
Physical Address:	1000 Mission Avenue, Kenai, AK 99611
Legal Description:	T 5N R 11W Sec 6 Seward Meridian KN 2017043 Townsite of Kenai 2016 Addn L16B
Acres:	.73

DEVELOPMENT DESCRIPTION

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

The proposed development includes two separate building additions and a patio. The building additions exterior building materials and colors will match the materials in the existing building's TSH application approved in 2015. The new construction will add a combined additional building footprint of 1,543 and a patio totaling 626 square feet. The existing structure exceeds the 5,000 square feet per story allowable for the TSH district. For this reason, the Tribe is requesting a variance as outlined in the variance permit application.

Is a Building Permit Required? ☒ Yes ☐ No

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

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

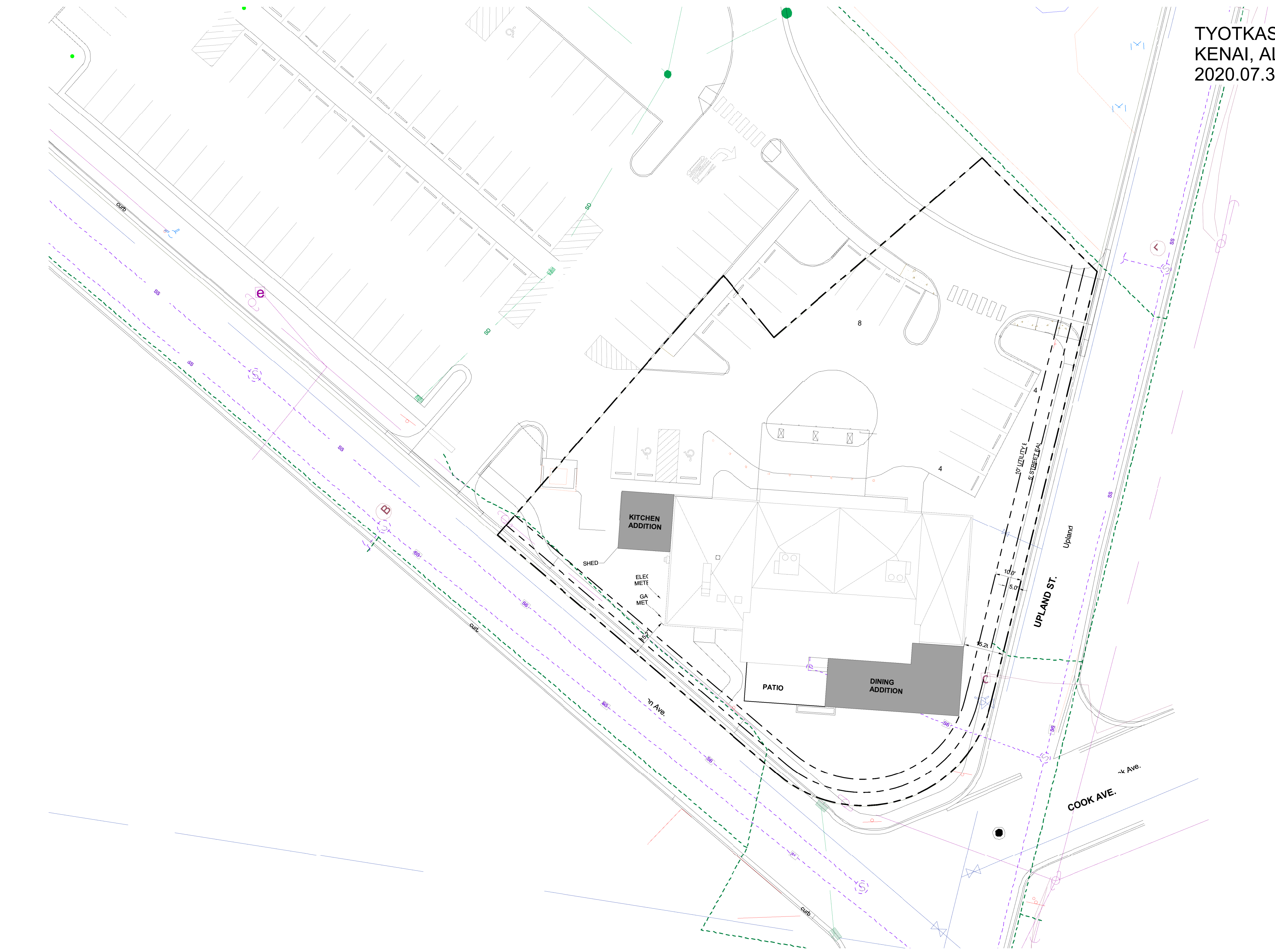
☒ Yes

REQUIRED ATTACHMENTS

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

SIGNATURE

Signature:		Date:	7-30-2020
Print Name:	Dawn Nelson	Title/Business:	Executive Director, Kenaitze Indian Tribe.



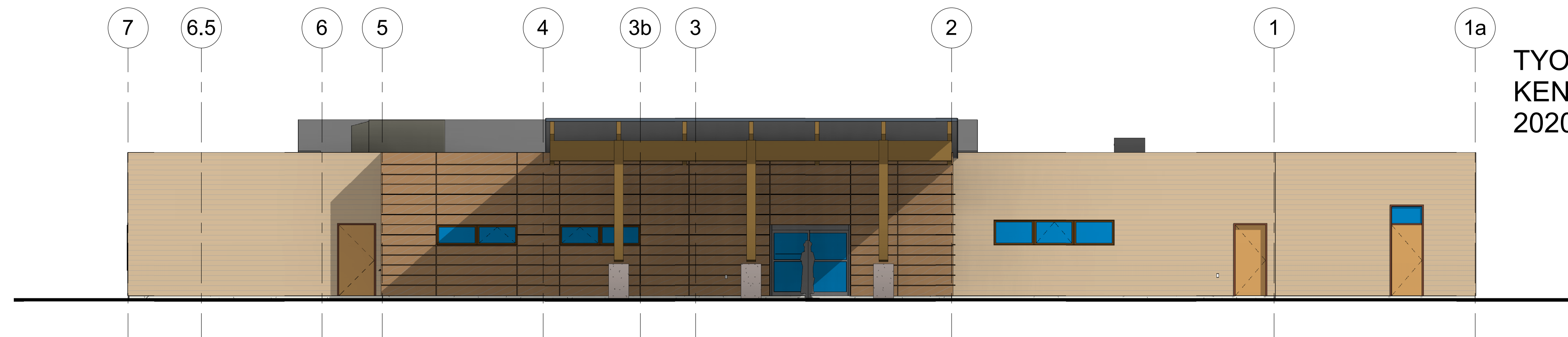
TYOTKAS KITCHEN AND DINING ADDITIONS
KENAI, ALASKA
2020.07.30



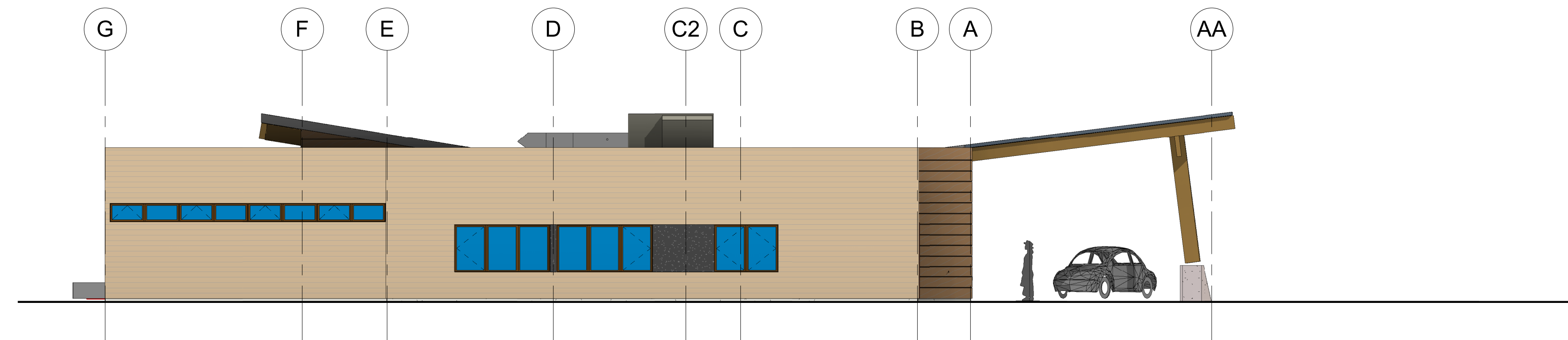
EXTERIOR FINISH LEGEND

- PHENOLIC LAMINATE PANEL 1
COLOR: COLOR-MATCH FASTENERS
BOD: FIBERESIN
- PVC SIDING, 5" EXPOSURE
- PHENOLIC LAMINATE PANEL 2

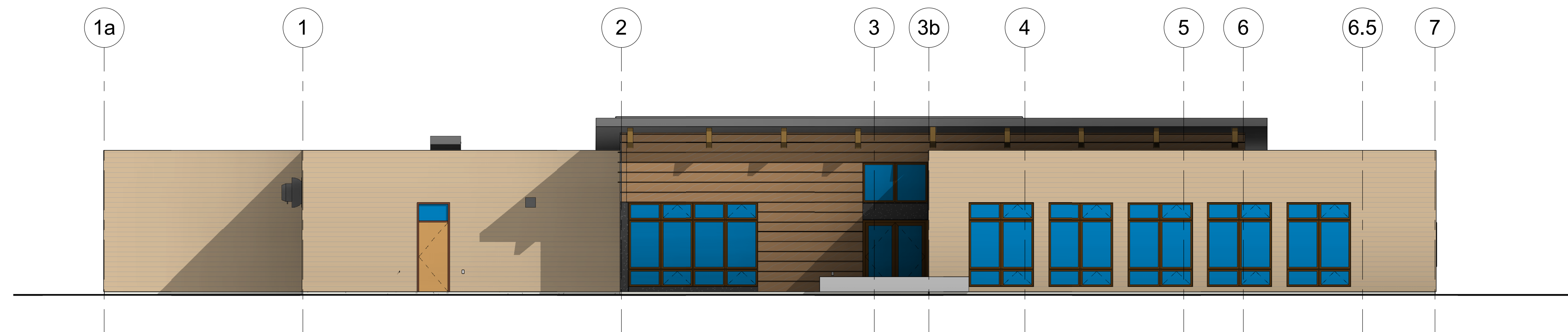
TYOTKAS KITCHEN AND DINING ADDITIONS
KENAI, ALASKA
2020.07.30



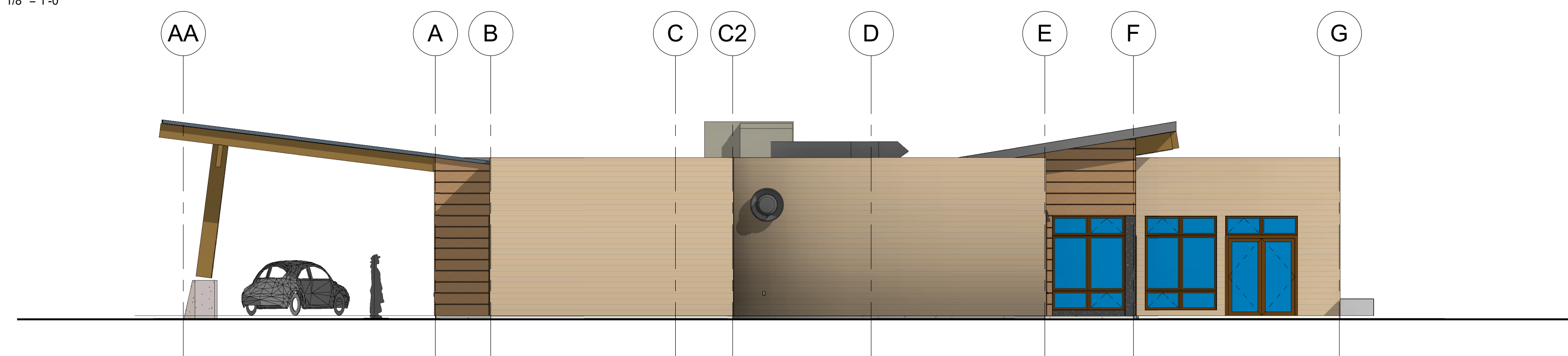
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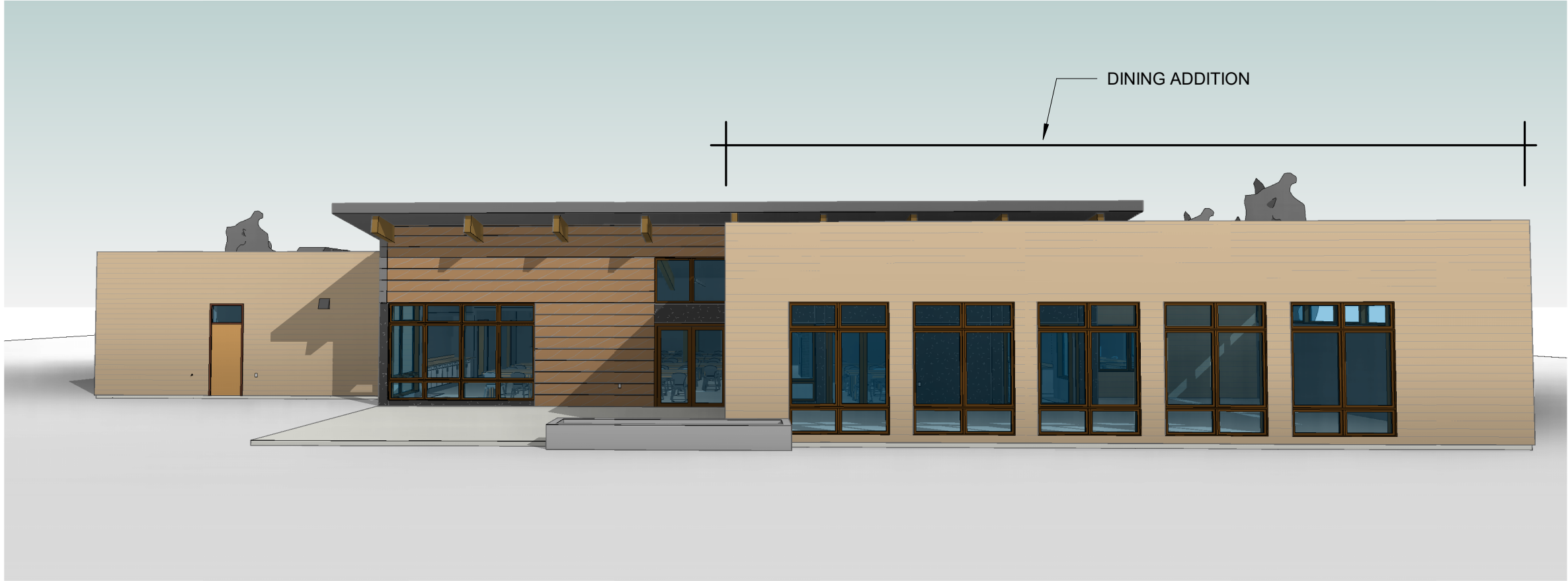
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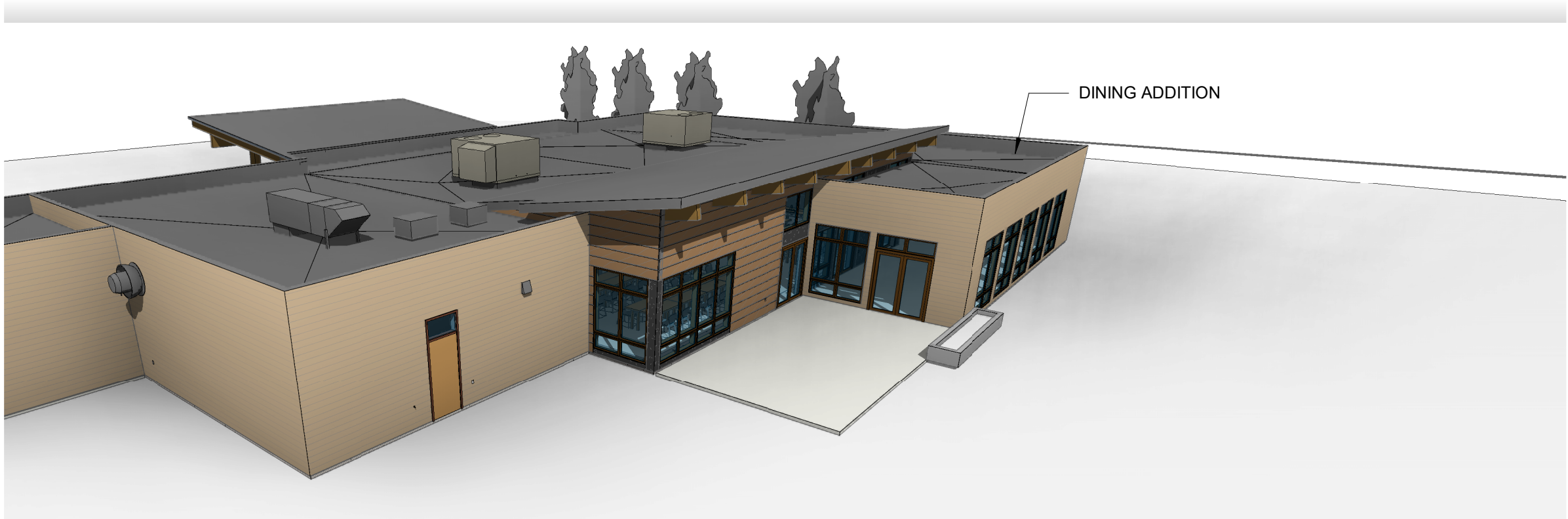
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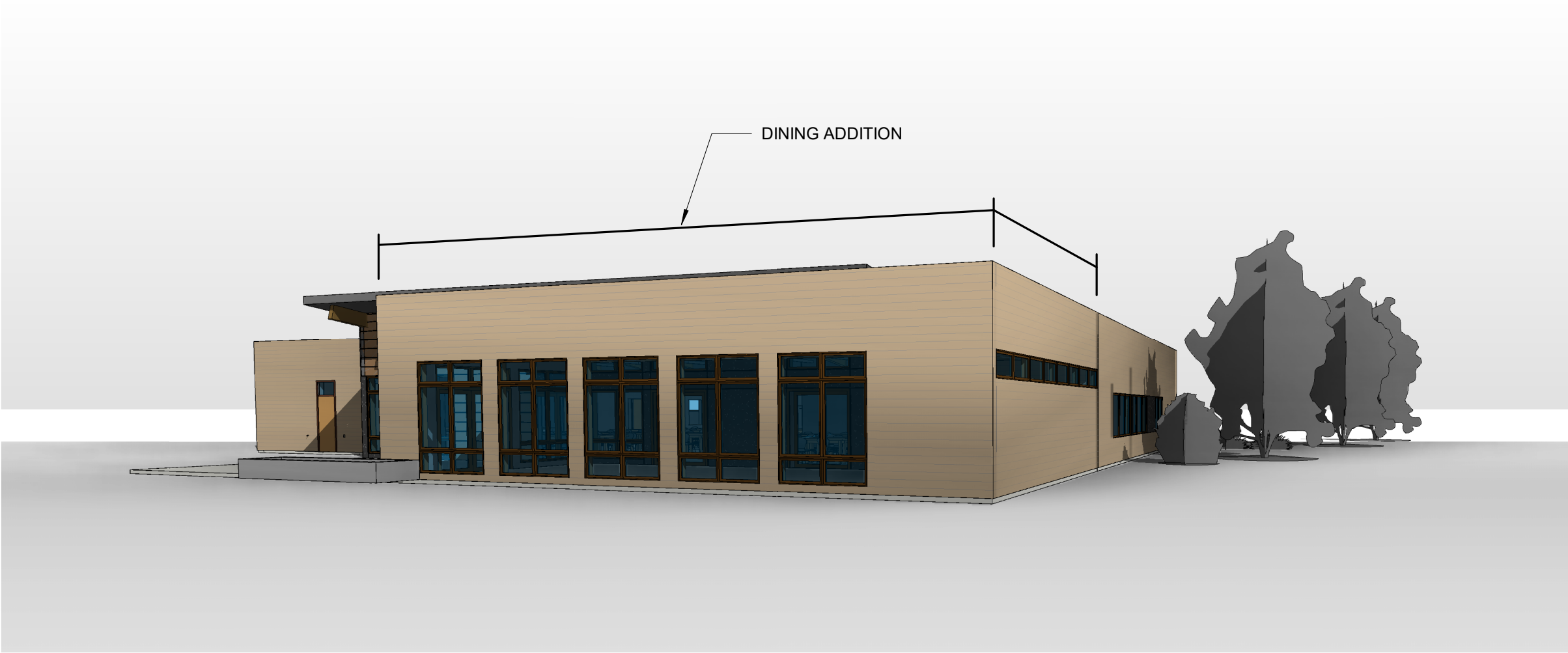
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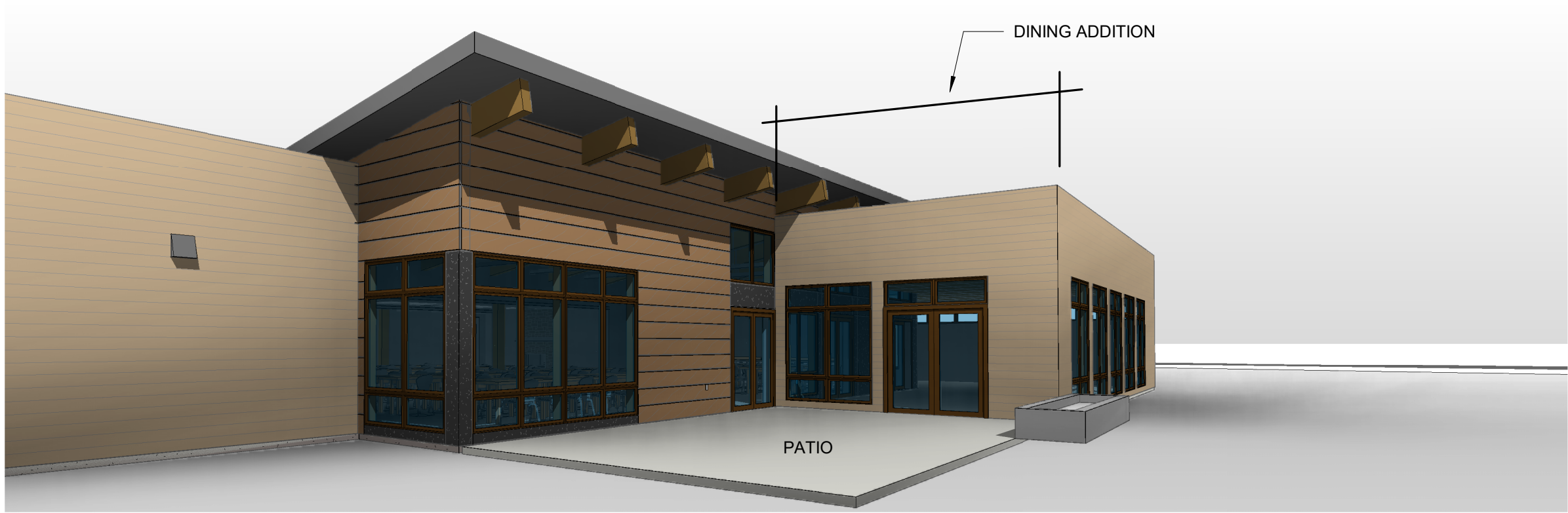
3 NORTHEAST PERSPECTIVE



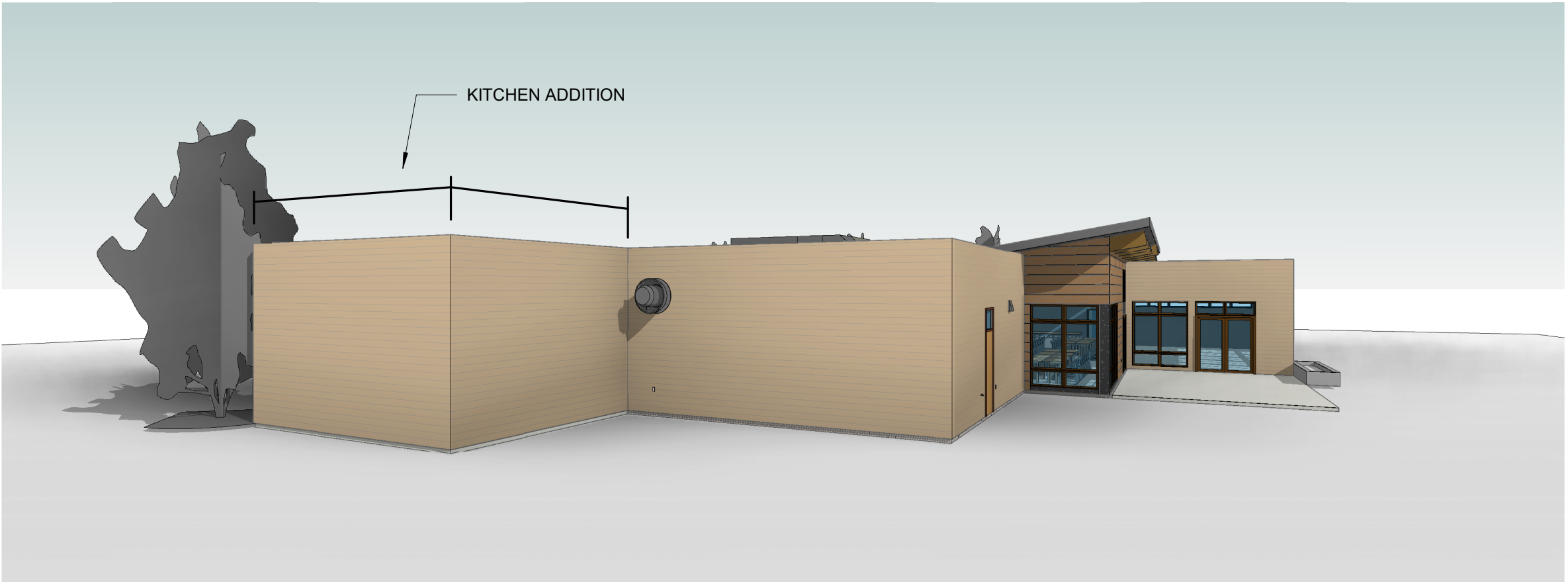
1 SOUTHEAST PERSPECTIVE 3



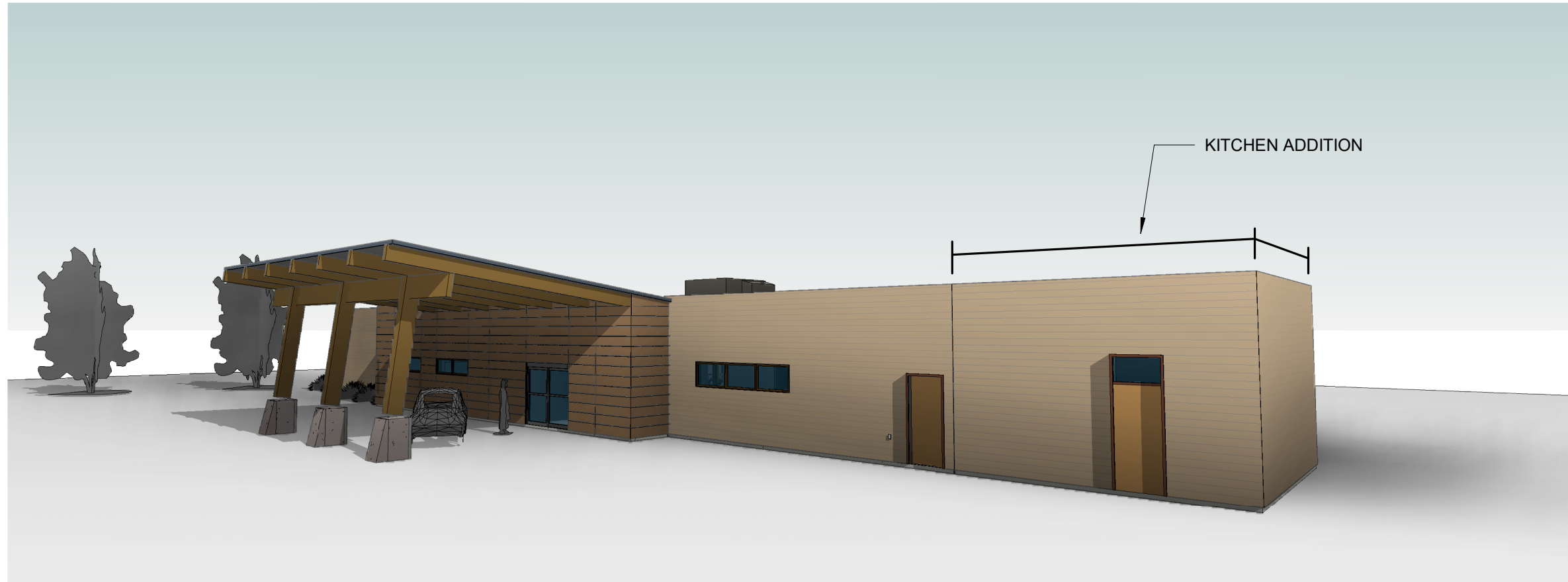
4 SOUTHEAST PERSPECTIVE



2 SOUTHEAST PERSPECTIVE 2



1 KITCHEN ADDITION PERSPECTIVE 1



2 KITCHEN ADDITION PERSPECTIVE 2



From: [Elizabeth Appleby](#)
To: [Shayna Lazaros](#); [Royal Brown](#)
Subject: FW: Kenaitze Facilities - Parking
Date: Monday, July 13, 2020 5:02:39 PM
Attachments: [image001.png](#)

[WARNING: This email originated outside of Kenaitze Indian Tribe.] EXERCISE CAUTION when opening attachments or clicking links from unknown senders.

Hi,

Here is what we found in our records for parking as a reference.

--Elizabeth

From: Wilma Anderson <wanderson@kenai.city>
Sent: Monday, July 13, 2020 4:58 PM
To: Elizabeth Appleby <eappleby@kenai.city>
Subject: Kenaitze Facilities - Parking

Elizabeth,

I have reviewed the files for the Kenaitze Indian Tribe to ascertain the current parking requirements, as follows:

Dena'ina Wellness Center (508 Upland St.) The parking requirements were based on a 52,000 sq. ft medical/dental building – 52,000 divided by 250 – 208 spaces. Since this was a multi-use facility the 25% reduction was given; therefore, a total of 156 spaces were required. There are 139 spaces and there was a an Easement for Snow Storage, Parking and Right-of-way executed by the Kenaitze Indian Tribe to allow patrons of the Dena'ina Wellnewss Center to park at the Tyotkas Elder Center (22 spaces); therefore, the parking requirements were met. This agreement was revoked in 2015, when the overflow parking lot was developed.

The Tyotkas Elder Center (1000 Mission Ave.) was demolished and rebuilt in 2016. The parking requirements for that site was 19 spaces based on assembly without fixed seats for 4,900 s.f divided by 500 = 10 spaces; and 1600 s. f. (restaurant divided by 200 = 8 spaces. There were 19 spaces shown on the site plan so the parking requirements were met.

Th Na'ina Building (510 Upland Street) is a professional office building – 9,037 s. f. divided by 400 = 23 spaces. Site plan shows 21 spaces (including the two spaces for the driveway). They are 2 spaces short to meet parking requirements.

The Tribal Court Building (508 Upland Street). It is on the same parcel as the Wellness Center is 9 spaces (5 spaces for courtroom plus 1 per 400 s. f. of office space = 4 spaces). There was a notation

on the staff report for the overflow parking lot that patrons were currently parking in the spaces adjacent to the sidewalk (parking for Dana'ine Center). Nine spaces in the overflow parking lot would compensate for the loss of the nine spaces at the Dena'ina Wellness Center

Greenhouse located at 513 Overland Avenue. This a private greenhouse to be used by the Kenaitze Tribe to facilitate programs the tribe offers (i.e. Elder's Wellness Initiative, Diabetes Prevention, and Early Childcare Development). It will not be open to the public. No parking requirements.

The overflow parking lot provides for 38 spaces. A breakdown for the spaces that the Kenaitze are lacking is: Dena'ini Wellness Center – 17; Na'ina Building – 2; Tribal Court Building – 9 spaces = 28 spaces total. There would be 10 spaces available in the overflow parking lot to compensate for additional parking spaces if the Tyotkas Elder Center is enlarged. Also, as we discussed, a Variance was granted by the Planning & Zoning Commission, Resolution 15-4 because the building was larger than the maximum square footage of 5,000 s. f. in the TSH zone.

I did not review the entire file for these buildings. I just reviewed the staff reports and site plants. If you need me to dig deeper, let me know.

Hopefully this is not clear as mud. Let me know if you have any questions.

Willie

Willie Anderson
Planning Assistant
210 Fidalgo Avenue
Kenai, AK 99
907-283-8237 Phone
907-283-3014 Fax
wanderson@kenai.city



File Attachments for Item:

2. Resolution PZ2020-24 - Application for an Amendment to Conditional Use Permit PZ15-04 to remove the reference to square footage of the existing building for the property known as 1000 Mission Avenue, and described as Lot 16B, Townsite of Kenai 2016 Addition, submitted by Kenaitze Indian Tribe, P.O. Box 988, Kenai, AK 99611

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: August 7, 2020
SUBJECT: PZ2020-24 – Amendment to Conditional Use Permit Granted by PZ15-04

Applicant: Kenaitze Indian Tribe
P.O Box 988
Kenai, Alaska 99611

Legal Description: Lot 16B, Townsite of Kenai 2016 Addition

Property Address: 1000 Mission Avenue

KPB Parcel No: 04707134

Lot Size: 0.73 acres (approximately 31,799 square feet)

Existing Zoning: Townsite Historic District (TSH)

Current Land Use: Tyotkas Elder Center

Land Use Plan: Mixed Use

GENERAL INFORMATION

On April 22, 2015, a Conditional Use Permit was granted by the Planning and Zoning Commission for a social hall with a dining facility, community area, library, conference/craft area, and office areas to serve as the Tyotkas Elder Center. The permit title includes a specific reference to a 6,500 square-foot facility. Since the facility is being expanded, the Kenai Indian Tribe has requested an amendment to their Conditional Use Permit to reflect the news square footage of the facility. According to the information provided in the application for a Variance Permit, the existing footprint of the building would be increased by 1,543 square feet. A patio of 626 square feet would also be added to the facility.

The original Resolution No. PZ15-04 for the Tyotkas Elder Center granted a Conditional Use Permit, Variance, and Townsite Historic District review all on the same resolution. Granting of

Resolution No. PZ2020-24 would separate out the permits and tie just the amended Conditional Use Permit to one resolution. The use is not changing; only the square footage of the building is increasing. The extra space will allow for increased space between people desired due to the COVID-19 public health emergency.

ANALYSIS

Kenai Municipal Code 14.20.150(h) Conditional use permits, Modification of final approval

KMC 14.20.150 contains review criteria for conditional use permits. The requested removal of the square footage of the building (6,500 square feet) is evaluated against these criteria as follows:

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

The subject parcel is within the Townsite Historic District (TSH) District. KMC 14.20.120 outlines the intent of the TSH zone to provide for a mixed, controlled use in a designated area, which will protect and enhance the historic character of the zone. The goal of the TSH zone is to manage all new development, reconstruction and alterations within the zone. A Conditional Use Permit was required for the proposed project because the building is a mixed use facility containing a commercial kitchen and used to serve meals in a restaurant-type setting. The Tyotkas Elder Center also provides a place for the Kenaitze Tribe to gather for social and cultural events and the original permit noted a community area, library, and conference/craft area. These mixed uses align with the intent of the TSH Zone. The addition to the building will use similar materials as the existing building and the materials are compatible with the historic character of the TSH Zone. A separate TSH District review is being pursued by the applicant.

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

The Tyotkas Elder Center has been an integral part of the Old Town Kenai for decades. The current building was constructed in 2015 after the previous the building was deemed unstable and unsafe to occupy. The Kenaitze Tribe demolished the building and constructed an approximately 6,500 square foot building. The addition will meet required setbacks of the City and will increase the size of the dining hall, kitchen, and add a patio. The additional square footage will be added to match the existing building and will not stand out from the rest of the existing building. A separate Variance Permit for the square footage of the building is being pursued by the applicant.

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

The 2016 Envision Kenai 2030 Comprehensive Plan describes commercial development along with offices, institutional uses, and residences as being desirable in the Townsite Historic District. The mixed use of the Tyotkas Elder Center fits with this intention for the Townsite Historic District. The development is also consistent with goals of the Comprehensive Plan, including Goal 1 – Quality of Life that has an objective to foster a compact, intensive mix of private and public uses in the downtown core area.



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

The site is served by City water and sewer, natural gas, electric, and telephone. The site is accessed by paved and City-maintained streets. Public services are adequate to serve the proposed use.

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

The Tyotkas Elder Center provides a public health benefit by supporting the health and welfare of the elderly members of the Kenaitze Tribe in the City of Kenai. The proposed use will not be harmful to the public safety, health, or welfare.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be required to obtain all appropriate Building Permits.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.
4. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a site plan must be submitted to verify that the building is in compliance with the building set back requirements along Mission Avenue and Upland Street.
5. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, the applicant must obtain a new variance and Townsite Historic District approval from the City of Kenai Planning & Zoning Commission to reflect the new square footage of the building.

RECOMMENDATION

City Administration recommends the Planning & Zoning Commission approve of the amendment to the Conditional Use Permit approved through Resolution No. PZ2015-24 subject to the conditions outlined in Resolution No. PZ2020-24. A reference to the exact square footage, a Variance Permit, and a Townsite Historic District review is not necessary in the Conditional Use Permit title as there are separate resolutions to address the square footage of the building allowed with a Variance Permit and the Townsite Historic District review.



ATTACHMENTS

- A. Resolution No. PZ2020-24 (new permit)
- B. Resolution No. PZ2015-04 (permit being amended)
- C. Aerial Map
- D. Site Plan
- E. Landscape Drawing of Existing Building and Addition





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-24**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A MIXED USE SOCIAL HALL WITH A DINING FACILITY, COMMUNITY AREA, LIBRARY, CONFERENCE/CRAFT AREA, AND OFFICE AREAS TO SERVE AS THE TYOTKAS ELDER CENTER

APPLICANT: Kenaitze Indian Tribe

PROPERTY ADDRESS: 1000 Mission Avenue

LEGAL DESCRIPTION: Lot 16B, Townsite of Kenai 2016 Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04707134

WHEREAS, the applicant has requested an amendment to the Conditional Use Permit granted by Resolution No. PZ15-04 to remove the reference to a Variance Permit, Townsite Historic District Review, and square footage of the building following Kenai Municipal Code 14.20.150(h) Conditional use permits, Modification of final approval; and,

WHEREAS, the applicant plans to add 1,543 square feet to the existing 6,500 square foot building; and,

WHEREAS, the additional square feet in the building will not change the use and manner of operation; and,

WHEREAS, Resolution No. PZ15-04 states the square footage of the building in the title of the Conditional Use Permit and the new square footage will instead be referenced with a separate Variance Permit and the Conditional Use Permit can be made specific to the granting of the use of the property; and,

WHEREAS, Resolution No. PZ15-04 states a Townsite Historic District Review in the title of the Conditional Use Permit and the Townsite Historic District Review will instead be covered with a separate resolution to include the new square footage of the building and the Conditional Use permit can be made specific to the granting of the use of the property; and,

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

WHEREAS, the Planning and Zoning Commission finds:

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

The subject parcel is within the Townsite Historic District (TSH) District. KMC 14.20.120 outlines the intent of the TSH zone to provide for a mixed, controlled use in a designated area, which will protect and enhance the historic character of the zone. The goal of the TSH zone is to manage all new development, reconstruction and alterations within the zone. A Conditional Use Permit was required for the proposed project because the building is a mixed use facility containing a commercial kitchen and used to serve meals in a restaurant-type setting. The Tyotkas Elder Center also provides a place for the Kenaitze Tribe to gather for social and cultural events and the original permit noted a community area, library, and conference/craft area. These mixed uses align with the intent of the TSH Zone. The addition to the building will use similar materials as the existing building and the materials are compatible with the historic character of the TSH Zone. A separate TSH District review is being pursued by the applicant.

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

The Tyotkas Elder Center has been an integral part of the Old Town Kenai for decades. The current building was constructed in 2015 after the previous the building was deemed unstable and unsafe to occupy. The Kenaitze Tribe demolished the building and constructed an approximately 6,500 square foot building. The addition will meet required setbacks of the City and will increase the size of the dining hall, kitchen, and add a patio. The additional square footage will be added to match the existing building and will not stand out from the rest of the existing building. A separate Variance Permit for the square footage of the building is being pursued by the applicant.

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

Criteria Met. The Land Use Plan with the City's Comprehensive Plan designates this property as Suburban Residential, which provides for single-family and multi-family residential uses that are urban or suburban in character. The Suburban Residential classification provides for areas that will typically be development at a higher density than the Low Density Residential classification.

The 2016 Envision Kenai 2030 Comprehensive Plan describes commercial development along with offices, institutional uses, and residences as being desirable in the Townsite Historic District. The mixed use of the Tyotkas Elder Center fits with this intention for the Townsite Historic District. The development is also consistent with goals of the Comprehensive Plan, including Goal 1 – Quality of Life that has an objective to foster a compact, intensive mix of private and public uses in the downtown core area.

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

The site is served by City water and sewer, natural gas, electric, and telephone. The site is accessed by paved and City-maintained streets. Public services are adequate to serve the proposed use.

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

The Tyotkas Elder Center provides a public health benefit by supporting the health and welfare of the elderly members of the Kenaitze Tribe in the City of Kenai. The proposed use will not be harmful to the public safety, health, or welfare.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be required to obtain all appropriate Building Permits.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.
4. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a site plan must be submitted to verify that the building is in compliance with the building set back requirements along Mission Avenue and Upland Street.
5. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, the applicant must obtain a new variance and Townsite Historic District approval from the City of Kenai Planning & Zoning Commission to reflect the new square footage of the building.

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

Section 1. That the request to remove the square footage reference to a Variance Permit, Townsite Historic District Review, and square footage of the building from the Conditional Use Permit granted by Resolution PZ15-04 is granted.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the addition to the Elder Center, the owner shall be required to obtain all appropriate Building Permits.
3. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a Landscape/Site plan must be reviewed and approved by the City Planner.
4. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, a site plan must be submitted to verify that the building is in compliance with the building set back requirements along Mission Avenue and Upland Street.

5. Prior to issuance of a Building Permit for the proposed additions to the Tyotkas Elder Center, the applicant must obtain a new variance and Townsite Historic District approval from the City of Kenai Planning & Zoning Commission to reflect the new square footage of the building.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 12th day of August, 2020.

JEFF TWAIT, CHAIRPERSON

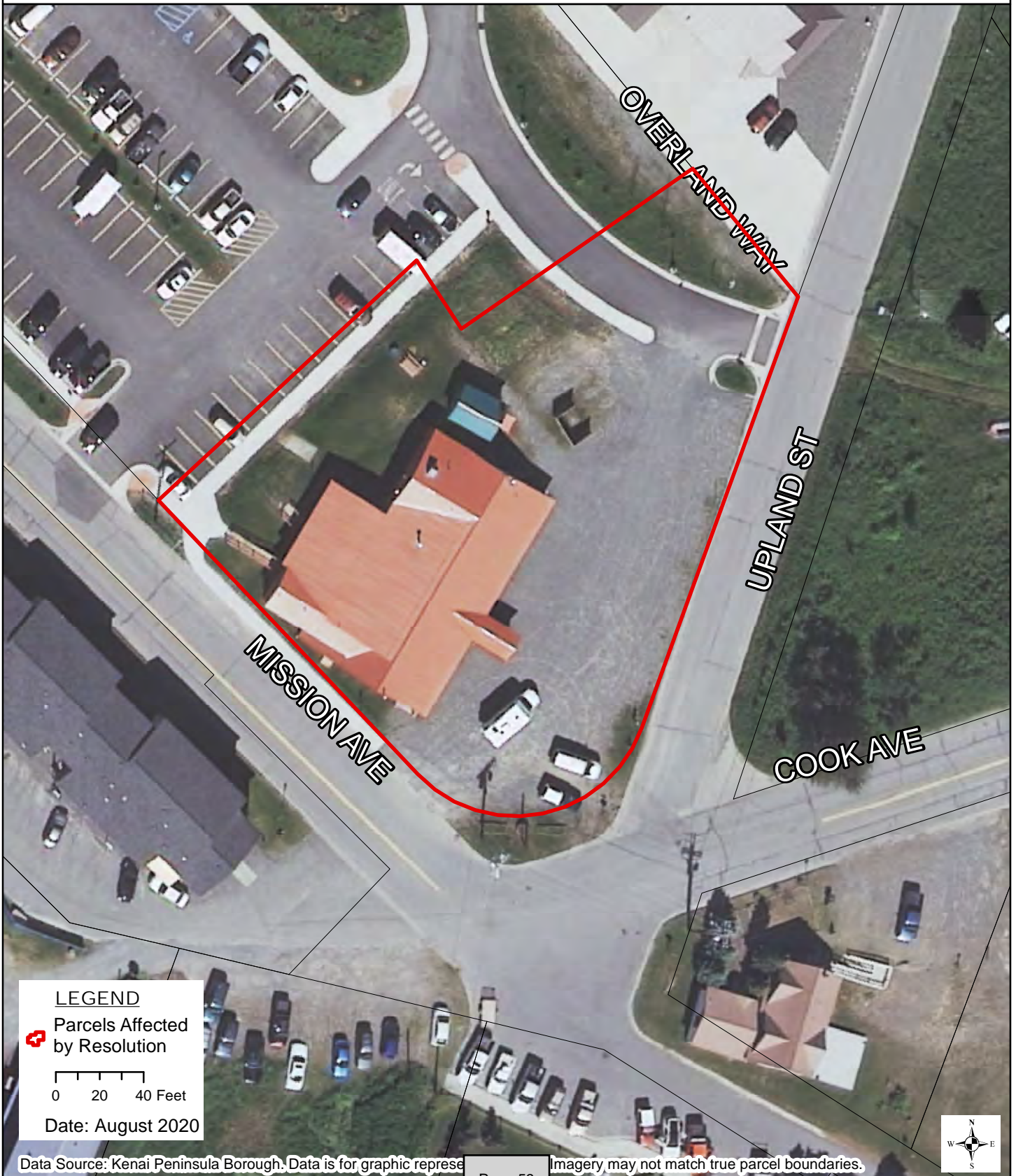
ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



Aerial Map Tyotkas Elder Center

Parcels 04707134
1000 Mission Avenue
Lot 16B, Townsite of Kenai 2016 Addition



TYOTKAS KITCHEN AND DINING ADDITIONS
 KENAI, ALASKA
 2020.07.30



1 Site
 1" = 20'-0"



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**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ15-04
CONDITIONAL USE PERMIT, VARIANCE,
TOWNSITE HISTORIC DISTRICT REVIEW**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A REQUEST FOR A CONDITIONAL USE PERMIT, VARIANCE AND A TOWNSITE HISTORIC DISTRICT REVIEW FOR THE CONSTRUCTION OF A 6,500-SQUARE-FOOT MIXED USE SOCIAL HALL WITH A DINING FACILITY, COMMUNITY AREA, LIBRARY, CONFERENCE/CRAFT AREA AND OFFICE AREAS TO SERVE AS THE TYOTKAS ELDER CENTER.

APPLICANT: KENAITZE INDIAN TRIBE

ADDRESS: P.O. BOX 988, KENAI, ALASKA 99611

PROPERTY ADDRESS: 1000 MISSION AVENUE, KENAI, ALASKA 99611

LEGAL DESCRIPTION: LOT 16A, BLOCK 5, TOWNSITE OF KENAI, KENAITZE
ADDITION SUBDIVISION

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04707131

WHEREAS, the City of Kenai Planning and Zoning Commission finds:

1. That an application meeting the requirements of Sections 14.20.105, 14.20.150 and 14.20.180 of the Kenai Municipal Code has been submitted and received on March 13, 2015;
2. This request is located on land zoned as Townsite Historic District.
3. That a duly advertised public hearing as required by Kenai Municipal Code 14.20.153 was conducted by the Commission on April 22, 2015.
4. The Planning & Zoning Commission has found that the applicant has demonstrated with plans and other documents and has found which are a prerequisite to issuance of a Conditional Use Permit, Variance and a Townsite Historic Development Review have been met, as follows:

CONDITIONAL USE PERMIT FINDINGS:

KMC 14.20.150 details the intent and application process for conditional uses. The code also specifies the review criteria that must be satisfied prior to issuing the permit. The criteria are:

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

The Townsite Historic District “is intended to provide for a mixed, controlled use in a designated area, which will protect and enhance the historic character of the zone. The goal of the TSH zone is to manage all new development, reconstruction and alterations within the zone.” The new Tyotkas Elder Center building will replace the existing building which has been found to be structurally unsafe. A Conditional Use Permit is required for the proposed project because the building will be a mixed use facility containing a commercial kitchen and used to serve meals in a restaurant-type setting. In addition, the new Tyotkas Elder Center will provide a place for the Kenaitze Tribe to gather for social and cultural events which will also include a library and conference/crafts area and offices.

2. *The value of the adjoining property and neighborhood will not be significantly impaired.*

The proposed development will not impair the adjoining property in the area and should encourage development and revitalization in the TSH zoning district. The proposed Tyotkas Elder Center will enhance the surrounding neighborhood as it will replace an existing building which has been declared structurally unsafe by a licensed engineer.

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

The area is classified as Mixed Use/Townsite Historic District in the Comprehensive Plan. Mixed Use is defined as, “The Mixed Use district fosters a compatible mix of retail, service, office, public, institutional, recreational and multi-family residential uses. The district does not prescribe specific proportions for these uses, only that all these uses are desirable within the district. Mixed uses are particularly desirable in the Townsite Historic District and City Center overlay zone.”¹

“The Kenai Townsite Historic District, comprising thirty-four properties in the traditional townsite, was created by the City of Kenai in 1993. The district is locally significant, but does not meet the standards for a National Register Historic District. Several individual buildings may qualify.

¹ City of Kenai Comprehensive Plan – Page 29

The district's buildings span Kenai's evolution from its origin as a subsistence village through the Russian settlement period to today's modern city. Unhappily, many of the district's oldest, most historic buildings were lost before the city created a special zoning district and ordinance to conserve the old townsite. The goal is to manage new development, reconstruction, and building alterations to protect and enhance the district's historic character. All construction in the district must be compatible with development criteria. Residential and business uses are regarded as desirable and compatible mixed uses."²

The proposed use appears in harmony with the Comprehensive Plan. This is a mixed-use development. No historical buildings will be removed as part of the development plan. The site has been planned to be compatible with the development criteria for the TSH zoning district.

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

The site is served by city water and sewer, natural gas, electric, and telephone. The site is served by paved, maintained city streets. Public services are adequate to serve the proposed use.

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

The new Tyotkas Elder Center will provide a public health benefit by supporting the health and welfare of the elderly native population of the City of Kenai. The proposed use will not be harmful to the public safety, health, or welfare.

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

See Conditions of Approval below.

VARIANCE FINDINGS:

KMC 14.20.180 details the intent and application process for Variance Permits. The Code also outlines the review criteria that should be used by the Planning and Zoning Commission to determine if a variance should be granted. The Commission shall establish a finding that all of the following conditions exist as a prerequisite to issuance of a variance permit:

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same zoning district.*

² City of Kenai Comprehensive Plan – Page 15

The Kenaitze Indian Tribe has used the property for many years as its Elders Center. The existing building is a one story building with an approximate size of 4,945 square feet. The footprint of the new Tyotkas Elder Center will be increased by 1,555 square feet to accommodate the growth in the elderly population served by the Tribe. To better accommodate the needs of the Tribe elders a new building is needed. Construction of a two-story building would not serve the needed functionally required to better serve the Tribe.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary hardship or inconvenience.*

The Kenaitze Indian Tribe has been researching this project for a lengthy period of time and considered various options. The size of the building is necessary to accommodate the facility. The request does not merely constitute a pecuniary hardship or inconvenience.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

The variance requested to exceed the commercial building total allowed area of 5,000-square-feet does not authorize a use that is not a permitted principal use in the zoning district. This is a request to relax a development requirement for the size of the structure.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

The Kenaitze Indian Tribe has been working with a team of dedicated architects to determine the minimum size for the building that will accommodate all the various services. The application is based on various codes and minimum construction standards for the various uses.

5. *The granting of a variance shall not be based upon other non-conforming land uses or structures within the same land use or zoning district.*

The requested variance is not based on other non-conforming land uses or structures in the same zoning district.

TSH DEVELOPMENT REVIEW:

The TSH zoning district development criteria restricts commercial buildings to a total area of 5,000 square feet.

The TSH zoning district is historically significant to the City of Kenai and the State of Alaska.

In 1996, the City of Kenai enlisted consultants to conduct a historic survey of the Townsite Historic Zoning District. That survey identified historical themes of the area:³

- Dena'ina Building Tradition: A.D. 1000-1890
- Russian Exploration and Fur Trade: 1741-1866
- The Russian Orthodox Church: 1841-1896 (extant properties, 1881-1906)
- United States Purchase of Alaska, 1867: Fort Kenay, 1869-1870
- Early Community Building Era: 1898-1926
- Kenaitze Subsistence: 1900-1941
- Federal Programs for Agriculture and Sustainable Resource Management: 1898-1958 (extant properties, 1935-1958)

"The Historic Townsite area sits on a bluff facing south, near the confluence of the Kenai River and Cook Inlet.

From the period of Dena'ina occupation through the Kenaitze Subsistence Era, village residents walked down paths from the bluff to the beach below to fish and haul water."⁴

The Kenaitze Indian Tribe is seeking a Conditional Use Permit, a Variance Permit, and Townsite Historic District Review to allow for the construction of an approximately 6,500-square-foot Tyotkas Elder Center.

The Tribe, the original occupants of this land, have carefully considered options for the planned facility and determined this location and the size of the structure meets the needs of their members. With careful and controlled site development, as shown on the attached plans, the building can be built in the TSH zone in a manner to preserve the integrity of the zone and to protect the cultural and historical significance of the district.

3 "Kenai Townsite Historic District Survey Report" – Page 11

4 "Kenai Townsite Historic District Survey Report" – Page 12


CONDITIONS OF APPROVAL

1. Approval of PZ15-04 shall be contingent on approval of Landscape/Site Plan PZ15-05 by the Planning & Zoning Administration.
2. Prior to commencement of construction, applicant shall be required to obtain all appropriate Building Permits.
3. Prior to the issuance of the Building Permit for the Tyotkas Elder Center, the applicant shall submit a revised site plan showing the location of the building to be at a distance of 10 feet from the edge of the 5-foot Street Easement along Mission Avenue and Upland Street as shown on Plat Number 2012-11: Townsite of Kenai, Kenaitze Addition Subdivision. Pursuant to Kenai Municipal Code 14.24.020, Footnote (1).
4. Prior to the issuance of the Certificate of Occupancy for the Tyotkas Elder Center, the applicant shall apply for a Conditional Use Permit for an Off-site Parking Lot to replace the seven (7) on-site parking spaces being removed to accommodate the driveway entrance located on the adjacent parcel containing the Dena'ina Wellness Center.
5. Prior to the issuance of a Certificate of Occupancy for the Tyotkas Elder Center, applicant shall pave the proposed parking areas around the Tyotkas Elder Center. All paving shall be approved by the City of Kenai, Public Works Department.
6. Connections to Water and Sewer Utilities shall be approved by the Public Works Department.
7. Prior to the construction and placement of a new sign for the Tyotkas Elder Center, property owner shall apply for a Sign Permit.
8. Applicant shall file an annual report for the Conditional Use Permit as set forth in KMC 14.20.156.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI THAT THE PROPOSED **TYOTKAS ELDER CENTER** MEETS THE CONDITIONS REQUIRED FOR SAID OPERATION AND THEREFORE THE COMMISSION **DOES** AUTHORIZE THE ADMINISTRATIVE OFFICIAL TO ISSUE THE APPROPRIATE PERMIT.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, ON THIS 22TH DAY OF APRIL, 2015.

CHAIRPERSON:


Jeff Twait, Chairperson

ATTEST:


Sandra Modigh, City Clerk



File Attachments for Item:

3. Action/Approval – Recommendation to City Council for an Application for a Forty-Five (45) year Lease of City-owned Land Within the Airport Reserve described as Lot 5, FBO Subdivision No. 8 located at 525 N. Willow Street. The application was submitted by Alaska Air Fuel, Inc., 3700 W. Aviation Ave., Wasilla, AK 99654

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Elizabeth Appleby, City Planner

DATE: August 7, 2020

SUBJECT: **Application from Alaska Air Fuel for a portion of Lot 5, FBO Subd. No. 8 located at 525 N. Willow St. within the Airport Reserve**

Alaska Air Fuel submitted an application to the City for a Lease of Airport Reserve Lands for the property described as Lot 5, FBO Subdivision No. 8 located at 525 N. Willow St. The Kenai Peninsula Borough parcel number is 04336043. The application requests a term of 45 years, with an investment value clarified by email of \$1 million dollars. Pursuant to the term table in Kenai Municipal Code (KMC) 21.10.080 (b), the City and the applicant are in agreement to a term of 45 years. Pursuant to Kenai Municipal Code 21.10.075 – Leasing and Acquisition of Airport Reserve Lands, Competing Applications, the City posted notice of the lease application and has not received a competing lease application for the parcel.

The applicant states that the use of the premises will be FBO with hangar and office. The applicant's initial stated uses also included crew quarters and a coffee shop, but these uses were deleted from the application after discussion with the City. Alaska Air Fuel would not like to lease a portion of the entire parcel and subdivision must be completed prior to a lease document being signed. Alaska Air Fuel would need to comply with Airport fencing requirements and parking. Their site plan shows an approximation of the fence location and notes that additional parking spaces would need to be added into the design prior to obtaining a building permit.

The parcel is within the Airport Light Industrial (ALI) Zone per Kenai Municipal Code (KMC) 14.20.065. The intent of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed uses by Alaska Air Fuel are permitted and compatible uses in the ALI Zone.

The proposed use by Alaska Air Fuel complies with the 2016 Imagine Kenai 2030 Comprehensive Plan. It supports Goal 5-Transportation, which has a vision for Kenai Municipal Airport as a gateway to the Kenai Peninsula and West Cook Inlet.

Does the Planning and Zoning Commission recommend the City approve a lease application from Alaska Air Fuel for Lot 5, FBO Subdivision for the use of FBO Hangar and office for a term of 45 years? The Kenai City Council will be notified of the Planning and Zoning Commission's decision as part of their evaluation of the lease application. The Planning and

Zoning Commission makes their decision on lease applications based on the proposed development's compliance with City's Comprehensive Plan and the Zoning Code. The Airport Commission will also review the application and provide a recommendation to City Council.

Compliance Note: Alaska Air Fuel did not obtain a notarized signature for their existing Special Use Permit at Kenai Municipal Airport. Until a notarized signature is obtained, the lease application will not be brought before City Council for a decision.

Thank you for your consideration.





City of Kenai Land Lease Application

Application for: ☒ New Lease
☐ Amendment ☐ Extension
☐ Assignment ☐ Renewal

Application Date: 4/8/2020

Applicant Information

Name of Applicant:	Alaska Air Fuel, Inc.						
Mailing Address:	3700 West Aviation Ave.	City:	Wasilla	State:	Ak	Zip Code:	99654
Phone Number(s):	Home Phone: 907-317-5169		Work/ Message Phone: 907-317-5169				
E-mail: (Optional)	alaskaairfuel@hotmail.com						
Name to Appear on Lease:	Alaska Air Fuel, Inc.						
Mailing Address:	3700 West Aviation Ave.	City:	Kenai	State:	Ak	Zip Code:	99654
Phone Number(s):	Home Phone: 907-317-5169		Work/ Message Phone: 907-317-5169				
E-mail: (Optional)	alaskaairfuel@hotmail.com						
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other						

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):
525 N. Willow St.
Lot 5, FBO Subd. No. 8 full depth X 240ft of apron and road frontage

Does the property require subdivision? (if Yes, answer next two questions) ☒ YES ☐ NO
Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:

1. Do you believe the proposed subdivision would serve other City purposes? ☒ YES ☐ NO

2. Are you prepared to be responsible for all costs associated with subdivision? ☒ YES ☒ NO

If an appraisal is required to determine the minimum price on the land, are you prepared to be responsible for the deposit to cover costs associated with appraisal? (The cost of the appraisal will be either refunded or credited toward the purchaser at closing) ☒ YES

Are you prepared to be responsible for recording costs associated with lease execution? ☒ YES

Do you have or have you ever had a Lease with the City? (if Yes, answer next question) ☒ YES ☐ NO

1. Legal or brief description of property leased:
15000 square foot tie down at the base of the tower

Request a Lease with an Option to Purchase once development requirements are met? *Does not apply to Airport Reserve properties ☒ YES ☐ NO

Requested term for Initial Lease or Renewal (based on Term Table, not to exceed 45 years): 45 yrs

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years): 45 yrs

Requested Starting Date: 1 June 2020

RECEIVED
CITY OF KENAI
DATE 4/8/2020
PLANNING DEPARTMENT

Proposed Use and Improvements

Proposed Use (check one): ☒ Aeronautical ☐ Non-Aeronautical

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

1. Will the improvement change or alter the use under an existing lease? ☒ YES ☐ NO

2. What is the proposed use of the improvement? FBO with Hanger, ~~crew quarters~~, office, ~~coffee shop~~

3. What is the estimated value of the improvement? 3 million assessed value

4. What is the nature and type of improvement?

Site development, Tarmac, Aircraft Hanger with office & ~~crew quarters & coffee shop/restaurant~~

5. What are the dates construction is estimated to commence and be completed?

(generally, construction must be completed within two years)

Estimated Start Date: August 31st, 2020

Estimated Completion Date: August 31st, 2022

Describe the proposed business or activity intended:

FBO and DC-4 air fueling operation with separate 125 freight operation and 135 certified passenger service

How does the proposed lease support a thriving business, residential, recreational, or cultural community?

By awarding Alaska Air Fuel this lease, the city of Kenai will effectively create multiple longterm, high paying jobs, as well as bring in additional tax revenue for the city.

Lease Assignment Only: What is the name of the individual or legal entity the lease is to be assigned?

Alaska Air Fuel, Inc

Lease Renewal Only

Renewal of an Existing Lease (at least one year of term remaining): Requires new development.

Lease Term based on: Estimated cost of new improvements and ☐ Purchase Price (optional)


Renewal of an Expiring Lease (less than one year of term remaining): Does not require new development.

Lease Term based on: ☐ Purchase Price ☐ Professional Estimate of Remaining Useful Life

☐ Fair Market Value appraisal and/or ☐ Estimated cost of new improvements (optional)

Requested Term for Renewal Based on Term Table, not to exceed 45 Years:

Submitting an application for a lease does not give the applicant a right to lease or use the land requested in the application. The application shall expire twelve (12) months after the date the application has been made if the City and the applicant have not, by that time, entered into a lease, unless the City Council for good cause grants an extension for a period not to exceed six (6) months. The City has no obligation to amend, renew or extend a lease and may decline to do so upon making specific findings as to why a lease renewal, extension, or amendment is not in the best interest of the City

Signature:		Date:	4/8/2020
Print Name:	John Slick	Title:	VP/Owner

For City Use Only:

☐ General Fund ☐ Airport Reserve Land
☐ Airport Fund ☐ Outside Airport Reserve

Account Number:

Date Application Fee Received: _____

Date Application Determined Complete: _____

30 Day Notice Publication Date: _____

City Council Action/Resolution: _____

Lease Application
Parcel 04336043
525 North Willow St.
Lot 5, FBO Subd. No. 8

1 parking space
per 1,000 ft²
of hangar
would be
required
per KNC
14,20,250
(b)(8)





**Lease Application from Alaska Air Fuel
for a Portion of Parcel 04336043
525 North Willow St.
Lot 5, FBO Subd. No. 8**



File Attachments for Item:

City Council



Kenai City Council - Regular Meeting

August 05, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

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. **Bill Dunn** - Erosion Mitigation for the Bluff Adjacent to Toyon Way.

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3146-2020** - Increasing Estimated Revenues and Appropriations in the General Fund, Library Improvement Capital Project Fund, Visitor Center Improvement Capital Project Fund, Municipal Roadway Improvements Capital Project Fund, Kenai Recreation Center Improvements Capital Project Fund, Information Technology Improvements Capital Project Fund, and City Hall Improvements Capital Project Fund to Fund Capital Projects Deferred During the FY2021 Budget Process. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3147-2020** - Accepting and Appropriating \$2,135.25 in Asset Forfeiture Sharing Funds for Purchasing Law Enforcement Equipment into the General Fund, Police Department. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3148-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant Round Two from Meals on Wheels America for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)

4. **ENACTED UNANIMOUSLY. Ordinance No. 3149-2020** - Accepting and Appropriating a Grant from the Federal Aviation Administration and Authorizing the Purchase of Property Described as Lot 5, Spruce Creek Subdivision which is in the Airport's Runway Protection Zone. (Administration)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2020-63** - Declaring a Right-Of-Way for a Portion of the Cul-De-Sac at the North End of Daubenspeck Circle as Dedicated on Baron Park 2012 Addition, Plat KN 2012- 89, and as Set Forth on the Attached Exhibit "A" is Not Needed for a Public Purpose and Consenting to its Vacation. (Administration)
6. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2020-64** - Authorizing the Award of a Professional Services Agreement for Kenai Small Business Development and Tourism Marketing Services Related to the COVID-19 Public Health Emergency. (Administration)
7. **POSTPONED INDEFINITELY. Resolution No. 2020-65** - Authorizing the Award of a Professional Services Agreement for Mental Health Services Related to the COVID-19 Public Health Emergency. (Administration)
8. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2020-66** - Awarding a Purchase Agreement for the Supply and Delivery of Chemicals for the Water and Waste Water Treatment Plants. (Administration)
9. **ADOPTED UNANIMOUSLY. Resolution No. 2020-67** - Approving a Grant to the Alaska Municipal League Utilizing Funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. (Council Member Navarre)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of July 15, 2020. (City Clerk)

F. UNFINISHED BUSINESS

1. **ENACTED UNANIMOUSLY AS AMENDED. Substitute Ordinance No. 3133-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue Fund, Authorizing a Budget Transfer in the Airport Terminal Improvement Capital Project Fund and Appropriating FY2020 Budgeted Funds in the Airport Master Plan Capital Project, Airport Snow Removal Equipment and Airport Operations Facility Improvement Capital Project Funds for Heating, Ventilation and Air Conditioning (HVAC) Improvement to the Airport Operations Facility and Replacement of the Airport's Wide Area Mower. (Administration) [**Clerk's Note:** At the July 15 Meeting, this item was Postponed to this Council Meeting. A Motion to Enact is On the Floor.]

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Purchase Orders Over \$15,000. (Administration)

3. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Non-Objection to the Renewal of Marijuana Licenses for Peninsula Botanicals, Kenai River Cannabis, Herban Extracts, LLC, and East Rip. (City Clerk)
4. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 08/19/2020. *Ordinance No. 3150-2020** - Waiving Kenai Municipal Code 21.10.130 - Lease Execution, and Approving a Lease Execution Extension to May 31, 2021 to Schilling Rentals, LLC for Lot 5A, Block 1, FBO Subdivision 2018 Replat. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 08/19/2020. *Ordinance No. 3151-2020** - Increasing Estimated Revenues and Appropriations in the Terminal Improvements Capital Fund, and Authorizing an Increase to the Construction Purchase Order to Blazy Construction, Inc. (Administration)
6. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 08/19/2020. *Ordinance No. 3152-2020** - Accepting and Appropriating a Project Ready Mini Grant from the Alaska State Library for Implementing the Know Your Neighbor: Kindness Kits Project at the Kenai Community Library. (Administration)
7. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 08/19/2020. *Ordinance No. 3153-2020** - Appropriating Excess Funds Received from the Issuance of General Obligation Refunding Bonds. (Administration)
8. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 08/19/2020. *Ordinance No. 3154-2020** - Accepting and Appropriating a Grant from the National Marine Fisheries Service Passed Through the Pacific States Marine Fisheries Commission, Accepting and Appropriating Additional Insurance Proceeds, and Awarding a Contract for Repair to the Kenai City Dock for Damage Caused by Earthquakes in 2016 and 2018 and Installation of a Cathodic Protection System to Prevent Corrosion. (Administration)
9. **Discussion** - Response to COVID-19. (City Manager)
10. **Discussion** - City of Kenai Response to Governor Dunleavy's Local Mitigation Level Recommendations and Consideration of Joint Work Session with the City Of Soldotna Council. (City Manager)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

1. **Ordinance No. 3127-2020** - Repealing and Replacing Kenai Municipal Code Title 6 - Elections to Provide Clarity, Process Improvements, and Increase Voter Accessibility through Vote By Mail Elections. (Council Member Peterkin) [**Clerk's Note:** *At the July 1 Meeting, this item was Postponed to the 08/19/20 Council Meeting.*]
2. **Ordinance No. 3128-2020** - Amending Kenai Municipal Code Section 1.85.040 – Records Public, To Provide For A Record Retention Length. (City Clerk) [**Clerk's Note:** *At the July 1 Meeting, this Item was Postponed to the 08/19/20 Council Meeting.*]

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet RCAC Correspondence.
3. Kenai Municipal Airport Bulletin - Security Awareness.
4. U.S. Army Corps of Engineers - Special Public Notice.
5. Ken and Connie Tarbox Correspondence.

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/89285449548>

Meeting ID: 892 8544 9548 **Passcode:** 936941

OR

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

Meeting ID: 892 8544 9548 **Passcode:** 936941

File Attachments for Item:

2. Kenai Peninsula Borough



Planning Commission Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Marcus Mueller, Acting Planning Director • Charlie Pierce, Borough Mayor

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

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

Paulette Bokenko-Carluccio – City of Seldovia ~ Cindy Ecklund – City of Seward

Diane Fikes – City of Kenai ~ Virginia Morgan – East Peninsula ~ Franco Venuti – City of Homer

August 10, 2020

7:30 p.m.

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

- 1) Staff will present a report and staff recommendations 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
- 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

1. Oath of Office for New Commissioner
2. Reappointment of Commissioners
3. Election of Officers

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

***1. Time Extension Request – None**

***2. Planning Commission Resolutions**

- a. Voznesenka 2020 Vacate Utility Easements
KPB 2020-016V2 Resolution 2020-06
Utility Easements on and Adjacent to Lot 3-D Voznesenka Too (HM 2000-23), Lots
1-A and 1-B Voznesenka 2006 (HM 2008-94)

***3. Plats Granted Administrative Approval – 5 Plats**

***4. Plats Granted Final Approval (20.10.040) - None**

***5. Plat Amendment Request**

6. Utility Easement Vacations - None**7. Commissioner Excused Absences**

- a. Jeremy Brantley – Sterling Area
- b. Robert Ruffner – Kasilof-Clam Gulch Area

***8. Minutes**

- a. July 13, 2020 Planning Commission Meeting

D. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

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

E. UNFINISHED BUSINESS - None**F. PUBLIC HEARINGS**

- 1. Conditional Land Use Permit: For material extraction on a parcel in the Nikiski area
Applicant: Stephen Rappe
49636 Halbouty Road - Nikiski
KPB Parcel Number: 013-360-45

G. UTILITY EASEMENT VACATIONS

- 1. Vacate a 10 foot utility easement within Lot A-2, M. L. Stewart Homestead J King Addition (Plat KN 96-63) granted by M. L. Stewart Homestead Subdivision Tracts A, B & C (Plat KN 75-124); within Section 19, Township 5 North, Range 10 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-071V.

H. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT

- 1. Conditional Use Permit: Installation of a well within the 50-foot Habitat Protection District of the Kenai River
Applicant: Ron Maddox
35217 Betty Lou Drive – Sterling
KPB Parcel Number: 063-170-19
- 2. Conditional Use Permit: Improvements to a boat launch within the 50-foot Habitat Protection District of the Kenai River
Applicant: US Fish & Wildlife Service
33357 Keystone Drive – Soldotna
KPB Parcel Number: 135-262-21

I. VACATIONS NOT REQUIRING A PUBLIC HEARING – None**J. SPECIAL CONSIDERATIONS – None****K. SUBDIVISION PLAT PUBLIC HEARINGS**

- 1. The Plat Committee will review 16 preliminary plats

L. OTHER/NEW BUSINESS

- 1. Resolution 2020-055, Authorizing the sublease of real property located at 72470 Clutts Avenue in Anchor Point for a maintenance and storage facility for the Anchor Point Fire & Emergency Medical Service Area.
- 2. Plat Committee (July-Aug-Sept) – Need 1 Member & 1 Alternate

M. PENDING ITEMS FOR FUTURE ACTION

1. Ordinance 2020-XX: An ordinance amending Kenai Peninsula Borough Code of Ordinances including Chapter 2.40-Planning Commission, Title 20-Subdivisions, Chapter 21.20-Hearing & Appeals to Correct Grammatical Errors, Clarify & Improve Certain Administrative Procedures.

N. ASSEMBLY COMMENTS**O. LEGAL REPRESENTATIVE COMMENTS****P. DIRECTOR'S COMMENTS****Q. COMMISSIONER COMMENTS****R. ADJOURNMENT****S. MISCELLANEOUS INFORMATIONAL ITEMS**

1. Memo: Recommendation for Planning Commission Seating Plan & Policy

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, August 24, 2020** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley St, Soldotna, Alaska at **7:30 p.m.**

ADVISORY PLANNING COMMISSION MEETINGS

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce		
Cooper Landing	Cooper Landing Community Hall		
Funny River	Funny River Community Center		
Kalifornsky	Cook Inlet Aquaculture Association		
Kachemak Bay			
Moose Pass	Moose Pass Community Hall		
Hope / Sunrise	Hope Social Hall		

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.



Plat Committee Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Paulette Bokenko-Carluccio – City of Seldovia **Cindy Ecklund** – City of Seward **Robert Ruffner** – Kasilof/Clam Gulch

August 10, 2020
5:30 p.m.

Due to the current COVID-19 pandemic and CDC guidelines, the meeting will not be physically open to the public. The meeting will be held through Zoom. The Planning Commission and staff members will be attending via teleconferencing. The public will be able to listen or participate. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID **208 425 9541**. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>

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

- 1) Staff will present a report and staff recommendations 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
- 4) After testimony is completed, the Plat Committee may follow with questions. A person may only testify once on an issue unless questioned by the Plat Committee.
- 5) Staff may respond to any testimony given and the Committee 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 Committee deliberates and makes a decision.

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

1. Agenda
2. Member/Alternate Excused Absences
 - a. Robert Ruffner
3. Minutes
 - July 13, 2020 Plat Committee Meeting

D. PUBLIC COMMENT

(Items other than those appearing on the agenda or not scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made.)

E. SUBDIVISION PLAT PUBLIC HEARINGS

1. USS4901 Tract A Block 2 Lot 2 2020 Replat
KPB File 2020-078; [Seabright/North Pacific Rim Housing Authority]
Off Chicklounk Street & C Street
Location: Nanwalek

2. Skyline Drive Subdivision 2020 Replat
KPB File 2020-062; [Orion/Welz, Mullen]
Off Claudia Street & West Hill Road
Location: City of Homer
3. Eventyr Subdivision Number 3
KPB File 2020-079; [Edge/Hannigan, Johnson, Etheridge]
Off Colonial Drive & Linwood Lane
Location: City of Kenai
4. Patson Properties McBride Addition
KPB File 2020-075; [McLane/Baroness, LLC]
Off Patson Road & Funny River Road
Location: Funny River
Funny River APC
5. Two Fish Subdivision 2020 Addition
KPB File 2020-077; [McLane/Schilling]
Off Toloff Road & Holt Lamplight Road
Location: Nikiski
6. Hidden Hills 2020
KPB File 2020-076; [Ability/Swaim]
Off Farewell Court & Fox Road
Location: Anchor Point
Anchor Point APC
7. Waterman Spring Replat
KPB File 2020-074; [Ability/Van De Werken]
Off Glacier View Road. S
Location: Fritz Creek
Kachemak Bay APC
8. Cohoe Lakes Subdivision 2020 Addition
KPB File 2020-073; [Johnson/Oldenburg, McNeil]
Off Fairway Avenue & Cohoe Lake Drive
Location: Cohoe
9. Don Jack Subdivision 2020 Addition
KPB File 2020-063; [Johnson/Galley Living Trust]
Off Goodyear Street S & Browns Lake Road
Location: Funny River
Funny River APC
10. Panoramic Park Subdivision 2020 Replat
KPB File 2020-068; [Johnson/Murray]
Off Skilak Lane, Carter Way & Sterling Highway
Location: Sterling

11. Cohoe Corners Potter Replat
KPB File 2020-067; [Segesser/Potter]
Off Musick Court, Collins Drive & Cohoe Loop Road
Location: Cohoe
12. Easter Eagle
KPB File 2020-080; [Segesser/Easter, Francesca]
Off Cohoe Loop Road
Location: Cohoe
13. Holland Spur Highway Subdivision 2020 Addition
KPB File 2020-064; [Segesser/Martin]
Off Kenai Spur Highway
Location: City of Kenai
14. McLennan Estates Addition No. 1
KPB File 2020-065; [Segesser/McLennan]
Off Davidson Drive & Kenai Spur Highway
Location: City of Kenai
15. Parsons Lake West 2020 Addition
KPB File 2020-066; [Segesser/Laroche, Boehm]
Off Vandevere Drive & Grebe Avenue
Location: Nikiski
16. Winridge Estates Subdivision Hallmark Replat
KPB File 2020-072; [Segesser/Hallmark]
Off Winridge Avenue & River Hills Drive
Location: Kalifornsky
Kalifornsky APC

F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None

G. OTHER / NEW BUSINESS

H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

I. ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday August 24, 2020** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley, Soldotna, Alaska at **5:30 p.m.**

PLANNING DEPARTMENT

Phone: 907-714-2215 Fax: 907-714-2378
Phone: toll free within the Borough 1-800-478-4441, extension 2215
email address: planning@kpb.us
website: <http://www.kpb.us/planning-dept/planning-home>

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given

to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

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