



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

July 26, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of July 12, 2023

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

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-13** – Recommending Approval for Preliminary Plat – City Park 2023 Replat for a Parcel Merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the Right-of-Way Vacations of Char Circle as Dedicated on Park View Subdivision (Plat No. KN 79-156) and City Park Subdivision No. 2 (Plat No. KN 2007-149) and a Portion of S. Spruce Street as Dedication on Park View Subdivision (Plat No. KN 79-156) in the Suburban Residential (RS) and Urban Residential (RU) Zoning Districts.
2. **Resolution PZ2023-14** – Recommending Approval for Preliminary Plat – Shoreline Heights 2023 Addition to Subdivide Tracts A, B, and C of Shoreline Heights 2014 Addition Phase 1 Subdivision into 17 Lots Located at 1540, 1541, and 1610 Pey Drive (Parcel IDs: 03914131, -32, and -33) in the Rural Residential (RR) Zoning District.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-16** – Granting an Encroachment Permit for a Single-Family Residence to Encroach into the Required (North) Side Yard Setback on the Property Located at 1436 Pey Drive (Parcel ID: 03914146) in the Rural Residential (RR) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the July 12, 2023 Regular Meeting – Glendening.
2. ***Action/Approval** - Transfer of Conditional Use Permit PZ2021-15 for Cabin Rentals on a property described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive within the Rural Residential (RR) zoning district.

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: August 23, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/85478097767>

Meeting ID: 854 7809 7767 **Passcode:** 354658

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

Meeting ID: 854 7809 7767 **Passcode:** 354658

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 12, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on July 12, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gary Greenberg
John Coston

Joe Halstead, Vice Chair
Diane Fikes (*electronic participation*)
Gwen Woodard

A quorum was present.

Absent:

Jim Glendening

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda.

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

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

UNANIMOUS CONSENT was requested.

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 28, 2023

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2023-12** – Recommending Approval for Preliminary Plat – Oberts Silver Salmon Subdivision to Subdivide a Parcel into Two (2) Lots Located at 4805 Silver Salmon Drive (Parcel ID: 04937013) in the Rural Residential (RR) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-12. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Revised Note 2 on the Preliminary Plat to “DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14.20 ZONING CODE REQUIREMENTS”.
2. Place the following note on the plat: “WHEN AN IMPROVEMENT DISTRICT IS FORMED, THE REAL PROPERTY OWNER INVOLVED WILL BE PART OF THE IMPROVEMENT DISTRICT WITHOUT FURTHER ACTION BY THE THEN OWNER OF THE PROPERTY IN QUESTION.”
3. Show and label any areas within the flood zone and floodway with the base flood elevations (BFEs) found on the FEMA Flood Insurance Rate Map (FIRM) Panel 0200122045C, effective on December 6, 1999 on the plat.
4. Place the following note on the plat: “PRIOR TO DEVELOPMENT, CONTACT THE CITY OF KENAI FLOODPLAIN ADMINISTRATOR FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 14.30 OF KENAI MUNICIPAL CODE.”

VOTE:

YEA: Coston, Woodard, Greenberg, Halstead, Twait

NAY: None

[Clerk's note: Due to technical issues, Commissioner Fikes was unable to cast a vote.]

MOTION PASSED WITHOUT OBJECTION.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. ***Action/Approval** – Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Greenberg.

Approved by the consent agenda.

I. **REPORTS**

1. City Council – Vice Mayor Baisden reported on the actions of the July 5, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Mitchell reported on the following:
 - A plat that was originally on tonight’s agenda was pushed to the next meeting.

- Intends to propose a code amendment which allow some plats to be approved at an administrative level.
- Last chance for commissioners to sign up to attend the American Planning Association Conference in Anchorage on September 20-22, 2023.
- Planning Administrative Assistant job vacancies; two part-time positions.

J. **ADDITIONAL PUBLIC COMMENT** – None.

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: July 26, 2023

L. **COMMISSION COMMENTS AND QUESTIONS**

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

There being no further business before the Commission, the meeting was adjourned at 7:13 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of July 12, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-13**

A RESOLUTION **RECOMMENDING** THAT CITY PARK SUBDIVISION 2023 REPLAT PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 320 and 330 S. Spruce Street

LEGAL DESCRIPTIONS: Tract A, Park View Subdivision (Plat No. KN 79-156) and Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149)

KPB PARCEL NUMBERS: 04701018, -28

WHEREAS, the City of Kenai received the plat from McLane Consulting, Inc. on behalf of the property owner, Boys & Girls Club of the Kenai Peninsula; and,

WHEREAS, the plat meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Suburban Residential (RS) and Urban Residential (RU) zoning districts; and

WHEREAS, the street name is referenced correctly; and,

WHEREAS, the merged parcels will have access via S. Spruce Street, which is a City-maintained road; and

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

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and the on-site water and sewer system will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning districts.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

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

Section 1. That the preliminary plat of City Park Subdivision 2023 Replat be approved subject to the following condition.

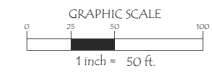
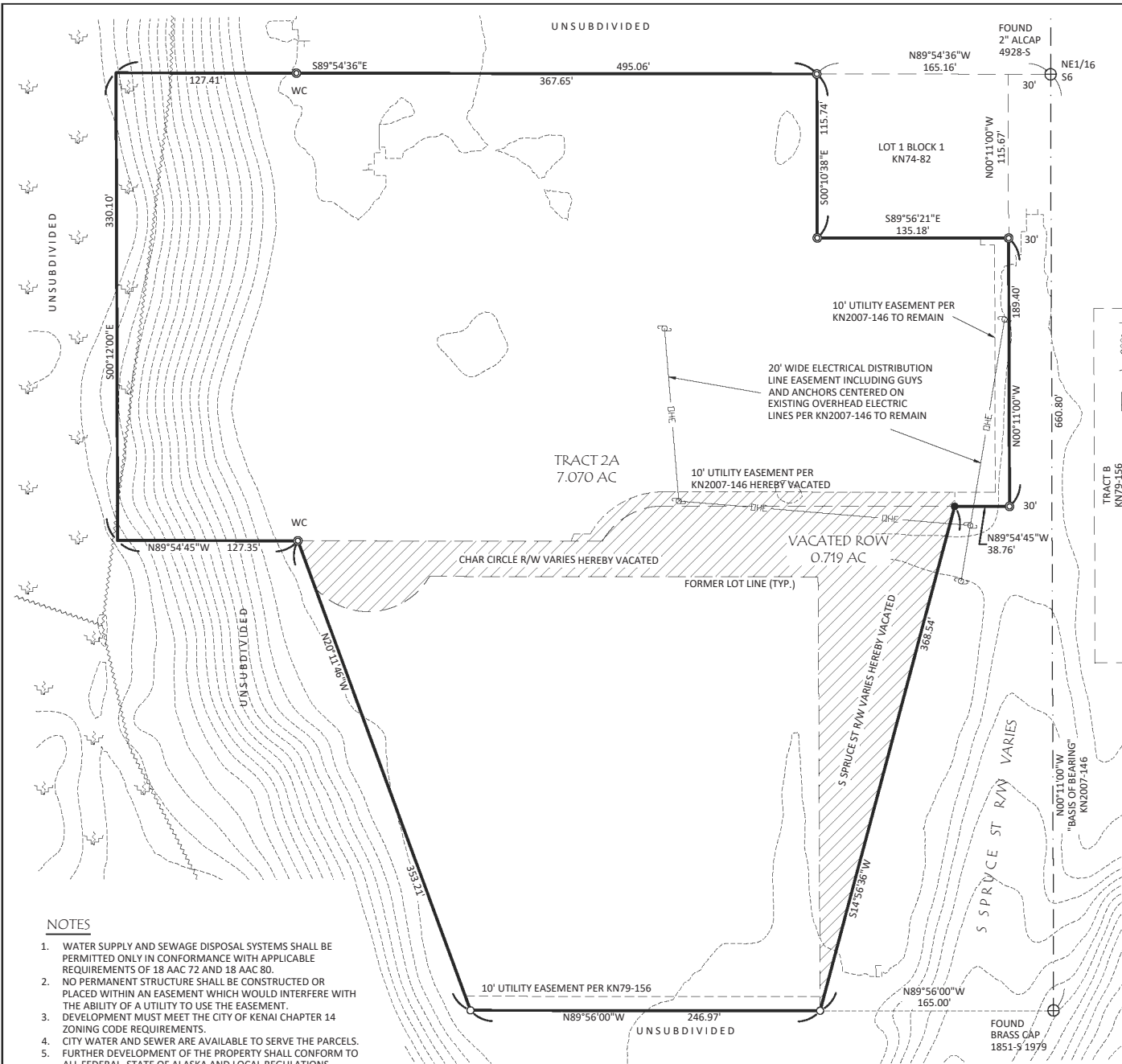
1. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as shown on the proposed preliminary plat.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of July, 2023.

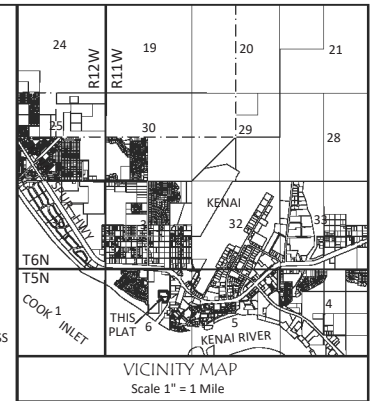
JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR
 - FOUND 2" ALCAP 4928-S
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - POWER POLE
 - OVERHEAD ELECTRIC
 - ▨ AREA SUBJECT TO INUNDATION
 - - - CONTOUR INTERVAL = 4'
 - ▨ R/W HEREBY VACATED



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JEFF DOLIFKA - BOARD PRESIDENT
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: JEFF DOLIFKA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #

Rec Dist _____

Date _____ 20__

Time _____ M

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.

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

PLAT APPROVAL

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

AUTHORIZED OFFICIAL _____

CITY PARK SUBDIVISION 2023 REPLAT
A RESUBDIVISION OF TRACT A PARK VIEW SUBDIVISION KN79-156 AND TRACT A CITY PARK SUBDIVISION No.2 KN2007-146 AND THE ASSOCIATED R/W VACATION OF CHAR CIRCLE AND S SPRUCE STREET

CITY OF KENAI
OWNER TRACT A KN79-156
210 FIDALGO AVE STE 200, KENAI, AK 99611
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA
OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

7.070 AC - SITUATED IN THE NE1/4 SECTION 6, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.

<p>ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM</p>	KPB File No.	2023-xxx
	Project No.	232006

Scale: 1" = 50' Date: APR 2023 BOOK: XX-XX Drawn by: JAH



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: July 21, 2023
SUBJECT: Resolution No. PZ2023-13 – Preliminary Plat – City Park Subdivision 2023 Replat

Request The applicant is proposing a preliminary plat to merge two (2) parcels and right-of-way vacations.

Staff Recommendation Adopt Resolution No. PZ2023-13 recommending approval of Preliminary Plat – City Park Subdivision 2023 Replat for the parcel merger of Tract A, City Park Subdivision No. 2 and Tract A, Park View Subdivision and the right-of-way vacations of Char Circle and a portion of S. Spruce Street.

Applicant: McLane Consulting, Inc.
Attn: James Hall
PO Box 468
Soldotna, AK 99669

Property Owner: Boys & Girls Club of the Kenai Peninsula

Legal Descriptions: Tract A, Park View Subdivision (Plat No. KN 79-156) and Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149)

Property Addresses: 320 and 330 S. Spruce Street

KPB Parcel Nos.: 04701018, -28

Combined Area: 7.070 acres

ROW Vacated Area: 0.719 acre

Zoning Districts: Suburban Residential (RS) and Urban Residential (RU)

Surrounding Uses: North – Boys & Girls Club Office; South – Vacant; West – Vacant; East – Transitional House & Vacant Land

SUMMARY

The Boys & Girls Club (“Club”) of the Kenai Peninsula has submitted a proposed preliminary plat to merge two (2) parcels described as Tract A, Park View Subdivision (Plat No. KN 79-156) and Tract A, City Park Subdivision No. 2 (Plat No. KN 2007-149) and to vacate Char Circle and a portion of S. Spruce Street to enable the Club to maximize development. The total area of the right-of-way (ROW) vacations is approximately 0.719 acre. The combined parcel area with the vacated rights-of way will be approximately 7.070 acres.

As noted in the applicant’s letter of intent, the ROW vacations will not impact the public travel and will accommodate private access to an adjacent parcel [to the south]. In addition, the pending improvements include a new commercial kitchen, multi-purpose field, a 10,000 square foot clubhouse, and a building expansion for early education center to be opened in 2024.

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

ANALYSIS

The proposed parcel merger meets the preliminary plat requirements and development requirements for the Suburban Residential (RS) and Urban Residential (RU) zoning districts. The merged parcel will have access via S. Spruce Street, which is a City-maintained road. City water and sewer lines are available to the proposed parcel. The Public Works Director reviewed the proposed preliminary plat and had no comments.

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

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, and the on-site water and sewer system will be subject to the regulatory requirements of the Public Works Department.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning districts.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for City Park Subdivision 2023 Replat meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-13 to Kenai Peninsula Borough, subject to the following condition.

1. Kenai City Council must consent to the right-of-way (ROW) vacations of Char Circle and a portion of S. Spruce Street are not needed for a public purpose and approve the ROW vacations as shown on the proposed preliminary plat.

ATTACHMENTS

Aerial Map
Application with Certificate of Plat
Preliminary Plat, City Park Subdivision 2023 Replat
Park View Subdivision (Plat No. KN 79-156)
City Park Subdivision No. 2 (Plat No. KN 2007-149)

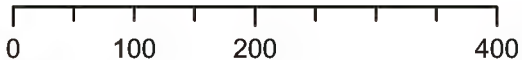


**Preliminary Plat - City Park Subdivision 2023 Replat
Resolution No. PZ2023-13
Parcel Merger and Right-of-Way Vacations
Char Circle and Portion of S. Spruce Street**



Date Printed: 7/21/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





Preliminary Plat Submittal Form

City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99811
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

APPLICANT (SURVEYOR)

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

PROPERTY OWNER

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04701028 & 04701018					
Current City Zoning:	SUBURBAN RESIDENTIAL (KN2007-146) & URBAN RESIDENTIAL (KN79-156)					
Use:	<input type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial			
	<input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			
Sewer:	<input type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community			

PLAT INFORMATION

Preliminary Plat Name:	CITY PARK SUBDIVISION 2023 REPLAT					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No			
Street Name (if vacating ROW):	CHAR CIRCLE & PORTION OF S SPRUCE ST					

Exceptions Required and Requested:

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Comments:

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REQUIRED ATTACHMENTS

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

Signature:	<i>Jeffrey Dalitto</i> President of the Board of Directors of KP	Date:	6-7-2023
Print Name:	Jeffrey Dalitto	Title/Business:	President



Signatory Authority Resolution

05/09/2023

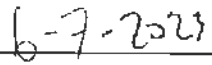
Date: 05/09/2023

The Boys & Girls Club of the Kenai Peninsula resolves to allow Board President, Jeff Dolifka, to have signatory authority for BGCKP Campus/Clubhouse.

On May 9th, 2023 the Boys & Girls Club of the Kenai Peninsula's Board of Directors approved a resolution to allow BGCKP President, Jeff Dolifka, to have signatory authority for BGCKP Campus/Clubhouse.



Board Chair, Jeff Dolifka



Date

Stewart Title of the Kenai Peninsula, Inc.

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

Amendment No. 1: Change effective date and vesting on Parcel 1

CERTIFICATE TO PLAT

McLane Consulting, Inc.
PO Box 468
Soldotna, AK 99669
Attention: James Hall

File Number: 22825
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of April 27, 2023 at 10:17 am for a plat out of the following property:

PARCEL 1:

Tract "A", CITY PARK SUBDIVISION, NO. 2, according to Plat No. 2007-146, Kenai Recording District, Third Judicial District, State of Alaska.

PARCEL 2:

Tract "A", PARK VIEW SUBDIVISION, according to Plat No. 79-156, Kenai Recording District, Third Judicial District, State of Alaska. **EXCEPTING THEREFROM** the subsurface estate and all rights, privileges, immunities and appurtenances of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 [85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (f) (1976)], as reserved by the United States of America in the Patent of record to said land.

The Company certifies that record title is vested in

Boys and Girls Club of the Kenai Peninsula, a non profit corporation as to Parcel 1 and City of Kenai as to Parcel 2
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **RESERVATIONS AND EXCEPTIONS** as contained in State of Alaska Patent, and/or in acts authorizing the issuance thereof. Said patent, among other things, reserves all oil, gas and other minerals together with the privileges, mining and drilling rights and immunities. **FURTHER**, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.
3. **RESERVATIONS AND EXCEPTIONS** as contained in Mineral Patent from the United States of America to the State of Alaska
Recorded: September 27, 1982
Volume/Page: 194/784

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

4. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated
Taxing Authority: City of Kenai
5. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:

July 20th, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Planning & Zoning

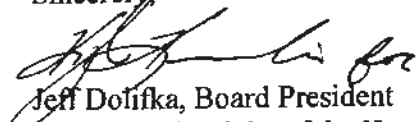
The Boys & Girls Clubs of the Kenai Peninsula is grateful to continue our partnership with the City of Kenai on our new headquarters campus. We are excited to implement the first phase of many capital projects to come.

The ROW vacation will enable the Club to maximize development as discussed during the City's land donation. The ROW vacation will not impact the public travel and will accommodate private access to an adjacent parcel.

Pending improvement include a new commercial kitchen, multi-purpose field, a 10,000 square foot Clubhouse, and a building expansion for early childcare education center (Opening in 2024!)

Thanks to your support, in 2022, our seven Clubs and athletic department served 2,500 youth in 5 communities. In addition, we provided 62,000 meals after-school and during times schools were not in session, including winter, spring and summer camps; you have enabled us to provide essential resources and programs.

Sincerely,


Jeff Dolifka, Board President
Boys & Girls Clubs of the Kenai Peninsula



**BOYS & GIRLS CLUBS
OF THE KENAI PENINSULA**

Programs Office
320 S. Spruce Street
Kenai, Alaska 99611
907.283.2882
www.bgckp.com

Club Locations

Kasilof
Kenai
Kenai Teen Center
Nikiski
Nikiski Jr. /Sr. High
Seward
Soldotna

Board of Directors

Jeff Dolifka, President
Tim Redder, Vice President
Lela Rosin, Treasurer
Kyle Komelis, Secretary
Chris Hough, Past President
Mike Navarre
Sen. Peter Micciche
Kaarlo Wik
Ryan Tunseth
Kristen Lee
Shanda Richards
Melodie Allen
Katie Elsner

Honorary Board of Trustees

Rep. Mike Chenault

Executive Director

Shanelle Wik

Cornerstone Sponsors



SOLDOTNA
City of Soldotna, Alaska

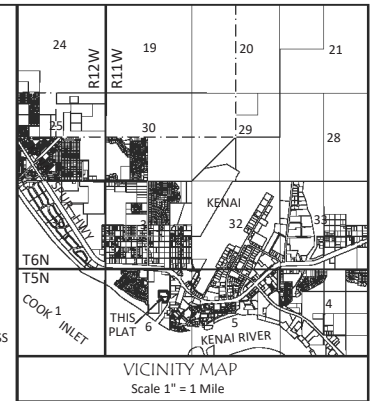
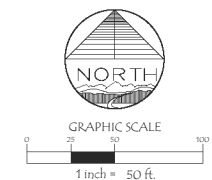
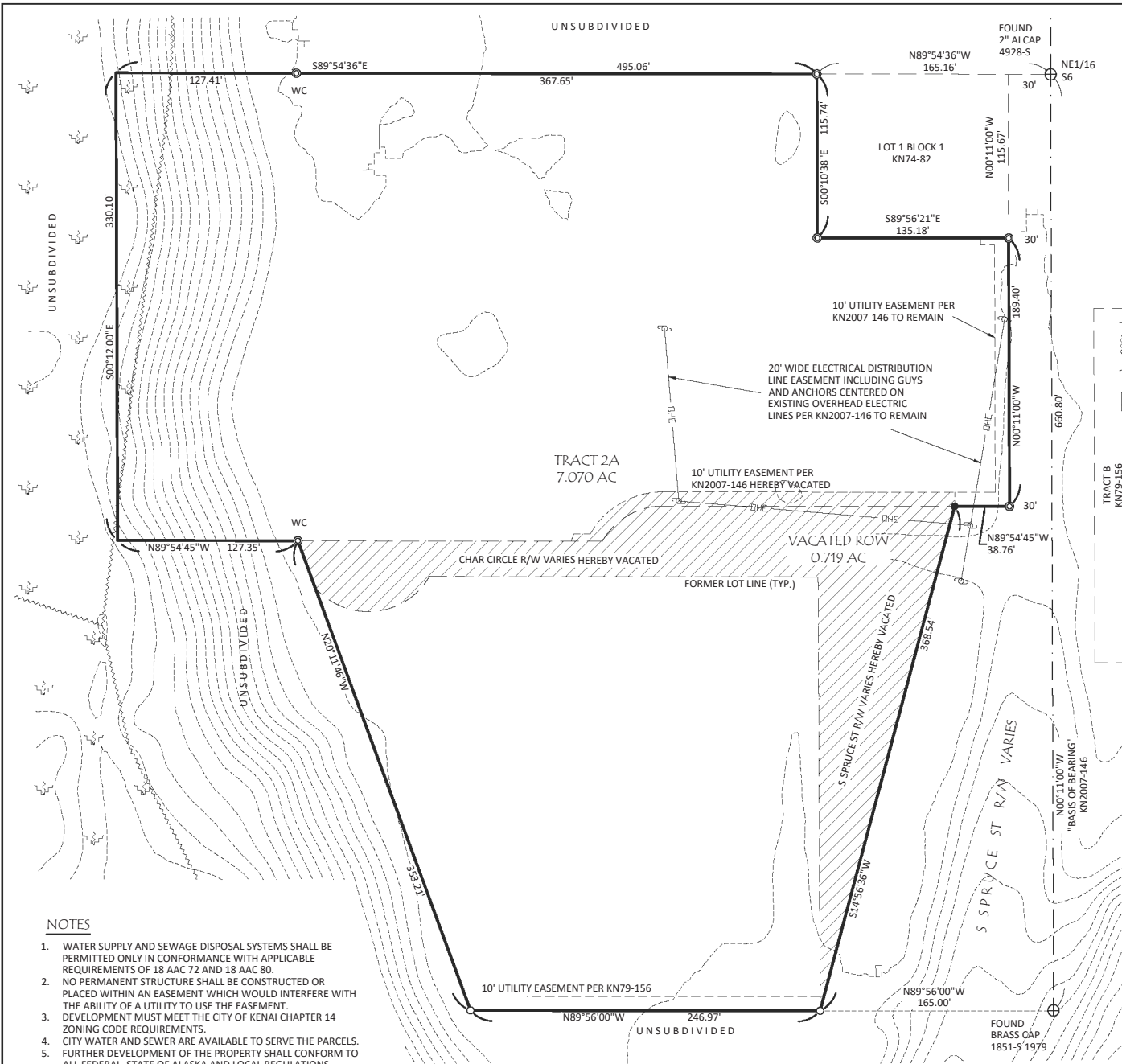


Ambassador of Youth



Champion of Youth





- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR
 - FOUND 2" ALCAP 4928-S
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - POWER POLE
 - OVERHEAD ELECTRIC
 - ▨ AREA SUBJECT TO INUNDATION
 - - - CONTOUR INTERVAL = 4'
 - ▨ R/W HEREBY VACATED

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JEFF DOLIFKA - BOARD PRESIDENT
BOYS AND GIRLS CLUB OF THE KENAI PENINSULA, OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: JEFF DOLIFKA
ACKNOWLEDGED BEFORE ME THIS
____ DAY OF _____, 2023
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #

Rec Dist _____

Date _____ 20__

Time _____ M

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. DEVELOPMENT MUST MEET THE CITY OF KENAI CHAPTER 14 ZONING CODE REQUIREMENTS.
 4. CITY WATER AND SEWER ARE AVAILABLE TO SERVE THE PARCELS.
 5. FURTHER DEVELOPMENT OF THE PROPERTY SHALL CONFORM TO ALL FEDERAL, STATE OF ALASKA AND LOCAL REGULATIONS.

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

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

AUTHORIZED OFFICIAL _____

CITY PARK SUBDIVISION 2023 REPLAT

A RESUBDIVISION OF TRACT A PARK VIEW SUBDIVISION KN79-156 AND TRACT A CITY PARK SUBDIVISION No.2 KN2007-146 AND THE ASSOCIATED R/W VACATION OF CHAR CIRCLE AND S SPRUCE STREET

CITY OF KENAI
OWNER TRACT A KN79-156
210 FIDALGO AVE STE 200, KENAI, AK 99611

BOYS AND GIRLS CLUB OF THE KENAI PENINSULA
OWNER TRACT A KN2007-146
320 S SPRUCE ST, KENAI, AK 99611

7.070 AC - SITUATED IN THE NE1/4 SECTION 6, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, CITY OF KENAI, KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT, ALASKA.



KPB File No. 2023-xxx

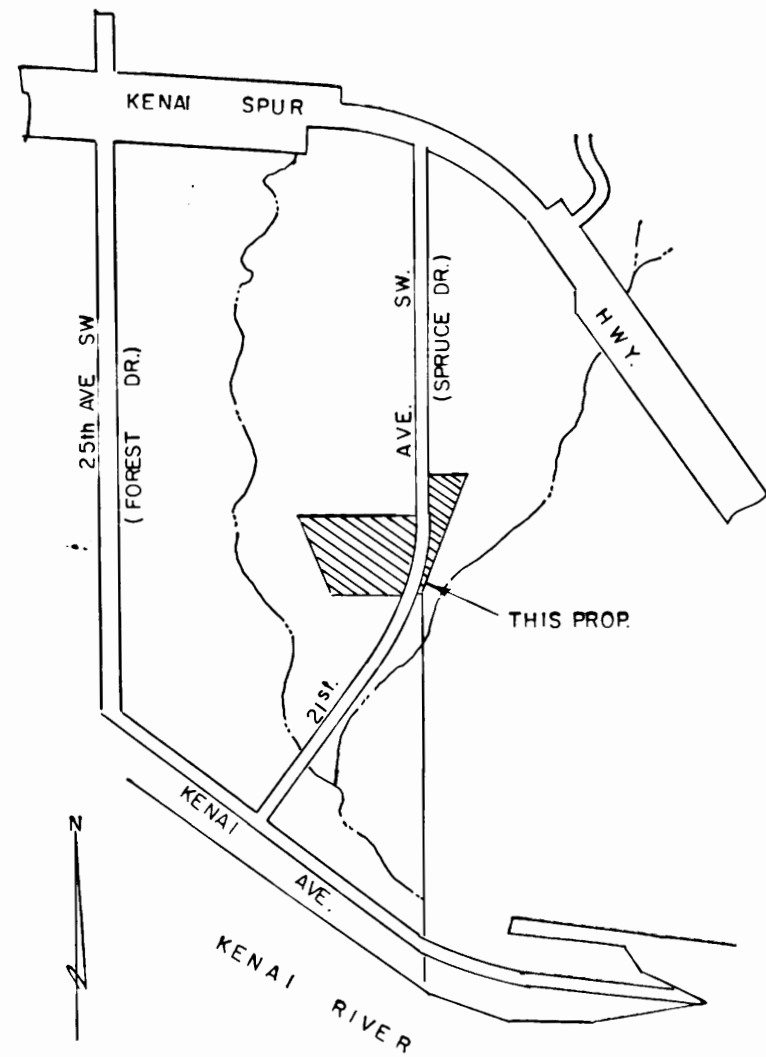
Project No. 232006

Scale: 1" = 50' Date: APR 2023 BOOK: XX-XX Drawn by: JAH

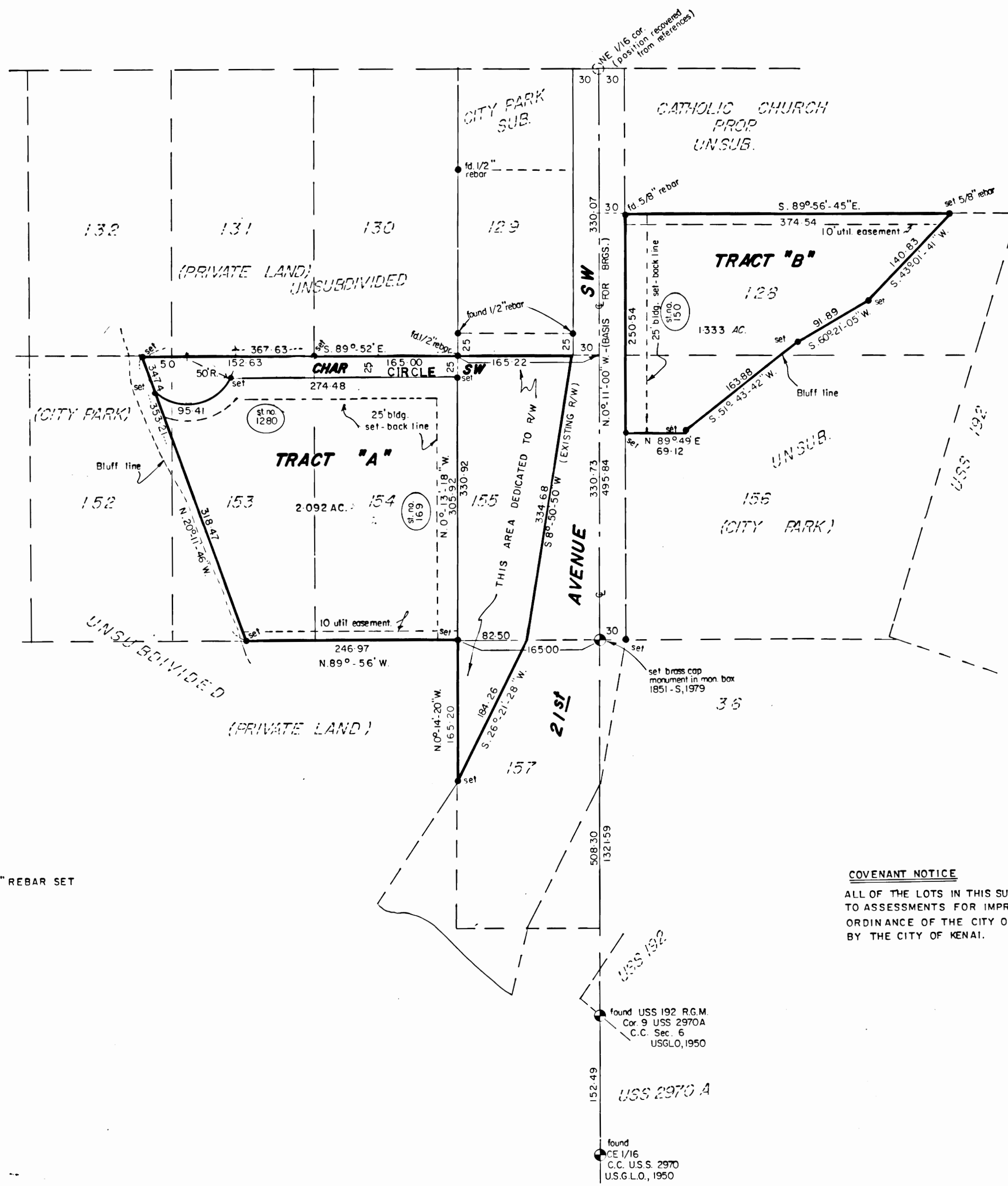
PARK VIEW SUBDIVISION

LOCATED WITHIN B.L.M. LOTS 128, B
152-157, (ALL WITHIN THE NE 1/4)
SEC. 6, T.5 N., R.11 W., S.M., CITY OF KENAI, AK.

4.652 AC. TOTAL AREA



VICINITY MAP
FOR S. 6, T. 5 N., R. 11 W.
1"=800'



1"=100'

LEGEND:
● 5/8" REBAR SET

CERTIFICATE OF OWNERSHIP & DEDICATION

I HEREBY CERTIFY THAT THE CITY OF KENAI IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT THIS SUBDIVISION IS MADE WITH THE CONSENT OF THE CITY. I FURTHER CERTIFY THAT THE CITY OF KENAI DOES HEREBY DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN.

[Signature]
CITY MANAGER

SWORN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, THIS 20th DAY OF September, 1979.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES 2/20/83

PLAT APPROVAL

THIS PLAT, HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF June 12, 1979, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THERETO.

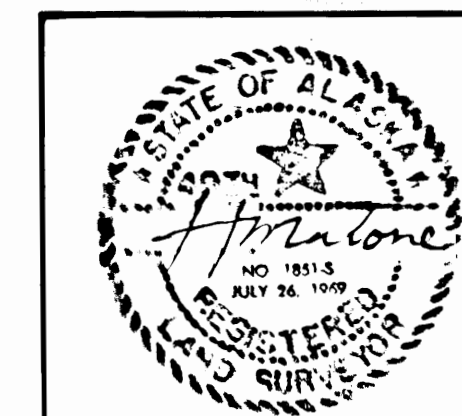
KENAI PENINSULA BOROUGH
BY: *[Signature]*

NOTE: ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.

COVENANT NOTICE

ALL OF THE LOTS IN THIS SUBDIVISION SHALL BE SUBJECT TO ASSESSMENTS FOR IMPROVEMENTS REQUIRED BY ORDINANCE OF THE CITY OF KENAI, WHEN INSTALLED BY THE CITY OF KENAI.

79-156
RECORDED - FILED 300
Kenai REC. DIST.
DATE 9-21 1979
TIME 3:56 P.M.
RECORDED BY KPB



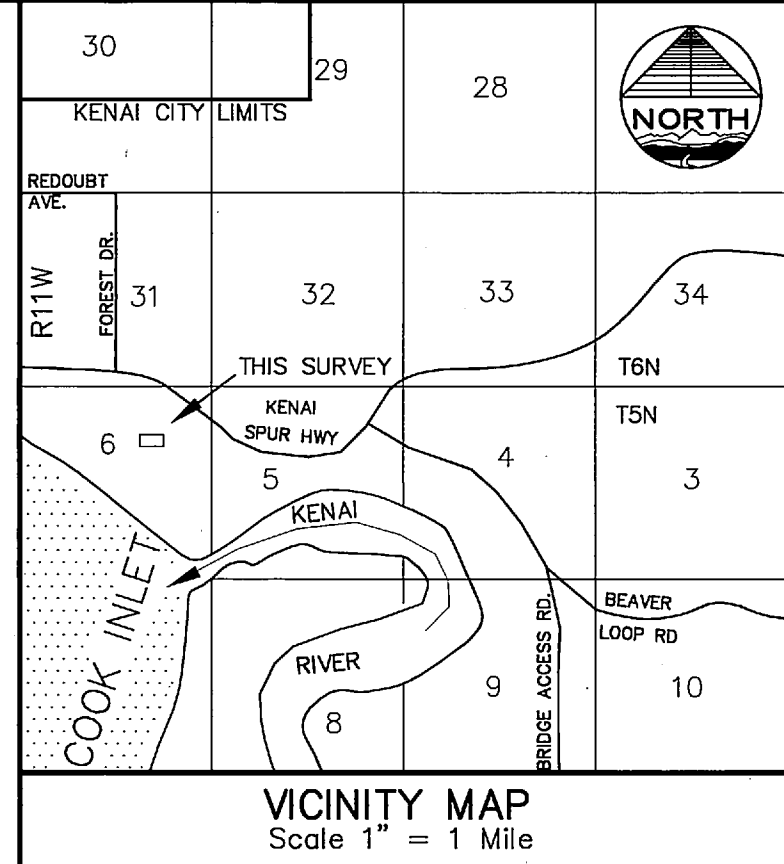
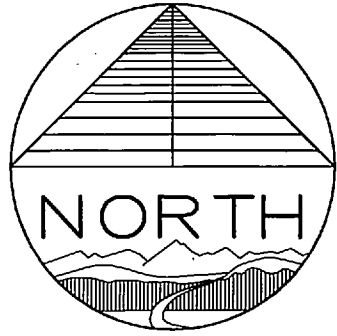
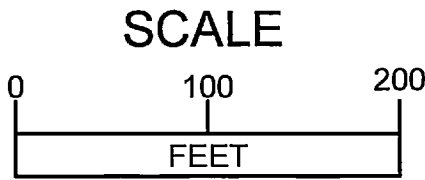
PARK VIEW SUBDIVISION

CITY OF KENAI,
BOX 580,
KENAI, ALASKA 99611

MALONE SURVEYING
BOX 566
KENAI, ALASKA 99611

DATE: 5-21-79

79-27 FB32 DRN: P/JM CKD: HM



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The front ten (10) feet along street rights of ways and the front twenty (20) feet within five (5) of the side lot lines is also a utility easement unless shown otherwise.
- 5) Development is subject to the City of Kenai Title 14 Zoning Code.
- 6) The existing overhead electric line is the centerline of a twenty (20) foot wide electrical distribution line easement including guys and anchors.
- 7) Survey monumentation to be completed prior to June 1, 2008.

WASTEWATER DISPOSAL

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	52.36	50.00	60°00'00"	28.87	50.00	S60°05'15"W

NOTARY'S ACKNOWLEDGEMENT

FOR: **ERIC DERLETH**
 Subscribed and sworn before me this
 19th day of **DECEMBER**, 2007.
 My commission expires **10/15/2011**

Bethany Olson
 Notary Public for the State of Alaska
BETHANY OLSON
 NOTARY PUBLIC
 My Comm. Exp.: 10/15/2011

NOTARY'S ACKNOWLEDGEMENT

FOR: **Linda Hutchings**
 Subscribed and sworn before me this
 21st day of **DECEMBER**, 2007.
 My commission expires **11/09/2011**
SAM
 Notary Public for the State of Alaska

LEGEND

- BLM monument as described
 - Found 1/2" diam. rebar
 - Set 5/8" x 30" diam. rebar w/ 2" diam. alum. cap 4928-S
 - Primary survey monument as described
- () Record data BLM [] KN 79-156 { } KN 74-82

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 August 13, _____ 2007.

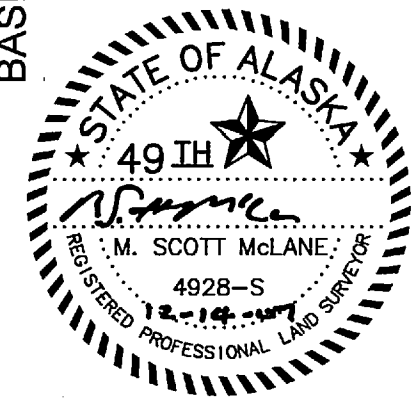
KENAI PENINSULA BOROUGH by
Max Bond
 Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Eric Derleth
 Eric Derleth, President
 KPCCC Group, Inc., An Alaskan Non-Profit Corporation

Linda Hutchings
 Linda Hutchings, Treasurer
 KPCCC Group, Inc., An Alaskan Non-Profit Corporation



2007-146
 Kenai REC. DIST.
 Date **12-28** 20**07**
 Time **1:39** P.M.
 Requested By **McLANE**
 Address _____

CITY PARK SUBDIVISION No. 2

A REPLAT OF THE REMAINDER OF LOT 129, AND LOTS 130, 131, AND 132
 KPCCC Inc.
 320 S. Spruce St. Kenai AK 99611
 LOCATION
 4.564 acres M/L situated in the Lots 129, 130, 131, and 132, Section 6, T5N, R11W, S.M., AK., the City of Kenai, Kenai Peninsula Borough and the Kenai Recording District.

ENGINEERING - TESTING SURVEYING - MAPPING
 P.O. BOX 468
 SOLDOTNA, AK. 99669
 VOICE: (907) 283-4218
 FAX: (907) 283-3265
 WWW.MCLANECG.COM
 KPCC FILE NO. 2007-207
 PROJECT NO. 072029

SCALE 1" = 100' DATE: OCT 07 BOOK NO.: 07-09 DRAWN BY: SAM



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-14**

A RESOLUTION **RECOMMENDING** THAT SHORELINE HEIGHTS 2023 REPLAT PRELIMINARY PLAT ATTACHED HERETO BE APPROVED.

PROPERTY ADDRESSES: 1540, 1541, and 1610 Pey Drive

LEGAL DESCRIPTIONS: Tracts A, B, and C Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

KPB PARCEL NUMBERS: 03914131, -32, and -33

WHEREAS, the City of Kenai received the plat from Segesser Surveys Inc. on behalf of the property owner, Bryan Lowe; and,

WHEREAS, the plat meets Kenai Municipal Code (KMC) preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district; and

WHEREAS, the street name is referenced correctly; and,

WHEREAS, the subdivided lots will have access via Pey Drive, which is not a City-maintained road; and

WHEREAS, City water is available and City sewer is not available to the proposed subdivision; and,

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, on-site water system will be subject to the regulatory requirements of the Public Works Department, and wastewater treatment or disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed lots meet City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed lots meet City standards for minimum lot width and utility easements. Compliance with the maximum lot

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

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

Section 1. That the preliminary plat of Shoreline Heights 2023 Addition be approved.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of July, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk

LEGEND:

- ⊗ 2 1/2" BRASS. CAP MON. GLO 1921 FOUND
- ⊕ 3 1/4" ALUM. CAP MONUMENT LS5332 1975 FOUND
- ⊙ 3 1/4" ALUM. CAP MONUMENT 3197-5 1985 FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 2015-24 KRO

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	ANGLE	CHORD LENGTH	CHORD BEARING
C1	104°59'27"	20.00	36.65	26.00	31.73	N70°34'56"W
C2	77°50'48"	20.00	27.17	18.15	26.13	N181°02'02"E
C3	69°57'48"	20.00	31.41	20.32	28.28	S78°04'41"E
C4	38°59'59"	50.00	33.74	17.54	33.11	S00°42'22"W

LINE	BEARING	DISTANCE
L1	S89°59'22"W	63.12
L2	S08°56'41"E	85.75
L3	N56°52'53"E	89.48
L4	S22°33'27"E	10.01
L5	S22°33'27"E	12.01
L6	N22°33'27"W	95.02
L7	N22°33'27"W	89.02
L8	N70°17'44"E	63.07

NOTES:

- 1) Basis of bearing taken from Shoreline Heights 2014 Addition Phase 1 Subdivision, Plat 2015-24, Kenai Recording District.
- 2) Development of these lots is subject to the City of Kenai Zoning Regulations.
- 3) Roads must meet the design and construction standards established by the City of Kenai in order to be considered for certification and inclusion in the road maintenance program.
- 4) Covenants, conditions, and restrictions which affect this subdivision are recorded as serial numbers 2015-005279-0 and 2020-004428-0 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.01.170.
- 5) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 2, Page 41, Kenai Recording District. No definite location disclosed.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 289 Page 146, Kenai Recording District. No definite location disclosed.
- 6) An easement for gas transmission pipelines granted to Union Oil Company of California is recorded in Book 17 Page 165, Kenai Recording District.
- 7) An easement for right of way is recorded in Book 307 Page 179, Kenai Recording District.
- 8) Front 10 feet adjacent to right-of-ways is a utility easement. This easement is for above ground transformers and pedestals only. All underground utilities within this easement must be installed perpendicular to the right-of-ways. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) The natural meanders of the line of mean high water forms the true bounds of the subdivision. The approximate line of mean high water, as shown, is for computation only. The true property corners being on the extension of the side lot lines and their intersection with the natural meanders.
- 10) All lots to be served by city water services.
- 11) Lots 1-10, inclusive, are subject to bluff erosion. The upland area from the top of the bluff line to the ROW has been shown on these lots.
- 12) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

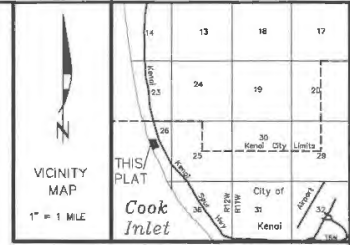
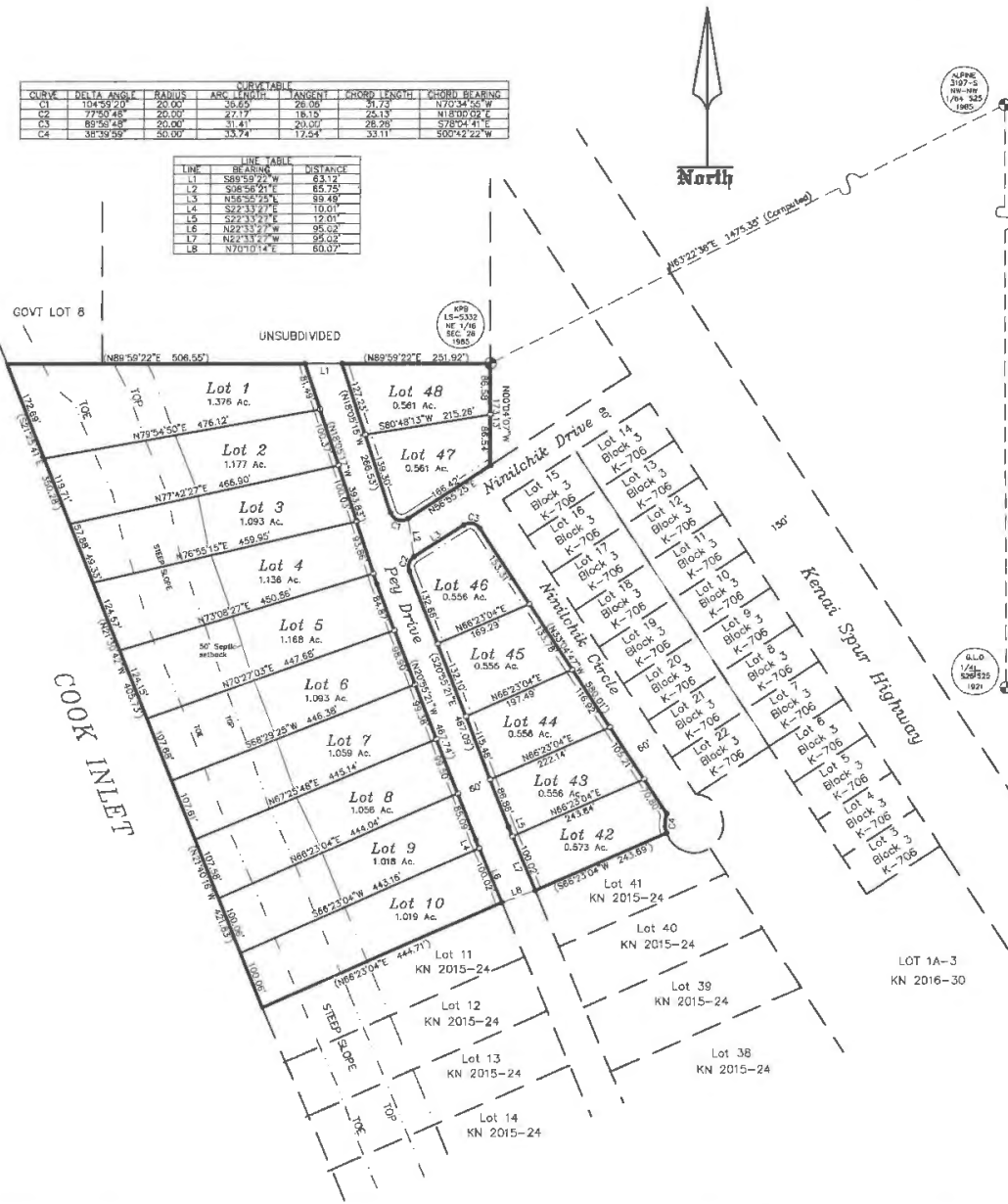
Engineer License No. Date



SURVEYOR'S CERTIFICATE

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

Date _____



CERTIFICATE of OWNERSHIP and DEDICATION

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

BRYAN N. LOWE
1528 PEY DRIVE
KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH
AUTHORIZED OFFICIAL _____

KPB FILE No.	
Shoreline Heights 2023 Addition	
A Subdivision of Tract A, Tract B, and Tract C of Shoreline Heights Subdivision Plat 2015-24	
Located within the N1/2 SE1/4 & NE1/4 Section 25, T06N, R12W, Seward Meridian, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.	
Containing 16,720 Acres.	
Surveyor	Owner
Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-3908	Bryan R. Lowe 1528 Pey Drive Kenai, AK 99611
JOB NO. 23050	DRAWN: April 2023
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: July 21, 2023
SUBJECT: Resolution No. PZ2023-14 – Preliminary Plat – Shoreline Heights 2023 Addition

Request The applicant is proposing a preliminary plat to subdivide three (3) parcels into 17 lots.

Staff Recommendation Adopt Resolution No. PZ2023-14 recommending approval of Preliminary Plat – Shoreline Heights 2023 Addition for the subdivision of Tracts A, B, and C, Shoreline Heights 2014 Addition Phase 1 into 17 lots.

Applicant: Segesser Surveys Inc
Attn: John Segesser
30485 Rosland Street
Soldotna, AK 99669

Property Owner: Bryan Lowe

Legal Descriptions: Tracts A, B, and C Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

Property Addresses: 1540, 1541, and 1610 Pey Drive

KPB Parcel Nos.: 03914131, -32, and -33

Lot Size Range: 0.556 – 1.376 acres

No. of Lots: 17

Zoning District: Rural Residential (RR)

Surrounding Uses: North – Vacant; South – Single-Family Residences; West – Cook Inlet; East – Vacant Lots, Single-Family Residence, and Marijuana Manufacturing Establishment

SUMMARY

The proposed preliminary plat would subdivide three (3) parcels described as of Tracts A, B, and C, Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24) into 17 lots. The lot size ranges between 0.556 and 1.376 acres. Access would be restricted to Pey Drive as Ninilchick Drive and Ninilchik Circle will not be improved.

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

ANALYSIS

The proposed subdivision meets the preliminary plat requirements and development requirements for the Rural Residential (RR) zoning district with the exception of KMC 14.10.070(e)(2) regarding double frontage lots shall be avoided. Lots 42-46 will have double frontage off Pey Drive and Ninilchick Circle and prohibiting the double frontage lots would land lot lots to the west of this proposed subdivision. Overall, the preliminary plat generally meets the lot design standards. The subdivided lots will have access via Pey Drive, which is not a City-maintained road. City water services are available to the proposed lots. The proposed subdivision will be subject to the requirements of the Alaska Department of Environmental Conservation (ADEC) for on-site wastewater systems. The Public Works Director reviewed the proposed preliminary plat and had no comments. An installation agreement is not required.

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

1. Pursuant to KMC 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed subdivision would provide satisfactory and desirable building site, on-site water system will be subject to the regulatory requirements of the Public Works Department, and wastewater treatment or disposal system will be subject to the regulatory requirements of ADEC.
2. Pursuant to KMC 14.24.010 *Minimum lot area requirements*, the proposed parcel meet City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to KMC 14.24.020 *General Requirements*, the proposed parcel meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

STAFF RECOMMENDATION

Staff finds that the proposed preliminary plat for Shoreline Heights 2023 Addition meets the general standards of Kenai Municipal Code, Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-14 to Kenai Peninsula Borough.

ATTACHMENTS

Aerial Map

Application with Certificate of Plat

Preliminary Plat, Shoreline Heights 2023 Addition

Shoreline Heights 2014 Addition Phase 1 (Plat No. KN 2015-24)

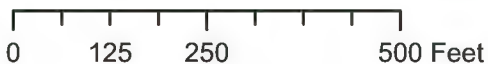


**Preliminary Plat - Shoreline Heights 2023 Addition
Resolution No. PZ2023-14
Tracts A, B, C, Shoreline Height 2014 Addn. Phase 1
1540, 1541, and 1610 Pey Drive**



Date Printed: 7/21/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



RECEIVED

**CITY OF KENAI
PLANNING DEPARTMENT**

DATE **6/9/23**
**Preliminary Plat
Submittal Form**

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

APPLICANT (SURVEYOR)

Name:	Segesser Surveys Inc						
Mailing Address:	30485 Rosland St	City:	Soldotna	State:	AK	Zip Code:	99669
Phone Number(s):	907-262-3909, 907-252-3421						
Email:	seggy@ptialaska.net						

PROPERTY OWNER

Name:	Bryan Lowe						
Mailing Address:	1529 Pey Dr.	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):							
Email:							

PROPERTY INFORMATION

Property Owner Name:	Tracts A, B, and C KN 2015-24						
Current City Zoning:							
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input type="checkbox"/> Commercial				
	<input type="checkbox"/> Other:						
Water:	<input checked="" type="checkbox"/> On Site	<input checked="" type="checkbox"/> City	<input type="checkbox"/> Community				
Sewer:	<input type="checkbox"/> On Site	<input type="checkbox"/> City	<input type="checkbox"/> Community				

PLAT INFORMATION

Preliminary Plat Name:	Shoreline Heights 2023 Addition						
Revised Preliminary Plat Name:							
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes	<input type="checkbox"/> No					
Street Name (if vacating ROW):							

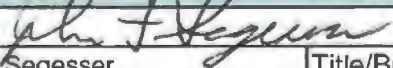
Exceptions Required and Requested:

Comments:

REQUIRED ATTACHMENTS

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

SIGNATURE

Signature:				Date:	6/9/23
Print Name:	John Segesser	Title/Business:	Segesser Surveys Inc		

Stewart Title of the Kenai Peninsula, Inc.

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

CERTIFICATE TO PLAT

Segesser Surveys, Inc.
30485 Rosland
Soldotna, AK 99669
Attention: John Segesser

File Number: 23117
Premium: \$250.00
Tax:

Gentlemen:

This is a certificate as of May 18, 2023 at 8:00 A.M. for a plat out of the following property:

Tracts "A", "B" and "C", SHORELINE HEIGHTS 2014 ADDITION PHASE 1, according to Plat No. 2015-24, Kenai Recording District, Third Judicial District, State of Alaska.

The Company certifies that record title is vested in

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

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

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

4. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
5. **RIGHTS OF THE PUBLIC** and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Cook Inlet and any questions of right of access to Cook Inlet in the event said lands do not in fact abut Cook Inlet.
6. **ANY PROHIBITION OR LIMITATION** on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.
7. **ANY ADVERSE CLAIM** based upon the assertion that some portion of said land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created.

8. **ANY PREFERENCE RIGHTS** which may exist under the Alaska Land Act, terms, provisions and reservations under the Submerged Lands Act (43 USCA 1301, 67 Stat. 29) and the enabling act (Public Law 85-508, 72 Stat. 339).
9. **RIGHTS AND EASEMENTS** of the United States over and across lands lying beneath Navigable Waters, Tide Lands necessary to its jurisdiction over Commerce, Navigation and Fisheries.
10. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
 - Recorded: August 4, 1958
 - Volume/Page: 2/41
 - Granted To: Kenai Power Corporation
 - Affects: General Easement, no definite location disclosed

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

11. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
 - For: Gas transmission pipelines
 - In Favor Of: Union oil Company of California
 - Recorded: May 24, 1965
 - Volume/Page: 17/185

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

12. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
 - Recorded: June 26, 1986
 - Volume/Page: 189/146
 - Granted To: Homer Electric Association, Inc.
 - Affects: General Easement, no definite location disclosed
13. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:
 - For: Right of Way
 - Recorded: March 20, 1987
 - Volume/Page: 307/179

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

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

16. **COVENANTS, CONDITIONS AND RESTRICTIONS**, including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such Covenant, condition or restriction violates 42 USC 3604 (c), as contained in an instrument:
 - Recorded: June 22, 2015
 - Serial No.: 2015-005279-0
 - AND AMENDMENTS** thereto:
 - Recorded: March 22, 2016
 - Serial No.: 2016-002351-0
 - Recorded: May 20, 2020
 - Serial No.: 2020-004436-0

17. **EASEMENT VACATION PLAT 2017-10.**

Stewart Title of the Kenai Peninsula, Inc.

By

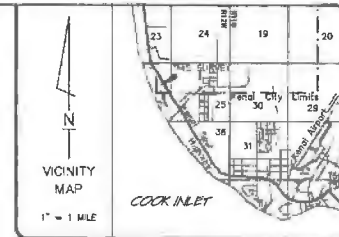
Terri Cotterell
Authorized Signator

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

EASEMENT VACATION PLAT

NOTES:

- 1) DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF ADL 63572 EASEMENT BEING VACATED WITHIN SECTION 28 OF T6N R12W SEWARD MERIDIAN.
- 2) NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS VACATION PLAT. ALL BOUNDARY LINES AND OTHER DETAILS AS SHOWN ARE FROM THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT NO. 2015-24 KENAI RECORDING DISTRICT.
- 3) IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS OF WAY OR EASEMENTS.
- 4) VACATION OF ADL 63572 EASEMENT, AS SHOWN ON THIS DRAWING, WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. THE HATCHED AREA SHOWS THE PORTION OF EASEMENT THAT WILL BE VACATED BY THIS PLAT.
- 5) THIS EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-235 APPROVED JUNE 30, 2016.
- 6) THE ALTERNATE ROUTE IN ACCORDANCE WITH 11 AAC 51.065 IS VIA THE KENAI SPUR HIGHWAY AND PLATTED RIGHTS-OF-WAY DEDICATED BY THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1.



CERTIFICATE OF PUBLIC ACCESS EASEMENT VACATION

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO THE PORTIONS OF PUBLIC ACCESS EASEMENTS MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES THAT WERE GRANTED UNDER THE RIGHT-OF-WAY PERMIT ADL 63572 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT).

APPROVED: *Paul Ostrander* DATE: 2/8/17
 COMMISSIONER
 DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF ACCEPTANCE

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

Paul Ostrander 2/8/17
 PAUL OSTRANDER
 CITY MANAGER - CITY OF KENAI
 210 FIDALGO AVE.
 KENAI, AK 99611

Plat #	
Rec. Dist.	20
Date	
Type	M

LEGEND:

PORTION OF ADL 63572 EASEMENT VACATED BY THIS PLAT

SURVEYOR'S CERTIFICATE

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

SCOTT A. HUFF
 REGISTERED LAND SURVEYOR
 LS 11782
 REGISTRATION NO.
 1/30/2017
 DATE



CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 11-15, 22-24, 30-35, AND 37 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Bryan R. Lowe 1/31/17
 BRYAN R. LOWE
 1203 5TH CT.
 KENAI, AK 99611

NOTARY'S ACKNOWLEDGMENT

FOR: BRYAN R. LOWE
 ACKNOWLEDGED BEFORE ME THIS 3 DAY OF JAN 2017
 2016

NOTARY PUBLIC FOR AK
 STATE OF ALASKA
 SCOTT HULSE
 NOTARY PUBLIC
 My Comm. 146418001017
 Expires 12/31/2020

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, CERTIFY THAT ALASKA BELL LLC IS THE OWNER OF LOT 38 OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Nancy Bell *Joseph Bell*
 NANCY BELL JOSEPH BELL

ALASKA BELL LLC
 PO BOX 878373
 WASHILLA, AK 99687

NOTARY'S ACKNOWLEDGMENT

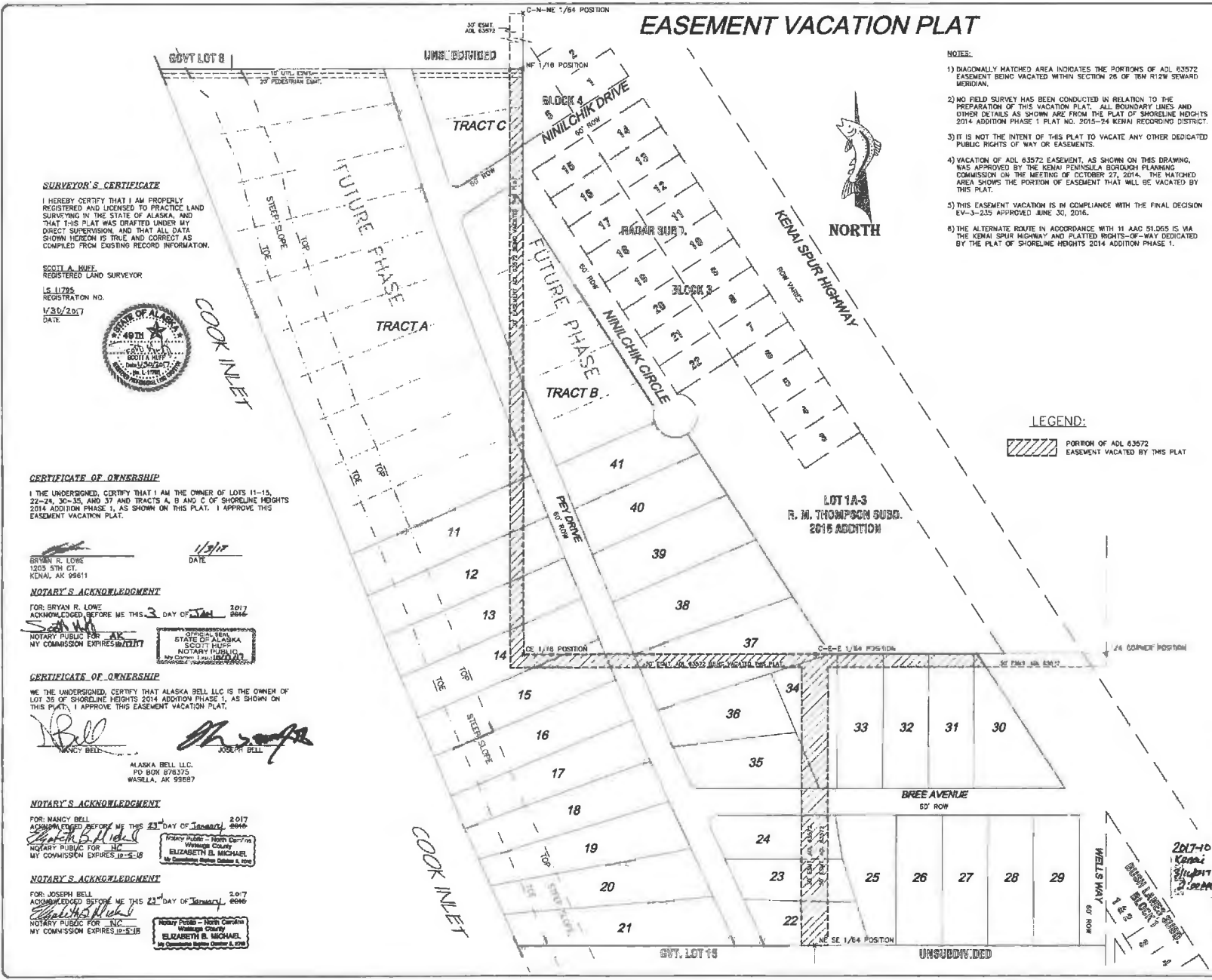
FOR: NANCY BELL
 ACKNOWLEDGED BEFORE ME THIS 23 DAY OF January 2017
 2016

NOTARY PUBLIC - North Carolina
 WINGHAM COUNTY
 ELIZABETH B. MICHAEL
 My Commission Expires 12-31-18
 My Commission Expires 12-31-18

NOTARY'S ACKNOWLEDGMENT

FOR: JOSEPH BELL
 ACKNOWLEDGED BEFORE ME THIS 23 DAY OF January 2017
 2016

NOTARY PUBLIC - North Carolina
 WINGHAM COUNTY
 ELIZABETH B. MICHAEL
 My Commission Expires 12-31-18
 My Commission Expires 12-31-18



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 23, 2017.

KENAI PENINSULA BOROUGH
Paul B. Doolan
 AUTHORIZED OFFICIAL

KPB FILE No. 2016-094

DATE OF SURVEY: N/A
 BEGINNING: N/A
 ENDING: N/A
 NAME OF SURVEYOR: INTEGRITY SURVEYS INC.
 820 SET NET DR.
 KENAI, AK 99611
 info@integritysurveysalaska.net

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND AND WATER
 ADL 63572 EASEMENT VACATION PLAT
 ASSOCIATED #10

LOTS 11-15, 22-24, 30-35, 37-38 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT 2015-24 KENAI RECORDING DISTRICT

WITHIN SECTION 28 T6N, R12W, SEWARD MERIDIAN CITY OF KENAI, KENAI RECORDING DIST., KENAI PENINSULA BOROUGH, ALASKA

DRAWN BY: SH APPROVAL RECOMMENDED: *Paul Ostrander* 2/2/2017
 DATE: DEC. 29, 2016 STATE MUD PLATTING SUPERVISOR DATE

SCALE: 1" = 100' CHECKED: SH FILE: 214120 ESMT.DWG

JOB NO. 214120 FIELD BK. N/A DNR FILE No. EV-3-235

LEGEND:

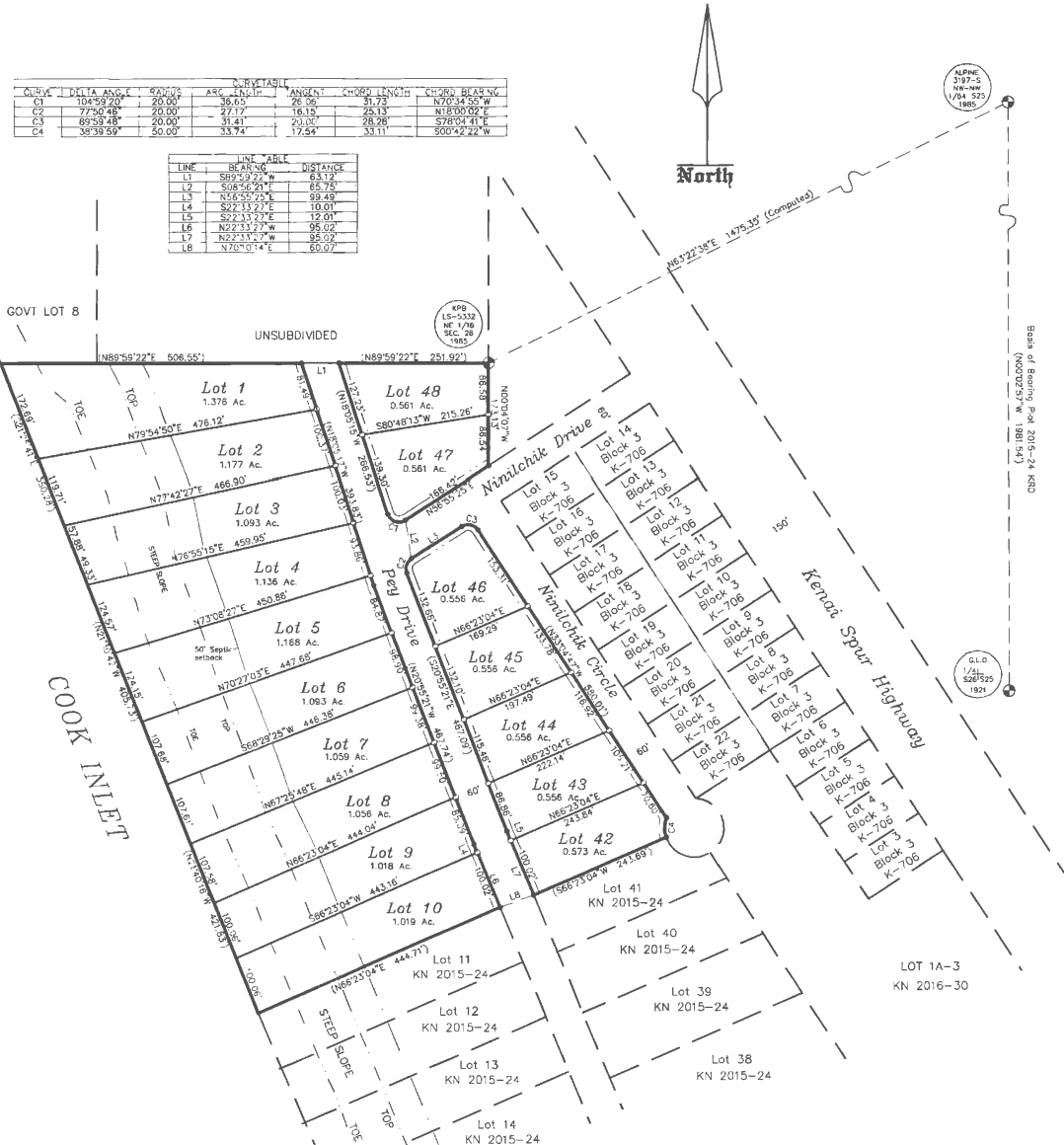
- ⊗ 2 1/2" BRASS. CAP MON. GLO 1921 FOUND
- ⊕ 3 1/4" ALUM. CAP MONUMENT L50332 1975 FOUND
- ⊙ 3 1/4" ALUM. CAP MONUMENT 3197-S 1985 FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- () RECORD DATUM PLAT 2015-24 KRO

NOTES:

- 1) Basis of bearing taken from Shoreline Heights 2014 Addition Phase 1 Subdivision, Plat 2015-24, Kenai Recording District.
- 2) Development of these lots is subject to the City of Kenai Zoning Regulations.
- 3) Roads must meet the design and construction standards established by the City of Kenai in order to be considered for certification and inclusion in the road maintenance program.
- 4) Covenants, conditions, and restrictions which affect this subdivision are recorded as serial number 2015-005278-0 and amendments thereto recorded as serial numbers 2016-002351-0 and 2020-004436-0 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- 5) An easement for electric lines or system and/or telephone lines granted to Kenai Power Corporation is recorded in Book 2 Page 41, Kenai Recording District. No definite location disclosed.
- 6) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 289 Page 146, Kenai Recording District. No definite location disclosed.
- 7) An easement for gas transmission pipelines granted to Union Oil Company of California is recorded in Book 17 Page 185, Kenai Recording District.
- 8) A front 10 feet adjacent to right-of-ways is a utility easement. This easement is for above ground transformers and pedestals only. All underground utilities within this easement must be installed perpendicular to the right-of-ways. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 9) The natural meanders of the line of mean high water forms the true bounds of the subdivision. The approximate line of mean high water, as shown, is for computational city. The true property corners being on the extension of the side lot lines and their intersection with the natural meanders.
- 10) All lots to be served by city water services.
- 11) Lots 1-10, inclusive, are subject to bluff erosion. The upland area from the top of the bluff line to the ROW has been shown on these lots.
- 12) **WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

LINE	DATA	ANGLE	BEARING	ARC	LENGTH	CHORD	LENGTH	CURVED BEARING
C1	104°59'20"	20.00	S68°52'22"E	36.65	26.06	31.73	N70°34'55"W	
C2	77°50'48"	20.00	S77°17'	27.17	16.15	26.13	N18°00'02"E	
C3	89°33'48"	20.00	S11°41'	31.41	21.04	28.98	S78°05'41"E	
C4	38°39'59"	50.00	S33°74'	33.74	17.54	33.11	S00°42'22"W	

LINE	BEARING	DISTANCE
L1	S89°52'22"W	63.12
L2	S68°52'22"E	65.75
L3	N66°50'35"E	99.49
L4	S22°13'27"E	10.01
L5	S22°13'27"E	12.01
L6	N22°13'27"W	95.02
L7	N22°13'27"W	95.02
L8	N70°34'55"E	65.97



CERTIFICATE of OWNERSHIP and DEDICATION

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

BRYAN R. LOWE
1529 PEY DRIVE
KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL _____

KPB FILE No. _____
Shoreline Heights 2023 Addition
A Subdivision of Tract A, Tract B, and Tract C of Shoreline Heights Subdivision Plat 2015-24
Located within the N1/2 SE1/4 & NE1/4 Section 26, T06N, R12W, Seward Meridian, City of Kenai, Kenai Recording District, Kenai Peninsula Borough, Alaska.
Containing 16.720 Acres

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99689 (907) 262-3909	Owner Bryan R. Lowe 1529 Pey Drive Kenai, AK 99611
JOB NO. 23050	DRAWN: April 2023
SCALE: 1"=100'	
FIELD BOOK:	SHEET: 1 of 1



SURVEYOR'S CERTIFICATE

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

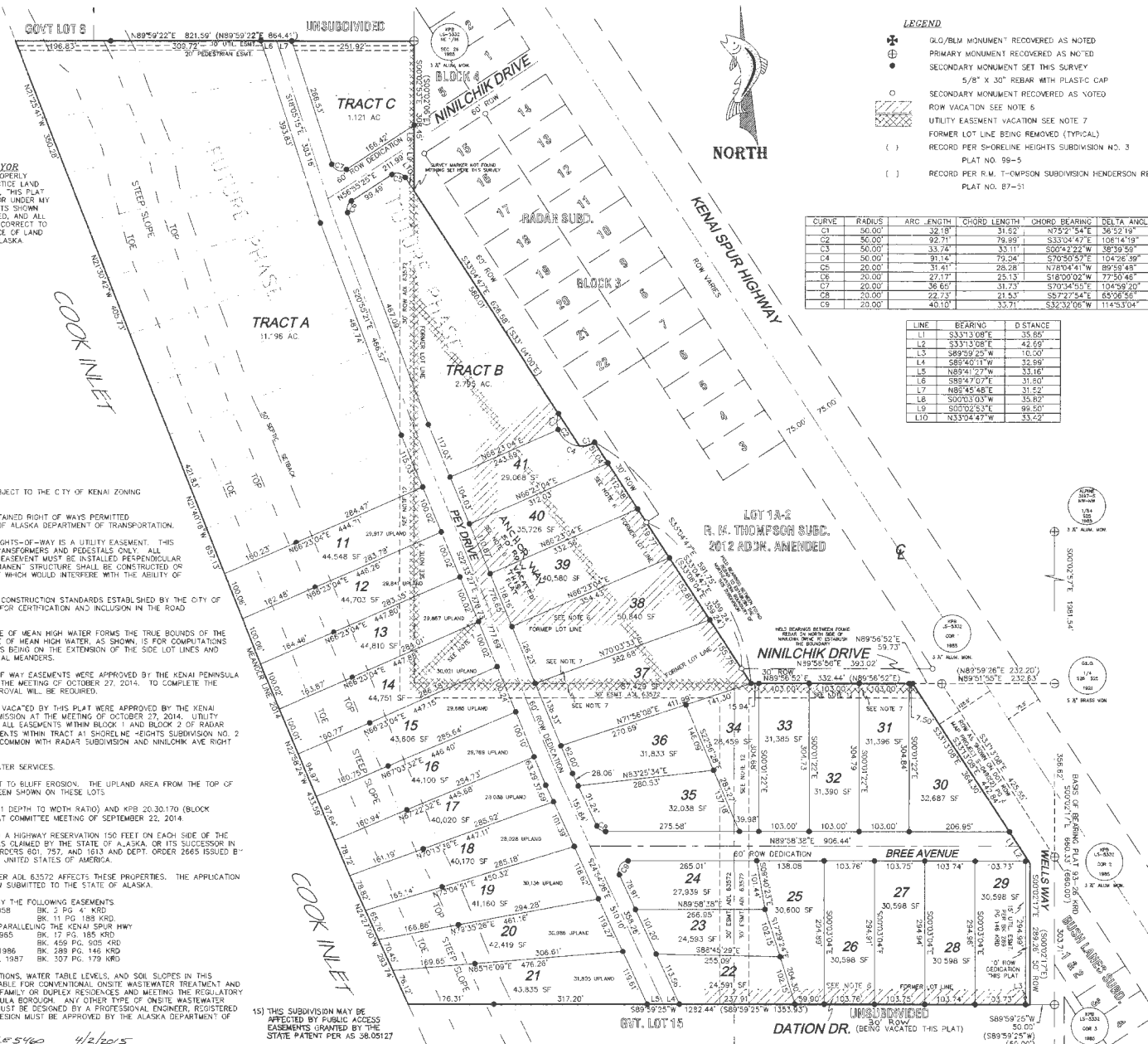
Date _____



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

NOTES:

- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- NO PRIVATE ACCESS TO STATE MAINTAINED RIGHT OF WAYS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- FRONT TO FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. THIS EASEMENT IS FOR ABOVE GROUND TRANSFORMERS AND PEDESTALS ONLY. ALL UNDERGROUND UTILITIES WITHIN THIS EASEMENT MUST BE INSTALLED PERPENDICULAR TO THE RIGHTS-OF-WAY. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE CITY OF KENAI IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- PUBLIC RIGHT OF WAYS AND RIGHT OF WAY EASEMENTS WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. TO COMPLETE THE VACATION OF ADL 63572 STATE APPROVAL WILL BE REQUIRED.
- UTILITY EASEMENTS THAT ARE BEING VACATED BY THIS PLAN WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 27, 2014. UTILITY EASEMENTS BEING VACATED INCLUDE ALL EASEMENTS WITHIN BLOCK 1 AND BLOCK 2 OF RADAR SUBDIVISION (K-706 AND ALL EASEMENTS WITHIN TRACT A1 SHORELINE HEIGHTS SUBDIVISION NO. 2 THAT ADJOIN THE FORMER LOT LINE COMMON WITH RADAR SUBDIVISION AND NINILCHIK AVE RIGHT OF WAY.
- ALL LOTS TO BE SERVED BY CITY WATER SERVICES.
- LOTS 11-21, INCLUSIVE, ARE SUBJECT TO SLUFF EROSION. THE UPLAND AREA FROM THE TOP OF THE BLUFF LINE TO THE ROW HAS BEEN SHOWN ON THESE LOTS.
- AN EXCEPTION TO #8: 20.30.190 (2:1 DEPTH TO WIDTH RATIO) AND #9: 20.30.170 (BLOCK LENGTH) WAS APPROVED AT THE PLAT COMMISSION MEETING OF SEPTEMBER 22, 2014.
- THESE PARCELS MAY BE SUBJECT TO A HIGHWAY RESERVATION 150 FEET ON EACH SIDE OF THE CENTER LINE KENAI SPUR HIGHWAY AS CLAIMED BY THE STATE OF ALASKA, OR ITS SUCCESSOR IN INTEREST. PURSUANT PUBLIC LAND ORDERS 601, 757, AND 1613 AND DEPT. ORDER 2665 ISSUED BY THE SECRETARY OF INTERIOR OF THE UNITED STATES OF AMERICA.
- A 30' RIGHT OF WAY EASEMENT UNDER ADL 63572 AFFECTS THESE PROPERTIES. THE APPLICATION TO VACATE THE EASEMENT HAS BEEN SUBMITTED TO THE STATE OF ALASKA.
- THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
 ELECTRIC ESMY AUG. 4, 1958 BK 2 PG 4 KRD ASSIGNED TO CITY OF KENAI BK 11 PG 189 KRD GAS TRANSMISSION LINE ROUGHLY PARALLEL TO THE KENAI SPUR HWY MAY 24, 1985 BK 17 PG 185 KRD ASSIGNED TO MARATHON OIL BK 459 PG 505 KRD ELECTRIC ESMY JUNE 26, 1986 BK 288 PG 146 KRD RIGHT OF WAY MARCH 20, 1987 BK 307 PG 179 KRD
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- THIS SUBDIVISION MAY BE AFFECTED BY PUBLIC ACCESS EASEMENTS GRANTED BY THE STATE PATENT PER AS 36.05127



LEGEND

- G.O./B.L.M. MONUMENT RECOVERED AS NOTED
- PRIMARY MONUMENT RECOVERED AS NOTED
- SECONDARY MONUMENT SET THIS SURVEY
- 5/8" X 30" REBAR WITH PLASTIC CAP
- SECONDARY MONUMENT RECOVERED AS NOTED
- ROW VACATION SEE NOTE 6
- UTILITY EASEMENT VACATION SEE NOTE 7
- FORMER LOT LINE BEING REMOVED (TYPICAL)
- RECORD PER SHORELINE HEIGHTS SUBDIVISION NO. 3 PLAT NO. 99-5
- RECORD PER R.M. T-OMPSON SUBDIVISION HENDERSON REPLAT PLAT NO. 67-51

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	36.00	32.18	31.52	N75°2'54"E	36°52'19"
C2	36.00	92.71	76.99	S33°04'47"E	108°14'19"
C3	36.00	33.74	33.11	S50°4'22"W	88°39'59"
C4	36.00	91.14	79.24	N70°50'53"E	104°26'39"
C5	20.00	31.41	26.28	N78°04'41"W	89°59'48"
C6	20.00	22.77	23.13	S18°00'22"W	77°50'48"
C7	20.00	36.65	31.73	S70°34'55"E	104°59'20"
C8	20.00	22.73	21.53	S57°27'54"E	65°26'56"
C9	20.00	40.10	33.71	S32°32'06"W	114°53'04"

LINE	BEARING	D	STANCE
L1	S33°13'08"E		35.85
L2	S33°13'08"E		42.59
L3	S89°59'25"W		16.00
L4	S89°40'11"W		32.98
L5	N89°41'27"W		33.16
L6	S89°47'07"E		31.50
L7	N88°45'48"E		31.52
L8	S00°03'03"W		35.82
L9	S00°02'53"E		69.25
L10	N33°04'47"W		33.22

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

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

NOTARY'S ACKNOWLEDGMENT

FOR BRYAN R. LOWE
 ACKNOWLEDGED BEFORE ME THIS 27 DAY OF March 2015
 [Signature]
 NOTARY PUBLIC FOR ARIZONA
 MY COMMISSION EXPIRES 3/31/2018



CERTIFICATE OF ACCEPTANCE

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

[Signature]
 4/3/2015
 RICK KOCH
 CITY MANAGER - CITY OF KENAI
 210 FIDALGO AVE
 KENAI, AK 99811

2015-24
 Plat #
 LEACH
 REC. DATE
 5/14 2015
 TIME 3:12 PM

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH
 [Signature]
 AUTHORIZED OFFICIAL

KPB FILE NO. 2015-24

**SHORELINE HEIGHTS
 2014 ADDITION PHASE 1**

A SUBDIVISION OF BLOCK 1 AND 2 RADAR SUBDIVISION (PLAT K-706) AND TRACT A1-A SHORELINE HEIGHTS SUB. NO. 3 (PLAT 99-5 (RD))

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

LOCATED WITHIN THE N4 SEX & NEX SECTION 28, T09N, P12W, SEWARD MERIDIAN, CITY OF KENAI, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI, AK 99811
 SURVEYORS PHONE: (907) 263-9047 FAX: (907) 263-9047
 INTEGRITYSURVEYS.COM

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



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-16**

A RESOLUTION **GRANTING** AN ENCROACHMENT PERMIT FOR A SINGLE-FAMILY RESIDENCE TO ENCROACH INTO THE REQUIRED (NORTH) SIDE YARD SETBACK.

APPLICANT: Bryson Lowe

PROPERTY ADDRESS: 1436 Pey Drive

LEGAL DESCRIPTION: Lot 23, Shoreline Heights 2014 Addition Phase 1

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03914145

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.185(c) was submitted to the City on July 3, 2023; and,

WHEREAS, the applicant has demonstrated that the prerequisites of an Encroachment Permit have been met pursuant to Kenai Municipal Code 14.20.185(b); and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on July 19, 2023, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds the criteria are met as set forth in KMC 14.20.185(d):

1. *An encroachment as defined in subsection (a) exists.*

KMC 14.20.185(a) “Encroachment” means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.

Findings: The single-family residence meets the definition of an encroachment as it is located approximately 13.6 feet from the property line, where a 15-foot side yard setback is required for the Residential Rural (RR) zoning district.

2. *The encroachment does not encroach upon a Federal, State or City right-of-way or utility easement.*

Findings: The as-built certification does not show any utility easements on the property but there is a 10-foot utility easement adjacent to Pey Drive. The Shoreline Heights 2014 Addition Phase 1 plat shows a 30-foot right of way easement under ADL 63572 affecting the subject parcel but the applicant provided a copy of the easement vacation plat with

the application. On the as-built certification, the single-family residence is over 50 feet away from Pey Drive. The applicant has provided sufficient documentation to show that the home does not encroach upon a Federal, State or City right-of-way or upon a utility easement.

3. *The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.*

Findings: A single-family residence is a principally permitted use in the Rural Residential (RR) zoning district. The encroachment is for a structure with a use that is permitted in the zoning district.

4. *The encroachment is not located across a platted lot line.*

Findings: The single-family residence is within the property lines. The encroachment will not cross a platted lot line.

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

Section 1. That the request for an encroachment permit for the single-family residence to encroach into the required 15-foot (north) side yard setback by 16.8 inches.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of July, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: July 21, 2023
SUBJECT: Resolution PZ2023-16 - Encroachment Permit for a Single-Family Residence to Encroach into the Required (North) Side Yard Setback

Request The applicant is requesting for a 16.8-inch encroachment into the required 15-foot (north) side yard setback for a two-story single-family residence.

Staff Recommendation Adopt Resolution PZ2023-16 approving an Encroachment Permit to allow a single-family residence to encroach into the required 15-foot side yard setback by 16.8 inches.

Applicant	Bryson Lowe
Legal Description	Lot 23, Shoreline Heights 2014 Addition Phase 1
Property Address	1436 Pey Drive
Parcel No.	03914145
Lot Size	24,593 square feet
Zoning	Rural Residential (RR)
Current Land Use	Single Family Residence
Land Use Plan	Low Density Residential

SUMMARY

A two-story single-family residence is under construction and pending final inspection that is contingent on the approval of an encroachment permit to allow the home to encroach approximately 16.8 inches into the required (north) side yard setback. Pursuant to Table 14.24.020 *Development Requirement Table* in the Kenai Municipal Code (KMC), the Rural Residential (RR) zoning district requires a fifteen-foot (15') side yard setback. An encroachment

permit was approved administratively on June 6, 2022 for a 4.8-inch encroachment into the required 15-foot side yard setback along the south property line. In KMC 14.20.185(h) *Administrative Exemption*, the Administrative Official may grant an encroachment without a public hearing if the total encroachment does not exceed 12 inches and meets the specified criteria. The applicant provided an as-built certification that shows the constructed single-family residence is approximately 13.6 feet from the north property line. The approval of this encroachment permit will null and void the administratively approved encroachment permit.

ANALYSIS

Pursuant to KMC 14.20.185(b), the intent of an encroachment permit is to provide relief to the Development Requirements Table to remedy encroachments which do not fall under KMC 14.20.050 *Nonconforming Lots, Structures, and Uses* and which satisfy the requirements of financial institutions.

Prior to granting an encroachment permit, the Commission shall find that all of the conditions have been met as set forth in KMC 14.20.185(d) [Encroachment Permit] *Review Criteria*.

Criteria 1: An encroachment as defined in subsection (a) exists.

KMC 14.20.185(a) “Encroachment” means any object or structure constructed or located in a manner other than set forth in the Development Requirements Table.

Findings: The single-family residence meets the definition of an encroachment as it is located approximately 13.6 feet from the property line, where a 15-foot side yard setback is required in the Residential Rural (RR) zoning district.

Criteria 2: The encroachment does not encroach upon a Federal, State or City right-of-way or utility-easement.

Findings: The as-built certification does not show any utility easements on the property but there is a 10-foot utility easement adjacent to Pey Drive. The Shoreline Heights 2014 Addition Phase 1 plat shows a 30-foot right of way easement under ADL 63572 affecting the subject parcel but the applicant provided a copy of the easement vacation plat with the application. On the as-built certification, the single-family residence is over 50 feet away from Pey Drive. The applicant has provided sufficient documentation to show that the home does not encroach upon a Federal, State or City right-of-way or upon a utility easement.

Criteria 3: The issuance of the encroachment permit will not authorize a use which is a not a principal permitted use in the zoning district in which the property is located.

Findings: A single-family residence is a principally permitted use in the Rural Residential (RR) zoning district. The encroachment is for a structure with a use that is permitted in the zoning district.

Criteria 4: An encroachment is not located across a platted lot line.

Findings: The single-family residence is within the property lines. The encroachment will not cross a platted lot line.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the encroachment permit 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* on July 19, 2023. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the encroachment permit request.

Staff received two (2) inquiries for additional information but no public comments have been received.

STAFF RECOMMENDATION

Staff finds that the request meets the criteria as set forth in KMC 14.20.185(d) for issuance of an Encroachment Permit for a single-family residence to encroach into the required 15-foot (north) side yard setback by 16.8 inches, and hereby recommends that the Planning and Zoning Commission approve the encroachment permit.

ATTACHMENTS

Aerial Map
Application Materials
Encroachment Permit - Administrative Approval
Plat

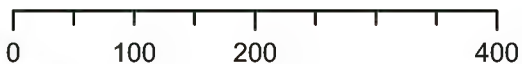


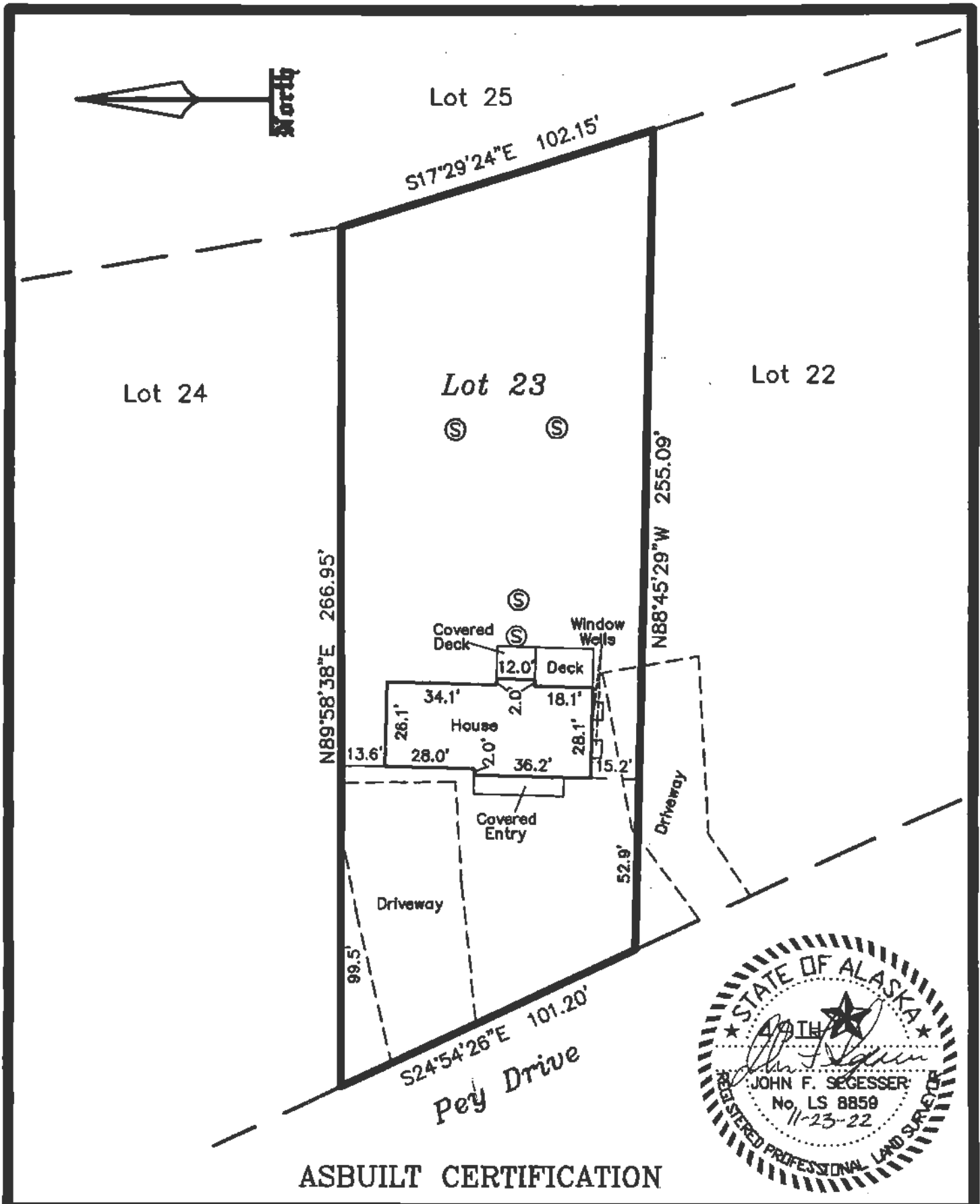
ENCROACHMENT PERMIT
Single-Family Residence to Encroach 16.8 Inches
into the Required (North) Side Yard Setback
1436 Pey Drive
Parcel ID: 03914145



Date Printed: 7/21/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





LEGEND

- Found Rebar
- Ⓢ Sewer vent
- Lot is served by city water

I hereby certify that I have surveyed the following described property:

Lot 23
Shoreline Heights 2014 Addition Phase 1

and that no encroachments exist except as indicated.

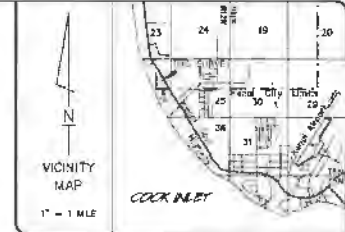
Exclusion Note:

It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

KENAI RECORDING DISTRICT		Plat: 2015-24
Date: 11/21/22	Scale: 1"=40'	Drawn: SMB
Job: 22361	Book: 22-6	

SEGESSER SURVEYS
30485 ROSLAND ST.
SOLDOTNA, AK 99669
(907) 262-3909

EASEMENT VACATION PLAT



- NOTES:**
- 1) DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF ADL 63572 EASEMENT BEING VACATED WITHIN SECTION 26 OF T16N 32W SEWARD MERIDIAN.
 - 2) NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS VACATION PLAT. ALL BOUNDARY LINES AND OTHER DETAILS AS SHOWN ARE FROM THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1; PLAT NO. 2013-24 KENAI RECORDING DISTRICT.
 - 3) IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS OF WAY OR EASEMENTS.
 - 4) VACATION OF ADL 63572 EASEMENT, AS SHOWN ON THIS DRAWING, WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION IN THE MEETING OF OCTOBER 21, 2014. THE HATCHED AREA SHOWS THE PORTION OF EASEMENT THAT WILL BE VACATED BY THIS PLAT.
 - 5) THIS EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION 014-3-235 APPROVED JUNE 30, 2016.
 - 6) THE ALTERNATE ROUTE IN COMPLIANCE WITH 11 AAC 31.020 IS VIA THE KENAI SPUR HIGHWAY AND PLATTED RIGHTS-OF-WAY DEDICATED BY THE PLAT OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1.

SURVEYOR'S CERTIFICATE

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

SECTA BUELL
REGISTERED LAND SURVEYOR
S. LICENSE
REGISTRATION NO.
VAD/2017
DATE



CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 11-13, 22-24, 30-35, AND 37 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Bryan R. Lowe
BRYAN R. LOWE
1203 5TH CT
KENAI, AK 99541

NOTARY'S ACKNOWLEDGMENT

FOR BRYAN R. LOWE
ACKNOWLEDGED BEFORE ME THIS 3 DAY OF JULY 2017

Notary Public for AK
NOTARY PUBLIC FOR AK
MY COMMISSION EXPIRES 12-31-2018

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, CERTIFY THAT ALASKA BELL LLC IS THE OWNER OF LOT 38 OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1, AS SHOWN ON THIS PLAT. I APPROVE THIS EASEMENT VACATION PLAT.

Mandy Bell
MANDY BELL
ALASKA BELL LLC
PO BOX 378372
WASILLA, AK 99567

NOTARY'S ACKNOWLEDGMENT

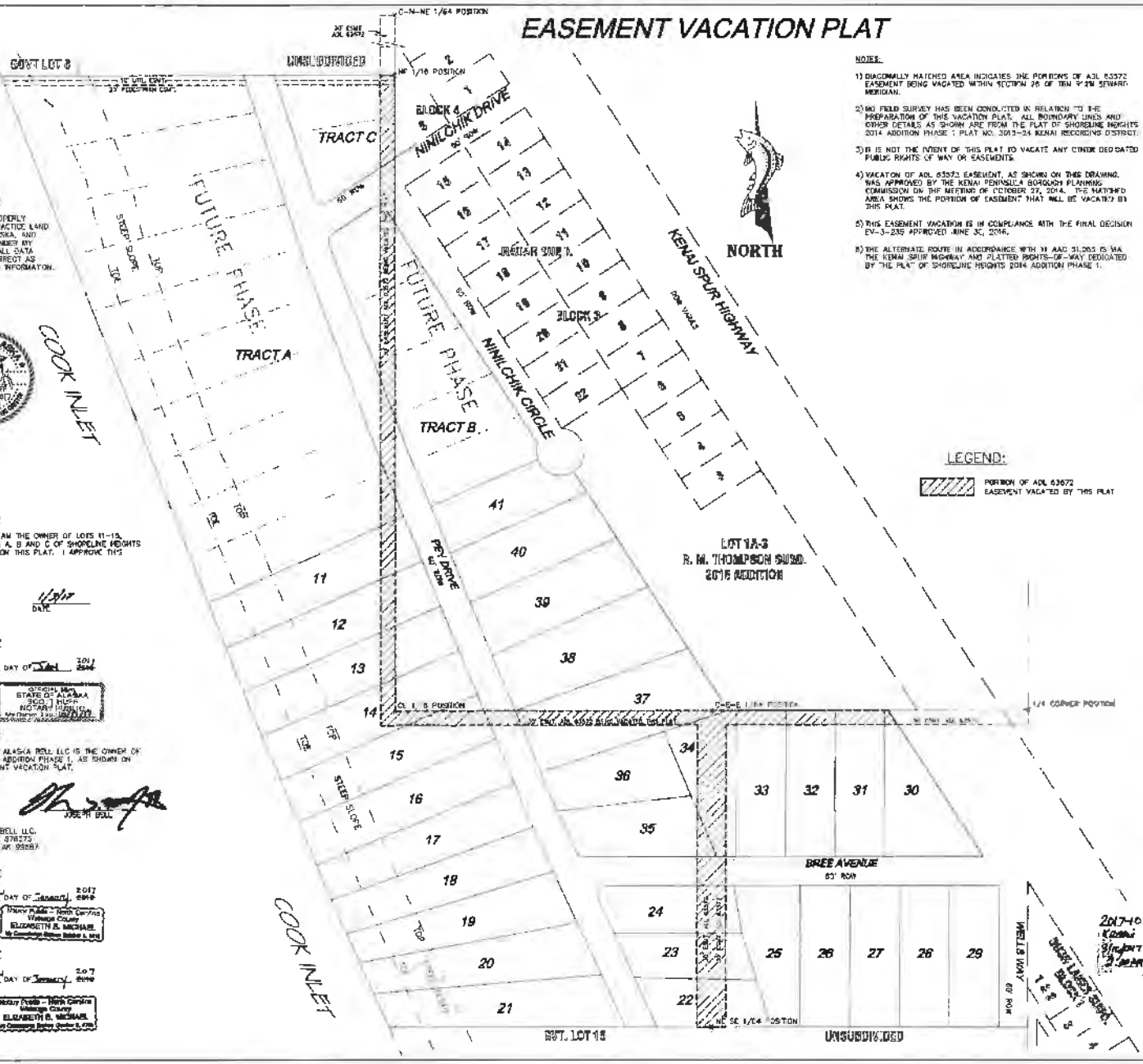
FOR MANDY BELL
ACKNOWLEDGED BEFORE ME THIS 23 DAY OF January, 2017

Notary Public for AK
NOTARY PUBLIC FOR AK
MY COMMISSION EXPIRES 12-31-2018

NOTARY'S ACKNOWLEDGMENT

FOR JOSEPH BELL
ACKNOWLEDGED BEFORE ME THIS 23 DAY OF January, 2017

Notary Public for AK
NOTARY PUBLIC FOR AK
MY COMMISSION EXPIRES 12-31-2018



LEGEND:

- [Hatched Box] PORTION OF ADL 63572 EASEMENT VACATED BY THIS PLAT

CERTIFICATE OF PUBLIC ACCESS EASEMENT VACATION

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES DOES HEREBY STATE AND DECLARE THAT THE HEARS OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO THE PORTIONS OF PUBLIC ACCESS EASEMENTS GRANTED BY THE DEPARTMENT OF NATURAL RESOURCES THAT WERE GRANTED UNDER THE RIGHT-OF-WAY PERMIT ADL 63572 (BROOKLYN AREA 25 W/24) BY DIAGONAL HATCHING ON THIS PLAT.

APPROVED: *Paul Osterman* DATE: 2/8/17
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES

CERTIFICATE OF ACCEPTANCE

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

Paul Osterman 2/8/17
PAUL OSTERMAN
CITY MANAGER - CITY OF KENAI
210 FOULDS AVE.
KENAI, AK 99541

Plat #
Reg. Dist. #
Date
Tens. #

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 23, 2017.

KENAI PENINSULA BOROUGH
Paul B. Doolan
AUTHORIZED OFFICIAL

KPB FILE No. 2016-094

DATE OF SURVEY Beginning: N/A Ending: N/A	NAME OF SURVEYOR INTEGRITY SURVEYS INC. 500 5TH ST DR. KENAI, AK 99541 ph: 907.476.8800 http://www.integritysurveys.net
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER ADL 63572 EASEMENT VACATION PLAT	
AGGREGATE WITH LOTS 11-13, 22-24, 30-35, 37-39 AND TRACTS A, B AND C OF SHORELINE HEIGHTS 2014 ADDITION PHASE 1 PLAT 2013-24 KENAI RECORDING DISTRICT	
WITHIN SECTION 26 T16N R12W SEWARD MERIDIAN CITY OF KENAI, KENAI RECORDING DIST., KENAI PENINSULA BOROUGH, ALASKA	
FRAM BY: SH	APPROVAL RECOMMENDED BY: <i>Paul Osterman</i> 2/8/2017
DATE: DEC. 28, 2016	DATE: 2/8/2017
DATE: 1' = 100'	CHECKED: SH FILE: 244140 ESM1.790
JOB NO. 214120	FIELD BK: N/A DWP FILE NO.: EV-3-235



Encroachment 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:	Bryson Lowe			
Mailing Address:	1436 Pey Dr			
City:	Kenai	State:	AK	Zip Code: 99611
Phone Number(s):	907-3698-9190			
Email:	brysonlowe6@hotmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	03914146
Physical Address:	1436 Pey Dr Kenai AK 99611
Legal Description:	T 06N R 12W SEC 26 SEWARD MERIDIAN KN 2015024 SHORELINE HEIGHTS 2014 ADDN PHASE 1 LOT 23
Zoning:	Residential
Acres:	.56

ENCROACHMENT DESCRIPTION

(include site plan/floor plan with square footages, rights-of-way, easements, setbacks)
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	Personal Residence
Use of surrounding property - north:	Residential
Use of surrounding property - south:	Residential
Use of surrounding property - east:	Residential
Use of surrounding property - west:	Road/residential

Encroachment Requested for (attach additional sheets if necessary):

Request for 18" variance on the 15' setback. The house is located at 13' 6" to the property line to the North.

Explain how the encroachment falls into the following definition in City Code - "Encroachment" means any object or structure above or below ground and constructed or located in a manner other than set forth in the Development Requirements Table.":

It's located 13' 6" located to the property line to the North.

ENCROACHMENT REQUIREMENTS
(must be met for a permit to be issued)

The encroachment does not encroach upon a Federal, State, or City right-of-way or utility easement. YES

The issuance of the encroachment permit will not authorize a use which is not a principal permitted use in the zoning district in which the property is located. YES

The encroachment is not located across a platted lot line. YES

AUTHORITY TO APPLY FOR AN ENCROACHMENT:

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for an encroachment 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 encroachment. 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:	<i>Bryson Lowe</i>	Date:	7/5/23
Print Name:	Bryson Lowe	Title/Business:	
For City Use Only		Date Application Fee Received:	7/3/23
		PZ Resolution Number:	PZ2023-16

alaskaplans

BUILDING DESIGN

www.ALASKAPLANS.com

Lowe Residence

DRAWN FOR
Bryson Lowe
MAY, 2022

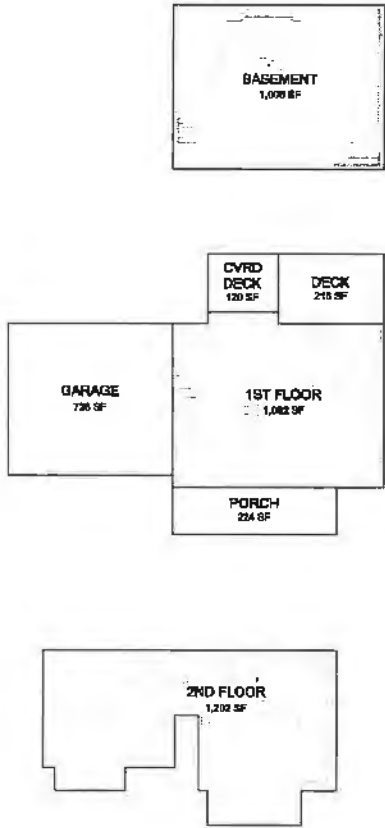
DRAWING INDEX

- ▲1 - BASEMENT FLOOR PLAN
- ▲2 - FIRST FLOOR PLAN
- ▲3 - SECOND FLOOR PLAN
- ▲4 - FRONT ELEVATION
- BACK ELEVATION
- ▲5 - RIGHT ELEVATION
- LEFT ELEVATION
- ▲6 - STRUCTURAL NOTES
- CONSTRUCTION DETAILS
- ▲7 - FOUNDATION PLAN
- ▲8 - FIRST FLOOR FRAMING PLAN
- ▲9 - SECOND FLOOR FRAMING PLAN
- ▲A - CONSTRUCTION DETAILS
- ▲B - CONSTRUCTION DETAILS
- ROOF PLAN
- BUILDING SECTION



SOUTH ELEVATION

(PREVIEW)



All building plans are prepared by copyright. Dependence on these plans, either in whole or in part, including any form or other presentation of contents, is strictly prohibited. The purchase of a set of building plans is not an endorsement or approval of any contractor, architect, engineer, or other professional. The user of these plans is responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The user of these plans is also responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The user of these plans is also responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The user of these plans is also responsible for obtaining all necessary permits and for complying with all applicable codes and regulations.

alaskaplans
BUILDING DESIGN

P.O. BOX 12000
ANCHORAGE, ALASKA 99512

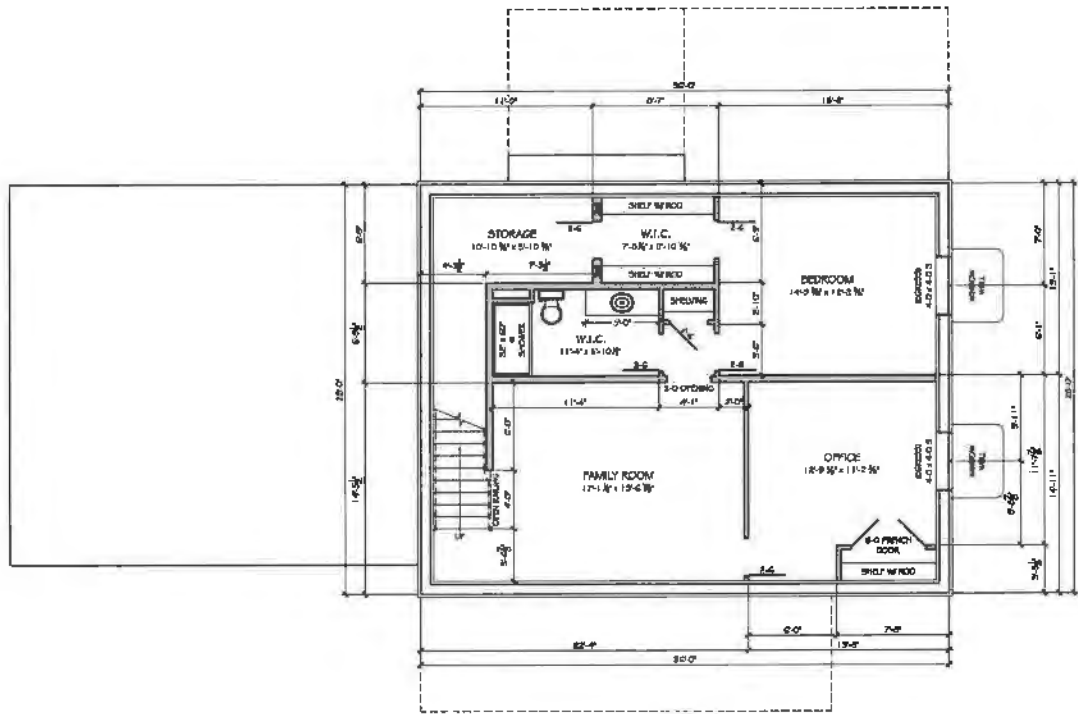


Bryson Lowe
Lowe Residence

REV.	DATE	DESCRIPTION	APP.
1	5-15-22	ISSUED FOR REVIEW	JMR
2	5-14-22	ISSUED FOR REVIEW	JMR
3	5-15-22	ISSUED FOR CONSTRUCTION	JMR
4	4-26-22	CLIENT CHANGES	JMR

DRAWN BY: JMR
CHECKED BY: ARR
PAGE NO: 1 of 2
SHEET NUMBER: A1

ORIGINAL PAPER 24X36 84" x 80"



BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

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ORIGINAL PAPER SIZE 24" x 36"

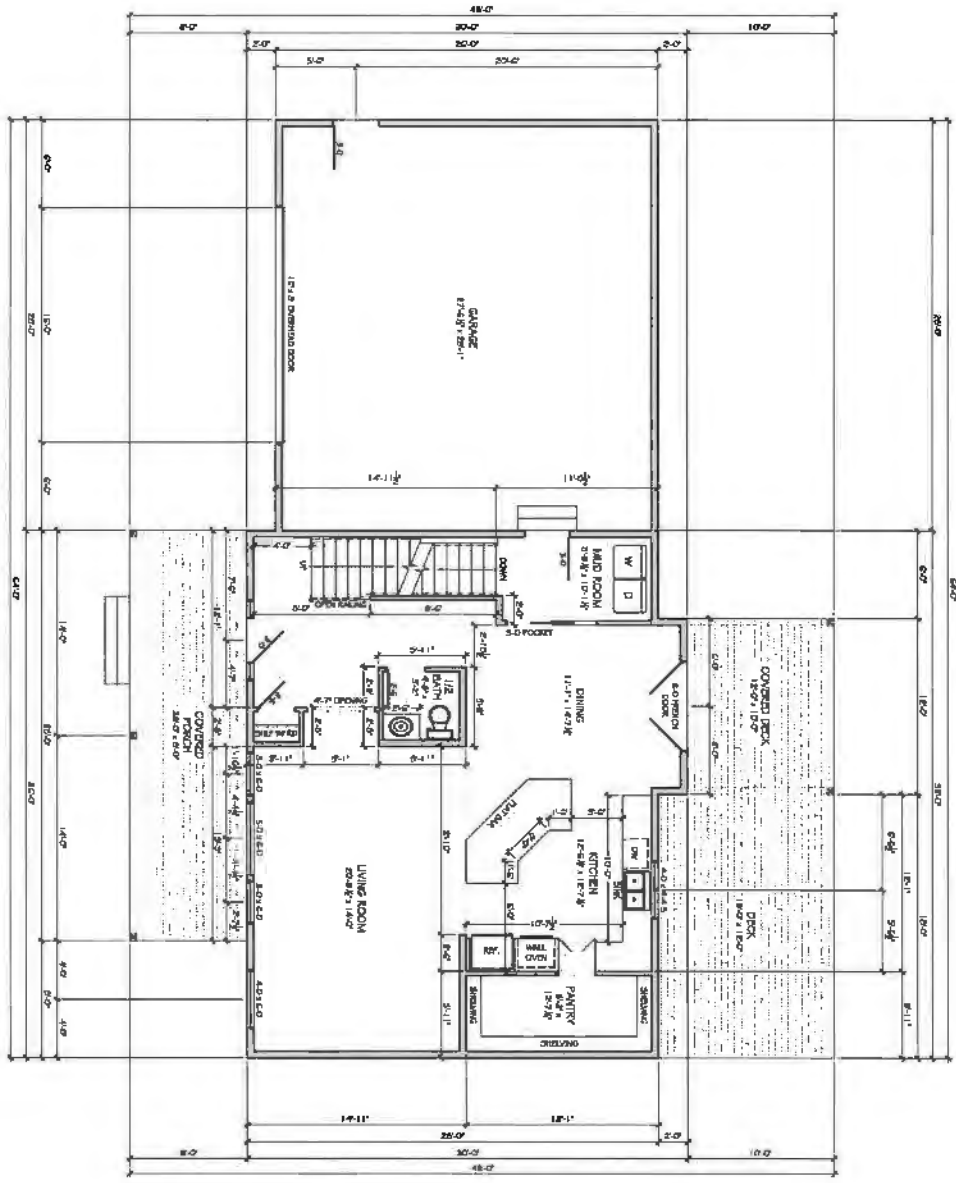
REV.	DATE	DESCRIPTION	APP.
1	5-13-22	ISSUED FOR REVIEW	JMR
2	5-14-22	ISSUED FOR REVIEW	JMR
3	5-16-22	ISSUED FOR CONSTRUCTION	JMR
4	5-18-22	CLIENT CHANGES	JMR

DRAWN BY:	JMR
CHECKED BY:	ARR
PAGE NO.:	2 of 2
SHEET NUMBER:	A2

Bryan Lowe
Low
Residence

ALASKA PLANS
BUILDING DESIGN

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



11) COPYRIGHT NOTICE: All building plans are protected by copyright. Reproduction of these plans, either in whole or in part, including any form and/or preparation of schedules, is strictly prohibited. The protection of a set of building plans in no way transfers any copyright or other ownership interest in the work covered for a limited time to use that set of plans for the construction of one building located at the site address or other location specifically identified on the drawings, by the person whose name or company name appears on the drawings. Although further use may be granted to the contractor of additional buildings, to permit any copyright license or other permission for further use must be granted each time, and a new site address and/or legal description must be provided. This process is easily completed through the submission of an Original Paper Building Permit Form @ www.alaskaplans.com, or by contacting Alaska Plans, Inc. directly with a request for additional use. A license fee is required for the purpose of making copies of these plans, because drawings are copyrighted, making photocopies from them is illegal. Copyright and licensing of building plans for construction exist to protect all parties. Copyright requests and supports the intellectual property of the original designer. Copyright has been renewed automatically in recent years. TABLED/ENGAGEMENTS: please call for details. \$150.00 plus attorney fees, drawings, and fees of profit.

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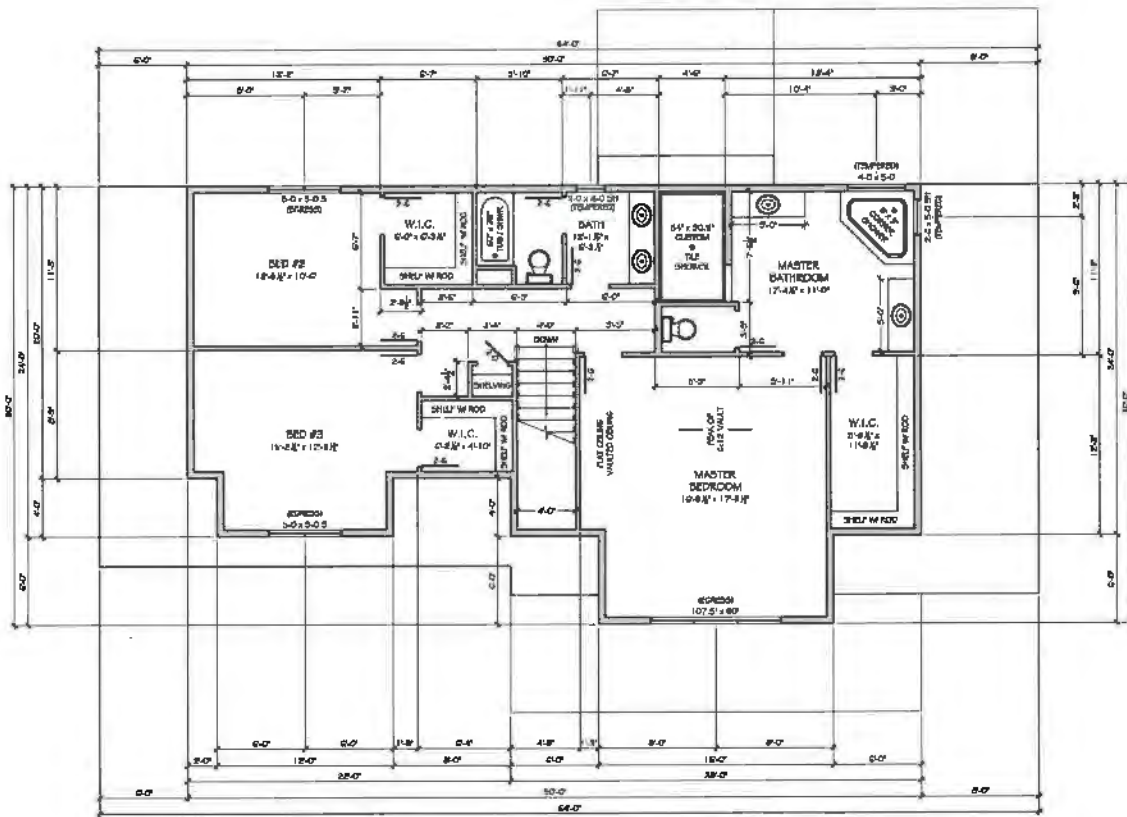
Brayson Lowe
**Low
residence**

Page 46

REV.	DATE	DESCRIPTION	APP.	BY
1	5-13-22	ISSUED FOR REVIEW	JMR	
2	5-16-22	ISSUED FOR REVIEW	JMR	
3	5-20-22	ISSUED FOR CONSTRUCTION	JMR	
4	5-08-22	CLIENT CHANGES	JMR	

DESIGN	JMR
CHECKED	ARR
SCALE	3/4" = 1'-0"
SHEET NUMBER	3 of 12
A3	





SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

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ORIGINAL PAPER SIZE: 24" x 36"



Bryson Lowe
Low
Residence

REV.	DATE	DESCRIPTION	APP.
1	5-14-22	ISSUED FOR REVIEW	JMR
2	5-16-22	ISSUED FOR REVIEW	JMR
3	5-24-22	ISSUED FOR CONSTRUCTION	JMR
4	5-25-22	CLIENT CHANGES	JMR

DRAWN BY: **JMR**
CHECKED BY: **ARR**
PAGE NO: **4 of 2**
SHEET NUMBER: **A4**



KENAI

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

CITY OF KENAI ADMINISTRATIVE ENCROACHMENT EXEMPTION PERMIT

A REQUEST FOR AN ENCHOACHMENT EXEMPTION HAS BEEN SUBMITTED BY:

NAME: Bryson Lowe

USE Residential Dwelling

LOCATED: 1436 Pey Drive

KENAI PENINSULA BOROUGH PARCEL NO: 03914146

WHEREAS, the Administrative Official finds:

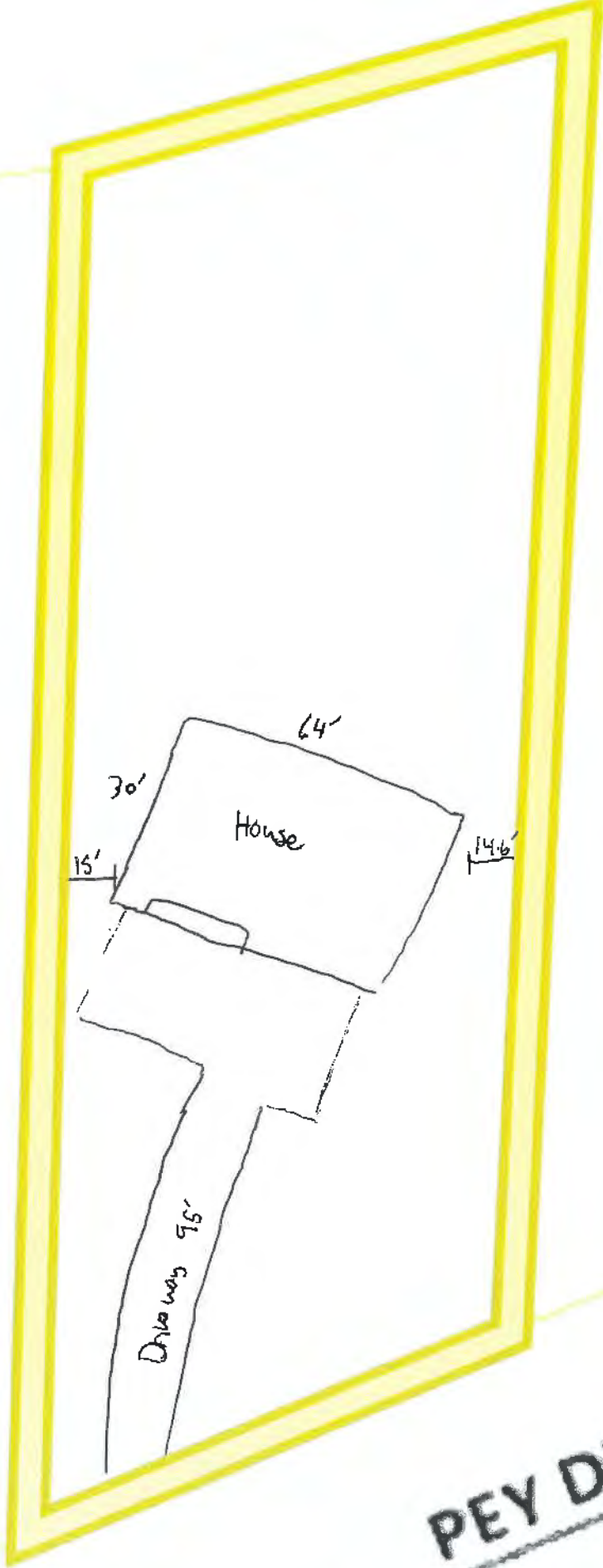
1. That an application meeting the requirements of Section 14.20.185 (h) has been submitted and received on: 5/27/2022
2. This request is on land zoned: Rural Residential
3. That the applicant has demonstrated with plans and other documents that they can and will meet the following specific requirements as set forth in Section 12.20.185 (d):
 - a. An encroachment as defined in KMC 14.20.185 (a) exists.
 - b. The encroachment does not encroach upon a Federal, State or City right-of-way or utility easement.
 - c. The issuance of the encroachment permit will not authorize a use, which is not a principal permitted use in the zoning district in which the property is located.
 - d. The encroachment is not located across a platted lot line
4. Location of Encroachment: 4.8 inches on the righthand side of the structure
5. Applicant must comply with all Federal, State, and local regulations.

THE ADMINISTRATIVE OFFICIAL OF THE CITY OF KENAI FINDS THAT THE APPLICANT **HAS** DEMONSTRATED THAT THE PROPOSED DEVELOPMENT MEETS THE CRITERIA FOR SAID PERMIT AND THEREFORE THE ADMINISTRATIVE OFFICIAL **DOES** AUTHORIZE THE ENCROACHMENT EXEMPTION PERMIT.

DATED THIS 6 DAY OF June, 2022 AT KENAI, ALASKA.

ADMINISTATIVE OFFICIAL: 

Ryan Foster, City Planner



PEY DR

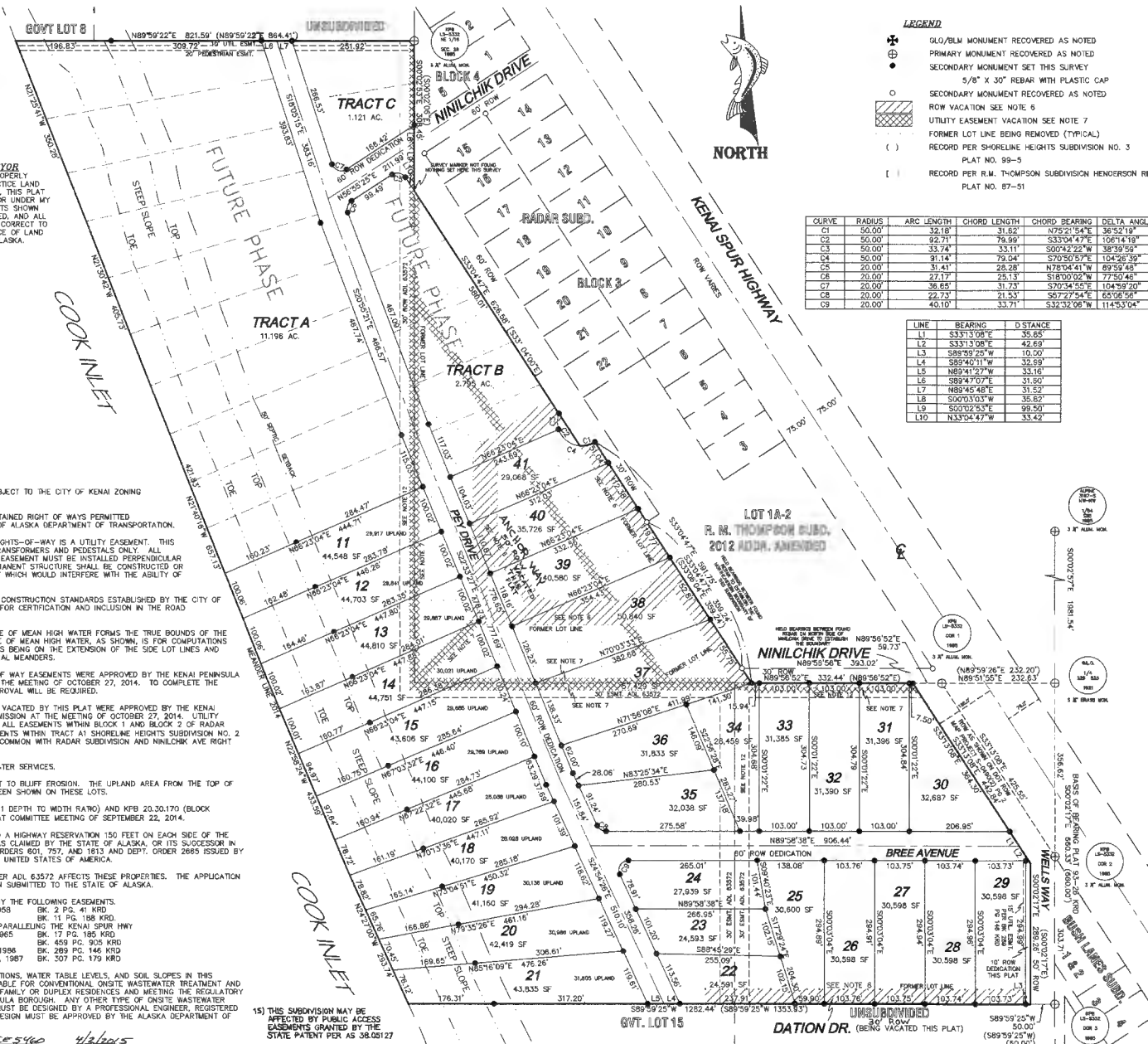


CERTIFICATE OF SURVEYOR
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS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

NOTES:

- DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF KENAI ZONING REGULATIONS.
- NO PRIVATE ACCESS TO STATE MAINTAINED RIGHT OF WAYS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
- FRONT TO FEET ADJACENT TO THE RIGHTS-OF-WAY IS A UTILITY EASEMENT. THIS EASEMENT IS FOR ABOVE GROUND TRANSFORMERS AND PEDESTALS ONLY. ALL UNDERGROUND UTILITIES WITHIN THIS EASEMENT MUST BE INSTALLED PERPENDICULAR TO THE RIGHTS-OF-WAY. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE CITY OF KENAI IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
- THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
- THE VACATION OF PUBLIC RIGHT OF WAYS AND RIGHT OF WAY EASEMENTS WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF OCTOBER 27, 2014. TO COMPLETE THE VACATION OF ADL 63572 STATE APPROVAL WILL BE REQUIRED.
- UTILITY EASEMENTS THAT ARE BEING VACATED BY THIS PLAN WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF OCTOBER 27, 2014. UTILITY EASEMENTS BEING VACATED INCLUDE ALL EASEMENTS WITHIN BLOCK 1 AND BLOCK 2 OF RADAR SUBDIVISION (K-706 AND ALL EASEMENTS WITHIN TRACT A1 SHORELINE HEIGHTS SUBDIVISION NO. 2 THAT ADJOIN THE FORMER LOT LINE COMMON WITH RADAR SUBDIVISION AND MINILCHIK AVE RIGHT OF WAY.
- ALL LOTS TO BE SERVED BY CITY WATER SERVICES.
- LOTS 11-21, INCLUSIVE, ARE SUBJECT TO BLUFF EROSION. THE UPLAND AREA FROM THE TOP OF THE BLUFF LINE TO THE ROW HAS BEEN SHOWN ON THESE LOTS.
- AN EXCEPTION TO KPB 20.30.190 (3.1 DEPTH TO WIDTH RATIO) AND KPB 20.30.170 (BLOCK LENGTH) WAS APPROVED AT THE PLAT COMMITTEE MEETING OF SEPTEMBER 22, 2014.
- THESE PARCELS MAY BE SUBJECT TO A HIGHWAY RESERVATION 150 FEET ON EACH SIDE OF THE CENTER LINE KENAI SPUR HIGHWAY AS CLAIMED BY THE STATE OF ALASKA, OR ITS SUCCESSOR IN INTEREST, PURSUANT PUBLIC LAND ORDERS 601, 757, AND 1813 AND DEPT. ORDER 2665 ISSUED BY THE SECRETARY OF INTERIOR OF THE UNITED STATES OF AMERICA.
- A 30' RIGHT OF WAY EASEMENT UNDER ADL 63572 AFFECTS THESE PROPERTIES. THE APPLICATION TO VACATE THE EASEMENT HAS BEEN SUBMITTED TO THE STATE OF ALASKA.
- THESE PARCELS MAY BE AFFECTED BY THE FOLLOWING EASEMENTS:
 ELECTRIC EMT, AUG. 4, 1958 BK. 2 PG. 41 KRD
 ASSIGNED TO CITY OF KENAI BK. 11 PG. 188 KRD
 GAS TRANSMISSION LINE ROUGHLY PARALLEL TO THE KENAI SPUR HWY MAY 24, 1965 BK. 17 PG. 195 KRD
 ASSIGNED TO MARATHON OIL BK. 459 PG. 908 KRD
 ELECTRIC EMT, JUNE 26, 1986 BK. 289 PG. 146 KRD
 RIGHT OF WAY MARCH 20, 1987 BK. 307 PG. 179 KRD
- WASTEWATER DISPOSAL: SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

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



LEGEND

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

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00	32.18	31.62	N75°21'54"E	36°52'19"
C2	50.00	92.71	76.99	S33°04'47"E	106°14'19"
C3	50.00	33.74	33.11	S07°47'23"W	88°39'59"
C4	50.00	91.14	79.04	S70°50'57"E	104°26'39"
C5	20.00	31.41	26.28	N78°04'41"W	89°59'48"
C6	20.00	22.17	23.31	S18°00'02"W	77°25'48"
C7	20.00	36.65	31.73	S70°34'55"E	104°59'20"
C8	20.00	22.73	21.53	S67°27'54"E	65°06'56"
C9	20.00	40.10	33.71	S32°32'06"W	114°55'04"

LINE	BEARING	D	STANCE
L1	S33°13'08"E		35.65
L2	S33°13'08"E		42.69
L3	S88°49'25"W		16.00
L4	S89°40'11"W		32.89
L5	N89°41'27"W		33.16
L6	S89°47'07"E		31.26
L7	N82°45'48"E		31.52
L8	S00°03'03"W		35.82
L9	S02°32'53"E		89.50
L10	N33°04'47"W		33.42

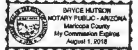
CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

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

NOTARY'S ACKNOWLEDGMENT

FOR: BRYAN R. LOWE
 ACKNOWLEDGED BEFORE ME THIS 23rd DAY OF March, 2015

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



CERTIFICATE OF ACCEPTANCE

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

RICK KOCH
 CITY MANAGER - CITY OF KENAI
 210 FIDALGO AVE.
 KENAI, AK 99611

2015-24
 Plat #
 514 2018
 DATE
 Time: 3:12 PM

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH
 AUTHORIZED OFFICIAL

KPB FILE NO. 2015-24

SHORELINE HEIGHTS 2014 ADDITION PHASE 1

A SUBDIVISION OF BLOCK 1 AND 2 RADAR SUBDIVISION (PLAT KN-706) AND TRACT A1-A SHORELINE HEIGHTS SUB. NO. 3 (PLAT 99-5 KRD)

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

LOCATED WITHIN THE N4, SE4 & NEX SECTION 28, T09N, R12W, SEWARD MERIDIAN, CITY OF KENAI, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 45,707 ACRES

INTEGRITY SURVEYS INC.

820 SET NET DRIVE KENAI AK 99611
 PHONE - (907) 283-9047
 SURVEYORS FAX - (907) 283-9071
 www.integritysurveys.com PLANNERS


JOB NO: 214120 DRAWN: MARCH 19, 2015 SH
 SURVEYED: AUG. - SEPT. 2014 SCALE: 1" = 100'
 FIELD BK: 2014-9 PG: 1-6 FILE: 214120_PP.F1L.DWG



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director 
DATE: July 21, 2023
SUBJECT: **Action/Approval – Transfer of Conditional Use Permit PZ2021-15 for Cabin Rentals**

The Planning and Zoning Commission granted a Conditional Use Permit (Resolution No. PZ2021-15) to Bryan Lowe on May 12, 2021 for four (4) Cabin Rentals on the 1.41-acre property described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive within the Rural Residential (RR) zoning district.

On July 17, 2023, an Application for Transfer of Conditional Use Permit (CUP) was submitted by Transferor, Bryan Lowe in accordance with Kenai Municipal Code (KMC), as set forth below:

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

The transferee, Brian Swain is required to operate under the terms and conditions of the original CUP granted by the Planning & Zoning Commission.

STAFF RECOMMENDATION

Staff hereby recommends approval of the Transfer of Conditional Use Permit (Resolution No. PZ2021-15) for four (4) cabin rentals on a property described as Lot 3, James H. Cowan Estates, located at 1050 Angler Drive within the Rural Residential (RR) zoning district, subject to the conditions as set forth in the original CUP.

ATTACHMENTS

- A. Application
- B. Aerial Map
- C. Resolution No. PZ2021-15





Transfer of Conditional Use Permit Application

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

TRANSFEROR

Current CUP Holder (Transferor):				Bryan R Lowe			
Mailing Address:		1050 Angler Dr					
City:	Kenai	State:	AK	Zip Code:	99611		
Phone Number(s):		907 398 1999					
Email:		bryanlowe123@yahoo.com					

TRANSFeree

Proposed New CUP Holder (Transferee):				Brian Swain			
Mailing Address:		POB 1092					
City:	Kenai	State:	AK	Zip Code:	99611		
Phone Number(s):		907-953-4588					
Email:		mbswain@yahoo.com					

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):							
Physical Address:		1050 Angler Dr Kenai, AK 99611					
Legal Description:		T5N R11W Sec 11 Seward Meridian KN 097007 James H Cowan					
Zoning:		Estates Lot 3 R1					
Current CUP Resolution #:		PZ2021-15					
Allowed Use by Current CUP:		Short Term Rentals					

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

Signature:				Date:	7/17/23	
Print Name:		Bryan R Lowe		Title/Business:	Papa John's Camp	

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

Signature:				Date:	7/17/23	
Print Name:		BRIAN R SWAIN		Title/Business:	Annie's Place	

For City Use Only

Date Application Fee Received: N/A
PZ Resolution Number: PZ2021-15

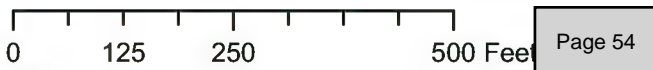


**Transfer of a Conditional Use Permit
Resolution No. PZ2021-15
Cabin Rentals
1050 Angler Drive
Parcel ID: 04939055**



Date Printed: 7/21/2023

Map for Reference Only
NOT A LEGAL DOCUMENT





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-15**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR CABIN RENTALS.

APPLICANT: Bryan Lowe

PROPERTY ADDRESS: 1050 Angler Drive

LEGAL DESCRIPTION: T 5N R 11W SEC 11 Seward Meridian KN 0970071 James H Cowan Estates Lot 3

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04939055

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 15, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 12, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The proposed four cabins meets the intent of the Rural Residential Zone (RR) to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will:
 - (A) Preserve the rural, open quality of the environment;
 - (B) Prevent health hazards in areas not served by public water and sewer.
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

The Land Use Table provides that Cabin Rentals are a conditional use; therefore, a conditional use permit must be granted for the construction and operation of rental cabins. The applicant has provided a site plan that provides the layout of the cabins and parking.

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

Criteria Met. The parcels located to the North, South, East and West of the subject property are zoned rural residential and are undeveloped City owned property to the west, with single family residential uses to the north, south, and east. The value of adjacent properties should not be significantly impacted with the construction of four rental cabins. Generally speaking, new construction of this nature, tends to increase neighborhood property values.

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

Criteria Met. The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. There are several cabins, lodges, and guide services already on Angler Drive and four additional rental cabins will not impair the quality of life within the neighborhood. Low-density residential land uses typically include single-family low-density, large lots with individual on-site water supply and wastewater disposal systems.

Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.
- LU-2 Promote the infill of existing, improved subdivision lots.
- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

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

Criteria Met. City water and sewer is not in the vicinity of the subject property, therefore, onsite water and wastewater treatment and disposal systems will be necessary. The applicant must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation. The property has access to electricity and telephone services. Angler Drive is a paved road which is maintained by the City of Kenai.

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

Criteria Met: The use of four rental cabins will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for rental guests.

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

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Bryan Lowe for Cabin Rentals for property described as T 5N R 11W SEC 11 Seward Meridian KN 0970071 James H Cowan Estates Lot 3, and located at 1050 Angler Drive.

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

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

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 12th day of May, 2021.

ATTEST:



JAMIE HEINZ, MMC, CITY CLERK



JEFF TWAIT, CHAIRPERSON





Planning Commission Agenda

ACTION

July 17, 2023– 7:30 PM

Regular Meeting

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

Jeremy Brantley, Chair
Ridgeway / Sterling
Funny River District
Term Expires 2024

Vacant, Vice Chair

Virginia Morgan
Cooper Landing / Hope
Eastern Peninsula District
Term Expires 2025

Diane Fikes
City of Kenai
Term Expires 2025

Charlene Taufest
City of Soldotna
Term Expires 2024

Franco Venuti
City of Homer
Term Expires 2025

Troy Staggs
City of Seward
Term Expires 2023

Pamela Gillham
Kalifornsky / Kasilof District
Term Expires 2023

John Hooper
Nikiski District
Term Expires 2023

Dawson Slaughter
South Peninsula District
Term Expires 2025

ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>
Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247
Zoom Meeting ID: 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. 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. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA AND CONSENT AGENDA

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

- *1. Time Extension Request – None
- *2. Planning Commission Resolutions – None
- *3. Plats Granted Administrative Approval
 - a. Corea Bend Subdivision 2022 Addition; KPB File 2022-131
 - b. Jesse Lee Heights Great Bear Addition; KPB File 2023-008
 - c. Moose Range Meadow Frawner Addition; KPB File 2022-104
 - d. New Homestead Subdivision; KPB File 2023-007
 - e. Pace’s Pleasant Haven 2022 Replat; KPB File 2022-168
 - f. Petaluma Acres Koonz Addition; KPB File 2022-173
 - g. Soldotna Creek Hills Subdivision Martin Addition; KPB File 2020-103
 - h. Wahl Subdivision; KPB File 2022-092R1
- *4. Plats Granted Final Approval
 - a. Lake Salamatof Crescent Nelson Replat; KPB File 2022-114

- *5. **Plat Amendment Request – None**
- *6. **Commissioner Excused Absences - None**
- *7. **Minutes**
 - a. June 26, 2023 PC Meeting Minutes

Motion to approve the consent & regular agendas passed by unanimous vote (9-Yes, 0-No).

D. UNFINISHED BUSINESS - None

E. NEW BUSINESS

Public Hearing: Quasi-Judicial Matters *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

- 1. Building Setback Encroachment Permit – KPB File 2023-062; PC Resolution 2023-18
 Peninsula Surveying / James
 Location: Tract D-1, Quartz Creek Subdivision James Addition, Plat SW 2005-14
 Cooper Landing Area

Motion to grant a building setback encroachment permit to Tract D-1, Quartz Creek Subdivision James Addition, Plat SW 2005-014, passed by unanimous vote (9-Yes, 0-No).

- 2. Building Setback Encroachment Permit – KPB File 2023-063; PC Resolution 2023-19
 Peninsula Surveying / Eicher
 Location: Lot 3A, Block 1, Doser Subdivision Eicher 2020 Replat, Plat KN 2021-61
 Sterling Area

Motion to grant a building setback encroachment permit to Block 1, Lot 3A, Doser Subdivision Eicher 2020 Replat, Plat KN 2021-6, passed by unanimous vote (9-Yes, 0-No).

- 3. Building Setback Encroachment Permit – KPB File 2023-066; PC Resolution 2023-17
 Peninsula Surveying / Robinson
 Location: Tract A1, Heaven’s View Subdivision 2019 Addition ROW Vacation, Plat KN 2019-22
 Sterling Area

Motion to grant a building setback encroachment permit to Tract A1, Heaven’s View Subdivision 2019 Addition Right-of-Way Vacation Plat, Plat KN 2019-22, passed by unanimous vote. (9-Yes, 0-No)

- 4. Conditional Land Use Permit Modification – Materials Extraction; PC RES 2023-23
 Applicant: Tutka, LLC; Land Owner: State of Alaska
 Location: T04N, R01W, SEC 24, S.M., SW Govt Lot 13
 Crown Point Area

Motion to adopt PC Resolution 2023-23 granting a conditional land use permit modification for materials processing failed by unanimous vote (9-No, 0-Yes).

Public Hearing: Legislative Matters - None

- F. **PLAT COMMITTEE REPORT** - Plat Committee reviewed 6 preliminary plats
- G. **OTHER (No Public Hearing)**
- H. **PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA**
- I. **DIRECTOR'S COMMENTS**
- J. **COMMISSIONER COMMENTS**
- K. **ADJOURNMENT**

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, August 14, 2023** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / 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 rights-of-way, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly. Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

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



Meeting Agenda Plat Committee

Monday, July 17, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

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

[KPB-5346](#) June 26, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 062623 Plat Committee Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5347](#) Seal Rock Roost 2023; KPB File 2023-059
Ability Surveys / Koth
Location: East End Road
City of Homer

Attachments: [E1. Seal Rock Roost 2023 Packet](#)
2. [KPB-5348](#) Pease Subdivision Meadowmere Replat; KPB File 2023-064
Mullikin Surveys / Dean
Location: Waterman Road
Fritz Creek Area / Kachemak Bay APC

Attachments: [E2. Pease Subdivision Meadowmere Replat Packet](#)
3. [KPB-5349](#) Reutov Subdivision; KPB File 2023-065
Segesser Surveys / Reutov
Location: Lawton Drive
City of Kenai

Attachments: [E3. Reutov Subdivision Packet](#)
4. [KPB-5350](#) Waldron-Engle Subdivision; KPB File 2022-147
Johnson Surveying / Waldron, Cooper-Waldron
Location: MP 127 Sterling Highway
Ninilchik Area

Attachments: [E4. Waldron-Engle Subdivision Packet](#)

5. [KPB-5351](#) Graham-Miller Subdivision #3; KPB File 2023-067
Johnson Surveying / Linda L. Graham Trust
Location: Fifth Street
Hope Area / Hope-Sunrise APC
Attachments: [E5. Graham-Miller Subdivision #3 Packet](#)
6. [KPB-5352](#) Stewart Subdivision 2023 Addition; KPB File 2023-031R1
Johnson Surveying / Zimmerman
Location: Avalon Street & Salmon Creek Road
Bear Creek Area
Attachments: [E6. Stewart Subdivision 2023 Addition Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, August 14, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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