



**Kenai Planning and Zoning Commission
Meeting**

May 13, 2020 – 7:00 PM

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

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *April 8, 2020

C. SCHEDULED PUBLIC COMMENT

Public comment limited to ten (10) minutes per speaker

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

1. **Resolution PZ2020-07** - Preliminary Subdivision Plat of Beaver Loop Acres, Addition No. 2. The plat was submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99660, on behalf of Beaver Loop Sand and Gravel, LLC, P.O. Box 1290, Kenai, AK 99611 and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611.

F. PUBLIC HEARINGS

1. **Resolution PZ2020-04** - Application for the rezoning of an approximately 10.6 acre parcel, described as a portion of the S1/2 SE1/4 SW 1/4, lying North of K-Beach Road, Section 17, T5N, R11W, excepting therefrom VIP Country Estates Subdivision Part 5 from Rural Residential (RR) to Limited Commercial (LC). The application was submitted by the majority property owners, Rick and Connie Vann, P.O. Box 561, Kasilof, AK 99610.

- [2.](#) **Resolution PZ2020-11** - Application for a Conditional Use of a Six-Plex for Senior Housing, on an approximately 1.215 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.
- [3.](#) **Resolution PZ2020-12** - Application for a Variance of Kenai Municipal Code 14.14.020 - Maximum Lot Coverage, on an approximately 1.215 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

- [1.](#) City Council
- [2.](#) Kenai Peninsula Borough Planning
3. City Administration

K. ADDITIONAL PUBLIC COMMENT

Public comment limited to five (5) minutes per speaker

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. May 27, 2020 - Regular Meeting

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Virtual Participation (join Zoom meeting): <https://us02web.zoom.us/j/82965368141>

Meeting ID: 829 6536 8141
Password: 354059

OR Telephonic Participation:
+1 253 215 8782 or +1 301 715 8592
Meeting ID: 829 6536 8141
Password: 354059

Item Attachment Documents:

1. *April 8, 2020

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 8, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

Commission Chair J. Twait called the meeting to order at 7:02 p.m.

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, D. Fikes, G. Greenberg, V. Askin, R. Springer, J.

Commissioners absent: T. McIntyre, Halstead

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

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

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

5. *Excused absences – T. McIntyre, J. Halstead

B. APPROVAL OF MINUTES

1. *March 11, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2020-05** - Preliminary Subdivision Plat of Kristine Subdivision No. 1, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna AK 99669, on behalf of the Estate of Donald Frederickson, P.O. Box 770987, Eagle River, AK 99577.

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-05 and Commissioner Fikes **SECONDED** the motion.

The City Planner provided the staff report noting the owner was subdividing the two larger parcels into three smaller lots to be described as Lots 1, 2, and 3, Kristine Subdivision No. 1, adding the street name would be corrected from Child Street to Child Avenue to accurately reflect the street name. It was further noted that water and sewer lines were within the right-of-way of Bridge Access Road but the existing facilities located on the property were not connected to City water and sewer services.

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

- Further development of the property shall conform to all federal, State of Alaska, and local regulations; and
- Childs Street was incorrectly referenced on the plat and should be changed to Childs Avenue.

Commission Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

It was clarified if there was development on the property within 200 feet of the City water and sewer lines, the owner would need to either connect or request to use their own source on the property and pay a fee.

VOTE:

YEA: Greenberg, Springer, Fikes, Askin, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2020-06** - Preliminary Plat of General Aviation Apron Tract A, submitted

by Segesser Surveys, Inc., 30485 Roseland St., Soldotna AK 99669, on behalf of the City of Kenai, 210 Fidalgo Ave., Kenai, AK 99611.

The City Planner provided the staff report noting the parcel would be divided into two separate lots. The new Tract A1 would be retained by the City as it was part of the runway while the new Tract A2 would be leased to SOAR International Ministries, LLC. It was further noted that the 10-foot utility easement on North Willow Street would remain the same.

City staff recommended approval of the preliminary plat of General Aviation Apron Tract A subject to the following condition:

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

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-05 and Commissioner Fikes **SECONDED** the motion.

Commission Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

It was agreed it met City standards.

VOTE:

YEA: Fikes, Springer, Askin, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. REPORTS

1. **City Council** – Council Member Knackstedt reported on the actions from the March 18, March 23, and April 1, 2020 City Council meetings, including the new logo and information on the City actions in response to COVID-19, as updated on the City of Kenai website.
2. **Borough Planning** – The next Planning Commission meeting was scheduled for April 13 and would also be done virtually.
3. **Administration** – City Planner Appleby reported on the following:
 - All of the Planning and Zoning forms were updated with the new logo and most of

the forms were now fillable online;

- Letters were sent to lessees noting the individual lease rate changes, effective July 1, 2020;
- Most of the assisting staff were teleworking from home but were available and moving City business forward as best as possible; and
- She encouraged supporting local businesses and restaurants that are open for take-out during this trying time.

K. ADDITIONAL PUBLIC COMMENT

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION – April 22, 2020

N. COMMISSION COMMENTS & QUESTIONS

Commissioners Fikes and Askin expressed appreciation for the ease and smooth meeting in a virtual setting, thanking the City Clerk.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:41 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante
Deputy City Clerk

Item Attachment Documents:

1. **Resolution PZ2020-07** - Preliminary Subdivision Plat of Beaver Loop Acres, Addition No. 2. The plat was submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99660, on behalf of Beaver Loop Sand and Gravel, LLC, P.O. Box 1290, and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611.



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: May 8, 2020
SUBJECT: PZ2020-07 – Preliminary Subdivision Plat – Beaver Loop Acres Addition No. 2

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

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

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

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

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

Property Address: 2369 Beaver Loop Road
2243 Beaver Loop Road

KPB Parcel No: 04912051
04912048

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

Existing Zoning: Rural Residential (RR)

Current Land Use: Gravel Pit and Residence

Land Use Plan: Low Density Residential

GENERAL INFORMATION

Segesser Surveys submitted a preliminary plat on behalf of Beaver Loop Sand and Gravel, LLC and the Estate of Patrick J. Doyle and Mary J. Doyle. The plat affects the parcels described as Tract A1, Beaver Loop Acres Addition No. 1, and Lot 2, Beaver Loop Acres. The preliminary plat shows that the owner is subdividing Tract A1 and Lot 2 into Tract A2, and Lots 2A, 5, 6, 7, 8, and 9, Beaver Loop Acres Addition No. 2.

Application, Public Notice, Public Comment

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

The applicant completed the City of Kenai preliminary plat submittal form. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements.

City staff published notice of the consideration of the plat as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 8, 2020.

ANALYSIS

Access to the proposed lots is via Beaver Loop Road, which is paved and maintained by the State of Alaska. The proposed plat does not dedicate any additional rights-of-way. The plat does include a notation that no private access to State maintained rights-of-way is permitted unless approved by the State of Alaska Department of Transportation.

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

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



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

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

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required under Chapter 14.10 Subdivision Regulations*. City staff recommends a condition of approval for the property to conform to all federal, State of Alaska, and local regulations. Other conditions of approval are that the signature line, vicinity map title, and title block be updated for clarity and the dashed line showing the former lot line for the proposed Lot 2A be labeled.

RECOMMENDATIONS

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The title block shall be revised to include that the resubdivision also covers Lot 2, Beaver Loop Acres Subdivision, Plat 94-15.
3. The “former lot line” shall be labeled on Lot 2A.
4. The signature line for Patrick Doyle shall be revised to read “The Estate of Patrick J. Doyle, deceased”.
5. The text box reading “Inlet” superimposed over the word “Map” in “Vicinity Map” shall be deleted.

ATTACHMENTS

1. Resolution No. PZ2020-07
2. Application
3. Preliminary Plat
4. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-07**

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

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Incorporated; and,

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

WHEREAS, street names are referenced correctly; and,

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

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

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

WHEREAS, an installation agreement is not required; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms to the minimum street widths, an easement is sufficiently provided for utilities, the proposed lot would be arranged to provide satisfactory and desirable building sites, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.10.080 Minimum improvements required, there is adequate access and facilities available to the proposed parcel. An installation agreement is not required.
3. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the proposed lots meets City standards for minimum lot sizes.
4. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the Beaver Loop Acres Addition No. 2 be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The title block shall be revised to include that the resubdivision also covers Lot 2, Beaver Loop Acres Subdivision, Plat 94-15.
3. The "former lot line" shall be labeled on Lot 2A.
4. The signature line for Patrick Doyle shall be revised to read "The Estate of Patrick J. Doyle, deceased".
5. The text box reading "Inlet" superimposed over the word "Map" in "Vicinity Map" shall be deleted.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 13th day of May, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK



Preliminary Plat Submittal Form

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

APPLICANT (SURVEYOR)

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

PROPERTY OWNER

Name:	Beaver Loop Sand and Gravel / Doyle						
Mailing Address:	P.O. Box 1290	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907-252-1891						
Email:							

PROPERTY INFORMATION

Property Owner Name:	Beaver Loop Sand and Gravel / Doyle						
Current City Zoning:	Rural Residential						
Use:	<input checked="" type="checkbox"/> Residential	<input type="checkbox"/> Recreational	<input checked="" type="checkbox"/> Commercial				
	<input type="checkbox"/> Other:						
Water:	<input type="checkbox"/> On Site	<input 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:							
Revised Preliminary Plat Name:							
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes			<input checked="" type="checkbox"/> No			
Street Name (if vacating ROW):							

Exceptions Required and Requested:

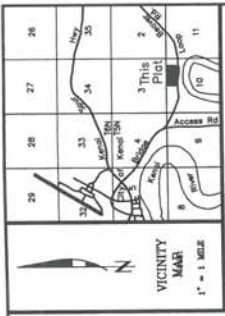
Comments:

REQUIRED ATTACHMENTS

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

Signature:		Date:	4-21-20
Print Name:	John Segesser	Title/Business:	President



**CERTIFICATE of OWNERSHIP
and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HAVE BEEN FULLY ADVISED OF OUR OBLIGATIONS AND BY OUR FREE CONSENT DEEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL DOCUMENTS TO THE USE SHOWN.

DAVE YORACKI, MANAGER
BEAVER LOOP SAND AND GRAVEL, LLC
KENA, ALASKA 99811

PARCELS DOTED _____ IDENTIFY(NG)
2243 BEAVER LOOP ROAD
KENA, ALASKA 99811

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA _____
MY COMMISSION EXPIRES _____

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Curve Table

Curve #	Bearing	Radius	Length	Tangent	Chord	Chord Bearing
C1	S07°54'46\"/>					

LEGEND:

- 3 1/4\"/>

NOTES:

- 1) Bank of bearing taken from Beaver Loop Acres Addition No. 1.
- 2) Plat 98-85, Kena Recording District.
- 3) This subdivision is subject to City of Kena zoning regulations.
- 4) No private access is to be maintained from this parcel unless approved by the State of Alaska or the City of Kena.
- 5) All easements are to be recorded in the public records.
- 6) All easements are to be recorded in the public records.
- 7) All easements are to be recorded in the public records.
- 8) All easements are to be recorded in the public records.
- 9) All easements are to be recorded in the public records.
- 10) All easements are to be recorded in the public records.

PLAT APPROVAL

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

KN 1709 Tract 6

KN 94-15 Lot 1

KN 94-15 Lot 2

KN 94-15 Lot 3

KN 94-15 Lot 4

KN 94-15 Lot 5

KN 94-15 Lot 6

KN 94-15 Lot 7

KN 94-15 Lot 8

KN 94-15 Lot 9

KN 94-15 Lot 10

KN 94-15 Lot 11

KN 94-15 Lot 12

KN 94-15 Lot 13

KN 94-15 Lot 14

KN 94-15 Lot 15

KN 94-15 Lot 16

KN 94-15 Lot 17

KN 94-15 Lot 18

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KN 94-15 Lot 93

KN 94-15 Lot 94

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KN 94-15 Lot 96

KN 94-15 Lot 97

KN 94-15 Lot 98

KN 94-15 Lot 99

KN 94-15 Lot 100

NOTARY'S ACKNOWLEDGEMENT

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

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Preliminary Plat Aerial Map

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



Item Attachment Documents:

- 1. Resolution PZ2020-04** - Application for the rezoning of an approximately 10.6 acre parcel, described as a portion of the S1/2 SE1/4 SW 1/4, lying North of K-Beach Road, Section 17, T5N, R11W, excepting therefrom VIP Country Estates Subd. Part 5 from Rural Residential (RR) to Limited Commercial (LC). The application was submitted by the majority property owners, Rick and Connie Vann, P.O. Box 561, Kasilof, AK 99610.



STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: May 7, 2020
SUBJECT: PZ2020-04 – Rezone Request of 725 Baleen Avenue from RR to LC

Applicants: City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Submitted By: Connie and Rick Vann
Vann Revocable Trust
P.O. Box 561
Kasilof, AK 99610

Requested Action: Rezone from Rural Residential (RR) to Limited Commercial (LC)
Legal Description: Portion of S1/2 SE1/4 SW1/4 Lying North of K-Beach Road
Excluding VIP Country Estates Subdivision Part 5

Property Address: 725 Baleen Avenue
KPB Parcel No: 04941052
Lot Size: 10.6 Acres (approximately 461,736 square feet)
Existing Zoning: Rural Residential (RR)
Current Land Use: Vacant
Land Use Plan: Low Density Residential (LDR)

GENERAL INFORMATION

A completed application was submitted requesting that parcel 04941052 be rezoned from Rural Residential (RR) to Limited Commercial (LC). Kenai Municipal Code (KMC) 14.20.270, Amendment procedures, describes initiation of zoning code and official map amendments. Zoning code amendments may be initiated by a submission of a petition by a majority of the property owners in the area for consideration if the area to be rezoned contains a minimum of one acre unless the amendment enlarges an adjacent district boundary. Vann Revocable Trust

is the owner parcel 04941052, which is 10.6 acres in size. The requested rezone meets the criteria for an amendment.

Application, Public Notice, Public Comment

Pursuant to KMC 14.20.280-Public hearing and notifications, describes processes for public hearings. City staff published notice of the public hearing as part of the agenda for the City of Kenai Planning and Zoning Commission meeting in the *Peninsula Clarion*, sent notification to real property owners within three-hundred-feet (300') of the affected parcel, and notification was posted on the property. No public comments have been received as of May 6, 2020.

ANALYSIS

This parcel fronts Kalifornsky Beach Road for approximately 1,292 feet. Kalifornsky Beach Road is a major collector street maintained by the State of Alaska. A paved bike path runs directly in front of the parcel along Kalifornsky Beach Road. Several multi-family housing units are to the east. Across the street on Kalifornsky Beach Road (outside City limits) is commercial development, including Panama Reds and a fish market.

The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The LC Zone is intended to provide transition areas between commercial and residential districts by allowing low to medium volume business, mixed residential and other compatible uses which complement and do not materially detract from the uses allowed with adjacent districts.

The LC Zone is more consistent with the layout of the parcel. The applicant has indicated plans to construct a multi-unit complex that would have commercial development on the first floor. Commercial uses could take advantage of the frontage on Kalifornsky Beach Road. The LC Zone still allows for residential uses and requires a conditional use permit for many commercial uses, including business/consumer services and retail businesses, which will ensure the neighborhood character to the north is not impacted by development of this parcel.

The 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan states, "Transportation improvements such as the construction of the Warren Ames Memorial Bridge/Bridge Access Road gave the Kalifornsky Beach area south of the Kenai River a road connection to the rest of the City and spurred development." This change in zoning reflects the change in the City layout over time and supports Goal 3 – Land Use: Develop land use strategies to implement a forward-looking approach to community growth and development.

RECOMMENDATIONS

The rezone request of 725 Baleen Avenue from the Rural Residential Zone to the Limited Commercial Zone is suitable for an approval recommendation by the Planning and Zoning Commission to the Kenai City Council.

ATTACHMENTS

1. Resolution No. PZ2020-04



2. Application
3. Maps
4. Photos





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-04**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI APPROVE THE REZONE REQUEST OF 725 BALEEN AVENUE FROM RURAL RESIDENTIAL TO THE LIMITED COMMERCIAL

WHEREAS, the City of Kenai received a rezone application from the majority property owners in accordance with Kenai Municipal Code 14.20.270, Amendment procedures; and,

WHEREAS, the RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment; and,

WHEREAS, the LC Zone is intended to provide transition areas between commercial and residential districts by allowing low to medium volume business, mixed residential and other compatible uses which complement and do not materially detract from the uses allowed with adjacent districts; and,

WHEREAS, the rezone request is for an area over ten acres in size; and,

WHEREAS, the area to be rezoned fronts Kalifornsky Beach Road, a major collector street; and,

WHEREAS, several multi-family units are adjacent to the parcel; and,

WHEREAS, across street on Kalifornsky Beach Road outside City limits is commercial development, including a CBD retail store and a fish market; and,

WHEREAS, the LC Zone still allows for residential uses and requires a conditional use permit for many commercial uses, including business/consumer services and retail businesses, which will ensure the neighborhood character to the north is not impacted by development of this parcel; and,

WHEREAS, the rezone is consistent with Goal 3 – Land Use: Develop land use strategies to implement a forward-looking approach to community growth and development of the 2016 Imagine Kenai 2030 City of Kenai Comprehensive Plan.

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

Section 1. That the Kenai City Council approve of the rezone request of 725 Baleen Avenue from Rural Residential to Limited Commercial.

Section 2. That a copy of Resolution PZ2020-04 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 13th day of May, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK

RECEIVED

CITY OF KENAI

DATE 3-10-2020

PLANNING DEPARTMENT



REZONING APPLICATION

Reset Form

PETITIONER	Connie & Rick Vann
MAILING ADDRESS	P.O. Box 561
CITY, STATE, ZIP	Kasilof, Alaska 99610
PHONE	907-252-4209
LEGAL DESCRIPTION	TSN R11W SEC17 Seward Meridian KN PTN of 5/2 SE 1/4 5/4 lying N. of K-Beach rd
PHYSICAL ADDRESS	725 Baleen Ave Kenai AK 99611
PARCEL NUMBER	04941052
PRESENT ZONE	Rural Residential
PROPOSED ZONE	Limited Commercial

Intended Use and/or Reason for Rezoning:
 To provide economic opportunity for small business start ups and home based businesses, to live and work at one location.

Section 14.20.270 Amendment Procedures governs any amendment to the Kenai Zoning Code and Official Map. PLEASE READ THE FOLLOWING, COMPLETE THE BLANKS AND INITIAL THE SPACE AFTER THE ITEM NUMBER TO INDICATE THAT YOU HAVE READ AND UNDERSTAND THESE CONDITIONS.

- CV Amendments to the Kenai Zoning Code and Official Map may be initiated by: Kenai City Council; Kenai Planning and Zoning Commission; Submission of a petition by a majority of the property owners in the area to be rezoned; or, a petition bearing the signatures of fifty (50) registered voters within the City of Kenai to amend the ordinance text; or, submission of a petition as provided by the Home Rule Charter of the City of Kenai.
- CV Amendments to the Official Zoning Map shall be considered only if the area to be rezoned contains a minimum of one (1) acre (excluding street or alley right-of-way) unless the amendment enlarges an adjacent district boundary.
- CV A Public Notification and Hearing is required before the issuance of this permit. A \$125 (plus sales tax) non-refundable deposit/advertising and administrative services fee is required to cover these notification costs. Depending on the rezone location, an Affidavit of Posting may also be required.

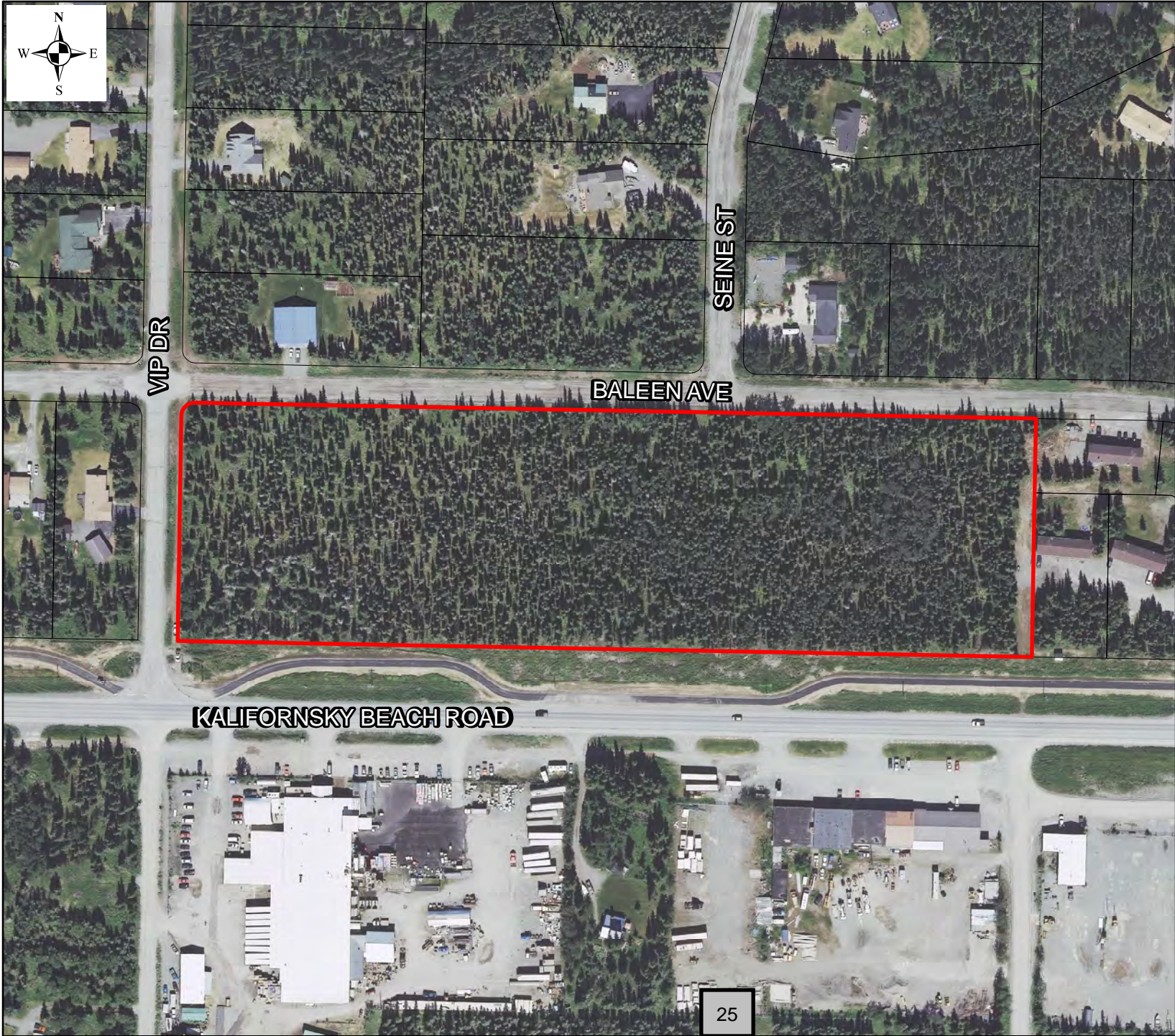
4. CV A proposed amendment to the zoning ordinance which is substantially the same as any other proposed amendment submitted within the previous nine (9) months and which was not approved shall not be considered.

Dated: 3-10-2020


Petitioner's Signature

REZONING CHECKLIST:


- a. MAP
- b. SIGNATURES
- c. DEPOSIT/ADVERTISING FEE (\$125 + sales tax)
- d. APPLICATION FORM OR LETTER
- e. AFFIDAVIT OF POSTING



**Parcel No:
04941052**

725 Baleen Avenue



 Existing Lot Line

0 110 220 Feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 4/6/2020



**Parcel No:
04941052**

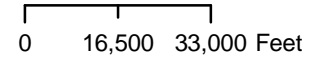
725 Baleen Avenue



LEGEND

Zoning

- Rural Residential
- Outside of City Limits



The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 4/6/2020

Outside of City Limits

Site Photos

PZ2020-04 – Rezone – Rural Residential to Limited Commercial

725 Baleen Avenue; KPB Parcel No. 04941052

Request from: Majority property owners

Photo #1

The photo below is of Panama Reds, a commercial business across the street on Kalifornsky Beach Road from the subject parcel.



Photo #2

The photo below shows commercial development across the street on Kalifornsky Beach Road from the subject parcel at the corner of VIP Drive and Kalifornsky Beach Road.



Photo #3

The photo below is of one of the multi-family units adjacent to the subject parcel accessed off Baleen Avenue near its intersection with Pirate Lane.



Item Attachment Documents:

- 2. Resolution PZ2020-11** - Application for a Conditional Use of a Six-Plex for Senior Housing, on an approximately 1.22 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: May 8, 2020
SUBJECT: PZ2020-11 – Conditional Use Permit – Six Family Dwelling Unit

Applicant: Kenai Peninsula Housing Initiatives, Inc.
P.O Box 1869
Homer, Alaska 99603

Legal Description: Lot 1, Kenai Meadows

Property Address: 2392 Redoubt Avenue

KPB Parcel No: 03901063

Lot Size: 1.215 (52,925 square feet)

Existing Zoning: Real Residential

Current Land Use: Six Family Dwelling Unit

Land Use Plan: Suburban Residential

GENERAL INFORMATION

A five or six-family dwelling is listed as a conditional use within the Rural Residential Zone in Kenai Municipal Code 14.22, Land Use Table. The applicant, Kenai Peninsula Housing Initiatives, Inc., has obtained a conditional use permit to construct one six-plex that has completed. In order to add a second six-plex to the parcel, a conditional use permit must be granted by the City of Kenai Planning and Zoning Commission.

The Kenai City Council enacted Ordinance No. 2899-2016 that granted this foreclosed property to Kenai Peninsula Housing Initiatives, Inc. for restricted income and senior housing. The property was no longer needed for a public purpose and the donation was provided benefit to the City. The Quitclaim Deed conveying Lot 1, Kenai Meadows, from the City of Kenai to Kenai Peninsula Housing Initiatives, Inc. contains the following restriction:

Per City of Kenai Ordinance 2899-2016, in the event of a land sale, to a for Profit entity, the value of the property shall be reimbursed to the City, if the Sale occurs within twenty (20) years after transfer to Kenai Peninsula Housing Initiatives, Inc.

With the addition of the second six-plex, the total square footage of buildings located on the property will be 16, 508 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 15,878 square feet; therefore, the applicant exceeds the maximum lot coverage allowed by approximately 630 square feet. Accordingly, Kenai Peninsula Housing Initiatives, Inc. has also submitted an application for a variance permit. The variance permit is contingent upon approval of the conditional use permit for the additional structure.

Application, Public Notice, Public Comment

Kenai Municipal Code 14.22.010 – Land Use Table provides that a Six-Family Dwelling Unit is a conditional use. Accordingly, on May 1, 2020, an application for a conditional use permit for a six-family dwelling unit was submitted by Connie Vann, on behalf of Kenai Peninsula Housing Initiatives, Inc. Planning staff reviewed the application and deemed it to be complete.

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

ANALYSIS

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

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

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

The proposed six-unit apartment community meets the intent of KMC14.20.150 and the intent of the RR Zone with respect to the proposed use as a six-unit apartment community, given compliance with the staff recommended specific conditions set forth below. The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The Land Use Table provides that a five or six-family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the second six unit apartment community (Kenai Meadows Senior Apartments) in this zone. The proposed six-unit apartment community will offer two one-bedroom units and four two-bedroom units. The adjacent parcel also contains two multi-unit structures and is also owned by the applicant.



Both parcels front Redoubt Avenue and would not bring heavy traffic into an existing neighborhood.

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

The surrounding neighborhood consists of both single-family dwellings and multi-family dwellings. There are currently two larger apartment complexes that front Redoubt Avenue. In addition, there is a detached four-plex located on McKinley Avenue, which is accessed directly off Redoubt Avenue. Kenai Peninsula Housing Initiatives, Inc. has also constructed a six-plex and four-plex on the adjoining Lot 2, Kenai Meadows. The applicant states that an independent market analysis performed by the national firm Novogradac concluded the proposed development will offer value in the market and not negatively impact the surrounding properties.

- The proposed use is in harmony with the Comprehensive Plan.

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

There are three large subdivisions located along Redoubt Avenue; namely, Woodland Subdivision, Inlet View Subdivision, and Mommsen's Subdivision. The subject lot is larger than a majority of the lots in these subdivisions. The subject lot contains approximately 52,925 square feet, which is much larger than the required minimum lot size of 20,000 square feet as required in the Rural Residential Zoning District.

Water and sewer services are available along Redoubt Avenue. Redoubt Avenue provides access to the proposed complex, which is a paved City maintained road.

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

The properties located along Redoubt Avenue have access to City water, City sewer, natural gas, electricity, and telephone services. Redoubt Avenue is a paved road which is maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 12 parking spaces. The attached site plan designates 12 parking spaces for residents and guests of the six-unit apartment community.

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

The use of a six-unit apartment community will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve the six-unit apartment community. The applicant has provided the City with a site plan, which indicates that there will be sufficient parking available for residents and guests of the complex. Access to the complex will be provided by Redoubt Avenue which is a City maintained paved road; therefore, the proposed use will not be harmful to the public safety, health and welfare.



- Specific conditions deemed necessary.

See Conditions of Approval as set forth below. The applicant must obtain a building permit, an approved site plan, and a variance permit prior to construction.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the City Planner.
3. Prior to issuance of a Building Permit, a variance permit must be reviewed and approved by the Planning and Zoning Commission.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. 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).
9. 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.
10. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Resolution No. PZ2020-11
- B. Application
- C. Site Plan



D. Map

E. Photos





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-11**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A RESIDENTIAL SIX-FAMILY DWELLING
UNIT FOR SENIORS AGE 55 AND OLDER.

APPLICANT: Kenai Peninsula Housing Initiatives, Inc.

REPRESENTATIVE: Connie Vann

PROPERTY ADDRESS: 2932 Redoubt Avenue

LEGAL DESCRIPTION: Lot 1, Kenai Meadows

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03901063

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 1, 2020; and,

WHEREAS, the conditional use aligns with Ordinance 2899-2016 that granted the property from the City to the applicant; 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 13, 2020, 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 six-unit apartment community meets the intent of KMC14.20.150 and the intent of the RR Zone with respect to the proposed use as a six-unit apartment community, given compliance with the staff recommended specific conditions set forth below. The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The Land Use Table provides that a five or six-family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the second six unit apartment community (Kenai Meadows Senior Apartments) in this zone.

The proposed six-unit apartment community will offer two one-bedroom units and four two-bedroom units. The adjacent parcel also contains two multi-unit structures and is also owned by the applicant. Both parcels front Redoubt Avenue and would not bring heavy traffic into an existing neighborhood.

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

Criteria Met. The surrounding neighborhood consists of both single-family dwellings and multi-family dwellings. There are currently two larger apartment complexes that front Redoubt Avenue. In addition, there is a detached four-plex located on McKinley Avenue, which is accessed directly off Redoubt Avenue. Kenai Peninsula Housing Initiatives, Inc. has also constructed a six-plex and four-plex on the adjoining Lot 2, Kenai Meadows. The applicant states that an independent market analysis performed by the national firm Novagradac concluded the proposed development will offer value in the market and not negatively impact the surrounding properties.

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

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

There are three large subdivisions located along Redoubt Avenue; namely, Woodland Subdivision, Inlet View Subdivision, and Mommson's Subdivision. The subject lot is larger than a majority of the lots in these subdivisions. The subject lot contains approximately 52,925 square feet, which is much larger than the required minimum lot size of 20,000 square feet as required in the Rural Residential Zoning District.

Water and sewer services are available along Redoubt Avenue. Redoubt Avenue provides access to the proposed complex, which is a paved City maintained road.

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

Criteria Met. The properties located along Redoubt Avenue have access to City water, City sewer, natural gas, electricity, and telephone services. Redoubt Avenue is a paved road which is maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 12 parking spaces. The attached site plan designates 12 parking spaces for residents and guests of the six-unit apartment community.

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 a six-unit apartment community will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve the six-unit apartment community. The applicant has provided the City with a site plan, which indicates that there will be sufficient parking available for residents and guests

of the complex. Access to the complex will be provided by Redoubt Avenue which is a City maintained paved road; therefore, the proposed use will not be harmful to the public safety, health and welfare.

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

See Conditions of Approval as set forth in Section 2. The applicant must obtain a building permit, an approved site plan, and a variance permit prior to construction.

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 Kenai Peninsula Housing Initiatives, Inc. for the use of a residential six-family dwelling unit for seniors age 55 and older on Lot 1, Kenai Meadows located at 2392 Redoubt Avenue.

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 City Planner.
3. Prior to issuance of a Building Permit, a variance permit must be reviewed and approved by the Planning and Zoning Commission.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. 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).
9. 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.
10. 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 13th day of May, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK

P2 2020-11



Conditional Use Permit Application

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

PROPERTY OWNER

Name:	Kenai Peninsula Housing Initiatives			
Mailing Address:	P.O. Box 1869			
City:	Homer	State:	AK	Zip Code: 99603
Phone Number(s):	(907) 235-4335			
Email:	steven@kphi.net			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Sundance Construction <i>PO Box 561 Kaslof AK 99610</i>			
Mailing Address:	3330 C St.			
City:	Anchorage	State:	AK	Zip Code: 99503
Phone Number(s):	(907) 252-2905			
Email:	sundanz@ptialaska.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	03901063
Physical Address:	2392 Redoubt Avenue
Legal Description:	Lot 1, Kenai Meadows
Zoning:	Rural Residential (RR)
Acres:	1.22 acres

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used?	6-plex senior housing
--	-----------------------

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

Additional 6-plex on the same parcel

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

same style and size housing for seniors

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

the use will maintain current use.

Use of surrounding property - north:	Wooded land + Residential		
Use of surrounding property - south:	Wooded land + Residential		
Use of surrounding property - east:	Wooded land + Residential		
Use of surrounding property - west:	Wooded land + Residential		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
Use meets the intent stated in the Suburban Residential land use classification.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes, existing utilities are sufficient to serve the proposed conditional use permit.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
Applicant has already demonstrated that they have a history of creating healthy environment in the neighborhood.			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
The conditional use will be consistent with current use.			
AUTHORITY TO APPLY FOR CONDITIONAL USE:			
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:	Corrie Vann		Date: 4-30-20
Print Name:	Corrie Vann	Title/Business:	Owner's Agent
For City Use Only		Date Application Fee Received: 5/1/20 PZ Resolution Number: PZ 2020-11	



Conditional Use Permit - Six Plex Aerial Map - 2016 Imagery

Parcel 03901063
2392 Redoubt Avenue
Lot 1, Kenai Meadows



LEGEND

Parce 03901063

0 20 40 Feet

Date: May 2020



Site Photos

PZ2020-12 – Variance Permit – Maximum Lot Coverage

2392 Redoubt Avenue; Lot 1, Kenai Meadows; KPB Parcel No. 03901063

Applicant: Kenai Peninsula Housing Initiatives, Inc.

Photo #1

The photo below is of the subject parcel. One six-plex has been constructed and the applicant plans to build an additional six-plex on the right portion of the photo. The additional building requires a variance from maximum lot coverage allowed by Kenai Municipal Code to be constructed.



Photo #2

The photo below is of the adjacent parcel also owned by the applicant. The applicant has already constructed a six-plex and a four-plex on this parcel. While the design structures on this lot differs, this photo is offered as a representation of the final appearance of the adjacent lot owned by the applicant with two multi-unit structures.



Item Attachment Documents:

- 3. Resolution PZ2020-12** - Application for a Variance of Kenai Municipal Code 14.14.020 - Maximum Lot Coverage, on an approximately 1.22 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Elizabeth Appleby, City Planner
DATE: May 8, 2020
SUBJECT: PZ2020-12 – Variance Permit – Maximum Lot Coverage

Applicant: Kenai Peninsula Housing Initiatives, Inc.
P.O Box 1869
Homer, Alaska 99603

Legal Description: Lot 1, Kenai Meadows

Property Address: 2392 Redoubt Avenue

KPB Parcel No: 03901063

Lot Size: 1.215 (52,925 square feet)

Existing Zoning: Rural Residential (RR)

Current Land Use: Six Family Dwelling Unit

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Kenai Peninsula Housing Initiatives, Inc. constructed an 8,254 square foot six-plex (Kenai Meadows Senior Apartments) on Lot 1 Kenai Meadows (2392 Redoubt Avenue). On April 20, 2019, a Certificate of Occupancy was issued by the City for the six-plex. Kenai Peninsula Housing Initiatives, Inc. plans to construct a second six-plex on the same lot and has submitted an application for a second building permit. The second six-plex would also be 8,254 square feet for senior housing. With the addition of the second six-plex, the total square footage of buildings located on the property will be 16,508 square feet. The maximum lot coverage allowed is 30% of the total lot size under Kenai Municipal Code 14.24.20 – Development Requirements. For this lot, 30% of the total lot size gives a lot coverage limit of 15,878 square feet. Kenai Peninsula Housing Initiatives, Inc. has submitted an application for a variance permit requesting lot coverage of 16,508 square feet instead of the 15,878 limit, an increase of 630 square feet over what is allowed by Kenai Municipal Code.

The Kenai City Council enacted Ordinance No. 2899-2016 that granted this foreclosed property to Kenai Peninsula Housing Initiatives, Inc. for restricted income and senior housing. The property was no longer needed for a public purpose and the donation was provided benefit to the City. The Quitclaim Deed conveying Lot 1, Kenai Meadows, from the City of Kenai to Kenai Peninsula Housing Initiatives, Inc. contains the following restriction:

Per City of Kenai Ordinance 2899-2016, in the event of a land sale, to a for Profit entity, the value of the property shall be reimbursed to the City, if the Sale occurs within twenty (20) years after transfer to Kenai Peninsula Housing Initiatives, Inc..

The subject lot is approximately 1.215 acres. Properties within the Rural Residential Zone, provide that a five or six-family dwelling is a conditional use; therefore, a Conditional Use Permit must be granted prior to commencement of the construction of the second six-unit apartment community. The granting of this variance is contingent upon Kenai Peninsula Housing receiving a conditional use permit for the six-plex.

Application, Public Notice, Public Comment

City staff received a complete application for a variance on the maximum lot coverage on May 1, 2020. Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing were mailed to property owners within a three hundred-foot (300') periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion*. The applicant submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the maximum lot coverage variance request.

ANALYSIS

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

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

This parcel was donated to provide housing for seniors and restricted income residents, which is a special condition peculiar to the land or structures not applicable to other structures in the Rural Residential Zone. In addition, the structures are specifically designed to be one level to accommodate the needs of the senior residents.

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

Kenai Peninsula Housing Initiatives, Inc. has always had plans to place two multi-family dwelling units on the parcel for restricted income and senior housing. However, specific design of the structures was not established until the first six-family dwelling was constructed in 2018. Kenai Peninsula Housing Initiatives, Inc. also owns the adjacent lot to the east and has already constructed two multi-family dwelling units on that parcel that are neat in appearance and have been well-kept. The adjacent lot was also donated by the City under



Ordinance No. 2899-2016 to provide for restricted income and senior housing. Kenai Peninsula Housing Initiatives, Inc. is a non-profit corporation with a mission to provide low income, very low income, senior, and special needs residents affordable housing options. The value of the property shall revert to the City if a sale occurs within 20 years of the land transfer to Kenai Peninsula Housing Initiatives, Inc. For these reasons, the special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary hardship or inconvenience to the applicant.

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

Kenai Municipal Code 14.22.010 Land Use Table provides that a Six-Family Dwelling is a conditional use. The owner obtained a conditional use permit (Resolution PZ2018-08) for the construction of the first multi-family dwelling. The owner has also submitted an application for a conditional use permit for the second multi-family dwelling (PZ2020-11). The granting of this variance is contingent upon Kenai Peninsula Housing receiving a conditional use permit for the second six-plex.

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

The total square footage of buildings located on the property will be 16,508 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 15,878 square feet. The applicant exceeds the maximum lot coverage allowed by approximately 630 square feet. Given the single-story housing design to accommodate seniors, the granting of the variance is the minimum variance that will provide for the reasonable use of the land and/or structure.

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

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

RECOMMENDATIONS

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit for an additional structure on the property, a Landscape/Site plan must be reviewed and approved by the City Planner.
3. Prior to issuance of a Building Permit for a second six-plex, a conditional use permit must be approved by the City of Kenai Planning and Zoning Commission.



ATTACHMENTS

- A. Resolution No. PZ2020-12
- B. Application
- C. Site Plan
- D. Maps
- E. Photos





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2020-12**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **GRANTING** A VARIANCE PERMIT TO EXCEED THE MAXIMUM LOT COVERAGE AT LOT 1, KENAI MEADOWS

APPLICANT: Kenai Peninsula Housing Initiatives, Inc.

REPRESENTATIVE: Connie Vann

PROPERTY ADDRESS: 2932 Redoubt Avenue

LEGAL DESCRIPTION: Lot 1, Kenai Meadows

KENAI PENINSULA BOROUGH PARCEL NUMBER: 03901063

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150, Variance permit – Permit Application, was submitted to the City on May 1, 2020; and,

WHEREAS, the variance aligns with Ordinance 2899-2016 that granted the property from the City to the applicant; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 13, 2020, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications; and,

WHEREAS, the Planning and Zoning Commission finds:

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

This parcel was donated to provide housing for seniors and restricted income residents, which is a special condition peculiar to the land or structures not applicable to other structures in the Rural Residential Zone. In addition, the structures are specifically designed to be one level to accommodate the needs of the senior residents.

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

Kenai Peninsula Housing Initiatives, Inc. has always had plans to place two multi-family dwelling units on the parcel for restricted income and senior housing. However, specific design of the structures was not established until the first six-family dwelling was constructed in 2018. Kenai Peninsula Housing Initiatives, Inc. also owns the adjacent lot to the east and has already constructed two multi-family dwelling units on that parcel that are neat in appearance and have been well-kept. The adjacent lot was also donated by the City under Ordinance No. 2899-2016 to provide for restricted income and senior housing. Kenai Peninsula Housing Initiatives, Inc. is a non-profit corporation with a mission to provide low income, very low income, senior, and special needs residents affordable housing options. The value of the property shall revert to the City if a sale occurs within 20 years of the land transfer to Kenai Peninsula Housing Initiatives, Inc. For these reasons, the special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary hardship or inconvenience to the applicant.

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

Kenai Municipal Code 14.22.010 Land Use Table provides that a Six-Family Dwelling is a conditional use. The owner obtained a conditional use permit (Resolution PZ2018-08) for the construction of the first multi-family dwelling. The owner has also submitted an application for a conditional use permit for the second multi-family dwelling (PZ2020-11). The granting of this variance is contingent upon Kenai Peninsula Housing receiving a conditional use permit for the second six-plex.

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

The total square footage of buildings located on the property will be 16,508 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 15,878 square feet. The applicant exceeds the maximum lot coverage allowed by approximately 630 square feet. Given the single-story housing design to accommodate seniors, the granting of the variance is the minimum variance that will provide for the reasonable use of the land and/or structure.

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

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

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

Section 1. That a variance permit is granted to Kenai Peninsula Housing Initiatives, Inc. relaxing the maximum lot coverage of 30 percent as set forth in Kenai Municipal Code 14.24.020 – Development Requirements Table, for the development of the additional six family dwelling unit located at 2392 Redoubt Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit for a second six-plex, a conditional use permit must be approved by the City of Kenai Planning and Zoning Commission.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 13th day of May, 2020.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



Variance Permit Application

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

PROPERTY OWNER

Name:	Kenai Peninsula Housing Initiatives			
Mailing Address:	P.O. Box 1869			
City:	Homer	State:	AK	Zip Code: 99603
Phone Number(s):	(907) 235-4335			
Email:	sundanz@ptialaska.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Sundance Construction <i>PO Box 561 Kasig AK 99610</i>			
Mailing Address:	3330 C St.			
City:	Anchorage	State:	AK	Zip Code: 99503
Phone Number(s):	(907) 252-2905			
Email:	sundanz@ptialaska.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	03901063
Physical Address:	2392 Redoubt Avenue
Legal Description:	Lot 1, Kenai Meadows
Zoning:	Rural Residential (RR)
Acres:	1.22 acres

VARIANCE DESCRIPTION

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

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

How is this property currently being used?	<i>Senior six plex housing</i>
Use of surrounding property - north:	<i>Residential multifamily</i>
Use of surrounding property - south:	<i>Residential</i>
Use of surrounding property - east:	<i>Residential</i>
Use of surrounding property - west:	<i>Residential</i>

Variance Requested for (attach additional sheets if necessary):

Proposed total square footage of lot coverage by building if another 6-plex is constructed would be 16,508 square feet. The RR Zone typically allows for 30% lot coverage, which is 15,943 square feet for this parcel. A variance is requested to allow for an additional 565 square feet of lot coverage.

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

original design and plan was for the two buildings to be built on same lot

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

the land was sized and designed to support the two buildings at the time land was subdivided & transferred.

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

Current use and variance will maintain same use.

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

variance will not change the current use of the land

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

current use of the land shall not be changed by granting of the variance

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

Signature:	<i>Connie Vann</i>	Date:	4-30-20
Print Name:	Connie Vann	Title/Business:	Owner Agent

For City Use Only	Date Application Fee Received:	5/1/20
	PZ Resolution Number:	PZ2020-12

Specifications

METAL DOORS AND FRAME EXTERIOR COORS SHALL BE FINISHED AS FOLLOWS: 1. PREPARE SURFACE TO BE FINISHED. 2. PRIME COAT. 3. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 4. FINISH COAT. 5. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 6. FINISH COAT. 7. PRIMER COAT. 8. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 9. FINISH COAT. 10. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 11. FINISH COAT. 12. PRIMER COAT. 13. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 14. FINISH COAT. 15. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 16. FINISH COAT. 17. PRIMER COAT. 18. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 19. FINISH COAT. 20. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 21. FINISH COAT. 22. PRIMER COAT. 23. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 24. FINISH COAT. 25. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 26. FINISH COAT. 27. PRIMER COAT. 28. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 29. FINISH COAT. 30. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 31. FINISH COAT. 32. PRIMER COAT. 33. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 34. FINISH COAT. 35. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 36. FINISH COAT. 37. PRIMER COAT. 38. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 39. FINISH COAT. 40. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 41. FINISH COAT. 42. PRIMER COAT. 43. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 44. FINISH COAT. 45. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 46. FINISH COAT. 47. PRIMER COAT. 48. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 49. FINISH COAT. 50. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 51. FINISH COAT. 52. PRIMER COAT. 53. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 54. FINISH COAT. 55. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 56. FINISH COAT. 57. PRIMER COAT. 58. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 59. FINISH COAT. 60. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 61. FINISH COAT. 62. PRIMER COAT. 63. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 64. FINISH COAT. 65. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 66. FINISH COAT. 67. PRIMER COAT. 68. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 69. FINISH COAT. 70. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 71. FINISH COAT. 72. PRIMER COAT. 73. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 74. FINISH COAT. 75. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 76. FINISH COAT. 77. PRIMER COAT. 78. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 79. FINISH COAT. 80. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 81. FINISH COAT. 82. PRIMER COAT. 83. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 84. FINISH COAT. 85. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 86. FINISH COAT. 87. PRIMER COAT. 88. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 89. FINISH COAT. 90. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 91. FINISH COAT. 92. PRIMER COAT. 93. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 94. FINISH COAT. 95. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE. 96. FINISH COAT. 97. PRIMER COAT. 98. INTERIOR MANUFACTURE COORS SHALL BE FINISH STAINLESS ORK. 99. FINISH COAT. 100. PRIMER COATS OR EQUAL. INTERIOR METAL DOOR FRAMES SHALL BE SOLID CORE.

CODE ANALYSIS

THIS CODE ANALYSIS USES THE 2009 INTERNATIONAL BUILDING CODE (IBC) AND THE 2009 INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC). THE FOUNDATION WALL ON SPREAD FOOTERS SUPPORTED WITH AN INSULATED CONCRETE WALL ON LOCAL UTILITY PROVIDERS. THERE WILL BE A 1/2" SPRINKLER PROVIDED.

OCCUPANCY CLASSIFICATION
R7 RESIDENTIAL APARTMENTS

TYPE OF CONSTRUCTION
TYPE V-B

ALLOWABLE BUILDING AREA / LOT COVER (TABLE 503)
INCREASE DUE TO FRONTAGE (IBC 503.1.1.1) 1,903 SF + 1,803 SF

ACTUAL ALLOWABLE BUILDING AREA / LOT COVER (TABLE 503)
BUILDING AREA 3,706 SF
BUILDING HEIGHT 20'-0"

SPECIAL REQUIREMENTS FOR OCCUPANCY
DWELLING UNITS SEPARATED BY FIRE PARTITION (IBC 420)

SPECIAL REQUIREMENTS FOR OCCUPANCY
SMOKE AND CARBON MONOXIDE DETECTORS PROVIDED (IBC 420)

MECHANICAL ROOM RATED 1-HOUR (IBC 903.2.1)
GREAT TEST PENETRATING GAS RESISTANCE TO PENETRATION (IBC 903.2.1)

REQUIRED SEPARATION OF OCCUPANCIES (TABLE 503)
R 1-HOUR WITH SPRINKLERS

FIRE RATED GLASS PARTITION
FIRE PARTITION 1-HOUR BETWEEN DWELLING UNITS (IBC 420)

CHALK SPACE - NO STORAGE OR EQUIPMENT
PROVIDE HATCH - 1-HOUR CHALK SPACE ACCESS HATCH

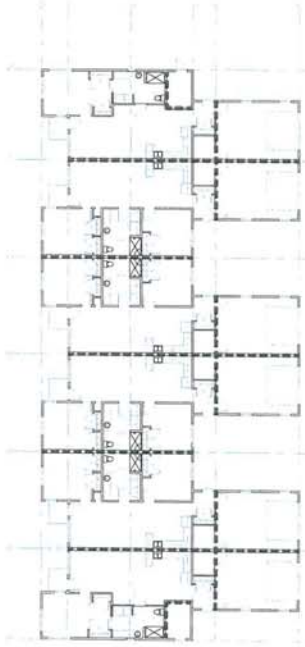
FIRE EXTINGUISHERS, SMOKE AND CARBON MONOXIDE DETECTORS
PROVIDE PORTABLE FIRE EXTINGUISHERS WITH LISTING LABELS SUGGESTED ENTRY

PLANT SCHEDULE

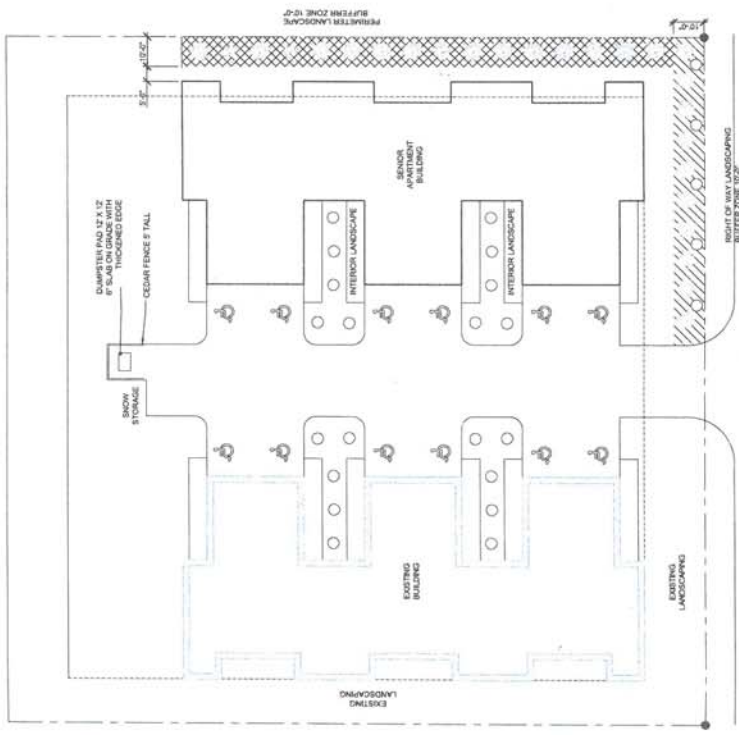
Plant Name (common)	Quantity/Spacing	Size
SPRINKLER (RATED)	1 PER AVERAGE INTERVALS	1"
SPRINKLER (RATED)	1 PER 100 SF OF NET INTERIOR LANDSCAPED AREA	1"
SPRINKLER (RATED)	1 PER 25 SF OF LANDSCAPED BED	1"

LANDSCAPING NOTES

1. LANDSCAPING TO COMPLY WITH CITY OF KENN MUNICIPAL CODE SECTION 14.05
2. TOPSOIL AND SEED ALL DISTURBED EXCEPT PLANTING BEDS
3. SHEREDDED BARK MULCH THROUGHOUT ALL PLANTING BEDS WITH 2"
4. ALL SEEDING AREAS TO RECEIVE 4" OF TOPSOIL



FIRST FLOOR CODE DIAGRAM
SCALE 1/8" = 1'-0"



SITE PLAN
SCALE 1" = 20'-0"



BDS ARCHITECTS
REGISTERED PROFESSIONAL ARCHITECTS

North Star Group, Inc.
3330 C Street, Suite 200
Kenai, Alaska 99553
P: 907.483.2111
F: 907.483.2112

Kenai Meadows
Apartments Phase II
Kenai, Alaska
EST. PROJECT NO.: 17-005
CONSTRUCTION START DATE:
AUGUST 2020

Interior Elevations
A0.1



Variance Aerial Map - 2016 Imagery

Parcel 03901063
2392 Redoubt Avenue
Lot 1, Kenai Meadows



LEGEND

Parce 03901063

0 20 40 Feet

Date: May 2020



Site Photos

PZ2020-12 – Variance Permit – Maximum Lot Coverage

2392 Redoubt Avenue; Lot 1, Kenai Meadows; KPB Parcel No. 03901063

Applicant: Kenai Peninsula Housing Initiatives, Inc.

Photo #1

The photo below is of the subject parcel. One six-plex has been constructed and the applicant plans to build an additional six-plex on the right portion of the photo. The additional building requires a variance from maximum lot coverage allowed by Kenai Municipal Code to be constructed.



Photo #2

The photo below is of the adjacent parcel also owned by the applicant. The applicant has already constructed a six-plex and a four-plex on this parcel. While the design structures on this lot differs, this photo is offered as a representation of the final appearance of the adjacent lot owned by the applicant with two multi-unit structures.



Item Attachment Documents:

1. City Council



Kenai City Council - Regular Meeting

April 15, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

ACTION AGENDA

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Tim Dillon, Kenai Peninsula Economic Development District - COVID-19 Economic Impact Survey.**

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY AS AMENDED. Ordinance No. 3116-2020** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing a Professional Services Agreement for the Design of the Airport Operations Sand Storage Facility Project. (Administration)
 - **Substitute Ordinance No. 3116-2020**
2. **ADOPTED UNANIMOUSLY. Resolution No. 2020-18** - Awarding a Contract to Provide a Cybersecurity Audit. (Administration)
3. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2020-19** - Recognizing the Successful Efforts of the State Leadership and Alaskan Residents to Slow the Spread of COVID-19 and Encouraging the Governor to Rescind or Modify COVID-19 Health Mandates 003: State Wide Closure Restaurants, Bars, Entertainment, 009: Personal Care Services and Gatherings, and 012: Intrastate Travel, as Soon as Reasonably Practical to Allow Alaskan Businesses to Resume Operations, Employees to Return to Work and

Residents to Receive Services in a Safe Manner Observing Social Distancing Requirements. (Council Member Peterkin)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2020-20** - Supporting H.R. 6467-Coronavirus Community Relief Act, Providing Enhanced Coronavirus Relief Funds to Units of Local Governments with a Population of 500,000 or Less. (Mayor Gabriel)

E. MINUTES

1. **APPROVED UNANIMOUSLY BY THE CONSENT AGENDA.** *Regular Meeting of March 18, 2020. (City Clerk)
2. **APPROVED UNANIMOUSLY BY THE CONSENT AGENDA.** *Special Meeting of March 24, 2020. (City Clerk)
3. **APPROVED UNANIMOUSLY BY THE CONSENT AGENDA.** *Regular Meeting of April 1, 2020. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED UNANIMOUSLY BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED UNANIMOUSLY BY THE CONSENT AGENDA.** *Action/Approval - Purchase Orders Over \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA – PUBLIC HEARING SET FOR 05-06-2020.** ***Ordinance No. 3117-2020** - Appropriating Funds in the Airport Fund, Accepting a Grant from the Federal Aviation Administration and Appropriating Funds in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment (SRE) – Loader With Attachments. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA – PUBLIC HEARING SET FOR 05-06-2020.** ***Ordinance No. 3118-2020** - Increasing Estimated Revenues and Appropriations By \$1,287.44 in the General Fund – Police Department for State Traffic Grant Overtime Expenditures. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA – PUBLIC HEARING SET FOR 05-06-2020.** ***Ordinance No. 3119-2020** - Increasing General Fund Estimated Revenues and Appropriations by \$26,542 in the General Fund Parks, Recreation and Beautification Department for an Increase of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City’s Beaches from March 1, 2020 Through June 30, 2020. (Administration)
6. **Discussion** – Schedule a Work Session to Review and Discuss the Fiscal Year 2021 City of Kenai Budget. (Mayor Gabriel)
7. **Discussion** - City Response to COVID-19. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

1. Review and Discussion of the City Manager's Evaluation which may be a Subject that Tends to Prejudice the Reputation and Character of the City Manager [AS 44.62.310(C)(2)].

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

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

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



Kenai City Council - Special Meeting

April 16, 2020 – 5:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

Telephonic/Virtual Information Below

www.kenai.city

AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval

B. PUBLIC COMMENT

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

C. EXECUTIVE SESSION

1. Review and Discussion of the City Attorney's Evaluation which may be a Subject that Tends to Prejudice the Reputation and Character of the City Attorney [AS 44.62.310(C)(2)].
2. Review and Discussion of the City Clerk's Evaluation which may be a Subject that Tends to Prejudice the Reputation and Character of the City Clerk. [AS 44.62.310(C)(2)].

D. ADJOURNMENT

Join Zoom Meeting: <https://zoom.us/j/284487328>

Meeting ID: 284 487 328

Password: 804405

Dial by your location: (253) 215 8782 -or- (301) 715 8592

Meeting ID: 284 487 328

Password: 804405



**Kenai City Council – FY 2021 Budget
Work Session**

April 25, 2020 – 9:00 AM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

Telephonic/Virtual Information Below

www.kenai.city

Agenda

- A. Call to Order
- B. Budget Introduction – Paul Ostrander, City Manager
- C. General and Revenue Overview Presentation – Terry Eubank, Finance Director
- D. Department Presentations
 - 1. City Manager
 - Visitor Center
 - Land Administration
 - 2. Human Resources
 - 3. Planning and Zoning
 - 4. Finance
 - Non-Departmental
 - 5. Legal
 - 6. Police
 - Communications
 - Animal Control
 - 7. Fire
 - 8. Public Works
 - Safety
 - Shop
 - Streets
 - Buildings
 - Street Lighting
 - Boating Facility
 - 9. Library
 - 10. Parks, Recreation and Beautification
 - 11. City Clerk
 - Legislative

12. Personal Use Fishery Fund
 - a. General, Revenue, and Department Overview
13. Water and Sewer Fund
 - a. General and Revenue Overview
 - b. Water & Sewer Departments
 - c. Sewer Treatment Plant
14. Airport Fund
 - a. General and Revenue Overview
 - b. Airport Departments
15. Senior Citizen Fund
 - a. General and Revenue Overview
 - b. Senior Citizen Fund Departments
16. Congregate Housing
 - a. General and Revenue Overview
 - b. Senior Citizen Fund Departments
17. Employee Healthcare Fund
 - a. General, Revenue, and Department Overview
18. Permanent Fund
 - a. General, Revenue, and Department Overview
19. Debt Service
 - a. General, Revenue, and Department Overview
20. Equipment Replacement Fund
 - a. General, Revenue, and Department Overview
21. Fleet Replacement Fund
 - a. General, Revenue, and Department Overview

- E. Public Comments
- F. Additional Council Comments
- G. Adjournment

Join Zoom Meeting: <https://zoom.us/j/94426277060>

Meeting ID: 944 2627 7060

Password: 567775

Dial by your location: (253) 215 8782 -or- (301) 715 8592

Meeting ID: 944 2627 7060

Password: 567775



Kenai City Council - Regular Meeting

May 06, 2020 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

Telephonic/Virtual Information on Page 4

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED PUBLIC COMMENTS

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

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **POSTPONED TO 05/20/2020. Ordinance No. 3117-2020** - Appropriating Funds in the Airport Fund, Accepting a Grant From the Federal Aviation Administration and Appropriating Funds in the Airport Equipment Capital Project Fund for the Purchase of Snow Removal Equipment (SRE) – Loader With Attachments. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3118-2020** - Increasing Estimated Revenues and Appropriations by \$1,287.44 in the General Fund – Police Department for State Traffic Grant Overtime Expenditures. (Administration)
3. **ENACTED UNANIMOUSLY. Ordinance No. 3119-2020** - Increasing General Fund Estimated Revenues and Appropriations by \$26,542 in the General Fund Parks, Recreation and Beautification Department for an Increase of a Grant from the United States Environmental Protection Agency Passed Through the State of Alaska Department of Environmental Conservation for Bacteria Level Monitoring on the City's Beaches from March 1, 2020 Through June 30, 2020. (Administration)

4. **ENACTED UNANIMOUSLY. Ordinance No. 3123-2020** - Accepting and Appropriating Funds in the Airport Fund, and Accepting a Grant From the Federal Aviation Administration for a CARES Act Grant. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)

5. **ENACTED UNANIMOUSLY. Ordinance No. 3126-2020** - Accepting and Appropriating Federal CARES Act Funding Passed Through the State of Alaska for Expenditures in Response to the COVID-19 Pandemic, Waiving the \$5,000 Limitation in KMC 7.25.020 (A) on These Funds to Allow the City Manager to Allocate the Funds to the Proper Account as Needs Arise and Declaring an Emergency. (Administration)
 1. Motion for Introduction
 2. Motion for Second Reading (Requires a Unanimous Vote)
 3. Motion for Adoption (Requires Five Affirmative Votes)

6. **ADOPTED UNANIMOUSLY. Resolution No. 2020-21** - Authorizing a Budget Transfer in the General Fund City Clerk Department for a Software Add-On. (City Clerk)

7. **ADOPTED UNANIMOUSLY. Resolution No. 2020-22** - Authorizing the City of Kenai to Issue General Obligation Refunding Bonds in the Principal Amount of Not to Exceed the Sum of \$1,250,000 to Refund Certain Outstanding General Obligation Bonds of the City, Fixing Certain Details of Such Bonds and Authorizing Their Sale. (Administration)

8. **ADOPTED UNANIMOUSLY. Resolution No. 2020-23** - Approving an Exception to the Collections Policy for Delinquent Ambulance Bills to Eliminate Out of Pocket Collection for COVID-19 Treatment/Transport to Comply with Federal Funding Requirements. (Legal)

9. **ADOPTED UNANIMOUSLY. Resolution No. 2020-24** - Selecting the Successful Firm for the Professional Environmental / Civil Engineering & Construction Administration Services for Kenai Municipal Water, Sewer and Wastewater Capital Improvement Projects Request for Proposals. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of April 15, 2020. (City Clerk)
2. **APPROVED BY THE CONSENT AGENDA.** *Special Meeting of April 16, 2020. (City Clerk)
3. **APPROVED BY THE CONSENT AGENDA.** *Work Session Summary of April 25, 2020. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)

2. **APPROVED BY THE CONSENT AGENDA. *Action/Approval** - Purchase Orders Over \$15,000. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA; PUBLIC HEARING SET FOR 05/20/2020. *Ordinance No. 3120-2020** - Accepting \$26,545.90 in Asset Forfeiture Sharing Funds and Appropriating those Funds into the Police Machinery & Equipment and Small Tools Accounts for the Purpose of Purchasing Law Enforcement Equipment. (Administration)
4. **INTRODUCED BY THE CONSENT AGENDA; PUBLIC HEARING SET FOR 05/20/2020. *Ordinance No. 3121-2020** - Adopting the Annual Budget for the Fiscal Year Commencing July 1, 2020 and Ending June 30, 2021, Amending the Salary Schedule in Kenai Municipal Code Chapter 23.55- Pay Plan and Amending Employee Classifications in Kenai Municipal Code Chapter 23.50. (Administration)
5. **INTRODUCED BY THE CONSENT AGENDA; PUBLIC HEARING SET FOR 05/20/2020. *Ordinance No. 3122-2020** - Accepting and Appropriating a Volunteer Fire Assistance (VFA) Grant From the United States Department of Agriculture Forest Service Passed Through the State of Alaska Division of Forestry for the Purchase of Forestry Firefighting Equipment. (Administration)
6. **INTRODUCED BY THE CONSENT AGENDA; PUBLIC HEARING SET FOR 05/20/2020. *Ordinance No. 3124-2020** - Accepting and Appropriating a Meals on Wheels COVID-19 Response Fund Grant From Meals on Wheels America for Kenai Senior Center Expenditures in Support of COVID-19 Pandemic Response. (Administration)
7. **INTRODUCED BY THE CONSENT AGENDA; PUBLIC HEARING SET FOR 05/20/2020. *Ordinance No. 3125-2020** - Accepting and Appropriating Additional Nutrition, Transportation and Support Services Grant Funds From the United States Department of Health and Human Services Passed Through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of COVID-19 Pandemic Response. (Administration)
8. **Discussion** – Election Method. (Mayor Gabriel)
9. **Discussion** - City Response to COVID-19. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.
2. Cook Inlet Regional Citizens Advisory Council Board of Directors Update

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/82022095414>

Meeting ID: 820 2209 5414
Password: 976726

Dial by your location: (253) 215 8782 -or- (301) 715 8592

Meeting ID: 820 2209 5414
Password: 976726

Item Attachment Documents:

2. Kenai Peninsula Borough Planning



Planning Commission Action Agenda

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

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building
Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch
Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik
Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula
Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

APRIL 13, 2020

7:30 p.m.

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

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

If you wish to comment on a consent agenda item or a regular agenda item other than a public

hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

- *1. Time Extension Request
 - a. Windhaven Estates
 KPBB File Pre-032 [Hall / None]
 Location: off of Redoubt Avenue; City of Kenai
- *2. Planning Commission Resolutions - None
- *3. Plats Granted Administrative Approval
- *4. Plats Granted Final Approval (20.10.040) - None
- *5. Plat Amendment Request - None
- *6. Utility Easement Vacations
 - a. Application to vacate a utility easement in the City of Homer Vacate two portions of sewer easement affected by encroachment of house and deck. Vacate two portions of 20-foot utility easement affected by encroachment of house and deck. KPBB File 2020-021V. Petitioner(s)/Owner(s): Virginia F. Tornes, of Homer, AK.
- *7. Commissioner Excused Absences
 - a. Jeremy Brantley, Sterling
 - b. Dr. Rick Foster, Southwest Borough
 - c. Vacant, Ridgeway
- *8. Minutes
 - a. February 24, 2020 Planning Commission Meeting

Motion to approve the consent and regular agenda passed by unanimous consent.

D. UNFINISHED BUSINESS

- 1. Resolution 2020-07; A modification application of a conditional land use permit for material extraction on a parcel in the Anchor Point area. Applicant / Landowner: Beachcomber LLC; Parcel Number: 165-012-16; Location: 74185 Anchor Point Road
*Public hearing was held at the February 24, 2020 Planning Commission meeting.
 Motion is on the floor.*

Motion to approve the requested modification to the conditional land use permit with conditions listed in Resolution 2020-07, subject to staff recommendations passed by majority vote. (5 Yes, 4 No, 1 Recused, 2 Absent)

E. PUBLIC HEARINGS

1. Vacate the easterly portion of Kayeway Road, a 60 foot right-of-way including the associated utility easements in the Kalifornsky area. KPB File 2020-020V. Petitioner(s): Megan Best and Amanda Best of Kenai, AK.

Motion to grant the vacations of the easterly portion of Kayeway Road, subject to staff recommendations and compliance with borough, passed by majority vote. (7 Yes, 3 No, 2 Absent)

2. Vacate a 33' Section Line Easement located in the City of Homer. KPB File 2020-021V2. Petitioner(s): Virginia F Tornes of Homer, AK.

Motion to approve the vacations as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code, passed by unanimous vote. (10 Yes, 0 No, 2 Absent)

3. Vacation of a portion of East End Road and associated utility easement and the vacation of additional utility easements in the Fox River area. KPB File 2020-016V. Petitioner(s): Voznesenka Community Council Inc., and Nazary and Anastasia Basargin of Homer, Alaska. *Postponed from the February 24, 2020 Planning Commission meeting.*

Motion to vacate the utility easements passed by unanimous vote, subject to staff recommendations and compliance with borough code.

Motion to vacate a portion of East End Road, including associated utility easement, adjacent to Lots 1-A and 1-B, passed by majority vote. (9 Yes, 1 No, 2 Absent)

4. Ordinance 2020-__; An Ordinance Amending the Kenai Peninsula Borough Hazard Mitigation Plan by Deleting Existing Annex C, 2010 City of Kenai Hazard Mitigation Plan Update, and Adopting the City of Kenai Hazard Mitigation Plan 2020 Update as the New Annex C

Motion to forward a recommendation to approve Ordinance 2020-__, passed by unanimous vote. (10 Yes, 0 No, 2 Absent).

F. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18)

1. Conditional Use Permit application for a bank stabilization project utilizing boulders within the 50-foot Habitat Protection District of the Kenai River. Petitioner: Caribou Adventures, LLC, Craig Young, San Juan Capistrano, CA; Physical Address: 1501 Barabara Drive, Kenai, AK 99611 Legal Description: T SN R 11W SEC 10 Seward Meridian, KN 2006096, Lot 1A, Coyles Landing Subdivision Miller Replat KPB Parcel Number: 049-120-85

Motion to adopt PC Resolution 2020-08, to grant approval of a Conditional Use Permit, subject to permit conditions and compliance with borough code, passed by majority vote. (6 Yes, 4 No, 2 Absent)

2. Conditional Use Permit application for replacing an existing pipe within the 50-foot Habitat Protection District on an unnamed tributary to the Swanson River. Petitioner: Hilcorp Alaska, LLC, Anchorage, AK.; Physical Address: 46016 Marathon Road, Sterling, AK 99672; Legal Description: T7N R9W & R10W Sec 1-36 Seward Meridian, KN all of Sec 1 thru 23 & 29 & 30 & PTN Sec 24 thru 28 & 31 thru 33 lying North of North Peninsula Recreation Service Area Boundary in T7N R9W; All of T7N R10W; KPB Parcel Number 025-110-02

Motion to adopt PC Resolution 2020-09, to grant a conditional use permit, subject to permit conditions and compliance with borough code passed by unanimous vote.

- G. VACATIONS NOT REQUIRING A PUBLIC HEARING – None
- H. SPECIAL CONSIDERATIONS - None
- I. SUBDIVISION PLAT PUBLIC HEARINGS
 - 1. The Plat Committee reviewed and approved 7 plats at the March 23, 2020 meeting.
- J. OTHER/NEW BUSINESS
 - 1. New Plat Committee (April, May, June 2020) – 5 Members / 2 Alternates
- K. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS
(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made.)
- L. ASSEMBLY COMMENTS
- M. LEGAL REPRESENTATIVE COMMENTS
- N. DIRECTOR'S COMMENTS
- O. COMMISSIONER COMMENTS
- P. PENDING ITEMS FOR FUTURE ACTION
- Q. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

May 11, 2020 Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building
7:30 P.M. 144 N. Binkley St.
Soldotna, Alaska

ADVISORY PLANNING COMMISSION MEETINGS

Due to COVID-19 pandemic and CDC recommendations all Advisory Planning Commission meetings are cancelled until further notice.

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Senior Center	TBD	7:00 p.m.

Cooper Landing	Cooper Landing Community Hall	TBD	6:00 p.m.
Funny River	Funny River Community Center	TBD	6:00 p.m.
Kalifornsky	Cook Inlet Aquaculture Association	TBD	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
The Kachemak Bay Advisory Planning Commission is inactive at this time.			

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

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

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



Plat Committee Final Agenda

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

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

*Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert Ruffner – Kasilof/Clam Gulch • Paul Whitney – City of Soldotna
Alternate: Franco Venuti – City of Homer*

**April 27, 2020
5:30 p.m.**

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

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

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

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

A. CALL TO ORDER

B. ROLL CALL

1. Election of Officers

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

a. March 23, 2020 Plat Com Meeting.....2

D. PUBLIC COMMENT

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

E. SUBDIVISION PLAT PUBLIC HEARINGS

- 1. AA Mattox 2020 Addition40
 KPB File 2020-034 [Orion Surveys / Weisser Homes LLC]
 Location: off Pennock Street and East End Road; City of Homer

- 2. Addies Meadows67
 KPB File 2020-029 [Orion Surveys / Wilson III, Wilson]
 Location: off Iris Meadows Street and Fairy Slipper Avenue; Fritz Creek
 Kachemak Bay APC

- 3. Betty Goodrich Churchill Meadows Subdivision82
 KPB File 2020-020 [McLane Consulting Group / Best]
 Location: off Kayeway Road and Echo Lake Road; Kalifornsky
 Kalifornsky APC

- 4. Clan Maxwell Estates Avalon Heights Addition No. 5..... 107
 KPB File 2020-027 [Lang & Associates Inc. / Avalon Heights Land Trust]
 Location: off Maximilian Court, Maximilian Drive and Big Bear Circle; Bear Creek

- 5. East Addition Seldovia Townsite Alaska Nook Addition..... 119
 KPB File 2020-026 [Ability Surveys / The Nook LLC]
 Location: off Jack Thomas Circle from Airport Avenue and Frank Raby Drive; City of Seldovia

- 6. Voznesenka 2020..... 149
 KPB File 2020-016 [Ability Surveys / Basargin, Voznesenka Community Council Inc]
 Location: off Thereses Land and East End Road and Milepost 22 East End Road; Fox River
 Kachemak Bay APC

- 7. Hollywood Park Koch Addition..... 152
 KPB File 2020-033 [Fineline Surveys, Inc / Koch]
 Location: off the Sterling Highway and Whiskey Gulch Street; Anchor Point
 Anchor Point APC

- 8. Nakada Subdivision 2020 Replat..... 166
 KPB File 2020-030 [Geovera, LLC / Burns, Faris]
 Location: off Heather Street and Diamond Ridge Road; Diamond Ridge
 Kachemak Bay APC

- 9. The Meadows..... 178
 KPB File 2020-031 [Geovera, LLC / STS Development LLC]

Location: off Fanning Road and East End Road; Kachemak City

- 10. Otter Creek Subdivision Addition No. 2..... 194
 KPB File 2020-024R1 [Johnson Surveying / Merkes, Merkes Leon N 1994 Trust]
 Location: off Stans Street, the Sterling Highway and Otter Trail Road; Sterling

- F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None**
- G. OTHER / NEW BUSINESS**
- H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED**
- I. ADJOURNMENT**

NEXT REGULARLY SCHEDULED MEETING

<p>May 26, 2020 5:30 P.M.</p>	<p>Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building 144 N. Binkley St. Soldotna, Alaska</p>
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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>

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.



Planning Commission Tentative Agenda

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

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

Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

*Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch
Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik
Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward
Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula
Franco Venuti – City of Homer • Paul Whitney – City of Soldotna*

May 11, 2020

7:30 p.m.

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

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

Chairman of your wish to comment.

***1. Time Extension Request**

- a. Ptarmigan Estates Subdivision Struthers Addition
KPB File 2012-140; Segesser/Struthers
Location: Sterling
- b. Krogseng Subdivision
KPB File 2011-145 [Segesser / Krogseng]
Location: Island Lake, Nikiski

***2. Planning Commission Resolutions - None**

***3. Plats Granted Administrative Approval**

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

***5. Plat Amendment Request - None**

***6. Utility Easement Vacations**

- a. Vacate the north 5 feet of the 10-foot utility easement, adjoining Lot 36A, Bunnell's Subdivision No. 17 (HM 86-44) in the SE1/4 NE1/4 Sec 19, T6S, R13W, Seward Meridian, AK; KPB File 2020-036V; Petitioner: Homer Professional Office Building LLC of Homer, AK

***7. Commissioner Excused Absences**

- a. Dr. Rick Foster, Southwest Borough
- b. Vacant, Ridgeway

***8. Minutes**

- a. April 13, 2020 Planning Commission Meeting

D. UNFINISHED BUSINESS

E. PUBLIC HEARINGS

- 1. Vacate a portion of Camelot Drive right-of-way associate with Lots 6, 7 and 8, Block 2 as dedicated on Camelot by the Sea Subdivision (SW-76); NW1/4 SE1/4 Sec 23, T1N, R1W, Seward Meridian, AK; KPB File 2020-032V; Petitioners: John Craig Turnbull & Catherine Therese Murphy Turnbull of Seward, AK
- 2. Vacate a portion of Fritz Creek Valley Drive right-of-way adjacent to Tract E and a portion of the 66-foot wide section line easement located associated with Fritz Creek Acres Addition Tracts D & E (HM 78-105) NW1/4 SW1/4 Sec 28 and the NE1/4 SE1/4 Section 29, T5S, R12W, Seward Meridian, AK; KPB File 2020-035; Petitioner: Terri Bramel Trust of Anchorage, AK

3. Ordinance 2020-23, Authorizing a One-Time Extension of KPB 20.70.130 Which Sets a One-Year Deadline to Record a Final Plat Following Vacation Approval
4. Ordinance 2020-17, Authorizing a Lease to New Cingular Wireless PCS LLC for Approximately 1,600 Square Feet of Borough Land in Kenai for a Communications Site
5. Ordinance 2020-22, Authorizing the Negotiated Lease of Rental Space at the Nikiski Community Recreation Center with the Kenaitze Indian Tribe

F. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18) PUBLIC HEARINGS

1. Appeal of a denial of a KPB 21.18 permit for rebuilding a structure within the 50-foot Habitat Protection District of the Kenai River; KPB Parcel Number 065-190-82; Applicant: Jack Toumi of Anchorage, AK
2. Resolution 2020-13; Conditional Use Permit for the installation of an elevated, light-penetration platform within the 50-foot Habitat Protection District of the Kenai River; KPB Parcel Numbers: 055-253-13 & 055-255-47; Applicant: Castaway Cove Homer Owners Association, Kenai, AK
3. Resolution 2020-12; Conditional Use Permit for the replacement of two culverts on Pollard Creek, a tributary to the Kasilof River; KPB Parcel Number 133-120-45; Applicant: Gregory Bosick of Kasilof, AK

G. VACATIONS NOT REQUIRING A PUBLIC HEARING – None

H. SPECIAL CONSIDERATIONS – None

I. SUBDIVISION PLAT PUBLIC HEARINGS

1. The Plat Committee reviewed and approved 10 plats at the April 27, 2020 meeting.

J. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

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

K. OTHER/NEW BUSINESS

L. ASSEMBLY COMMENTS

M. LEGAL REPRESENTATIVE COMMENTS

N. DIRECTOR'S COMMENTS

O. COMMISSIONER COMMENTS

P. PENDING ITEMS FOR FUTURE ACTION

Q. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

June 8, 2020 Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building
7:30 P.M. 144 N. Binkley St. Soldotna, Alaska

ADVISORY PLANNING COMMISSION MEETINGS

Due to the current COVID-19 pandemic and CDC guidelines, the meeting will not be physically open to the public. The meeting will be held through Zoom. Please see the area Advisory Planning Commission webpage for meeting details. Advisory Planning Commission webpages are linked to the Planning Department website <https://www.kpb.us/planning-dept/planning-home> .

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Senior Center	TBD	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	TBD	6:00 p.m.
Funny River	Funny River Community Center	TBD	6:00 p.m.
Kalifornsky	Zoom Meeting	5/13/20	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
Kachemak Bay	Zoom Meeting	5/12/20	6:00 p.m.

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

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

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

