



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

February 14, 2024 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of January 24, 2024

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

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2024-03** - Granting a Conditional Use Permit to Allow Cabin Rentals (i.e., Short-Term Rentals) for the 60-Unit Planned Unit Residential Development (PZ2021-10) on the Property Located at 2101 Bowpicker Lane in the Heavy Industrial (IH) Zoning District.
2. **Action/Approval** - Recommending the Kenai City Council Enact Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.
3. **Action/Approval** - Recommending the Kenai City Council Enact Ordinance No. 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** - Granting a Home Occupation Permit to Allow a Home Office and Equipment Storage for a Cleaning Service Business on a Property Located at 810 Set Net Drive in the Rural Residential (RR) Zoning District.

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: February 28, 2024

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

1. Thank You Letter: Kenai Peninsula Food Bank

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/86223060100>

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

Meeting ID: 862 2306 0100 **Passcode:** 400932 **Meeting ID:** 862 2306 0100 **Passcode:** 400932

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JANUARY 24, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on January 24, 2024, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait
Glenese Pettey
John Coston
Gwen Woodard

Joe Halstead
Sonja Barbaza
Diane Fikes

A quorum was present.

Also in attendance were:

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

3. Election of Chair and Vice Chair

MOTION:

Commissioner Fikes **MOVED** to nominate Joe Halstead as Chair.

MOTION:

Commissioner Pettey **MOVED** to nominate Jeff Twait as Chair.

Commissioner Twait declined the nomination; the motion to nominate him as Chair was withdrawn.

VOTE ON APPOINTMENT OF JOE HALSTEAD AS CHAIR:

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

MOTION:

Commissioner Woodard **MOVED** to nominate John Coston as Vice Chair.

VOTE ON APPOINTMENT OF JOHN COSTON AS VICE CHAIR:

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

4. Approval of Agenda and Consent Agenda

MOTION:

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

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

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

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of December 27, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution No. PZ2024-01** – Recommending Approval for Preliminary Plat – 5 D Subdivision for a Replat of Government Lot 170 in the General Commercial (CG) Zoning District.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-01. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet, and explained that the applicant requested to replat the 1.25-acre lot into five lots. Zoning and uses of lots were reviewed; staff recommended approval subject to the following condition:

1. Revised the preliminary plat to subdivide Government Lot 170 into four (4) lots with dimensions equal to or greater than the minimum lot width and depth requirements outlined in KMC Section 14.10.070.

[Clerk's Note: Commissioner Barbaza joined the meeting at 7:10 p.m.]

Chair Halstead opened for public testimony.

Jason Young, the surveyor working on the project, noted that the owners agreed to the four-lot subdivision instead of five, and the plat will be revised after the decision is made.

There being no one else wishing to be heard, the public comment period was closed.

Discussion ensued.

VOTE:

YEA: Twait, Halstead, Pettey, Barbaza, Woodard, Coston, Fikes

NAY: None

MOTION PASSED UNANIMOUSLY.

2. **Resolution No. PZ2024-02** – Recommending Approval for Preliminary Plat – Cinderella Subdivision Glover Replat for a Parcel Merger of Lot 1A, Enchanted Forest 2011 Replat and Lot 6, Cinderella Subdivision in the Rural Residential 1 (RR-1) Zoning District.

MOTION:

Vice Chair Coston **MOVED** to approve Resolution PZ2024-02. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet, and explained that the applicant requested to merge two parcels. Zoning and uses of lots were reviewed; staff recommended approval subject to the following conditions:

1. Remove the building setbacks on the preliminary plat as all development will be subject to the setback requirements of the zoning district.
2. Remove Note 1 from the preliminary plat.
3. Add a note that states the following, "When an improvement district is formed, the real property involved will be part of the improvement district without further action by the then owner of the property in question".

Chair Halstead opened for public testimony. There being no one wishing to be heard, the public comment period was closed.

Discussion ensued.

VOTE:

YEA: Pettey, Woodard, Barbaza, Coston, Fikes, Twait, Halstead

NAY: None

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **REPORTS**

1. City Council – Council Member Douthit reported on the actions of the January 18, 2024 City Council Joint Work Session with Kenaitze Indian Tribe and January 17, 2024 City Council Regular Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the January 22, 2024 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Welcomed new commissioners Glenese Pettey and Sonja Barbaza.
 - Thanked commissioners who attended the Joint Work Session on the Capital Improvement Plan.
 - Noted the Commission Survey results in the laydown; explained there would not be a work session to discuss them because Planning & Zoning has clear duties and roles outlined in code, but they can request that the Clerk review them.
 - Recruitment for the full-time Planning Technician position is ongoing.
 - City Building Official has resigned.
 - New code-enforcement software to be implemented by this summer; will assist Planning staff in streamlining tasks and communication.
 - Joint Planning & Zoning and Harbor Commission Work Session on February 12, 2024 to discuss waterfront rezoning.
 - Storefront Improvement Grant Program application period will be open with a month.

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

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: February 14, 2024

Commissioner Twait noted that he might be absent or participate remotely.

L. **COMMISSION COMMENTS AND QUESTIONS**

Vice Chair Coston congratulated Halstead on the appointment of Chair.

Commissioner Twait congratulated Chair Halstead, Vice Chair Coston and new commissioners Pettey and Barbaza.

Commissioner Pettey noted it is an honor to serve on the commission, and congratulated Chair Halstead, Vice Chair Coston and new commissioner Barbaza.

Commissioner Fikes welcomed said congratulations and welcome to new commissioners; thanked staff for Commission Survey results in laydown.

Chair Halstead thanked the Commission for his appointment.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 7:46 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of January 24, 2024.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2024-03**

A RESOLUTION **GRANTING** AN AMENDMENT TO CONDITIONAL USE PERMIT FOR THE OPERATION OF CABIN RENTALS (i.e., SHORT-TERM RENTALS) WITHIN THE 60-UNIT PLANNED UNIT RESIDENTIAL DEVELOPMENT (PZ2021-10).

APPLICANTS: Steve Agni and Jackey Hess

PROPERTY OWNER: Kenai Landing, Inc.

PROPERTY ADDRESS: 2101 Bowpicker Lane

LEGAL DESCRIPTION: Tract A-4, Kenai Landing Subdivision 2021 Addition

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04910134

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on January 12, 2024; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on February 7, 2024, 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;*

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The 60-unit PUD was granted with an approved CUP and the new request to allow the operation of cabin rentals would further promote the broad range of commercial uses in the surrounding area. The land use table specify “cabin rentals” are a conditional use. In KMC Section 14.20.320 *Definitions*, “Cabin rentals” is defined as *the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.*

The IH (Heavy Industrial) Zone is established to allow for a broad range of industrial and commercial uses. It is intended to apply to industrial areas which are sufficiently isolated from residential and commercial areas to avoid any nuisance effect.

The approved CUP allowed a residential development (PUD) in the IH zone and further granted alternative methods of development, such modified lot width, lot size, and setbacks as found in Table A of Resolution PZ2021-10. The intended use of the subject parcel is primarily residential and the request for cabin rentals would be consistent with the subject zoning district since this would broaden the commercial use of the premise.

As noted by the applicants, it was their understanding that the approved PUD *added* [emphasis added by the applicants] residential uses to the property but it did not restrict or otherwise limit the property to traditional residential use. However, staff has reviewed the Resolution PZ2021-10 and the associated Staff Report and it was not explicit that your Commission, nor the Kenai Zoning Code, granted the operation of cabin rentals for the 60-unit PUD.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impaired by the proposal. The Imagine Kenai 2030 Comprehensive Plan acknowledges the decline for demand of large industrial site and commercial fishing industry and it has become apparent that these areas need to be revitalized with different uses. The notion of industrial zones needing to be buffered from residential and commercial areas to avoid any nuisance effects does not apply to this subject parcel and surrounding area. The subject parcel and surrounding areas in the adjacent IH zone have gradually transitioned into primarily commercial uses through approved CUPs.

Staff finds the proposed use would improve the economic and noneconomic value of the adjoining property and neighborhood. As noted by the applicants, short-term rentals will contribute to the viability of new development and ultimately enhance the assessed value of these legacy fish processing site.

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

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

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

This property is surrounded by the Kenai River to the east; lodging, offices and restaurant, known as “The Cannery Lodge” to the south, wetlands to the north, and vacant parcels with access road to the west. The proposed use would be consistent with the development of the surrounding area. Mitigation measures and buffers were reviewed and considered in the approved PUD. The applicants indicated that details of the constructions, such as windows and view-scapes were implemented to minimize visual view to and from adjacent

units. Staff finds the proposed use does not require additional mitigation measures or buffers since there are not any new adverse impacts to consider between units and surrounding uses.

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

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

Objective Q-1

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

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

Objective ED-9

Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

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

Findings: The streets and water and waste systems are privately owned and maintained. Public and private utilities and services are present and adequate to serve the 60-unit PUD.

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

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

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

Findings: To be consistent with the same requirements as other CUP holders/operators, KMC Section 14.20.150, Issuance of the Permit, if the permit is for use that requires to collect sales tax, a borough sales tax account must be obtained. Staff recommends the adding the following condition.

- Each short-term rental unit owner or operator must have a valid borough sales tax account.

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

Section 1. That an amendment to the conditional use permit is granted for operation of cabin rentals (i.e., short-term rentals) within the 60-unit planned unit residential development (PZ2021-10) on Tract 4-A, Kenai Landing Subdivision 2021 Addition located at 2101 Bowpicker Lane.

Section 2. That the amendment to the conditional use permit is subject to the original conditions in the CUP (Resolution No. PZ2021-10) and the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Each short-term rental unit owner or operator must have a valid borough sales tax account.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 14TH DAY OF FEBRUARY, 2024.

JOE HALSTEAD, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 9, 2024
SUBJECT: Resolution PZ2024-03 – Conditional Use Permit Amendment – Cabin Rentals (i.e., Short-Term Rentals) for the 60-Unit Planned Unit Residential Development (PZ2021-10)

Request The applicants are requesting the operation of short-term rentals within the 60-unit planned unit residential development.

Staff Recommendation Adopt Resolution PZ2024-03 approving an amendment to Conditional Use Permit for the 60-Unit Planned Unit Residential Development (Resolution PZ2021-10) to allow cabin rentals (i.e., short-term rentals).

Applicants	Steve Agni and Jackey Hess
Property Owner	Kenai Landing, Inc.
Legal Description	Tract A-4, Kenai Landing Subdivision 2021 Addition
Property Address	2101 Bowpicker Lane
KPB Parcel ID	04910134
Lot Size (acreage)	10.24
Zoning	Heavy Industrial (IH)
Current Use	Planned Unit Residential Development
Land Use Plan	Industrial

SUMMARY

The Planning and Zoning Commission granted a Conditional Use Permit (PZ2021-10) for a 60-unit planned unit residential development (“PUD”) located at Tract A, Kenai Landing Cottages Subdivision (now, Tract A-4, Kenai Landing Subdivision 2021 Addition) to Kenai Landing, Inc. on April 28, 2021. The applicants are requesting a conditional use permit (CUP) amendment to authorize the use of short-term rental of the entire dwelling within the 60-unit PUD to be consistent

with limitations specified in the Declaration of Covenants, Conditions, and Restrictions (CC&Rs) filed in the Kenai Recording District Document No. 2022-060024-0. The applicants clarified that bed and breakfast activities involving the rental of a room or portion of a dwelling are not part of or request by this [CUP] application. In addition, the applicants have indicated that short-term rentals in the PUD are limited to stays of three (3) days or more and require a rental of the entire dwelling unit, subject to the CC&Rs.

ANALYSIS

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit or amendment, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

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

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The 60-unit PUD was granted with an approved CUP and the new request to allow the operation of cabin rentals would further promote the broad range of commercial uses in the surrounding area. The land use table specify “cabin rentals” are a conditional use. In KMC Section 14.20.320 *Definitions*, “Cabin rentals” is defined as *the renting out of one (1) or more individual, detached dwelling units or buildings to provide overnight sleeping accommodations for a period of less than thirty (30) consecutive days.*

The IH (Heavy Industrial) Zone is established to allow for a broad range of industrial and commercial uses. It is intended to apply to industrial areas which are sufficiently isolated from residential and commercial areas to avoid any nuisance effect.

The approved CUP allowed a residential development (PUD) in the IH zone and further granted alternative methods of development, such modified lot width, lot size, and setbacks as found in Table A of Resolution PZ2021-10. The intended use of the subject parcel is primarily residential and the request for cabin rentals would be consistent with the subject zoning district since this would broaden the commercial use of the premise.

As noted by the applicants, it was their understanding that the approved PUD *added* [emphasis added by the applicants] residential uses to the property but it did not restrict or otherwise limit the property to traditional residential use. However, staff has reviewed the Resolution PZ2021-10 and the associated Staff Report and it was not explicit that your Commission, nor the Kenai Zoning Code, granted the operation of cabin rentals for the 60-unit PUD.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impaired by the proposal. The Imagine Kenai 2030 Comprehensive Plan acknowledges the decline for demand of large industrial site and commercial fishing industry and it has become apparent that these areas need to be revitalized with different uses. The notion of industrial zones needing to be buffered from residential and

commercial areas to avoid any nuisance effects does not apply to this subject parcel and surrounding area. The subject parcel and surrounding areas in the adjacent IH zone have gradually transitioned into primarily commercial uses through approved CUPs.

Staff finds the proposed use would improve the economic and noneconomic value of the adjoining property and neighborhood. As noted by the applicants, short-term rentals will contribute to the viability of new development and ultimately enhance the assessed value of these legacy fish processing site.

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

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

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

This property is surrounded by the Kenai River to the east; lodging, offices and restaurant, known as “The Cannery Lodge” to the south, wetlands to the north, and vacant parcels with access road to the west. The proposed use would be consistent with the development of the surrounding area. Mitigation measures and buffers were reviewed and considered in the approved PUD. The applicants indicated that details of the constructions, such as windows and view-scapes were implemented to minimize visual view to and from adjacent units. Staff finds the proposed use does not require additional mitigation measures or buffers since there are not any new adverse impacts to consider between units and surrounding uses.

RELEVANT GOALS

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

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

Objective Q-1

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

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

Objective ED-9

Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

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

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

Findings: The streets and water and waste systems are privately owned and maintained. Public and private utilities and services are present and adequate to serve the 60-unit PUD.

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

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

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

Findings: To be consistent with the same requirements as other CUP holders/operators, KMC Section 14.20.150, *Issuance of the Permit*, if the permit is for use that requires to collect sales tax, a borough sales tax account must be obtained. Staff recommends adding the following condition.

- Each short-term rental unit owner or operator must have a valid borough sales tax account.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280(c) notices of the public hearing for the conditional use amendment 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* at least seven (7) days prior to the date of the hearing. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit amendment request.

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed amendment to the CUP for the operation of cabin rentals (i.e., short-term rentals) within the 60-unit PUD on Tract A-4, Kenai Landing Subdivision 2021 Addition located at 2101 Bowpicker Lane meets the criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2024-03 approving the amendment to the Conditional Use Permit, subject to the original conditions in CUP (Resolution PZ2021-10) and the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Each short-term rental unit owner or operator must have a valid borough sales tax account.

ATTACHMENTS

Aerial Map
Application
Applicants' Memorandum
Resolution PZ2021-10
Kenai Landing Subdivision 2021 Addition Plat

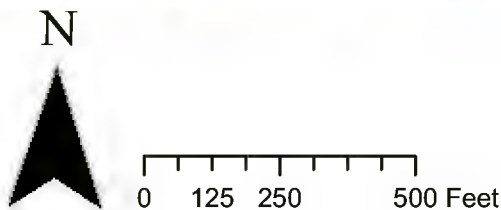


**PZ2024-03 - Conditional Use Permit
Cabin Rentals (i.e., Short-Term Rentals)
for 60-Unit Planned Unit Residential
Development (PZ2021-10)**



Date Printed: 2/9/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





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:	Steve Agne + Jackey Hess		
Mailing Address:	PO BOX 244661		
City:	Anchorage	State:	AK AK Zip Code: 99524
Phone Number(s):	(907) 229-0583 (907) 440-9332		
Email:	AKSTEVEA@HOTMAIL.COM		

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04910134C002
Physical Address:	2101 BowPicker Lane, Unit C502 Kenai AK
Legal Description:	T05N, R11W sect 8+17, KN 2022-036 UNIT C52
Zoning:	IH, PUD P2-2021-10
Acres:	.12

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?	PLEASE SEE ATTACHED MEMO
Conditional Use Requested for (attach additional sheets if necessary):	

See Attached Memo

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

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

Use of surrounding property - north:	
Use of surrounding property - south:	
Use of surrounding property - east:	
Use of surrounding property - west:	
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
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?	
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:	Stephen M. Agne Date: 1-11-2024
Print Name:	Stephen M. Agne Title/Business: OWNER Unit CS-2
For City Use Only	Date Application Fee Received: PZ Resolution Number

Memorandum in Support of Conditional User Permit Application

Authorizing Short Term Rentals within: Home Port Planned Unit Development PZ 2021-10

Submitted By: Steve Agni, Co-Owner of Unit CS-2, Home Port PUD

Date: 1/10/2024

This Memorandum will supplement and become a part of the Conditional Use Permit Application submitted by Steve Agni and Jackey Hess owners of Unit CS-2 and pertain to ALL units now or hereafter constructed within the approved PUD area pursuant to PZ 2021-10.

How is the Property currently being used: The Property is being used for residential purposes including short term rental in the summer of 2022 and limited home office activity.

Conditional Use Requested: The Conditional Use requested is the authorization of short term rental of the entire dwelling, consistent with limitations specified in the Declaration of Covenants Conditions and Restrictions filed in the Kenai Recording District Document No. 22-060024-0. Bed and Breakfast activities involving the rental of a room or portion of a dwelling are not part of or requested by this application.

Explain how the Conditional Use is consistent with the purposes and intent of the zoning district of the property: The IH or Heavy Industrial district zoning applicable to the property allows for many industrial and commercial activities that are most appropriate when separated from other residential uses. The PUD passed in 2021 by the Planning Commission added residential uses to the Property. It did not restrict or otherwise limit the property to traditional residential use. PUD 2021-10 added use authorization. It did not limit use authorization.

Short term rentals are a modern expression of residential use, but are clearly a residential use and activity. Persons renting the dwelling unit use it to occupy and live within in. They conduct the residential purpose albeit for it limited period of time and that activity is consistent with the multiple and varied types of uses contemplated with the "IH" zone.

Use of Surrounding Property North: Undevelopable wetlands parcel of about twenty acres.

Use of Surrounding Property South: Commercial lodging, offices and dining. The "Cannery Lodge."

Use of Surrounding Property East: Kenai River and undevelopable wetlands exceeding 100 acres.

Use of Surrounding Property West: Right of way, Cannery road with Industrial and wetlands.

Explain how the conditional use is in harmony with the City's Comprehensive Plan: The City of Kenai Comprehensive Plan has recognized that the historic fish processing activity along the Kenai River which includes this Property are no longer viable as commercial fish processing. The land and facilities comprising this area must be re-purposed to serve usages that are economically productive and add much needed assessed value. New residential activity and development that does not intrude into existing neighborhoods that allows for short term rentals will contribute to the viability of new development and ultimately enhance the assessed value of these legacy fish processing sites.

Are public services and facilities on the property adequate to serve the proposed Conditional Use. As concluded by the Planning Commission in 2021, public and private utilities and services are present in sufficient kind and quantity to support up to sixty dwelling units.

Explain how the Conditional Use will not be harmful to the public safety, health or welfare: There are no existing residential properties that adjoin or are even within ordinary hearing distance of the PUD site or the specific unit CS-02 described here. This Conditional Use activity, short term rentals is being authorized in a new development that is physically separated by very large distances from existing residential development. Any new buyer or resident in the new Home Port Development is charged with knowledge of the Recorded Declarations governing the property. That Declaration addresses short term rentals specifically and provides strict controls on the activity enforced by the Home Owners Association granted power to enforce the terms with the right to impose penalties and exercise liens against non-compliant owners and activities. A copy of the relevant sections of the recorded Declaration is attached here.

Are there any measures with access, screening, site development, building design or business operations that will lessen the potential activities of the use to neighbors: In addition to the physical separation and the HOA management of the PUD, specific building attributes are included in the new dwellings constructed at Home Port. Anticipating short term rentals, the new residential units have fire suppression sprinklers installed to current lodging codes. Windows and view-scapes have been placed in the dwellings to minimize view to and from adjacent units, while emphasizing views to the open spaces. Parking is provided both as enclosed within the dwelling and in specified outdoor spaces, all subject to HOA control. The entire Home Port development is now controlled by an automatic access gate intended to limit access only to Owners and authorized guests.

Conclusion: Short term rentals at Home Port are limited to stays of three days or more and require a rental of the entire dwelling unit all subject to a rigorous set of limitations set forth in the recorded Declaration that renters and owners are all subject to. There are no existing dwellings nearby to the property that could be affected if there was any undesirable results. Short term rentals are in fact a residential activity and use that are conducted by individuals who occupy the dwelling for a time shorter than traditional rentals. When subject to proper controls this activity will enhance assessed values and enjoyment of property for both Owners and the occupants.

Thank you for your approval of this Conditional Use Application allowing short term rentals within the Homeport PUD (PZ 2021-10) consistent with the Recorded Declaration.

- (d) Each lease must attach to the Association as landlord solely for the purpose of enforcing the restrictions of the Documents following Notice and Hearing to the Unit Owner, and an opportunity to cure the violation, and then by direct levy, injunction and/or eviction by summary process, against the tenant(s). The Association will not otherwise assume the responsibilities or obligations of the Unit Owner under the lease.
- (e) A true and complete copy of the lease, the name and current telephone contact number of each tenant, and the name and current telephone contact number of the Unit Owner (or their designated agent), shall be provided to the Executive Board at least five (5) days prior to the first day of the lease term. The Unit Owner shall promptly provide the Executive Board with written notice of any termination of the lease.
- (f) A copy of the Rules must be conspicuously posted or displayed within the Unit.
- (g) The Unit Owner must either be personally available by telephone or have a designated agent available by telephone at all times during the term of the lease. If a Unit Owner will not be personally available, the name and telephone contact number of their designated agent shall be provided to the Association in writing prior to the first day of the lease term. The Unit Owner or their designated agent must be able to promptly contact the tenant(s) for purposes of addressing any complaints and/or violations of the Documents.
- (h) The Unit Owner must obtain and maintain appropriate insurance coverage for property damage or personal injury caused by any tenant(s) or otherwise arising from the lease of the Unit. Proof of such insurance shall promptly be provided to the Executive Board upon request.
- (i) The Unit Owner shall remain liable for compliance with the Documents, and shall be responsible for securing such compliance from the tenant(s) of the Unit.
- (j) The Unit Owner shall be responsible for the payment of all assessments or fines that are assessed by the Association as a result of the actions or omissions of any tenant(s) or their guests.

Section 9.28 - Transient Usage. No Unit may be used for bed and breakfast, transient, hotel or motel purposes. If a Unit is owned or leased by a business entity or individually owned business, the occupancy of the Unit by employees or guests of the business is permitted only if the same employee(s) or guest(s) intends to occupy the Unit for a period of at least three (3) days.



within the Common Elements unless expressly authorized by, and then subject to such conditions as may be imposed by, the Executive Board:

- (i) Disposing of lawn or yard waste.
- (ii) Disposing of Garbage or other materials.
- (iii) Cutting, mowing, harvesting, or disturbing the trees, shrubbery, or other natural vegetation.
- (iv) Overnight camping or the erection of tents or other shelters.
- (v) Processing fish or other animals.

Section 9.25 - Compliance with Documents and Law. The use of a Unit and all activities within the Common Interest Community shall be in compliance with the provisions of the Declaration and other Documents, and Unit Owners and Improvements within a Unit shall comply with and conform to all applicable Federal, State, and local laws and regulations. A violating Unit Owner shall hold the Association and other Unit Owners harmless from all demands, claims, fines, penalties, costs, fees, damages, losses, awards, judgments and liabilities that in any way arise out of, result from, the violation thereof or non-compliance therewith.

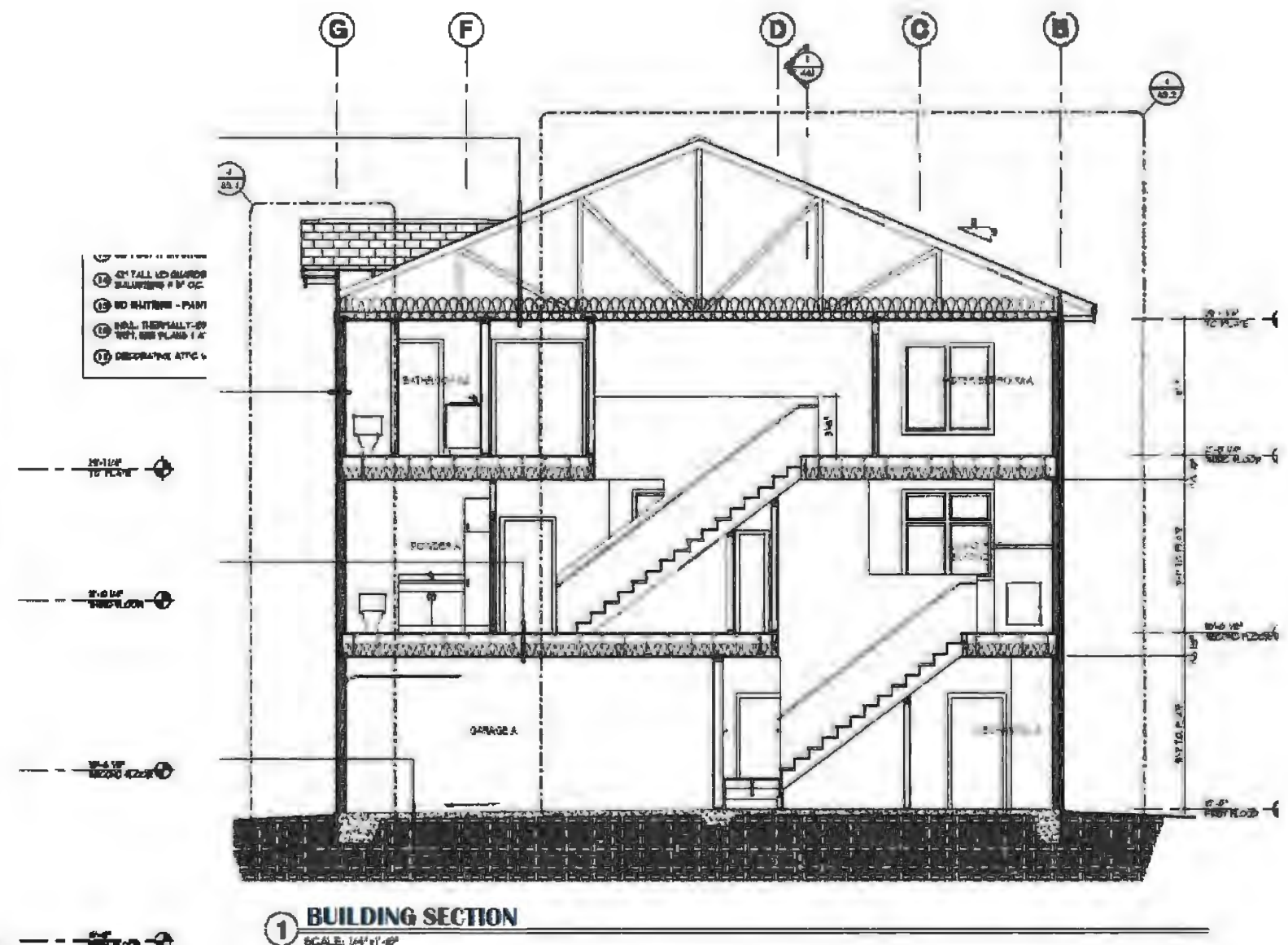
Section 9.26 - Liability for Hazardous Materials. In the event that any fuel, oil, lubricant, or other Hazardous Material is spilled, released or discharged in any Unit or in, on or about any Common Element, or any property or surface or ground water adjacent thereto, the Unit Owner who caused or suffered, or whose invitee caused or suffered, such spill, release or discharge, shall: (a) promptly respond to and remediate such spill, release or discharge in accordance with the requirements of applicable law; and (b) defend, indemnify and hold harmless the Association, the other Unit Owners and the State from all demands, claims, fees, fines, penalties, judgments, awards, costs, damages, losses, obligations, and liabilities that in any way arise out of, result from or are based upon any legal obligation to respond to, remediate and/or dispose of such spilled, released or discharged fuel, oil, lubricant, or Hazardous Material.

Section 9.27 - Leasing. No Unit, or any portion thereof, may be conveyed pursuant to a time-sharing plan. A Unit may be rented only by a written lease, subject to the following:

- (a) The lease shall be for the entire Unit. A lease of only a portion of a Unit is prohibited.
- (b) Each lease must have a lease term of at least three (3) days, which lease term must be entered into in good faith.
- (c) Each lease must incorporate the terms and restrictions of the Documents as a personal obligation of each tenant.

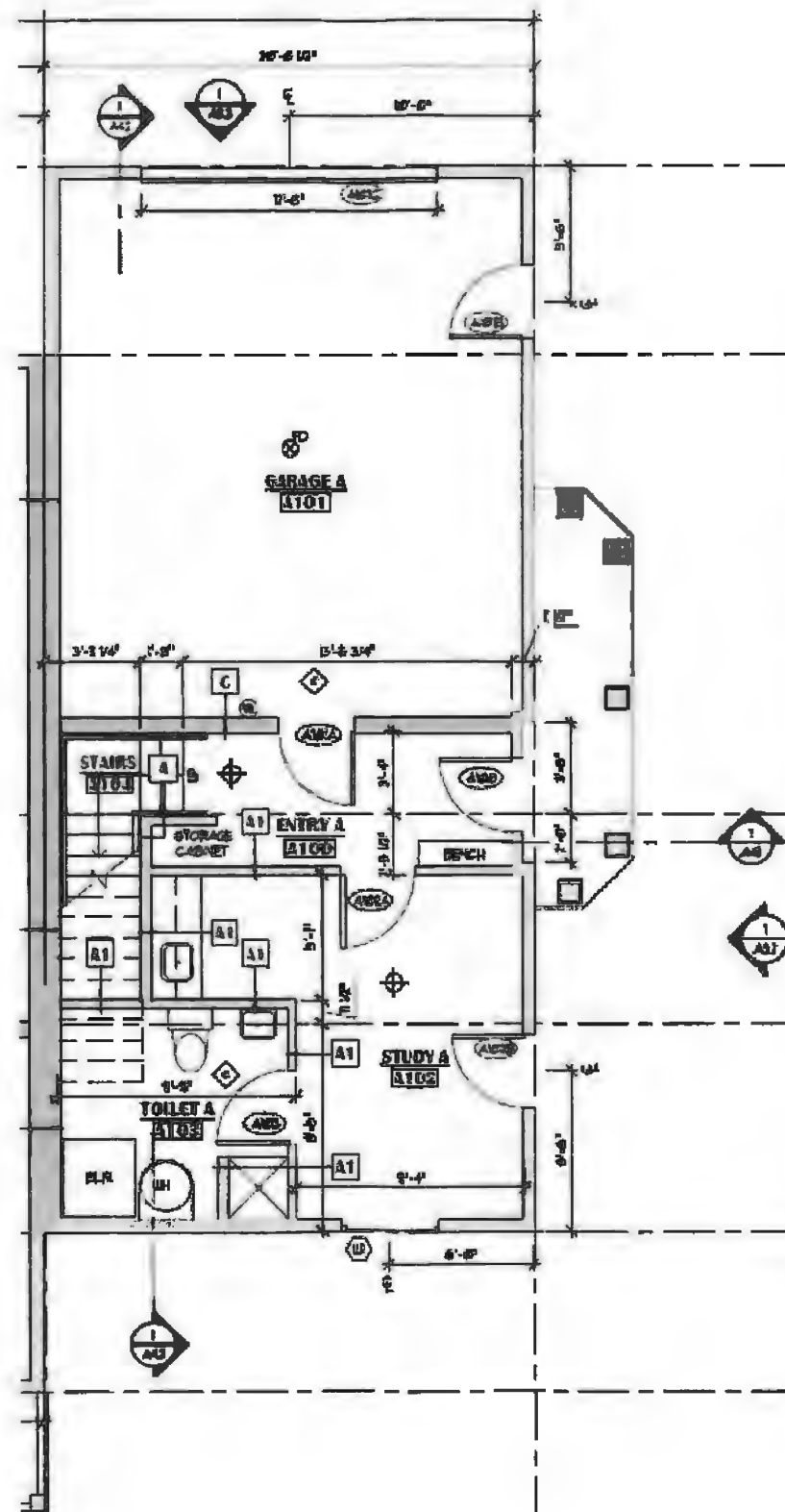


North Elevation

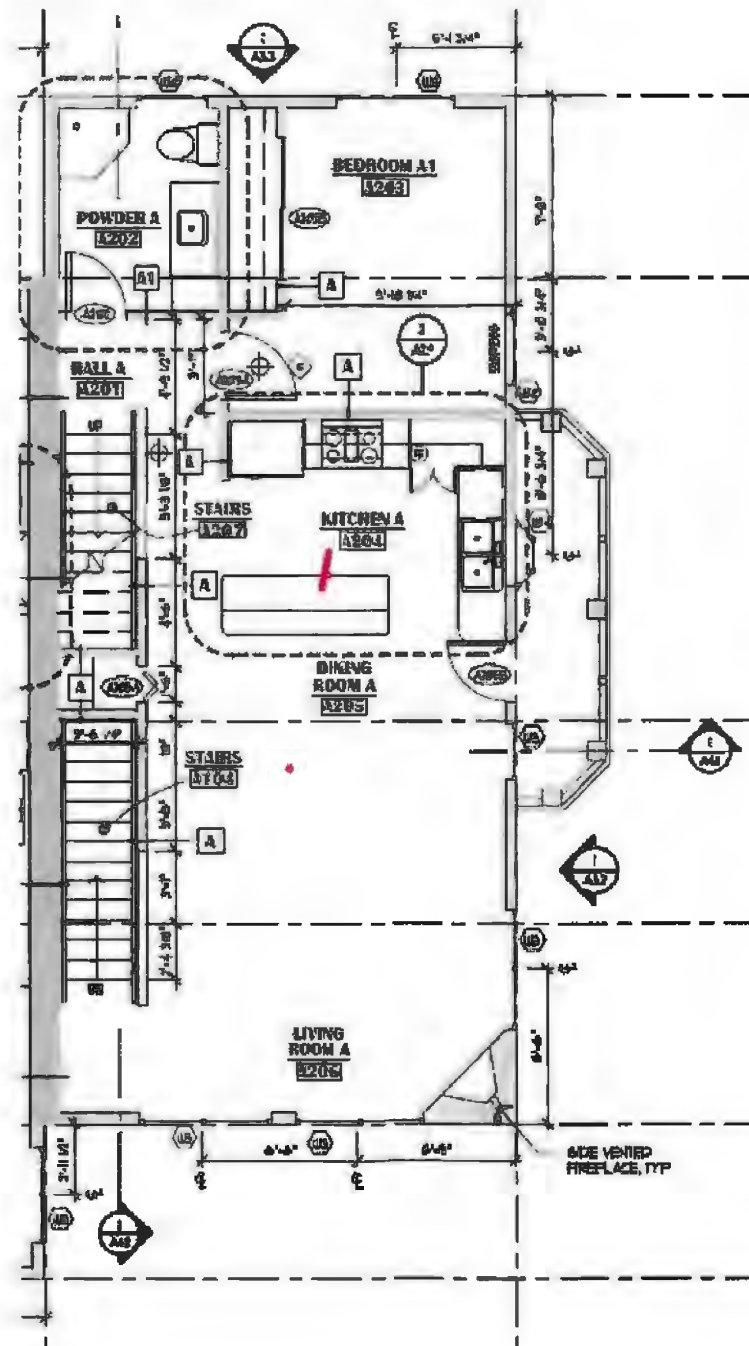


Floor Plans Unit CS-2 Home Port at Kenai Landing

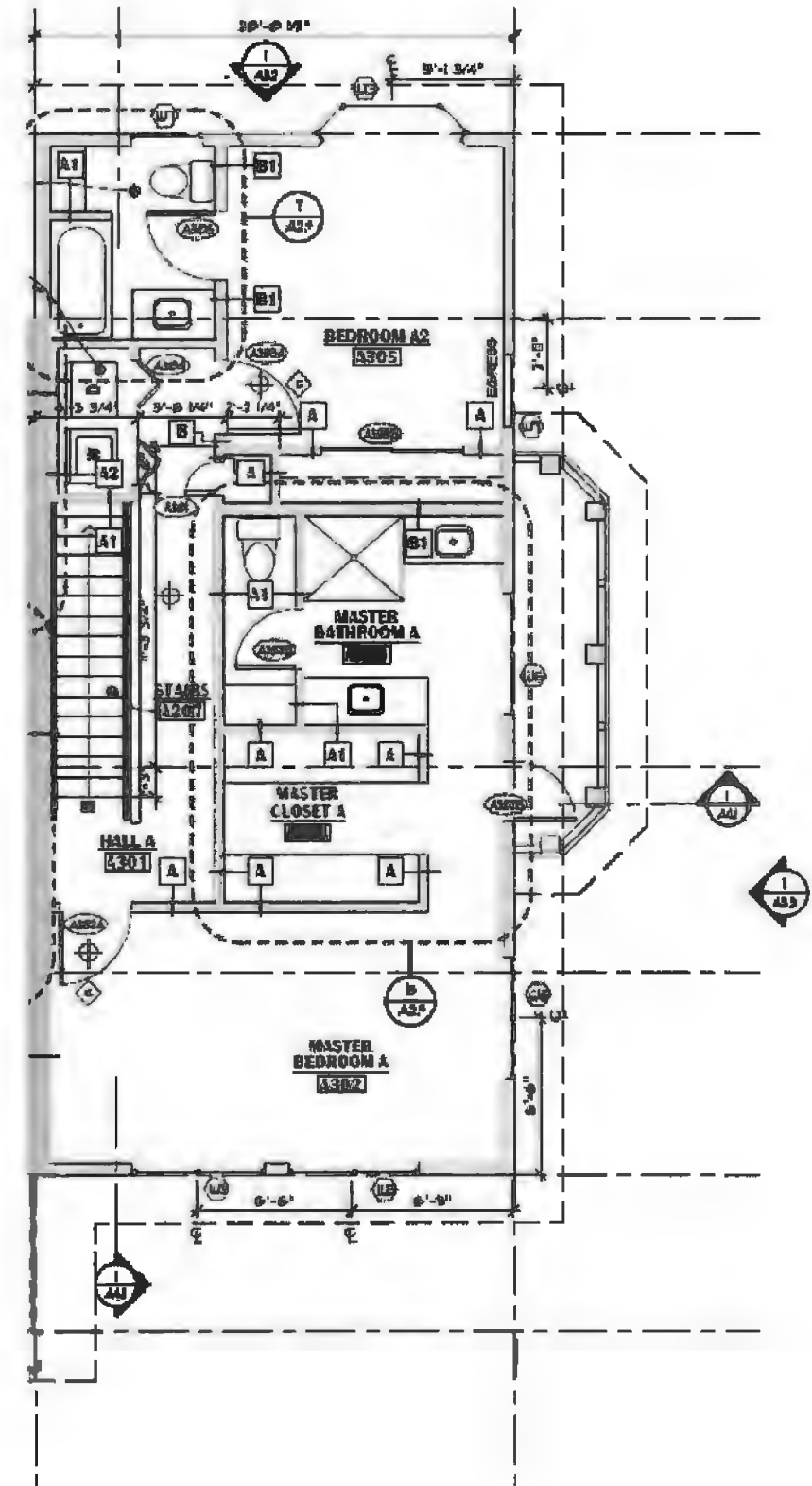
Level One



Level Two



Level Three





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-10**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT.

APPLICANT: Kenai Landing, Inc.

REPRESENTATIVE: Jonathan Faulkner

PROPERTY ADDRESS: 2101 Bowpicker Lane

LEGAL DESCRIPTION: Tract A, Kenai Landing Cottages Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04910123

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on March 12, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on April 28, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The Kenai Municipal Code 14.22.010 – Land Use Table provides that a planned unit residential development is a conditional use for the Heavy Industrial zoning district. The proposed street network is anticipated to be sufficient to accommodate the traffic generated from 60 residential units in Phase A. In addition, a conditional use permit for a PUD must also meet the conditions cited in 14.20.170 Planned Unit Residential Development.

b) Planned Unit Residential Development shall be subject to the following standards:

(1) The proposed development shall meet the applicable conditions specified in KMC 14.20.150.

Staff Response: The planned unit residential development and the associated 60 dwelling units meet the intent of KMC14.20.150, given compliance with the staff recommended specific conditions set forth below.

(2) A detailed development plan shall be submitted to the Commission including a site plan drawn to scale. The site plan shall include, but not be limited to, the topography and drainage of the proposed site, the location of all existing and proposed structures, designated areas of common open space, internal and external circulation patterns, and location of the required parking spaces. A general floor plan of the principal buildings, together with any requested information, shall also be submitted to the Commission. A development schedule shall also be submitted for the purpose of coordinating the development and open space components of the Planned Unit Residential Development.

Staff Response: A detailed development plan has been submitted by the applicant and includes exhibits for a site plan, utilities, parking, phasing, development areas, open space plans, and general floor plans.

(3) The minimum parcel size allowed for a Planned Unit Residential Development shall be two and one-half (2.5) acres, inclusive of any dedicated right-of-way or public use easement which may exist within the boundaries of the site.

Staff Response: This application meets this standard with an approximately 13 acre project site for Phase A.

(4) The maximum number of dwelling units per acre allowable within the gross area of a Planned Unit Residential Development shall be as follows:

Zoning District (Gross Area)	Dwelling Units/Acre
<i>Rural Residential</i>	<i>Six (6)</i>
<i>Suburban Residential</i>	<i>Subject to Commission Determination</i>
<i>Urban Residential</i>	<i>Subject to Commission Determination</i>

Staff Response: The Heavy Industrial zoning district is not specified in this standard's table, therefore, the dwelling units per acre are subject to Commission determination. Staff considers this application meeting this standard with a 4.59 dwelling units/acre, less than the 6 dwelling units per acre of the low-density Rural Residential zoning district, a zoning district that generally does not have as much intensity of use as the Heavy Industrial district.

(5) The allowable land use activities shall include the following:

(A) Residential uses including single-family, duplex, multiplex, and townhouse dwelling units;

(B) Any principal, secondary, or conditional uses permitted within the zoning district in which the Planning Unit Residential Development is to be established.

Staff Response: This standard is met with the inclusion of single-family, duplex, multiplex, and townhouse dwelling units.

(6) The building coverage within the Planned Unit Residential Development shall not exceed thirty percent (30%) of the site area in the RR and RS zones or forty percent (40%) of the site if located in the RU zone.

Staff Response: Phase A lot coverage is approximately 10% of the 13.05 acre project site, therefore, this standard is met as substantially lower than 30% lot coverage.

(7) The following design standards shall govern the Planned Unit Residential Development:

(A) The development requirements of the specific zoning district, except as otherwise allowed, shall apply to all portions of the development;

Staff Response: Prior to issuance of a Building Permit, conditions listed under 14.20.160 Townhouses must be reviewed and approved by the Planning Director. Adjustments to criteria regarding lot width, lot size, and setbacks will be considered due to the nature of the project, including the Condominium approach in lieu of fee simple lots. This condition of approval is noted below.

(B) All areas not devoted to building or associated parking areas shall be left in its natural state, appropriately landscaped, utilized for an active or passive recreation area, or developed for a purpose specified in a submitted site development plan;

Staff Response: Exhibits have been provided demonstrating the reserved usable open space, which includes a dock, promenade, plaza, and natural spaces. A detailed landscape/site plan is required as a condition of approval as noted below.

(C) A minimum of thirty percent (30%) of the site shall be reserved as usable open space. Any portion of this open space may be reserved in common for the benefit of the residents within the Planned Unit Residential Development.

Staff Response: Approximately 34% of the project site is reserved as usable open space.

(D) Residential and nonresidential uses within the Planned Unit Residential Development shall be separated by a buffer strip, landscaped area, fence, or other manner deemed appropriate by the Commission.

Staff Response: This application does not have any non-residential uses.

(E) Any use developed along the perimeter of the Planned Unit Residential Development shall be consistent with principal uses allowed in the abutting zoning districts.

Staff Response: Neighboring parcels are also zoned heavy industrial, and the residential use of the PUD is considered compatible with the lodging and event uses on the adjacent property to the south. This application does not have development planned for the northern perimeter of the subject parcel.

(8) The developer or subdivider of any Planned Unit Residential Development including common open area, property, or amenities, shall have evidence that compliance with Uniform Common Interest Ownership Act, AS 34.08, has been made prior to the sale of any townhouse dwelling units.

Staff Response: This standard has been added as a condition of approval of the Conditional Use Permit application as set forth below.

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 City leased land, North Pacific Seafoods, and open space to the north, Cannery Lodge to the south, the Kenai River to the east, and Hillcorp and residential to the west. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values and should not negatively impair the value of adjacent properties.

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

Criteria Met. The Land Use Plan in the City's Comprehensive Plan designates this property as Industrial, which may include warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. As noted in the Comprehensive Plan, the decline of the commercial fishing industry has affected operations of some fish processing plants, a past use of the subject property. Kenai Municipal Code 14.22.010 – Land Use Table provides that a Planned unit residential development is a conditional use for the Heavy Industrial zoning district, and a development option that can meet the current demands for multiple types of housing, along with outdoor amenities, in the City of Kenai.

Below are additional goals/objectives from the Comprehensive Plan that support this PUD application:

- Q-9 Encourage healthy lifestyles by providing opportunities and/or facilities for outdoor activities.
- LU-14 Ensure a pattern of connecting streets and blocks that allows people to get around easily by foot, bicycle or car when approving new developments, both commercial and multifamily.
- LU-10 Encourage creative subdivision design for residential areas.

PR-4 Support projects that provide additional quality outdoor and indoor recreation.

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

Criteria Met. Existing public sewer and water utilities are located on Bridge Access Road and are approximately two miles away from the subject property, and therefore, are not a viable option for this project. The PUD Phase A will have access to water, sewer, waste removal, and road maintenance provided by the commercial condominium. Natural gas service will be provided by Enstar and electricity by Homer Electric Association. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 120 parking spaces for the 60 units. The attached application meets this requirement by providing a garage and surface parking for at least two vehicles per each dwelling unit with an additional 20 spaces dedicated to transient, RV, and boat launch parking. While primarily provided by a private entity, staff believes the services and facilities are adequate to serve the development.

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

Criteria Met: A planned unit residential development of 60 dwelling units for Phase A will not be harmful to the public safety, health and welfare. Staff believes that services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. The subject property is transitioning away from a traditional heavy industrial zoning use, and therefore, industrial impacts on public safety, health and welfare do not have to be considered in evaluating this project.

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

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Kenai Landing, Inc. for the use of a planned unit residential development with 60 dwelling units on Tract A, Kenai Landing Cottages Subdivision located at 2101 Bowpicker Lane.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under 14.20.170 Planned Unit Residential Development must be reviewed and approved by the Planning Director.
4. Prior to issuance of a Building Permit, conditions listed under 14.20.160 Townhouses must be reviewed for conformity by the Planning Director. However,

due to the unique nature of the project and its status as a condominium, the criteria under 14.20.160 regarding lot width, lot size, and setbacks is hereby modified according to the attached Table A as organized by Development Area and represented on the Home Port master plan.

5. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
6. Applicant will provide a copy of DEC compliance certification on the water/sewer system.
7. Approval and issuance of the Conditional Use Permit for the Planned Unit Residential Development results in expiration of PZ2020-35 granting a Conditional Use Permit for two, two unit townhouses and one three unit townhouse on the subject property.
8. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
9. The applicant will meet with City staff for on-site inspections when requested.
10. 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).
11. 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.
12. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
13. The developer or subdivider of any Planned Unit Residential Development including common open area, property, or amenities, shall have evidence that compliance with Uniform Common Interest Ownership Act, AS 34.08, has been made prior to the sale of any townhouse dwelling units.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 28th day of April, 2021.

ATTEST:

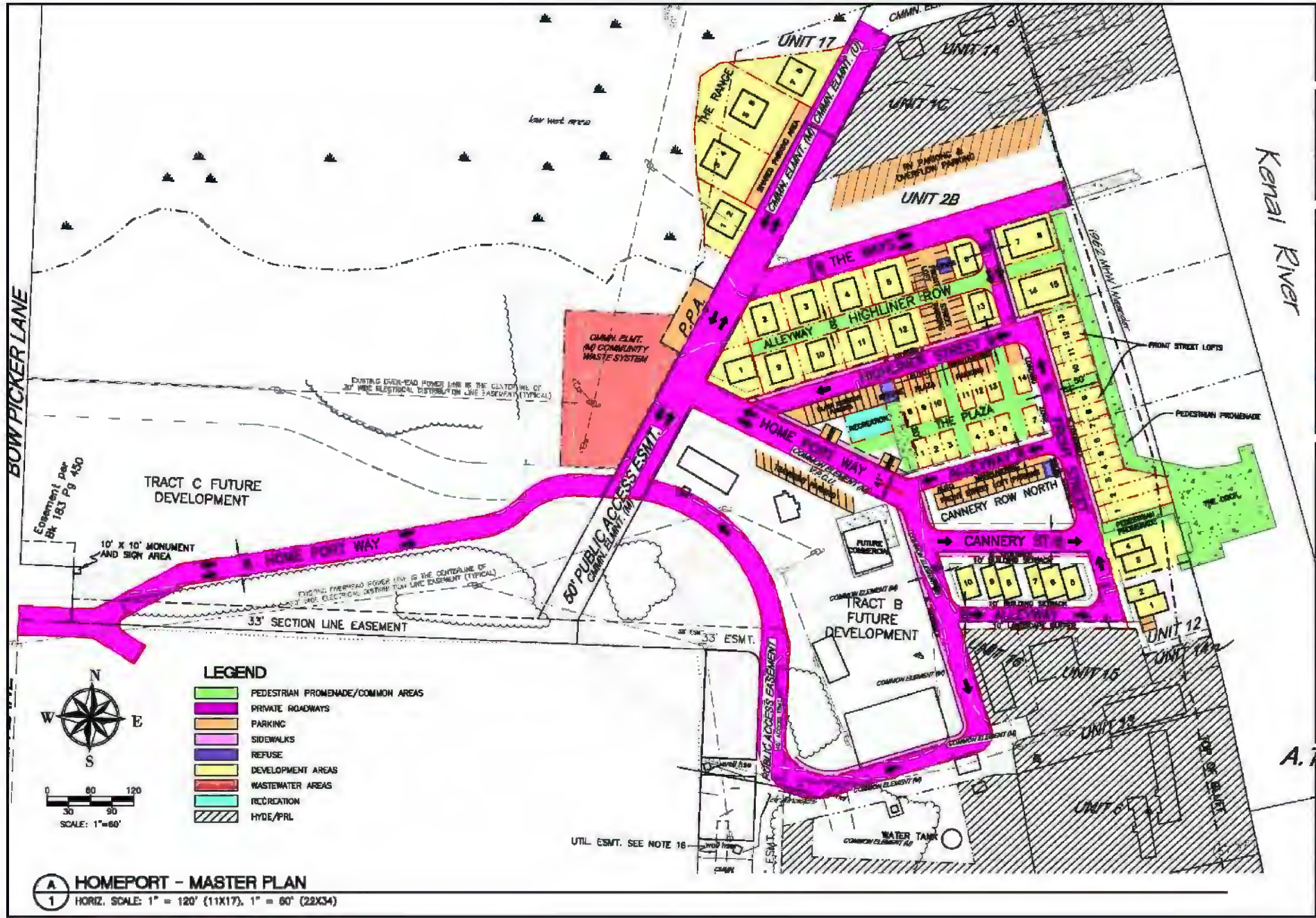


JAMIE HEINZ, CMC, CITY CLERK





JEFF TWAIT, CHAIRPERSON



FOR REVIEW

NO.	REVISION DATE

CONSULTING ENGINEERS
 STRUCTURAL/CIVIL
 125 BIDAKA ST.
 KENAI, AK 99511
 TEL: 907.388.1111
 FAX: 907.388.1319
 NELSONENGINEERS@ALASKA.NET



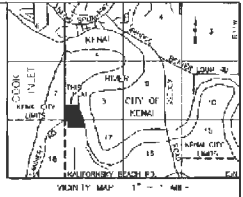
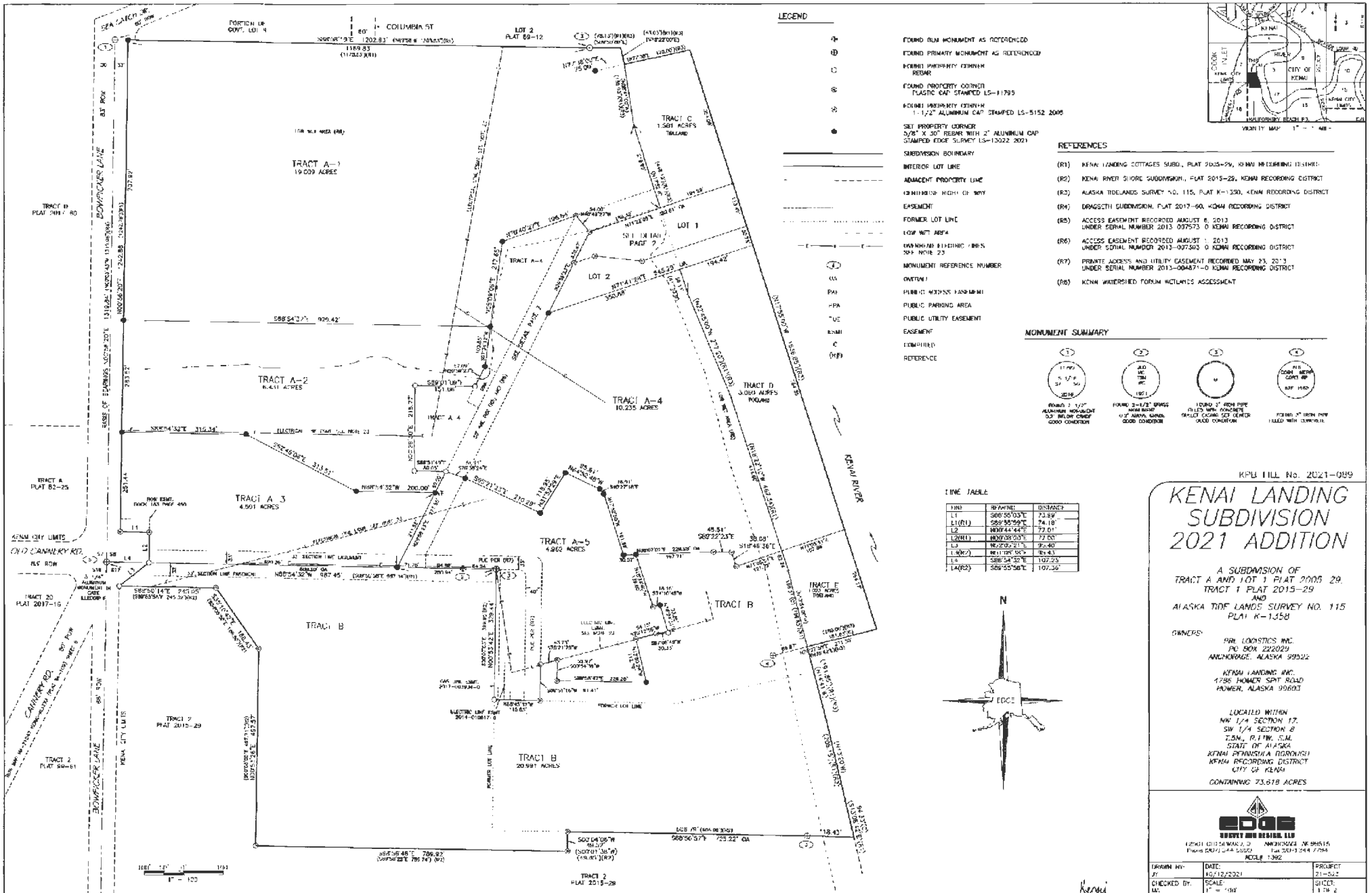
HOMEPORT MASTER PLAN
 KENAI LANDING
 KENAI, ALASKA
 MASTER PLAN

A.

PROJECT NO.	2020069
DRAWN BY:	MJD
CHECKED BY:	MJD
DATE:	04/08/21
SCALE:	NOTED
HORIZ.:	NOTED
VERT.:	NOTED
SHEET:	1
	1 OF 1

Table A: Condition #4 Standards Table

	Front Street Lofts	Range	Highliner Row	Cannery South	Cannery North	Plaza
Minimum Declared Unit Size	1080 square feet	1500 square feet	2000 square feet	1000 square feet	900 square feet	900 square feet
Unit width	20'	20'	20'	20'	20'	20'
Front Setbacks	14' from Street	20'	14' from street	14' from street	14'	10' from other Units
Back Setbacks	0' from Public Promenade	10' from Alley	10' from Alley	10' from Alley	10'	10' from Alley
Side Setbacks	Zero Lot line	Common wall: 10'	10'	Zero Lot line. 10' for end units	10'	Zero Lot line. 10' for end units
Rear Alley Access	No	Yes	Yes	Yes	No	Yes
Commons & Open Space Adjacent	Yes	Yes	No	No	No	No
Will Meet All Fire Code	yes	yes	yes	yes	yes	yes



- LEGEND**
- FOUND BLM MONUMENT AS REFERENCED
 - ⊙ FOUND PRIMARY MONUMENT AS REFERENCED
 - ⊙ FOUND PROPERTY CORNER REBAR
 - ⊙ FOUND PROPERTY CORNER PLASTIC CAP STAMPED LS-11795
 - ⊙ FOUND PROPERTY CORNER 1.2" ALUMINUM CAP STAMPED LS-5152 2005
 - SET PROPERTY CORNER 5/8" X 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2021
 - SUBDIVISION BOUNDARY
 - INTERIOR LOT LINE
 - ADJACENT PROPERTY LINE
 - CENTERLINE HIGHWAY
 - EASEMENT
 - FORMER LOT LINE
 - LOW WAT. AREA
 - KENAI RIVER
 - MONUMENT REFERENCE NUMBER
 - OPTION
 - PAH PUBLIC ADDRESS EASEMENT
 - PA PUBLIC PARKING AREA
 - UE PUBLIC UTILITY EASEMENT
 - EASEMENT
 - COMPLETE
 - REFERENCE

- REFERENCES**
- (R1) KENAI LANDING COTTAGES SUBD., PLAT 2015-29, KENAI RECORDING DISTRICT
 - (R2) KENAI RIVER SHORE SUBDIVISION, PLAT 2015-25, KENAI RECORDING DISTRICT
 - (R3) ALASKA TIDE LANDS SURVEY NO. 115, PLAT K-1300, KENAI RECORDING DISTRICT
 - (R4) DRAGSETH SUBDIVISION, PLAT 2017-60, KENAI RECORDING DISTRICT
 - (R5) ACCESS EASEMENT RECORDED AUGUST 6, 2013 UNDER SERIAL NUMBER 2013-037573 0 KENAI RECORDING DISTRICT
 - (R6) ACCESS EASEMENT RECORDED AUGUST 1, 2013 UNDER SERIAL NUMBER 2013-037563 0 KENAI RECORDING DISTRICT
 - (R7) PRIVATE ADDRESS AND UTILITY EASEMENT RECORDED MAY 23, 2013 UNDER SERIAL NUMBER 2013-004871-0 KENAI RECORDING DISTRICT
 - (R8) KENAI WATERSHED FORUM NICHOLS ASSESSMENT

MONUMENT SUMMARY

NO.	DESCRIPTION
1	ROUND 1 1/2" ALUMINUM RODS SET 0.5' BELOW GROUND GOOD CONDITION
2	ROUND 2" IRON PIPE WITH MONUMENT SET 0.5' BELOW GROUND GOOD CONDITION
3	ROUND 2" IRON PIPE WITH MONUMENT SET 0.5' BELOW GROUND GOOD CONDITION
4	ROUND 2" IRON PIPE WITH MONUMENT SET 0.5' BELOW GROUND GOOD CONDITION

LINE TABLE

LINE	BEARING	DISTANCE
L1	S86°50'03"E	73.59'
L1(R1)	S86°50'59"E	74.18'
L2	N00°44'44"E	77.01'
L2(R1)	N00°38'50"E	77.00'
L3	S82°29'21"E	82.40'
L3(R1)	S81°09'18"E	81.43'
L4	S88°54'52"E	107.25'
L4(R2)	S88°55'58"E	107.30'

KPU BILL No. 2021-089

KENAI LANDING SUBDIVISION 2021 ADDITION

A SUBDIVISION OF TRACT A AND LOT 1 PLAT 2005 29, TRACT 1 PLAT 2015-29 AND ALASKA TIDE LANDS SURVEY NO. 115 PLAT K-1358

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

KENAI LANDING INC.
1786 HOMER SPIT ROAD
HOMER, ALASKA 99603

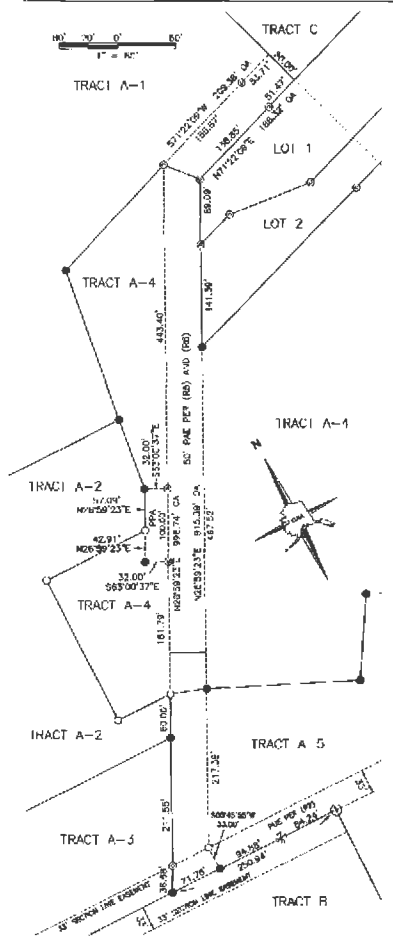
LOCATED WITHIN NW 1/4 SECTION 17, SW 1/4 SECTION 8 T.5N., R.11W., S.4M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI CONTAINING 73,618 ACRES



DRAWN BY: JT	DATE: 05/12/2021	PROJECT: 21-042
CHECKED BY: M.	SCALE: 1" = 100'	SHEET: 1 OF 2

Kenai
2021-72
Page 1 of 2

PUBLIC ACCESS EASEMENT DETAIL



NOTES

- THE BOUNDARY BETWEEN THIS PLAT IS THE CENTERLINE OF BOUNDARY LINE BETWEEN PARCELS 1 AND 2, THE BASS OF CORNERS NOT DERIVED FROM A STAKE OR BOUNDARY WITH HIGH PRECISION SURVEY EQUIPMENT. LEGAL TOPOGRAHY RECORDS AND MEASUREMENTS AND A HANDED ALASKA STATE PLANE GRID COORDINATES AS DETERMINED BY AN NAD 83 SURVEY SHALL CONTROL OVER THIS FIELD.
- THE BOUNDARY BETWEEN THIS PLAT IS THE CENTERLINE OF BOUNDARY LINE BETWEEN PARCELS 1 AND 2, THE BASS OF CORNERS NOT DERIVED FROM A STAKE OR BOUNDARY WITH HIGH PRECISION SURVEY EQUIPMENT. LEGAL TOPOGRAHY RECORDS AND MEASUREMENTS AND A HANDED ALASKA STATE PLANE GRID COORDINATES AS DETERMINED BY AN NAD 83 SURVEY SHALL CONTROL OVER THIS FIELD.
- THE BOUNDARY BETWEEN THIS PLAT IS THE CENTERLINE OF BOUNDARY LINE BETWEEN PARCELS 1 AND 2, THE BASS OF CORNERS NOT DERIVED FROM A STAKE OR BOUNDARY WITH HIGH PRECISION SURVEY EQUIPMENT. LEGAL TOPOGRAHY RECORDS AND MEASUREMENTS AND A HANDED ALASKA STATE PLANE GRID COORDINATES AS DETERMINED BY AN NAD 83 SURVEY SHALL CONTROL OVER THIS FIELD.
- NO DISTRICT ACCESS TO STATE MAINTAINED RIGHTS OF WAY AND PUBLIC UTILITIES UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF ADMINISTRATION & PUBLIC FACILITIES.
- NO STRUCTURES ARE PERMITTED WITHIN THE FARMING ZONING OF TRACT B.
- NO PERSON OCCUPYING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
- LOTS WITHIN THIS SUBDIVISION MAY BE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
- NO SEWERAGE, WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS DESIGNED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND REGULATIONS OF THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THESE SYSTEMS.
- TRACTS A-3 & TRACT B ARE SUBJECT TO A BOUNDARY VARIATION OF 33 FEET ALONG A PORTION OF SECTION LINE AS SHOWN BY A.S. PLAT NO. 2013-57, SECTION LINE EASEMENT VARIATION PLAT, KENAI PENINSULA BOROUGH.
- THE NATURAL MEANERS OF THE LINE OF MEAN HIGH WATER FORMS THE BIRTH BOUNDARY OF THE SUBDIVISION. THE APPROPRIATE LINE OF MEAN HIGH WATER, AS SHOWN IS FOR COMPUTATIONS ONLY. THE PROPERTY CORNERS BEING THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANERS.
- THIS PROPERTY IS SUBJECT TO THE RESERVATIONS & EXCEPTIONS IN U.S. PATENT AND/OR ACTS AUTHORIZING THE ISSUANCE THEREOF.
- THIS PROPERTY IS SUBJECT TO A RIGHT OF ENTRY RECORDED JUNE 22, 2011 UNDER SERIAL NO. 2011-00027-D AND AMENDED OCTOBER 17, 2011 UNDER SERIAL NO. 2011-00088-D. SUPPLEMENT TO RIGHT OF ENTRY RECORDED MAY 31, 2012 UNDER SERIAL NO. 2012-00105-D.
- PORTIONS OF THIS PROPERTY IS SUBJECT TO A GAS STORAGE TANK STORAGE TANK, MEET NATURAL GAS STORAGE, ALASKA, LLC RECORDED MARCH 1, 2011 UNDER SERIAL NO. 2011-00715-D AND GAS STORAGE TANK STORAGE TANK, MEET NATURAL GAS STORAGE, ALASKA, LLC RECORDED MARCH 17, 2011 UNDER SERIAL NO. 2011-00720-D AND 2011-00722-D.
- THIS PROPERTY IS SUBJECT TO THE RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH BY INSTRUMENT RECORDED OCTOBER 10, 2014 UNDER SERIAL NO. 2014-008763-D.
- THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR OTHER RESTRICTIONS PER KPB 20.60.170.
- THIS PROPERTY IS SUBJECT TO A GENERAL ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. WITH NO SETBACK LOCATION IN DISTRICT 17, KENAI PENINSULA BOROUGH, ALASKA, RECORDED OCTOBER 10, 2014 UNDER SERIAL NO. 2014-008763-D.
- HOMER TRACT A IS SUBJECT TO A 15 FOOT WIDE BY 20 FOOT LONG ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED AUGUST 29, 2018 UNDER SERIAL NO. 2018-00712-D. SAID EASEMENT DEEDITION WAS APPROVED AND RELATES TO THE ATTACHED PROPERTY FOR LOCATION, THE DEEDITION RECORDED AS PART OF THE DOCUMENT IS NOT RELEVANT WITHIN THIS SUBDIVISION AND SUBJECT NOT DETICED ON THIS PLAT.
- ADJACENT WATERS HAS THAT PROTECTIVE DISTRICT NOTE PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ADJACENT WATERS HAS THAT PROTECTIVE DISTRICT, SEE 470 CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT APPLY TO THE PROPERTY IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.03.040.
- EXCEPTIONS TO KPB 20.60.200 WASTEWATER DISPOSAL, KPB 20.60.210 WASTEWATER DISPOSAL ACCESS TO STREET, KPB 20.60.220 STREET WIDTH, 20.60.230 STREET WIDTH, 20.60.240 STREET WIDTH, 20.60.250 STREET WIDTH, 20.60.260 STREET WIDTH, 20.60.270 STREET WIDTH, 20.60.280 STREET WIDTH, 20.60.290 STREET WIDTH, 20.60.300 STREET WIDTH, 20.60.310 STREET WIDTH, 20.60.320 STREET WIDTH, 20.60.330 STREET WIDTH, 20.60.340 STREET WIDTH, 20.60.350 STREET WIDTH, 20.60.360 STREET WIDTH, 20.60.370 STREET WIDTH, 20.60.380 STREET WIDTH, 20.60.390 STREET WIDTH, 20.60.400 STREET WIDTH, 20.60.410 STREET WIDTH, 20.60.420 STREET WIDTH, 20.60.430 STREET WIDTH, 20.60.440 STREET WIDTH, 20.60.450 STREET WIDTH, 20.60.460 STREET WIDTH, 20.60.470 STREET WIDTH, 20.60.480 STREET WIDTH, 20.60.490 STREET WIDTH, 20.60.500 STREET WIDTH, 20.60.510 STREET WIDTH, 20.60.520 STREET WIDTH, 20.60.530 STREET WIDTH, 20.60.540 STREET WIDTH, 20.60.550 STREET WIDTH, 20.60.560 STREET WIDTH, 20.60.570 STREET WIDTH, 20.60.580 STREET WIDTH, 20.60.590 STREET WIDTH, 20.60.600 STREET WIDTH, 20.60.610 STREET WIDTH, 20.60.620 STREET WIDTH, 20.60.630 STREET WIDTH, 20.60.640 STREET WIDTH, 20.60.650 STREET WIDTH, 20.60.660 STREET WIDTH, 20.60.670 STREET WIDTH, 20.60.680 STREET WIDTH, 20.60.690 STREET WIDTH, 20.60.700 STREET WIDTH, 20.60.710 STREET WIDTH, 20.60.720 STREET WIDTH, 20.60.730 STREET WIDTH, 20.60.740 STREET WIDTH, 20.60.750 STREET WIDTH, 20.60.760 STREET WIDTH, 20.60.770 STREET WIDTH, 20.60.780 STREET WIDTH, 20.60.790 STREET WIDTH, 20.60.800 STREET WIDTH, 20.60.810 STREET WIDTH, 20.60.820 STREET WIDTH, 20.60.830 STREET WIDTH, 20.60.840 STREET WIDTH, 20.60.850 STREET WIDTH, 20.60.860 STREET WIDTH, 20.60.870 STREET WIDTH, 20.60.880 STREET WIDTH, 20.60.890 STREET WIDTH, 20.60.900 STREET WIDTH, 20.60.910 STREET WIDTH, 20.60.920 STREET WIDTH, 20.60.930 STREET WIDTH, 20.60.940 STREET WIDTH, 20.60.950 STREET WIDTH, 20.60.960 STREET WIDTH, 20.60.970 STREET WIDTH, 20.60.980 STREET WIDTH, 20.60.990 STREET WIDTH, 20.60.1000 STREET WIDTH.
- THIS PLAT AND TRACTS C, D, AND E, CONDITIONS MAY NOT BE SUITABLE FOR INSTALLATION OF SEWERAGE AND DISPOSAL SYSTEMS. NO WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SHALL BE INSTALLED OR OPERATED WITHIN THIS SUBDIVISION UNLESS THEY COMPLY WITH THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- ANY INFRASTRUCTURE IMPROVEMENTS (ROADWAYS, SEWER, WATER, ETC.) ARE CONSIDERED PRIVATE BY THE CITY OF KENAI. REGARDING ANY MINIMUM OR OTHER INFRASTRUCTURE IMPROVEMENTS THAT DO NOT MEET MINIMUM STANDARDS REQUIRED BY THE CITY OF KENAI IF AT ANY FUTURE TIME THE CITY TAKES OVER OWNERSHIP AND MAINTENANCE RESPONSIBILITIES OF ROADWAYS WITHIN THE SUBDIVISION OR OTHER INFRASTRUCTURE IMPROVEMENTS WILL HAVE TO BE APPROVED TO MEET CITY OF KENAI STANDARDS IN WRITING AS THE BE APPROVED. THE COST OF ANY INFRASTRUCTURE IMPROVEMENTS TO MEET CITY OF KENAI STANDARDS WILL BE BORNE BY PROPERTY OWNERS IN THE SUBDIVISION BY ASSIGNMENT WITHOUT FURTHER APPROVAL REQUIRED.
- KENAI PENINSULA BOROUGH CERTIFICATE OF APPROPRIATION OF WATER, AND KENAI PENINSULA BOROUGH RECORDS, SEPTEMBER 17, 1995, VOLUME PAGE 210/548.
- ELECTRIC UTILIZATION LINES ARE CENTERLINE OF A 20 FOOT WIDE ELECTRIC DISTRIBUTION LINE EASEMENT GRANTED PER PLAT 2005-29, KENAI RECORDING DISTRICT.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

Richard Hyde Jr.
 RICHARD HYDE JR. PRESIDENT
 PRL LOGISTICS INC.
 PO BOX 222029
 ANCHORAGE, ALASKA 99522
 OWNER OF FORMER TRACT 1 AND LOT 1

NOTARY ACKNOWLEDGEMENT

FOR: RICHARD HYDE JR.
 ACKNOWLEDGED BEFORE ME
 THIS 17th DAY OF October, 2021

Richard Hyde Jr.
 NOTARY PUBLIC SIGNATURE



CERTIFICATE OF OWNERSHIP AND DEDICATION

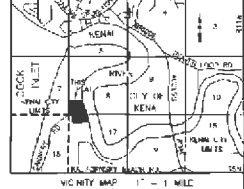
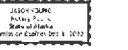
I HEREBY CERTIFY THAT KENAI LANDING INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HERE AND THAT ON BEHALF OF KENAI LANDING INC. I HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT INDICATE MY RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Richard Hyde Jr.
 RICHARD HYDE JR. PRESIDENT
 KENAI LANDING INC.
 4785 HOMER SPIT ROAD
 HOMER, ALASKA 99607
 OWNER OF FORMER TRACT A

NOTARY ACKNOWLEDGEMENT

FOR: RICHARD HYDE JR.
 ACKNOWLEDGED BEFORE ME
 THIS 18th DAY OF October, 2021

Richard Hyde Jr.
 NOTARY PUBLIC SIGNATURE



CERTIFICATE OF SURVEYOR

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

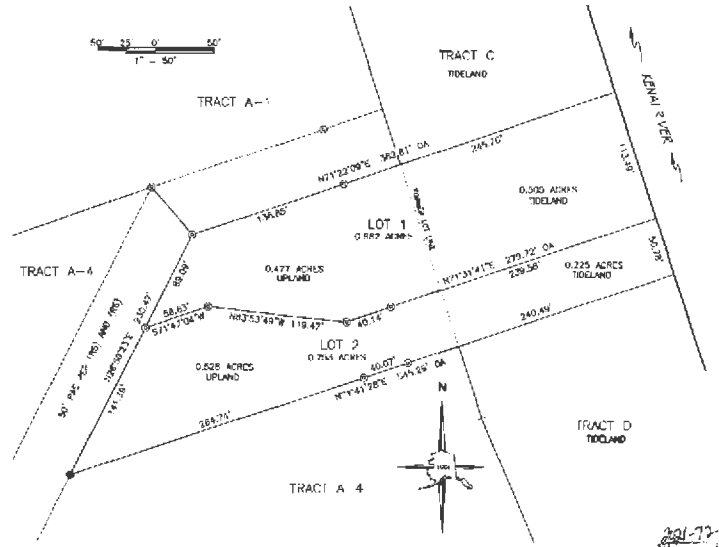


PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 12, 2021.
 KENAI PENINSULA BOROUGH

Mark Lamazzus
 11/8/21
 AUTHORIZED SIGNATURE

LOT 1 AND 2 DETAIL



KPB FILE NO. 2021-089

KENAI LANDING SUBDIVISION 2021 ADDITION

A SUBDIVISION OF TRACT A AND LOT 1 PLAT 2005-29, TRACT 1 PLAT 2015-29 AND ALASKA TIDE LANDS SURVEY NO. 115 PLAT K-135A

OWNERS: PRL LOGISTICS INC. PO BOX 222029 ANCHORAGE, ALASKA 99522
 KENAI LANDING INC. 4785 HOMER SPIT ROAD HOMER, ALASKA 99607

LOCATED WITHIN NW 1/4 SECTION 17, SW 1/4 SECTION 8, T.54N., R.11W., S.4M. STATE OF ALASKA KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT CITY OF KENAI CONTAINING 73.618 ACRES



19501 MID BEAVER D. ANCHORAGE, AL 99516
 Phone: 907.344.5880 Fax: 907.344.7704
 ACDL# 1392

DRAWN BY: DATE: 10/12/2021 PROJECT: 21-522
 CHECKED BY: SCALE: AS SHOWN SHEET: 1 OF 2
 IN CHARGE: AS SHOWN

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 9, 2024
SUBJECT: **Action/Approval** – Recommending City Council Enact Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use

At their regular meeting held on January 17, 2024, City Council referred Ordinance No. 3391-2024 to the Harbor Commission and Planning and Zoning Commission for a recommendation. Ordinance No. 3391-2024 is an amendment to Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) Land Use Map to align with the vision of the waterfront development area as identified in the Kenai Waterfront Revitalization Assessment Report. This Ordinance seeks to change the existing land use classification shown on the Future Land Use Map in the Comprehensive Plan from Industrial (IN) to Mixed Use (MU).

Please find the attached memo from Vice Mayor Knackstedt on Ordinance No. 3391-2024, the Ordinance that would make this amendment.

The commission may recommend council enact the ordinance, or propose council amend and enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachment

Memo from Vice Mayor Knackstedt
Ordinance No. 3391-2024

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Vice Mayor Knackstedt

DATE: January 10, 2024

SUBJECT: **Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use**

This Ordinance seeks to amend the Land Use Plan Map in the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) to align with the vision of the waterfront development area. In the Waterfront Redevelopment and Vision Assessment, the community shared a vision for the waterfront revitalization to be authentic, protective of the river and natural environment, assessable year-round and to provide economic opportunities. In the Comprehensive Plan, the waterfront development area has an Industrial (IN) land use classification, which does not align with the vision for the waterfront revitalization. The Ordinance will amend the Land Use Plan Map of the waterfront development area for certain parcels from Industrial (IN) to Mixed Use (MU) Land Use Classification to support the rezone of the waterfront development area.

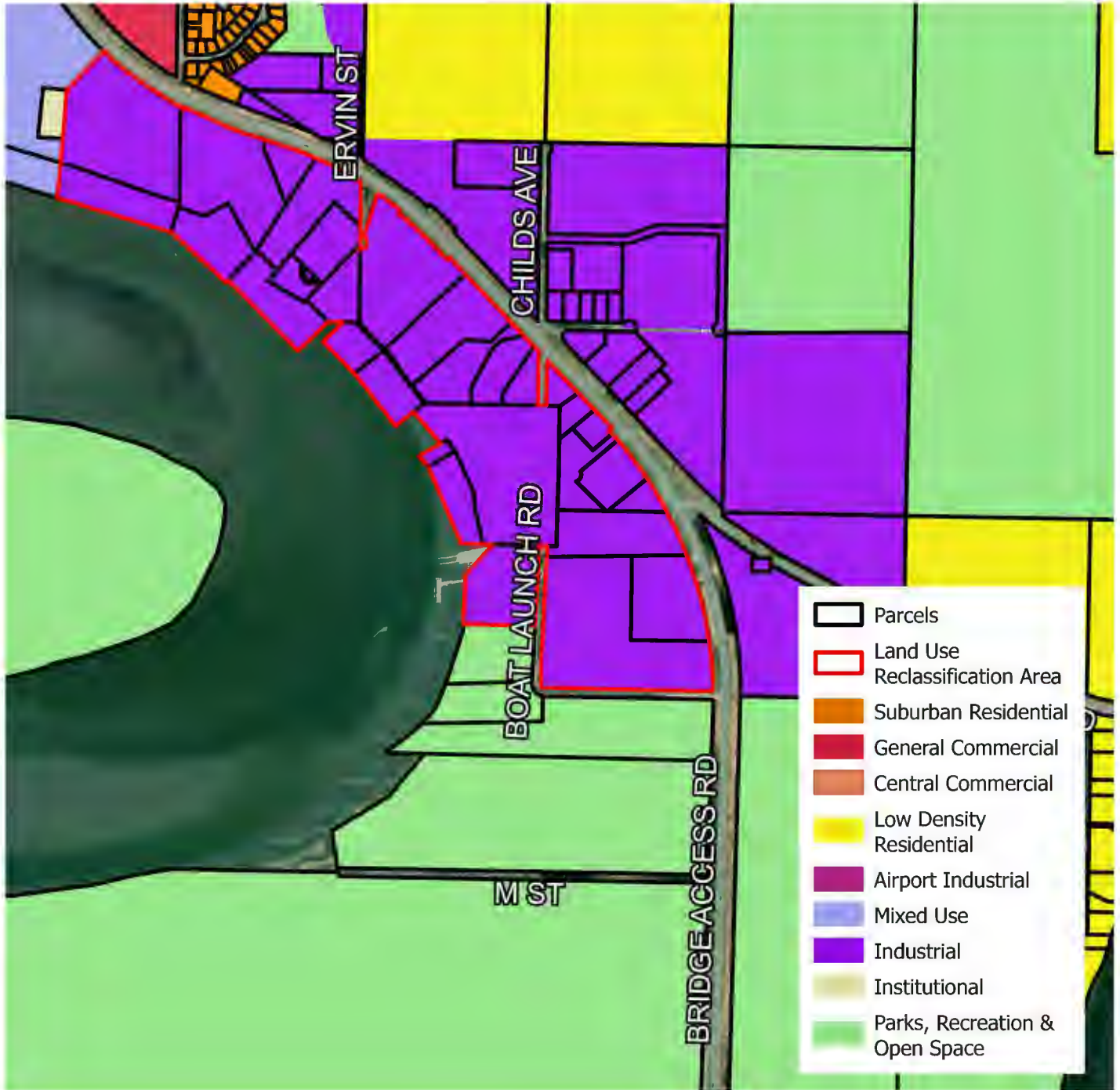
Your consideration is appreciated.

Attachments

Existing Land Use Map
Proposed Land Use Map

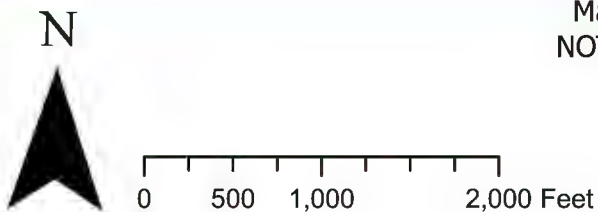


Ordinance 3391-2024 Existing Land Use Map



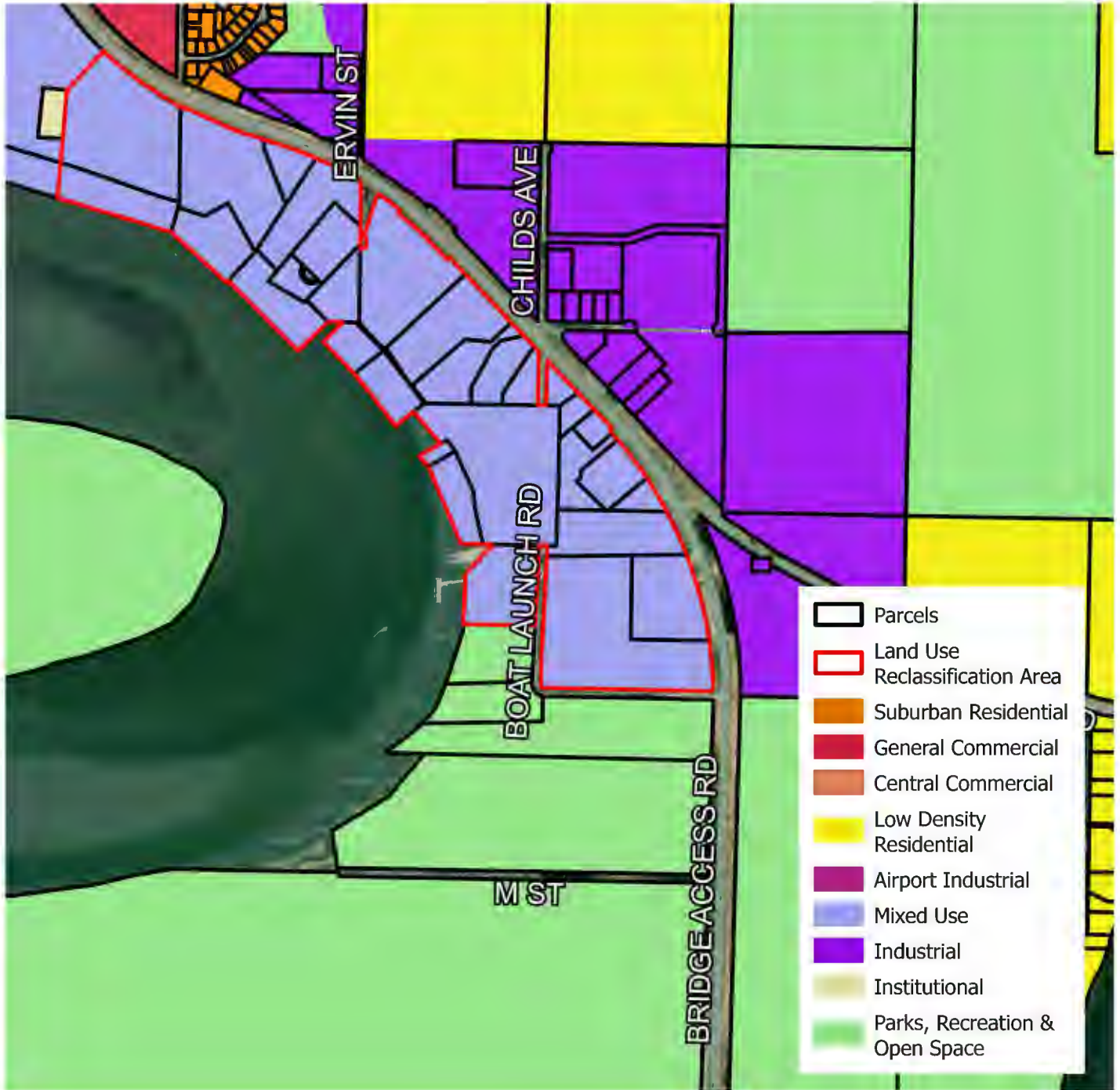
Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



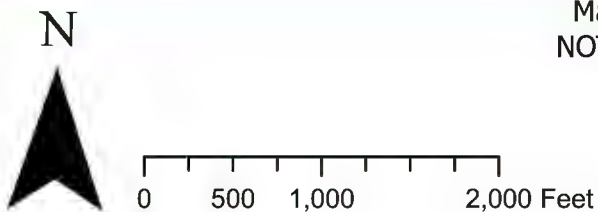


Ordinance 3391-2024 Proposed Land Use Map



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





**CITY OF KENAI
ORDINANCE NO. 3391-2024**

AN ORDINANCE AMENDING THE IMAGINE KENAI 2030 COMPREHENSIVE PLAN LAND USE PLAN MAP FOR CERTAIN PARCELS FROM INDUSTRIAL TO MIXED-USE.

WHEREAS, the City of Kenai as a Home Rule City has been delegated authority by Kenai Peninsula Borough Ordinance 90-31 to make land use plan amendments to the City of Kenai Comprehensive Plan; and,

WHEREAS, the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”) contains the goal to support a vision for the City to implement a forward-looking approach to community growth and development by establishment of several different zoning districts that reflect the needs of each district and suited to current and probable future growth; and,

WHEREAS, the City contracted with McKinley Research Group, LLC (consultant) to provide a Waterfront Redevelopment and Vision Assessment of properties between the Kenai River and Bridge Access Road beginning at Millennium Square to the Boat Launch; and,

WHEREAS, the consultant coordinated public vision work sessions and held meetings that established a preferred concept which provides for the greatest build-out and the most opportunities for economic development in the area; and,

WHEREAS, the study team found that the community of Kenai supports new development in the project area but not at the expense of impacting the existing uses, primarily seafood plant operations; and,

WHEREAS, the community shared a vision for the waterfront revitalization to be authentic, protective of the river and natural environment, assessable year-round and to provide economic opportunities; and,

WHEREAS, the Comprehensive Plan acknowledges the decline for demand of large industrial sites and the commercial fishing industry but indicates the need to maintain the viability of existing industry as a land use and economic priority; and,

WHEREAS, the current land use designation for the waterfront area is Industrial (IN); and,

WHEREAS, in the Comprehensive Plan, Mixed Use (MU) is intended for a compatible mix of residential, retail, service, office, public, institutional, and recreational uses; furthermore, uses are co-located in an integrated way that supports sustainable forms of transportation such as public transport, walking and biking, and increases neighborhood amenities while compatibility issues are addressed through careful site layout and building design; and,

WHEREAS, it is the best interest of the City of Kenai to amend the Comprehensive Plan Land Use Designation from IN to MU to support the rezoning of the waterfront area; and,

WHEREAS, the Harbor Commission and the Planning and Zoning Commission held a joint work session on _____ to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Commission at its regularly scheduled meeting of _____, 2024 recommended _____ on amendment of the Comprehensive Plan Land Use Designation.

WHEREAS, the Harbor Commission at its regularly scheduled meeting of _____, 2024 recommended _____ on amending the Comprehensive Plan Land Use Designation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of the Land Use Plan Map in the Comprehensive Plan: That Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map is hereby amended as follows: Reclassify the following parcels from Industrial (IN) to Mixed Use (MU) land use classification.

<u>Legal Description</u>	<u>Parcel ID</u>
Tract E, Daubenspeck Property Subdivision	04705703
Portion of Alaska Tidelands Survey 98	04705702
Tract C, US Survey 104, Amended Tracts A, B, & C	04901113
Tract C, US Survey 104, Amended Tracts A, B, & C	04901112
Tract A, Kenai Tidelands Survey No. 1	04901121
Portion of Govt Lot 10 Lying Southwest of Bridge Access Rd & Lying North & Northwest & Northeast of US Survey 4563 Amended, Section 4, T5N R11W	04901131
Lot 3, US Survey 4563 Amended	04901123
Lot 2, US Survey 4563 Amended	04901124
Alaska Tidelands Survey 82	04901125
Portion of Govt Lot 10 Lying Southeasterly of US Survey 4563 Amended, Section 4, T5N R11W	04901130
Lot 1, Kristine Subdivision No. 1	04901133
Lot 2, Kristine Subdivision No. 1	04901134
Tract B, Kenai Tidelands Survey No. 2	04901132
Tract C, Kenai Tidelands Survey No. 2	04901404
Lot 3A, Kristine Subdivision Jahrig Addition	04901136
Lot 3B, Kristine Subdivision Jahrig Addition	04901137
Lot 3C, Kristine Subdivision Jahrig Addition	04901138
Lot 1, Baron Wood Subdivision	04901312

Lot 2, Baron Wood Subdivision	04901313
US Survey 678 Amended	04901401
Alaska Tidelands Survey No. 770	04901403
Alaska Tidelands Survey No. 114	04901402
Lot 3, Baron Wood Subdivision No. 2	04901314
Lot 4A, Baron Wood Subdivision No. 2	04901321
Lot 5A, Baron Wood Subdivision No. 2	04901322
Lot 8, Baron Wood Subdivision	04901320
Tract E, Boat Ramp Subdivision	04945009
Tract F-1, Alaska State Land Survey No. 2012-04	04945011
Tract F-2, Alaska State Land Survey No. 2012-04	04945012
Tract A, City of Kenai Boat Ramp & ROW Dedication (Northern Half)	04945002

Attached is Exhibit "A" illustrating the proposed land use reclassification area.

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21ST DAY OF FEBRUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

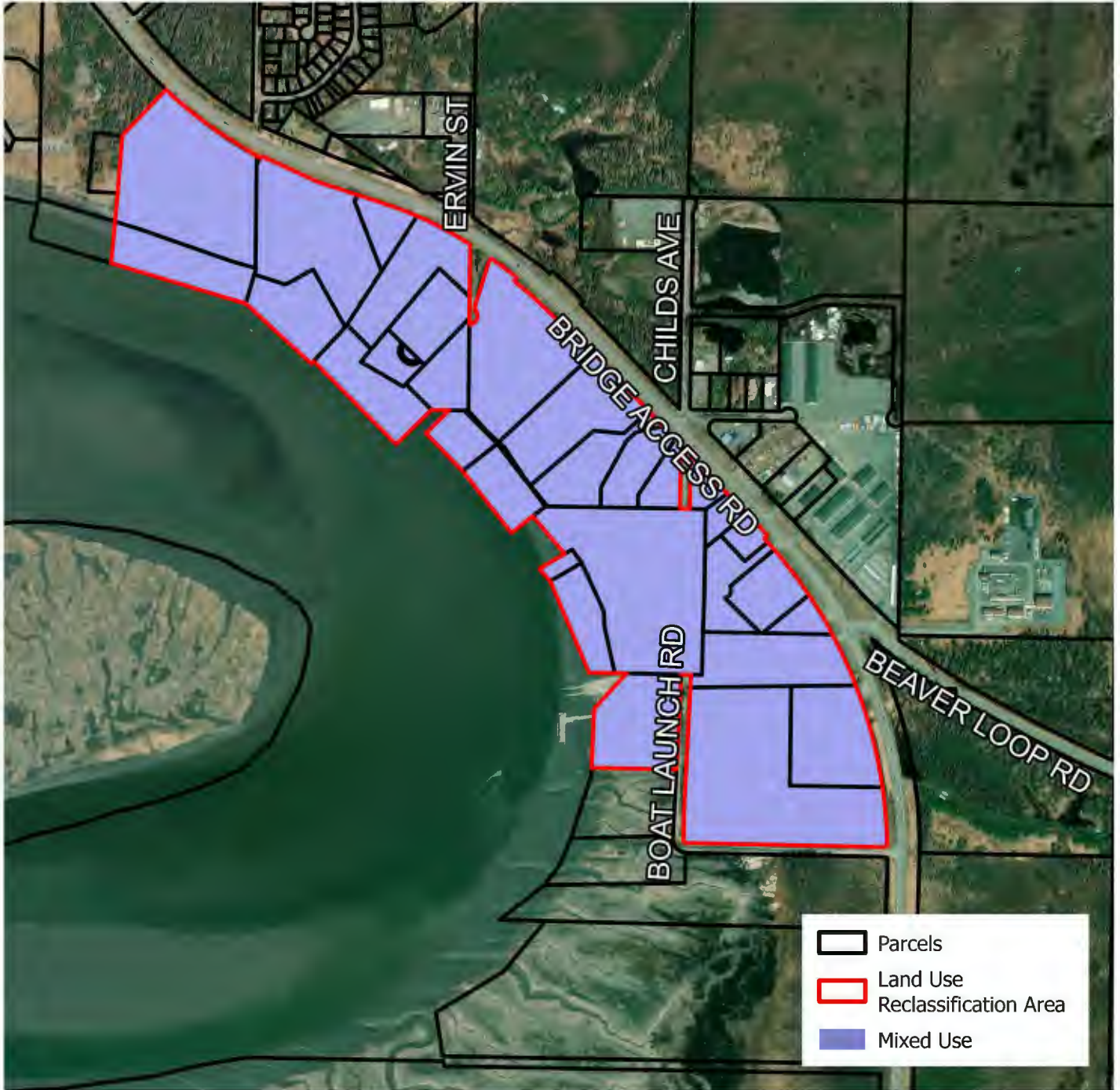
Introduced:	January 17, 2024
Enacted:	February 21, 2024
Effective:	March 22, 2024



Exhibit A

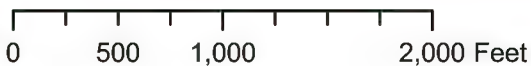
Ordinance 3391-2024

Land Use Map Amendment



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



MEMORANDUM

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: February 9, 2024

SUBJECT: **Action/Approval** – Recommending City Council Enact Ordinance No. 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District

At their regular meeting held on January 17, 2024, City Council referred Ordinance No. 3392-2024 to the Harbor Commission and Planning and Zoning Commission for a recommendation. Ordinance No. 3392-2024 is an amendment to Kenai Zoning Code and Official Zoning Map in response to the efforts and vision that resulted from the Kenai Waterfront Revitalization Assessment. This Ordinance seeks to change the existing zoning district as shown on Official Zoning Map from Heavy Industrial (IH) to a new zoning district, Working Waterfront (WW), which includes amendments to the Kenai Zoning Code to reflect this new zoning district.

Please find the attached memo from Vice Mayor Knackstedt on Ordinance No. 3392-2024, the Ordinance that would make these amendments, along with the Ordinance itself.

The commission may recommend council enact the ordinance, or propose council amend and enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachment

Memo from Vice Mayor Knackstedt
Ordinance No. 3392-2024



KENAI

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

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Vice Mayor Knackstedt

DATE: January 10, 2024

SUBJECT: **Ordinance No. 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District**

This Ordinance seeks to amend the Kenai Zoning Code and Official Zoning Map in response to the efforts and vision that resulted from the Kenai Waterfront Revitalization Assessment. This is a first step towards the long-term planning efforts of redeveloping the waterfront area. The Ordinance will add a new zoning district, Working Waterfront (WW) Zone to the Kenai Zoning Code with corresponding code amendments to the land use table and development requirements tables. In addition, it will amend the Official Zoning Map of the waterfront development area for certain parcels from Heavy Industrial (IH) to WW Zone. With staff's recommendation, wetlands parcels to the south of the waterfront development area will be rezoned from IH to Conservation (C) Zone for compatibility with the surrounding area and consistency with the Land Management Plan and Comprehensive Plan.

Your consideration is appreciated.

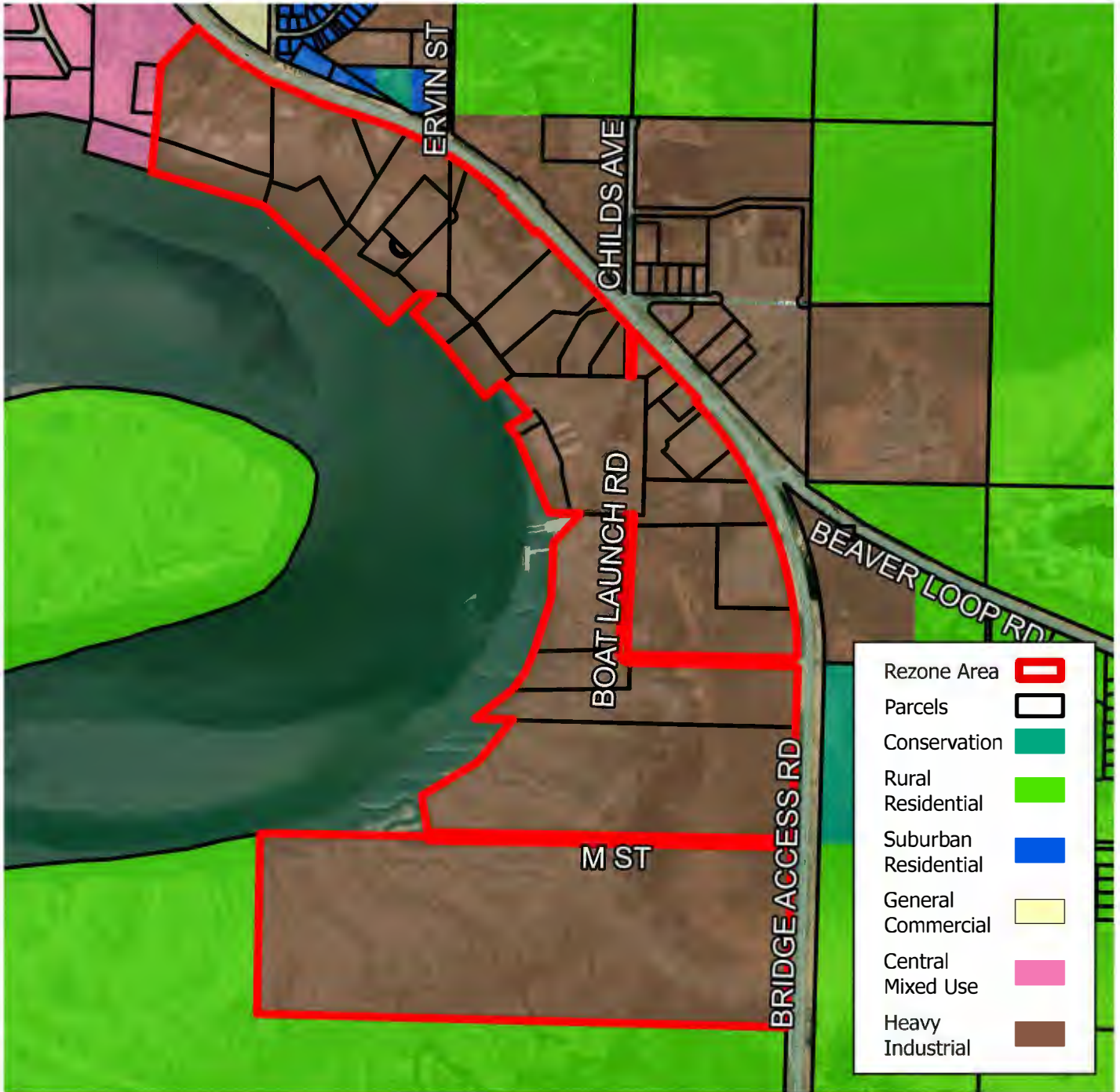
Attachments

Existing Zoning Map
Proposed Zoning Map



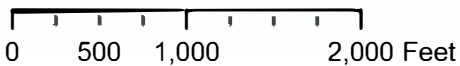
Ordinance 3392-2024

Existing Zoning



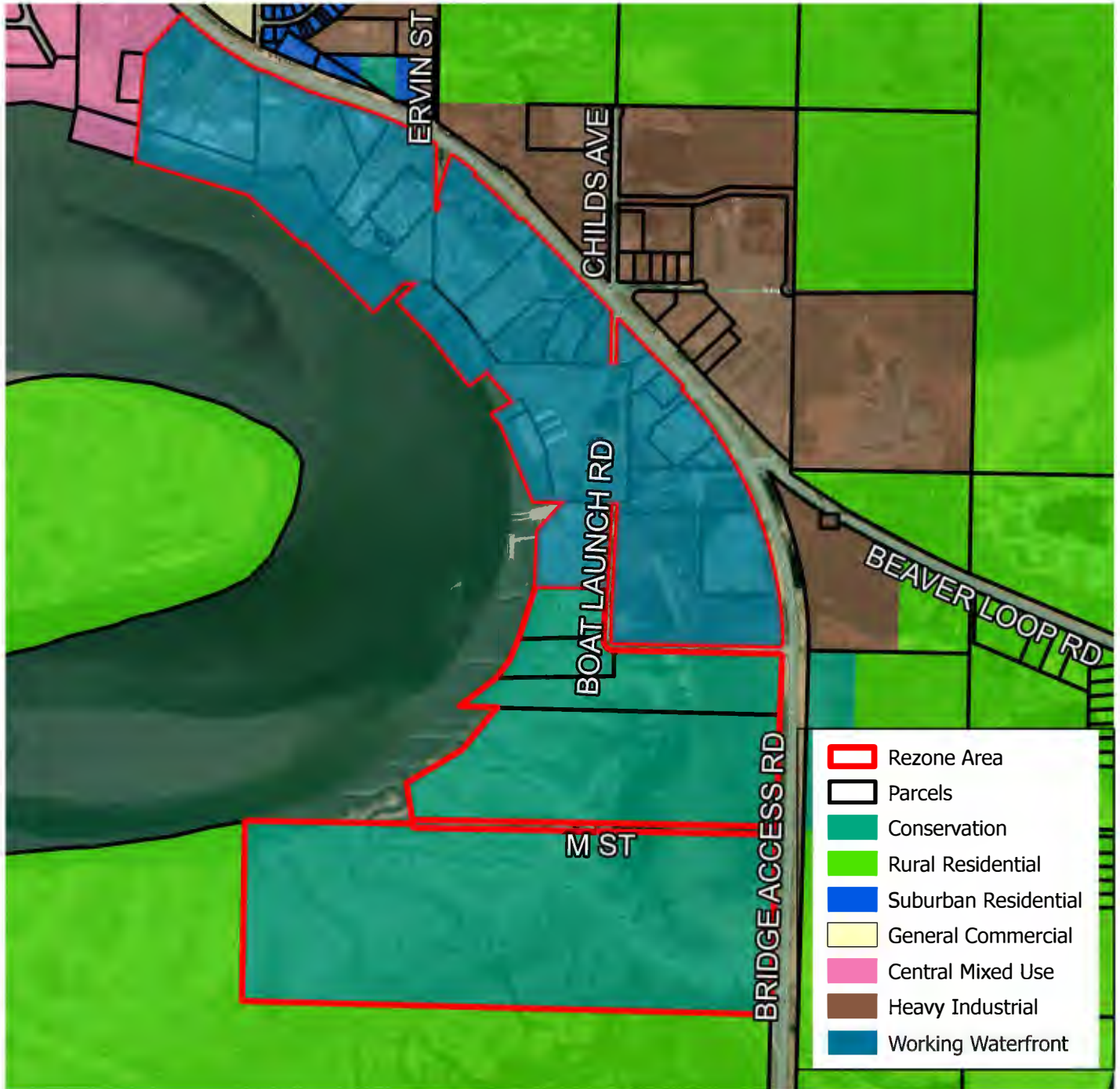
Date Printed: 1/9/2024

Map for Reference Only
NOT A LEGAL DOCUMENT



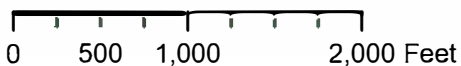


Ordinance 3392-2024 Proposed Zoning



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Sponsored by: Vice Mayor Knackstedt

**CITY OF KENAI
ORDINANCE NO. 3392-2024**

AN ORDINANCE AMENDING THE KENAI ZONING CODE TO ADD A NEW ZONING DISTRICT, WORKING WATERFRONT (WW) AND AMENDING THE OFFICIAL ZONING MAP FOR CERTAIN PARCELS FROM HEAVY INDUSTRIAL (IH) TO WORKING WATERFRONT (WW) OR CONSERVATION (C) ZONING DISTRICT.

WHEREAS, the Imagine Kenai 2030 Comprehensive Plan (“Comprehensive Plan”), identified a Land Use objective to review revitalization strategies for the area adjacent to Bridge Access Road beginning at Millennium Square to the boat landing; and,

WHEREAS, in 2021, the City funded the Kenai Waterfront Revitalization Assessment (“Assessment”) for revitalization strategies to maximize the potential of the waterfront area to support a thriving business, residential, recreational, and cultural community; and,

WHEREAS, within the “Assessment”, it outlined recommended next steps to address the dire planning needs by preparing a Waterfront Master Plan and conducting a Civic Center Market Assessment and Feasibility Analysis; and,

WHEREAS, due to the emerging interests in the waterfront area from the public engagement conducted for the Assessment, there is a sense of urgency for the waterfront rezone to promote new development or redevelopment that is consistent with the vision and findings in the Assessment; and,

WHEREAS, the Comprehensive Plan acknowledges the decline for demand of large industrial sites and the commercial fishing industry but indicated the need to maintain the viability of existing industry as a land use and economic priority; and,

WHEREAS, the creation of a new zoning district, Working Waterfront (WW) would allow certain commercial uses by-right and protect existing uses that align with the vision of the waterfront development, as identified in the Assessment; and,

WHEREAS, the proposed rezone from Heavy Industrial (IH) to WW Zone would be consistent with Ordinance 3391-2024, amending the Comprehensive Plan to reclassify the future land use of the proposed rezone area from Industrial (IN) to Mixed Use (MU), which envisions a compatible mix of residential, retail, service, office, public, institutional, and recreational uses; and,

WHEREAS, the proposed rezone includes parcels outside of the designated waterfront development area, which are primarily wetlands parcels to Conservation (C) Zone for compatibility with the surrounding area and consistency with the Land Management Plan and Comprehensive Plan; and,

WHEREAS, the Harbor Commission and the Planning and Zoning Commission held a joint work session on _____ to discuss the proposed ordinance to create a waterfront zoning district and amend the Comprehensive Plan; and,

WHEREAS, the Planning and Zoning Commission at its regularly scheduled meeting of _____, 2024 recommended _____ on amending the Kenai Municipal Code (KMC) to add a new zoning district and rezone the waterfront area; and,

WHEREAS, the Harbor Commission at its regularly scheduled meeting of _____, 2024 recommended _____ on amending the KMC to add a new zoning district and rezone the waterfront area; and,

WHEREAS, it is the best interest of the City of Kenai to amend KMC to add the Working Waterfront Zone and amend other KMC Sections, which are consistent with the waterfront land uses identified in the Assessment; and,

WHEREAS, it is in the best interest of the City of Kenai to amend the Official Zoning Map to rezone certain parcels from Heavy Industrial to Working Waterfront zoning district to promote opportunities for economic development, redevelopment, and use of land that do not impact the existing uses in the area; and,

WHEREAS, it is in the best interest of the City of Kenai to amend the Official Zoning Map to rezone certain parcels south of the waterfront redevelopment area from Heavy Industrial to Conservation zoning district to preserve the open areas, watershed, and wildlife reserves.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Subsection 14.20.030(a) of Kenai Municipal Code: That Kenai Municipal Code, Subsection 14.20.030(a) *Adoption of Zones and Zoning Map* is hereby amended as follows:

(a) *Adoption of Zones and Zoning Map.* The City of Kenai is divided into the following zones:

Conservation	C Zone
Rural Residential	RR Zone
Suburban Residential	RS Zone
Rural Residential	RR-1 Zone
Suburban Residential	RS-1 Zone
Suburban Residential	RS-2 Zone
Urban Residential	RU Zone
Central Commercial	CC Zone
General Commercial	CG Zone
Limited Commercial	LC Zone
Light Industrial	IL Zone
Heavy Industrial	IH Zone

Recreational	R Zone
Townsite Historic	TSH Zone
Education Zone	ED Zone
Central Mixed Use	CMU Zone
<u>Working Waterfront</u>	<u>WW Zone</u>

These zones shall be bounded and defined as shown on the official zoning map, which shall be kept on file at Kenai City Hall. This official zoning map, together with all explanatory matter thereon, as exhibited at the time of public hearing, is hereby adopted by reference and declared to be a part of this chapter.

Section 2. Amendment of Chapter 14.20 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 14.20 *Kenai Zoning Code* is hereby amended as follows:

14.20.128 Working Waterfront Zone (WW Zone).

(a) Intent. The WW Zone is established to provide the following purposes:

- (1) To encourage, protect and maintain water-dependent and water-related uses;
- (2) To encourage development of park space, pedestrian connections, and public recreational space;
- (3) To provide appropriately located areas for commercial/economic enterprises, tourism, or recreation for the convenience of the public and in mutually beneficial relationships to each other;
- (4) To provide space for community facilities and institutions that appropriately may be located in areas;
- (5) To provide adequate space to meet the needs of commercial development, including off-street parking and truck loading areas;
- (6) To minimize traffic congestion and create a safe and continuous pedestrian connection;
- (7) To protect non-industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (8) To encourage new development to maintain a certain relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks; and
- (9) To protect and maintain certain industrial uses that require waterfront locations.

(b) Principal Permitted Uses. As allowed in the Land Use Table.

(c) Conditional Uses. As allowed in the Land Use Table and subject to the provisions of this chapter.

(d) Accessory Uses. As defined in this chapter.

(e) Home Occupations. Uses as allowed in this chapter.

(f) Parking Requirements. As required by this chapter.

(g) Development Requirements. As required by this title.

(h) Landscaping. As required in KMC [14.25](#).

Section 3. Amendment of Section 14.22.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 *Land Use Table* is hereby amended as follows:

14.22.010 Land use table.

LAND USE TABLE

KEY: P = Principal Permitted Use

C = Conditional Use

S = Secondary Use

N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																			
LAND USES	ALI	C	RR	R R- 1	RS	RS -1	RS-2	R U	CC	C G	IL	IH	E D	R	TS H	LC	CMU	<u>WW</u>	
RESIDENTIAL																			
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ² ₂	P	P	P	S ¹ /C ²¹	<u>C</u>	
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ² ₂	P	P	P	S ¹ /C ²¹	<u>P</u>	
Four-Family Dwelling	N	C ¹⁸	P	C ³ _{,29}	P	N	N	P	P ²¹	S ¹	C	C	C ² ₂	N	P	C	S ¹ /C ²¹	<u>P</u>	
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹	<u>P</u>	
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹	<u>P</u>	
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C	<u>N</u>	
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ² ₉	C	C	C	C	C	C	C	C	N	C	C	C	C	<u>P</u>	

Townhouses ⁴	N	C ¹⁸	C ³	C ³ _{,29}	C ³	C ³	C ³	C ³	C ³	C	C	C	C	C ² ₂	C	C	C	C	<u>C³²</u>
Accessory Building on Parcel Without Main Building or Use (See KMC 14.20.200)	N	N	C	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N	<u>N</u>
COMMERCIAL																			
Airport Compatible Uses	P	N	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C	<u>C</u>
Adult Businesses	N	N	N	N	N	N	N	N	N	P ³¹	P ³ ₁	P ³ ₁	P ³ ₁	N	N	N	N	N	<u>N</u>
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	N	P	<u>N</u>
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	N	P	<u>C³²</u>
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	C	P	<u>P</u>
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	C	P	<u>P</u>
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	C	P	<u>P</u>
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	C	P	<u>P</u>
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	C	P	<u>P</u>
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	C	P	<u>P</u>
Marijuana Cultivation Facility, Limited ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	N	<u>N</u>
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	N	<u>N</u>
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	N	<u>N</u>

Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C	<u>N</u>
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P	<u>P</u>
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ₄ ²	S ₄ ²	C	C	P	<u>P</u>
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C	<u>C</u>
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	<u>P</u>
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ₄ ²	C	C	N	<u>N</u>
INDUSTRIAL																		
Airports	C	P ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C	<u>C</u>
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P	<u>C</u>
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P	<u>C³²</u>
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N	<u>C</u>
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C	<u>C</u>
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C	<u>N</u>
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C	<u>C³²</u>
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N	<u>C</u>
PUBLIC/INSTITUTIONAL																		
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>

Churches*	N	C	P ¹⁰	P ₀ ¹	P ¹⁰	P ¹⁰	P ¹⁰	P ₀ ¹	P ¹⁰	P ₀ ¹	C	C	P	P ₀ ¹	P	P	P	<u>P</u>
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P	<u>P</u>
Colleges*	N	C	C	C ₉ ²	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Elementary Schools*	N	C	C	C ₉ ²	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Governmental Buildings	P	C	C	C ₉ ²	C	C	C	C	P	P	P	C	P	C	C	P	P	<u>P</u>
High Schools*	N	C	C	C ₉ ²	C	C	C	C	P	P	C	C	P	C	C	C	P	<u>P</u>
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P	<u>P</u>
Libraries*	N	C	C	C ₉ ²	C	C	C	C ₂ ¹	P	P	P	C	P	C	P	C	P	<u>P</u>
Museums	C	C	C	C ₉ ²	C	C	C	C	P	P	P	C	P	C	P	C	P	<u>P</u>
Parks and Recreation	N	P	C	C ₉ ²	C	C	C	C	P	P	P	P	P	P	P	C	P	<u>P</u>
MISCELLANEOUS																		
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C	<u>C</u>
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P ¹⁵	P ₅ ¹	P ₅ ¹	P ₅ ¹	P ₅ ¹	C	P	N	P ¹⁵	<u>P</u>
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P	<u>P</u>
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P	<u>P</u>
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N	<u>N</u>

Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** 28	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C	<u>C</u>
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C	<u>N</u>
Day Care Centers ¹²	N	C	C	C ² ₉	C	C	C	C	P	P	P	C	C	C	C	P	P	<u>P</u>
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ² ₃	C	C	C	P	<u>P</u>
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N	<u>C</u>
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P	<u>P</u>
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P	<u>P</u>
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P	<u>P</u>
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P	<u>P</u>
Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C ²⁷	P	<u>P</u>
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C	<u>C</u>
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N	<u>C</u>

Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N	<u>N</u>
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* See 42 U.S.C. Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

** See 42 U.S.C. Telecommunications Act of 1996, Sec. 704(a)

*** See, however, the limitations imposed under KMC [3.10.070](#)

Footnotes:

1 Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.

2 One (1) single-family residence per parcel, which is part of the main building.

3 Allowed as a conditional use, subject to satisfying the following conditions:

a The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

b The site square footage in area must be approved by the Commission;

c Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

d Water and sewer facilities shall meet the requirements of all applicable health regulations;

e The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

f The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

g There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

h The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

i The property adjacent to the proposed dwelling group will not be adversely affected.

4 See “Townhouses” section.

5 See “Mobile Homes” section.

6 Allowed as a conditional use, subject to “Mobile Homes” section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

7 See “Planned Unit Residential Development” section.

8 Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

9 Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

10 Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

11 Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

12 Allowed as a conditional use; provided, that the following conditions are met:

a The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

b Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

13 Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter [3.15](#)).

14 Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

15 Allowed; provided, that the following conditions are met:

a An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.

b Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

16 See “Conditional Uses” section.

17 See “Conditional Use Permit for Surface Extraction of Natural Resources” section.

18 **Conditional use allowed only on privately held property.** Not allowed on government lands.

19 Reserved.

20 The airport-related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC [14.20.070\(a\)](#), except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

21 Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

22 **Allowed as a conditional use in conjunction with a permitted use in the ED Zone.** For example, housing for teachers or students for a school in the zone.

23 **Allowed as an accessory use in conjunction with a permitted use in the ED Zone.** For example, a dormitory used to house students for a school or educational facility.

24 Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

25 Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

26 Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

27 Personal services not set forth in the below matrix are conditional uses.

Limited Commercial Zone		
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

28 Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC [14.20.255](#) are met or a conditional use (C) if the applicable conditions set forth in KMC [14.20.150](#) and [14.20.255](#) are met.

29 Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet

as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

30 See marijuana regulations, KMC [14.20.230](#)—Home Occupations, [14.20.320](#)—Definitions, [14.20.330](#)—Standards for commercial marijuana establishments.

31 See KMC [14.20.175](#)—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

32 Allowed as a conditional use; provided, it is a maritime-related use to accommodate recreational boating activities, recreational facilities, accessory uses, and service facilities.

Section 4. Amendment of Chapter 14.24 of Kenai Municipal Code: That Kenai Municipal Code, Chapter 14.24 *Development Requirements Tables* are hereby amended as follows:

14.24.010 Minimum lot area requirements.

Table 14.24.010. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS											
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/T SH	ALI/IL/IH/ CC/CG/CMU/ WW	R	ED	LC	
MINIMUM LOT AREA (square feet)							See individual sections of Code for requirements.				
Single/Two/Three Family Dwelling	20,000	20,000	7,200	12,500	7,200	7,200		20,000	20,000	12,500	
Four Family Dwelling	20,000	22,400	9,600	N	N	7,200		N	N	12,500	
Five Family Dwelling	22,400	N	12,000	N	N	7,200		N	N	12,500	
Six Family Dwelling	24,800	N	14,400	N	N	7,200		N	N	12,500	
Seven or More Family Dwelling	27,200 + 2,400 for each	N	16,800 + 2,400 for each	N	N	7,200		N	N	12,500	

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/T SH	ALI/IL/IH/ CC/CG/CMU/ <u>WW</u>	R	ED	LC
	unit over 7		unit over 7							
Maximum Height (feet)	35	35	35	35	35					35

Key: N = Not allowed.

Footnotes:

1 Listed square footages are the minimum required for each zone.

2 Greater lot square footages may be required to satisfy Alaska Department of Environmental Conservation (ADEC) requirements where on-site water supply and/or sewer is necessary.

3 Minimum lot size for non-residential uses in ED zone is 40,000 square feet.

4 Minimum lot size for residential uses in the CMU zone is 7,200 square feet.

14.24.020 General Requirements.

Table 14.24.020. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/ CMU/ <u>WW</u>	R	ED	LC
MINIMUM LOT WIDTH (feet)	90	90	60	60	60	60	See individual sections of Code for requirements	90	90	90
MINIMUM LOT SIZE (feet)										
Front Setback ¹	20	20	20	20	20	10	20	20	20	20
Side Setback ²										
One-Story ³	15	15	5	5	5	5	10	15	15	15
Daylight Basement/Split Level ³	15	15	10	10	10	5	10	15	15	15

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/ CMU/WW	R	ED	LC
Two-Story ³	15	15	15	15	15	5 ⁴	10	15	15	15
Rear Setback	20	20	20	20	20	10 ⁴	10	20	20	20
Maximum Lot Coverage	30%	30%	30%	30%	30%	40%		30%	30%	30%
Maximum Height (feet)	35	35	35	35	35					35

Footnotes:

1 Provided that the minimum front setback is measured from any right-of-way or access easement.

2 Side setbacks are determined based on the primary vehicular access of the structure. Plot plan/as-built will distinguish single and two-story portions of building to verify setback distances are met.

3 Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof above.

One-story is defined as a story having direct access from grade level without a lower story. A structure having a lower story situated below a one-story is considered a one-story structure in its entirety.

Two-story is defined as one-story plus more than one-half (1/2) the height of the lower story all situated above grade.

Daylight basement/split level is defined as one-story plus less than one-half (1/2) the height of the lower story all situated above grade.

For purposes of these footnotes, Grade is defined as the lowest point of elevation of the finished surface of the ground between the building and a line five (5) feet from the building.

4 Except that for each story over two (2) stories, each side and rear yard shall be increased three (3) feet, but need not exceed fourteen (14) feet for each side yard and nineteen (19) feet for the rear yard.

5 Side setbacks for parcels within the airport perimeter fence situated along aircraft movement areas, ramps, taxiways, or parking aprons are exempt from the side setback requirements of this title. The building restriction line identified on the Airport Layout Plan must be maintained.

6 All structures in aircraft-approach zones and within eight thousand feet (8,000') of the main runway shall be subject to height limitation on the basis of obstruction criteria as shown on the current FAA-approved Kenai Airport Layout Plan.

14.24.030 Addendum to development requirements tables.

Section 5. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone the following parcels from Heavy Industrial (IH) to Working Waterfront (WW) zoning district.

<u>Legal Description</u>	<u>Parcel ID</u>
Tract E, Daubenspeck Property Subdivision	04705703
Portion of Alaska Tidelands Survey 98	04705702
Tract C, US Survey 104, Amended Tracts A, B, & C	04901113
Tract C, US Survey 104, Amended Tracts A, B, & C	04901112
Tract A, Kenai Tidelands Survey No. 1	04901121
Portion of Govt Lot 10 Lying Southwest of Bridge Access Rd & Lying North & Northwest & Northeast of US Survey 4563 Amended, Section 4, T5N R11W	04901131
Lot 3, US Survey 4563 Amended	04901123
Lot 2, US Survey 4563 Amended	04901124
Alaska Tidelands Survey 82	04901125
Portion of Govt Lot 10 Lying Southeasterly of US Survey 4563 Amended, Section 4, T5N R11W	04901130
Lot 1, Kristine Subdivision No. 1	04901133
Lot 2, Kristine Subdivision No. 1	04901134
Tract B, Kenai Tidelands Survey No. 2	04901132
Tract C, Kenai Tidelands Survey No. 2	04901404
Lot 3A, Kristine Subdivision Jahrig Addition	04901136
Lot 3B, Kristine Subdivision Jahrig Addition	04901137
Lot 3C, Kristine Subdivision Jahrig Addition	04901138
Lot 1, Baron Wood Subdivision	04901312
Lot 2, Baron Wood Subdivision	04901313
US Survey 678 Amended	04901401
Alaska Tidelands Survey No. 770	04901403
Alaska Tidelands Survey No. 114	04901402
Lot 3, Baron Wood Subdivision No. 2	04901314

Lot 4A, Baron Wood Subdivision No. 2	04901321
Lot 5A, Baron Wood Subdivision No. 2	04901322
Lot 8, Baron Wood Subdivision	04901320
Tract E, Boat Ramp Subdivision	04945009
Tract F-1, Alaska State Land Survey No. 2012-04	04945011
Tract F-2, Alaska State Land Survey No. 2012-04	04945012
Tract A, City of Kenai Boat Ramp & ROW Dedication (Northern Half)	04945002

Attached is Exhibit "A" illustrating the area of the proposed zone change.

Section 6. Amendment of City of Kenai Official Zoning Map: That City of Kenai, Official Zoning Map is hereby amended as follows: Rezone the following parcels from Heavy Industrial (IH) to Conservation (C) zoning district.

<u>Legal Description</u>	<u>Parcel ID</u>
Tract A, City of Kenai Boat Ramp & ROW Dedication (Southern Half)	04945002
Tract B, City of Kenai Boat Ramp & ROW Dedication	04945003
Tract C, City of Kenai Boat Ramp & ROW Dedication	04945004
Tract D, City of Kenai Boat Ramp	04945005
Govt Lots 6, 7, 10 and SE1/4 SE1/4 in Section 8 & Govt Lot 6 and SE1/4 NE1/4 and SE1/4 and NE1/4 SW1/4 and S1/2 SW1/4 Section 9 & Govt Lots 1, 4-6 and NE1/4 NE1/4 Section 17 excluding the Kenai River crossing ROW, T5N R11W (West Side of Bridge Access Road)	04910014

Attached is Exhibit "A" illustrating the area of the proposed zone change.

Section 7. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 8. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 21ST DAY OF FEBRUARY, 2024.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

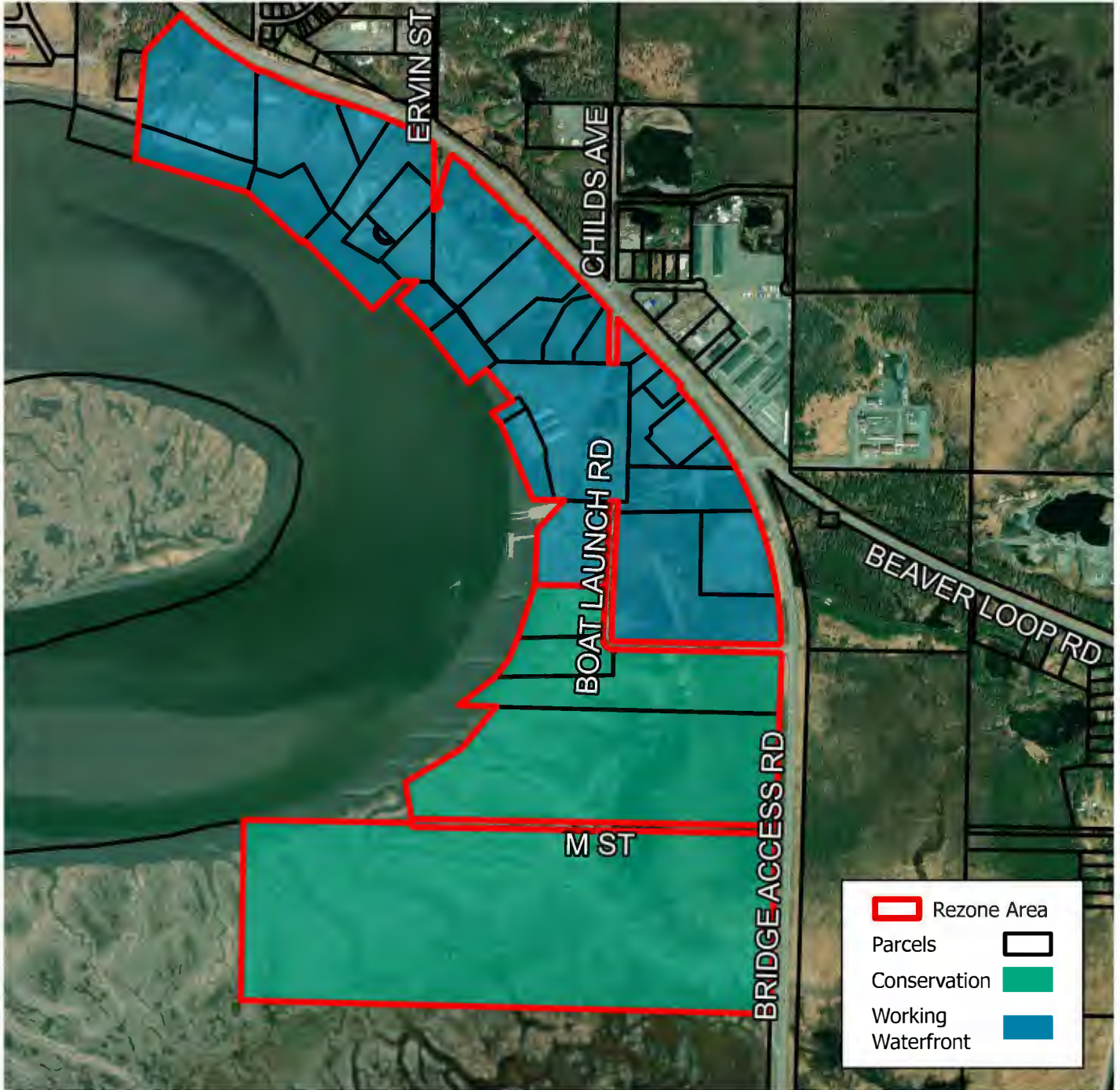
Introduced:	January 17, 2024
Enacted:	February 21, 2024
Effective:	March 22, 2024



EXHIBIT A

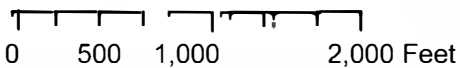
Ordinance 3392-2024

Zoning Map Amendment



Date Printed: 1/10/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: February 9, 2024
SUBJECT: 810 Set Net Drive – Granting a Home Occupation Permit to Allow a Home Office and Equipment Storage for a Cleaning Service Business

Request The applicant is requesting to operate a home office and store cleaning equipment in the single-family dwelling.

Staff Recommendation Approve the Home Occupation Permit for a Home Office and Equipment Storage for a Cleaning Service Business.

Applicant: Roberta Memushi
Property Owners: Roberta Memushi and Alecsy Gomez
Legal Description: Lot 12, Block 2 V.I.P. Ranch Estates Subdivision Part 7
Property Address: 810 Set Net Drive
KPB Parcel No.: 04940069
Lot Size (acreage): 1.13
Zoning: Rural Residential (RR)
Current Use: Single-Family Dwelling
Land Use Plan: Low-Density Residential (LDR)

SUMMARY

The applicant has applied for a Home Occupation Permit (HOP) to operate a home office and equipment storage in the single-family dwelling. The HOP would be conducted within an approximately 2,050 square foot 2-story single-family dwelling with an approximately 526 square foot attached garage. The applicant indicated that they would use approximately 60 square feet of the garage for storage of cleaning equipment and supplies. It is noted on the application that a business sign will not be placed on the property.

ANALYSIS

Pursuant to KMC 14.20.230(a), the intent of a HOP is to allow uses *that are compatible with other permitted uses and with the residential character of a neighborhood, and that are clearly secondary or incidental to the residential use of the main building*. Prior to granting a home occupation permit, the administrative official shall determine that the application meets the criteria as outlined in KMC 14.20.230(e) [Home Occupations] *Permit Application* and recommend that the Commission grant the permit on the consent agenda.

The proposed HOP meets the intent of Kenai Zoning Code for a HOP because it would be an accessory use to the existing single-family residence. Staff finds that the use of a home office for a cleaning service business, where the services are provided off-site and a small portion of the garage for equipment storage would not adversely impact the residential character of the neighborhood. The parking requirement is the same as a single-family/two-family dwellings, two (2) spaces per dwelling units and this requirement is met with the existing 2-car garage and driveway.

Home Occupations – Development Requirements

Kenai Municipal Code 14.20.230(d) sets forth the development requirements of a Home Occupation, as follows:

- **KMC14.20.230(d)(1) *Not more than one (1) person outside the family shall be employed in the Home occupation.***

Findings: The applicant states that there will not be more than one person outside of the family that will be employed for the home occupation. This requirement is met.

- **KMC 14.20.230(d)(2) *No more than thirty percent (30%) of the gross floor area of all buildings on the lot shall be used for the home occupation.***

Findings: The gross floor area (GFA) of all buildings on the lot is approximately 2,576 square feet and 30 percent of the GFA is 772 square feet. The use for the home occupation would not exceed 772 square feet of the single-family dwelling.

- **KMC 14.20.230(d)(3) *The home occupation shall be carried on wholly within the principal building, or other buildings which are accessory thereto. Any building used for a home occupation shall be wholly enclosed.***

Findings: Only a portion of the single-family dwelling will be used for home office and a small portion of the garage will be used for equipment storage. Both spaces are wholly enclosed. This requirement is met.

Fire Code Inspections

Pursuant to KMC 14.20.230(h)(2), *Residences which are the subject of a home occupation permit application (other than day care facilities) may be required to be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to approval of the permit, if the Fire Marshal determines it is necessary for public safety.*

The Fire Marshall has confirmed that the proposed home office and equipment storage for a cleaning service business will not require an inspection prior to the approval of the HOP.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.230(e)(4) *Notice of the consideration by the Commission of a home occupation permit application shall be published once at least two (2) days prior to the meeting in a paper of general circulation in the City of Kenai.* The public notice was published on Wednesday, February 7, 2024 in the *Peninsula Clarion*.

At this time, staff has not received any comments.

STAFF RECOMMENDATION

Staff finds that the proposed home office and equipment storage for a cleaning service business in a single-family dwelling located at 810 Set Net Drive meets the criteria for issuance of a Home Occupation Permit as set forth in Kenai Municipal Code 14.20.230, and hereby recommends that the Planning and Zoning Commission grant the Home Occupation Permit, subject to the following conditions:

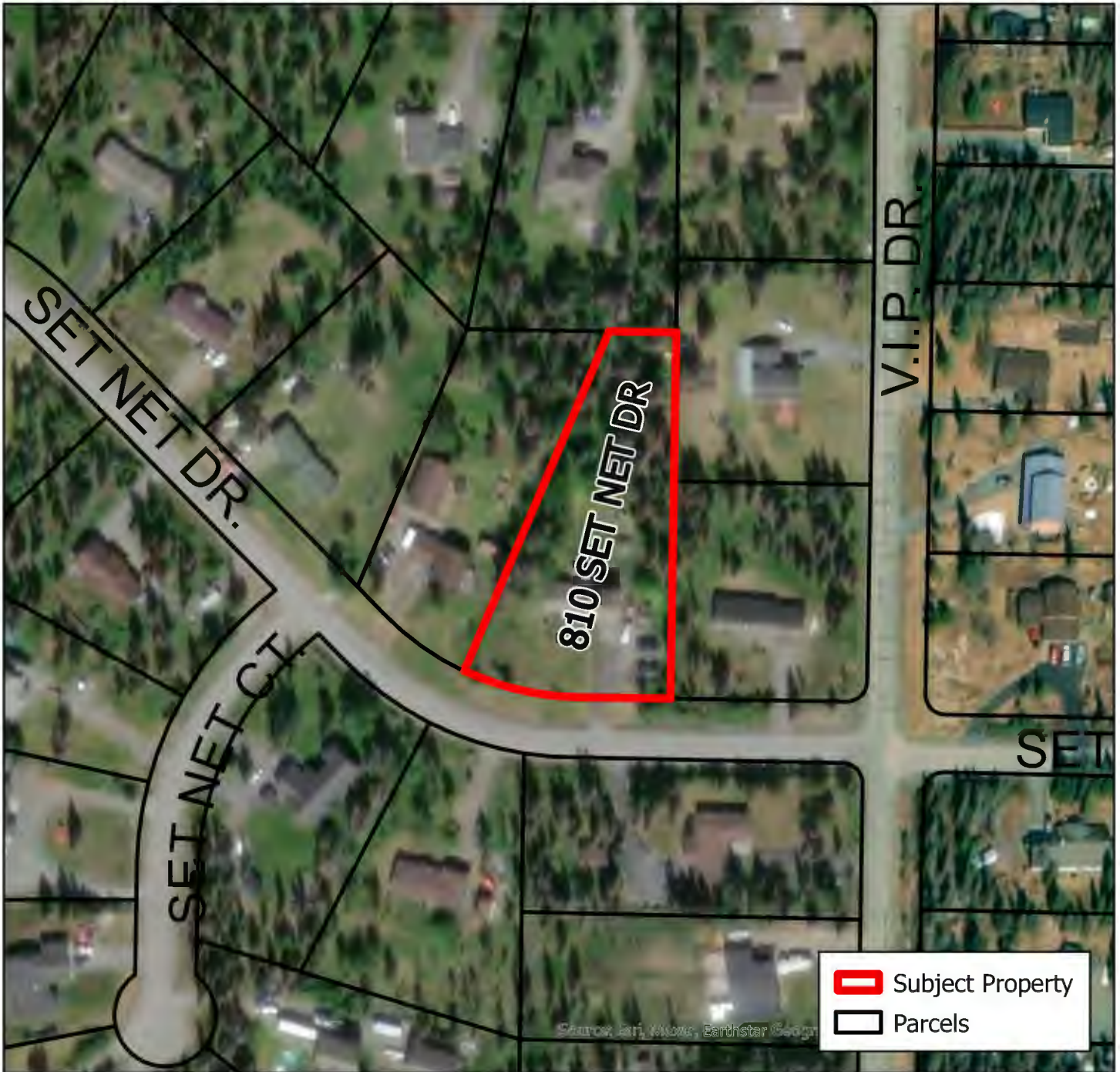
1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Home Occupation Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. If a sign is proposed, the applicant must obtain a sign permit for the Home Occupation.

ATTACHMENTS

Aerial Map
Application
Business License

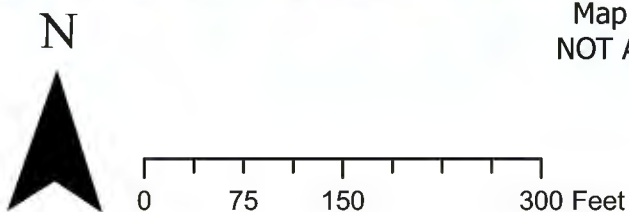


**Home Occupation Permit
Home Office and Equipment Storage
810 Set Net Drive**



Date Printed: 2/9/2024

Map for Reference Only
NOT A LEGAL DOCUMENT





Home Occupation Permit Application

RECEIVED
CITY OF KENAI
JAN 23 2021
Planning & Zoning

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

By: *[Signature]*

PROPERTY OWNER

Name:	Roberta Memushi			
Mailing Address:	P.O. Box 195			
City:	Kasilof	State:	AK	Zip Code: 99610
Phone Number(s):	907-420-4048			
Email:	grkpsonara@hotmail.com			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04940071
Physical Address:	810 SET NET DR., KENAI, AK 99611
Legal Description:	
Zoning:	RR

HOME OCCUPATION DESCRIPTION

(include State Business License and KPB Tax Compliance if applicable for this application)

Home occupation use (attach additional sheets if necessary):

Portion of the home will be used for general office purposes.

Home occupations are accessory uses conducted so the average neighbor would not be aware of its existence. Describe how the home occupation is compatible with other permitted uses and with the residential character of the neighborhood:

N/A

Will you place a sign on the property for your home occupation?
(allowed with an approved sign permit)

YES NO

HOME OCCUPATION DEVELOPMENT REQUIREMENTS
 (include site plan/floor plan with square footage with this application)

Will no more than one person outside of the family be employed for the home occupation?	<input checked="" type="checkbox"/> YES
Will no more than 30% of the gross floor area of all buildings on the lot be used for the home occupation?	<input checked="" type="checkbox"/> YES
Will the home occupation take place in a wholly enclosed principal building or other building accessory to the principal building on the property?	<input checked="" type="checkbox"/> YES

AUTHORITY TO APPLY FOR HOME OCCUPATION PERMIT: 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 home occupation permit in conformance with Title 14 of the Kenai Municipal Code. I understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff 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>Rob Mem -</i>	Date:	<i>01/23/2024</i>
Print Name:	<i>Roberta Memushi</i>	Title/Business:	<i>Alekas Cleaning Services</i>

For City Use Only	Fire Inspection Status:
	Date Application Fee Received:
	PZ Resolution Number:

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

Alekos Cleaning Services

P.O. Box 195, Kasilof, AK 99610

owned by

Alecsy Gomez; Roberta Memushi

is licensed by the department to conduct business for the period

January 22, 2024 to December 31, 2024
for the following line(s) of business:

56 - Administrative, Support, Waste Management and Remediation Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner



Meeting Agenda Planning Commission

Monday, February 12, 2024

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request - None
2. Planning Commission Resolutions - None
3. Plats Granted Administrative Approval

[KPB-5785](#) a. McNamara Acres at Moose Hill; KPB File 2023-009R1

Attachments: [C3. Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-5786](#) a. Soldotna Junction Subdivision 2023 Replat; KPB File 2023-043

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request - None
6. Commissioner Excused Absences - None
7. Minutes

[KPB-5782](#) January 22, 2024 PC Meeting Minutes

Attachments: [C7. 012224 PC Minutes](#)

D. OLD BUSINESS - None

E. NEW BUSINESS

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

- 1. [KPB-5783](#) Conditional Use Permit: PC Resolution 2024-03
 Applicant: City of Soldotna
 Request: Repair and replace a portion of a wastewater treatment line and a manhole with the 50-foot HPD of the Kenai River
 City of Soldotna

Attachments: [E1. CUP City of Soldotna Packet](#)

Public Hearing: Legislative Matters

- 2. [KPB-5784](#) Ordinance 2024-03: Authorizing the sale of certain parcels of Borough owned land by outcry auction followed by a secondary online auction.

Attachments: [E2. Land Sale Ordinance Packet](#)

F. PLAT COMMITTEE REPORT

The Plat Committee will review 5 plats

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

**MISCELLANEOUS INFORMATIONAL ITEMS
 NO ACTION REQUIRED**

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, February 26, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**CONTACT INFORMATION
 KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

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

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



Meeting Agenda Plat Committee

Monday, February 12, 2024

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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A. CALL TO ORDER

B. ROLL CALL

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

[KPB-5776](#) January 22, 2024 Plat Committee Meeting Minutes

Attachments: [C3. 012224 Plat Minutes](#)

4. Grouped Plats

[KPB-5787](#) February 12, 2024 Grouped Plats
E2. Soldotna Creek the Point Addition; KPB File 2024-007
E3. Wellness Tract 2023 Replat; KPB File 2024-009
E5. Fair Ridge Subdivision Part 7; KPB File 2024-005

Attachments: [Plat Grouped SR 021224](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-5777](#) US Survey 3564; KPB File 2023-141
McLane Consulting Group / Zimmerman
Location: Kalifornsky Beach Road
Kasilof Area

Attachments: [E1. US Survey 3564 Packet](#)

2. [KPB-5778](#) Soldotna Creek The Pointe Addition; KPB File 2024-007
McLane Consulting Group / Hutchings
Location: Sterling Highway & Forty Seventh Street
City of Soldotna

Attachments: [E2. Soldotna Creek The Pointe Addn Packet](#)

3. [KPB-5779](#) Wellness Tract 2023 Replat; KPB File 2024-009
Johnson Surveying / Knackstedt, Johnson
Location: Yewell Road & Wellness Avenue
Kalifornsky Area

Attachments: [E3. Wellness Tract 2023 Replat Packet](#)

4. [KPB-5780](#) Hauck's View Subdivision #2; KPB File 2024-010
Johnson Surveying / Hauck
Location: Cohoe Loop Road
Cohoe Area

Attachments: [E4. Hauck's View Subd #2 Packet](#)

5. [KPB-5781](#) Fair Ridge Subdivision Part 7; KPB File 2024-005
Johnson Surveying / Fair
Location: Forbidden Court & Van Dyke Street
Sterling Area

Attachments: [E5. Fair Ridge Sub. Part 7 Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

The next regularly scheduled Plat Committee meeting will be held Monday, February 26, 2024 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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



Kenai City Council - Regular Meeting

February 07, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

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

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

B. SCHEDULED ADMINISTRATIVE REPORTS

1. Kenai Permanent Fund Annual Review, 2023 Financial Performance, Financial Projections and Recommended 2024 Asset Allocations for the City's Permanent Fund, Brandy Niclai and Bill Lierman, from Alaska Permanent Capital Management.

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

1. Project Homeless Connect 2024, Jodi Stuart, Project Homeless Connect Publicity Chair.
2. Kenai Chamber of Commerce and Visitor Center Annual Report, Samantha Springer, Executive Director.

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

E. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3388-2024** - Increasing Estimated Revenues and Appropriations in the General Fund for the City's Joint Participation in the Kenai Peninsula Borough's Safe Streets and Roads for All Action Plan Grant Through the United States Department of Transportation. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3389-2024** - Accepting and Appropriating Donations from Kenai Senior Connection, Inc., to the Kenai Senior Center. (Administration)
3. **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3390-2024** - Increasing Estimated Revenues and Appropriations in the Airport Fund to Purchase Air Service Development Professional Services at the Kenai Municipal Airport for Costs in Excess of Budgeted Amounts. (Administration)

4. **POSTPONED TO 2/21/2024. Resolution No. 2024-05** - Amending the Employee Classification Plan by Reclassifying the Public Works Building Official/Manager to a Building Official and Adjusting the Range for this Class. (Administration)
5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-06** - Designating the Investment and Allocation Plan for the City's Permanent Funds and Establishing Appropriate Benchmarks to Measure Performance for Calendar Year 2024. (Administration)
6. **ADOPTED AS AMENDED WITHOUT OBJECTION. Resolution No. 2024-07** - Adopting the City's Capital Improvement Plan for Fiscal Years 2025-2029. (Administration)

F. MINUTES

1. *Regular Meeting of January 17, 2024. (City Clerk)

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Confirmation of Mayoral Nomination for Appointment to the Council on Aging. (Gabriel)
4. ***Ordinance No. 3393-2024** - Accepting and Appropriating Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
5. ***Ordinance No. 3394-2024** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding to the Street Lights Repair and Maintenance Operational Budget. (Administration)
6. ***Ordinance No. 3395-2024** - Increasing Estimated Revenues and Appropriations in the General Fund for Radio Advertising and Approving Council Policy 20.030-Radio Advertising for Public Meetings and Elections. (Douthit)
7. ***Ordinance No. 3396-2024** - Amending Kenai Municipal Code 4.31.015 - Local Amendments to the 2009 International Fuel Gas Code for Housekeeping Purposes. (Administration)
8. ***Ordinance No. 3397-2024** - Increasing Estimated Revenues and Appropriations in the Water Sewer Capital Project Fund for the Cemetery Creek Culvert Replacement Project and Accepting a Donation from the Kenai Foundation in Support of the Project. (Administration)
9. ***Ordinance No. 3398-2024** - Amending Kenai Municipal Code Title 6 - Elections, to Enhance Consistency, Promote Efficiencies and Make Housekeeping Changes. (City Clerk)
10. **APPROVED WITHOUT OBJECTION. Action/Approval** - Authorizing the City Manager Enter into an Agreement with Nutrien US, LLC. for the Purpose of Loaning the Steelhead Drilling Platform Model for Display at the Nutrien's Local Facility. (Administration)

I. COMMISSION / COMMITTEE REPORTS

1. Council on Aging
2. Airport Commission
3. Harbor Commission

4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Committee

J. REPORT OF THE MAYOR

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

1. **Ordinance No. 3391-2024** - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use. (Knackstedt) [*Referred to the Harbor Commission and Planning & Zoning Commission; City Council Public Hearing Scheduled for February 21, 2024.*]
2. **Ordinance No. 3392-2024** - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District. (Knackstedt) [*Referred to the Harbor Commission and Planning & Zoning Commission; City Council Public Hearing Scheduled for February 21, 2024.*]

O. ADJOURNMENT

P. INFORMATION ITEMS

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

Join Zoom Meeting
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OR
Dial In: (253) 215-8782 or (301) 715-8592
Meeting ID: 828 5333 2754 **Passcode:** 086363

January 22, 2024

P&Z Commission
210 Fidalgo Ave
Kenai, AK 99611

Dear P&Z Commission,

Thank you for your generous support over the past year! It is because of donors like you that we are able to help those in need. Your 2023 contributions to the Kenai Peninsula Food Bank were:

Date	Monetary Gift Amount	In-Kind Gift Amount Valued by Donor	Gift Type	Gift Designation
7/3/2023	\$61.80	\$0.00	Payment - WebLink	2023 King of the River

Total monetary gifts: \$61.80; Total in-kind gifts valued by Donor: \$0.00

We look forward to the new year with the hope of health and happiness for all our Kenai Peninsula neighbors.

With your help we were able to deliver nourishing food to our neighbors struggling with food insecurity throughout the entire Kenai Peninsula. Your support has been sustaining as we continue to navigate the complex waters of rising food and fuel prices, the continued food shortages, and the changing factors of food insecurity. In the words of one of our neighbors:

I don't know how I would survive without the food bank here they treat you nice don't make you feel bad because you're broke or old. Thank you so much for their services. ~ Your Neighbor

The Food Bank Board and Staff are so grateful for your generosity. Hunger has no season, it is year-round, and your gifts enable us to serve our community every day. We look forward to your continued support in 2024, because nobody deserves to be hungry.

Sincerely,

Greg Meyer

Greg Meyer
Executive Director