



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

November 10, 2021 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

****Telephonic/Virtual Information on Page 2****

www.kenai.city

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of November 3, 2021

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolutions PZ2021-21 & PZ2021-40** - Application for Conditional Use Permits for a Dormitory and Bed & Breakfast, for the property described as Lot 1, Block 4, Inlet View Subdivision 1st Revision, located at 702 Lawton Drive, Kenai, Alaska 99611. The application was submitted by Kathleen Martin, P.O. Box 521, Cooper Landing, Alaska 99572.
2. **Resolution PZ2021-38** - Application for a Conditional Use Permit for a Recreational Vehicle Park, for the property described as Lot 2, Block F, Beaver Creek Alaska Subdivision

Amended, located at 6575 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Casey Gaze, 6575 Kenai Spur Highway, Kenai, Alaska 99611.

- 3. Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the October 27th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]*

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

(Public comment limited to five (5) minutes per speaker)

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: TBD

N. COMMISSION COMMENTS AND QUESTIONS

O. ADJOURNMENT

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

Join Zoom Meeting

<https://us02web.zoom.us/j/84795412011>

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

Meeting ID: 847 9541 2011 **Passcode:** 783236

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
OCTOBER 27, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, D. Fikes, A. Douthit, G. Woodard, A. Douthit, J. Halstead, R. Springer

Commissioners absent: G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, City Manager O. Ostrander, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the agenda and packet:

Add item L.2.

Informational Items

- CUP Code Violation Letter – 1005 Angler Drive

MOTION:

Commissioner Douthit **MOVED** to approve the agenda with requested additions to the packet and Vice Chair Fikes **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

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

All items listed with an asterisk () are considered to be routine and non-controversial by the

Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *Regular Meeting of October 13, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution No. PZ2021-37** - Recommending That Steven Oberts Subdivision No. 1 Attached Hereto Be Approved.

Commissioner Springer **MOVED** to approve Resolution No. PZ2021-37 and Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wants to separate a parcel of approximately 45 acres, noting that the separation of low lands on property from some higher ground will create a more manageable parcel.

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

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

Clarification was provided that the lots meet the minimum size for well and septic systems.

VOTE:

YEA: Halstead, Woodard, Douthit, Springer, Fikes, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution No. PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan.

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-39 and Commissioner Springer **SECONDED** the motion.

Planning Director Foster gave a presentation on the draft Land Management Plan (LMP), including why it was created, the background and development of the LMP, the new City Lands Inventory and Database, the objectives of the LMP, how it categorizes lands by recommendation, and timeline for approval by commissions and Council. He provided a demonstration of the new GIS tool and explained how it interacts with the database, and how it can be used by the City and the public in the future.

Staff provided clarification that most parcels recommended to be retained have a narrative to explain that status, and that an implementation plan after the final LMP is approved will include changes suggested by commissions and Council such as subdivision and zoning changes.

It was discussed how disposal of land can become a contentious issue and the commission should consider the lands recommended for disposal in groups. It was noted that some public feedback had been received by the commission regarding disposal of certain lots.

Staff explained that Titles 21 and 22 determine how the City manages lands, and that a plan for development approved by Council is prerequisite for disposal. It was clarified that there are distinctions between commercial and residential development, and ultimately the determination for whether a development should be approved for disposal is at the City Council's discretion.

The need for more feedback from impacted residents was discussed. It was clarified that the zoning will not change when lands are sold, and any subsequent zoning changes would require the normal public hearing process with Council approval. Parcels automatically receive a dispose status when they are deemed not needed for a public purpose, and if they are sold there will also be a public process.

Clarification was provided that, regarding a development plan required for land sale, the timeframe for construction can vary and the buyer has different options to meet it. It was suggested that Council review how timeframes are set for residential developments, and it was noted that the Commission can recommend that Council revisit Title 22 and consider how residential properties can be treated differently.

The Kenai Cemetery was discussed, and it was noted that the expansion should be finalized in the summer of 2022. An adjacent parcel was discussed as a possible addition to the airport expansion, and it was noted that staff would look at this and return to the next Commission meeting with more information.

Clarification was provided that commissioners can send questions and concerns to the Planning Director to be submitted in the packet, and any public comment received will be added to the next meeting packet or laydown as well.

MOTION:

Commissioner Douthit **MOVED** to postpone Resolution No. PZ2021-39 until the November 10, 2021 and Commissioner Halstead **SECONDED** the motion.

VOTE:

YEA: Woodard, Douthit, Springer, Fikes, Twait, Halstead
NAY:

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval** - Recommendation for Resolution No. 2021-XX – Approving the Execution of a Lease to Integrated Account Management, Inc. on Lot 3, Block 3, Cook Inlet Industrial Air Park Subdivision.

MOTION:

Commissioner Douthit **MOVED** to recommend approval of Resolution No. 2021-XX – Approving the Execution of a Lease to Integrated Account Management, Inc. on Lot 3, Block 3, Cook Inlet Industrial Air Park Subdivision. Commissioner Woodard **SECONDED** the motion.

Planning Director Foster noted the draft Council resolution in the packet for a 45-year lease to Integrated Account Management, Inc. Their application is to continue their current use of the land for professional offices. Foster stated that this use is compatible with this zoning district and with the Comprehensive Plan, and staff's opinion is that it is a good fit. He noted that because this is airport property, the lease would go toward the airport fund.

Clarification was provided that the lessee has the opportunity to purchase the property, which they had discussed with staff but decided instead to renew their lease.

VOTE:

YEA: Douthit, Springer, Fikes, Twait, Halstead, Woodard

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Glendening noted that the LMP discussions are off to a good start, and encouraged commissioners to take their time with consideration before approval. Reported on the actions from the October 20, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the October 25, 2021 Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting will include two Conditional Use Permit applications, and the continuation of LMP discussion.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS

1. Ordinance No. 3243-2021

Director Foster noted that Ordinance No. 3243-2021, which had been recommended for approval by the Planning & Zoning Commission, came into effect on October 15, 2021 and implements changes to the Conditional Use Permit (CUP) process which will affect the CUP applications presented for public hearing at the next commission meeting. He reviewed the changes, and highlighted the importance for the commission to provide specific findings.

He also noted the code violation extension letter provided in the laydown, and clarification was provided on the circumstances and timeframe for rectification. Further discussion clarified specifics of the permit and violation, and the City's means for determining violations and enforcing conditions. It was noted that the permit holder has options for correcting the violation and it is their responsibility to determine the best approach for resolution.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. November 10, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard noted that she may not be in attendance at the next meeting.

Commissioner Douthitt noted he is looking forward to the next meeting.

Commissioner Halstead expressed appreciation for the LMP presentation. He also noted that resolution of code violations is an important issue, and he appreciates Administration for providing clarification.

Commissioner Springer noted that he appreciated Director Foster's service.

Vice Chair Fikes thanked Director Foster and City Manager Ostrander, noting that approval of the LMP will take time and public participation and she is glad to see engagement of community members. She also noted she appreciates staff's approach towards code violations.

Council Member Glendening noted that he was heartened by the discussions on both the LMP and CUPs. He requested a review on Titles 21 and 22, noting the importance of findings and recommendations from the Planning Director.

Chair Twait encouraged commissioners to spread the word about the LMP to get more of the public informed and engaged.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:22 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-21**

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

APPLICANT: Edward and Kathleen Martin

PROPERTY ADDRESS:

702 Lawton Drive
436 Rogers Road

LEGAL DESCRIPTION:

Lot 1, Block 4, Inlet View Subdivision 1st Revision
Lot 2, Block 4, Inlet View Subdivision 1st Revision

KENAI PENINSULA BOROUGH PARCEL NUMBER:

04915025
04915026

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 5, 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 November 10, 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(e)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Criteria Met: Both 702 Lawton Drive and 436 Rogers Road are zoned Suburban Residential 2 (RS-2). The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

The vicinity to the west and east of the subject parcel has a residential character and consists of single family homes on lots zoned Suburban Residential 2, which are buffered by Rogers Road, trees on 702 Lawton Drive, and 436 Rogers Road. The proposed use would increase the amount of traffic entering and existing the parking lot at 750 Lawton Drive and would not be entering the neighborhood via Rogers Road, and would not be generating heavy traffic in a predominantly residential area.

“Dormitory” means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

“Bed and breakfast” means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

The Land Use Table provides that a Dormitory and Bed & Breakfast are conditional uses for the Suburban Residential 2 Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Dormitory and Bed & Breakfast. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The adjacent parcels to the South at 436 Rogers Road is owned by the applicant and acts essentially as the back yard for 702 Lawton Drive and provides a buffer from properties to the South. To the East is a large, undeveloped, forested parcel, owned by the Kenai Peninsula Borough, which the applicants have leased the portion closest to 702 Lawton Drive for parking. Parcels to the West are single family, suburban residential which are buffered by Rogers Road and trees on 702 Lawton Drive. The City of Kenai Multi-purpose Facility is located to the North, across Lawton Drive. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the proposed dormitory or bed and breakfast.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

“Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or

planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.”

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-1 Promote projects that create workforce development opportunities.

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

Criteria Met. The subject properties have access to City water, City sewer, natural gas, electricity, and telephone services and are accessed via a paved, City maintained road. Kenai Municipal Code 14.20.250(b)(8) requires that there is one (1) space per principal dwelling unit and one (1) per guest room or one for every two beds, therefore the minimum number of parking spaces required is six (6) spaces. The attached application meets this requirement by providing parking at 750 Lawton Drive for up to 24 spaces, though the maximum number of spaces planned by the applicant is 16, which is more than sufficient for the 8 students per class. Parking is for students privately owned vehicles (cars, vans, pick-up trucks, SUVs) and not for commercial trucks or vehicles. Classroom instruction takes place in Sterling.

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

Criteria Met: The use of a dormitory and bed and breakfast will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this property. A bed and breakfast has operated on the subject property in recent years with a conditional use permit. The applicant has provided the City with a draft site plan and property lease with the Kenai Peninsula Borough, which indicates that there will be sufficient parking available for residents and guests. Access to parking is via Lawton Drive.

6. *KMC 14.150(e)(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 Edward and Kathleen Martin for a Dormitory for property described as Lot 1, Block 4, Inlet View Subdivision 1st Revision, and located at 702 Lawton Drive and Lot 2, Block 4, Inlet View Subdivision 1st Revision, located at 436 Rogers Road.

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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 10th day of November, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, MMC, CITY CLERK



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-40**

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

APPLICANT: Edward and Kathleen Martin

PROPERTY ADDRESS:

702 Lawton Drive
436 Rogers Road

LEGAL DESCRIPTION:

Lot 1, Block 4, Inlet View Subdivision 1st Revision
Lot 2, Block 4, Inlet View Subdivision 1st Revision

KENAI PENINSULA BOROUGH PARCEL NUMBER:

04915025
04915026

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on May 5, 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: Both 702 Lawton Drive and 436 Rogers Road are zoned Suburban Residential 2 (RS-2). The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

The vicinity to the west and east of the subject parcel has a residential character and consists of single family homes on lots zoned Suburban Residential 2, which are buffered by Rogers Road, trees on 702 Lawton Drive, and 436 Rogers Road. The proposed use would increase the amount of traffic entering and existing the parking lot at 750 Lawton Drive and would not be entering the neighborhood via Rogers Road, and would not be generating heavy traffic in a predominantly residential area.

“Dormitory” means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

“Bed and breakfast” means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

The Land Use Table provides that a Dormitory and Bed & Breakfast are conditional uses for the Suburban Residential 2 Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Dormitory and Bed & Breakfast. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The adjacent parcels to the South at 436 Rogers Road is owned by the applicant and acts essentially as the back yard for 702 Lawton Drive and provides a buffer from properties to the South. To the East is a large, undeveloped, forested parcel, owned by the Kenai Peninsula Borough, which the applicants have leased the portion closest to 702 Lawton Drive for parking. Parcels to the West are single family, suburban residential which are buffered by Rogers Road and trees on 702 Lawton Drive. The City of Kenai Multi-purpose Facility is located to the North, across Lawton Drive. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the proposed dormitory or bed and breakfast.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

“Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or

planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.”

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-1 Promote projects that create workforce development opportunities.

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

Criteria Met. The subject properties have access to City water, City sewer, natural gas, electricity, and telephone services and are accessed via a paved, City maintained road. Kenai Municipal Code 14.20.250(b)(8) requires that there is one (1) space per principal dwelling unit and one (1) per guest room or one for every two beds, therefore the minimum number of parking spaces required is six (6) spaces. The attached application meets this requirement by providing parking at 750 Lawton Drive for up to 24 spaces, though the maximum number of spaces planned by the applicant is 16, which is more than sufficient for the 8 students per class. Parking is for students privately owned vehicles (cars, vans, pick-up trucks, SUVs) and not for commercial trucks or vehicles. Classroom instruction takes place in Sterling.

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

Criteria Met: The use of a dormitory and bed and breakfast will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this property. A bed and breakfast has operated on the subject property in recent years with a conditional use permit. The applicant has provided the City with a draft site plan and property lease with the Kenai Peninsula Borough, which indicates that there will be sufficient parking available for residents and guests. Access to parking is via Lawton Drive.

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 Edward and Kathleen Martin for a Dormitory for property described as Lot 1, Block 4, Inlet View Subdivision 1st Revision, and located at 702 Lawton Drive and Lot 2, Block 4, Inlet View Subdivision 1st Revision, located at 436 Rogers Road.

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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. Bed and Breakfast regulations per KMC 14.20.321 must be maintained.
4. Buildings which are the subject of a bed and breakfast permit application shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to the approval of the conditional use permit. Thereafter, they shall be inspected every other year by the City Fire Marshal. Failure to comply with the Fire Code (KMC 8.05) shall be grounds for the suspension or revocation of the conditional use permit.
5. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
9. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
10. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 10th day of November, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: November 1, 2021
SUBJECT: PZ2021-21 – Conditional Use Permit – Dormitory
PZ2021-40 – Conditional Use Permit – Bed & Breakfast

Applicant: Edward and Kathleen Martin
P.O. Box 521
Cooper Landing, Alaska 99572

Legal Description: Lot 1, Block 4, Inlet View Subdivision 1st Revision
Lot 2, Block 4, Inlet View Subdivision 1st Revision

Property Address: 702 Lawton Drive
436 Rogers Road

KPB Parcel No: 04915025
04915026

Lot Size: 0.28 acres
0.25 acres

Existing Zoning: Suburban Residential 2
Suburban Residential 2

Current Land Use: Single Family Dwelling
Residential Improved Land

Land Use Plan: Suburban Residential
Suburban Residential

GENERAL INFORMATION

The applicant, Edward and Kathleen Martin, have submitted a conditional use permit application for a dormitory and a bed and breakfast at 702 Lawton Drive (the subject home) and 436 Rogers Road (the back yard). The dormitory is intended for housing students at the Alaska Driving Academy Truck Driving Division and Basic Civil Construction students. The bed and breakfast would only operate when students are not staying on the property and requires the owners to live on the property. Per Kenai Municipal Code 14.22.010 Land use table, both the dormitory and bed and breakfast land uses require a conditional use permit in the Suburban Residential 2 zoning district. The parking requirements for these land uses are met with a lease that the applicants have with the Kenai Municipal Borough property next door at 750 Lawton Drive. The subject property has previously had a conditional use permit for a Bed and Breakfast.

Application, Public Notice, Public Comment

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

ANALYSIS

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

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

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

Applicant Response: Although the property is zoned residential, use will be similar to past permitted B&B except that there will be less of a turn-over; the students will be staying for 3 weeks at a time. The abutting property we are requesting conditional use of is zoned Institutional School.

Staff Response: Both 702 Lawton Drive and 436 Rogers Road are zoned Suburban Residential 2 (RS-2). The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The specific intent in establishing this zone is:

- (1) To separate residential structures to an extent which will allow for adequate light, air, and privacy;
- (2) To prohibit uses which would:



- (A) Violate the residential character of the environment;
- (B) Generate heavy traffic in predominantly residential areas.

The vicinity to the west and east of the subject parcel has a residential character and consists of single family homes on lots zoned Suburban Residential 2, which are buffered by Rogers Road, trees on 702 Lawton Drive, and 436 Rogers Road. The proposed use would increase the amount of traffic entering and existing the parking lot at 750 Lawton Drive and would not be entering the neighborhood via Rogers Road, and would not be generating heavy traffic in a predominantly residential area.

“Dormitory” means a building, whether public or private, associated with a school, college or university and designed, used, and arranged for private sleeping, studying, and living accommodation for students.

“Bed and breakfast” means a residential, owner-occupied dwelling in which rooms are rented to paying guests on an overnight basis with no more than one (1) meal served daily.

The Land Use Table provides that a Dormitory and Bed & Breakfast are conditional uses for the Suburban Residential 2 Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Dormitory and Bed & Breakfast. The applicant has provided a site plan that provides the layout of the premises.

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

Applicant Response: The value of adjoining properties will not be impaired any more than it was under the permit given to the past owners (Herman & Irene Fandel). Conditional Use permit for .26 acres of KPB owned lot (750 Lawton Drive) is requested to provide additional parking for students. This will keep the roadways unobstructed & clear for traffic. Students will be required to read/sign a document notifying them of the rules to obtain lodging (stay in/on the 702 Lawton Drive property). This document states they cannot bring guns, weapons, consume alcohol, use drugs, bring pets, quiet hours, etc. Basically, we must all be considerate and live in harmony with those around us.

Staff Response:

The adjacent parcels to the South at 436 Rogers Road is owned by the applicant and acts essentially as the back yard for 702 Lawton Drive and provides a buffer from properties to the South. To the East is a large, undeveloped, forested parcel, owned by the Kenai Peninsula Borough, which the applicants have leased the portion closest to 702 Lawton Drive for parking. Parcels to the West are single family, suburban residential which are buffered by Rogers Road and trees on 702 Lawton Drive. The City of Kenai Multi-purpose Facility is located to the North, across Lawton Drive. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by the proposed dormitory or bed and breakfast.

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



Applicant Response: Business will be paying City taxes on income earned from housing students. Students will be making purchases at local stores, gas stations, eateries during their stay. Both will benefit the fiscal health of the community. Students will be learning about safety and responsibility as they acquire skills to obtain good paying jobs.

Staff Response: The Land Use Plan, from the 2016 Comprehensive Plan, proposes a Suburban Residential land use for this neighborhood. The Suburban Residential Land Use Classification is defined in the Comprehensive Plan:

“Suburban Residential is intended for single-family and multi-family residential uses that are urban or suburban in character. The area will typically be developed at a higher density; lots are typically smaller; and, public water and sewer services are required or planned. Some developments may be required to construct streets to a paved standard and larger subdivisions may be required to provide sidewalks and public areas. Parks and open space land uses may be considered appropriate.”

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai.

- ED-1 Promote projects that create workforce development opportunities.

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

Applicant Response: Yes, it was permitted in the past as a B&B.

Staff Response: The subject properties have access to City water, City sewer, natural gas, electricity, and telephone services and are accessed via a paved, City maintained road. Kenai Municipal Code 14.20.250(b)(8) requires that there is one (1) space per principal dwelling unit and one (1) per guest room or one for every two beds, therefore the minimum number of parking spaces required is six (6) spaces. The attached application meets this requirement by providing parking at 750 Lawton Drive for up to 24 spaces, though the maximum number of spaces planned by the applicant is 16, which is more than sufficient for the 8 students per class. Parking is for students privately owned vehicles (cars, vans, pick-up trucks, SUVs) and not for commercial trucks or vehicles. Classroom instruction takes place in Sterling.

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

Applicant Response: The boarders are required to read/sign an agreement as described earlier. As part of their training, they are learning about ensuring the safety of themselves



and others on the road and in construction zones. We are requesting a Conditional Use Permit for the abutting property to provide off-road parking for the students so that the roadways remain clear and unobstructed.

Staff Response: The use of a dormitory and bed and breakfast will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this property. A bed and breakfast has operated on the subject property in recent years with a conditional use permit. The applicant has provided the City with a draft site plan and property lease with the Kenai Peninsula Borough, which indicates that there will be sufficient parking available for residents and guests. Access to parking is via Lawton Drive.

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: Our students will have stays of longer duration, so there will be less of a turn-over. Each will be assigned a specific parking spot. The courses are intense and the students must study/do homework daily, so there will be less traffic.

Staff Response: See Conditions of Approval as set forth below.

RECOMMENDATIONS

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit for a Dormitory 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 approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds



for the suspension or revocation of the conditional use permit.

City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit for a Bed and Breakfast 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 approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. Bed and Breakfast regulations per KMC 14.20.321 must be maintained.
4. Buildings which are the subject of a bed and breakfast permit application shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to the approval of the conditional use permit. Thereafter, they shall be inspected every other year by the City Fire Marshal. Failure to comply with the Fire Code (KMC 8.05) shall be grounds for the suspension or revocation of the conditional use permit.
5. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
9. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
10. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Conditional Use Permit Application
- B. Draft Site Plan
- C. Floor Plans
- D. Aerial Map
- E. Lease with Kenai Peninsula Borough for parking at 750 Lawton Drive

Page 6 of 6





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:	See attached letter		
Mailing Address:			
City:	State:	Zip Code:	
Phone Number(s):			
Email:			

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Edward D. Martin, Jr. & Kathleen A. Martin		
Mailing Address:	PO Box 521		
City:	Cooper Landing	State:	AK
Phone Number(s):	Ed (907)252-7857 Kathleen (907)252-8163		
Email:	keeconstructionllc@yahoo.com		

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04901048
Physical Address:	750 Lawton Drive
Legal Description:	T 5N R 11W SEC 4 SEWARD MERIDIAN KN GOVT LOT 2 EXCLUDING THEREFROM INLET VIEW SUB
Zoning:	Borough Institutional (school)
Acres:	NW corner .26 acre area as designated on included map

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?	It isn't; bare/cleared area along easement of Lawton Drive
--	--

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

We are purchasing the 702 Lawton Drive property to encourage vocational training on the Peninsula and will be housing Alaska Driving Academy Truck Driving Division & Basic Civil Construction students (possibly seasonal B&B customer parking if no students scheduled). Previous owners (Herman E. and Irene Fandel; both now deceased) had an unlimited Permit with the City for an area where their customers could park their vehicles. Requesting use of cleared area abutting 702 Lawton (see map).

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

Zoned: Institutional School. Cleared area to be used as parking area only; each student staying at the 702 Lawton Drive (a corner lot) property will be issued a specific space to park in. This will keep students from trying to park on the streets, maintain clear sight distance at intersection and keep the streets uncluttered for traffic and pedestrians.

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

It will keep the streets (Rogers Road and Lawton Drive) clear for travel in the neighborhood and sight distance at the intersection unobstructed.

Use of surrounding property - north:	9775 KENAI SPUR HWY; City of Kenai, Institutional (buidings)		
Use of surrounding property - south:	750 LAWTON DR; apx. 1137' of KPB Institutional use (forested)		
Use of surrounding property - east:	750 Lawton Dr; apx. 400' of KPB Institutional use (forested)		
Use of surrounding property - west:	Abutts 702 Lawton Dr. prop. we are purchasing		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
<p>We wish to house vocational students (commercial business) within the City of Kenai. The students will be making purchases themselves during their stay (food, gas, etc.). Both will benefit the fiscal health of the community. Students must sign a form beforehand to obtain lodging that assures they will be in harmony with all of those in their class, lodging and surrounding neighborhood (no drugs, no drinking, no guns, no pets, etc.). Students learn about safety awareness, responsibility, working with and relying on others as they develop meaningful skills that benefit both them and their communities.</p>			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
<p>Yes; parking area. The KPB did grant an easement to the City of Kenai, to use the NW corner of that KPB parcel, for the construction and maintenance of stormwater management facilities. The subject area of this easement is adjacent to the property addressed as 702 Lawton Dr. See enclosed map detailing the area we wish to use.</p>			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
<p>It will encourage public safety, health & welfare by keeping said student vehicles from trying to park on the street. We would like to keep the roadway clear and unobstructed.</p>			
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?			
<p>No new impacts. This parcel belongs to the KPB but is used, in part, by the City of Kenai. We have the equipment to mulch the seedlings and keep the area cleared from tree growth should the City be in agreement for us to do so. The KPB did grant an easement to the City of Kenai, to use the NW corner of that KPB parcel, for the construction and maintenance of stormwater management facilities. The subject area of this easement is adjacent to the property addressed as 702 Lawton Dr.</p>			
AUTHORITY TO APPLY FOR CONDITIONAL USE:			
<p>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.</p>			
Signature:			Date: 4/5/2021
Print Name:	Kathleen A. Martin	Title/Business:	Manager
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

Edward D. Martin, Jr.
Kathleen A. Martin
PO Box 521
Cooper Landing, AK 99572

April 5, 2021

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

Conditional Use Permit Application (not enough space on form)

PURPOSE OF CONDITIONAL USE PERMIT:

- 1) To house students
- 2) To operate B&B (when students are not housed)
- 3) To obtain parking area for students

PROPERTY OWNER (No. 1 & 2 above)

Currently on Record: FANDEL HERMAN E ESTATE OF

Purchasers: Edward D. Martin, Jr. (907)252-7857
and Kathleen A. Martin (907)252-8163
PO Box 521 Cooper Landing, AK 99572
Email - keeconstructionllc@yahoo.com

PETITIONER

Same as above

Property Information

	KPB PARCEL #	PHYSICAL ADDRESS	LEGAL DESCRIPTION	ZONING	ACRES
PURCHASING (use No. 1 & 2)	04915025	702 Lawton Drive (house/garage)	T 5N R 11W SEC 4 SEWARD MERIDIAN KN 0001515 INLET VIEW SUB 1ST REVISION LOT 1 BLK 4	Residential	.28
	04915026	436 Rogers Road (back yard, storage buildings, picnic tables)	T 5N R 11W SEC 4 SEWARD MERIDIAN KN 0001515 INLET VIEW SUB 1ST REVISION LOT 2 BLK 4	Residential	.25

CONDITIONAL USE DESCRIPTION

How is this property currently being used?

The property had been used as a B&B; owner(s) now deceased. Property is currently part of an estate and occupied by a caretaker. We are currently going through the process of purchasing it and would like to use it similarly to its past permitted use.

RECEIVED
CITY OF KENAI
DATE 5-5-21
PLANNING DEPARTMENT

Conditional Use Requested for:

Student housing/B&B. We are purchasing the 702 Lawton Drive property and will be housing Alaska Driving Academy Truck Driving Division and Basic Civil Construction students. We would also like the option of operating as a B&B if and when we do not have students.

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

Although the property is zoned residential, use will be similar to past permitted B&B except that there will be less of a turn-over; the students will be staying for 3 weeks at a time. The abutting property we are requesting conditional use of is zoned Institutional School.

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

The value of adjoining properties will not be impaired any more than it was under the permit given to the past owners (Herman & Irene Fandel). Conditional Use permit for .26 acres of KPB owned lot (750 Lawton Drive) is requested to provide additional parking for students. This will keep the roadways unobstructed & clear for traffic. Students will be required to read/sign a document notifying them of the rules to obtain lodging (stay in/on the 702 Lawton Drive property). This document states they cannot bring guns, weapons, consume alcohol, use drugs, bring pets, quiet hours, etc. Basically, we must all be considerate and live in harmony with those around us.

Use of surrounding property – north: 9775 KENAI SPUR HWY; City of Kenai, Institutional (buidings)

Use of surrounding property – south: 434 ROGERS RD Residential

Use of surrounding property - east: 750 Lawton Dr; apx. 400' of KPB Institutional use (forested)

Use of surrounding property – west: 424 & 429 Lawton Dr. residential

Explain how the conditional use is in harmony with the City’s Comprehensive Plan: Business will be paying City taxes on income earned from housing students. Students will be making purchases at local stores, gas stations, eateries during their stay. Both will benefit the fiscal health of the community. Students will be learning about safety and responsibility as they acquire skills to obtain good paying jobs.

Are public services and facilities on the property adequate to serve the proposed conditional use: Yes, it was permitted in the past as a B&B.

Explain how the conditional use will not be harmful to public safety, health or welfare: The boarders are required to read/sign an agreement as described earlier. As part of their training, they are learning about ensuring the safety of themselves and others on the road and in construction zones. We are requesting a Conditional Use Permit for the abutting property to provide off-road parking for the students so that the roadways remain clear and unobstructed.

Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of conditional use to neighbors: Our students will have stays of longer duration, so there will be less of a turn-over. Each will be assigned a specific parking spot. The courses are intense and the students must study/do homework daily, so there will be less traffic.

Also a part of this application: See actual City of Kenai Conditional Use Permit (I couldn’t fit all the above on the form).

Conditional Use for parking (use No.3)	04901048	Section of 750 Lawton Drive that abuts 702 Lawton Drive* (see enclosed map)	NW corner of T 5N R 11W SEC 4 SEWARD MERIDIAN KN GOVT LOT 2 EXCLUDING THEREFROM INLET VIEW SUB	Institutional School	Asking to use .26 acres of 37.65
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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.

Edward D. Martin, Jr., Purchaser

Date

Kathleen A. Martin, Purchaser & Manager

Date

Please refer to actual Conditional Use Permit for City Use Only Section



Borough Institutional

*Section of PINS 04901048**



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels
- Image**
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

** no structures within requested area.*

Notes

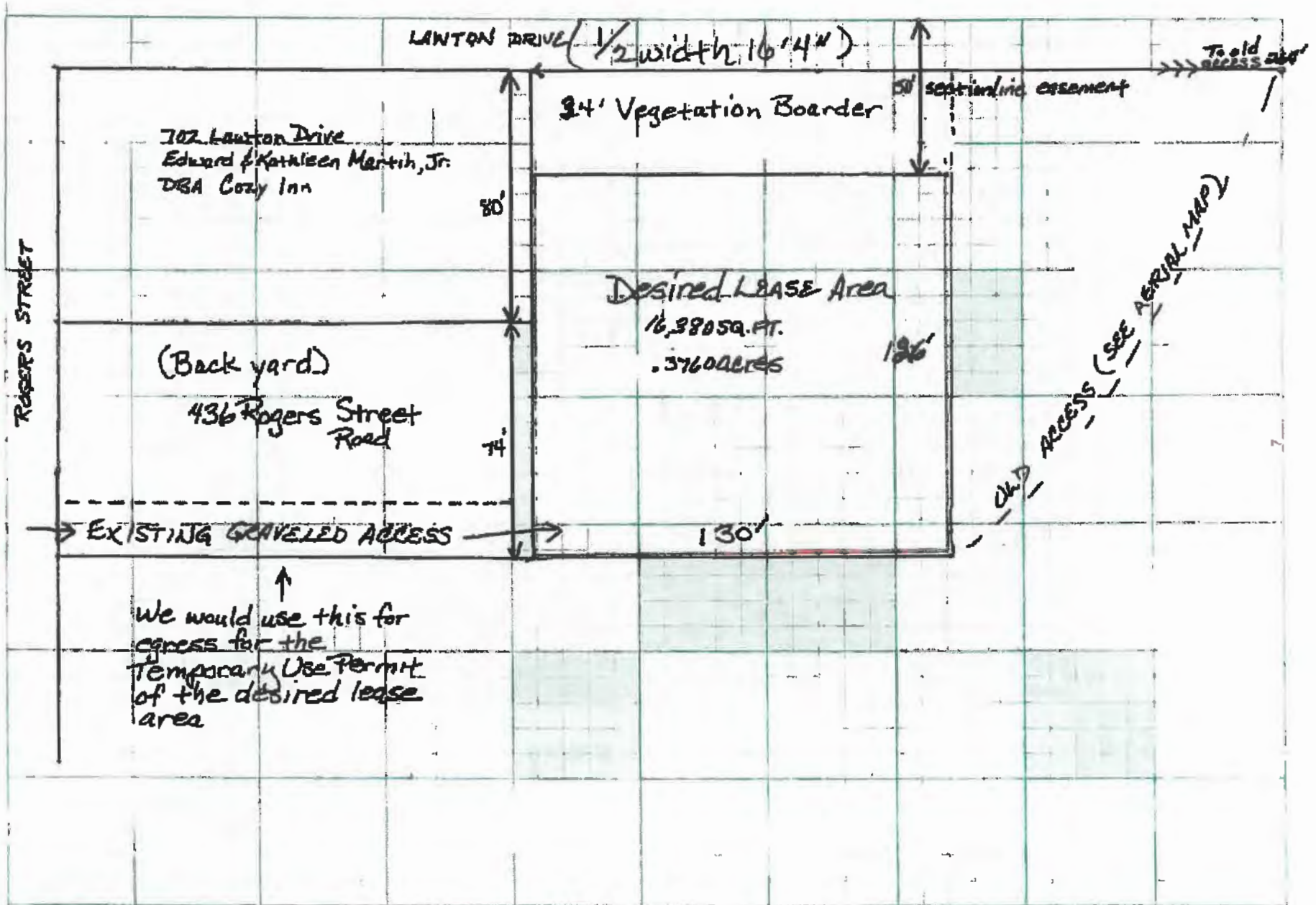
T 5N R 11W SEC 4 Seward Meridian KN
Govt Lot 2 Excluding therefrom Inlet
View Sub
(750 Lawton Dr)

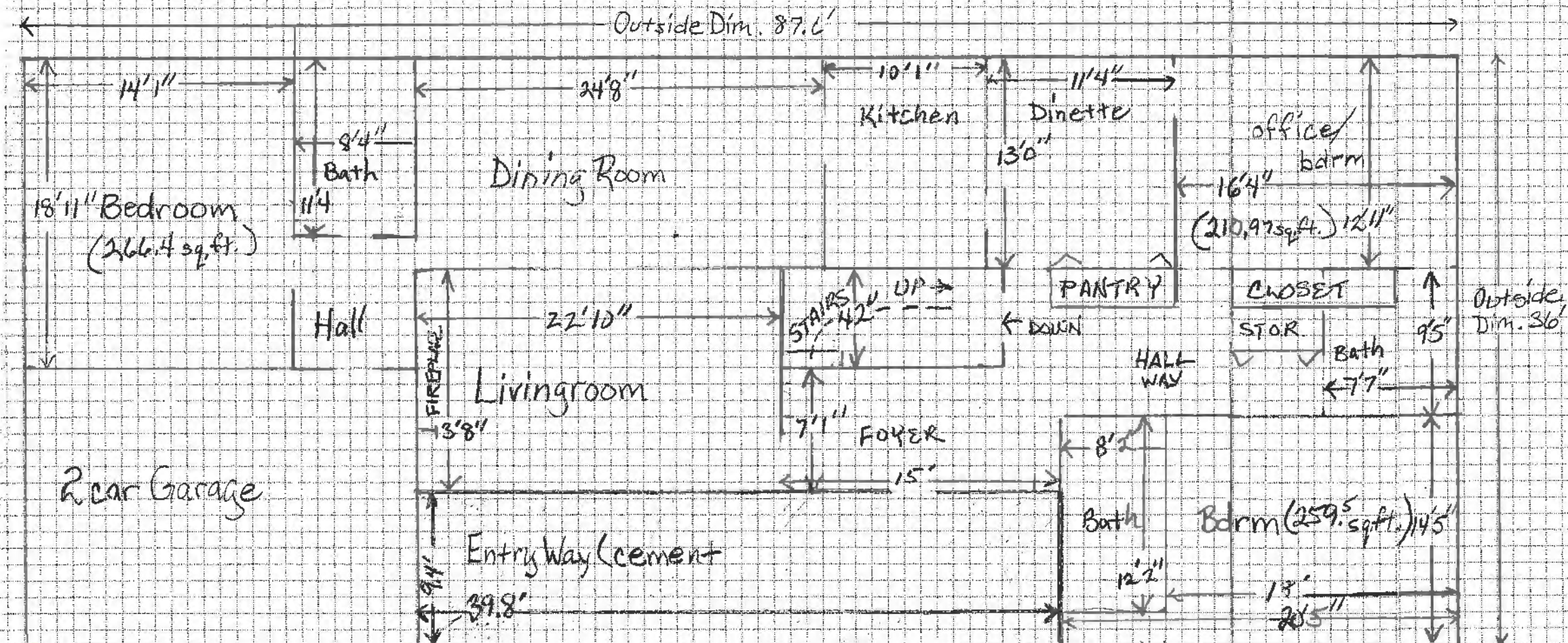


Culvert





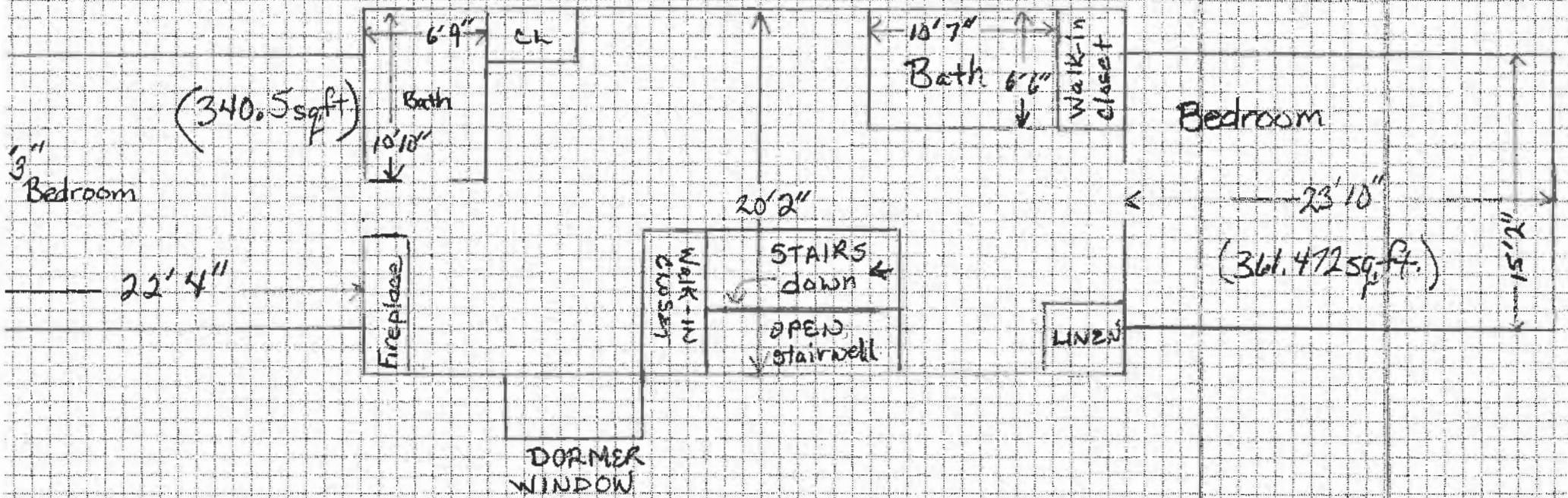




(Gravel Driveway)

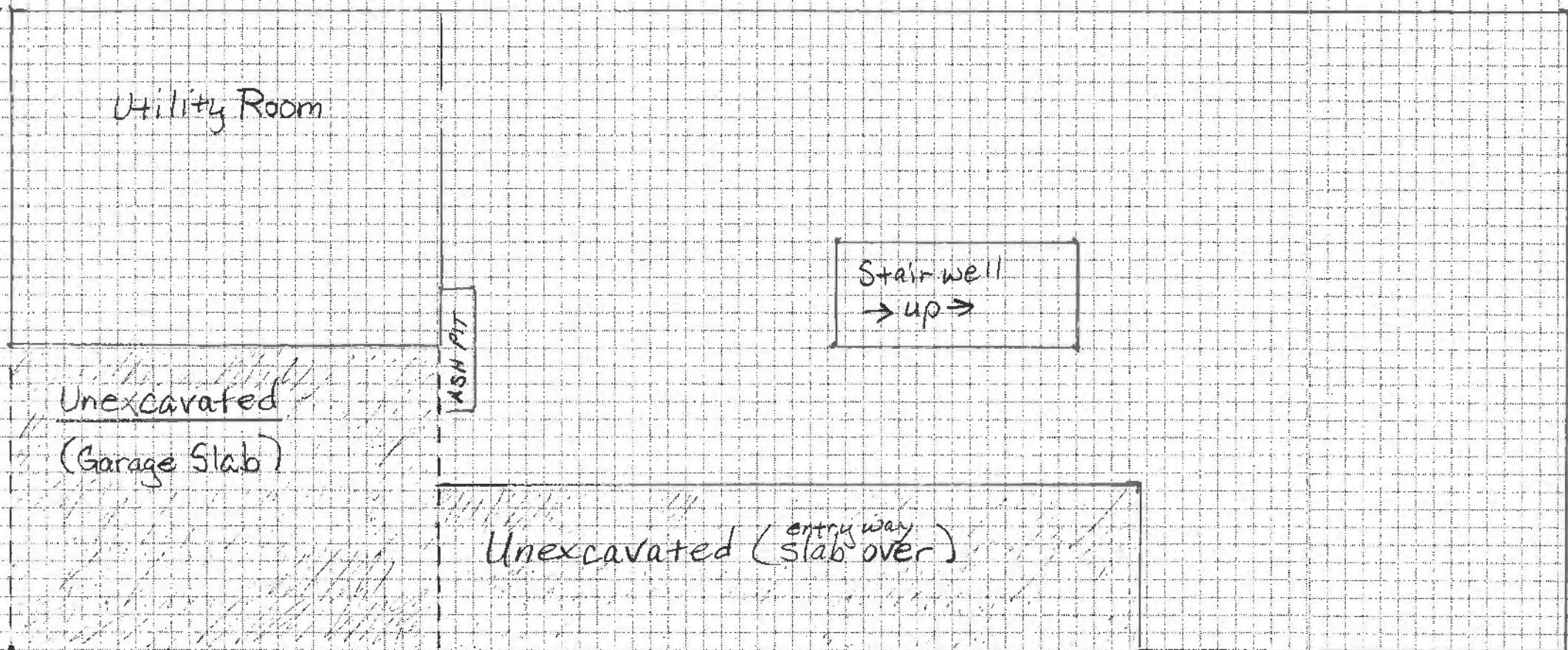
702 Lawton Drive

1st Floor



702 Lawton Drive
(1.5 Story)

Second Floor





PZ2021-21 CUP Dormitory
PZ2021-40 CUP Bed & Breakfast
702 Lawton Drive
436 Rogers Road





Land Management

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2205 • (907) 714-2378 Fax

A Division of the Planning Department

Charlie Pierce
Borough Mayor

October 1, 2021

Edward and Kathleen Martin
dba, Cozy Inn
35555 Kenai Spur Hwy
PMB 471
Soldotna, AK 99669

VIA CERTIFIED MAIL
7019 2280 0000 7385 1061

Re: Real Property Lease for Parking Area
Portion of APN: 04901048

Dear Mr. & Mrs. Martin:

On August 17, 2021, the Kenai Peninsula Borough Assembly approved Resolution 2021-32 and authorized a lease agreement for a 180' x 194' parking area, subject to easements, within the northwest corner of parcel number 04901048.

Enclosed for your record is the fully executed lease agreement.

On September 21, 2021, we met onsite to address a concern over larch trees within the leasehold. We also flagged a 70' setback from the centerline of Lawton Drive. There are a number of larch planted in this location, which are believed to have been placed by a previous landowner. The average tree height is between 3.5' to 8', being between 0.5" to 2" in diameter at the stump. The larch within the leasehold are not part of a documented provincial trial, and several will remain in place, serving as a 20' vegetative buffer from Lawton Drive.

Per the lease and approved development plan, you may remove the larch as necessary to create a parking area. Please contact me if you have any questions or concerns. Thank you.

Respectfully,

Julie Denison
Land Management Technician

Introduced by: Bjorkman, Elam, Derkevorkian, Mayor
Date: 04/20/21
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-032**

**A RESOLUTION ADOPTING A POLICY THAT THE BOROUGH WILL CONDUCT A
PRE-ELECTION SECURITY RISK AND VULNERABILITY ASSESSMENT AND
DEVELOP A SECURITY DESIGN FOR ANY ELECTION SYSTEM USED TO
ADMINISTER BOROUGH ELECTIONS**

WHEREAS, the peoples' confidence in the integrity of election results is reliant on their confidence in the security of the election equipment, election workers, and infrastructure that make elections possible; and

WHEREAS, free and fair elections play a vital and integral role in a democratic society; and

WHEREAS, all election equipment must be independently validated as secure and accountable in order to prove its reliability; and

WHEREAS, a policy providing for a pre-election security risk and vulnerability assessment of the borough's election infrastructure, a security design, where needed, and a post-implementation audit of any new election system, equipment or software used by the borough to administer elections is in the best interests of the borough;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. To the extent authorized by law and within available resources, a policy is hereby adopted that the borough, with the assistance of an independent third party cybersecurity professional, will conduct a security risk and vulnerability assessment, and develop a security design for the election system used to administer borough elections.

SECTION 2. That, within available resources, the borough will conduct an election security risk and vulnerability assessment, carried out by a provider of cybersecurity services, prior to the October 2021 borough election.

SECTION 3. That, within available resources, a security design, developed by a provider of cybersecurity services in coordination with the borough's information technology department, will be in place prior to the October 2021 borough election.

SECTION 4. That, within available resources, a security audit, performed by a provider of cybersecurity services in coordination with the borough's information technology department, will be performed immediately after the initial implementation of any election system used to administer borough elections.

SECTION 5. That this resolution shall become effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF APRIL, 2021.



Brent Hibbert, Assembly President

ATTEST:


Jonni Blankenship, MMC, Borough Clerk

Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None

**KENAI PENINSULA BOROUGH
REAL PROPERTY LEASE**

This LEASE (hereinafter called "LEASE"), for good and valuable consideration, and pursuant to Ordinance 2021-32, enacted August 3, 2021, is made and entered into by and between the KENAI PENINSULA BOROUGH, an Alaska municipal corporation whose address is 144 North Binkley Street, Soldotna, Alaska 99669, (hereinafter called "KPB"), and Edward and Kathleen Martin d.b.a. Cozy Inn, whose address is 35555 Kenai Spur Highway, PMB 471 Soldotna, Alaska 99669 (hereinafter called "LESSEE").

I. DESCRIPTION OF REAL PROPERTY

This LEASE grants LESSEE use of the real property (hereinafter called "PROPERTY") described as follows:

Beginning for reference at the N ¼ Corner of Section 4, T5N, R11W, Seward Meridian, thence N 89°56'00"E a distance of 180.00 feet to the point of beginning; thence S 00°09'00"E a distance of 194.00 feet along the east boundary of Inlet View Subdivision 1st Revision, Plat KN1515, to the southeast corner of Lot 2 Block 4 Inlet View Subdivision 1st Revision; Thence N 89°56'00"E a distance of 130.00 feet; thence N 00°09'00"W a distance of 194.00 feet to the north boundary of Section 4; Thence S 89°56'00"W a distance of 130.00 feet to the point of beginning;

Subject to a Section Line Easement along the north 50' of the land lease area;
and

further subject to a Stormwater Drain Facility Easement benefitting the City of Kenai per book 578, page 907, Kenai Recording District;

Containing 0.43 acres +/- acres in Net.

II. PURPOSE OF LEASE

Pursuant to Ordinance 2021-32 the purpose of this lease is for parking area (hereinafter called "ACTIVITIES"). The allowed uses shall be in conformance with of the LESSEE's Development Plan (, and the terms and conditions of any city zoning permits.

Development Plan

The LESSEE's Development Plan illustrates the type and location of improvements, basic design and construction standards, landscaping features, location of utilities, and the nature of uses. The Development Plan approved under this lease describes the

scope of ACTIVITIES authorized by the lease. The initial approved development plan is incorporated by reference as Attachment A.

a. **Modification of Development Plan.** The Development Plan may be modified by mutual agreement as necessary to advance the purposes of this lease. Modifications of LESSEE's development plan may be made through the written approval of the KPB Mayor of a modified development plan submitted by LESSEE to KPB in writing at least 60 days prior to anticipated modification of ACTIVITIES. Approved modifications shall be attached to this lease and effective upon the Mayor's written approval.

Ingress and Egress

Lessee may, at any time, have ingress and egress directly from Lessee's own property. As a revocable matter of permission, Lessee may have ingress and egress along the existing driveway from Lawton Drive to the east of the lease area, until such time as permission is revoked in writing by KPB. Lessee has the option of developing a new driveway directly to Lawton Drive along the frontage of the lease area, subject to any permitting requirements of the local road authority.

III. RECITALS AND RIGHTS RESERVED TO KPB

1. Nothing contained herein creates or implies any additional property interests, including easements or right-of-ways in the PROPERTY beyond the terms and conditions of this LEASE.
2. The KPB reserves the right to require improvements to be removed by the LESSEE at the termination of the LEASE.
3. LESSEE shall not develop beyond what is specified in the development plan, unless approved in writing by KPB.
4. KPB reserves the right to authorize other land uses on the PROPERTY by easement or permit which do not unreasonably interfere with LESSEE's use.

IV. TERMS AND CONDITIONS

1. **Lease Term.** This lease is for term of ten (10) years commencing September 1, 2021 and with an option to renew, by written mutual agreement, for a renewal term of ten (10) years.
2. **Lease Rental.** The annual lease rental for the first 5 years of this lease is \$1,184.00, which is based on 8 percent of the fair market appraisal of the net leased area. The annual lease rental for each successive 5-year period of the

lease shall be set at 8 percent of the fair market value. The KPB Assessing Department shall conduct the appraisal. Should lessee dispute the value of KPB's appraisal, then Lessee may obtain an appraisal from a professional independent fee appraiser upon which the parties can agree to adopt one appraisal, and if no agreement is reached then then the rate shall be set at the average of the two appraisals.

3. **Defense and Indemnification.**

The LESSEE shall indemnify, defend, save and hold the borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from LESSEE 's performance or failure to perform in accord with the terms of this permit in any way whatsoever. The LESSEE shall be responsible under this clause for any and all claims of any character resulting from LESSEE or LESSEE 's officers, agents, employees, partners, attorneys, suppliers, and subcontractors performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the borough or its agents which are said to have contributed to the losses, failure, violations, or damage. However, LESSEE shall not be responsible for any damages or claims arising from the sole negligence or willful misconduct of the borough, its agents, or employees.

4. **Liability Insurance.** LESSEE shall purchase at its own expense and maintain in force at all times during the term of this lease the following insurance policies:

Commercial General Liability: Policy to include bodily injury, personal injury, and property damage with respect to the property and the ACTIVITIES conducted by LESSEE in which the coverage shall not be less than \$1,000,000.00 per occurrence or such higher coverage as specified by KPB. The policy purchased shall name KPB as an additional insured with respect to the ACTIVITIES conducted on the property.

Proof of Insurance: LESSEE shall deliver to KPB certificates of insurance. This insurance shall be primary and exclusive of any other insurance held by KPB. Failure to provide the certificate of insurance as required by this section, or a lapse in coverage, is a material breach of the lease terms entitling KPB to revoke the lease.

5 **Waste.** LESSEE shall not commit waste or injury upon the lands leased herein.

6 **Fire Protection.** LESSEE shall take all reasonable precautions to prevent, and take all reasonable actions to suppress destructive and uncontrolled grass, brush, and forest fires on the land under agreement, and comply with all laws, regulations

and rules promulgated and enforced by the protection agency responsible for forest protection within the area wherein the demised premises are located.

- 7 **Safety.** LESSEE shall be solely responsible for maintaining the premises in a safe and fit condition. LESSEE is responsible for the safety of all persons conducting activities on the property under this lease. LESSEE agrees to provide the public with information regarding rules and regulations and other information pertaining to the property and the lease.
- 8 **Sanitation.** LESSEE shall comply with all laws, regulations or ordinances promulgated for the promotion of sanitation. The subject property shall be kept in a clean and sanitary condition and every effort shall be made to prevent pollution of the waters and lands. Sanitary facilities shall be in accordance with the State of Alaska, Department of Environment Conservation regulations.
- 9 **Hazardous Materials and Hazardous Waste.** Storage, handling and disposal of hazardous waste shall not be allowed on lands under lease from KPB per KPB Code, Section 17.10.240(H).

LESSEE shall comply with all applicable laws and regulations concerning hazardous chemicals and other hazardous materials, and shall properly store, transfer and use all hazardous chemicals and other hazardous materials and not create any environmental hazards on the lands leased herein. In no event may LESSEE utilize underground storage tanks for the storage or use of hazardous chemicals or other hazardous materials.

Should any hazardous chemicals or hazardous materials of any kind or nature whatsoever, or hazardous wastes be released upon the subject lands during the term of this lease, LESSEE shall IMMEDIATELY report such release to the KPB Planning Director or other appropriate KPB official and to any other agency as may be required by law, and LESSEE shall, at its own cost, assess, contain and clean up such spilled materials in the most expedient manner allowable by law.

As used herein, "hazardous chemical" means a chemical that is a physical hazard or a health hazard.

As used herein, "hazardous material" means a material or substance, as defined in 49 C.F.R. 171.8, and any other substance determined by the federal government, the state of Alaska or KPB, to pose a significant health and safety hazard.

As used herein, "hazardous waste" means a hazardous waste as identified by the Environmental Protection Agency under 40 C.F.R. 261, and any other hazardous waste as defined by the federal government, the state of Alaska or KPB.

The covenants and obligations described in this article shall survive the termination of this lease.

11. **Compliance With Laws.** The LESSEE agrees to comply with all applicable federal, state, borough, and local laws and regulations.
13. **Easements and Rights-of-Way.** This Lease is subject to all easements, rights-of-way, covenants and restrictions of which LESSEE has actual or constructive notice. KPB reserves and retains the right to grant additional easements for utility and public access purposes across the property and nothing herein contained shall prevent KPB from specifically reserving or granting such additional easements and rights-of-way across the property as may be deemed reasonable and necessary.

As the parties agree that this is a reserved right which is reflected in the annual lease rental, in the event that KPB grants future additional easements or rights-of-way across the property, it is agreed and understood that LESSEE shall receive no damages for such grant.

14. **Inspections.** LESSEE shall allow KPB, through its duly authorized representative, to enter and inspect the leased premises at any reasonable time, with or without advance notice to LESSEE, to ensure compliance with the terms and conditions of this lease. KPB's right to enter and inspect shall be exercised at KPB's sole discretion and the reservation or exercise of this right, and any related action or inaction by KPB, shall not in any way impose any obligation whatsoever upon KPB, and shall not be construed as a waiver of any rights of KPB under this agreement.
15. **Property Taxes.** LESSEE shall timely pay all real property taxes, assessments and other debts or obligations owed to KPB. Pursuant to KPB Code, Section 17.10.120(F) this agreement will terminate automatically should LESSEE become delinquent in the payment of any such obligations.
16. **Assignments.** LESSEE may assign this Lease only if approved in advance by KPB. Applications for assignment shall be made in writing on a form provided by the Land Management Division. The assignment shall be approved if it is found that all interests of KPB are fully protected. The assignee shall be subject to and governed by the terms and conditions of this lease and applicable laws and regulations.
17. **Cancellation.** At any time that this Lease is in good standing it may be canceled in whole or in part upon mutual written agreement by the LESSEE and either the KPB Mayor or Planning Director when applicable.

This Lease is subject to cancellation in whole or in part if improperly issued through error in procedure or with respect to material facts.

Lease lands shall be utilized for the purposes of the development, management, and maintenance of the SPARC facility within the scope of the terms and conditions of the lease and in conformity with the lessee's development plan, applicable classification, and any land use or comprehensive plans. Utilization or development for other than the allowed uses shall constitute a violation of the lease and will become subject to cancellation.

Failure on the part of the lessee to substantially complete the development plan of the land or to not be consistent with the proposed use and terms and conditions of the lease within two years of the anniversary date of said lease shall constitute grounds for cancellation.

18. **Termination.** Upon termination of this Lease, LESSEE covenants and agrees to return the property to KPB in a neat, clean and sanitary condition, and to immediately remove all items of personal property subject to the terms and conditions of Paragraph 23 below. All terms and conditions set out herein are considered to be material and applicable to the use of the property under this Lease. Subject to the following, in the event of LESSEE's default in the performance or observance of any of the agreement terms, conditions, covenants and stipulations thereto, and such default continues thirty (30) calendar days after written notice of the default, KPB may cancel this lease, or take any legal action for damages or recovery of the property. No improvements may be removed during the time in which the contract is in default.

In the event LESSEE breaches any provisions prohibiting the release of hazardous chemicals, hazardous materials or hazardous waste upon the property, and fails to immediately terminate the operation causing such release upon notice from KPB, then KPB may immediately terminate this lease agreement without notice to LESSEE prior to the effective date of the termination.

19. **Violation.** Violation of any of the terms of this lease may expose LESSEE to appropriate legal action including forfeiture of lease interest, termination, or cancellation of its interest in accordance with state law.
20. **Notice of Default.** Notice of the default, where required, will be in writing and as provided in the Notice provision of this agreement.
21. **Entry or Re-entry.** In the event that the Lease is terminated, canceled, or forfeited, or in the event that the demised lands, or any part thereof, should be abandoned by the LESSEE during the agreement term, KPB or its agents, servants or representative, may immediately or any time thereafter, enter or re-enter and

resume possession of said lands or such part thereof, and remove all persons and property therefrom either without judicial action where appropriate, by summary proceedings or by a suitable action or proceeding at law or equity without being liable for any damages therefor. Entry or re-entry by KPB shall not be deemed an acceptance of surrender of the contract.

22. Removal or Reversion of Improvements Upon Termination of Lease.

Improvements on the property owned by LESSEE shall, within ninety (90) calendar days after the termination of the agreement, be removed by LESSEE; provided such removal will not cause injury or damage to the land; and further provided that the Mayor, or Planning Director when applicable, may extend the time for removing such improvements in cases where hardship is proven. The LESSEE may dispose of its improvements to a succeeding lessee with the consent of the KPB mayor.

If any improvements and/or chattels that are not removed within the time allowed, such improvements and/or chattels shall revert and absolute title shall vest in KPB. Upon request, the LESSEE shall convey said improvements and/or chattels by appropriate instrument to KPB.

23. Rental for Improvements or Chattels not Removed. Any improvements and/or chattels belonging to the LESSEE or placed on the land during its tenure with or without its permission and remaining upon the premises after the termination of the contract shall entitle KPB to charge a reasonable rent therefor.

24. Resale. In the event that this Lease agreement should be terminated, canceled, forfeited, or abandoned, KPB may offer said lands for sale, lease, or other appropriate disposal pursuant to the provisions of KPB Code, Chapter 17.10 or other applicable regulations.

25. Notice. Any notice or demand, which under the terms of this Lease must be given or made by the parties thereto, shall be in writing, and be given or made by registered or certified mail, addressed to the other party at the address shown on the contract. However, either party may designate in writing such other address to which such notice of demand shall thereafter be so given, made or mailed. A notice given hereunder shall be deemed received when deposited in a U.S. general or branch post office by the addressor.

All notices shall be sent to both parties as follows:

LESSOR

Kenai Peninsula Borough

Cozy Inn

LESSEE

Edward and Kathleen Martin, DBA

471 Planning Director 35555 Kenai Spur Highway, PMB
144 N. Binkley Soldotna, AK 99669
Soldotna, AK 99669-7599

26. **Responsibility of Location.** It shall be the responsibility of the LESSEE to properly locate its self and its improvements on the leased lands.
27. **Liens and Mortgages.** LESSEE shall not cause or allow any liens of any kind or nature whatsoever to attach to the property during the term of this lease. In the event that any prohibited lien is placed against the property, LESSEE shall immediately cause the lien to be released. LESSEE shall immediately refund to KPB any monies that KPB may, at its sole discretion, pay in order to discharge any such lien, including all related costs and a reasonable sum for attorneys fees.

For the purpose of interim financing or refinancing of the improvements to be placed upon the leased premises, and for no other purpose, a lessee may, upon written approval of the KPB, encumber by mortgage, deed of trust, assignment or other appropriate instrument, the lessee's interest in the leased premises and in and to the lease, provided said encumbrance pertains only to the leasehold interest.

28. **Non-Waiver Provision.** The receipt of payment by KPB, regardless of KPB's knowledge of any breach by LESSEE, or of any default on the part of the LESSEE in observance or performance of any of the conditions or covenants of this agreement, shall not be deemed to be a waiver of any provision of the agreement. Failure of KPB to enforce any covenant or provision herein contained shall not discharge or invalidate such covenant or provision or affect the right of KPB to enforce the same in the event of any subsequent breach or default. The receipt by KPB of any payment of any other sum of money after notice of termination or after the termination of the agreement for any reason, shall not reinstate, continue or extend the agreement, nor shall it destroy or in any manner impair the efficacy of any such notice of termination unless the sole reason for the notice was nonpayment of money due and the payment fully satisfies the breach.
29. **Jurisdiction.** Any suits filed in connection with the terms and conditions of this Lease, and of the rights and duties of the parties, shall be filed and prosecuted at Kenai, Alaska and shall be governed by Alaska law.
30. **Savings Clause.** Should any provision of this Lease fail or be declared null or void in any respect, or otherwise unenforceable, it shall not affect the validity of any other provision of this Lease or constitute any cause of action in favor of either party as against the other.

31. **Binding Effect.** It is agreed that all covenants, terms, and conditions of this agreement shall be binding upon the successors, heirs and assigns of the original parties hereto.
32. **Full and Final Agreement.** This agreement constitutes the full and final agreement of the parties hereto and supersedes any prior or contemporaneous agreements. This agreement may not be modified orally, or in any manner other than by an agreement in writing and signed by both parties or their respective successors in interest. LESSEE avers and warrants that no representations not contained within this agreement have been made with the intention of inducing execution of this agreement.
33. **Warranty of Authority.** LESSEE warrants that the person executing this agreement is authorized to do so on behalf of Soccer Association of Homer.

KENAI PENINSULA BOROUGH

CP

 Charlie Pierce, Mayor

Dated: 9/21/2021

ATTEST:

APPROVED AS TO LEGAL FORM
 AND SUFFICIENCY:

John Blankenship

John Blankenship
 Borough Clerk

Sean Kelley

Sean Kelley
 Deputy Borough Attorney

LESSEE

Edward Martin Jr.

Edward Martin Jr.

Kathleen Martin

Kathleen Martin

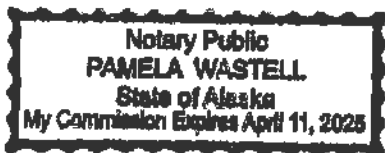
Dated: 9/10/2021

Dated: 9/10/2021

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 21st day of September, 2021, by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, on behalf of the corporation.

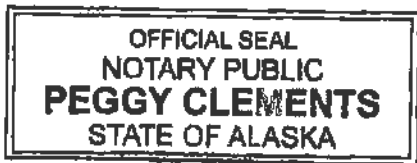


Pamela Wastell
Notary Public in and for Alaska
My commission expires: 4-11-2025

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 10th day of September, 2021, by Ed Marin Jr, DBA Cozy Inn.



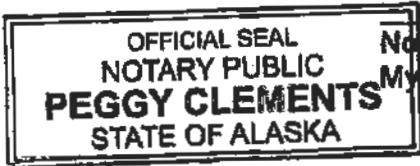
Peggy Clements
Notary Public in and for Alaska
My commission expires: 7-31-2022

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 10th day of September 2021, by Kathleen Martin, DBA Cozy Inn.

Peggy Clements



Notary Public in and for Alaska
My commission expires: 7-31-2022

Parking Area Lease Map



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

ATTACHMENT A DEVELOPMENT PLAN

Kathleen A. Martin

DBA Cozy Inn

Mailing Address: 35555 Kenai Spur Hwy., PMB 471 Soldotna, AK 99669

Physical Address: 702 Lawton Drive Kenai, AK 99611

Email: keeconstructionllc@yahoo.com

Phone: (907)252-8163

July 1, 2021

**Julie Denison, Land Management Technician
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, AK 99669**

**Re: Letter Dated 6/29/2021 via certified mail 7019 2280 0000 7385 7087
Application for Land Use Permit and Negotiated Lease
APN: 04901048**

Dear Ms. Denison,

In regards to your letter requesting more information as noted above:

To clarify, the Land Use Permit and Negotiated Lease are both requested for the proposed use of the NW corner of APN 04901048 as parking for student vehicles. Specifically, the students are all adults attending Commercial Drivers License and/or Basic Civil Construction courses.

HOWEVER, they are NOT attending these courses at 35555 Kenai Spur Highway in Soldotna; that is the location of our mail box. They are attending courses held at our 37200 Thomas Street property in Sterling, AK.

Types and quantity of vehicles anticipated is unclear you said; the vehicles will be the students privately owned vehicles (cars, vans, pick-up trucks, SUVs). There can be up to 8 students in each class, so up to a total of 16 (8x2) student vehicles parking on the requested property (Marcus Mueller computes .5 acres) at any one time. Each class last 3 weeks, so the specific vehicles parking on property will change as new classes begin with new students.

Development Plan

USE: Parking of Student owned vehicles as described above.

Nature of Improvements: Clearing, use of existing on-site material or imported gravel to meet requirements & log bumpers.

Estimated value of improvements: \$5,000.00

The property, APN: 04901048, had been cleared/used in the past by the former owners of Irene's B&B. Some trees have begun to grow in the area again as you would have noticed on your site visit. We would like to mulch some of said trees to provide a flat parking area. A 34' vegetation boarder of second growth can be left within the 50' ROW (we would like to do this if you don't object). The area would be designated as a parking area so that each student can be assigned a specific parking space. The property would be kept clean with regular litter patrols and maintained to keep plant life, like trees, from re-growing in the area we clear. The estimated value of the improvements is \$5,000.00

In your letter you also asked that we not materially interfere with or hinder the City of Kenai's ability to manage storm water. The City of Kenai's storm water line is located underground in this area. We will not be constructing anything onto the site, nor will we be fencing in the site; we are simply asking to park privately owned vehicles on the site. City of Kenai Municipal Code 14.20.250 you provided (4A) states bumper guards should be used where needed; we can use

Page 1 of 5

ATTACHMENT A DEVELOPMENT PLAN

lengths of log that can be rolled/moved out of their way should they need to dig up their line for replacement or maintenance. A durable, well drained and dust free surface can be accomplished with gravel. We have no intention of hindering any City of Kenai employee(s) from access to do his/her/their job(s).

Site Plan Drawing (see Exhibits A, B & C)

Exhibit A – detailed drawing

Exhibit B – smaller in scale to give a clearer view of the property/project as a whole

Exhibit C – Photo taken from KPB map site to show exact location of old entrance/exit used by Irene's B&B.

In your letter you state that the property is located within the City of Kenai and the west half is zoned Rural residential; the east half is zoned Education – please provide me with the documentation. The Kenai Peninsula Borough map site list the property uses as "Institutional." I spoke with Marcus Mueller about this and we both understood this property to be "educational" in use and therefore a good fit as we are intending its use to be for the parking of students' vehicles.

You go on to say the parcel is subject to a 50' wide section line easement along the north boundary.

I have made multiple calls to you for further information/clarification because I need to know where the 50' starts/originates to avoid the totality of it (the photo you provided is too digitalized to see even the roadway clearly and there are no labeled reference points). I understand you may be busy, but without a point of origin a layman can understand, I have to assume it begins at the centerline of Lawton Drive. If this is true, half the width of the road (16'4") plus a 34 foot vegetation buffer will avoid the 50' section line easement.

If I am incorrect as to where the 50' section line easement begins, we can shift the area on the Site Plan Drawing, with your assistance to identify where it actually is, to make it avoid the area.

As you can see on the Site Plan Drawing enclosed, I have drawn out 24 (12'x20') parking spaces in a herringbone pattern. A typical personally owned pick-up truck measures 6.9'x20' – this will allow for plenty of space to open doors without denting/scratching the vehicle that may be in the neighboring spaces. We can keep the design at 24 spaces to allow for future class growth or we can eliminate spaces to avoid the 50' section line easement if necessary. The parking spaces can also be shifted west to east if necessary; we are willing to work with you to accomplish whatever will work.

To clarify that we read and are planning to be consistent with the City of Kenai Municipal Code 14.20.250 Off Street Parking and Loading Requirements:

(a) For commercial development, there shall be provided at the time of construction of any main building or at the time of the alteration, enlargement, or change in use of any main building, permanently maintained off-street parking facilities for the use of occupants, employees, or patrons of such building. It is the joint and several responsibility of the owner and/or occupant of any main building or structure to provide, and thereafter maintain, minimum free off-street parking facilities as required in this section.

We purchased an existing structure built in 1976 that was used as Irene's B&B. We are trying to provide parking as required that the prior owners did not have.

(b) No existing parking area and no parking area provided for the purpose of complying with the provisions of this chapter shall hereafter be relinquished or reduced in any manner below the requirements herein established.
OK.

(1) Site Plan Submission. A site plan showing all parking and loading areas shall accompany all applications for building permits. The plan shall show dimensions of spaces, curb cuts, and other information necessary to determine compliance with the provisions of this chapter. The administrative official shall approve or reject the site plan on the basis of compliance with the requirements of this chapter. No certificate of zoning compliance and building permit shall be issued unless the parking site plan is approved.

ATTACHMENT A DEVELOPMENT PLAN

We do not need a building permit. A site plan has been included to show the dimensions of spaces. A curb cut is not necessary to utilize the egress from our 436 Rogers Road lot (back yard). A curb cut will be necessary if the Kenai Peninsula Borough is willing to allow us to utilize the old access shown in Exhibit C (marked with blue dot) off of Lawton Drive.

(2) Joint Parking Areas. Where there is more than one (1) use in a single structure or on a site (e.g., doctor, attorney, and retail grocery) or two (2) or more separate instances of the same use, off-street parking requirements shall be the sum of the requirements for the various uses; provided however, that where two (2) or more uses provide a single joint parking area, and their total required spaces totals twenty (20) or more, the minimum requirement will be seventy-five percent (75%) of the sum of the requirements for the various computed separately.

Doesn't apply; no joint parking area.

(3) Location of Parking. Any parking space provided pursuant to this section shall be on the same lot with the main use it serves or on an adjoining lot except that the Commission, by a conditional use permit as specified in this chapter, may allow parking spaces on any lot if it is determined that it is impractical to provide parking on the same or adjoining lot.

Impractical; need 16 spaces. That is why we have applied to lease property from the adjoining lot.

(4) Design Standards.

(A) All parking lots shall be provided with a durable, well-drained, and dust-free surface and shall have appropriate bumper guards where needed;

This can be accomplished with gravel. If the City of Kenai wants us to have bumper guards we can use logs that can be rolled/moved out of their way if they should need to dig up their line for repair/replacement.

(B) Parking areas and front yards as defined in KMC 14.20.320(b), which includes the required parking spaces, in commercial use areas shall not be used for storage, repair work or any purpose other than parking, landscaping, signage, or sales displays. A non-conforming use of parking areas and front yards prohibited by this section shall be made to conform to this section within a period of one (1) year after adoption of the ordinance codified in this section. OK.

Exception: Semi-trailers or containers may be parked in these areas for no more than thirty (30) consecutive days to facilitate unloading. Trucking terminals and bona fide construction sites are exempt; N/A No semi-trailers

(C) Any lighting of parking lots shall be arranged to reflect away from public rights-of-way and from any adjoining residential areas; No lighting

(D) Curb cuts shall be located so as to avoid traffic hazards and shall be approved by the administrative official; OK – please let me know if a curb cut at the afore mentioned old entrance/exit point on Exhibit C would be considered a traffic hazard. I don't believe it would be.

(5) Interpretation of Space Requirements. If a use is not specifically mentioned in this section, the administrative official shall determine the most similar use which is specifically mentioned. Parking requirements shall be the same as for that use; OK.

(6) Exception to this Section--Public Parking Lots. Notwithstanding other provisions of this section, when a use is located within three hundred feet (300') of an existing or planned public lots, the off-street parking requirements of this chapter may be met if under the procedures specified in this chapter, the Commission issues a conditional use permit stating that the following conditions have been met: The closest Public Parking lot is the City of Kenai Multipurpose Facility (9775 Kenai Spur Hwy.). It is across Lawton Drive from our property and does not abut our property. I have no idea what types of events they may host, how much "extra" parking area they may have, etc.

(A) The public parking lot exists within reasonable distance of the use, or plans for the public parking lot are sufficiently advanced to give reasonable assurance that the lot will be in use within one (1) year of the time of issuance of the conditional use permit;

(B) The owner and/or occupant of the use in question shall sign a covenant agreeing to join an assessment district to pay for the public parking lot;

(C) The public parking lot has or will have sufficient capacity to accommodate the use in question plus other parking needs of existing and potential uses within a reasonable distance of the lot. The Commission shall use the off-street parking requirement as cited above to estimate the parking spaces needed within a reasonable distance of the lot.

(7) Off-Street Loading. Every building or structure used for business, trade, or industry and normally requiring truck loading or unloading with respect to the use, shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirement for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended, or constructed to be used in a manner to obstruct or interfere with the free use of any street or adjoining property. The minimum off-street loading and unloading space required for specific uses shall be as follows: No off-street loading.

(A) Retail business and service establishments shall provide one off-street loading and unloading space at least ten feet (10') wide and thirty-eight feet (38') long with a fourteen-foot (14') height clearance per building;

(B) Industrial plants shall provide one off-street loading and unloading space for each twenty thousand (20,000) square feet of gross floor area. Each loading space shall be minimum of twelve feet (12') wide and fifty feet (50') long with a fourteen-foot (14') height clearance;

(C) Trucking terminals shall provide one off-street loading and unloading space for every five thousand (5,000) square feet of total floor area used for storage, warehousing, and shipping. Each loading space shall be a minimum of fourteen feet (14') wide and sixty-five feet (65') long with fourteen-foot (14') clearance.

(B) Off-Street Parking Requirements.

DWELLING AND LODGING

MINIMUM NUMBER OF PARKING SPACES REQUIRED

Lodges, rooming/boarding houses, dormitories, bed and breakfast, and other structures containing sleeping rooms other than, or in addition to dwelling units

One (1) per principal dwelling unit and one (1) per guest room or one for every two (2) beds whichever is greater.

Mobile home parks

Two (2) per mobile home.

Motels, hotels and cabin rentals

One (1) per unit plus two (2) spaces.

DWELLING AND LODGING

MINIMUM NUMBER OF PARKING SPACES REQUIRED

Multiple-family dwellings, retirement homes and other places containing multiple dwelling units
Single-family dwellings, two-family dwellings and child care homes

One (1) per efficiency unit; and two (2) per other units.
Two (2) per dwelling units.

Development & Construction Timetable

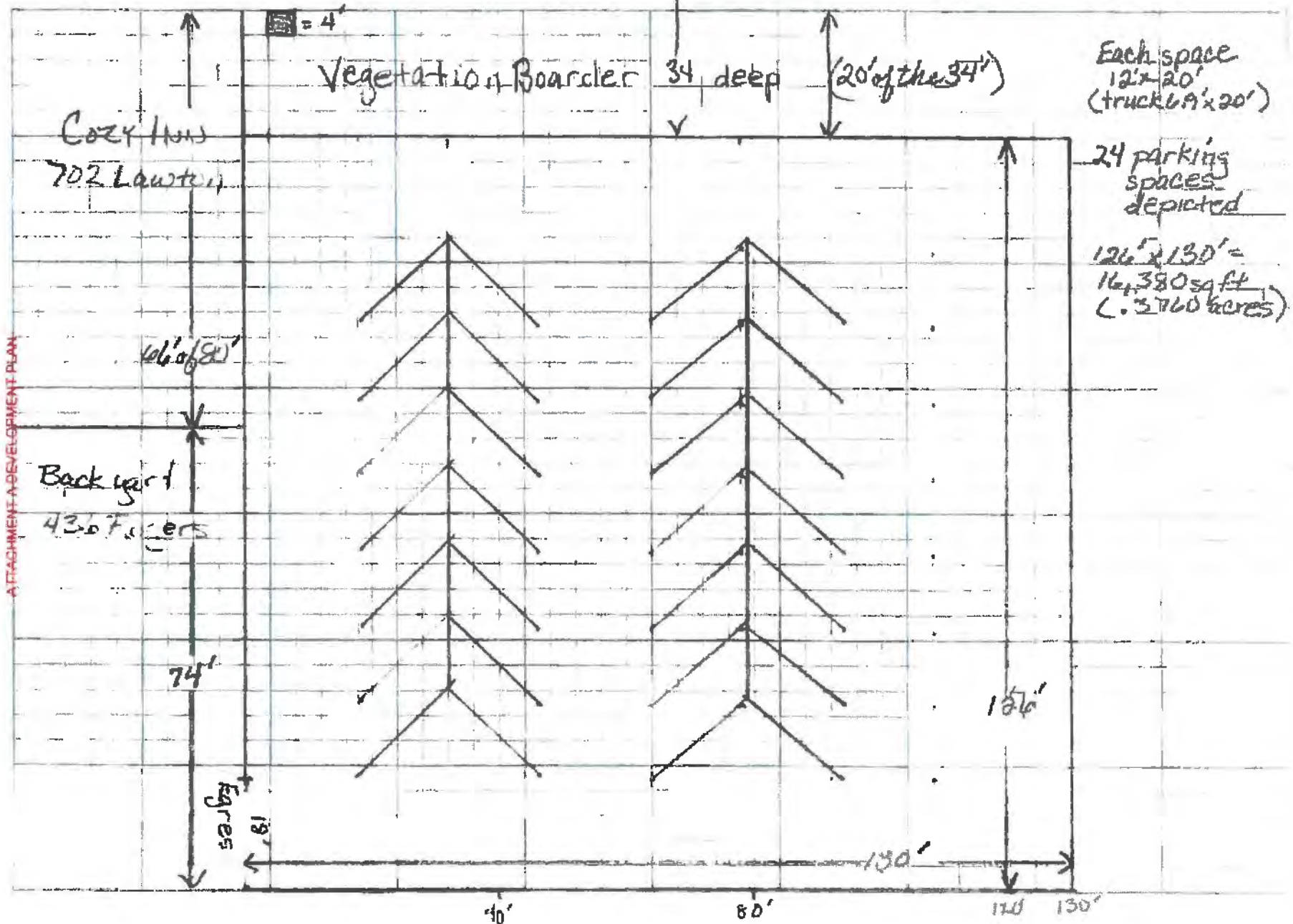
The 2 storage buildings you mentioned as in trespass have been moved; they were placed there by the prior owners appx. 21 years ago. We had our 2 lots surveyed so we could be assured that we moved them completely onto our property. See photo below. We are ready for your site visit.



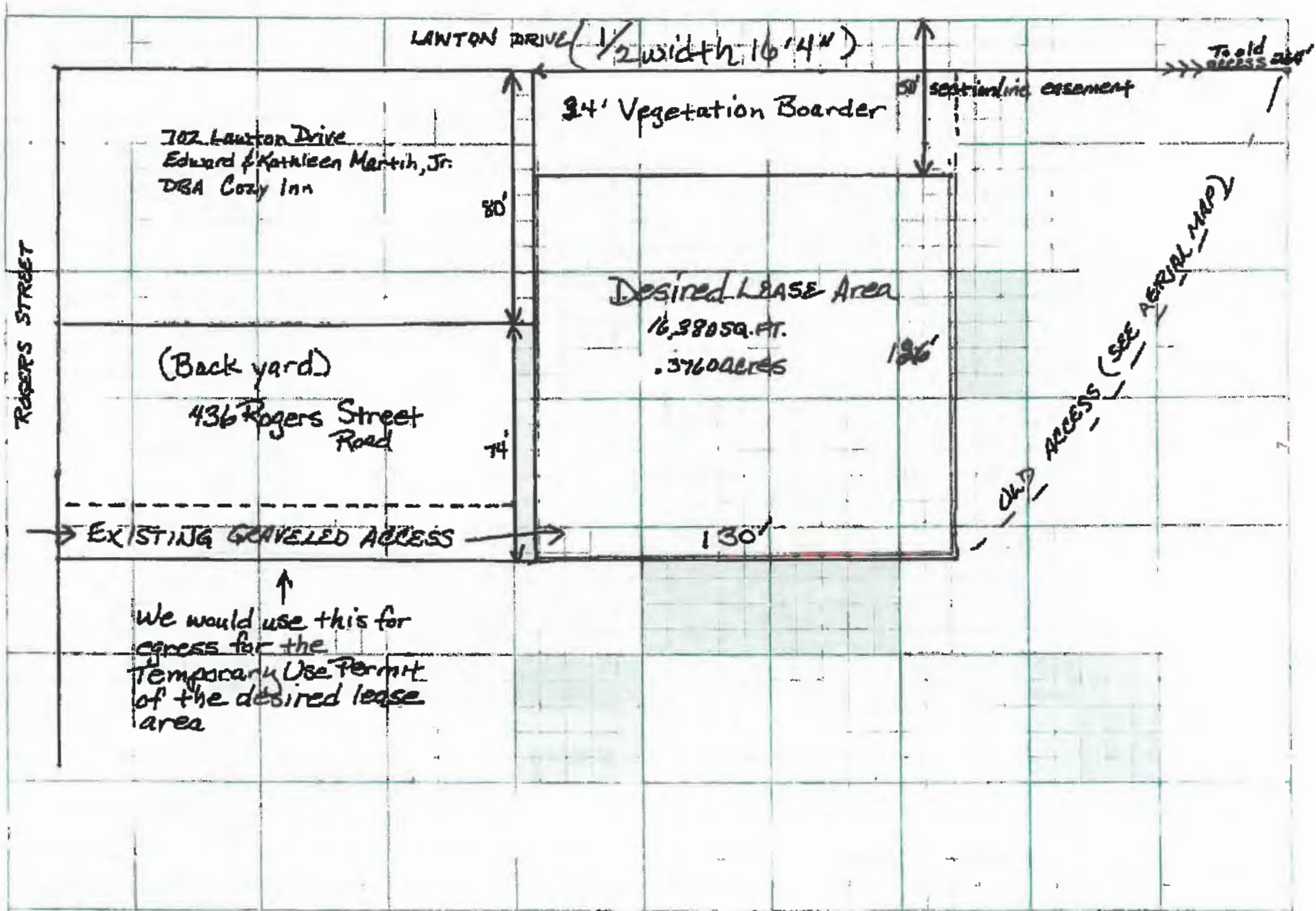
Sincerely

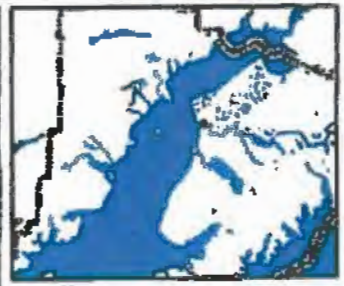
Kathleen A. Martin
Kathleen A. Martin, Owner
(907)252-8163
7/12/2021

← LAWTON DRIVE →



ATTACHMENT A DEVELOPMENT PLAN





Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal, Other
 - Proposed
- Parcels
- Image
 - Red Band_1
 - Green Band_2
 - Blue Band_3

Exhibit C

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. It is not to be used for navigation.

Notes
 Map of 702 Lawton Drive, 436 Rogers Road and 750 Lawton Drive

DATE PRINTED: 7/6/2021

PLANNING & ZONING COMMISSION

Resolution PZ2021-21 – Conditional Use Permit – Dormitory

Resolution PZ2021-40 – Conditional Use Permit – Bed and Breakfast

702 Lawton Drive

SUMMARY

Applicant:	Edward and Kathleen Martin P.O. Box 521 Cooper Landing, Alaska 99572
Legal Description:	Lot 1, Block 4, Inlet View Subdivision 1st Revision Lot 2, Block 4, Inlet View Subdivision 1st Revision
Property Address:	702 Lawton Drive 436 Rogers Road
KPB Parcel No:	04915025 04915026
Lot Size:	0.28 acres 0.25 acres
Existing Zoning:	Suburban Residential 2 Suburban Residential 2
Current Land Use:	Single Family Dwelling Residential Improved Land
Land Use Plan:	Suburban Residential Suburban Residential

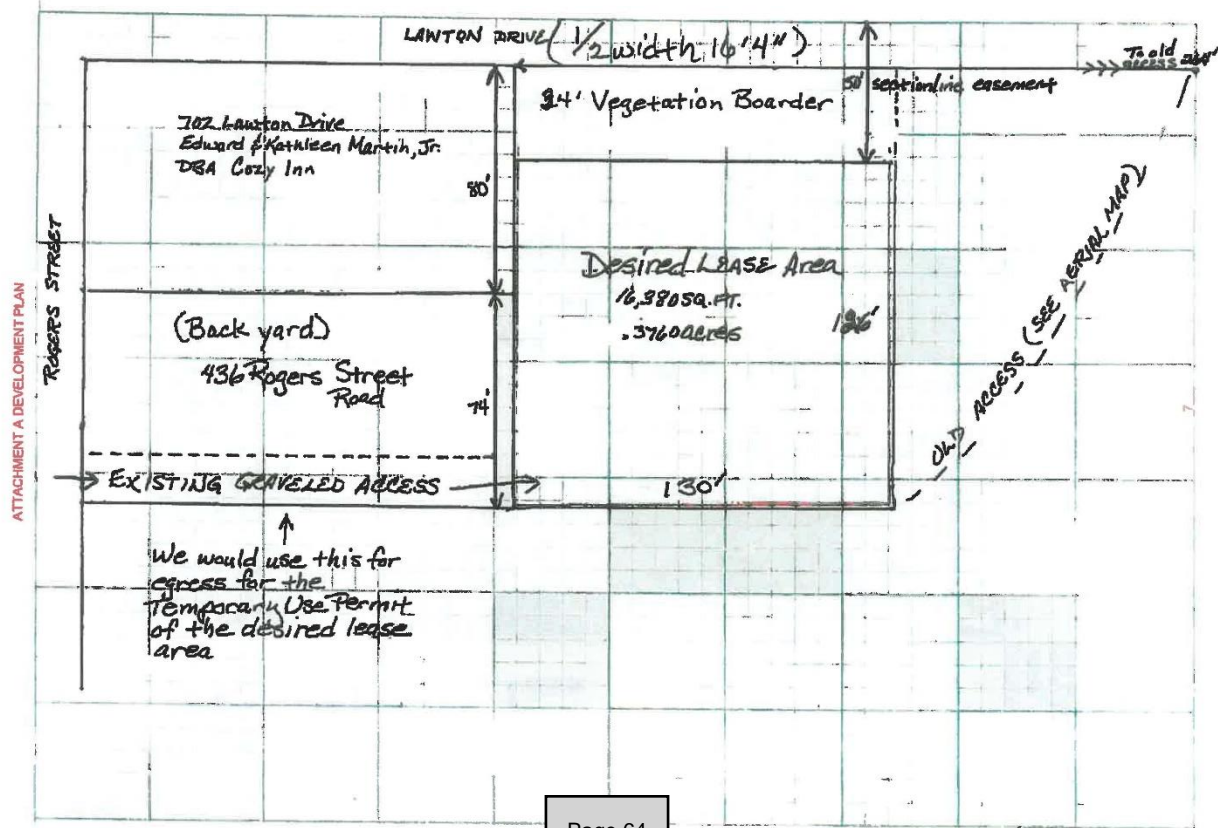


SUMMARY

- The applicant has submitted a conditional use permit application for a dormitory and a bed and breakfast at 702 Lawton Drive (the subject home) and 436 Rogers Road (the back yard).
- The dormitory is intended for housing students at the Alaska Driving Academy Truck Driving Division and Basic Civil Construction students.
- The bed and breakfast would only operate when students are not staying on the property and requires the owners to live on the property.
- The parking requirements for these land uses are met with a lease that the applicants have with the Kenai Municipal Borough property next door at 750 Lawton Drive.
- The subject property has previously had a conditional use permit for a Bed and Breakfast.

SITE PLAN

Exhibit B



STAFF ANALYSIS

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

REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

RECOMMENDATIONS: DORMITORY

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit for a Dormitory 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 approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
 3. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.

RECOMMENDATIONS CONTINUED

4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
7. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

RECOMMENDATIONS: BED AND BREAKFAST

- City staff find that the applicant meets the criteria for issuance of a Conditional Use Permit for a Bed and Breakfast 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 approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
 3. Bed and Breakfast regulations per KMC 14.20.321 must be maintained.


RECOMMENDATIONS CONTINUED

4. Buildings which are the subject of a bed and breakfast permit application shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to the approval of the conditional use permit. Thereafter, they shall be inspected every other year by the City Fire Marshal. Failure to comply with the Fire Code (KMC 8.05) shall be grounds for the suspension or revocation of the conditional use permit.
5. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
9. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
10. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Application
- B. Site Plan
- C. Floor Plans
- D. Aerial Map
- E. Lease with Kenai Peninsula Borough for parking at 750 Lawton Drive

A. APPLICATION

		Conditional Use Permit Application		City of Kenai Planning and Zoning Department 210 Fidalgo Avenue Kenai, AK 99511 (907) 283-8200 planning@kenai.city www.kenai.city/planning	
		PROPERTY OWNER			
Name:	See attached letter				
Mailing Address:					
City:		State:		Zip Code:	
Phone Number(s):					
Email:					
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)					
Name:	Edward D. Martin, Jr. & Kathleen A. Martin				
Mailing Address:	PO Box 521				
City:	Cooper Landing	State:	AK	Zip Code:	99572
Phone Number(s):	Ed (907)252-7857 Kathleen (907)252-8163				
Email:	keeconstructionllc@yahoo.com				
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel # (Property Tax ID):	04901048				
Physical Address:	750 Lawton Drive				
Legal Description:	T 5N R 11W SEC 4 SEWARD MERIDIAN KN GOVT LOT 2 EXCLUDING THEREFROM INLET VIEW SUB				
Zoning:	Borough Institutional (school)				
Acres:	NW corner .26 acre area as designated on Included map				
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?	It isn't; bare/cleared area along easement of Lawton Drive				
Conditional Use Requested for (attach additional sheets if necessary):					
We are purchasing the 702 Lawton Drive property to encourage vocational training on the Peninsula and will be housing Alaska Driving Academy Truck Driving Division & Basic Civil Construction students (possibly seasonal B&B customer parking if no students scheduled). Previous owners (Herman E. and Irene Fandel; both now deceased) had an unlimited Permit with the City for an area where their customers could park their vehicles. Requesting use of cleared area abutting 702 Lawton (see map).					
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:					
Zoned: Institutional School. Cleared area to be used as parking area only; each student staying at the 702 Lawton Drive (a corner lot) property will be issued a specific space to park in. This will keep students from trying to park on the streets, maintain clear sight distance at intersection and keep the streets uncluttered for traffic and pedestrians.					
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:					
It will keep the streets (Rogers Road and Lawton Drive) clear for travel in the neighborhood and sight distance at the intersection unobstructed.					

Use of surrounding property - north:	9775 KENAI SPUR HWY; City of Kenai, Institutional (buildings)		
Use of surrounding property - south:	750 LAWTON DR; apx. 1137' of KPB Institutional use (forested)		
Use of surrounding property - east:	750 Lawton Dr; apx. 400' of KPB Institutional use (forested)		
Use of surrounding property - west:	Abuts 702 Lawton Dr. prop. we are purchasing		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
We wish to house vocational students (commercial business) within the City of Kenai. The students will be making purchases themselves during their stay (food, gas, etc.). Both will benefit the fiscal health of the community. Students must sign a form beforehand to obtain lodging that assures they will be in harmony with all of those in their class, lodging and surrounding neighborhood (no drugs, no drinking, no guns, no pets, etc.). Students learn about safety awareness, responsibility, working with and relying on others as they develop meaningful skills that benefit both them and their communities.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes; parking area. The KPB did grant an easement to the City of Kenai, to use the NW corner of that KPB parcel, for the construction and maintenance of stormwater management facilities. The subject area of this easement is adjacent to the property addressed as 702 Lawton Dr. See enclosed map detailing the area we wish to use.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
It will encourage public safety, health & welfare by keeping said student vehicles from trying to park on the street. We would like to keep the roadway clear and unobstructed.			
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?			
No new impacts. This parcel belongs to the KPB but is used, in part, by the City of Kenai. We have the equipment to mulch the seedlings and keep the area cleared from tree growth should the City be in agreement for us to do so. The KPB did grant an easement to the City of Kenai, to use the NW corner of that KPB parcel, for the construction and maintenance of stormwater management facilities. The subject area of this easement is adjacent to the property addressed as 702 Lawton Dr.			
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:		Title/Business:	Date: 4/5/2021
Print Name:	Kathleen A. Martin	Manager	
For City Use Only		Date Application Fee Received: PZ Resolution Number:	

A. APPLICATION

Edward D. Martin, Jr.
Kathleen A. Martin
PO Box 521
Cooper Landing, AK 99572

April 5, 2021

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

Conditional Use Permit Application (not enough space on form)

PURPOSE OF CONDITIONAL USE PERMIT:

- 1) To house students
- 2) To operate B&B (when students are not housed)
- 3) To obtain parking area for students

PROPERTY OWNER (No. 1 & 2 above)

Currently on Record: FANDEL HERMAN E ESTATE OF
Purchasers: Edward D. Martin, Jr. (907)252-7857
and Kathleen A. Martin (907)252-8163
PO Box 521 Cooper Landing, AK 99572
Email - keeconstructionllc@yahoo.com

PETITIONER

Same as above

Property Information

	KPB PARCEL #	PHYSICAL ADDRESS	LEGAL DESCRIPTION	ZONING	ACRES
PURCHASING (use No. 1 & 2)	04915025	702 Lawton Drive (house/garage)	T 5N R 11W SEC 4 SEWARD MERIDIAN KN 0001515 INLET VIEW SUB 1ST REVISION LOT 1 BLK 4	Residential	.28
	04915026	436 Rogers Road (back yard, storage buildings, picnic tables)	T 5N R 11W SEC 4 SEWARD MERIDIAN KN 0001515 INLET VIEW SUB 1ST REVISION LOT 2 BLK 4	Residential	.25

CONDITIONAL USE DESCRIPTION

How is this property currently being used?

The property had been used as a B&B; owner(s) now deceased. Property is currently part of an estate and occupied by a caretaker. We are currently going through the process of purchasing it and would like to use it similarly to its past permitted use.



Conditional Use Requested for:

Student housing/B&B. We are purchasing the 702 Lawton Drive property and will be housing Alaska Driving Academy Truck Driving Division and Basic Civil Construction students. We would also like the option of operating as a B&B if and when we do not have students.

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

Although the property is zoned residential, use will be similar to past permitted B&B except that there will be less of a turn-over; the students will be staying for 3 weeks at a time. The abutting property we are requesting conditional use of is zoned Institutional School.

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

The value of adjoining properties will not be impaired any more than it was under the permit given to the past owners (Herman & Irene Fandel). Conditional Use permit for .26 acres of KPB owned lot (750 Lawton Drive) is requested to provide additional parking for students. This will keep the roadways unobstructed & clear for traffic. Students will be required to read/sign a document notifying them of the rules to obtain lodging (stay in/on the 702 Lawton Drive property). This document states they cannot bring guns, weapons, consume alcohol, use drugs, bring pets, quiet hours, etc. Basically, we must all be considerate and live in harmony with those around us.

Use of surrounding property – north: 9775 KENAI SPUR HWY; City of Kenai, Institutional (buildings)

Use of surrounding property – south: 434 ROGERS RD Residential

Use of surrounding property – east: 750 Lawton Dr; apx. 400' of KPB Institutional use (forested)

Use of surrounding property – west: 424 & 429 Lawton Dr. residential

Explain how the conditional use is in harmony with the City's Comprehensive Plan: Business will be paying City taxes on income earned from housing students. Students will be making purchases at local stores, gas stations, eateries during their stay. Both will benefit the fiscal health of the community. Students will be learning about safety and responsibility as they acquire skills to obtain good paying jobs.

Are public services and facilities on the property adequate to serve the proposed conditional use: Yes, it was permitted in the past as a B&B.

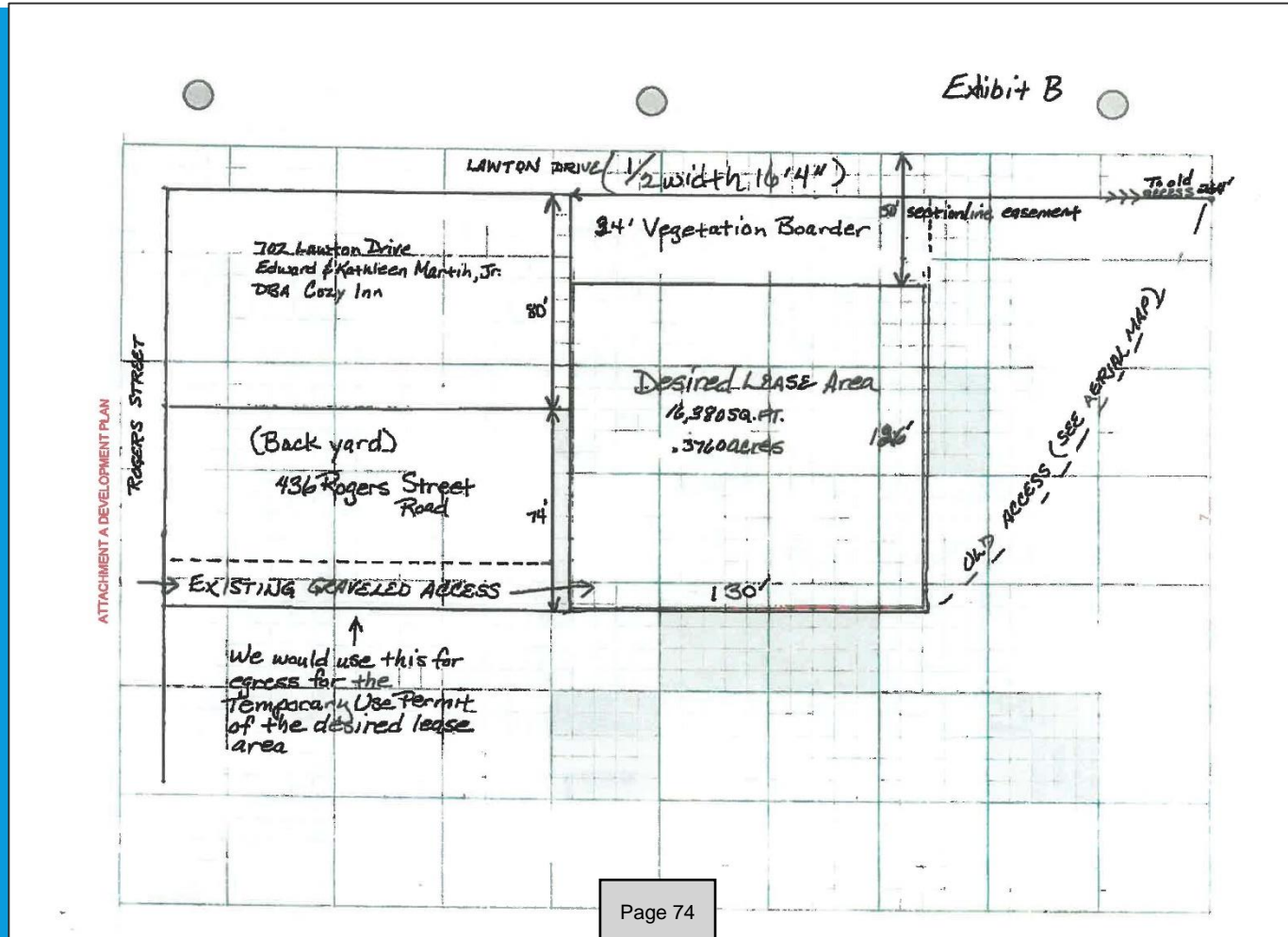
Explain how the conditional use will not be harmful to public safety, health or welfare: The boarders are required to read/sign an agreement as described earlier. As part of their training, they are learning about ensuring the safety of themselves and others on the road and in construction zones. We are requesting a Conditional Use Permit for the abutting property to provide off-road parking for the students so that the roadways remain clear and unobstructed.

Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of conditional use to neighbors: Our students will have stays of longer duration, so there will be less of a turn-over. Each will be assigned a specific parking spot. The courses are intense and the students must study/do homework daily, so there will be less traffic.

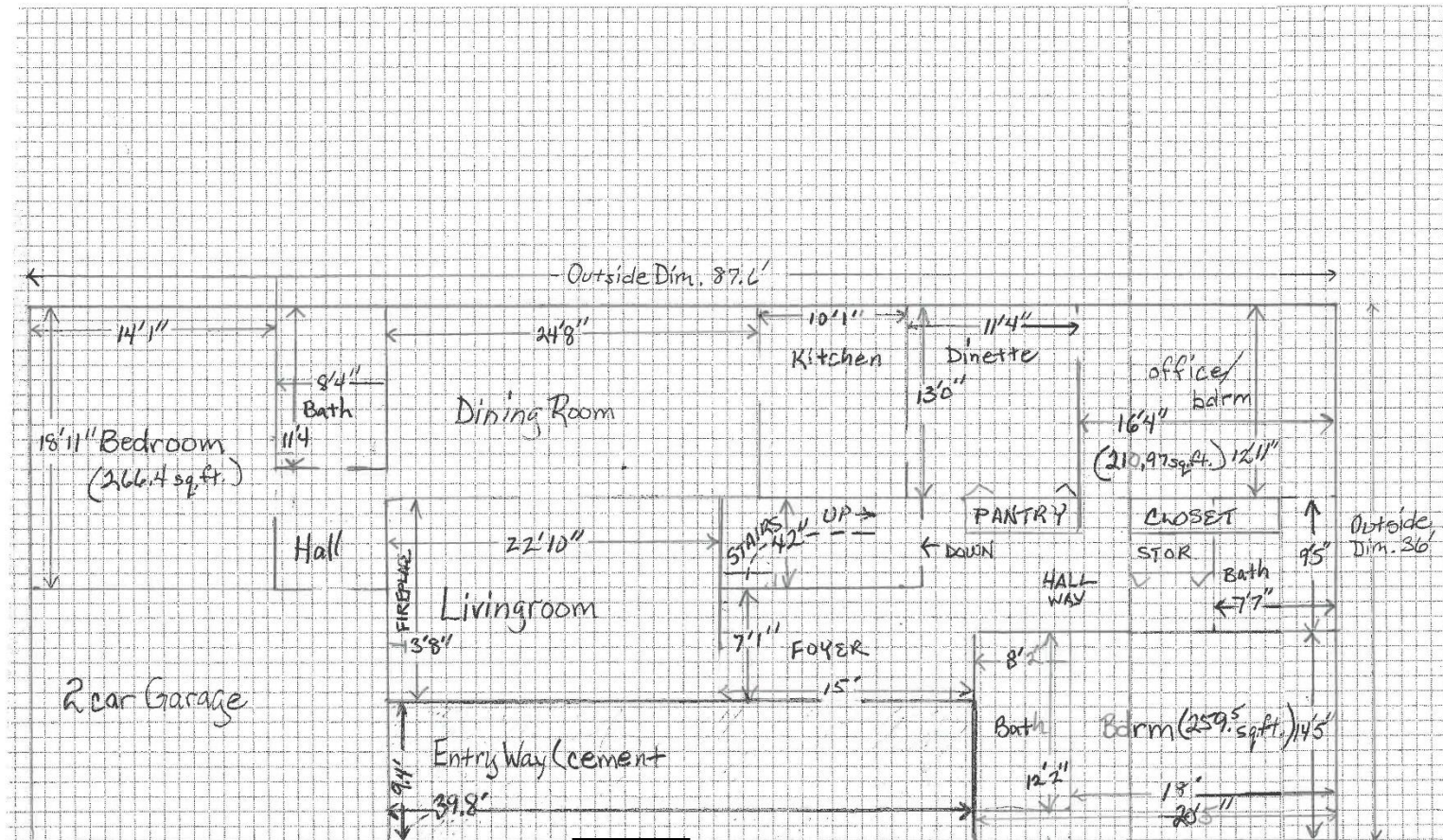
Also a part of this application: See actual City of Kenai Conditional Use Permit (I couldn't fit all the above on the form).

Conditional Use for parking (use No.3)	04901048	Section of 750 Lawton Drive that abuts 702 Lawton Drive* (see enclosed map)	NW corner of T 5N R 11W SEC 4 SEWARD MERIDIAN KN GOVT LOT 2 EXCLUDING THEREFROM INLET VIEW SUB	Institutional School	Asking to use .26 acres of 37.65
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B. SITE PLAN

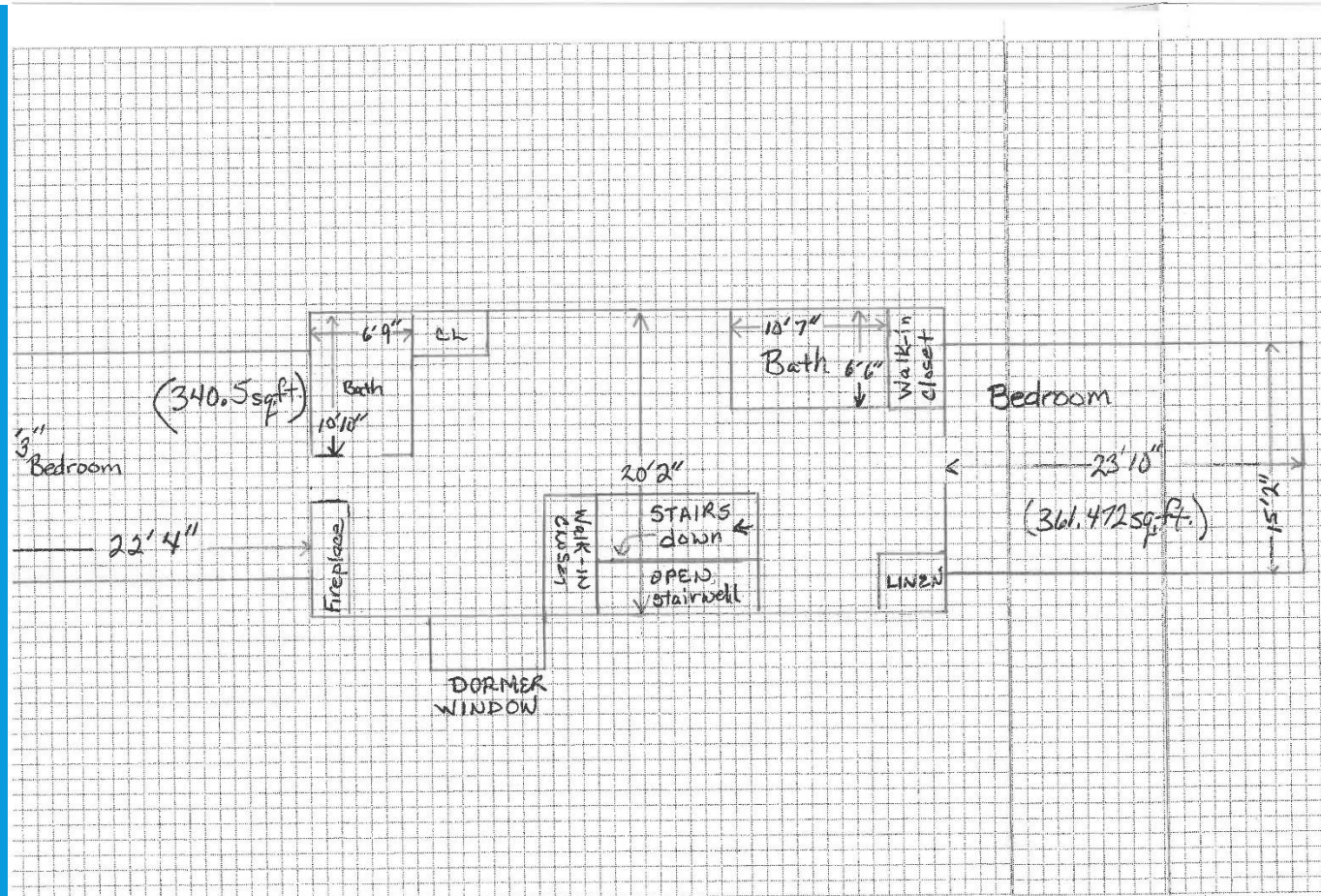


C. FLOOR PLANS



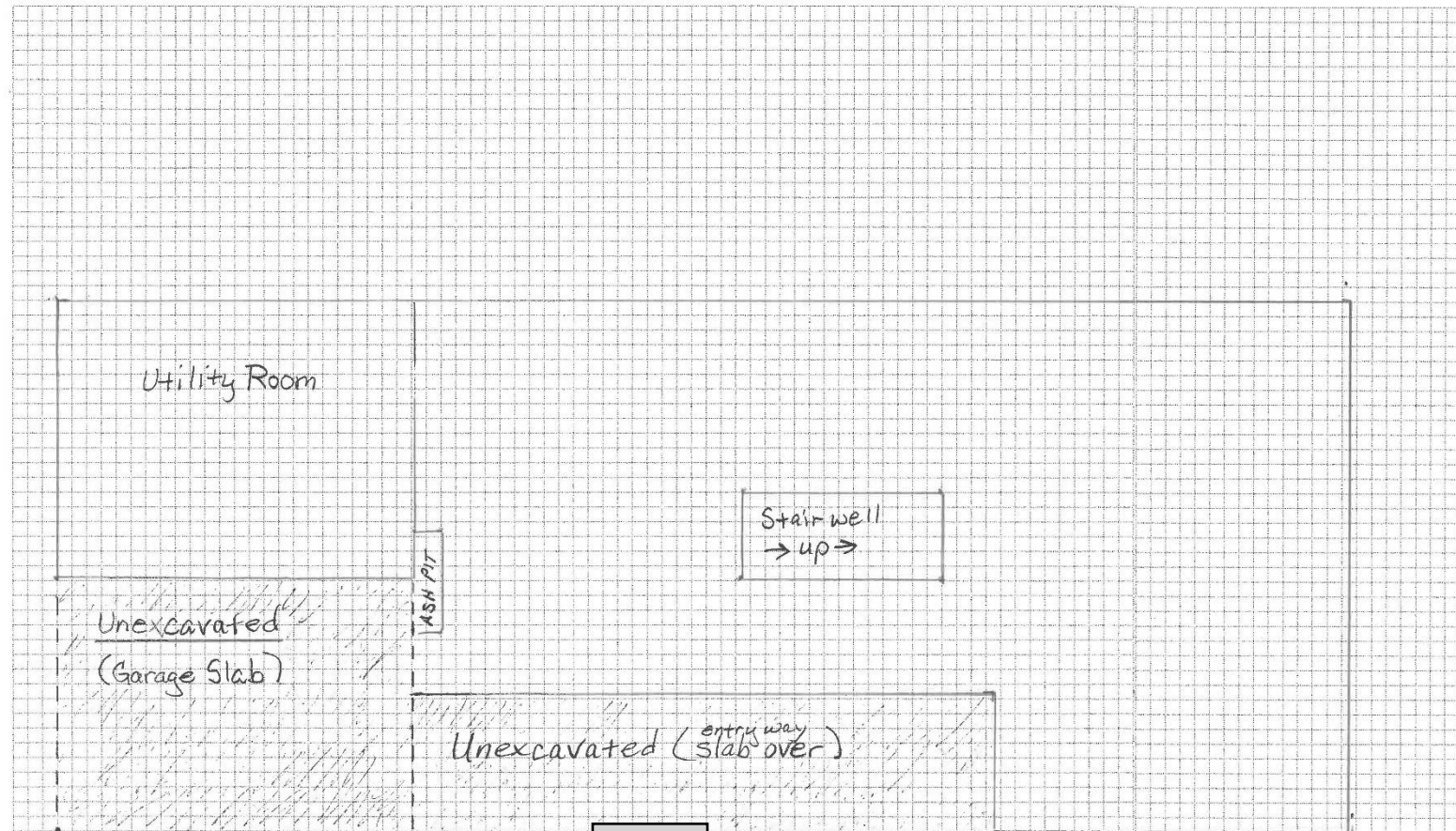
(gravel driveway) 702 Lawton Drive Page 75 Floor

C. FLOOR PLANS



702 Lawton Drive Second
(1.5 Story)

C. FLOOR PLANS



702 Lawton Drive

Page 77
[unclear] nt

D. AERIAL MAP



PZ2021-21 CUP Dormitory
PZ2021-40 CUP Bed & Breakfast
702 Lawton Drive
436 Rogers Road





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-38**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A RECREATIONAL VEHICLE PARK.

APPLICANT: Casey & Llana Gaze

PROPERTY ADDRESS:

6575 Kenai Spur Highway
6607 Kenai Spur Highway
3415 Mudhen Drive

LEGAL DESCRIPTION:

Lot 2, Block F, Beaver Creek Alaska Subdivision Amended
Lot 3, Block F, Beaver Creek Alaska Subdivision Amended
Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended

KENAI PENINSULA BOROUGH PARCEL NUMBER:

04106302
04106303
04106317

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on October 11, 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 November 10, 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: Both 6575 Kenai Spur Highway and 6607 Kenai Spur Highway are zoned General Commercial (CG). The proposed Recreational Vehicle Park meets the intent of

the General Commercial Zone (CG) to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above. A Recreational Vehicle Park would be a primary commercial use.

3415 Mudhen Drive is designated Rural Residential (RR). The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:

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

A Recreational Vehicle Park is consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves as many trees as possible and creates privacy between neighboring parcels as well as RV parking spaces. Recommended Condition 2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station; would prevent health hazards in an area not served by public sewer and that is served by private well.

Parcels in the vicinity of the subject parcels, do not have a residential character and consist of general commercial uses and vacant lots. The proposed use would increase the amount of traffic entering and existing the subject properties, but would not be generating heavy traffic in a predominantly residential area.

The Land Use Table provides that Recreational Vehicle Parks are a conditional use for both General Commercial and Rural Residential Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Recreational Vehicle Park. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The adjacent parcels located to the South, East and West are vacant. Parcels to the North, across the Kenai Spur Highway consist of a propane business, a Homer Electric Association facility, and a steel distributor, all general commercial land uses that

should not be negatively impacted by the proposed recreational vehicle park. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by this change.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes a General Commercial land use for this neighborhood. The General Commercial Land Use Classification is defined in the Comprehensive Plan:

“General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.”

All of the parcels adjacent to the Kenai Spur Highway are zoned General Commercial, the lots located behind those zoned General Commercial are zoned Rural Residential, though the vast majority are not accessible by existing roads and have platted rights-of-way.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses
- Q-9 Encourage healthy lifestyles by providing opportunities and/or facilities for outdoor activities

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. The tourism industry is an important component for economic development within the City of Kenai.

- 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 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-2 Promote the infill of existing, improved subdivision lots.

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

Criteria Met. The subject properties are accessed via a paved, State of Alaska Department of Transportation maintained highway. There are no City sewer services in the vicinity, therefore, a private septic system will be required. City water services, are located in the northern half of the right-of-way, but beyond the two hundred (200) feet required for connecting to the public water system per Kenai Municipal Code 17.10.010. The subject property is located approximately 255 feet from the existing water line in the ROW. The application proposes utilizing a water well. A dump station is proposed for use by recreational vehicles. Recommended Condition 2 requires providing the City DEC compliance certification of the water and wastewater systems; 2. Applicant will provide a

copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station. There is access to natural gas, electricity, and telephone services.

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

Criteria Met: There are recommended conditions with requirements related to public safety, health, and welfare:

- 3. Provide accommodations for trash and restroom facilities.
 - 4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.
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 Casey & Llana Gaze for a Recreational Vehicle Park for properties described as Lot 2, Block F, Beaver Creek Alaska Subdivision Amended Lot 3, Block F, Beaver Creek Alaska Subdivision Amended Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended and located at 6575 Kenai Spur Highway, 6607 Kenai Spur Highway, and 3415 Mudhen Drive.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.
3. Provide accommodations for trash and restroom facilities.
4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.
5. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai.

6. Staff encourages the applicant pursue consolidation of the three subject parcels into one parcel and submitting a rezoning application to rezone 3415 Mudhen Drive from Rural Residential to General Commercial.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. 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(l)(5).
10. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
11. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 10th day of November, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, MMC, CITY CLERK



KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: November 1, 2021
SUBJECT: PZ2021-38 – Conditional Use Permit – Recreational Vehicle Park

Applicant: Casey & Llana Gaze
6575 Kenai Spur Highway
Kenai, Alaska 99611

Legal Description: Lot 2, Block F, Beaver Creek Alaska Subdivision Amended
Lot 3, Block F, Beaver Creek Alaska Subdivision Amended
Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended

Property Address: 6575 Kenai Spur Highway
6607 Kenai Spur Highway
3415 Mudhen Drive

KPB Parcel No: 04106302
04106303
04106317

Lot Size: 1.31 Acres (57,063 square feet)
0.97 Acres (42,253 square feet)
2.27 Acres (98,881 square feet)

Existing Zoning: General Commercial
General Commercial
Rural Residential

Current Land Use: Single Family Dwelling
Vacant
Vacant

Land Use Plan: General Commercial
General Commercial
General Commercial

GENERAL INFORMATION

The applicant, Casey and Llana Gaze, have submitted a conditional use permit application for a 32 space recreational vehicle park for summer use. Per Kenai Municipal Code 14.22.010 Land use table, a recreational vehicle park land use requires a conditional use permit in both the General Commercial and Rural Residential zoning districts.

Application, Public Notice, Public Comment

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

ANALYSIS

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

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

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

Applicant Response: Property location is accessible and convenient to motorists and pedestrians using Kenai Spur Highway and pathway. Property will generate added revenue to City of Kenai.

Staff Response: Both 6575 Kenai Spur Highway and 6607 Kenai Spur Highway are zoned General Commercial (CG). The proposed Recreational Vehicle Park meets the intent of the General Commercial Zone (CG) to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above. A Recreational Vehicle Park would be a primary commercial use.

3415 Mudhen Drive is designated Rural Residential (RR). The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is:



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

A Recreational Vehicle Park is consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves as many trees as possible and creates privacy between neighboring parcels as well as RV parking spaces. Recommended Condition 2. *Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station;* would prevent health hazards in an area not served by public sewer and that is served by private well.

Parcels in the vicinity of the subject parcels, do not have a residential character and consist of general commercial uses and vacant lots. The proposed use would increase the amount of traffic entering and existing the subject properties, but would not be generating heavy traffic in a predominantly residential area.

The Land Use Table provides that Recreational Vehicle Parks are a conditional use for both General Commercial and Rural Residential Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Recreational Vehicle Park. The applicant has provided a site plan that provides the layout of the premises.

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

Applicant Response: Adjoining properties & secondary roads are undeveloped. Seasonal use in summer of park will not require any upgrade of roads or pathway. Trees and vegetation to remain along adjoining property lines and between parking spaces. Resulting in a low density development.

Staff Response:

The adjacent parcels located to the South, East and West are vacant. Parcels to the North, across the Kenai Spur Highway consist of a propane business, a Homer Electric Association facility, and a steel distributor, all general commercial land uses that should not be negatively impacted by the proposed recreational vehicle park. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by this change.



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

Applicant Response: R.V. Park will provide a much needed service in Kenai. The wellbeing of all age groups is promoted by opportunity of nearby pathway, local businesses, and outdoor activities such as sport fishing and personal use dipnetting.

Staff Response: The Land Use Plan, from the 2016 Comprehensive Plan, proposes a General Commercial land use for this neighborhood. The General Commercial Land Use Classification is defined in the Comprehensive Plan:

“General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.”

All of the parcels adjacent to the Kenai Spur Highway are zoned General Commercial, the lots located behind those zoned General Commercial are zoned Rural Residential, though the vast majority are not accessible by existing roads and have platted rights-of-way.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses
- Q-9 Encourage healthy lifestyles by providing opportunities and/or facilities for outdoor activities

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. The tourism industry is an important component for economic development within the City of Kenai.

- 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 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-2 Promote the infill of existing, improved subdivision lots.

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

Applicant Response: Yes. Adequate power supply from HEA in front of property to be installed underground. Potable water from existing well will conform to public use standards. Dump station to be engineered to state and local requirements.

Staff Response: The subject properties are accessed via a paved, State of Alaska Department of Transportation maintained highway. There are no City sewer services in the vicinity, therefore, a private septic system will be required. City water services, are located in the northern half of the right-of-way, but beyond the two hundred (200) feet



required for connecting to the public water system per Kenai Municipal Code 17.10.010. The subject property is located approximately 255 feet from the existing water line in the ROW. The application proposes utilizing a water well. A dump station is proposed for use by recreational vehicles. Recommended Condition 2 requires providing the City DEC compliance certification of the water and wastewater systems; 2. *Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.*

There is access to natural gas, electricity, and telephone services.

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

Applicant Response: Clear visibility for entering highway. Center turn lane for uninterrupted exit of highway. Long and wide driveway ensures safety of vehicles and pedestrians.

Staff Response: There are recommended conditions with requirements related to public safety, health, and welfare:

- 3. *Provide accommodations for trash and restroom facilities.*
- 4. *Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.*

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: No potential impacts to neighbors.

Staff Response: See Conditions of Approval as set forth below.

RECOMMENDATIONS

City staff find that the applicant meets the criteria 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 approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.
3. Provide accommodations for trash and restroom facilities.
4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the



highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.

5. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai.
6. Staff encourages the applicant pursue consolidation of the three subject parcels into one parcel and submitting a rezoning application to rezone 3415 Mudhen Drive from Rural Residential to General Commercial.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. 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).
10. 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.
11. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Conditional Use Permit Application
- B. Draft Site Plan
- C. Aerial Map





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:	CASEY & LIANA GAZE			
Mailing Address:	6575 KENAI SPUR HWY.			
City:	KENAI	State:	AK	Zip Code: 99611
Phone Number(s):	(907) 315-0523			
Email:	CASEYGAZE@GMAIL.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):	SEE ATTACHED INFO (4 LOTS)
Physical Address:	
Legal Description:	
Zoning:	
Acres:	

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used?	VACANT
--	--------

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

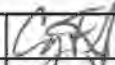
RECREATIONAL VEHICLE PARK FOR SUMMER USE.

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

PROPERTY LOCATION IS ACCESSIBLE AND CONVENIENT TO MOTORISTS AND PEDESTRIANS USING KENAI SPUR HWY. AND PATHWAY. PROPERTY WILL GENERATE ADDED REVENUE TO CITY OF KENAI,

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

ADJOINING PROPERTIES & SECONDARY ROADS ARE UNDEVELOPED. SEASONAL USE IN SUMMER OF PARK WILL NOT REQUIRE ANY UPGRADE OF ROADS OR PATHWAY. TREES AND VEGETATION TO REMAIN ALONG ADJOINING PROPERTY LINES AND BETWEEN PARKING SPACES. RESULTING IN A LOW DENSITY DEVELOPMENT.

Use of surrounding property - north:	KENAI SPUR HWY & BIKE PATH		
Use of surrounding property - south:	MUPHEN DRIVE & SURROUNDING PROPERTIES NOT IMPROVED		
Use of surrounding property - east:	VACANT		
Use of surrounding property - west:	VACANT		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
R.V. PARK WILL PROVIDE A MUCH NEEDED SERVICE IN KENAI. THE WELLBEING OF ALL AGE GROUPS IS PROMOTED BY OPPORTUNITY OF NEARBY PATHWAY, LOCAL BUSINESSES, AND OUTDOOR ACTIVITIES SUCH AS SPORT FISHING AND PERSONAL USE DIPNETTING.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
YES. ADEQUATE POWER SUPPLY FROM HEA IN FRONT OF PROPERTY TO BE INSTALLED UNDERGROUND. POTABLE WATER FROM EXISTING WELL WILL CONFORM TO PUBLIC USE STANDARDS. DUMP STATION TO BE ENGINEERED TO STATE AND LOCAL REQUIREMENTS.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
CLEAR VISIBILITY FOR ENTERING HIGHWAY; CENTER TURN LANE FOR UNINTERRUPTED EXIT OF HIGHWAY. LONG AND WIDE DRIVEWAY ENSURES SAFETY OF VEHICLES AND PEDESTRIANS.			
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?			
NO POTENTIAL IMPACTS 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:			Date: 10-11-2021
Print Name:	CASEY GAZE	Title/Business:	OWNER
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

RECEIVED
CITY OF KENAI
DATE 10-11-21
PLANNING DEPARTMENT

6575 Kenai Spur Highway

- KPB Parcel #: 04106302
- Legal: T 6N R 11W SEC 36 SEWARD MERIDIAN KN 0810101 BEAVER CREEK ALASKA SUB AMENDED LOT 2 BLK F
- Zoning: General Commercial
- Acres: 1.31

6607 Kenai Spur Highway

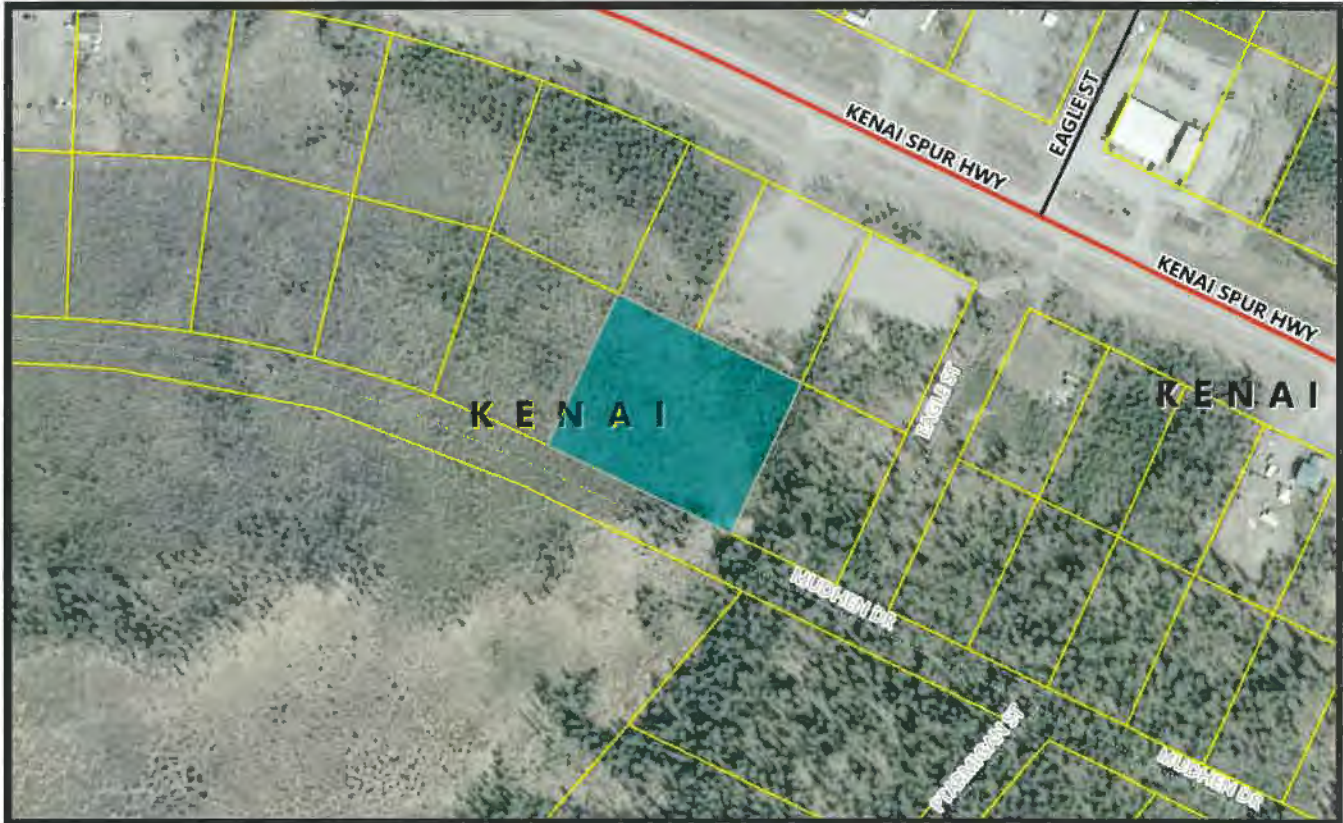
- KPB Parcel #: 04106303
- Legal: T 6N R 11W SEC 36 SEWARD MERIDIAN KN 0810101 BEAVER CREEK ALASKA SUB AMENDED LOT 3 BLK F
- Zoning: General Commercial
- Acres: 0.97



PARCEL REPORT

PARCEL ID: 04106317

Total Acreage: 2.27



LEGAL DESCRIPTION:

T 6N R 11W SEC 36 SEWARD MERIDIAN KN 0810101 BEAVER CREEK ALASKA SUB AMENDED LOT 14 & 15 BLK F

ALL PHYSICAL ADDRESSES ON THIS PARCEL:

3415 MUDHEN DR

LAND VALUE:	\$1,600	ASSESSED VALUE:	\$1,600
IMPROVEMENT VALUE:	\$0	TAXABLE VALUE:	\$1,600

OWNER:

PIPKIN FORREST
730 HOPKINS LN
SODA SPRINGS, ID 83276

The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.



AFTER RECORDING RETURN TO:
Casey Joshua Gaze
Liana Rae Gaze
6575 Kenai Spur Hwy.
Kenai, AK 99611

STATUTORY WARRANTY DEED

The Grantor(s): Forrest Pipkin, a married person, whose address is: 730 Hopkins Ln., Soda Springs, ID 83276

for and in consideration of the sum of ten dollars (\$10.00), lawful money of the United States, and other good and valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, do hereby GRANT, CONVEY and WARRANT to:

The Grantee(s): Casey Joshua Gaze and Liana Rae Gaze, husband and wife, whose address is: 6575 Kenai Spur Hwy., Kenai, AK 99611

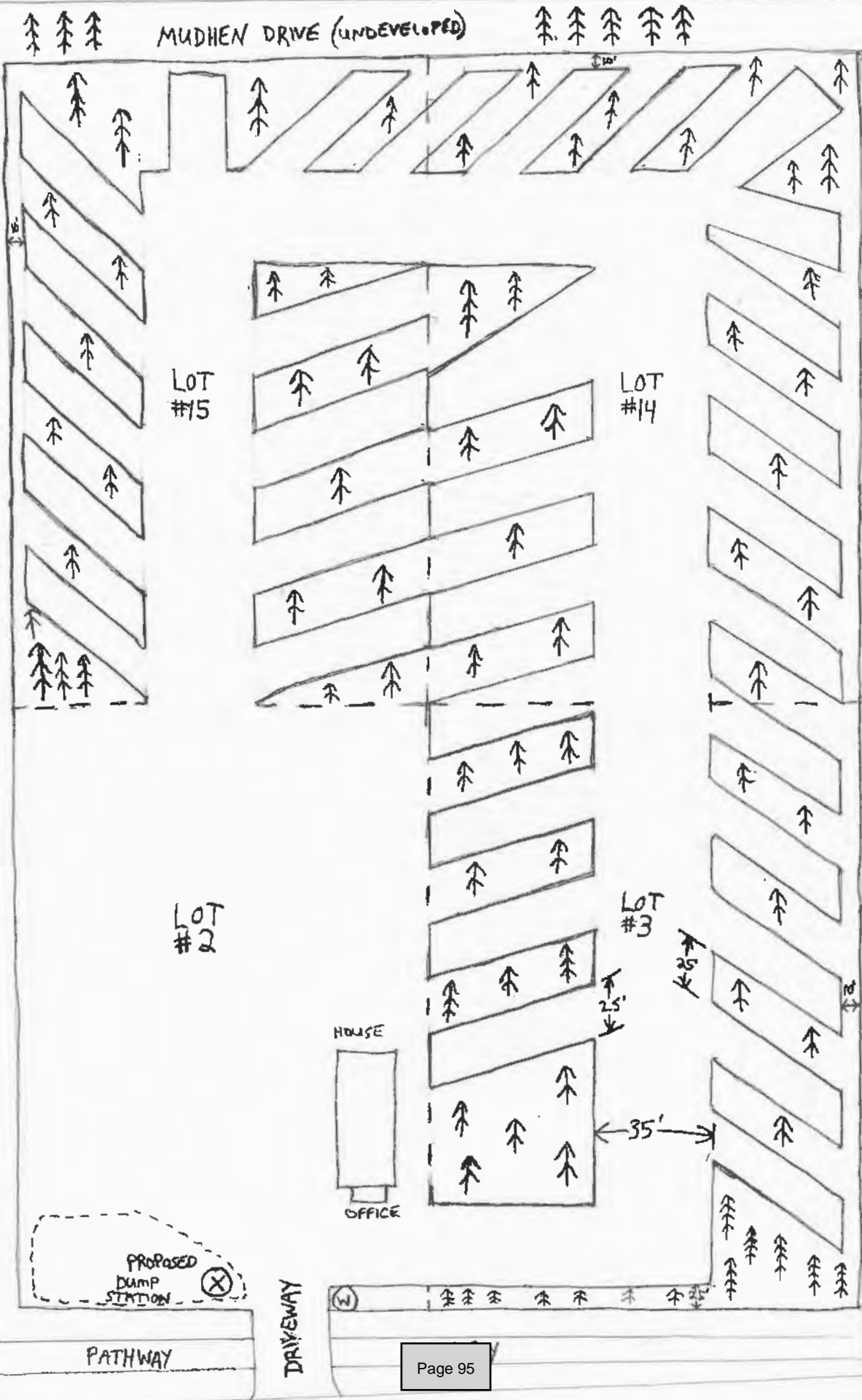
the following described real property, together with all tenements, hereditaments, and appurtenances located in the Kenai Recording District, Third Judicial District, State of Alaska:

Lots Fourteen (14) and Fifteen (15), Block "F", BEAVER CREEK ALASKA SUBDIVISION AMENDED, according to Plat No. 61-101, Kenai Recording District, Third Judicial District, State of Alaska. EXCEPTING THEREFROM the subsurface estate and all rights, privileges, immunities and appurtenances of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 [85 Stat. 688, 704; 43 U.S.C. 1601, 1613 (f) (1976)], as reserved by the United States of America in the Patent of record to said land.

FURTHER SUBJECT to reservation and exceptions in U.S. Patent and otherwise of record, real property taxes, if any due, notes on plat, and covenants and restrictions of records.

DATED: September 28 2021

32 SPACE RECREATIONAL VEHICLE PARK



LEGEND

- ⊙ WATER WELL
- OUTSIDE PROPERTY LINE
- PROPERTY LINE
- - - SHARED PROPERTY LINE
- - - TRES

KENAI SPUR HWY.



PZ2021-38 CUP Recreational Vehicle Park
6575 Kenai Spur Highway
6607 Kenai Spur Highway
3415 Mudhen Drive



PLANNING & ZONING COMMISSION

Resolution PZ2021-38 – Conditional Use Permit – Recreational Vehicle Park
6575 Kenai Spur Highway

SUMMARY

Applicant:	Casey & Llana Gaze 6575 Kenai Spur Highway Kenai, Alaska 99611
Legal Description:	Lot 2, Block F, Beaver Creek Alaska Subdivision Amended Lot 3, Block F, Beaver Creek Alaska Subdivision Amended Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended
Property Address:	6575 Kenai Spur Highway 6607 Kenai Spur Highway 3415 Mudhen Drive
KPB Parcel No:	04106302 04106303 04106317
Lot Size:	1.31 Acres, 0.97 Acres, 2.27 Acres
Existing Zoning:	General Commercial, General Commercial, Rural Residential
Current Land Use:	Single Family Dwelling, Vacant, Vacant
Land Use Plan:	General Commercial General Commercial General Commercial

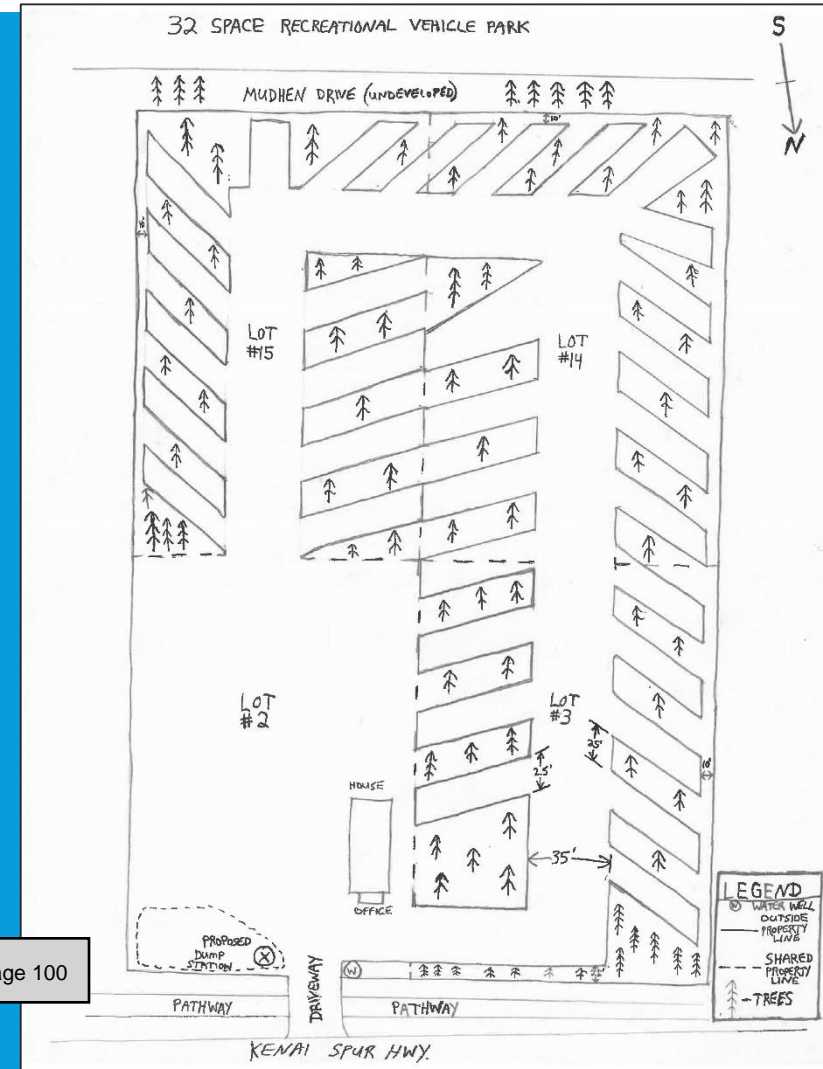


SUMMARY

- The applicant, Casey and Llana Gaze, have submitted a conditional use permit application for a 32 space recreational vehicle park for summer use. Per Kenai Municipal Code 14.22.010 Land use table, a recreational vehicle park land use requires a conditional use permit in both the General Commercial and Rural Residential zoning districts.

SITE PLAN

- Site plan identifies the layout of the 32 space RV Park.



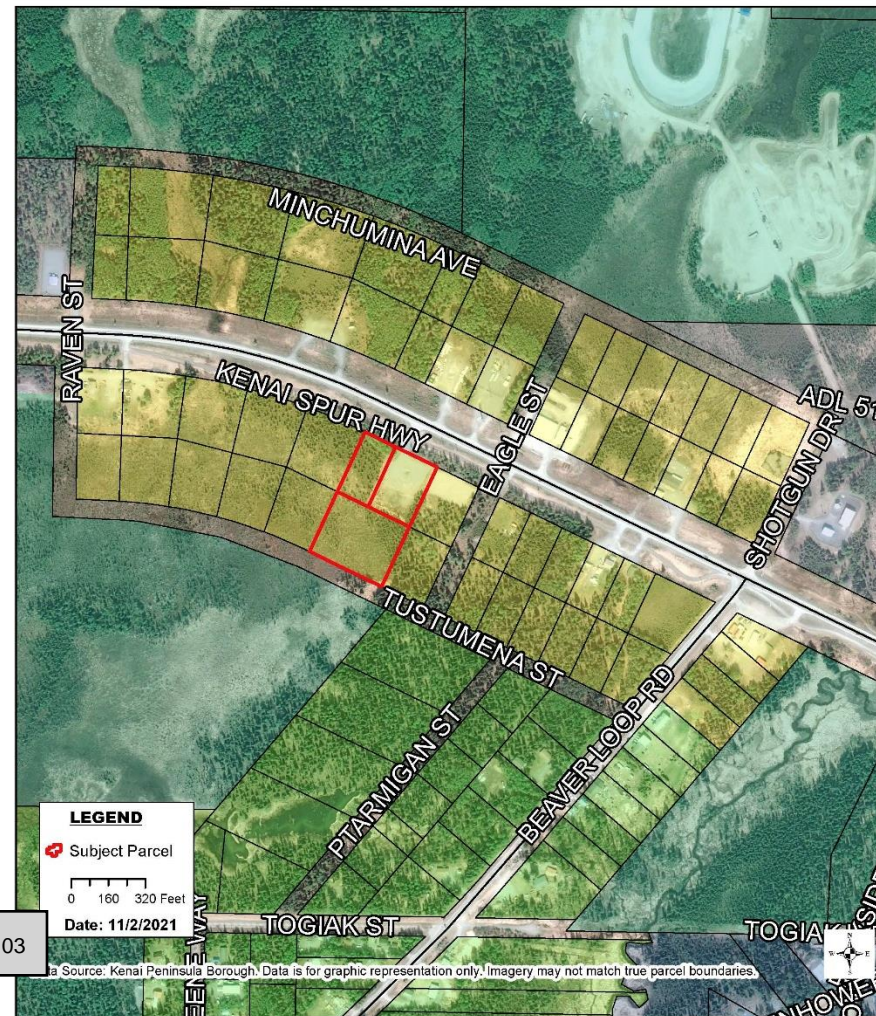
STAFF ANALYSIS

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

REVIEW CRITERIA

- *Criteria #1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.*
- *Criteria #2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.*
- *Criteria #3: The proposed use is in harmony with the Comprehensive Plan.*
- *Criteria #4: Public services and facilities are adequate to serve the proposed use.*
- *Criteria #5: The proposed use will not be harmful to the public safety, health or welfare.*
- *Criteria #6: Specific conditions deemed necessary.*

ZONING AND LAND USE PLAN



RECOMMENDATIONS

- City staff find that the applicant meets the criteria 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 approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.
 3. Provide accommodations for trash and restroom facilities.
 4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.


RECOMMENDATIONS CONTINUED


5. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai.
6. Staff encourages the applicant pursue consolidation of the three subject parcels into one parcel and submitting a rezoning application to rezone 3415 Mudhen Drive from Rural Residential to General Commercial.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. 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(l)(5).
10. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
11. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Application
- B. Site Plan
- C. Aerial Map

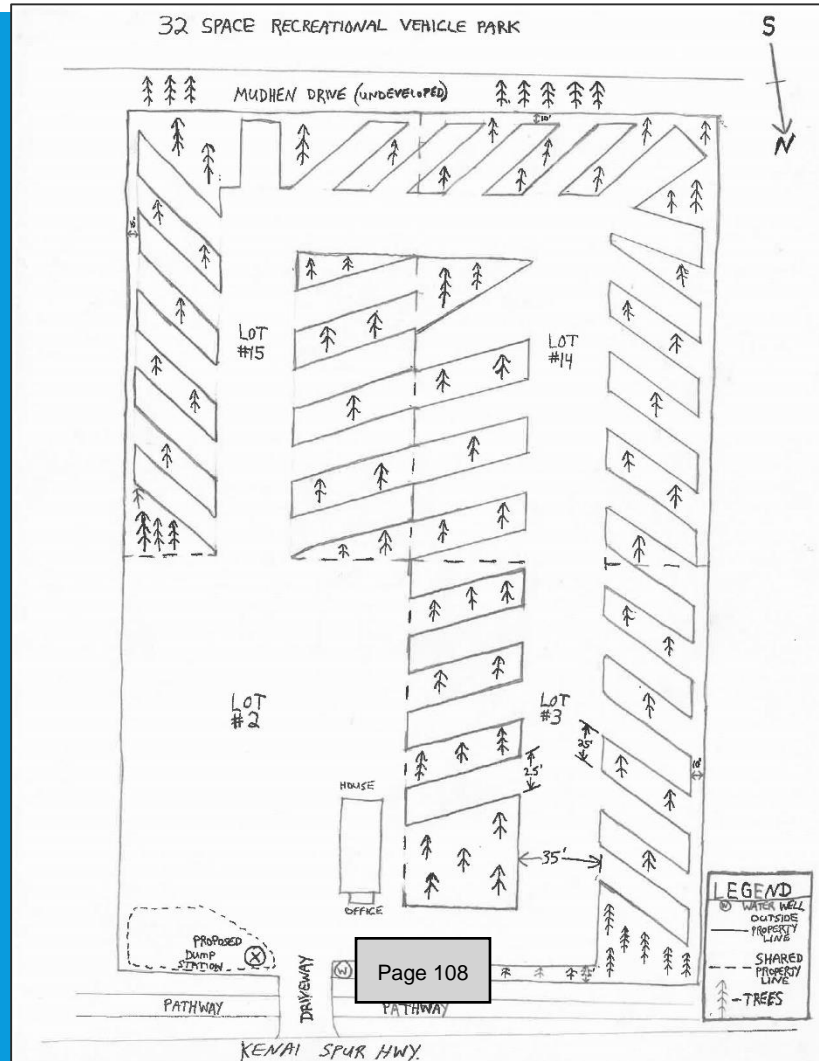
A. APPLICATION

		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:	CASEY & LIANA GAZE				
Mailing Address:	6575 KENAI SPUR HWY.				
City:	KENAI	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 315-0523				
Email:	CASEYGAZE@GMAIL.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):	SEE ATTACHED INFO (4 LOTS)				
Physical Address:					
Legal Description:					
Zoning:					
Acres:					
CONDITIONAL USE DESCRIPTION (include site plan/floor plan with square footages) (include State Business License and KPB Tax Compliance if applicable)					
How is this property currently being used?	VACANT				
Conditional Use Requested for (attach additional sheets if necessary):	RECREATIONAL VEHICLE PARK FOR SUMMER USE.				
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:					
PROPERTY LOCATION IS ACCESSIBLE AND CONVENIENT TO MOTORISTS AND PEDESTRIANS USING KENAI SPUR HWY. AND PATHWAY. PROPERTY WILL GENERATE ADDED REVENUE TO CITY OF KENAI.					
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:					
ADJOINING PROPERTIES & SECONDARY ROADS ARE UNDEVELOPED. SEASONAL USE IN SUMMER OF PARK WILL NOT REQUIRE ANY UPGRADE OF ROADS OR PATHWAY. TREES AND VEGETATION TO REMAIN ALONG ADJOINING PROPERTY LINES AND BETWEEN PARKING SPACES, RESULTING IN A LOW DENSITY DEVELOPMENT.					

Use of surrounding property - north:	KENAI SPUR HWY & BIKE PATH		
Use of surrounding property - south:	MUPHEN DRIVE & SURROUNDING PROPERTIES NOT IMPROVED		
Use of surrounding property - east:	VACANT		
Use of surrounding property - west:	VACANT		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
R.V. PARK WILL PROVIDE A MUCH NEEDED SERVICE IN KENAI. THE WELLBEING OF ALL AGE GROUPS IS PROMOTED BY OPPORTUNITY OF NEARBY PATHWAY, LOCAL BUSINESSES, AND OUTDOOR ACTIVITIES SUCH AS SPORT FISHING AND PERSONAL USE DIPNETTING.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
YES. ADEQUATE POWER SUPPLY FROM HEA IN FRONT OF PROPERTY TO BE INSTALLED UNDERGROUND. POTABLE WATER FROM EXISTING WELL WILL CONFORM TO PUBLIC USE STANDARDS. DUMP STATION TO BE ENGINEERED TO STATE AND LOCAL REQUIREMENTS.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
CLEAR VISIBILITY FOR ENTERING HIGHWAY. CENTER TURN LANE FOR UNINTERRUPTED EXIT OF HIGHWAY. LONG AND WIDE DRIVEWAY ENSURES SAFETY OF VEHICLES AND PEDESTRIANS.			
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?			
NO POTENTIAL IMPACTS 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:		Date:	10-11-2021
Print Name:	CASEY GAZE	Title/Business:	OWNER
For City Use Only		Date Application Fee Received:	PZ Resolution Number:



B. SITE PLAN



C. AERIAL MAP



PZ2021-38 CUP Recreational Vehicle Park
6575 Kenai Spur Highway
6607 Kenai Spur Highway
3415 Mudhen Drive





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-39**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI APPROVE AND ADOPT THE CITY OF KENAI LAND MANAGEMENT PLAN

WHEREAS, in 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan; and

WHEREAS, the City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development; and,

WHEREAS, the City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes; and

WHEREAS, the Planning and Zoning Commission of the City of Kenai and Planning Staff has received numerous comments and input regarding the draft City of Kenai Land Management Plan; and,

WHEREAS, the Planning and Zoning Commission of the City of Kenai considered public comments and made changes to the draft City of Kenai Land Management Plan based on those comments; and,

WHEREAS, City Staff held a public meeting on October 11, 2021, and scheduled public meetings for Commissions on November 4, 2021 November 8, 2021, and November 9, 2021 to receive public comments and discuss the City of Kenai Land Management Plan; and,

WHEREAS, City Staff created an electronic comment form available on the City website to receive public comments on the City of Kenai Land Management Plan; and,

WHEREAS, the Planning and Zoning Commission held a Public Hearing on October 27, 2021 and recommended that the Council of the City of Kenai approve the City of Kenai Land Management Plan.

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

Section 1. The Draft of the City of Kenai Land Management Plan is hereby approved and adopted as the City of Kenai Land Management Plan.

Section 2. That a copy of Resolution PZ2021-39 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 27th day of October, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK

DRAFT

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: October 22, 2021
SUBJECT: **Resolution PZ2021-39 – Recommending the Kenai City Council approve and adopt the City of Kenai Land Management Plan**

In 2018, City Council approved a City-wide approach to land management through the development of the City's first Land Management Plan. Since that time, Administration has worked diligently to draft a Land Management Plan to inventory, evaluate, and develop recommendations related to City-owned lands.

The City of Kenai Imagine Kenai 2030 Comprehensive Plan includes economic development and land use goals and objectives to develop a land inventory and land use strategies to implement a forward-looking approach to community growth and development. The goals of the Land Management Plan incorporate many of these objectives and include the following:

- Provide an inventory of City-owned lands with detailed information on each parcel.
- Identify properties required for a public purpose or to meet a future public need.
- Establish recommendations for individual parcels that are surplus to the needs of the City to assist in responsible development.
- Create a comprehensive reference document that establishes a format for developing land management policies and procedures.

One of the City's greatest assets is its land inventory. The City owns 369 subdivided parcels, including wetlands, tidelands, lands surrounding the Kenai Airport, and lands suitable for a variety of business, commercial, industrial, residential, recreational, and cultural purposes. The Land Management Plan is an important tool to spur economic growth and improve the quality of life for Kenai residents and is key to the long-term viability of the City.

On October 11, 2021 there was a joint work session with City Council and City Commission Members to kick-off the review, discussion, and comment on the draft City of Kenai Land Management Plan. In addition to additional meeting(s) with the Planning and Zoning Commission, staff have scheduled presentations with the Airport Commission, Parks and Recreation Commission, Beautification Committee, and Harbor Commission to solicit discussion and comments on the draft Land Management Plan.

Please review the attached materials.

Does the Commission recommend Council approve and adopt the City of Kenai Land Management Plan?

Attachments

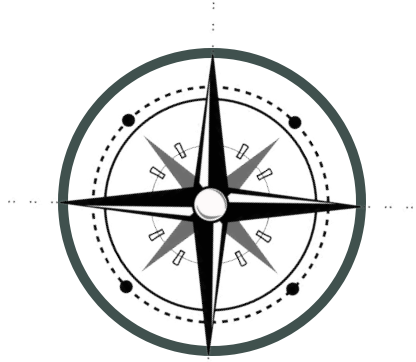
October 11, 2021 Joint Work Session Presentation

Draft City of Kenai Land Management Plan





CITY OF KENAI LAND MANAGEMENT PLAN



WHAT IS OUR "WHY"

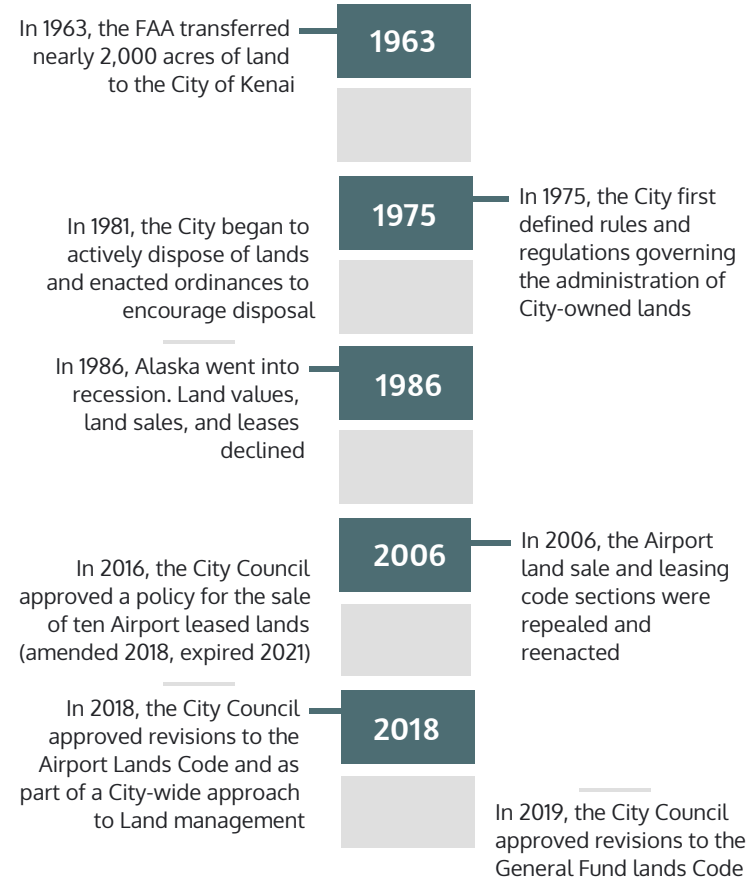
The purpose of the **Land Management Plan** is to evaluate and develop recommendations related to City-owned lands that **encourage responsible growth and development** to support a thriving business, residential, recreational and cultural community.



Background



In 2018, the Kenai City Council approved land code revisions as part of a **City-wide approach** to land management through development of the City's first Land Management Plan.



The City is unique in its ownership of a large and diverse amount of public land



5,440 Acres of Land

369 Subdivided parcels

The equivalent of 4,114 Football Fields
(with endzones)

Approximately 8.5 square
miles, roughly the size of
Soldotna.

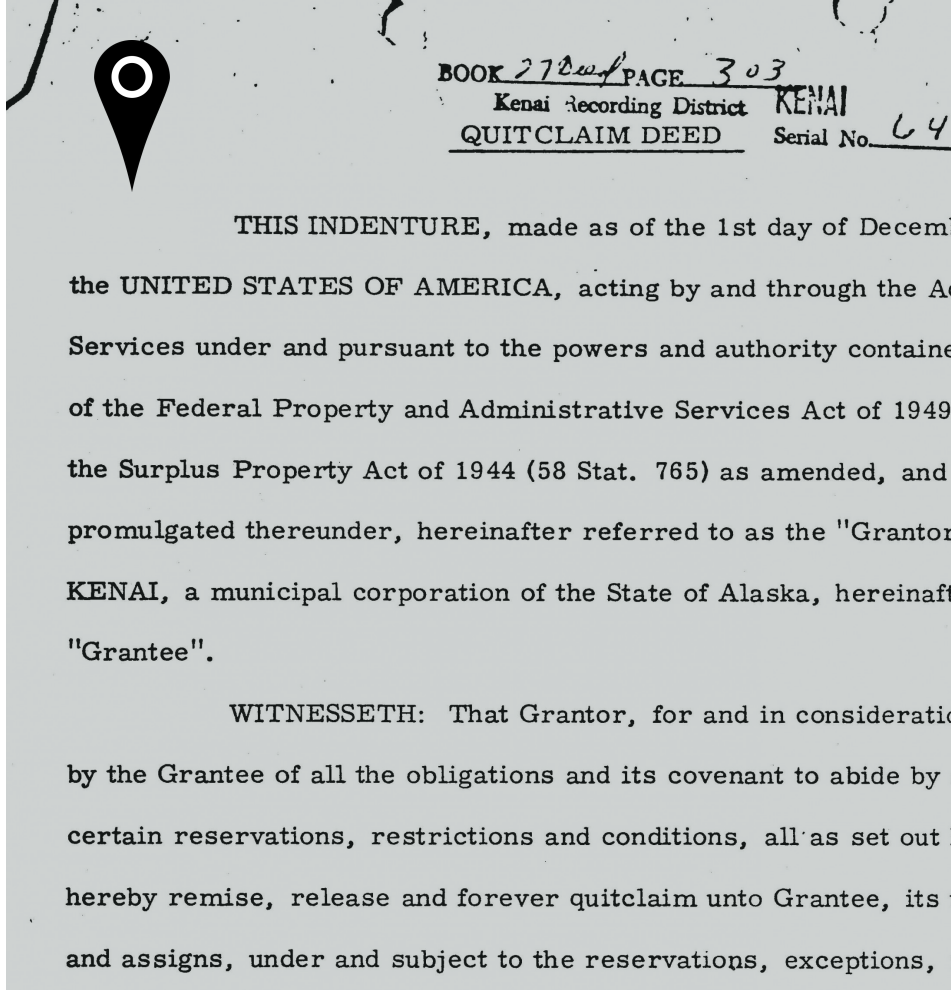


A SIGNIFIGANT UNDERTAKING

A Land Management Plan provides an active approach to management that requires an inventory of land holdings and a comprehensive evaluation and analysis of each parcel.

In 2018, the City hired a **Temporary Lands Technician** to research each parcel of City-owned land and enter the information into a new Lands Database.

Over 567 recorded documents were reviewed and scanned into the database as part of this project



New City Lands Inventory and Database



An examination of public records and mapping was performed for **each City-owned parcel** to review and record detailed information in the database, including:

- Property Description (e.g. physical characteristics, zoning, land use)
- Facilities (e.g. parks, trails, structures, utilities)
- Status (e.g. public use, under active lease, availability for lease or sale)
- Fund (e.g. Airport Fund or General Fund)
- How the land was obtained (e.g. State, FAA, Municipal Entitlement, tax foreclosure)
- Encumbrances (e.g. easements, restrictions)



Land Management Plan Objectives



- Provide an **inventory** of City-owned lands with detailed information on each parcel
- Identify properties required for a **public purpose** or to meet a future public need
- Establish **recommendations** for individual parcels that are surplus to the needs of the City to assist in responsible development.
- Create a **comprehensive reference document** that establishes a format for developing land management policies and procedures.



IMPROVED RESPONSE TO PUBLIC

The Land Management Plan can be used to actively manage City-owned lands in a wholistic way as well as provide better information to the public.

In the future, we hope to make the Plan available on the City's **interactive online mapping** tool, allowing the public to research City-owned lands from anywhere.



BEFORE

No Public Inventory of City-owned Lands

A member of the public must identify a parcel of interest

No Individual Parcel Information on File

City staff must research to determine if a parcel has conveyance or legislative restrictions

No Guidance or Planning Documents

Administration provides recommendation on case-by-case basis

VS.

AFTER

Public Listing of City-owned Lands

Available listing on City website and at City Hall

Individual Parcel Information Available

A member of the public can immediately know if a parcel has been designated for lease or sale

Land Management Plan

Provides guidance and direction to Administration on the management of City-owned lands



Land Statistics

Approximately 1,613 acres or 129 parcels of City-owned lands are designated as **Airport Fund**



Parcels of City-owned Land are designated as "Airport Fund"

35%

AIRPORT FUND
PARCELS CURRENTLY
UNDER LEASE

The City will generate **\$512,255** from 46 leases of land designated as Airport Fund in **FY22**, not including apron, airline, or terminal leases

Recommendations for **Airport Fund** Parcels Based on the Final Draft Land Management Plan:

- 19** PARCELS RECOMMENDED FOR RETENTION
- 47** PARCELS RECOMMENDED FOR LEASE OR SALE
- 49** PARCELS RECOMMENDED FOR LEASE-ONLY
- 14** PARCELS RECOMMENDED FOR MIXED: RETAIN/DISPOSE



Land Statistics

Approximately 3,826 acres or 239 parcels of City-owned lands are designated as **General Fund**.



Parcels of City-owned Land designated as "General Fund"

8.75%

GENERAL FUND PARCELS CURRENTLY **UNDER LEASE**

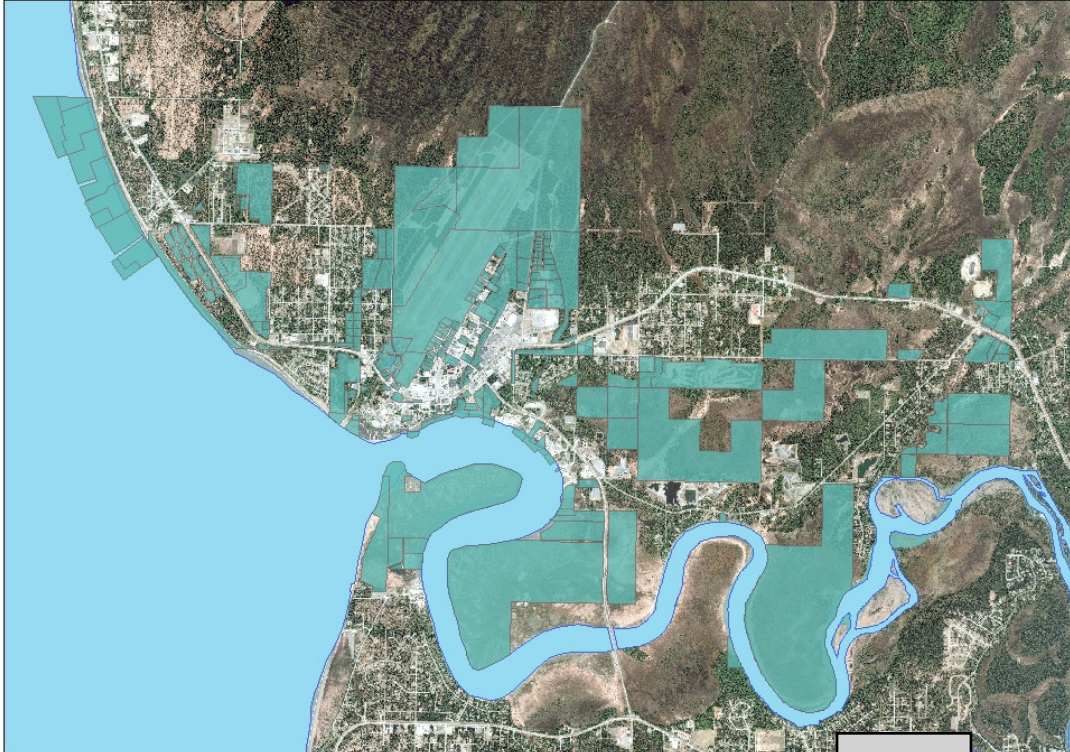
The City will generate **\$218,031** from 19 leases of land designated as General Fund in **FY22**, including tidelands, shorefishery, and no-cost leases

Recommendations for **General Fund** Parcels Based on the Final Draft Land Management Plan:

- 113** PARCELS RECOMMENDED FOR RETENTION
- 86** PARCELS RECOMMENDED FOR LEASE OR SALE
- 19** PARCELS RECOMMENDED FOR LEASE-ONLY
- 21** PARCELS RECOMMENDED FOR MIXED: RETAIN/DISPOSE



Land Management Plan Retention Recommendations



Page 124

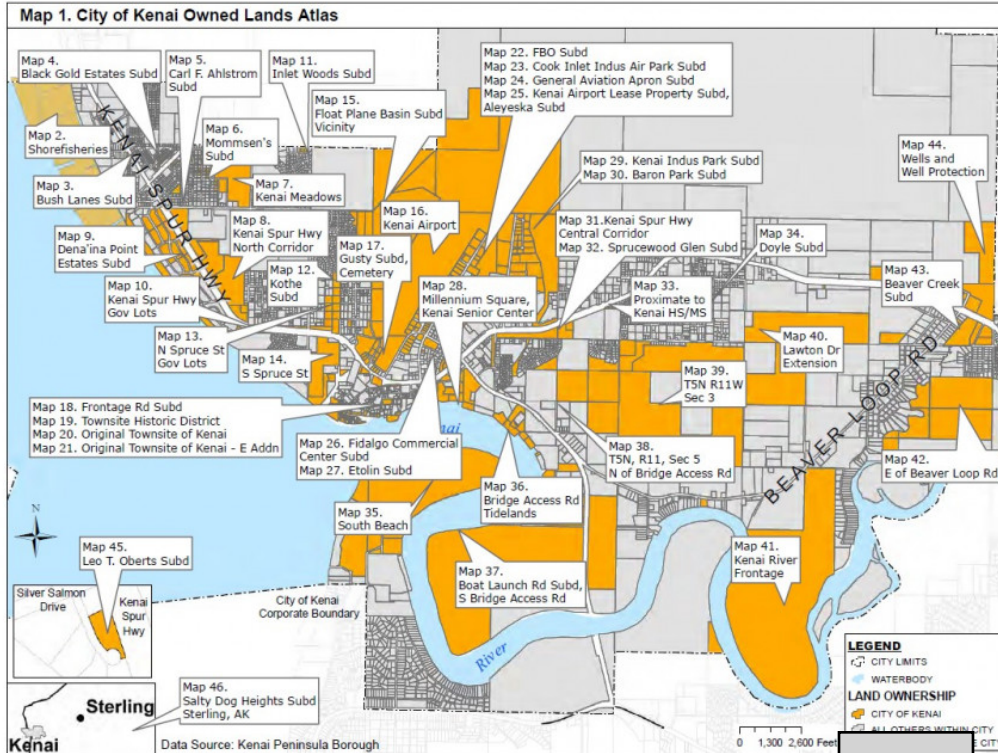
Many City-owned lands should be retained for a public purpose and many are suitable for a variety of business, commercial, industrial, residential, recreational and cultural purposes.

The Plan has **four recommendation categories:**

- Retain
- Dispose
- Dispose - Lease Only
- Mixed - Retain/Dispose



How the Land Management Plan is Structured



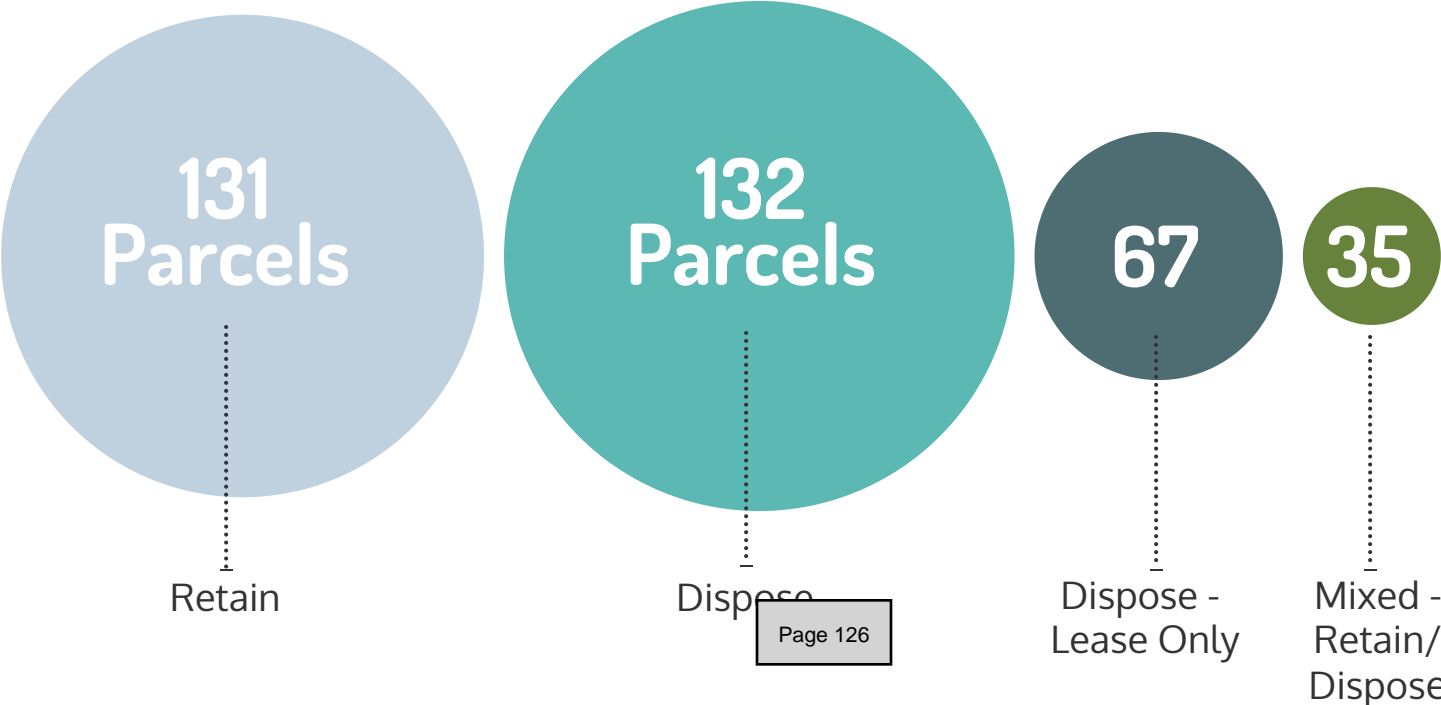
The plan breaks city-owned lands into **46 areas** with a map for each area

Each area includes an overview and tables with detailed information on recommendations for each parcel



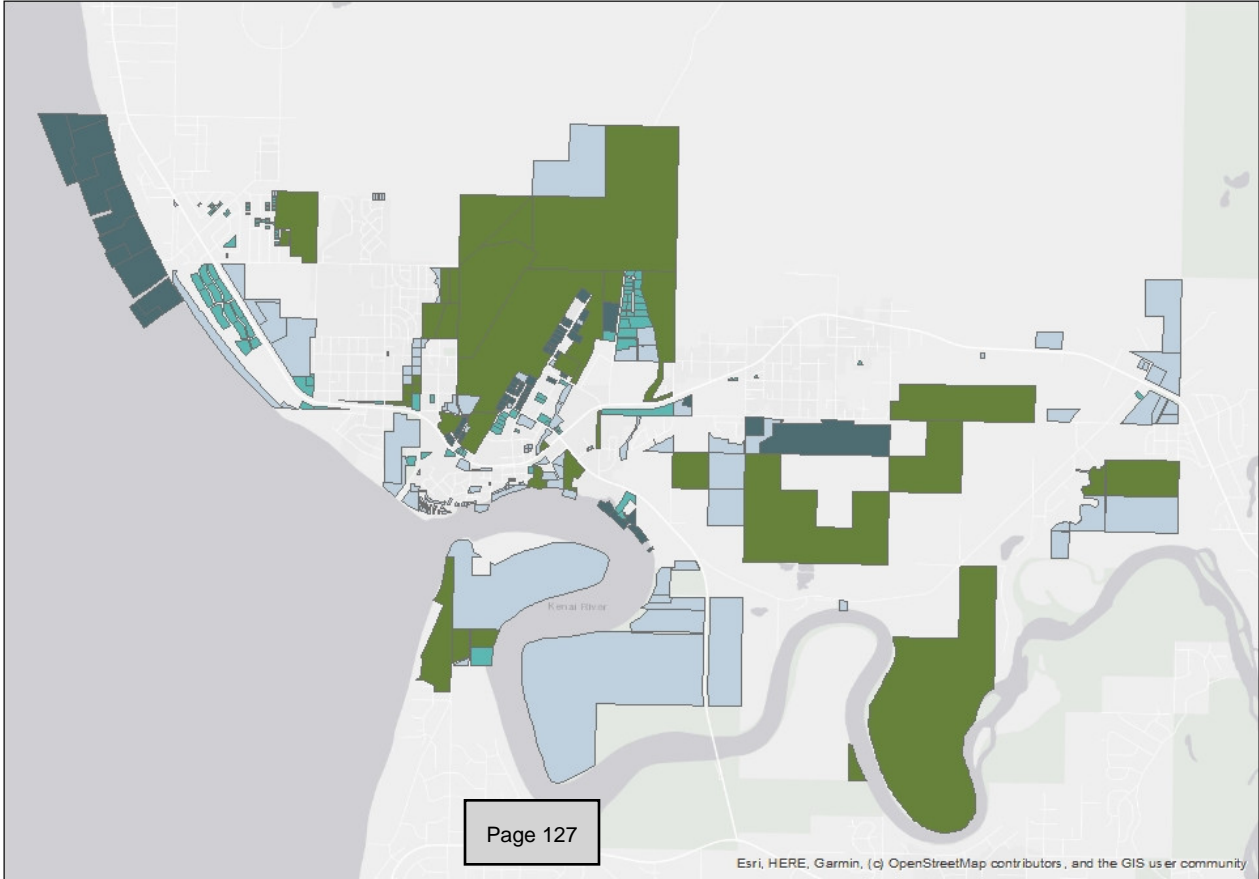
Land Management Plan Recommendation Categories

The Land Management Plan contains a recommendation for each parcel using the following categories:







Land Management Plan Recommendation Categories

- Retain
- Dispose
- Dispose - Lease Only
- Mixed - Retain/ Dispose






Land Management Plan Recommendation Categories

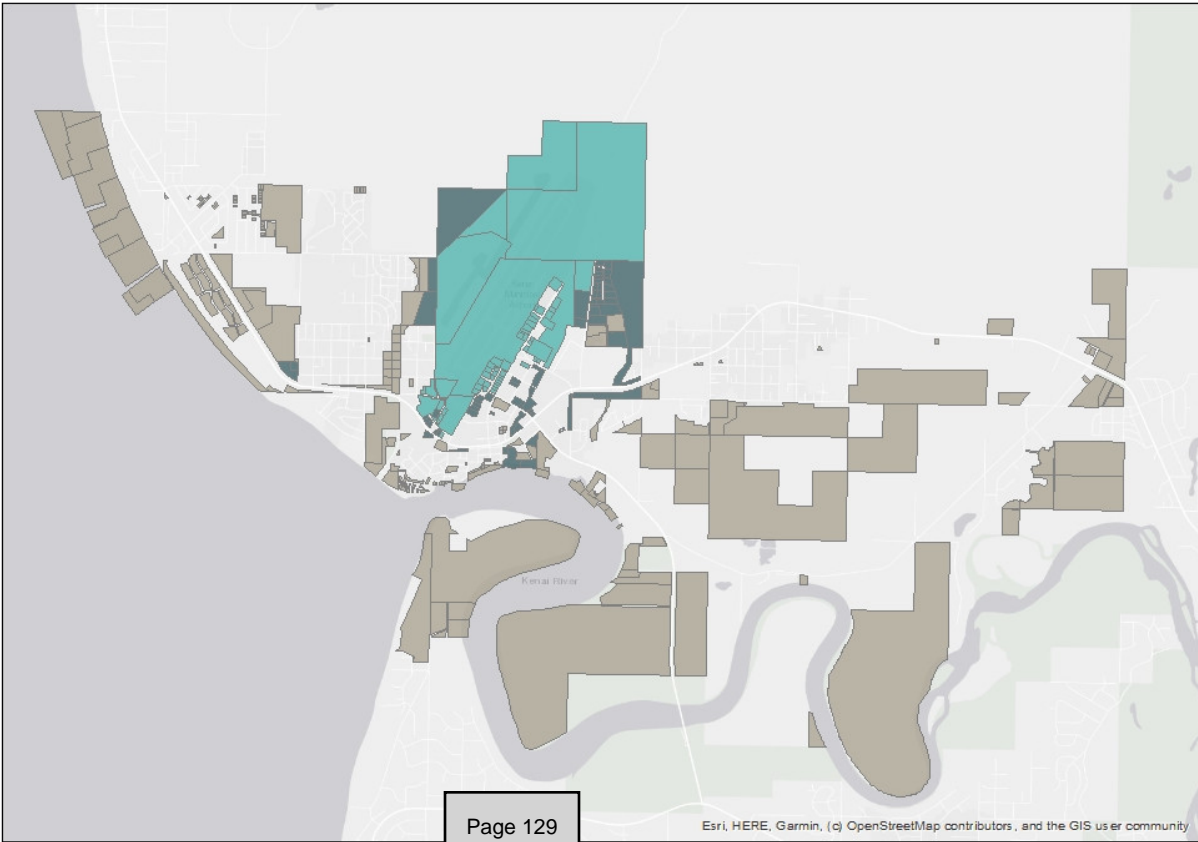


-  Retain
-  Dispose
-  Dispose - Lease Only
-  Mixed - Retain/ Dispose






Land Management Plan Land Fund Categories

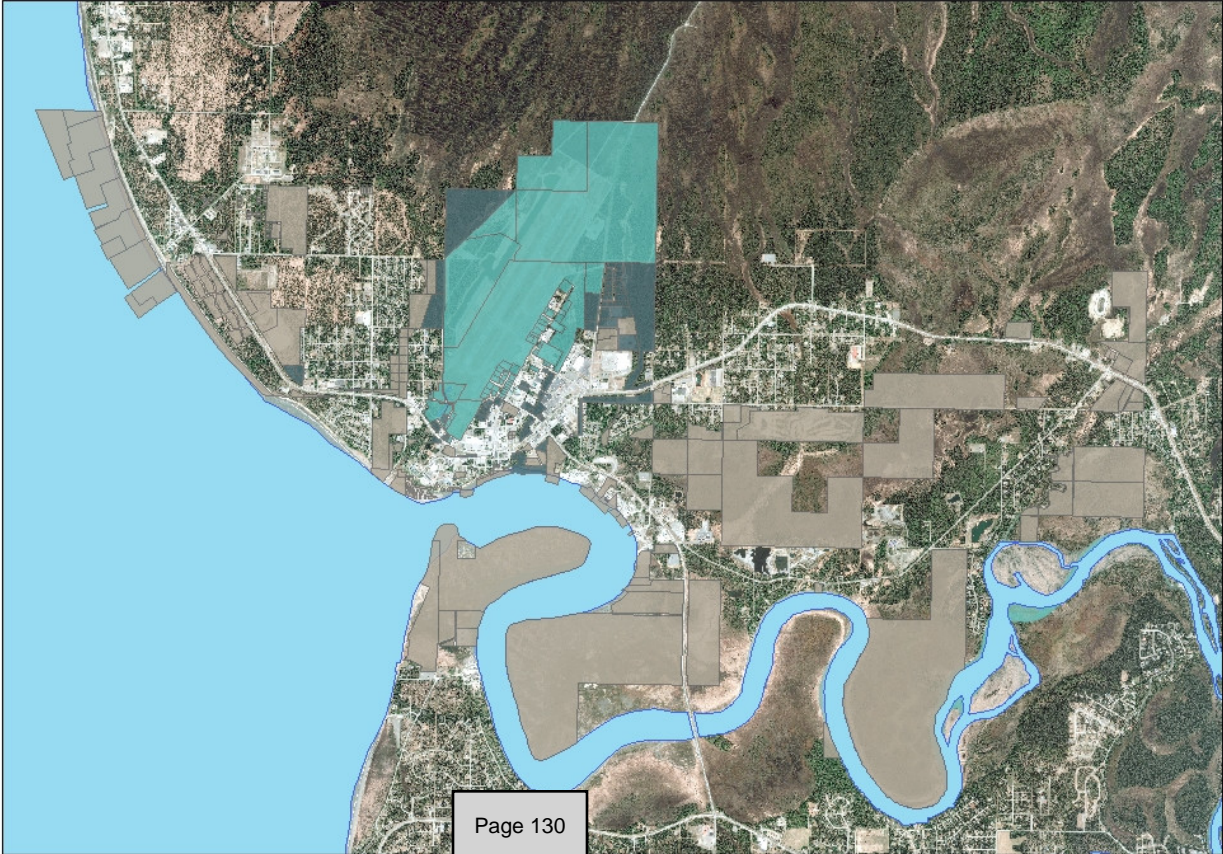
-  Airport Reserve Land
-  Airport Land Outside the Airport Reserve
-  General Fund Land



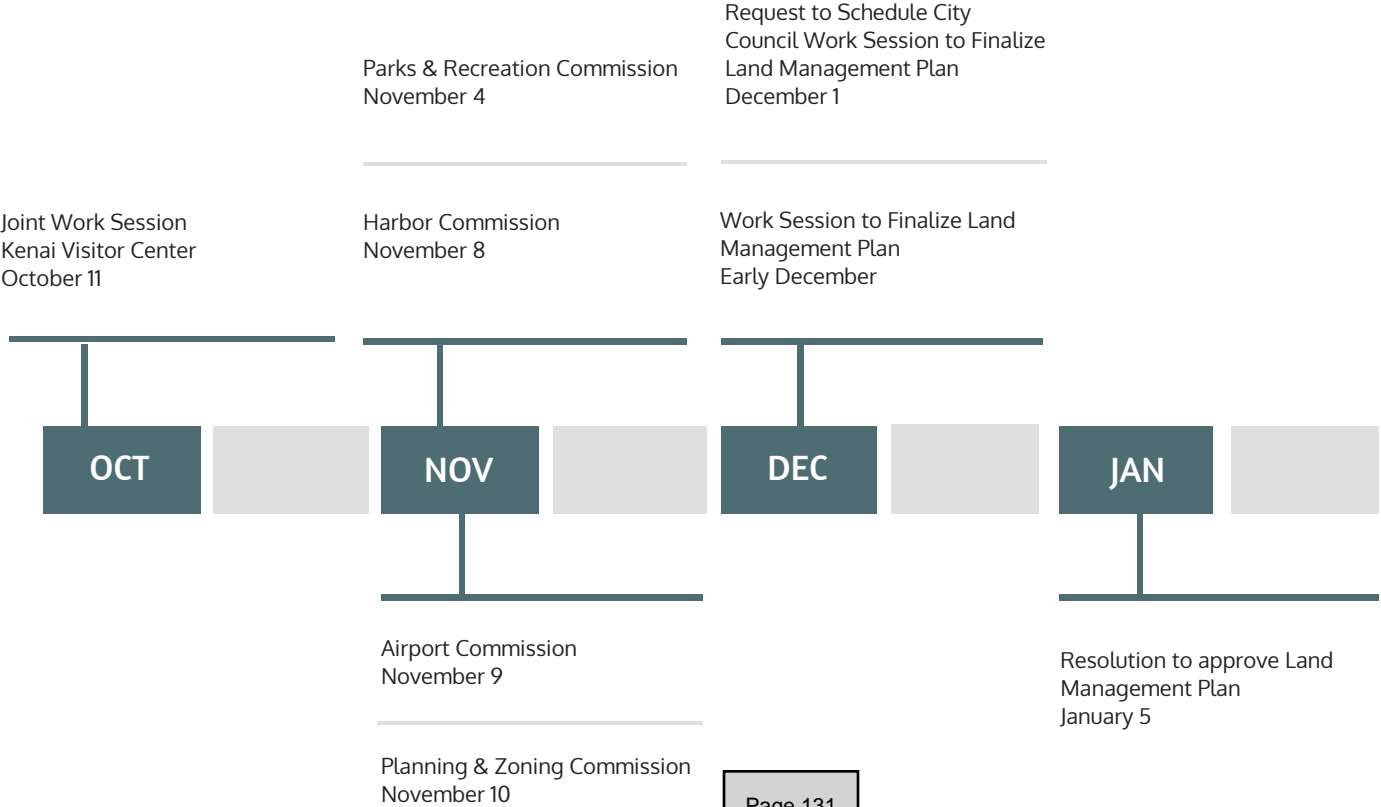
Land Management Plan Land Fund Categories



-  Airport Reserve Land
-  Airport Land Outside the Airport Reserve
-  General Fund Land

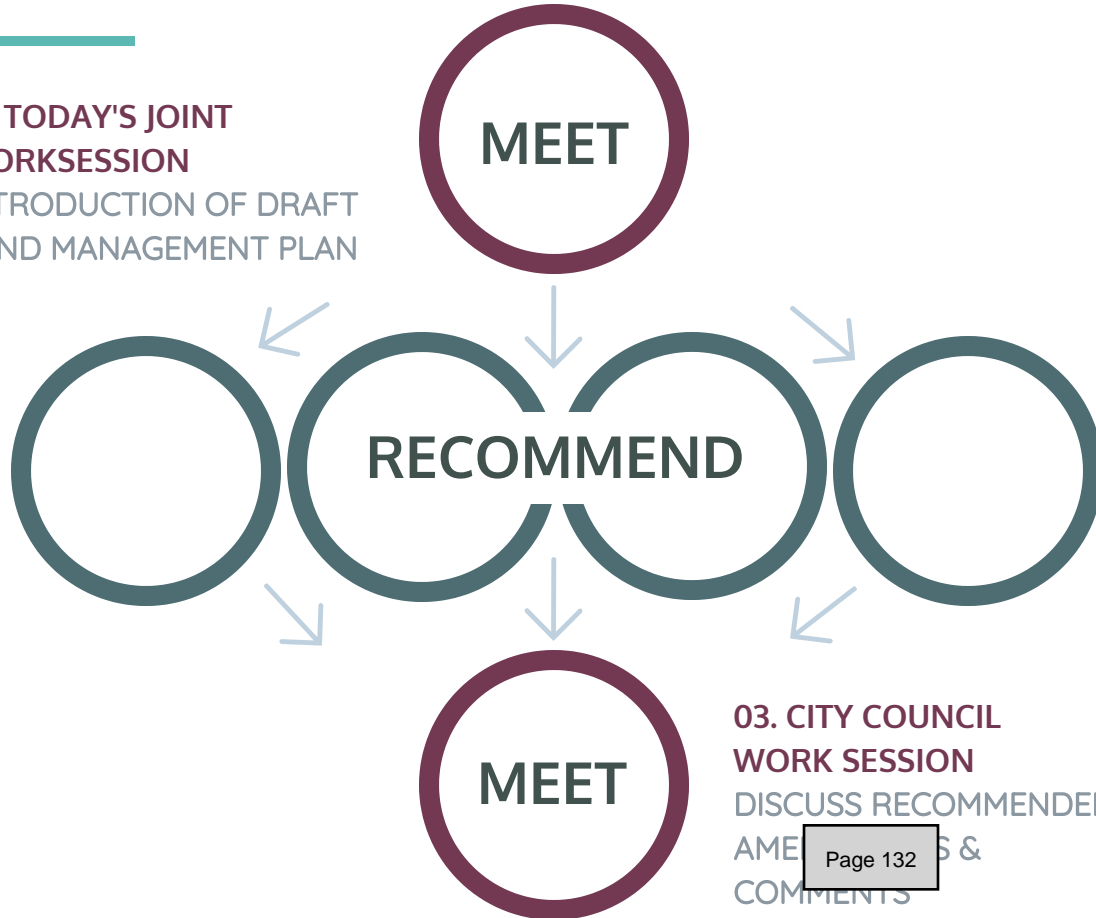


Land Management Plan Draft Timeline



Land Management Plan Process

**01. TODAY'S JOINT
WORKSESSION**
INTRODUCTION OF DRAFT
LAND MANAGEMENT PLAN



**02. COMMISSION
WORK SESSIONS /
PUBLIC COMMENTS**
RECOMMEND AMENDMENTS
e.g. additional information such as
personal knowledge of a parcel
appropriate to include, factual
inaccuracies, reasons to change a
recommendation

**03. CITY COUNCIL
WORK SESSION**
DISCUSS RECOMMENDED
AMENDMENTS &
COMMENTS



Land Management Plan Process Continued



AFTER COUNCIL WORK SESSION:

- Administration revises plan for approval
- Council determines if more work sessions are necessary
- Resolution approving plan scheduled by Council
- Hold public hearing on resolution

AFTER APPROVAL:

- Update lands database to reflect approved plan
- GIS needs assessment
- Implementation plan



Online Mapping Presentation



Questions and Comments





QR Code to City of Kenai Land Management Plan Webpage

<https://www.kenai.city/lands/page/land-management-plan>





Kenai City Council - Regular Meeting

November 03, 2021 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
4. **Oath of Office**
5. **COUNCIL MEMBER GLENDENING ELECTED VICE MAYOR. Election of Vice Mayor**
6. Consent Agenda (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED PUBLIC COMMENTS

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

1. **Galen Hecht, Kenai Watershed Forum** - Kenai Peninsula Stream Watch Program
2. **Tim Navarre, Kenai Peninsula Homelessness Coalition** - Strategic Plan Update
3. **Sharon Efta** - Censorship

C. UNSCHEDULED PUBLIC COMMENTS

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3252-2021** - Increasing Estimated Revenue and Appropriations in the Water & Sewer Fund for Operational Costs in Excess of Budgeted Amounts at the Waste Water Treatment Plant. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3253-2021** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Areawide Senior Thanksgiving Dinner. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2021-62** - Establishing the Dates for Regular Meetings of the City Council for 2022. (City Clerk)

4. **ADOPTED UNANIMOUSLY. Resolution No. 2021-63** - Approving The Execution of a Lease of Airport Reserve Lands Using the Standard Lease Form Between the City of Kenai and Schilling Rentals, LLC on General Aviation Apron Sub No. 1 Amended Lot 2, Block 3. (Administration)
5. **POSTPONED UNTIL 12/15/2021. Resolution No. 2021-64** - Awarding An Agreement For The Kenai Waterfront Redevelopment Assessment And Feasibility Study. (Administration)
6. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2021-65** - Supporting Kenai Peninsula Borough Ordinance 2021-40, an Ordinance Amending KPB 2.40.015 Regarding Planning Commission Membership and Apportionment. (Council Member Glendening)
7. **ADOPTED UNANIMOUSLY. Resolution No. 2021-66** - Authorizing a Professional Service Contract With Dr. Angus McRae Warren for Medical Direction and Oversight of Kenai Fire Department and Kenai 911 Dispatch Center. (Administration)
8. **ADOPTED UNANIMOUSLY. Resolution No. 2021-67** - Awarding an Agreement for the Purchase of Computer Equipment. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Joint Work Session of October 11, 2021. (City Clerk)
2. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of October 20, 2021. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 12/1/2021.** *Ordinance No. 3254-2021 - Amending Kenai Municipal Code Section 14.05.025 – Telephonic Participation at Planning and Zoning Commission Meetings, to Provide for Remote Electronic Participation in Planning and Zoning Commission Meetings by Commission Members. (Administration)
3. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 12/1/2021.** *Ordinance No. 3255-2021 - Accepting and Appropriating Grants from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans’ Affairs for the Purchases of Public Safety Radios for Police, Fire, and Communications Departments. (Administration)
4. **APPROVED UNANIMOUSLY. Action/Approval** - Mayoral Nominations of Council Liaisons for Appointment to Committees and Commissions. (Mayor Gabriel)

5. **MUNICIPAL PARK TRAIL BOARDWALK APPROVED FOR GRANT UTILIZATION.**
Action/Approval - Utilization of Healthy and Equitable Communities Grant for Capital Projects. (Administration)
6. **Discussion** - Kenai Dog Park (City Council)
7. **Discussion** - Utilization of Remaining CARES Act Funds and Consideration of New Shop Local Program. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. EXECUTIVE SESSION

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000
2. Thank You Letter from HEA

3. KHS Newsletter October 2021

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/81034667245>

Meeting ID: 810 3466 7245 **Passcode:** 615261

OR

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

Meeting ID: 810 3466 7245 **Passcode:** 615261