



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

May 11, 2022 – 7:00 PM

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

www.kenai.city

****Telephonic Participation Info on Page 2****

A Work Session will be held at 5:30 PM prior to the Regular Meeting to discuss Conditional Use Permits.

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 April 27, 2022

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2022-11** - Application for a Conditional Use Permit for a Day Care Center, for the property described as Lot 1 Blk G Woodland Sub Pt I, located at 502 Ash Avenue, Kenai, Alaska 99611. The application was submitted by Stephanie Nella Lenzini-LeBaron, 502 Ash Avenue, Kenai, Alaska 99611.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

- 1. Action/Approval** - Recommending the Kenai City Council Adopt a Resolution Approving the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.
- 2. Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities.
- 3. Action/Approval** - Recommending the Kenai City Council Adopt Resolution No. 2022-XX – Approving the Execution of a Lease to Swanson Properties, LLC for Lot 6, Block 5, General Aviation Subdivision No. 1 Amended.

I. PENDING ITEMS

J. REPORTS

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

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

- 1.** May 25, 2022

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/83804233444>

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

Meeting ID: 838 0423 3444 **Passcode:** 981438

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 27, 2022 – 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, A. Douthit, G. Woodard, J. Halstead, D. Fikes, G. Greenberg

Commissioners absent: V. Askin

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Vice Mayor J. Glendening, City Attorney S. Bloom

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of April 13, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS

1. **Resolution PZ2022-10** - Application for a Conditional Use Permit for Cabin Rentals, for the property described as LOT 11 BLK 1 CENTRAL HEIGHTS SUB 1ST ADDN, located at 321 Portlock St, Kenai, Alaska 99611. The application was submitted by Richard W. Main, 207 Walker Lane, Kenai AK 99611.

MOTION:

Vice Chair Douthit **MOVED** to approve Resolution PZ2022-10. Commissioner Halstead **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to obtain a conditional use permit (CUP) for cabin rentals. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval 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 any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(I)(5).
7. Pursuant to KMC 14.20.150(I)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

Applicant Rick Main explained that he is a longtime resident of the neighborhood and this house is a retirement investment; his intent is for it to be a rental and was interested in trying a short-term rental business.

Chair Twait opened for public hearing.

Karen Monell expressed concerns about Airbnb's reputation of bringing in noise, crime, trespassing, parties and drinking which could change the dynamics of her neighborhood. She noted that her neighborhood has struggling for years because of rentals, and raised questions about privacy and child safety.

Angela Kniceley noted that she doesn't have issue with the Main's rentals, but expressed concerns with strangers coming into the neighborhood, child safety, traffic and partying. She stated that the applicant had told her they would be close to the property except when on vacation, and requested that there be a contact if problems arise. She expressed frustration with problems in the neighborhood which include noise, drugs and fighting; noted that there are hotels nearby where travelers can stay. She discussed the lack of privacy in the neighborhood and child safety.

Ashley Bauman stated that she had called police on noise problems before and was told there is no noise ordinance in Kenai. She noted that the Mains choose good tenants but do leave for vacation, and explained how the neighborhood affords little privacy. She stated that there are tenants and landlords who are not properly caring for their properties, and described problems that her neighborhood has experienced with rentals. Expressed concerns about child safety, and stated that the laws are not set up to allow the police to help in the way they need to.

Jeanne VanGorder read a letter from the neighborhood which expressed concerns about a nationwide problem of commercial landlords buying up properties for Airbnb and harming neighborhoods by bringing in dangerous strangers, noise, crime and parties.

Sheryl Main thanked her neighbors for their positive comments, and noted that she had established a neighborhood watch group 25 years ago and has worked with the police to improve the area. She explained that this home was purchased for its view, emphasized that it will be a nice home and not a party house; clarified that her brother lives nearby and can respond to issues at the property in her absence. Discussed her experience as a landlord and problems that can arise in long and short term rentals.

Rick Main responded to questions from the commission about their current plans for check in and checkout.

Jeanne VanGorder raised questions about Sheryl Main's brother's work schedule, which Mrs. Main clarified and noted that if he is not in town she can ask someone also to keep an eye on the property.

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

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition that a 6 foot privacy fence be installed on the property. Commissioner Greenberg **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Woodard, Greenberg, Fikes, Halstead, Twait, Douthit
NAY: None

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Commissioner Fikes **MOVED** to add a requirement that the owners are there to meet the guests face-to-face. Commissioner Woodard **SECONDED** the motion.

It was noted that the owners may not always be available to meet in person; the commission discussed allowing the owners to have a representative meet the guests. Commissioner Fikes revised her motion to include that the owners “or their representative.” There was concurrence of the Second.

It was suggested that an option be provided to greet people via camera system if someone wasn't available. Discussion involved whether the addition of a camera security system should be considered as a separate condition, or within this condition as an alternative to in-person greeting. Commissioner Fikes revised her motion to add “or provide a video and/or security style check-in for confirmation.” There was concurrence of the Second.

Discussion involved how most Airbnbs don't require in-person check in or security system; interpretation of “security system” and range of possible camera types; how having video could help with enforceability; how adding a camera requirement raises questions of data retention, video quality and falsifiability; and the procedure for late arrivals.

Commissioner Fikes requested to divide the question, voting first on adding a condition that the owner or owners representative must be available to meet the guest at the location at check-in, and voting second on adding a provision for video or security system check-in for confirmation if owner or representative is unable to meet in person.

Commission considered changing the timeframe requirement for in-person or video confirmation of guest.

VOTE ON MOTION TO AMEND BY ADDING CONDITION TO REQUIRE THE OWNER OR THEIR REPRESENTATIVE TO MEET THE GUEST AT LOCATION WHEN THEY CHECK IN:

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

MOTION PASSED.

VOTE ON MOTION TO AMEND CONDITION BY ALLOWING VIDEO CHECK-IN:

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

MOTION PASSED.

It was noted that the applicant has been a capable long-term landlord in the past, and the added conditions will help with enforceability.

City Attorney Bloom provided clarification on the noise ordinance under the KMC nuisance code, which is enforced by the Planning and Zoning Department.

Director Foster clarified that in response to noise complaints on CUP properties, the Planning and Zoning Department must verify the complaints with evidence that their quiet hours condition has

been violated. He noted that code violation complaints can be reported through the City of Kenai website.

Further discussion involved conditions for removal of disruptive guests; fire code compliance; city code on securely storing garbage; and posting of quiet hours in the building.

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition that the regulations for quiet hours and house rules be clearly posted in the facility. Commissioner Fikes **SECONDED** the motion.

VOTE:

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

NAY: None

MOTION PASSED UNANIMOUSLY.

Vice Chair Douthit noted that he supports approval because the owner is a responsible landlord as evidenced in public testimony. He noted that Airbnb could work well in the wintertime when the area is quiet, and from personal experience with vacation rentals near his home they have not caused significant issues. He noted that enforceability for CUPs is being improved.

Commissioner Fikes stated that she agreed with concerns about vacation rentals expressed by members of the public, and noted that she has not experienced issues with her own neighbor. Hopes that additional conditions will help strengthen enforcement abilities and rectify some of the concerns of neighbors. She expressed support for approval, and encouraged those who testified to reach out to the Planning & Zoning Department when they experience issues.

Commissioner Greenberg noted that testimony had provided character support for the applicants as property managers, and having responsive property managers results in fewer complaints from neighbors. He stated that he will vote to approve.

Commissioner Halstead noted that there will be an upcoming work session on CUPs that is open to the public.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Winger reported on the actions of the April 20, 2022 City Council Meeting.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the April 25, 2022 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - There was a discussion on the goals and focus for the upcoming work session on CUPs. The work session was scheduled for 5:30 p.m. on May 11, 2022 prior to the commission’s regular meeting;
 - Next commission meeting on May 11, 2022 will include a CUP and lease renewal application;
 - Upcoming waterfront revitalization project meetings will take place on May 2nd and 3rd at the Kenai Visitor Center.

K. ADDITIONAL PUBLIC COMMENT

Jeanne VanGorder noted that she would like contact phone numbers from the Main’s representative if the Mains are not available. She expressed frustration about telling people to lower their noise.

Sheryl Main responded to Jeanne Van Gorder, noting that they will take care of any issues to the best of their ability.

Ashley Bauman discussed how she has contacted the police department about problems in her neighborhood and not received satisfactory help, and stated she will reach out to the Planning & Zoning Department in the future. She expressed frustration in the lack of communication with the public about how to take care of issues in their neighborhood.

Angela Kniceley expressed frustration with the City’s response when she called about junk cars and other problems, and expressed concerns about changes in the community.

Sheryl Main commented on the great job Pat Porter had done as Mayor, and suggested the commissioners drive through Central Heights neighborhood.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. May 11, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard encouraged the public to apply to serve on a City commission.

Commissioner Halstead expressed appreciation for the commission and noted that it had been a good discussion.

Commissioner Greenberg noted that they had had a good discussion.

Commissioner Fikes expressed appreciation for the commission's civility.

Vice Chair Douthit thanked the public for coming out to testify. He noted that he understand what they're going through recognizes their concerns.

Vice Mayor Glendening noted that he had materials about the Kenai Dog Park project.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:51p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-11**

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

APPLICANT: Stephanie Nella Lenzini-LeBaron

PROPERTY ADDRESS: 502 Ash Avenue

LEGAL DESCRIPTION: Lot 1, Block G, Woodland Subdivision Part One

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04326047

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 25, 2022; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 11, 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The proposed Day Care meets the intent of the Suburban Residential Zone (RS) 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 existing home is consistent with the intent of the Suburban Residential District by preserving a medium density residential neighborhood with a site design that provides

light, air, and privacy between neighboring parcels via lot setbacks, trees, a grass lawn, and back yard fencing. While a Day Care Center would generate consistent vehicle trips, it would likely not generate heavy traffic. KMC 14.22 Land Use Table permits a single dwelling house on a Suburban Residential property.

The Land Use Table provides that Day Care Centers are a conditional use; therefore, a conditional use permit must be granted for the operation of a Day Care Center. 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 parcels located to the north and west of the subject property contain single family dwellings. The parcels located to the east and south are vacant parcels with trees and wetlands. 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 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 subject parcel has similar land use, lot size and orientation, City water and wastewater connections, and medium density as neighboring properties. Ash Avenue is paved with no sidewalks.

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. The single family home where the Day Care Center operations would take place, is in harmony with the site design and layout of the Suburban Residential Zoning District.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. Day Care Centers contribute to the economic vitality of the City by providing for child care during working hours for parents. The availability of child care can have a significant impact on the ability of parents to maintain employment.

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

Criteria Met. The residence located at 502 Ash Avenue is connected to City water and sewer services, and has access to natural gas, electricity and telephone services. Ash Avenue is a paved road which is maintained by the City of Kenai. The operation of a Day Care will not have an impact on these services.

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

Criteria Met: The operation of a Day Care Center will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use will be harmful to the public safety, health or welfare of the community.

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 Stephanie Nella Lenzini-LeBaron for a Day Care Center for property described as Lot 1, Block G, Woodland Subdivision Part One, and located at 502 Ash Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. Biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
4. The applicant will meet with City staff for on-site inspections when requested.
5. 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).
6. 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.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 11th day of May, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy 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: May 5, 2022
SUBJECT: PZ2022-11 – Conditional Use Permit – Day Care Center

Applicant: Stephanie Nella Lenzini-LeBaron
502 Ash Avenue
Kenai, Alaska 99611

Legal Description: Lot 1, Block G, Woodland Subdivision Part One

Property Address: 502 Ash Avenue

KPB Parcel No: 04326047

Lot Size: .34 Acres (14,810 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Single Family Dwelling

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Kenai Municipal Code 14.20.230(b)(2) provides that a day care of no more than eight (8) children under the age twelve (12), including children related to the caregiver is allowed with a Home Occupation Permit. The applicant wishes to operate a day care with a maximum of 12 children; therefore, it is necessary for the applicant to obtain a Conditional Use Permit for a Day Care Center, which The Land Use Table provides as a conditional use in the Suburban Residential zoning district. “Day care center” means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged. The applicant has been in contact with Jeremiah Hamilton, Fire Marshal, for the City of Kenai, to schedule a fire inspection.

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: By providing a childcare facility in the community that can accept state assistance for payment and help families in the community in need of reliable and close childcare.

Staff Response: The proposed Day Care meets the intent of the Suburban Residential Zone (RS) 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 existing home is consistent with the intent of the Suburban Residential District by preserving a medium density residential neighborhood with a site design that provides light, air, and privacy between neighboring parcels via lot setbacks, trees, a grass lawn, and back yard fencing. While a Day Care Center would generate consistent vehicle trips, it would likely not generate heavy traffic. KMC 14.22 Land Use Table permits a single dwelling house on a Suburban Residential property.

The Land Use Table provides that Day Care Centers are a conditional use; therefore, a conditional use permit must be granted for the operation of a Day Care Center. 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: By adding a childcare facility to the neighborhood I will increase the safety of the neighborhood by providing a safe location for children to be attended by a licensed provider. I will also be adding to the general moral of the neighborhood, giving local families a place they can depend on.

Staff Response: The parcels located to the north and west of the subject property contain single family dwellings. The parcels located to the east and south are vacant parcels with trees and wetlands. 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: The use of the property will be in harmony with the City's Comprehensive Plan by providing a vital service to the community and contributing to the economic development to the city of Kenai. In doing so I will also be providing reliable and affordable childcare so parents and caregivers can also attend economically progressive 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 subject parcel has similar land use, lot size and orientation, City water and wastewater connections, and medium density as neighboring properties. Ash Avenue is paved with no sidewalks.

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. The single family home where the Day Care Center operations would take place, is in harmony with the site design and layout of the Suburban Residential Zoning District.

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. Day Care Centers contribute to the economic vitality of the City by



providing for child care during working hours for parents. The availability of child care can have a significant impact on the ability of parents to maintain employment.

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

Applicant Response: Yes.

Staff Response: The residence located at 502 Ash Avenue is connected to City water and sewer services, and has access to natural gas, electricity and telephone services. Ash Avenue is a paved road which is maintained by the City of Kenai. The operation of a Day Care will not have an impact on these services.

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

Applicant Response: The use of the property will be to add safety and care to the communities children and their families.

Staff Response: The operation of a Day Care Center will not be harmful to public safety, health, or welfare. Staff believes that services are available to adequately serve this use will be harmful to the public safety, health or welfare of the community.

Criteria # 6: Specific conditions deemed necessary.

Applicant Response: No.

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. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. Biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
4. The applicant will meet with City staff for on-site inspections when requested.
5. 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).
6. 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.



ATTACHMENTS

- A. Application
- B. 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:	Stephanie Nella Lenzini-LeBaron				
Mailing Address:	502 Ash ave				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	847-363-0691				
Email:	NellaL@busybeesak.org				

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):	04326047
Physical Address:	502 Ash Ave, Kenai AK 99611
Legal Description:	T 6N R 11W SEC 31 SEWARD MERIDIAN KN 0001522 WOODLAND SUB PT I LOT 1 BLK G
Zoning:	Suburban Residential KEN4120
Acres:	0.34

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? Living

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

Request to use a portion of the property as a state licensed childcare facility.

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

By providing a childcare facility in the community that can accept state assistance for payment and help families in the community in need of reliable and close childcare.

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

By adding a childcare facility to the neighborhood I will increase the safety of the neighborhood by providing a safe location for children to be attended by a licensed provider. I will also be adding to the general moral of the neighborhood, giving local families a place they can depend on.

Use of surrounding property - north:	Yard/ driveway		
Use of surrounding property - south:	Yard / outdoor play area		
Use of surrounding property - east:	Driveway / shed		
Use of surrounding property - west:	Yard / outdoor play area		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
The use of the property will be in harmony with the City's Comprehensive Plan by providing a vital service to the community and contributing to the economic development to the city of Kenai. In doing so I will also be providing reliable and affordable childcare so parents and caregivers can also attend economically progressive jobs.			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Yes			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
The use of the property will be to add safety and care to the communities children and their families.			
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			
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:	<i>Stephanie Nella Lenzini-LeBaron</i>		Date: 04/25/2022
Print Name:	Stephanie Nella Lenzini-LeBaron	Title/Business:	Administrator/ Busy Bees Child Learning Center
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	



Conditional Use Permit Application

CHECKLIST

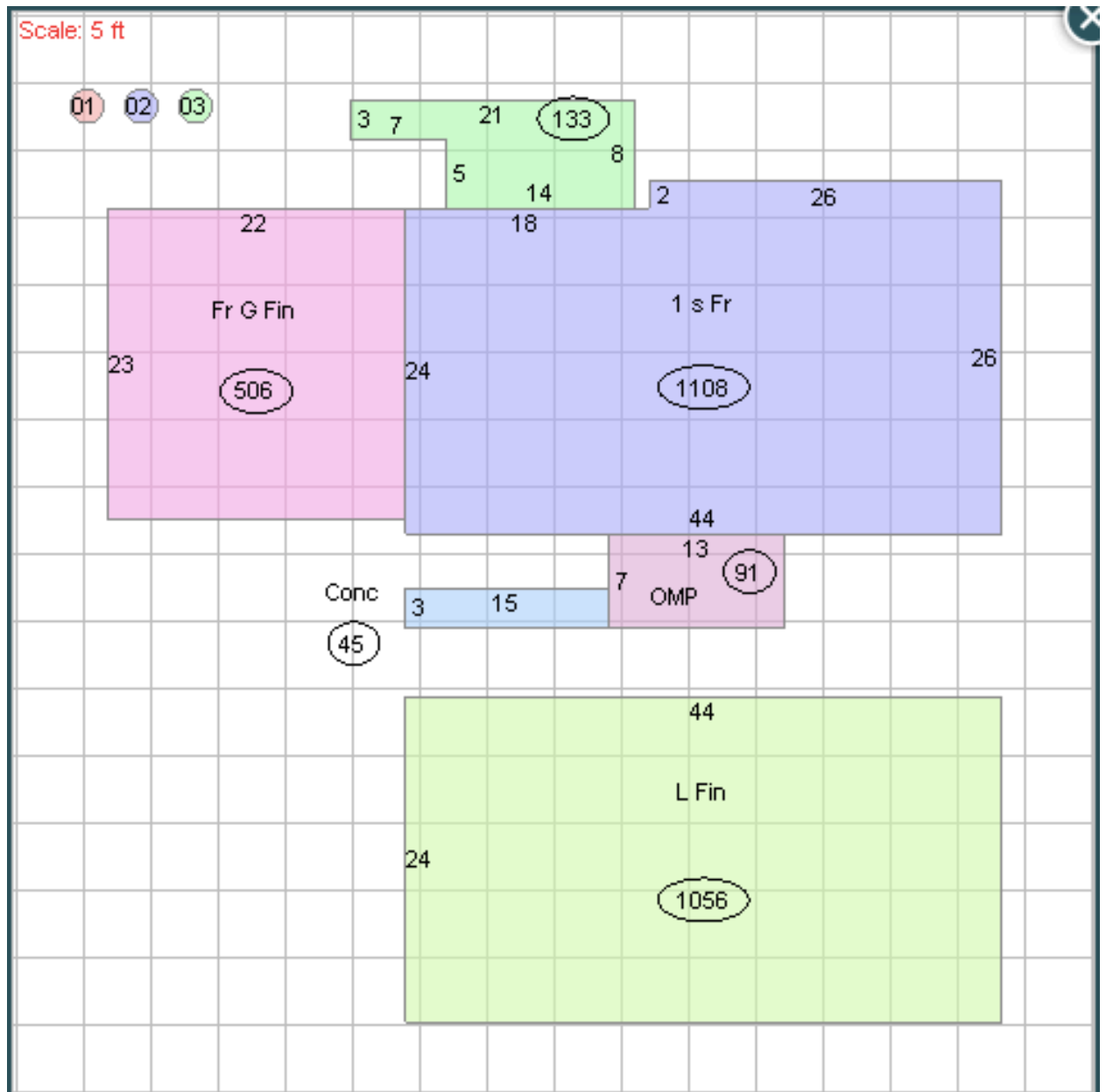
City of Kenai
Planning and Zoning Department
210 Fidalgo Avenue
Kenai, AK 99611
(907) 283-8200
planning@kenai.city
www.kenai.city/planning

- Evaluate uses allowed in your zoning district. Information on zoning is available at kenai.city/planning/page/zoning.
- Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application.
Intents of zoning districts are at kenai.municipal.codes/KMC/14.20.
Information about the Comprehensive Plan is at kenai.city/planning/page/comprehensive-plan.
- Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- City staff will evaluate your application following Kenai Municipal Code 14.20.230 (kenai.municipal.codes/KMC/14.20.150). Please answer questions from City staff about your application.
- Meet with Fire Marshall for inspection of premises (if necessary).
The Fire Marshal will contact you to arrange an inspection.
- Post sign on your property and confirm the posting with the City. Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- Attend Planning & Zoning Commission meeting (not mandatory, but recommended).
Attendance is beneficial so you are able to answer questions of the Commission.
- 15-day appeal period of the Planning & Zoning Commission's decision.

Thank you for choosing the City of Kenai!

Please contact the Planning & Zoning Department with application questions.

- All of the first floor will remain as private residential space. Occupied by Stephanie, Bryce, & Kaladin LeBaron.
- All of the lower level will be used for the daycare facility.
- Outside spaces will be shared residential and commercial use.
- All residential cars will be parked in the attached garage.
- Any cars parking temporarily to drop-off or pick-up children will park in the driveway.





PZ2022-11 CUP Day Care Center
502 Ash Avenue
Parcel 04326047



LEGEND

 Subject Parcel

0 20 40 Feet

Date: 5/5/2022



PLANNING & ZONING COMMISSION

Resolution PZ2022-11 – Conditional Use Permit – Day Care Center

502 Ash Avenue

SUMMARY

Applicant: Stephanie Nella Lenzini-LeBaron
502 Ash Avenue
Kenai, Alaska 99611

Legal Description: Lot 1, Block G, Woodland Subdivision
Part One

Property Address: 502 Ash Avenue

KPB Parcel No: 04326047

Lot Size: .34 Acres (14,810 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Single Family Dwelling

Land Use Plan: Suburban Residential



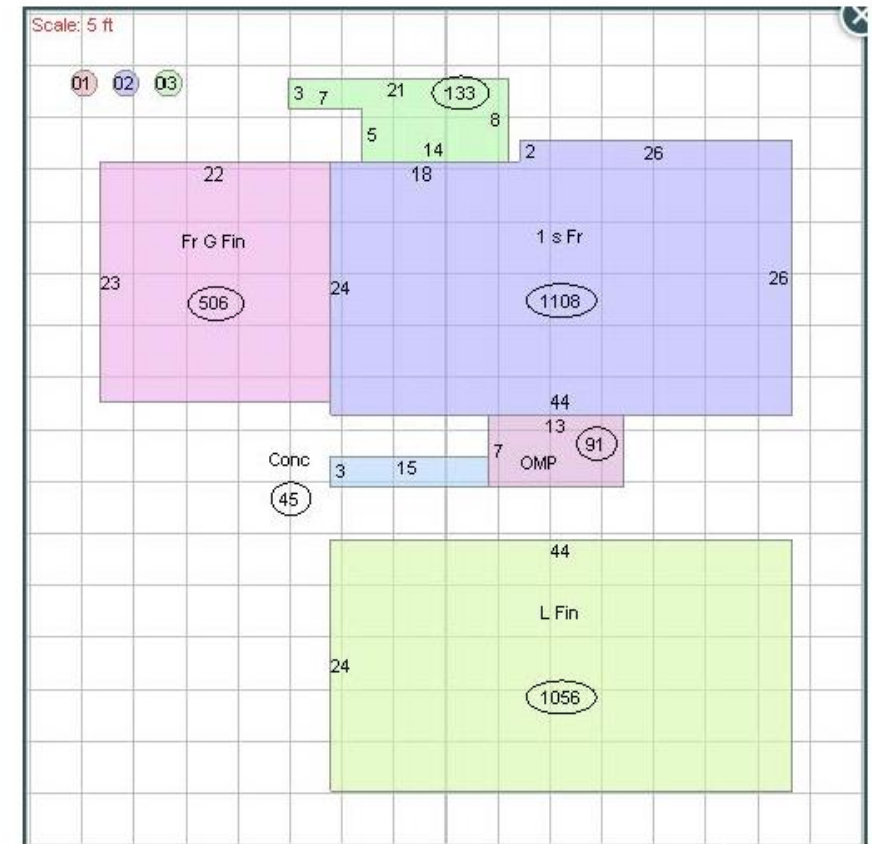
SUMMARY

- Kenai Municipal Code 14.20.230(b)(2) provides that a day care of no more than eight (8) children under the age twelve (12), including children related to the caregiver is allowed with a Home Occupation Permit.
- The applicant wishes to operate a day care with a maximum of 12 children; therefore, requiring a Conditional Use Permit for a Day Care Center.
- . “Day care center” means an establishment where child care is regularly provided for children for periods of less than twenty-four (24) hours, including the building housing the facility and adjoining areas, and where tuition, fees, or other compensation for the care of the children is charged.

SITE PLAN

- Site plan identifies the layout of the interior of the day care.

- All of the first floor will remain as private residential space. Occupied by Stephanie, Bryce, & Kaladin LeBaron.
- All of the lower level will be used for the daycare facility.
- Outside spaces will be shared residential and commercial use.
- All residential cars will be parked in the attached garage.
- Any cars parking temporarily to drop-off or pick-up children will park in the driveway.



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

- 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. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
 3. Biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
 4. The applicant will meet with City staff for on-site inspections when requested.
 5. 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).
 6. 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.

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:	Stephanie Nella Lenzini-LeBaron		
Mailing Address:	502 Ash ave		
City:	Kenai	State:	AK
Phone Number(s):	847-363-0691		
Email:	NellaL@busybeesak.org		
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)			
Name:			
Mailing Address:			
City:		State:	
Phone Number(s):			
Email:			
PROPERTY INFORMATION			
Kenai Peninsula Borough Parcel # (Property Tax ID):	04326047		
Physical Address:	502 Ash Ave, Kenai AK 99611		
Legal Description:	T 6N R 11W SEC 31 SEWARD MERIDIAN KN 0001522 WOODLAND SUB PT I LOT 1 BLK G		
Zoning:	Suburban Residential KEN4120		
Acres:	0.34		
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?	Living		
Conditional Use Requested for (attach additional sheets if necessary):	Request to use a portion of the property as a state licensed childcare facility.		
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:	By providing a childcare facility in the community that can accept state assistance for payment and help families in the community in need of reliable and close childcare.		
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:	By adding a childcare facility to the neighborhood I will increase the safety of the neighborhood by providing a safe location for children to be attended by a licensed provider. I will also be adding to the general moral of the neighborhood, giving local families a place they can depend on.		

Use of surrounding property - north:	Yard/ driveway
Use of surrounding property - south:	Yard / outdoor play area
Use of surrounding property - east:	Driveway / shed
Use of surrounding property - west:	Yard / outdoor play area
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
The use of the property will be in harmony with the City's Comprehensive Plan by providing a vital service to the community and contributing to the economic development to the city of Kenai. In doing so I will also be providing reliable and affordable childcare so parents and caregivers can also attend economically progressive jobs.	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Yes	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
The use of the property will be to add safety and care to the communities children and their families.	
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	
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:	<i>Stephanie Nella Lenzini-LeBaron</i>
Date:	04/25/2022
Print Name:	Stephanie Nella Lenzini-LeBaron
Title/Business:	Administrator/ Busy Bees Child Learning Center
Date Application Fee Received: PZ Resolution Number:	
For City Use Only	

C. AERIAL MAP





KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission

THROUGH: Ryan Foster, Planning and Zoning Director

FROM: Tony Prior, Fire Chief

DATE: April 29, 2022

SUBJECT: **Action/Approval: Recommending the City Council Adopt a Resolution Approving the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.**

The City of Kenai participated as one of the 17 communities to develop a single Borough-wide Community Wildfire Protection Plan (CWPP). I was one of the Core Team Members who participated in putting together the plan over a two-year period. The plan combined the 17 individual plans into one all encompassing plan that addresses the landscapes across the peninsula.

The CWPP project was driven by a dedicated core team made of local, state, federal agencies as well as non-government agencies and residents. The team was tasked with decision making, data sharing, experience and communication with the communities. The core team conducted five meetings in addition to regular emails or conference calls. The project was broadly promoted throughout the borough, including public venues, comprehensive meetings with individual fire departments, tribal entities, and critical infrastructure utilities and transportation agencies. The core team participated in a six-week review period to comment on the working draft. We finished with what we feel is a very comprehensive plan that will guide us with mitigation efforts and future planning to make our City and other communities on the Peninsula prepared for the potential of future fire events resulting in communities that are Firewise.

Your consideration is appreciated. The Commission's recommendation will be included in the Resolution to the City Council for the May 18th meeting.

The CWPP update is located at www.kpb.us/cwpp

Does the Planning and Zoning Commission recommend the Council approve the Community Wildfire Protection Plan?



KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Ryan Foster, Planning Director

DATE: May 5, 2022

SUBJECT: **Action/Approval: Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 04701018) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities.**

The Boys and Girls Club of the Kenai Peninsula is interested in expanding and providing a campus to serve its mission in the City of Kenai. The Boys and Girls club has the opportunity to purchase an existing facility at located at 320 S. Spruce Street, (KPB Parcel No. 04701028) and approached the City requesting a donation of the adjacent City owned parcel, Tract A Park View Subdivision, to allow the organization enough space to complete its campus providing afterschool and summer care, and sports and recreational activities for youth. The Boys and Girls Club has stated it intends to utilize the City property for construction of a club house and parking as well as a potential green house and play ground. The campus as a whole is intended to provide administrative offices and areas for youth activities including sports, recreation, education, and after school and summer activities.

Please review the attached materials.

Does the Commission recommend Council approve conditionally donating City owned land to the Boys and Girls Club?

Attachments

Aerial Map illustrating the proposed parcel to be donated

Ordinance 3287-2022



Ordinance No. 3287-2022
Conditional Donation to Boys and Girls Club
KPB #04701018





Sponsored by: Mayor Gabriel and Council Member Baisden

**CITY OF KENAI
ORDINANCE NO. 3287-2022**

AN ORDINANCE CONDITIONALLY DONATING CERTAIN CITY OWNED PROPERTY DESCRIBED AS TRACT A PARK VIEW SUBDIVISION (KPB PARCEL NO. 047010118) TO THE BOYS AND GIRLS CLUB OF THE KENAI PENINSULA FOR DEVELOPMENT OF FACILITIES FOR YOUTH SPORTS, RECREATION, EDUCATION, AFTER SCHOOL CARE AND OTHER YOUTH ACTIVITIES.

WHEREAS, KMC 22.05.095- Method of Sale or Disposal, provides in relevant part, in subsection (b)(iii), that the City may grant property by ordinance to a nonprofit corporation for an agreed upon sum when in the best interest of the City; and,

WHEREAS, the Boys and Girls Club of the Kenai Peninsula is a nonprofit corporation with a mission to enable all young people, especially those who need it most, to reach their full potential as productive caring and responsible citizens; and,

WHEREAS, the Boys and Girls Club of the Kenai Peninsula has over 1,000 members, and provides approximately 50,000 meals to youths per year, provides after-school and summer camps, after school and summer care, provides sports and recreational opportunities as well as other educational and youth activities; and,

WHEREAS, Tract A Park View Subdivision, a 2.09 acre parcel, has previously been determined as not needed for a public purpose by Ordinance No. 919-84, making the property eligible for sale or donation; and,

WHEREAS, there is a strong need in the community for the services provided by the Boys and Girls Club of the Kenai Peninsula; and,

WHEREAS, the City desires to support the mission of the Boys and Girls Club of the Kenai Peninsula; and,

WHEREAS, the subject parcel is uniquely situated adjacent to a facility to be acquired by the Boys and Girls Club of the Kenai Peninsula allowing them to create a campus to serve its mission inside Kenai; and,

WHEREAS, donating the subject parcel to the Boys and Girls of the Kenai Peninsula will allow them to expand services for youth and families in the City and is in the best interest of the City; and,

WHEREAS, certain conditions must be placed on the transfer to ensure the property is developed for its intended purpose, and in the event of a sale, to a for profit entity, the value shall be reimbursed to the City, if a sale occurs within twenty years after transfer to the Boys and Girls Club of the Kenai Peninsula.

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

Section 1. Form: That this is a non-code ordinance.

Section 2. That the Kenai City Council hereby authorizes the City manager to execute the transfer of title of Tract A Park View Subdivision to the Boys and Girls Club of the Kenai Peninsula, on a form

approved by the City Attorney, for less than fair market value (\$1.00) for the sole purpose of developing facilities to further the stated mission of the Boys and Girls Club of the Kenai Peninsula.

Section 3. That the City Council finds that disposal of the subject parcel is in the best interest of the citizens of the City of Kenai and that the public interest is served by disposing of the land for less than the fair market value, in accordance with the recitals above which are incorporated herein.

Section 4. That the Boys and Girls Club of the Kenai Peninsula will pay all closing costs and fees associated with the transfer of title.

Section 5. That if the Boys and Girls Club of the Kenai Peninsula is unable to or otherwise does not obtain the adjacent parcel (KPB Parcel No. 04701028) within one year of the effective date of this Ordinance, the transfer of title of Tract A Park View Subdivision will not occur, without further Council action.

Section 6. That if no development occurs on Tract A Park View Subdivision within two years of the transfer of title of the subject property to the Boys and Girls Club of the Kenai Peninsula, ownership will revert to the City unless further Council action is taken.

Section 7. That in the event of a sale of the subject tract, or any future subdivided portion thereof, by the Boys and Girls Club of the Kenai Peninsula to a for profit entity, the then current market value of the entire parcel, or subdivided portion sold, whichever occurs, shall be reimbursed to the City, if a sale occurs within twenty years after transfer to the Boys and Girls Club of the Kenai Peninsula.

Section 8. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 9. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS DAY 18TH OF MAY, 2022.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Approved by Finance: _____

Introduced: May 4, 2022
Enacted: May 18, 2022
Effective: June 3, 2022

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 4, 2022
SUBJECT: **Action/Approval: Recommending the City Council Approve Resolution No. 2022-XX – Approving the Execution of a Lease to Swanson Properties, LLC**

On April 4, 2014, Swanson Properties, LLC entered into an assignment of lease for Lot 6, Block 5, General Aviation Subdivision No. 1 with Jacqueline Ann Swanson. The lease term for an office and warehouse use was effective on April 14, 1967, for a term of 55 years and terminates on June 30, 2022.

Swanson Properties, LLC proposes to maintain the current office and warehouse operations; with the appraised value of existing improvements allowing a lease term of 45 years according to the term table in Kenai Municipal Code 22.05.055, though the applicant is requesting a shorter lease term to June 30, 2031, in order to align with another existing lease they have on the adjacent property at 149 N Willow Street. At that time, the lease for non-aeronautical uses with direct airfield access can be evaluated.

Pursuant to Kenai Municipal Code 21.10.060 Lease application review, notice of the lease application was posted in the Peninsula Clarion and stated competing applications may be submitted for the parcel within 30 -days to the City. The 30 -day window from publication ends on May 21, 2022, and to-date, no competing applications have been submitted to the City.

The parcel is within the Airport Light Industrial (ALI) Zone. Pursuant to KMC 14.20.065, the purpose of the ALI Zone is to protect the viability of the Kenai Municipal Airport as a significant resource to the community by encouraging compatible land uses and reducing hazards that may endanger the lives and property of the public and aviation users. The proposed use, rental and equipment sales as an Airport Compatible Use, is a permitted and compatible use in the ALI Zone.

The Imagine Kenai 2030 Comprehensive Plan outlines goals, objectives, and action items for the City, including this one pertaining to the Kenai Municipal Airport:

Objective T- 1: Support future development near or adjacent to the airport when such development is in alignment with the Kenai Municipal Airport's primary mission, "To be the commercial air transportation gateway to the Kenai Peninsula Borough and Cook Inlet."

The proposed use complies with the Imagine Kenai 2030 Comprehensive Plan by supporting development on lease lots with development that is in alignment with the Kenai Municipal Airport's marketing strategy.

The Airport Land Use Plan was developed to identify the highest and best uses of Kenai Municipal Airport land. The Airport Land Use Plan discusses leasing land and enhancing opportunities for local economic development. The proposed use by Swanson Properties, LLC complies with the Airport Land Use Plan and would enhance local economic development.

Please review the attached materials.

Does the Commission recommend Council approve the execution of a lease to Swanson Properties, LLC?

Attachments:

City of Kenai Land Lease Application from Swanson Properties, LLC

145 N Willow St Map

Draft Resolution 2022-XX





RECEIVED

CITY OF KENAI
City of Kenai
Land Lease Application

PLANNING DEPARTMENT
DATE 4-15-22

Application for: New Lease
 Amendment Extension
 Assignment Renewal

Application Date: 4-15-22

Applicant Information

Name of Applicant:	Ron's Rent-it Center, Inc. Jared Swanson				
Mailing Address:	145 N. Willow St.	City:	Kenai	State:	AK Zip Code: 99611
Phone Number(s):	Home Phone:		Work/ Message Phone: 907-283-4232		
E-mail: (Optional)	jareds@ronsrentit.com				
Name to Appear on Lease:	Ron's Rent-it Center, Inc.				
Mailing Address:		City:		State:	Zip Code:
Phone Number(s):	Home Phone:		Work/ Message Phone:		
E-mail: (Optional)					
Type of Applicant:	<input type="checkbox"/> Individual (at least 18 years of age) <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Government <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Other _____				

Property Information and Term Requested

Legal description of property (or, if subdivision is required, a brief description of property):
145 N. Willow St.

Does the property require subdivision? (if Yes, answer next questions) YES NO
 Subdivision costs are the responsibility of the applicant unless the City Council determines a subdivision serves other City purposes:
 1. Do you believe the proposed subdivision would serve other City purposes? YES NO
 2. If determined it does not, applicant is responsible for all subdivision costs. Initials _____

If an appraisal is required to determine the minimum price on the land, applicant is responsible for the deposit to cover costs associated with appraisal. If a sale is approved, the cost of the appraisal will be either refunded or credited to the applicant. Initials _____

It is the responsibility of the applicant to cover recording costs associated with lease. Initials _____

Do you have or have you ever had a Lease with the City? (if Yes, answer next question) YES NO
 1. Legal or brief description of property leased:
149 & 145 N. Willow St.

Request a Lease with an Option to Purchase once development requirements are met? YES NO

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

Requested term for Lease Extension (based on Term Table, not to exceed a total of 45 Years): 9 yr ext.

Requested Starting Date:

Proposed Use and Improvements

Proposed Use (check one): | Aeronautical | Non-Aeronautical

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

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

2. What is the proposed use of the improvement?

3. What is the estimated value of the improvement?

4. What is the nature and type of improvement?

5. What are the dates construction is estimated to commence and be completed?
(generally, construction must be completed within two years)

Estimated Start Date:

Estimated Completion Date:

Describe the proposed business or activity intended:

retail, equipment rental/sales

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

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

Ron's Rent-it Center, Inc.

Lease Renewal Only

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

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

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

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

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

Requested Term for Renewal Based on Term Table, not to exceed 45 Years: *9 yrs*

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

Signature:	<i>Jared Swanson</i>	Date:	<i>4-15-22</i>
------------	----------------------	-------	----------------

Print Name:	<i>Jared Swanson</i>	Title:	<i>President</i>
-------------	----------------------	--------	------------------


For City Use Only: <input type="checkbox"/> General Fund <input type="checkbox"/> Airport Reserve Land <input type="checkbox"/> Airport Fund <input type="checkbox"/> Outside Airport Reserve Account Number:	Date Application Fee Received: _____ Date Application Determined Complete: _____ 30-Day Notice Publication Date: _____ City Council Action/Resolution: _____
--	---



145 N Willow St
Lot 6, Block 5, General Aviation Subdivision No 1 Amended
Parcel 04324020



LEGEND

 Subject Parcel

0 20 40 Feet

Date: 5/4/2022





CITY OF KENAI

RESOLUTION NO. 2022-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA APPROVING THE EXECUTION OF A LEASE OF AIRPORT RESERVE LANDS USING THE STANDARD LEASE FORM BETWEEN THE CITY OF KENAI AND SWANSON PROPERTIES, LLC ON LOT 6, BLOCK 5, GENERAL AVIATION SUBDIVISION NO. 1 AMENDED.

WHEREAS, the lease to Swanson Properties, LLC for Lot 6, Block 5, General Aviation Subdivision No. 1 Amended expires on June 30, 2022; and,

WHEREAS, on April 15, 2022, Swanson Properties, LLC submitted an application for a lease of City owned properties within the Airport Reserve, described as Lot 6, Block 5, General Aviation Subdivision No. 1 Amended; and,

WHEREAS, the Swanson Properties, LLC lease application states the intention to maintain current warehouse and office operations; with the appraised value of existing improvements that gives a lease term of 45 years (and a requested lease term of 9 years) according to the term table in Kenai Municipal Code 22.05.055; and,

WHEREAS, the proposed development would be mutually beneficial and would conform with the Kenai Municipal Code for zoning and Kenai's Comprehensive Plan; and,

WHEREAS, the City of Kenai did not receive a competing lease application within thirty (30) days of publishing a public notice of the lease application from Swanson Properties, LLC; and,

WHEREAS, at their regular meeting on May 11, 2022, the Planning and Zoning Commission reviewed the lease application and recommended approval by the City Council; and,

WHEREAS, at their regular meeting on May 12, 2022, the Airport Commission reviewed the lease application and recommended approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

Section 1. That a Lease of Airport Reserve Lands is approved and the City Manager is authorized to execute a lease between the City of Kenai, Lessor, and Swanson Properties, LLC, Lessee, as follows:

The lease term will be 9 years;

Lot developments will prevent unauthorized access to the airfield;

Structures will be built behind the 100 foot building restriction line;

Swanson Properties, LLC is responsible for all snow removal, and snow may not touch the perimeter security fence or be piled to a height that would allow access to the airport; and

Section 2. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 1st day of June, 2022.

BRIAN GABRIEL SR., MAYOR

ATTEST:

Michelle M. Saner, MMC, City Clerk

DRAFT



Kenai City Council - Regular Meeting

May 04, 2022 – 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. 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. Velda Geller, Kenai Senior Connections, 2022 Meals on Wheels Event.

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. 3284-2022** – Accepting and Appropriating Private Donations to the Kenai Animal Shelter for the Care of Animals. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3285-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the Alaska High Intensity Drug Trafficking Area for Drug Investigation Overtime Expenditures. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2022-27** – Approving the Execution of a Lease of Airport Reserve Lands Using the Standard Lease form Between the City of Kenai and Joel Caldwell on Lot 3, Block 4, FBO General Aviation Apron. (Administration)
4. **ADOPTED UNANIMOUSLY. Resolution No. 2022-28** – Authorizing an Agreement for Professional Engineering Services for the Roadway Capital Improvements Projects. (Administration)

E. MINUTES

1. **APPROVED BY THE CONSENT AGENDA.** *Regular Meeting of April 20, 2022. (City Clerk)
2. **APPROVED BY THE CONSENT AGENDA.** *Special Meeting of April 25, 2022. (City Clerk)

3. **APPROVED UNANIMOUSLY.** *Special Meeting of April 26, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval - Bills to be Ratified. (Administration)
2. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval – Non-Objection to Liquor License Renewals for The Upper Deck. (City Clerk)
3. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval – Amending Employment Agreements between the City of Kenai and City Manager, Paul Ostrander and City Clerk, Michelle Saner. (Mayor Gabriel)
4. **APPROVED BY THE CONSENT AGENDA.** *Action/Approval – Amending and Extending an Employment Agreement between the City of Kenai and City Attorney, Scott Bloom. (Mayor Gabriel)
5. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 5/18/2022.** **Ordinance No. 3286-2022** – Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting a Grant from the US Department of Transportation Passed Through the State of Alaska Department of Transportation and Public Facilities for Traffic Enforcement Overtime Expenditures. (Administration)
6. **INTRODUCED AND REFERRED TO THE PLANNING AND ZONING COMMISSION FOR RECOMMENDATION/PUBLIC HEARING SET FOR 5/18/2022.** *Ordinance No. 3287-2022 – Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities. (Mayor Gabriel and Council Member Baisden)
7. **INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 5/18/2022.** *Ordinance No. 3288-2022 – Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)
8. **APPROVED UNANIMOUSLY. Action/Approval** – Special Use Permit to Weaver Brothers, Inc. for Truck Trailer Storage. (Administration)
9. **APPROVED UNANIMOUSLY. Action/Approval** – Amending the Special Use Permit to State of Alaska, Department of Natural Resources, Division of Forestry for Aeronautical and/or Aviation Related Activities. (Administration)
10. **Discussion** – Public Meetings and Video Conferencing (Council Member Pettey)
11. **Discussion** – Disposal Options for Tract A Park View Subdivision (KPB Parcel No. 047010118) (Administration)
12. **BOARD OF ADJUSTMENT SCHEDULED FOR 5/31/2022. Discussion** – Scheduling a Board of Adjustment Appeal Hearing. (City Clerk)

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

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/87936440018>

Meeting ID: 879 3644 0018 **Passcode:** 551912

OR

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

Meeting ID: 879 3644 0018 **Passcode:** 551912



**Meeting Agenda
Planning Commission**

Monday, April 25, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

1. Time Extension Request
2. Planning Commission Resolutions
3. Plats Granted Administrative Approval

[KPB-4130](#) Plats - Administrative Approvals

Attachments: [C3. Admin Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4131](#) April 11, 2022 PC Meeting Minutes

Attachments: [C7. 041122 PC Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

[KPB-4132](#) Right-of-Way Vacation: A portion of 60' Wide Van Antwerp St. and Associated Utility Easements

Attachments: [E1.ROWV VanAntwerp Packet](#)

[KPB-4133](#) Ordinance 2022-16: An ordinance amending KPB 21.46.040 to repeal the Kalifornsky Center Single Family Residential (R1) Local Option Zoning District.

Attachments: [E2. Kalifornsky Center LOZD Packet](#)
[Desk_Kalifornsky LOZD repeal MEMO.docx](#)
[Desk_Kalifornsky LOZD repeal ORD.docx](#)
[Desk_Kalifornsky Center LOZD Aerial Map](#)
[Desk_Public Meeting 42122 Memo](#)
[Desk_Kalifornsky Center Zoning Change Objection Letter](#)
[Desk_Steven Foster Comment](#)

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, May 9, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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