



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

November 08, 2023 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of October 25, 2023

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

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolution PZ2023-19** – Recommending Approval to Rezone the Properties Located at 103 Birch Street and 1202, 1204, and 1206 First Avenue From General Commercial (CG) to Suburban Residential (RS) Zoning District.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the October 25, 2023 Regular Meeting – Greenberg.
2. ***Action/Approval** – Granting a Home Occupation Permit to Allow a Home Day Care for up to Eight (8) Children on a Property Located at 621 Fir Drive in the Suburban Residential (RS) Zoning District.

I. REPORTS

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

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

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: November 22, 2023

L. COMMISSION COMMENTS AND QUESTIONS

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATIONAL ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/81385877609>

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

Meeting ID: 813 8587 7609 **Passcode:** 786109 **Meeting ID:** 813 8587 7609 **Passcode:** 786109

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
OCTOBER 25, 2023 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on October 25, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait, Chair
Gwen Woodard
John Coston

Joe Halstead, Vice Chair
Jim Glendening
Diane Fikes

A quorum was present.

Absent:

Gary Greenberg

Also in attendance were:

Linda Mitchell, Planning Director
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

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

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

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

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

B. APPROVAL OF MINUTES

1. *Regular Meeting of September 27, 2023

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2023-19** - Recommending Approval to Rezone the Properties Located at 103 Birch Street and 1202, 1204, and 1206 First Avenue From General Commercial (CG) to Suburban Residential (RS) Zoning District.

Clarification was provided that due to discrepancies found by staff in the future land use map, the resolution was not included in the packet and no action would be taken at this meeting. However, because the item was advertised as a public hearing at this meeting, any members of the public who wanted to speak on the issue had the opportunity to do so.

Chair Twait opened the floor for public testimony.

Nancy Wiles spoke in support, noting that the area has always been residential and she had previously advocated to have the zoning changed to mixed use, and had canvassed the neighborhood with a petition.

Keith Shaffer spoke in support, noting he would not enjoy having a commercial business right across from his property. He stated that he would like to see the lot at 103 Birch Street to be rezoned to residential.

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

2. **Resolution PZ2023-20** - Granting an Encroachment Permit for a Multi-Tenant Commercial Building to Encroach into the Required (East) Side Yard Setback on the Property Located at 735 Baleen Avenue in the Limited Commercial (LC) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-20. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit to accommodate a boiler room for a multi-tenant commercial building. Uses of surrounding areas and criteria for encroachment permits were reviewed; it was noted the application met the criteria and City staff recommends approving an encroachment permit to allow the multi-tenant commercial building to encroach into the required 15-foot (east) side yard setback by 3 feet 1 inch.

Chair Twait opened the floor for public comment.

Billy Anderson explained that he lives north of the property, and did not support the prior rezone of this area from residential to limited commercial. He described issues he has experienced during the construction of this building.

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

Clarification was provided that access is off of Baleen Avenue and not Kalifornsky Beach Road which would require additional approval from the State, and that Baleen Avenue is a City-maintained road. There was discussion on how the measurement of 3 feet and 1 inch was reached, the building inspection process, and restrictions on building size.

Chair Twait re-opened the floor for public comment.

Richard Burton expressed concern about the potential for increase in traffic along Baleen Avenue, noting that the road will need improvement.

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

There was discussion on possibly increasing the encroachment amount, whether the boiler room was already constructed, and how the access issue could be addressed by recommending that Baleen Avenue be added to the City's Capital Improvement Plan. It was noted that the applicant owns the property to the east, and if the commission does not approve the easement the property owner can do a lot line adjustment and meet the setback.

MOTION TO AMEND:

Commissioner Glendening **MOVED** to amend Resolution PZ2023-20 by adding a condition to require an as-built certification to be provided prior to issuance of a certificate of occupancy. Vice Chair Halstead **SECONDED** the motion.

UNANIMOUS CONSENT was requested on the motion to amend. There being no objection; **SO ORDERED**.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Halstead, Glendening, Woodard, Coston, Fikes, Twait

NAY: None

ABSENT: Greenberg

MOTION PASSED WITHOUT OBJECTION.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** - Requesting an Excused Absence for the September 27, 2023 Regular Meeting – Halstead.

Approved by the consent agenda.

2. ***Action/Approval** – Add a Condition to the Preliminary Plat – Strawberry Hill Estates 2023 Addition (Resolution PZ2023-15).

Approved by the consent agenda.

I. REPORTS

1. City Council – None.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the October 9, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - A second part-time Planning administrative assistant has been hired.
 - The Kenai Peninsula Borough will be updating its GIS maps to a new platform.
 - The State Recorder's Office in Kenai has been permanently closed.
 - The Clerk's Office will be sending out a survey as part of the upcoming Commission & Committee review.
 - The Capital Improvement Plan is being circulated to commissions and committees for review; will not go to Planning & Zoning as there are no related projects.
 - Attended a FEMA training on disaster warning coordination.

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

K. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: November 8, 2023

Commissioner Halstead noted he may be absent.

L. **COMMISSION COMMENTS AND QUESTIONS**

Commissioner Glendening noted that there had been a good discussion.

M. **PENDING ITEMS** – None.

N. **ADJOURNMENT**

O. **INFORMATIONAL ITEMS** – None.

There being no further business before the Commission, the meeting was adjourned at 8:19 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of October 25, 2023.

Meghan Thibodeau
Deputy City Clerk



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION PZ2023-19**

A RESOLUTION **RECOMMENDING** THE KENAI CITY COUNCIL APPROVE THE REZONE FROM GENERAL COMMERCIAL (CG) TO SUBURBAN RESIDENTIAL (RS) ZONING DISTRICT FOR THE FOLLOWING PROPERTIES AND AS DEPICTED ON THE ATTACHED BOUNDARY MAP.

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
04317028	1202 First Avenue	0.49-acre	Lot 1, Letzring 1985 Subd. of Gov. Lot 169
04317029	1206 First Avenue	0.31-acre	Lot 2, Letzring 1985 Subd. of Gov. Lot 169
04317030	1204 First Avenue	0.31-acre	Lot 3, Letzring 1985 Subd. of Gov. Lot 169
04317013	103 Birch Street	1.25 acres	Govt Lot 170

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

WHEREAS, the area proposed to be rezoned contains a minimum of one (1) acre (excluding street or alley rights-of-way); and,

WHEREAS, the proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous nine (9) months; and,

WHEREAS, a map has been included of the proposed rezone area and applicable signatures; and,

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

WHEREAS, the Planning and Zoning Commission finds:

1. The current zoning district, CG allows for the widest range of commercial and industrial uses compared to other commercial zoning districts. The existing CG zone is not compatible land use for this area since there are existing residential uses to the north and east of the proposed rezone area and an existing single-family dwelling in the proposed rezone area.

2. The rezone to RS zone would increase the adjacent RS zoning district, which it is anticipated that it would be developed in junction with the surrounding residential uses to the north and east. Therefore, minimizing potential impacts of commercial development on existing residential uses.
3. The existing land use classification states a compatible mix of residential and commercial uses. It is anticipated that this area will become residential uses. In the RS zone, several commercial uses are permitted subject to a Conditional Use Permit as listed in KMC Section 14.22.010 *Land Use Table*. The proposed rezone to RS zone would be consistent with the Mixed-Use land use classification as identified in the Comprehensive Plan.
4. The proposed rezone to RS would align with the current low to medium density residential character of the neighborhood.
5. The proposed rezone to RS zone would make the existing single-family dwelling compliant with the zoning district.

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

Section 1. That Kenai City Council approve the rezone request for the properties located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban Residential (RS) zoning district.

Section 2. That the Commission will forward its written recommendation to the Kenai City Council, along with all certified minutes and public records relating to the proposed amendment.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 8TH DAY OF NOVEMBER, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: November 8, 2023
SUBJECT: Resolution PZ2023-19 – Rezone Four (4) Parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District

Request The applicants are requesting a rezone of four (4) parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District.

Staff Recommendation Adopt Resolution PZ2023-19 recommending approval of a rezone of four (4) parcels from General Commercial (CG) to Suburban Residential (RS) Zoning District.

Applicants: Nancy and Michael Wiles
1206 First Avenue
Kenai, AK 99611
Five D Investments LLC
c/o Ken Dunbar
P.O. Box 969
Kenai, AK 99611

<u>Parcel No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>Legal Description</u>
04317028	1202 First Avenue	0.49-acre	Lot 1, Letzring 1985 Subd. of Gov. Lot 169
04317029	1206 First Avenue	0.31-acre	Lot 2, Letzring 1985 Subd. of Gov. Lot 169
04317030	1204 First Avenue	0.31-acre	Lot 3, Letzring 1985 Subd. of Gov. Lot 169
04317013	103 Birch Street	1.25 acres	Govt Lot 170

Current Zoning: General Commercial (GC)

Proposed Zoning: Suburban Residential (RS)

Current Land Use Single-Family Residence, Accessory Structures, and Vacant Parcels

Land Use Plan Mixed-Use

SUMMARY

The applicants are seeking to rezone properties located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban Residential (RS) zoning district. The purpose of the rezone is to allow additional affordable housing rather than commercial use on the subject parcels. For the parcel located at 103 Birch Street, the property owner intends to subdivide and construct a single-family dwelling unit on each lot. In the applicants' letter, it is indicated that 103 Birch Street would be subdivide and four (4) single-family homes would be constructed. However, Planning staff received the preliminary plat and it shows a 5-lot subdivision. The preliminary plat is subject to compliance with KMC Chapter 14.10 *Subdivision Regulations* and would come before the Planning & Zoning Commission for review/recommendation at a later time contingent on the decision of the rezone. If approved, the zone change would allow a residential use as a principal use, whereas under the existing zone, CG, a residential use is only permitted as a secondary use.

ANALYSIS

Pursuant to KMC Section 14.20.270, the initiation of a Zoning Map Amendment may be initiated by a majority of the property owners in the area to be rezone. Furthermore, the area to be rezoned contains a minimum one (1) acre (excluding street or alley rights-of-way) unless the amendment enlarges an adjacent district boundary.

Three (3) out of the four (4) parcels are under the same ownership with the remaining parcel owned by a different property owner. Both property owners jointly applied for the rezone; therefore, meeting the initiation of a rezone application. To further support their request, the applicants have provided a list of signatures from surrounding property owners/residents to support their rezone petition. The combined area of the rezone is approximately 2.36 acres, which exceeds the minimum one (1) acre requirement for a zoning map amendment and it would expand the adjacent Suburban Residential zoning district to the north and east of the proposed rezone area.

Existing and Proposed Zoning

The existing zoning is General Commercial (CG) and the intent as outlined in KMC Section 14.20.120 states the following:

The CG Zone is established 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.

Findings: The proposed rezone area is surrounded by a commercial office/warehouse with outdoor storage to the west, residential uses to the north and east, and a commercial center, known as Swanson Square to the south across First Avenue. The current zoning, CG prohibits single-family and two-family residential uses unless it is a secondary use according to the land use table found in KMC Section 14.22.010 as shown below (highlighted in yellow).

LAND USE TABLE

KEY: P = Principal Permitted Use
 C = Conditional Use
 S = Secondary Use
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ /C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ /C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3,29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ /C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹

Footnotes:

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

In addition, CG zone allows for the widest range of commercial and industrial uses compared to other commercial zoning districts. The existing CG zone is not a compatible land use for this area since there are existing residential uses to the north and east of the proposed rezone area and an existing single-family dwelling in the proposed rezone area. While the site plan/landscaping review is intended to provide adequate buffers, transitions, and impacts between commercial/industrial uses and residential uses, this could be further implemented through a suitable zoning designation. The intent of the CG zone is not compatible with the existing residential uses in the adjacent RS zoning district to the north and east. There are other restrictive commercial zoning districts that allows residential use as a principal use but it would provide a disconnect between the existing CG zone to the west of the proposed rezone area.

The proposed zoning is Suburban Residential (SR) and the intent as outlined in KMC Section 14.20.090 states the following:

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.*

Findings: The rezone to RS zone would increase the adjacent RS zoning district, which it is anticipated that it would be developed in junction with the surrounding residential uses to the north and east. Therefore, minimizing potential impacts of commercial development on existing residential uses. As noted by the applicants, there is a need for additional housing and this rezone would allow for residential uses without going through additional planning processes.

Comprehensive Plan – Land Use Classification

The existing land use classification is Mixed-Use and the intent as outlined in the *Imagine Kenai 2030 Comprehensive Plan* (“Comprehensive Plan”) states the following:

Mixed use is intended for a compatible mix of residential, retail, service, office, public, institutional and recreational uses. Uses are co-located in an integrated way that supports sustainable forms of transport such as public transport, walking and biking, and increases neighborhood amenities. Compatibility issues are addressed through careful site layout and building design.

Findings: The existing land use classification states a compatible mix of residential and commercial uses. It is anticipated that this area will become residential uses. In the RS zone, several commercial uses are permitted subject to a Conditional Use Permit (see attached Land Use Table). The proposed rezone to RS zone would be consistent with the Mixed-Use land use classification as identified in the Comprehensive Plan. Therefore, an amendment to the land use map in the Comprehensive Plan is not required. During the 2016 Comprehensive

Plan update, City Council passed Ordinance No. 2908-2016, approving and adopting a revised 2030 Comprehensive Plan updated in 2016, which shows that the draft land use plan map included in the Ordinance packet but it was not carry into the final version of the Comprehensive Plan (see attached draft Land Use Plan map). This is important to note the correct land use classification because it determines whether an amendment to the Comprehensive Plan is required. If it was classified as General Commercial as it is shown in the final version, then the City would need to make the findings for the Comprehensive Plan amendment in addition to the rezone of the zoning district.

The Comprehensive Plan supports this rezoning in the following identified goal:

Goal 1 – Quality of Life: 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.*

Findings: The proposed rezone to RS would align with the current low to medium density residential character of the neighborhood.

Existing Use

In the proposed rezone area, the only existing principal use is a single-family dwelling on the property located at 1206 First Avenue, which is adjacent to the storage yard for the commercial office/warehouse in the northwest corner of N. Spruce Street and First Avenue.

Findings: The proposed rezone to RS zone would make the existing single-family dwelling compliant with the zoning district. Under the existing CG zone, the existing residence is considered a non-conforming use since residential use is not permitted to be a principal use. Therefore, any expansions or alterations of the residence would be subject to KMC Section 14.20.050 *Nonconforming lots, structures, and uses.*

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.280 notices of the public hearing for the rezone were mailed to property owners within a three hundred-foot (300') periphery of the subject properties. City staff published notice of the public hearing in the *Peninsula Clarion*, and notification was posted.

No public comments have been received as-of-date.

This rezone request was previously advertised as a public hearing for Planning & Commission meeting held on October 25, 2023. Due to discrepancies discovered by Planning staff, a staff report and resolution was not included in the packet. Therefore, no action was taken at the public meeting. However, due to the advertisement of the proposal as a public hearing, public testimony was opened and the applicant, Nancy Wiles was present to support the rezone request. In addition, Mr. Keith Shaffer, resident at 104 Birch Street was in support of the rezone to residential.

STAFF RECOMMENDATION

Based on the findings and analysis in this staff report, Staff recommends the Planning & Zoning Commission recommend approval of the rezone request for the properties located at 1202, 1204, and 1206 First Avenue and 103 Birch Street from General Commercial (CG) to Suburban

Residential (RS) zoning district. Planning & Zoning Commission's recommendation will be forwarded to City Council for consideration.

ATTACHMENTS

- Zoning Map
- Application Materials
 - Application
 - Letter of Intent
 - Aerial Map
 - Petition Signature List
- KMC 14.22.010 Land Use
- Table Draft Land Use Plan Map



Resolution PZ2023-19
Rezone from CG to RS
1202, 1204, and 1206 First Avenue
And 103 Birch Street



Date Printed: 11/8/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



0 80 160 320 Feet

RECEIVED

CITY OF KENAI

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

Rezoning
Application

SEP 18 2023

Planning & Zoning

By: *AM*



PETITIONER

Name:	Nancy & Michael Wiles, Ken Dunbar						
Mailing Address:	[REDACTED]	City:	[REDACTED]	State:	[REDACTED]	Zip Code:	[REDACTED]
Phone Number(s):	SEE ATTACHED						
Email:	[REDACTED]						

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (s):	[REDACTED]
Physical Address:	SEE ATTACHED
Legal Description:	[REDACTED]

ZONING INFORMATION

Present Zone:	Central Commercial
Proposed Zone:	Suburban Residential
Intended Use and/or Reason for Rezoning (attach additional sheets if necessary):	

SEE ATTACHED

AMENDMENT PROCEDURE REQUIREMENTS

The area proposed to be rezoned contains a minimum of 1 acre (excluding street or alley rights-of-way), unless the amendment enlarges an adjacent zoning district boundary.	<input checked="" type="checkbox"/> YES
This proposed amendment to the zoning ordinance is not substantially the same as any other unapproved proposed amendment submitted within the previous 9 months.	<input checked="" type="checkbox"/> YES
I understand a public hearing is required as outlined in the Kenai Zoning Code, a \$250 fee is required (\$265 total after tax), and that this application will be reviewed following Kenai City Code 14.20.270, available at kenai.municipal.codes/KMC/14.20.270.	<input checked="" type="checkbox"/> YES
I have included a map of the proposed rezone area and applicable signatures.	<input checked="" type="checkbox"/> YES

The proposed Zoning Code and Official Zoning Map Amendments is initiated by (check one):

- Kenai City Council
- Kenai Planning & Zoning Commission
- Petition of majority of the property owners in the area to be rezoned
- Petition bearing the signatures of 50 registered voters within the City of Kenai
- Petition as provided by the Home Rule Charter of the City of Kenai

PETITIONER'S SIGNATURE

Signature:	<i>Nancy L Wiles</i> <i>Ken Dunbar</i>		
Printed Name:	Nancy L Wiles	Ken Dunbar	Date: 09/18/2023

For City Use Only

Date Application Fee Received:
PZ Resolution Number:

Rezoning Application

Nancy & Michael Wiles

1206 First Avenue

Kenai, AK 99611

(907) 398-6613

nlwiles@hotmail.com

Ken Dunbar

P.O. Box 969

Kenai, AK 99611

(907) 947-3000

kdunbar@dunbarandsons.com

Kenai Peninsula Borough Parcel Numbers/Physical Address/Legal Description:

04317028 1202 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 1

04317029 1206 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 2

04317030 1204 First Ave T 6N R 11W SEC 31 Seward Meridian KN 0850055
Letzring 1985 SUB OF GOVT LOT 169 LOT 3

04317013 103 Birch St T 6N R 11W SEC 31 Seward Meridian KN GOVT LOT 170

Intended Use and/or Reason for Rezoning:

As property owners of the above lots, we request they be rezoned from Central Commercial to Suburban Residential. It is our belief that the community is better served with additional affordable housing rather than commercial use in this area. As attested by the 56 neighborhood signatures (as well as our two), our neighbors agree and wish to have homes built in this area. Rezoning to SR would bring this section of the block into alignment with the current neighborhood.

Mr. Dunbar wishes to subdivide and build four single family homes on the 103 Birch St. lot. The City would benefit from having the additional tax base of the completed homes, as well as the income from water and sewer utilities. The community would benefit by having affordable rental properties in a convenient location.

The Wiles originally purchased 1202 and 1204 First Ave. in order to be able to gift or sell a lot to each of their children in order to build a home or cabin. There is the potential of two more homes being built. They have lived in the home at 1206 First Avenue since 1985.



1202, 1204, 1206 1st Ave & 103 Birch St



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other Proceed
- Parcels
- Image
 - Red: Red
 - Green: Green
 - Blue: Blue



Notes

Enter map notes here.

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. Do not use for navigation.

DATE PRINTED: 9/12/2023

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

The property at 1202, 1204, 1206 First Avenue and the adjoining lot at 103 Birch Street are currently zoned General Commercial. We request this land be rezoned to Suburban Residential to bring it into alignment with the majority of the surrounding area. We welcome the opportunity to have more homes built in our neighbourhood, and see no need for commercial property at this site as there is plenty of land zoned commercial in more appropriate areas of Kenai.

Name: PAUL E SARKS
Address: 110 Birch St.
Signature: Paul E Sarks
1


Name: KEITH SHAFER
Address: 104 Birch St.
Signature: Keith Shafer
2

Name: SHIRLEY R FARRIS
Address: 104 BIRCH ST.
Signature: Shirley R. Farris
3

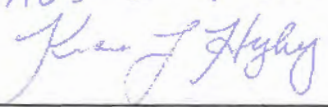
Name: Victoria Bower
Address: 111 Birch St, Kenai AK
Signature: Victoria Bower
4

Name: Dan McKinnon
Address: 1211 1st Ave
Signature: Dan McKinnon
5

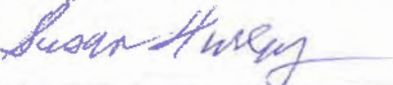
Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Gerry Sipes
Address: 310 North Spruce St Kenai, AK 99611
Signature: 

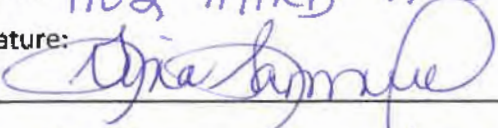
6

Name: Krana Hughey
Address: 1103 2nd Avenue Kenai AK 99611
Signature: 

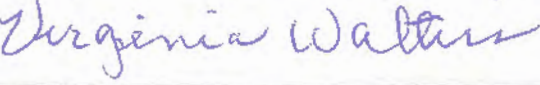
7

Name: Sasanthurley
Address: 209 Floer Ave Kenai AK 99611
Signature: 

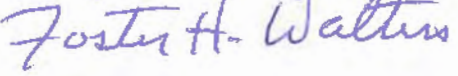
8

Name: Gina Samuel
Address: 1102 THIRD AVE. Kenai
Signature: 

9

Name: Virginia Walters
Address: 214 Birch St. Kenai
Signature: 

10

Name: Foster H Watley
Address: 214 Birch Street
Signature: 

11

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: *Sandra Esteban*
Address: *212 Birch St.* Mail *35555 Kenai Spur #176*
Signature: *Sandra Esteban* Soldatna 99669
12

Name: *NANETTE DAIGLE*
Address: *208 BIRCH STREET*
Signature: *[Handwritten Signature]*
13

Name: *Fred Perez*
Address: *204 Birch St*
Signature: *[Handwritten Signature]*
14

Name: *BILL LOCKNER*
Address: *205 BIRCH ST*
Signature: *[Handwritten Signature]*
15

Name: *PAM DOMINGUEZ*
Address: *1204 3rd Ave*
Signature: *[Handwritten Signature]*
16

Name: *Eileen Bryson*
Address: *1205 Third Ave*
Signature: *Eileen Bryson* Kenai, Alaska
17

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Robert Springer
Address: 1206 Third Ave.
Signature: Robert Springer

18

Name: Darla Springer
Address: 1206 Third Ave.
Signature: Darla R. Springer

19

Name: CHARLES KAHAKAWILA
Address: 1202 DORENDA CT.
Signature: Charles Kahakawila

P.O. Box 1391
Kenai

20

Name: Ivy Hanson
Address: 3017 Bree Ave.
Signature: Ivy Hanson

21

Name: Trent Hanson
Address: 3017 Bree Ave
Signature: Trent Hanson

22

Name: Glenn Q. Hanson
Address: 309 Birch St.
Signature: Glenn Q. Hanson

23

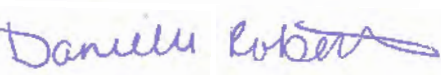
PETITION TO REZONE



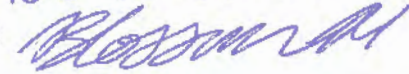
Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Ryan Holmes
Address: 34 Birch
Signature: 
24

Name: Ron Helmes
Address: 311 BIRCH ST
Signature: Ron Helmes
25

Name: Danielle Robertson
Address: 402 Birch St.
Signature: 
26

Name: Allen Koerber
Address: 402 Birch St
Signature: 
27

Name: Blossom McGahan
Address: 406 Birch St
Signature: 
28

Name: Charlene McHale
Address: 406 Birch St
Signature: 
29

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Rob Cotton #
Address: 408 Birch ST - Kenai
Signature: Rob Cotton #
30

Name: Roberta Oskoloff
Address: Box 266
Signature: Roberta Oskoloff
31

Name: Teea Winger
Address: 1111 5th Ct. Kenai, AK 99611
Signature: Teea Winger
32

Name: MALCOLM MCBRIDE
Address: 1111 FID CT KENAI
Signature: Malcolm McBride
33

Name: Naomi Rump
Address: 1205 Street Kenai
Signature: Naomi Rump
34

Name: JEANNE REVEAL
Address: 415 BEACH ST.
Signature: Jeanne Reveal
35

PETITION TO REZONE



Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: *GLENNA M. SWEARINGEN*

Address: *107 BIRCH ST*

Signature: *Glenna M Swearingen*

36

Name: *Virginia Shook*

Address: *1109 Third Ave Kenai, AK. 99611*

Signature: *Virginia Shook*

37

Name: *Trixie Spicer*

Address: *1206 4th Ave.*

Signature: *Trixie Spicer*

38

Name: *Robert Robinson*

Address: *1206 4th Ave.*

Signature: *Robert W Robinson*

39

Name: *Charles Pinkerton*

Address: *1203 4th Ave, Kenai AK 99611*

Signature: *Charles Pinkerton*

40

Name: *Cathleen (Cookie) Pinkerton*

Address: *1203 4th Ave. Kenai, AK.*

Signature: *Cathleen Pinkerton*

41

PETITION TO REZONE

Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: *Lanae McQuillin*
Address: *313 Cindy Cir, Kenai AK 99611*
Signature: *Lanae McQuillin*

42

Name: *Jackie Gonaci*
Address: *311 Cindy Circle*
Signature: *J Gonaci*

43

Name: *Cynthia Yarnes*
Address: *316 Cindy Circle Kenai AK*
Signature: *Cynthia Yarnes*

44

Name: *Erick L Yarnes*
Address: *310 Cindy Circle Kenai AK*
Signature: *ERICK L YARNES*

45

Name: *Romona L. Morey*
Address: *312 Cindy Cir KENAI, AK*
Signature: *Romona L Morey*

46

Name: *MATT MOREY*
Address: *312 CINDY CIR KENAI*
Signature: *Matt Morey*

47

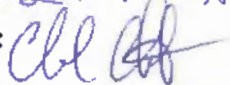
PETITION TO REZONE


Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)


Name: Verna Lea Isham
Address: 1210 4th Avenue Kenai, AK 99611
Signature:  48

Name: WARREN ISHAM
Address: 1210 FOURTH AVE KENAI AK 99611
Signature:  49

Name: Rocco Sanguinetti
Address: 1212 4th Ave, Kenai AK
Signature:  50

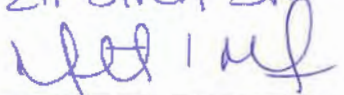
Name: Charla Cobb
Address: 1211 4th Ave Kenai, AK
Signature:  51

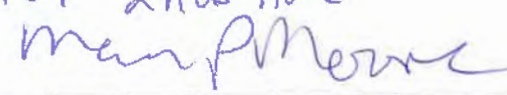
Name: Nicole Cobb
Address: 1211 4th Ave Kenai, AK
Signature:  52

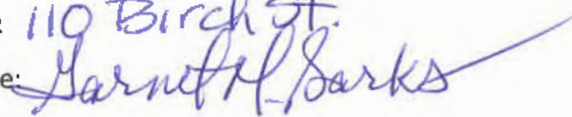
Name: WADE MORGAN
Address: 211 BIRCH ST. KENAI, AK
Signature:  53

PETITION TO REZONE

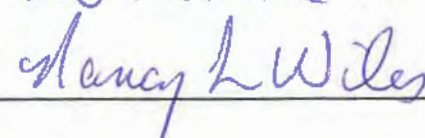
Subject Matter: We petition the City of Kenai to Amend the Kenai Zoning Code and the Official Map for Property at the corner of Birch Street and First Avenue. (Government lot 170 and Letzring Subdivision, formerly Government lot 169)

Name: Martha L. Mounier
Address: 211 Birch St.
Signature:  54


Name: Mary Moore
Address: 1107 2nd Ave
Signature:  55

Name: Garnet Sarks
Address: 110 Birch St.
Signature:  56

Person lodging this petition is:

Name: Nancy Wiles
Address: 1206 First Ave Kenai AK 99611
Signature: 

Person lodging this petition is:

Name: Kenneth L. Dunbar
Address: P.O. Box 969 Kenai AK 99611
Signature: 

14.22.010 Land use table.

LAND USE TABLE

KEY: P = Principal Permitted Use
 C = Conditional Use
 S = Secondary Use
 N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

ZONING DISTRICTS																	
LAND USES	ALI	C	RR	RR-1	RS	RS-1	RS-2	RU	CC	CG	IL	IH	ED	R	TSH	LC	CMU
RESIDENTIAL																	
One-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	S ²	S ²	C ²²	P	P	P	S ¹ /C ²¹
Two-, Three-Family Dwelling	N	C ¹⁸	P	P	P	P	P	P	P ²¹	S ¹	C	C	C ²²	P	P	P	S ¹ /C ²¹
Four-Family Dwelling	N	C ¹⁸	P	C ^{3,29}	P	N	N	P	P ²¹	S ¹	C	C	C ²²	N	P	C	S ¹ /C ²¹
Five-, Six-Family Dwelling	N	C ¹⁸	C ³	N	P	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Seven- or More Family Dwelling	N	C ¹⁸	C ³	N	C ³	N	N	P	P ²¹	S ¹	C	C	N	N	P	C	S ¹ /C ²¹
Mobile Home Parks ⁶	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development ⁷	N	C ¹⁸	C	C ²⁹	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses ⁴	N	C ¹⁸	C ³	C ^{3,29}	C ³	C ³	C ³	C ³	C	C	C	C	C ²²	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N

KMC 14.20.200)																		
COMMERCIAL																		
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C	
Adult Businesses	N	N	N	N	N	N	N	N	P ³¹	P ³¹	P ³¹	P ³¹	N	N	N	N	N	
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P	
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P	
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P	
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P	
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P	
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P	
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P	
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P	
Marijuana Cultivation Facility, Limited ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	
Marijuana Cultivation Facility, Standard ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N	
Marijuana Product Manufacturing Facility ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N	
Marijuana Testing Facility ³⁰	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C	
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P	

Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N ²⁶	C	N	C	N	N	C	P	P	P	P	S ²⁴	S ²⁴	C	C	P
Retail Marijuana Store ³⁰	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S ²⁴	C	C	N
INDUSTRIAL																	
Airports	C	p ²⁰	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C ⁹	N	N	N	C	N	N	N	N	N	C ⁹	C ⁹	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	p ¹⁰	C	C	P	p ¹⁰	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P

Colleges*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P	
Elementary Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P	
Governmental Buildings	P	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	C	P	P	
High Schools*	N	C	C	C ²⁹	C	C	C	C	P	P	C	C	P	C	C	C	P	
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P	
Libraries*	N	C	C	C ²⁹	C	C	C	C ¹²	P	P	P	C	P	C	P	C	P	
Museums	C	C	C	C ²⁹	C	C	C	C	P	P	P	C	P	C	P	C	P	
Parks and Recreation	N	P	C	C ²⁹	C	C	C	C	P	P	P	P	P	P	P	C	P	
MISCELLANEOUS																		
Animal Boarding/Commercial Kennel ¹³	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C	
Assemblies ¹⁵ (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	p ¹⁵	p ¹⁵	p ¹⁵	p ¹⁵	p ¹⁵	p ¹⁵	C	P	N	p ¹⁵
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P	
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P	
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N	
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** ²⁸	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C	
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C	

Day Care Centers ¹²	N	C	C	C ²⁹	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P ²¹	S	C	P	P ²³	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries ¹³	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P
Parking, Public Lots ¹²	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services ²⁵	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/C ²⁷	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources ¹⁶	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources ¹⁷	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

* See 42 U.S.C. Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

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

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

Footnotes:

-
- 1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter [14.25](#) shall include any secondary uses in the landscaping and site plans.
 - 2** One (1) single-family residence per parcel, which is part of the main building.
 - 3** Allowed as a conditional use, subject to satisfying the following conditions:
 - a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;
 - b** The site square footage in area must be approved by the Commission;
 - c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;
 - d** Water and sewer facilities shall meet the requirements of all applicable health regulations;
 - e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;
 - f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;
 - g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;
 - h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;
 - i** The property adjacent to the proposed dwelling group will not be adversely affected.
 - 4** See "Townhouses" section.
 - 5** See "Mobile Homes" section.
 - 6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.
 - 7** See "Planned Unit Residential Development" section.
 - 8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.
 - 9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.
 - 10** Provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

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

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

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

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

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

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

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

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

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

16 See "Conditional Uses" section.

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

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

19 Reserved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Amended during 7-7-99 supplement; Ord. 1862-2000; Amended during 12-1-00 supplement; Ords. 1911-2001, 1938-2001, 1956-2002, 1962-2002, 1990-2003, 1994-2003, 2053-2004, 2081-2005, 2112-2005, 2113-2005, 2144-2006, 2152-2006, 2185-2006, 2195-2006, 2246-2007, 2272-2007, 2403-2009, 2425-2009, 2546-2011, 2610-2012, 2649-2012, 2688-2013, 2784-2014, 2870-2016, 2884-2016, 3025-2018, 3056-2019, 3083-2019 (Substitute), 3363-2023)

The Kenai Municipal Code is current through Ordinance 3363-2023, passed July 5, 2023.

Disclaimer: The City Clerk has the official version of the Kenai Municipal Code. Users should contact the City Clerk for ordinances passed subsequent to the ordinance cited above.

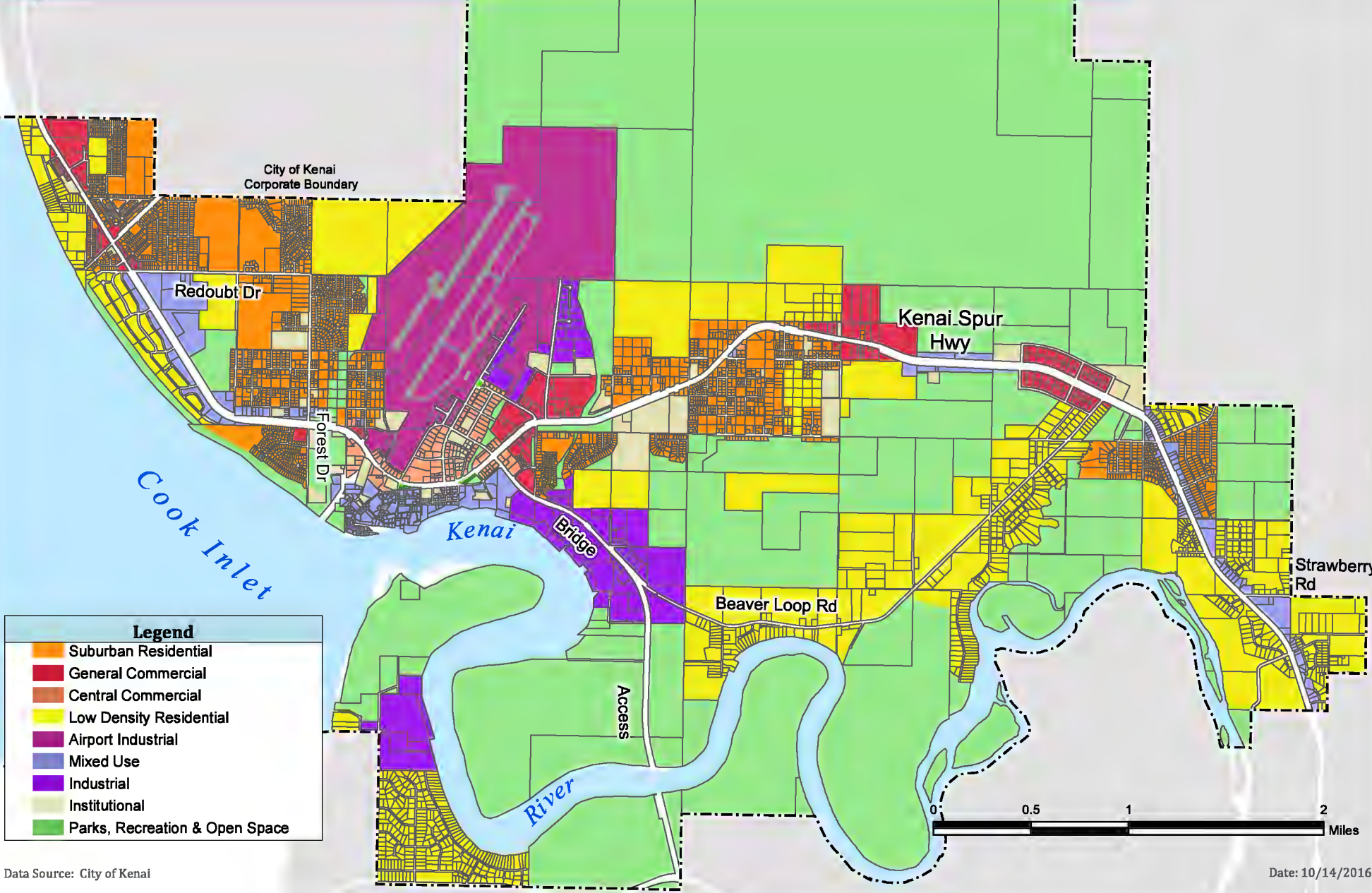
[City Website: www.kenai.city](http://www.kenai.city)

[City Telephone: \(907\) 283-7535](tel:(907)283-7535)

[Hosted by Code Publishing Company, A General Code Company.](#)

Map 7. Land Use Plan

2016



Data Source: City of Kenai

Date: 10/14/2016



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: November 8, 2023
SUBJECT: 621 Fir Drive – Granting a Home Occupation Permit for Home Day Care for Up to Eight (8) Children

Request The applicant is requesting to operate a home day care for up to eight (8) children.

Staff Recommendation Approve the Home Occupation Permit for a Home Day Care for up to eight (8) children under the age of 12, including children related to the child care provider.

Applicant: Pamela Brown
Property Owner: Same as Applicant
Legal Description: Lot 13, Block L, Woodland Subdivision Part II
Property Address: 621 Fir Drive
KPB Parcel No.: 04329017
Lot Size: 0.24-acre
Zoning: Suburban Residential (RS)
Current Use: Single-Family Dwelling
Land Use Plan: Suburban Residential (SR)

SUMMARY

The applicant has applied for a Home Occupation Permit (HOP) to operate a home day care for up to eight (8) children. The HOP would be conducted within an approximately 998 square foot single-family dwelling consisting of two (2) bedrooms, 1 bath, and a 364 square foot attached garage. The proposed use would take place primarily within the dining area and living room for an approximate total area of 399 square feet. The applicant indicated on the application that they do not intend to have a small business sign.

ANALYSIS

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

The proposed Home Day Care meets the intent of Kenai Zoning Code for home occupations because it would be an accessory use to the existing single-family residence. The parking requirement is same as a single-family/two-family dwellings, two (2) spaces per dwelling units and this requirement is met with the existing 1-car garage and driveway.

Home Occupations – Development Requirements

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

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

-

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

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

-

Findings: The applicant has submitted a floorplan (see attachment) detailing the proposed area for the home day care. This area is approximately 399 square feet and is less than 30% of the gross floor area of all buildings on the lot. This requirement is met.

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

Findings: Only a portion of the single-family dwelling will be used for home day care. This requirement is met.

Fire Code Inspections

Pursuant to KMC 14.20.230(h)(1), *Day care facilities shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to approval of the permit. Thereafter, they shall be inspected every other year by the Fire Marshal.*

The initial fire safety inspection will be conducted at the request from Alaska Child Care Program Office (CCPO). A fire safety inspection is required by the State prior to becoming licensed. A biennial inspection will be required by the City.

PUBLIC NOTICE

Pursuant to Kenai Municipal Code 14.20.230(e)(4) *Notice of the consideration by the Commission of a home occupation permit application shall be published once at least two (2) days prior to the meeting in a paper of general circulation in the City of Kenai.* The public notice was published on Saturday, November 4, 2023 in the *Peninsula Clarion*.

At this time, staff has not received any comments.

STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria for issuance of a Home Occupation Permit as set forth in Kenai Municipal Code 14.20.230, and hereby recommends that the Planning and Zoning Commission grant the Home Occupation Permit for a Home Day Care for up to eight (8) children under the age of 12, including children related to the child care provider within the designated area of the existing single-family dwelling, subject to the following conditions:

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

ATTACHMENTS

Aerial Map
Application
Floorplan



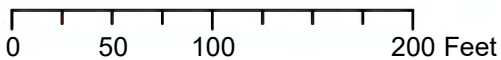
**Home Occupation Permit
Home Day Care
621 Fir Drive
KPB Parcel ID: 04329017**



N

Map for Reference Only
NOT A LEGAL DOCUMENT

Date Printed: 11/8/2023



OCT 09 2023



Home Occupation Permit Application

Planning & Zoning

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

PROPERTY OWNER

Name:	Pamela R. Brown		
Mailing Address:	621 Fir Drive		
City:	Kenai	State: AK	Zip Code: 99611
Phone Number(s):	461-809-8923		
Email:	p.brown.3@hotmail.com		

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04329017
Physical Address:	621 Fir Drive Kenai AK 99611
Legal Description:	2bdrm, 1 bath single dwelling
Zoning:	

HOME OCCUPATION DESCRIPTION

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

Home occupation use (attach additional sheets if necessary):

State License In-Home Preschool + Family Day Care up to 8 children

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

State Licensed In-Home Family Day Care

Will you place a sign on the property for your home occupation?
(allowed with an approved sign permit) YES NO

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

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

AUTHORITY TO APPLY FOR HOME OCCUPATION PERMIT: I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a home occupation permit in conformance with Title 14 of the Kenai Municipal Code. I understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:	Pamela R. Brown		Date:	10/3/23
Print Name:	Pamela R. Brown	Title/Business:	Grammy Pammy's Adventure P.S. & Co.	

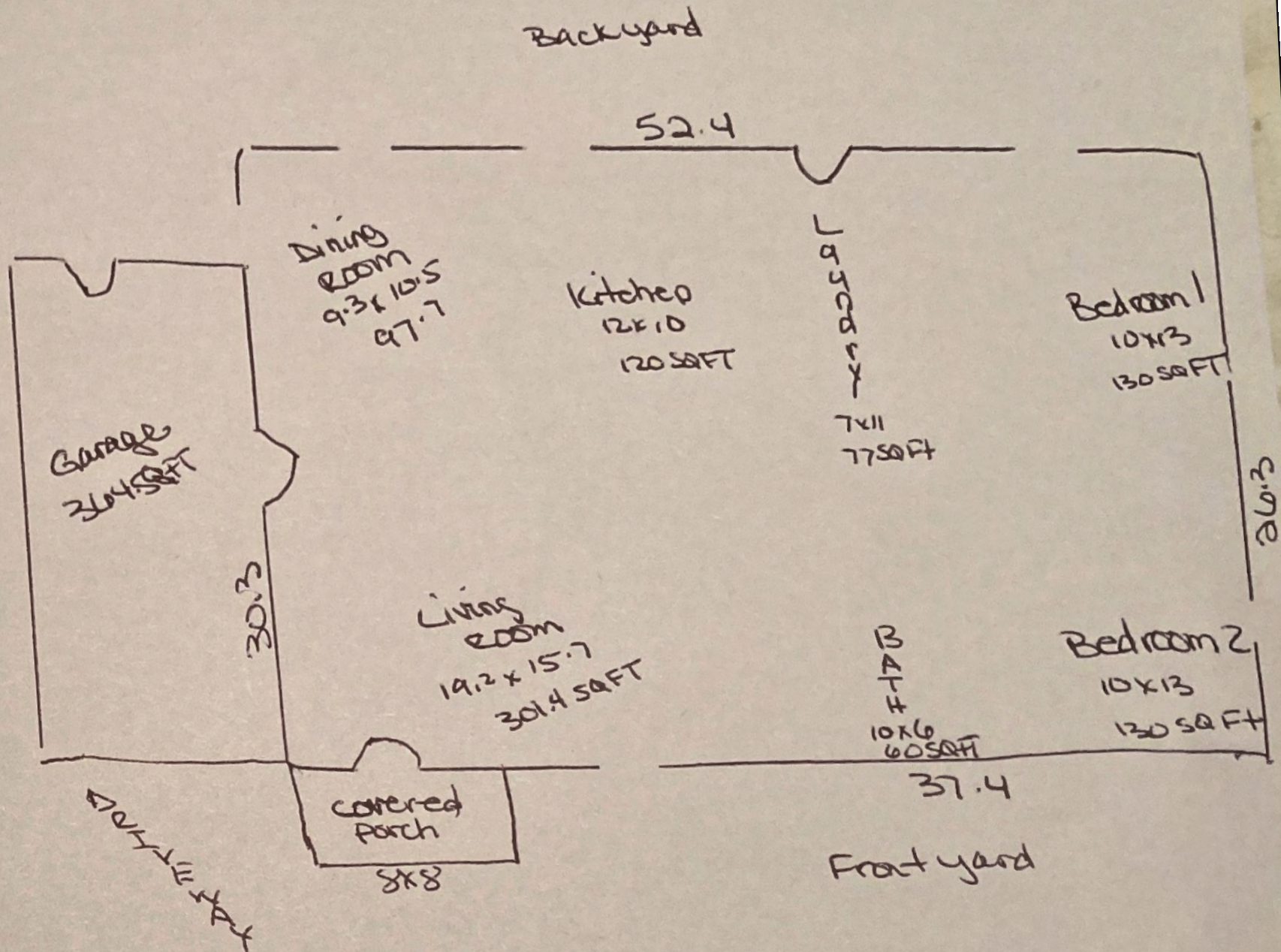
For City Use Only	Fire Inspection Status:
	Date Application Fee Received:
	PZ Resolution Number:

621 Fir Drive
Kenai, AK 99611

Family childcare
up to 8 children

will have access to
- dining room -
art, writing center
science + all meals

- living room -
dramatic play area
construction center
math center
+ Nap area





Kenai City Council - Regular Meeting

November 01, 2023 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. **COUNCIL MEMBER KNACKSTEDT ELECTED AS VICE MAYOR.** Election of Vice Mayor
4. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

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

B. SCHEDULED ADMINISTRATIVE REPORTS

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

1. Kenai Peninsula Economic Development District Quarterly Update, Tim Dillon Executive Director.

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

E. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3375-2023** - Accepting and Appropriating Donations from the Kenaitze Indian Tribe to Both the Animal Shelter and the Senior Center. (Administration)
2. **ENACTED UNANIMOUSLY. Ordinance No. 3376-2023** - Increasing Estimated Revenues and Appropriations in the General Fund, Parks and Recreation Department for the Purchase of Playground Equipment Utilizing a Grant from Marathon Petroleum. (Administration)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2023-62** - Establishing the 2024 City Council Regular Meeting Schedule. (City Clerk)
4. **ADOPTED UNANIMOUSLY AS AMENDED. Resolution No. 2023-63** - Requesting the Governor of the State of Alaska Designate by Proclamation an Economic Disaster for 2023 for the Upper Cook Inlet East Side Set Net Fishery and Supporting A Recovery Plan. (Knackstedt)
5. **ADOPTED UNANIMOUSLY. Resolution No. 2023-64** - Authorizing a Professional Services Agreement and Corresponding Purchase Order for the 2024 Apron Crack Seal, Marking and Seal Coat Project for the Kenai Municipal Airport. (Administration)

6. **ADOPTED UNANIMOUSLY. Resolution No. 2023-65** - Authorizing a Contract for Employee Health Care and Basic Life Insurance Effective January 1, 2024. (Administration)

F. **MINUTES**

1. *Regular Meeting of October 19, 2023. (City Clerk)

G. **UNFINISHED BUSINESS**

H. **NEW BUSINESS**

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. ***Action/Approval** - Confirmation of Mayoral Nominations for Partial Term Appointments to the Harbor Commission. (Mayor Gabriel)
4. **ADDED TO AND APPROVED BY THE CONSENT AGENDA. Action/Approval** - Letter of Support for the Kenai Peninsula Housing Initiatives, Inc. Grant application to develop Senior and Low-Income Housing. (Administration)
5. ***Ordinance No. 3377-2023** - Accepting and Appropriating an Increase in the Title III Grant from the State of Alaska Department of Health and Social Services for Nutrition, Transportation and Support Services and an American Rescue Plan Act Grant Passed through the State of Alaska Department of Health and Social Services for Kenai Senior Center Expenditures in Support of its Response to the COVID-19 Public Health Emergency. (Administration)
6. ***Ordinance No. 3378-2023** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)
7. ***Ordinance No. 3379-2023** - Accepting and Appropriating a Grant from the U.S. Department of Homeland Security Passed through the State of Alaska Department of Military and Veterans' Affairs for the Purchase of Trauma Care Supplies. (Administration)
8. ***Ordinance No. 3380-2023** - Amending Kenai Municipal Code 22.05.095 - Methods of Sale or Disposal, to Provide a Veterans Land Purchase Price Discount for Certain Residential Land Purchases. (Baisden)
9. **APPROVED UNANIMOUSLY AND COUNCIL MEMBER ASKIN APPOINTED TO SUPERVISORY SUB-COMMITTEE. Action/Approval** - Mayoral Liaison Nominations for Appointment to Committees and Commissions. (Gabriel)
10. **Discussion/Action** - Virtual Meetings Participation. (Clerk)

I. **COMMISSION / COMMITTEE REPORTS**

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

J. **REPORT OF THE MAYOR**

K. ADMINISTRATION REPORTS

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

L. ADDITIONAL PUBLIC COMMENTS

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

M. EXECUTIVE SESSION

N. PENDING ITEMS

O. ADJOURNMENT

P. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/88254302807>

Meeting ID: 882 5430 2807 **Passcode:** 357355

OR

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

Meeting ID: 882 5430 2807 **Passcode:** 357355



Meeting Agenda Planning Commission

Monday, October 23, 2023

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

Reappointment of Commissioner

- a. Troy Staggs, City of Seward

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-5563](#)
- a. A.A. Mattox 2023 Replat; KPB File 2023-050
 - b. Crossman Ridgeview; KPB File 2022-044
 - c. North 20 Subdivision AHO Replat; KPB File 2022-152
 - d. Patch Subdivision 2023; KPB File 2023-030R1
 - e. Stanley's Meadow 2023; KPB File 2023-024

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
 - a. Pamela Gillham, Kalifornsky-Kasilof District
7. Minutes

[KPB-5564](#) October 9, 2023 PC Meeting Minutes

Attachments: [C7. 100923 PC Minutes](#)

D. NEW BUSINESS

[KPB-5566](#) Building Setback Encroachment Permit; KPB File 2023-097
Petitioner/Landowner: Frison
Request: 20' x 24' garage to be constructed in the 20' building setback
Location: Block 1, Lot 1, Ashton Park Subdivision; Plat KN 1997-074
Kalifornsky Area

Attachments: [D1. BSEP Ashton Park Packet](#)
[D1. Desk Packet](#)

E. OLD BUSINESS

[KPB-5565](#) Remand Hearing
Building Setback Encroachment; KPB File 2022-121
Legal Description: Lot 10, Lake Estates Subdivision, Plat KN 1648
Applicants: David & Nancy Whitmore
General Location: GL Hollier Street
Ridgeway Area

Attachments: [E1. BSEP Lake Estates Sub](#)

F. PLAT COMMITTEE REPORT

G. OTHER

[KPB-5567](#) Planning Commission Bylaws Discussion

Attachments: [G1. PC Bylaws Packet](#)

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, November 13, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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.