

KENAI

July 30, 2021

Board of Adjustment Packet
Jones – Eight Single Family Dwellings

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**BOARD OF ADJUSTMENT HEARING
JULY 30, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS**

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AGENDA
BOARD OF ADJUSTMENT HEARING
JULY 30, 2021 – 6:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
<http://www.kenai.city>

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit to Applicant, TKC, LLC, for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6North, Range 11 West and Located at 1714 Fourth Avenue.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. OPENING STATEMENT**
 - 1. Brian Gabriel, Board Chair
- D. SWEARING IN OF ALL PERSONS PROVIDING TESTIMONY**
- E. PUBLIC COMMENT (5 minutes)**
- F. STAFF REPORT (15 minutes)**
- G. APPELLANT**
 - 1. Wayne Jones (30 minutes)
- H. APPELLEE**
 - 1. TKC, LLC (30 minutes)
- I. APPELLANT REBUTTAL**
 - 1. Wayne Jones (10 minutes)
- J. APPELLEE REBUTTAL**
 - 1. TKC, LLC (10 minutes)
- K. APPELLANT CLOSING ARGUMENT**
 - 1. Wayne Jones (5 minutes)
- L. APPELLEE CLOSING ARGUMENT**
 - 1. TKC, LLC (5 minutes)
- M. DELIBERATIONS (Deliberations may be held in public or adjudicative sessions)**

Please contact the City Clerk's Office at 907-283-8231 for additional information or questions.

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BOARD OF ADJUSTMENT HEARING

Notice of Hearing

The Board of Adjustment shall ordinarily set a date for and hold a hearing on all appeals within forty-five (45) days of the filing of the appeal. However, should the forty-fifth day fall on a weekend or a municipal holiday, the hearing may be scheduled for the next following weekday which is not a municipal holiday. For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal. Notice of the time and place of such hearing shall be mailed to all interested parties and to all property owners within three hundred feet (300') of the property involved at least fifteen (15) days prior to the hearing. Notices to the appellant and/or applicant for the action or determination must be sent by certified mail, return receipt requested.

Type of Hearing

The Board of Adjustment Hearing will be conducted in compliance with the City of Kenai Municipal Code 14.20.290, reasonable regulations of the Board and other applicable law. The Board of Adjustment is a quasi-judicial board. The hearing is public and is recorded. All persons presenting evidence and testimony shall do so under oath, administered by the City Clerk. This hearing will be conducted less formally with regard to rules of evidence and other court rules of procedure than in a judicial courtroom.

The hearing before the Board is de-novo; the Board will review both the facts and law presented during the hearing and submitted timely. Evidence and written arguments to be considered by the Board must be submitted to the City Clerk by **noon on Tuesday, July 20, 2021**. A packet containing all evidence of written argument, timely submitted, will be provided to all parties as soon as possible after the submission date. The Clerk will include in the packet the record previously submitted to the Planning and Zoning Commission. A list of witnesses any party intends to have testify during the hearing must be provided to the City Clerk by the date evidence is due. New tangible evidence not timely submitted to the City Clerk will normally not be admitted unless good cause is shown as to why the evidence could not be timely submitted. A decision to include the evidence will be decided by the board. All evidence considered in this matter should be in the record before the Board as previously provided to the parties. The Appellant, or party applying to the Board, has the burden of proof to show entitlement to relief.

Hearing Procedures

Any requested revision to the agenda or procedures by a party must be made to the Board and approved by the Board prior to the start of the hearing.

Members of the public may have five minutes each to address the Board prior to any presentations.

Staff will be allowed 15 minutes to provide a report to the Board at the beginning of the hearing.

Following the staff report, each party will be allowed 30 minutes to present its case. The Appellants will present their cases first. During the parties' presentation of the case, the parties may call witnesses. Any witness that testifies during the presentation of the case by either party, unless excused by the Board with concurrence of the parties, must remain available to be called during rebuttal, at which time cross examination may occur. Each party will be allowed 10 minutes for rebuttal and 5 minutes for closing arguments.

Upon recognition by the Chair, Board Members may question the parties and their witnesses. Questioning by the Board may take place at any time before the hearing is closed. Questioning by the Board and responsive answers will not count against a party's time.

Hearing Deliberation & Decision

The Board may undertake deliberations immediately upon the conclusion of the hearing on appeal or may take the matter under advisement and meet at such other time as is convenient for deliberations until a decision is rendered.

The Board requires a quorum of four and a majority of those assembled to make a decision. The Board must issue a decision within 30 days of the hearing date. The Board may reverse, remand or affirm, wholly or in part, or may modify the order, requirement, decision or determination, as ought to be made, and to that end shall have the powers of the body from whom the appeal is taken.

Deliberations need not be in public and may be conducted with the City Attorney. A written decision will be issued and will indicate how each board member voted. Copies of the decision shall be promptly posted on the City's official website and mailed to all parties participating in the appeal. The written decision shall trigger the timeline for any appeal to the Superior Court.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

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.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

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

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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 Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, 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 20, 2021
SUBJECT: Resolution PZ2021-19 – Conditional Use Permit – Eight Dwelling Units at 1714 Fourth Avenue

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: T 6N R 11W Sec 31 Seward Meridian KN GL 26

Property Address: 1714 Fourth Avenue

KPB Parcel No: 04302007

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential (RS)

Current Land Use: Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

A seven or more family dwelling is listed as a conditional use within the Suburban Residential Zone in Kenai Municipal Code 14.22.010, Land Use Table. The applicant, Byler Contracting, has submitted an application for a conditional use permit to construct 8 single-family dwelling units at 1714 Fourth Avenue. In order to construct these dwelling units, a conditional use permit, including conditions cited in footnote 3 of the 14.22.010 Land Use Table, must be granted by the City of Kenai Planning and Zoning Commission.

Application, Public Notice, Public Comment

Kenai Municipal Code 14.22.010 – Land Use Table provides that a Seven or More Family Dwelling is a conditional use. Accordingly, on April 30, 2021, an application for a conditional use permit for

eight single-family dwelling units was submitted by Rob Coreson, on behalf of Byler Contracting. Planning staff reviewed the application and deemed it to be complete.

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

ANALYSIS

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

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

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

Applicant Response: This conditional use permit will show all parking will be on 1714 Fourth Ave, all garbage will be at each house. Each house will have at least 2 parking places per each unit. All boundaries will be planted trees.

Staff Response: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at 30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

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;*

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- 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.*

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

Applicant Response: The homes/multiplex that are in the area of proposed plan are probably 20 years and older. This build of 8 new homes.

Staff Response: The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

Applicant Response: The bare lot will be turned into a well landscaped and safe area, removing the trees will stop future fire damage.

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

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.



Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Applicant Response: Yes there is water + sewer on both streets.

Staff Response: The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Applicant Response: All parking + snow storage will be on said property.

Staff Response: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

Criteria #6: Specific conditions deemed necessary.

Applicant Response: There is an entry to access 8 homes.

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 (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.



4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Resolution No. PZ2021-19
- B. Application
- C. Site Plan
- D. Aerial Map





**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight proposed single-family unit's meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

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.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

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

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met. The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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 Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CMC, CITY CLERK



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:	TKC LLC				
Mailing Address:	P.O Box 10658				
City:	BAKERS FIELD	State:	CA	Zip Code:	93389
Phone Number(s):	KEN DUNBAR - 1-907 947 3000				
Email:	KDUNBAR@KENDUNBARANDSONS.COM				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	BYLER CONTRACTING - CONTACT ROB CORESON - 398-7845				
Mailing Address:	P.O Box 877750				
City:	WASILLA	State:	AK	Zip Code:	99687
Phone Number(s):	ROB CORESON 907-398-7845				
Email:	ROB@BYLERCONTRACTING.COM				

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04302007
Physical Address:	1714 FOURTH AVE
Legal Description:	T6N R11W S31 GL 26
Zoning:	RS-SUBURBAN RESIDENTIAL
Acres:	2.5 ACRES

CONDITIONAL USE DESCRIPTION

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

How is this property currently being used? **THE PROPERTY IS CURRENTLY AN EMPTY LOT**

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

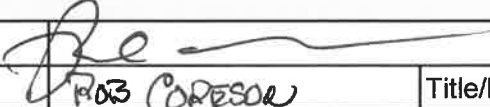
THE PLAN IS TO ADD 8 INDIVIDUALS HOMES TO THE LOT THERE WILL BE 2 DRIVEWAYS THAT WILL SERVICE 8 HOMES, SNOW STORAGE WILL BE IN 2 PLACES ON PROPERTY. ALL DRIVEWAYS WILL BE PAVED AND ALL EXPOSED DIRT WILL BE PLANTED GRASS

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

THIS CONDITIONAL USE PERMIT WILL SHOW ALL PARKING WILL BE ON 1714 FOURTH AVE, ALL GARBAGE WILL BE AT EACH HOUSE, EACH HOUSE WILL HAVE AT LEAST 2 PARKING PLACES PER EACH UNIT. ALL BOUNDARIES WILL BE PLANTED TREES

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

THE HOMES/MULTIPL THAT ARE IN THE AREA OF PROPOSED PLAN ARE PROBABLY 20 YEARS + OLDER, THIS BUILD OF 8 NEW HOMES

Use of surrounding property - north:			
Use of surrounding property - south:			
Use of surrounding property - east:			
Use of surrounding property - west:			
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
THE BARE LOT WILL BE TURNED INTO A WELL LAND SCAPED AND SAFE AREA, REMOVING THE TREES WILL STOP FURTHER FIRE DAMAGE			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
YES THERE IS WATER & SEWER ON BOTH STREETS			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
- ALL PARKING & SNOW STORAGE WILL BE ON SAID PROPERTY,			
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?			
THERE IS AN ENTRY TO ACCESS 8-HOMES			
<p>AUTHORITY TO APPLY FOR CONDITIONAL USE:</p> <p>I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.</p>			
Signature:		Date:	4-30-2021
Print Name:	ROB CORESON	Title/Business:	SALE REP FOR BMER CONTRACTOR
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	



Conditional Use Permit Application

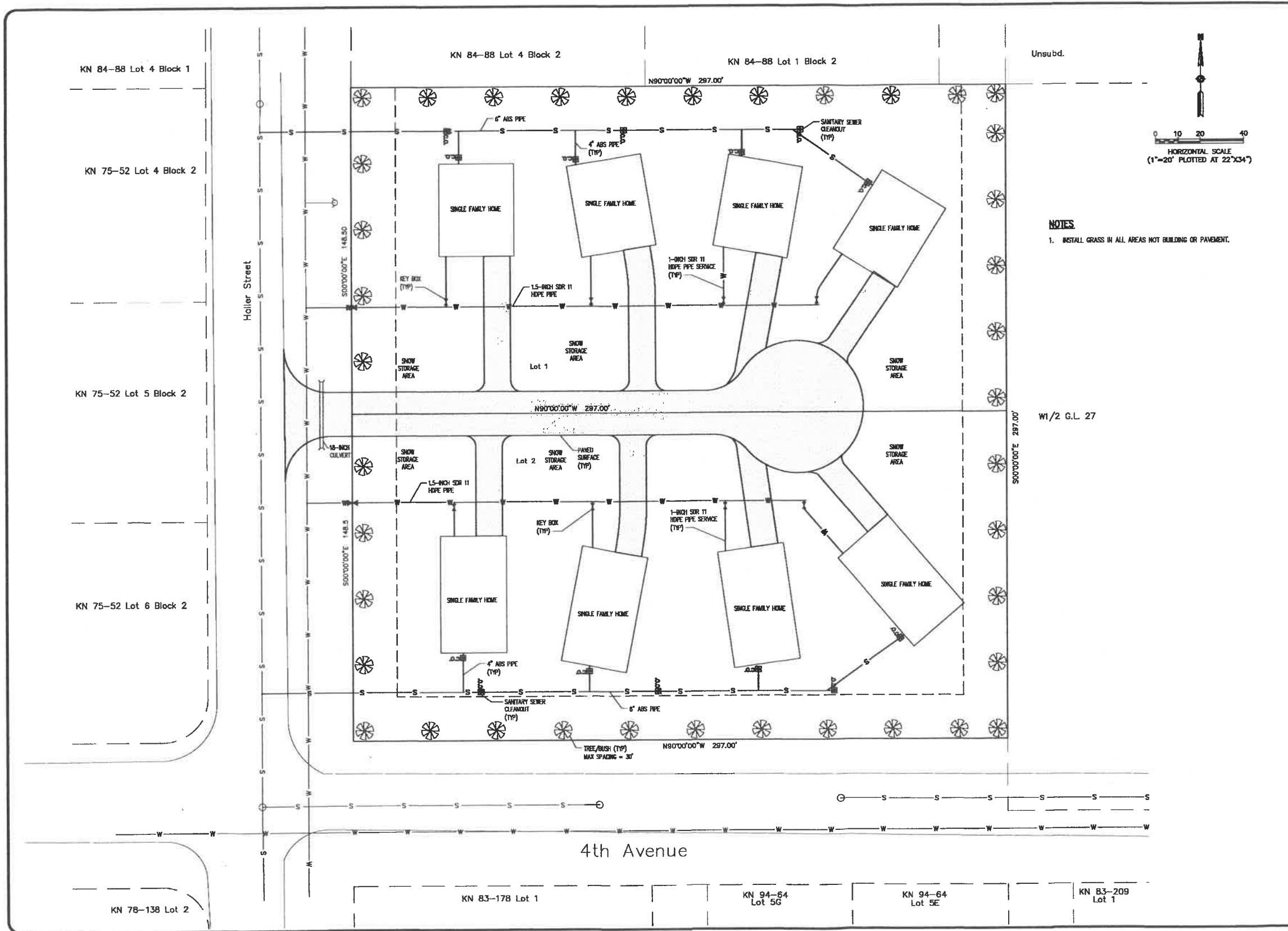
CHECKLIST

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.



SDCS, LLC
 STEINER DESIGN & CONSTRUCTION SERVICES, LLC
 5900 W. DEWBERRY DR. PH: (907) 357-3609
 WASILLA, AK 99423 FAX: (907) 357-3608

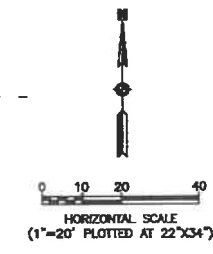
BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T6N, R11W, S.M.

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
 DRAWN: DES
 REVIEWED: DES

SHEET TITLE
SITE PLAN

SHEET
C1.0

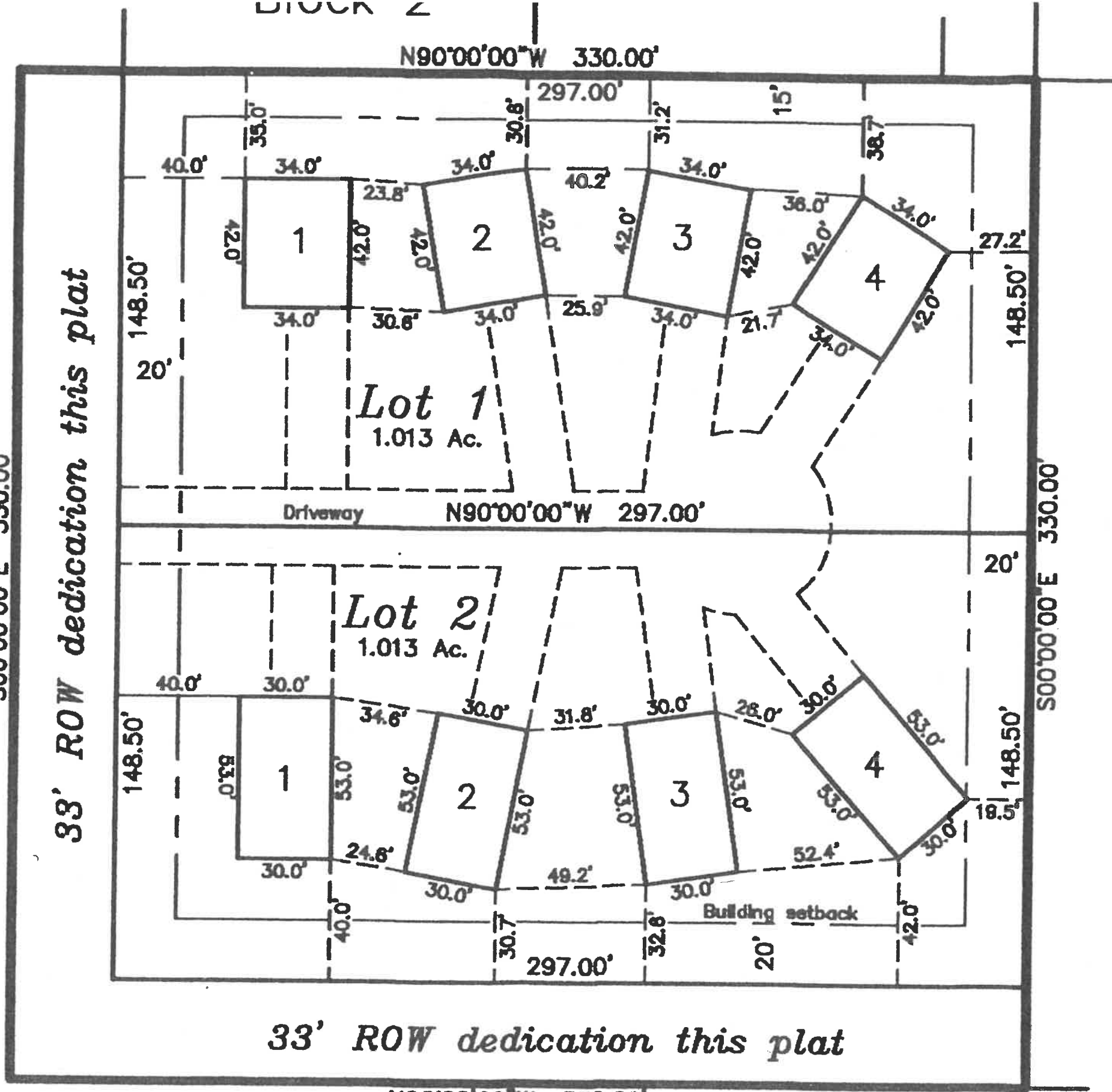


NOTES
 1. INSTALL GRASS IN ALL AREAS NOT BUILDING OR PAVEMENT.

Haller Street

S00°00'00"E 330.00'

33' ROW dedication this plat



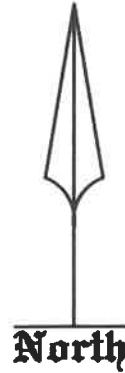
33' ROW dedication this plat

N90°00'00"W 330.00'

4th Avenue

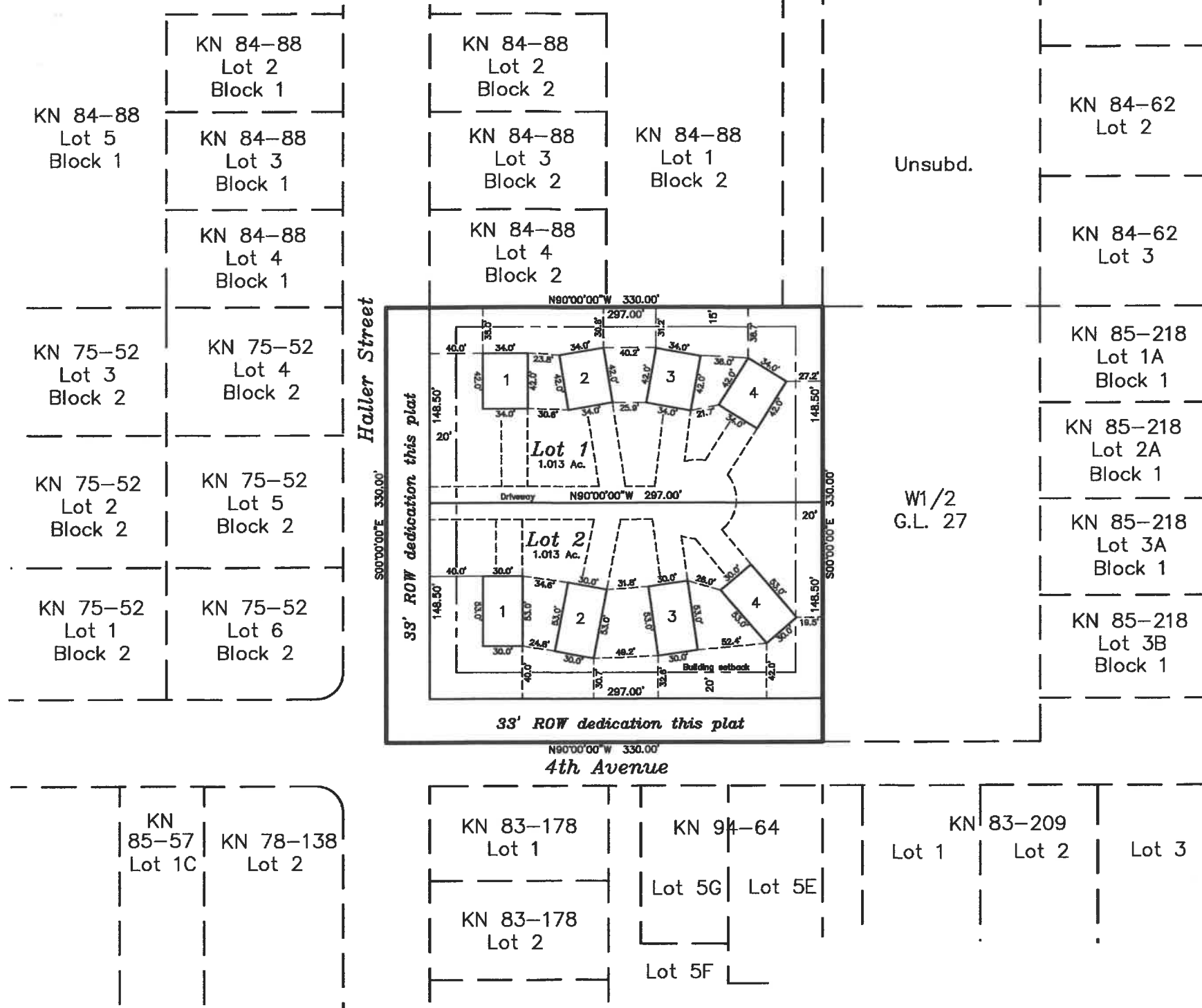
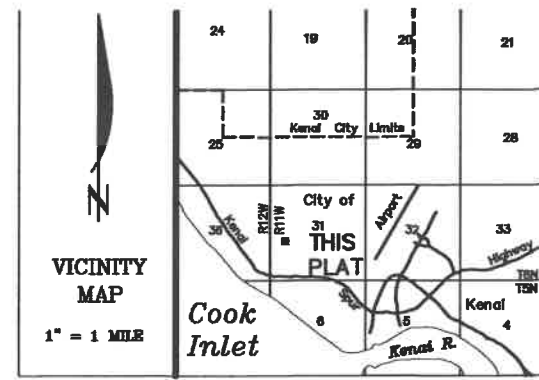
LEGEND:

- ⊕ 3 1/4" ALUM. CAP MONUMENT FOUND
- ⊕ 2 1/2" ALUM. CAP MONUMENT FOUND
- ⊙ 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LSB859 SET
- () RECORD DATUM PLAT 83-160 KRD



NOTES:

- 1) Basis of bearing taken from Kinclaven Subdivision Plat 83-160, Kenai Recording District.
- 2) Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- 3) Development must meet City of Kenai Chapter 14 Zoning Requirements.
- 6) Front 15 feet adjacent to rights-of-way is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 10) **WASTEWATER DISPOSAL:** Plans for wastewater disposal, that meet regulatory requirements are on file at the Department of Environmental Conservation.



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

NOTARY'S ACKNOWLEDGEMENT

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

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE No.

Subdivision

A re-subdivision of Government Lot 26, Section 31, T6N, R11W, S.M., Kenai Recording District.

Located within the SW1/4 NE1/4 NW1/4 SW1/4 Section 31, T6N, R11W, S.M., City of Kenai, Kenai Peninsula Borough, Alaska.

Containing 2.500 Ac.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99869 (907) 262-3909	Owner
JOB NO. 21093	DRAWN: 4-28-21
SURVEYED:	SCALE: 1"=50'

CERTIFICATE of ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE CITY OF KENAI FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT IDENTIFIED AS FOLLOWS: FOURTH AVENUE AND HALLER STREET DEDICATIONS. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY OTHER GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

PAUL OSTRANDER, CITY MANAGER CITY OF KENAI _____ DATE _____



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____



T 6N R 11W Sec 31 Seward Meridian KN GL 26
1714 4th Avenue
Parcel 04302007



Data Source: Kenai Peninsula Borough. Data is for graphic representation only. Imagery may not match true parcel boundaries.

PLANNING & ZONING COMMISSION

Resolution PZ2021-19 – Conditional Use Permit – Eight Dwelling Units

1714 Fourth Avenue

SUMMARY

Applicant: Byler Contracting
PO Box 877750
Wasilla, AK 99687

Legal Description: T 6N R 11W Sec 31 Seward Meridian
KN GL 26

Property Address: 1714 Fourth Avenue

KPB Parcel No: 04302007

Lot Size: 2.50 (108,900 square feet)

Existing Zoning: Suburban Residential

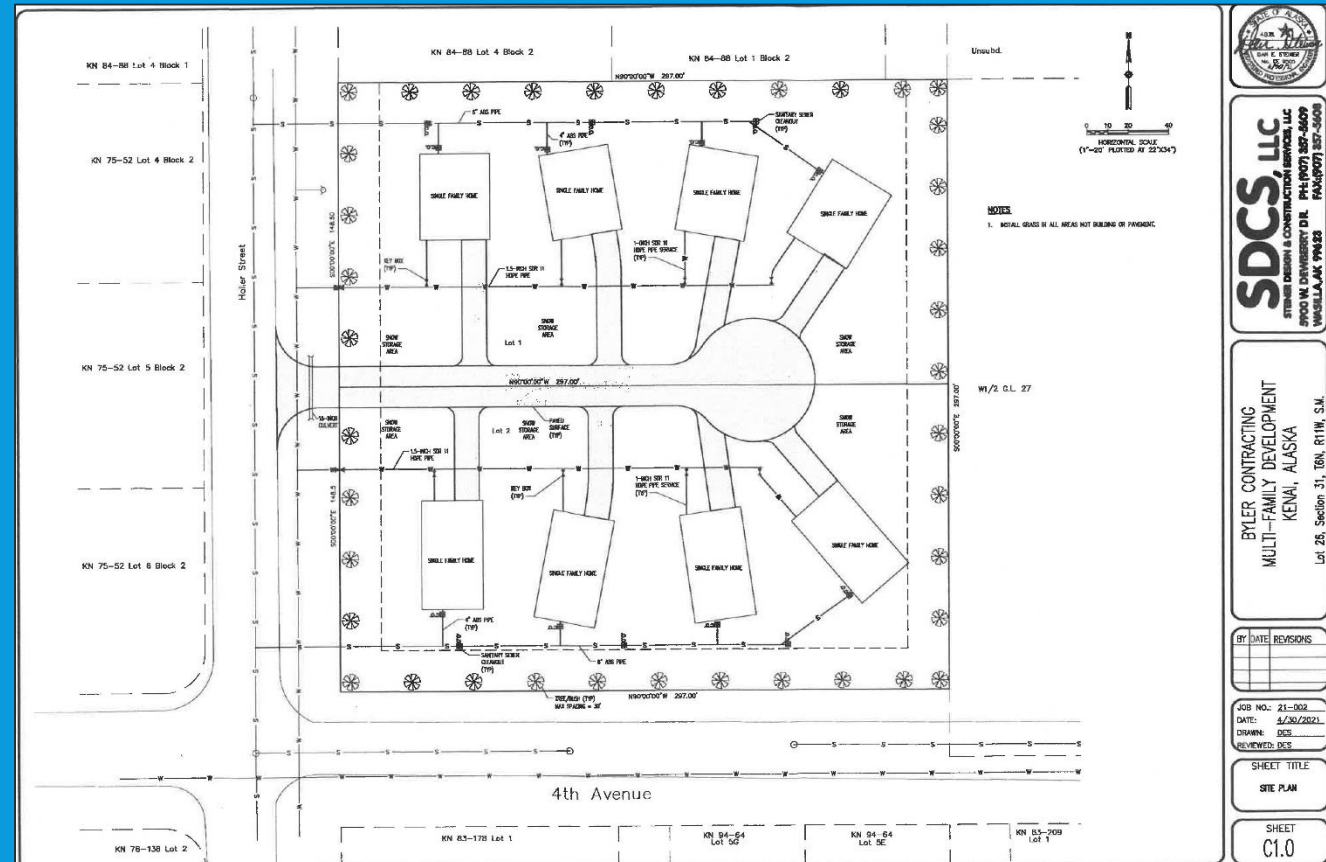
Current Land Use: Vacant

Land Use Plan: Suburban Residential



DRAFT SITE PLAN

- Proposal for 8 single family dwelling units.
- Neighboring properties include primarily single family residential.



SDCS, LLC
 SITE DESIGN & CONSTRUCTION SERVICES, LLC
 8700 W. UNIVERSITY DR. PH: (907) 887-5609
 FA: (907) 887-5600
 WASILLA, AK 99625

BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 28, Section 31, T6N, R11W, S1W

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 6/30/2021
 DRAWING: SDG
 REVIEWED: BCS

SHEET TITLE
 SITE PLAN

SHEET
 C1.0

STAFF ANALYSIS

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

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 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 (d)(1) through (d)(4) of Kenai Municipal Code 14.20.185, and hereby recommends that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the following conditions:
 1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
 2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
 3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
 4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.

RECOMMENDATIONS CONTINUED

5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

ATTACHMENTS

- A. Resolution PZ2021-19
- B. Application
- C. Site Plan
- D. Aerial Map
- E. Requirements Tables

A. RESOLUTION



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-19**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR EIGHT SINGLE FAMILY DWELLING UNITS.

APPLICANT: Byler Contracting

REPRESENTATIVE: Rob Coreson

PROPERTY ADDRESS: 1714 Fourth Avenue

LEGAL DESCRIPTION: T 6N R 11W Sec 31 Seward Meridian KN GL 26

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04302007

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on April 30, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on May 26, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: The eight proposed single-family units meet the intent of KMC14.20.150 and the intent of the RS Zone, given compliance with the staff recommended specific conditions set forth below. The RS Zone is intended to provide for medium density residential development in areas which will be provided with common utility systems. The Land Use Table provides that a seven or more family dwelling is a conditional use; therefore, a conditional use permit must be granted to construct the 8 single family dwelling units in this zone. Traffic generated from eight single-family units is not anticipated to bring heavy traffic into an existing neighborhood.

The total square footage of the eight buildings located on the property will be approximately 12,072 square feet. The maximum lot coverage allowed under Kenai Municipal Code 14.24.20 – Development Requirements Table is 32,670 square feet at

Resolution No. PZ2021-19
Page 2 of 4

30% maximum coverage, therefore, the proposed development is well below the maximum lot coverage requirement. The draft site plan meets the front (20'), side (15'), and rear (20') yard setbacks.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table as noted below.

A conditional use permit for a Suburban Residential District with seven or more family dwellings must also meet the conditions cited in footnote 3 of the KMC 14.22.010 Land use table.

- 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.

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

Criteria Met. The surrounding neighborhood consists of primarily single-family dwellings to the north, south, east, and west, and are all zoned Suburban Residential. Generally speaking, new residential construction of this nature, tends to increase neighborhood property values, and therefore, should not significantly impair the adjoining property values.

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

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

A. RESOLUTION CONTINUED

Resolution No. PZ2021-19
Page 3 of 4

The subject lot is larger than a typical suburban residential lot. The subject lot contains approximately 108,900 square feet, which is much larger than the required minimum lot size of 57,600 square feet required for eight single family dwelling units in the Suburban Residential district.

Water and sewer services are available along Fourth Avenue and Haller Street, which are both paved, City maintained roads.

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

Criteria Met: The properties located along both Fourth Avenue and Haller Street have access to City water, City sewer, natural gas, electricity, and telephone services. Fourth Avenue and Haller Street are paved roads which are maintained by the City of Kenai. Kenai Municipal Code 14.20.250(b)(8) requires that there are two parking spaces available for each unit for a total of 16 parking spaces. The attached application meets this requirement by providing a driveway for parking at least two vehicles per each dwelling unit.

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

Criteria Met: The use of eight single family dwelling units will not be harmful to the public safety, health and welfare. Staff believes that public services are available to adequately serve this development. The applicant has provided the City with a draft site plan, which indicates that there will be sufficient parking available for residents and guests. Access to the eight units will be provided via a single driveway on Haller Street, with a driveway for each dwelling unit branching from the main access driveway.

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 Byler Contracting for the use of eight residential single-family dwelling units on T 6N R 11W Sec 31 Seward Meridian KN GL 26 located at 1714 Fourth Avenue.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.

Resolution No. PZ2021-19
Page 4 of 4

3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.


PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 26th day of May, 2021.

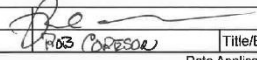
JEFF TWAIT, CHAIRPERSON

ATTEST:

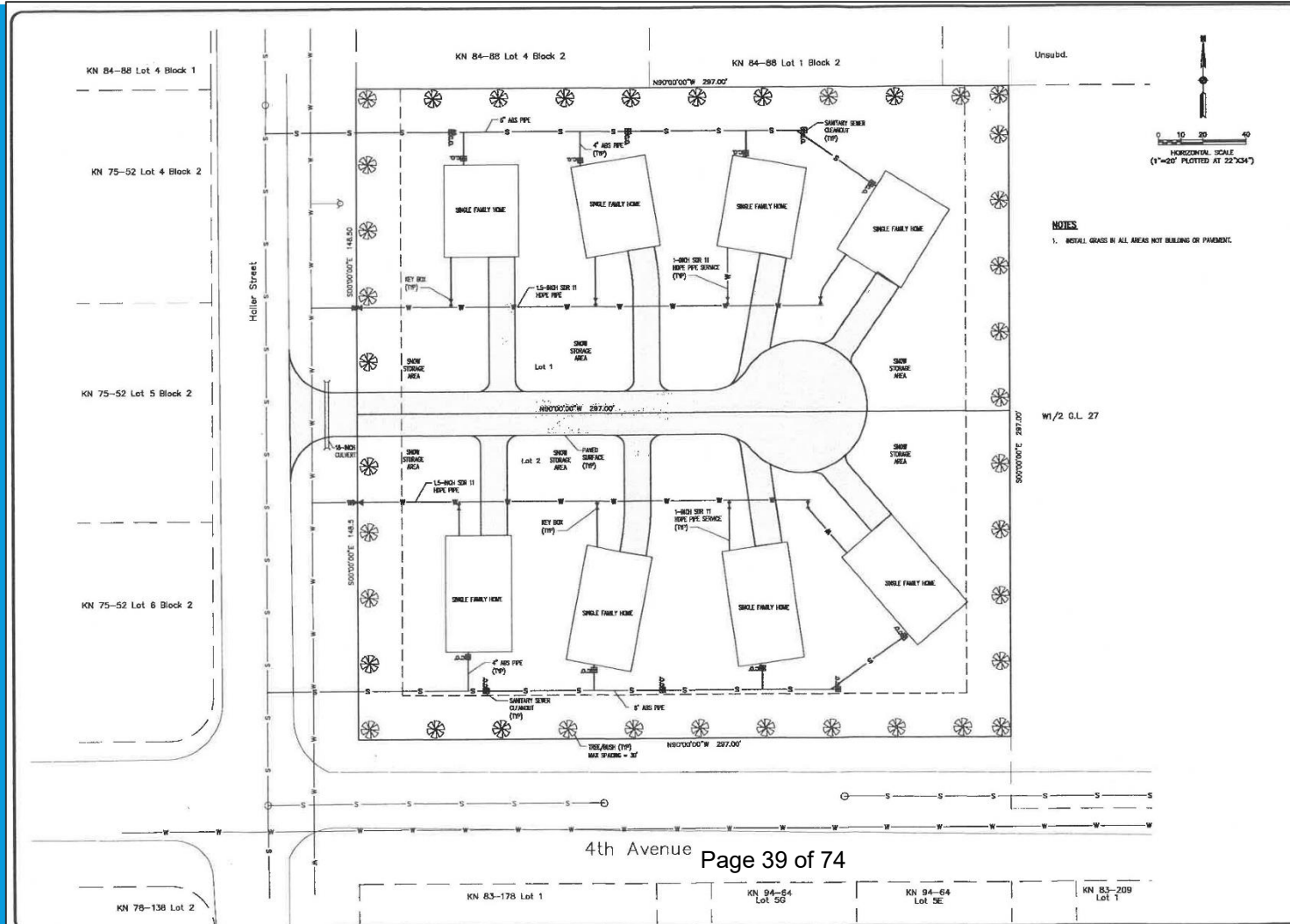
JAMIE HEINZ, CMC, CITY CLERK

B. 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:	TKC LLC				
Mailing Address:	P.O. Box 10658				
City:	BAKERS FIELD	State:	CA	Zip Code:	93389
Phone Number(s):	KEN DUMBAR - 1-907 947 3000				
Email:	KDUMBAR@KENDUMBARANDSONS.COM				
PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)					
Name:	BYIER CONTRACTING - CONTACT ROB CORESAU - 398-7845				
Mailing Address:	P.O. Box 877750				
City:	WASILLA	State:	AK	Zip Code:	99687
Phone Number(s):	ROB CORESAU 907-398-7845				
Email:	ROB@BYIERCONTRACTING.COM				
PROPERTY INFORMATION					
Kenai Peninsula Borough Parcel # (Property Tax ID):	04302007				
Physical Address:	1714 FOURTH AVE				
Legal Description:	764 RILLW S31 G4 26				
Zoning:	RS-SUBURBAN RESIDENTIAL				
Acres:	2.5 ACRES				
CONDITIONAL USE DESCRIPTION (include site plan/floor plan with square footages) (include State Business License and KPB Tax Compliance if applicable)					
How is this property currently being used?	THE PROPERTY IS CURRENTLY AN EMPTY LOT				
Conditional Use Requested for (attach additional sheets if necessary):	THE PLAN IS TO ADD 8 INDIVIDUAL HOMES TO THE LOT THERE WILL BE 2 DRIVEWAYS THAT WILL SERVICE 8 HOMES, SNOW STORAGE WILL BE IN 2 PLACES ON PROPERTY. ALL DRIVEWAYS WILL BE PAVED AND ALL EXPOSED DIRT WILL BE PLANTED GRASS				
Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:	THIS CONDITIONAL USE PERMIT WILL SHOW ALL PARKING WILL BE ON 1714 FOURTH AVE, ALL GARAGE WILL BE AT EACH HOUSE. EACH HOUSE WILL HAVE AT LEAST 2 PARKING PLACES PER EACH UNIT. ALL BOUNDARIES WILL BE PLANTED TREES				
Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:	THE HOMES/MULTIFAMIL THAT ARE IN THE AREA OF PROPOSED PLAN ARE PROBABLY 20 YEARS + OLDER, THIS BUILD OF 8 NEW HOMES				

Use of surrounding property - north:	
Use of surrounding property - south:	
Use of surrounding property - east:	
Use of surrounding property - west:	
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	THE BARE LOT WILL BE TURNED INTO A WELL LAND SCAPED AND SAFE AREA, REMOVING THE TREES WILL STOP FURTHER FIRE DAMAGE
Are public services and facilities on the property adequate to serve the proposed conditional use?	YES THERE IS WATER + SEWER ON BOTH STREETS
Explain how the conditional use will not be harmful to public safety, health, or welfare:	- ALL PARKING + SNOW STORAGE WILL BE ON SAID PROPERTY,
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?	THERE IS AN ENTRY TO ACCESS 8-HOMES
AUTHORITY TO APPLY FOR CONDITIONAL USE:	I hereby certify that I (am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.
Signature:	
Date:	4-30-2021
Print Name:	ROB CORESAU
Title/Business:	SALE REP FOR BYIER CONTRACTING
For City Use Only	Date Application Fee Received:
	PZ Resolution Number:

C. SITE PLAN



SDCS, LLC
 STRONG DESIGN & CONSTRUCTION SERVICES, LLC
 8700 W. DENVERESSY DR. PH: (907) 587-8609
 UNALASKA, AK 99583 FAX: (907) 587-5608

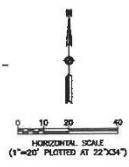
BYLER CONTRACTING
 MULTI-FAMILY DEVELOPMENT
 KENAI, ALASKA
 Lot 26, Section 31, T8N, R11W, S14

BY	DATE	REVISIONS

JOB NO.: 21-002
 DATE: 4/30/2021
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 REVIEWED: DES

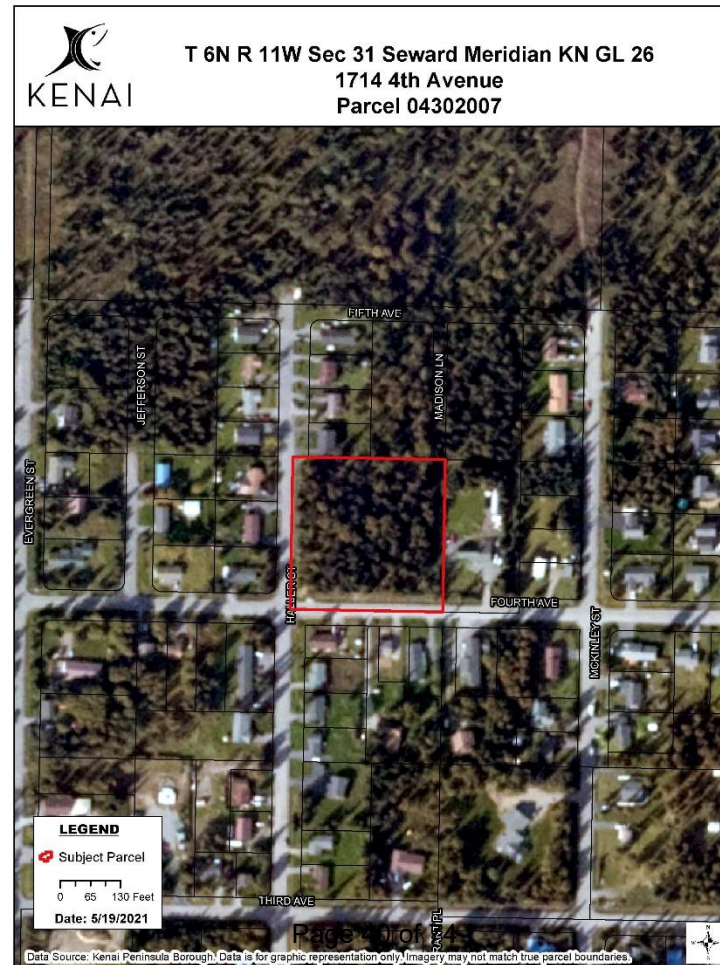
SHEET TITLE
 SITE PLAN

SHEET
 C1.0



NOTES
 1. INSTALL GRASS IN ALL AREAS NOT BUILDING OR PAVED.

D. AERIAL MAP



E. LAND USE TABLE

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

LAND USES	ZONING DISTRICTS																
	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 KMC 14.20.200)	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N
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	N	P	P	P	P	N	N	N	N	P

E. LAND USE TABLE

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:

E. MINIMUM LOT REQUIREMENTS

14.24.010 Minimum lot area requirements.

Table 14.24.010. DEVELOPMENT REQUIREMENTS TABLE

ZONING DISTRICTS										
USES	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/CMU	R	ED	LC
MINIMUM LOT AREA (square feet)										
Single/Two/Three Family Dwelling	20,000	20,000	7,200	12,500	7,200	7,200	See individual sections of Code for requirements.	20,000	20,000	12,500
Four Family Dwelling	20,000	22,400	9,600	N	N	7,200		N	N	12,500
Five Family Dwelling	22,400	N	12,000	N	N	7,200		N	N	12,500
Six Family Dwelling	24,800	N	14,400	N	N	7,200		N	N	12,500
Seven or More Family Dwelling	27,200 + 2,400 for each unit over 7	N	16,800 + 2,400 for each unit over 7	N	N	7,200		N	N	12,500
Maximum Height (feet)	35	35	35	35	35					35

Key: N = Not allowed.

Footnotes:

- 1 Listed square footages are the minimum required for each zone.
- 2 Greater lot square footages may be required to satisfy Alaska Department of Environmental Conservation (ADEC) requirements where on-site water supply and/or sewer is necessary.
- 3 Minimum lot size for non-residential uses in ED zone is 40,000 square feet.
- 4 Minimum lot size for residential uses in the CMU zone is 7,200 square feet.

(Amended during 7-7-99 supplement; Ords. 1862-2000, 2081-2005, 2185-2006, 2884-2016)

E. DEVELOPMENT REQUIREMENTS

14.24.020 General Requirements.

Table 14.24.020. DEVELOPMENT REQUIREMENTS TABLE

USES	ZONING DISTRICTS									
	C/RR	RR-1	RS	RS-1	RS-2	RU/TSH	ALI/IL/IH/CC/CG/CMU	R	ED	LC
MINIMUM LOT WIDTH (feet)	90	90	60	60	60	60	See individual sections of Code for requirements	90	90	90
MINIMUM LOT SIZE (feet)										
Front Setback ¹	20	20	20	20	20	10	20	20	20	20
Side Setback ²										
One-Story ³	15	15	5	5	5	5	10	15	15	15
Daylight Basement/Split Level ³	15	15	10	10	10	5	10	15	15	15
Two-Story ³	15	15	15	15	15	5 ⁴	10	15	15	15
Rear Setback	20	20	20	20	20	10 ⁴	10	20	20	20
Maximum Lot Coverage	30%	30%	30%	30%	30%	40%		30%	30%	30%
Maximum Height (feet)	35	35	35	35	35					35

Footnotes:

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

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

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

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

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**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 26, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, J. Halstead, G. Greenberg, A. Douthit, R. Springer

Commissioners absent: D. Fikes, G. Woodard

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Greenberg **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 – G. Woodard

B. APPROVAL OF MINUTES

- 1. *May 12, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

- 1. **Resolution PZ2021-11** – Preliminary Subdivision Plat of Valhalla Heights 2021 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Jeremiah and Jennifer Cates, 415 Phillips Drive, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-11 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to remove the lot line between Lot 10A and Lot 12 to create a new Lot 10B Block 11, which will provide a greater wastewater disposal area for the property.

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

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

VOTE:

YEA: Springer, Halstead, Douthit, Greenberg, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

- 2. **Resolution PZ2021-17** – Preliminary Subdivision Plat of Tide View Subdivision #2, submitted by Johnson Surveying, P.O. Box 27, Clam Gulch, AK 99568, on behalf of Mack and Carol Padgett, 855 Ames Rd., Kenai, AK 99611 and Ken and Elizabeth Smith, 4342 Freeman Creek Rd., Lenore, ID 83541

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-17 and Commissioner Springer **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to move the property line between two lots, and with the adjustment of the lot line, an existing 10'x12' cabin on Lot 1A will need to be moved in order to meet the 15 foot side

setback requirement.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.
3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend Resolution No. PZ2021-17 by changing the Resolution Number to 2021-18 and Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Douthit, Greenberg, Twait, Springer

NAY:

MOTION PASSED UNANIMOUSLY.

Clarification was provided that the applicant intends to move the cabin, but submitting an application for a waiver on the encroachment is also an option.

VOTE ON MAIN MOTION:

YEA: Greenberg, Twait Springer, Halstead, Douthit

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Resolution PZ2021-20** - Preliminary Subdivision Plat of TKC2 Subdivision, submitted by Segesser Surveys, 30485 Rosaland Street, Soldotna, AK 99669, on behalf of TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-20 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the Byler Contracting, on behalf of the applicant, has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Commission during tonight's meeting. The plat will subdivide the 2.5 acre Government Lot 26, into two smaller lots.

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

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

Clarification was provided that each parcel would be connecting sewer and water from Haller Street.

VOTE:

YEA: Twait, Springer, Halstead, Douthit, Greenberg

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-22 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster noted that staff recommends postponing Resolution No. PZ2021-22 until the next scheduled Planning & Zoning Commission meeting of June 9, 2021.

MOTION TO POSTPONE:

Commissioner Halstead **MOVED** to postpone Resolution No. PZ2021-22 until the Planning & Zoning Commission meeting of June 9, 2021 and Commissioner Douthit **SECONDED** the motion.

VOTE ON POSTPONEMENT:

YEA: Springer, Halstead, Douthit, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-19** – Application for a Conditional Use Permit for eight single family dwellings in the Suburban Residential zone, on Government Lot 26, Section 31, Township 6 North, Range 11 West, and located at 1714 Fourth Avenue. The application was submitted by Byler Contracting, P.O. Box 877750, Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-19 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for the purposes of constructing 8

single-family dwelling units. 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 issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.\
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing.

Wayne Jones expressed concerns about the development such as the effect on neighboring property values, the organization's non-local base, the potential loss of wooded spaces in the neighborhood, and increased traffic.

Fred Braun spoke in favor of the development, and clarified that the developer is an Alaskan resident. He explained his reasons for supporting the resolution, including the lack of rentals available in the area and the tax dollars it will provide to the City.

Star McCloud stated her opposition to the development, expressing concerns about the wildlife that can be found on the property, the addition of new driveways, and negative effects on neighboring property values. She encouraged the Commission to visit the neighborhood to see for themselves.

Sharon Shinn stated that she shared her neighbors' opposition to the development and their concerns about increased traffic, effect on wildlife, and negative effects on neighboring property values.

Rob Coreson clarified that Byler Contracting builds all over the state, and noted the quality and cleanliness of the projects they've completed locally. He explained the size and layout of the proposed units.

Wayne Jones noted that a number of homes in the area are rentals. He questioned the zoning classification of "medium density" for the residential area, and the length of time after planting for vegetation to hide the development.

Fred Braun explained that they intend to rent to professional people and this will not be low-income housing.

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

It was noted that no negative reports or complaints have been received regarding the organization's other similar project.

Commissioner Springer explained he will vote yes on this resolution, because once the plat is approved there would be no need to have a Conditional Use Permit for this, and would only need to receive a Building Permit for two four-plexes.

Clarification was provided that the applicant is required to plant a screen of trees as part of their landscape plan in order to receive approval.

Commissioner Douthit explained he will be voting yes, because he sees no difference in terms of density between this plan and the possibility for another contractor to create eight individual lots and create the same number of residences. He explained that the size of the proposed residences are average and not inadequately sized, and a growing community will naturally result in less green space. He also noted that the driveway plans meet City code.

Chair Twait explained he is in favor of the resolution, because it meets the criteria. He noted that he understands the public's concerns, but that the applicant can't be penalized because neighbors want to preserve the property as a green space. He noted that he does not expect neighboring property values to be harmed by this development.

Commissioner Greenberg explained that he will vote to approve the resolution, because the property is private ownership and we can't mandate that it remain green space. He noted that the landscape plan requirement to plant a screen of trees will provide a good buffer to maintain visual integrity.

Commissioner Halstead explained that he agrees with the other commissioners and will vote to approve the resolution, because the Conditional Use Permit application meets our requirements and it follows the City code, and he anticipates this being a well-maintained project.

VOTE:

YEA: Halstead, Douthit, Greenberg, Twait, Springer

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 Glendening reported on the actions from the May 19, 2021 City Council meeting, and upcoming local events.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - Updated Airport Lease Lands brochure;
 - Upcoming meeting on June 9, 2021 is anticipated to include two Special Use Permits and two plats.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments
2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 9, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Halstead thanked everyone and noted his appreciation for the Airport Lands brochure.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk



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CITY OF KENAI APPEAL TO THE BOARD OF ADJUSTMENT

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611
Phone: 283-8231
Fax: 283-5068
Email: cityclerk@kenai.city

Contact Information	
Name of Appellant: Wayne D. Jones together with (see attached)	Date: 06-09-2021
Daytime Phone No.: (907) 903-5749	Email Address: rogaran9@gmail.com
Appellant's Physical Address: 1805 4th Ave Kenai Alaska 99611	
Appellant's Mailing Address: 1805 4th Ave Kenai Alaska 99611	
Appeal Information	
Description of the decision being appealed: Kenai City Planning & Zoning Commission approval of PZ2021-19 Conditional Use Permit.	
Subject Property Owner's Name and Address: TKC LLC, P.O. Box 10658, Bakersfield, CA 93389	
Subject Property Street Address: 1714 Fourth Avenue Kenai Alaska 99611	
Decision was <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	
Date of Decision:	
Decision was made by <input type="checkbox"/> Administrative Official <input checked="" type="checkbox"/> Planning & Zoning Commission	
Check One:	
<input type="checkbox"/> I am the applicant for the action taken or determination, or the owner of the property that is the subject of the action or determination under appeal.	
<input type="checkbox"/> I am the administrative official.	
<input checked="" type="checkbox"/> I am a legal occupant or owner of an interest in real property who can show the decision has or could have an adverse effect on the use, enjoyment, or value of that real property. An interest which is no different from that of the general public is not sufficient to make a person aggrieved. To be a "party of record," participation with either oral or written comments at the hearing before the Planning and Zoning commission or before the administrative official making a final decision must be shown.	
Description of Harm (Note: An interest which is no different from that of the general public is not sufficient.):	
1. Damage to Character, Integrity, and Quality of the neighborhood, resulting in damage to safety and enjoyment for residents.	
2. Significantly increased traffic endangering safety and enjoyment of residents of the neighborhood.	
3. Long term negative impact to property values of homeowners in the neighborhood.	
I am seeking relief as follows: Overturning of Kenai City Planning & Zoning Commission approval of PZ2021-19 application of Conditional Use Permit.	
Signature of Appellant:	
FOR CITY CLERK'S OFFICE USE ONLY: Receipt Stamp:	Appellant <input checked="" type="checkbox"/> Owns <input type="checkbox"/> Leases, Lease Requested Appellant Participated <input checked="" type="checkbox"/> Orally <input type="checkbox"/> In Writing Appellant Paid Pursuant to <input checked="" type="checkbox"/> Fee Schedule <input type="checkbox"/> Fee Reduction Form Copy provided to Appellant <input type="checkbox"/> In Person <input checked="" type="checkbox"/> By Mail By: Application <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied for _____ Date Appellant Notified: <u>June 11, 2021</u>

RECEIVED
CITY OF KENAI CLERK'S OFFICE
JUN 10 2021

Margaret M. Jones 1805 4th Ave, Kenai, AK
 Ronald Dukowitz 1807 4th AVE Kenai AK
 Ronald Dukowitz
 Glenn Yamada 1806 4th AVE Kenai, AK
 Jerry Strait 308 Evergreen St Kenai, AK
 Violetta Strait 308 Evergreen St Kenai, AK
 Madison Eighmie 309 Evergreen St Kenai AK
 Johna Eighmie Joshua Eighmie 309 Evergreen ST. Kenai AK
 Colter Holliday 307 Evergreen St Colter
 Susan Olson 313 Evergreen St Kenai
 Debra Castro 1803 4th Ave Kenai
 Shanon Shinn 403 Haller st, Kenai
 Star McCloud 405 Haller
 Joe Doshon 405 HALLER ST.
 Rob Krupp 407 Haller St
 Gabe Hannold 413 Haller St
 Tracie Aio 414 Haller st
 Veronica Bilger 412 Haller St.
 Mathew Rossiter 412 Haller St
 Kiara Lynn Rossiter 412 Haller St. Kenai
 Tiphany Becker 408 Haller St.
 Dave Zmich 1605 4th AVE KENAI

Judy Walker 311 m^cKinley St. Kenai

Kevin Walker 311 m^cKinley Kenai

Shelly Sigurd 1614 Fourth Ave Kenai

Kerry Malone 1711 Fourth Ave, Kenai

Mally Jackson 403 EVERGREEN ST

~~David Walker~~ David Walker, Kenai

Nancy Henriksen 1802 4th Ave Kenai, 99611

Randy Be 310 Haller Kenai 99611

Forrest Watson 308 Haller Kenai 99611

Polly Short 305 Haller Kenai 99611

Carl King 302 Haller St. Kenai 99611

RANDY JOHNSON 300 HALLER St KENAI 99611

Dennis Chapman 1802 ~~1st~~ ^{3rd} Ave Kenai 99611

Anthony Kitchen 1804 4th Ave Kenai 99611

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KENAI

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

MEMORANDUM

TO: Mayor Brian Gabriel and Kenai City Council

FROM: Jamie Heinz, MMC, City Clerk

DATE: June 11, 2021

SUBJECT: **Appeal of a Planning and Zoning Commission Action Approving a Conditional Use Permit to Applicant, TKC LLC, for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West, and Located at 1714 Fourth Avenue.**

An application to appeal the above-referenced matter was received on June 10, 2021.

KMC 14.20.290(f)(1), "Appeals - Board of Adjustment" provides,

(1) The Board of Adjustment shall ordinarily set a date for and hold a hearing on all appeals within forty-five (45) days of the filing of the appeal. However, should the forty-fifth day fall on a weekend or a municipal holiday, the hearing may be scheduled for the next following weekday which is not a municipal holiday under KMC 23.40.020(a)(1)-(10) and (b). For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal. Notice of the time and place of such hearing shall be mailed to all parties interested and to all property owners within 300 feet of the property involved at least fifteen (15) days prior to the hearing. Notices to the appellant and/or applicant for the action or determination must be sent by certified mail, return receipt requested.

The following information is provided to help in setting a Board of Adjustment hearing date:

FORTY-FIVE DAY END DATE	Sunday, July 25, 2021 which would be extended to Monday, July 26, 2021 per KMC 14.20.290(f)(1)
COUNCIL MEETING DATES (within 45-day requirement)	Wednesday, July 7, 2021
SIXTY-DAY END DATE	Monday, August 9, 2021
COUNCIL MEETING DATE(S) (within 60-day requirement)	Wednesday, July 7, 2021 Wednesday, August 4, 2021

Pursuant to KMC 14.20.290 referenced above, the City is required to provide notice of the hearing at least fifteen (15) days prior to the hearing. As such, to comply with the notice requirements, the hearing must be scheduled no sooner than Friday, July 2, 2021.

KMC 14.20.290 allows for an extension, "For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal."





June 17, 2021

Mailed Via: USPS Certified Mail
7020 0090 0000 3505 8362 &
Return Receipt

Wayne Jones
1805 4th Avenue
Kenai, AK 99611

RE: **BOARD OF ADJUSTMENT HEARING** – Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings at 1714 Fourth Avenue, Government Lot 26, Section 31, Township 6 North, Range 11 West.

This letter is to inform you that the Board of Adjustment Hearing for the above-referenced matter has been scheduled for **Friday, July 30, 2021, beginning at 6:00 p.m.** The hearing will be held at City Hall in Council Chambers located at 210 Fidalgo Avenue, Kenai, AK 99611. Kenai Municipal Code (KMC) 14.20.290 states that, [t]he Board of Adjustment shall ordinarily set a date for and hold a hearing on all appeals within forty-five (45) days of the filing of the appeal. However, should the forty-fifth day fall on a weekend or a municipal holiday, the hearing may be scheduled for the next following weekday which is not a municipal holiday under KMC 23.40.020(a)(1)-(10) and (b). For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal. The cause for holding the hearing beyond the forty-five (45) days of the filing of the appeal is other previously scheduled hearings and the availability of the Chair.

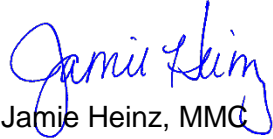
Pursuant to KMC 14.20.290, a Notice of Hearing will be mailed to you by certified mail at least 15 days prior to the hearing. Property owners within 300 feet of the referenced property, as well as other interested parties, will also be mailed the Notice of Hearing within 15 days of the hearing.

A packet of information will be provided to you and the Board of Adjustment prior to the hearing. **The deadline for you to submit information, to be included in the Board of Adjustment Hearing packet, related to your appeal is noon on Tuesday, July 20, 2021.** This would be your opportunity to introduce additional evidence to support your appeal. The Board of Adjustment

Hearing packet will be distributed to all parties in advance of the hearing. Enclosed is information related to the hearing process.

If you have any questions, please contact me at 283-8231 or jheinz@kenai.city.

Sincerely,



Jamie Heinz, MMC
City Clerk

CC: TKC, LLC, Appellee
Scott Bloom, City Attorney
Paul Ostrander, City Manager
Ryan Foster, Planning Director
Board of Adjustment

Enclosure



BOARD OF ADJUSTMENT HEARING

Notice of Hearing

The Board of Adjustment shall ordinarily set a date for and hold a hearing on all appeals within forty-five (45) days of the filing of the appeal. However, should the forty-fifth day fall on a weekend or a municipal holiday, the hearing may be scheduled for the next following weekday which is not a municipal holiday. For good cause, the Board of Adjustment may hold the hearing up to sixty (60) days after the filing of the appeal. Notice of the time and place of such hearing shall be mailed to all interested parties and to all property owners within three hundred feet (300') of the property involved at least fifteen (15) days prior to the hearing. Notices to the appellant and/or applicant for the action or determination must be sent by certified mail, return receipt requested.

Type of Hearing

The Board of Adjustment Hearing will be conducted in compliance with the City of Kenai Municipal Code 14.20.290, reasonable regulations of the Board and other applicable law. The Board of Adjustment is a quasi-judicial board. The hearing is public and is recorded. All persons presenting evidence and testimony shall do so under oath, administered by the City Clerk. This hearing will be conducted less formally with regard to rules of evidence and other court rules of procedure than in a judicial courtroom.

The hearing before the Board is de-novo; the Board will review both the facts and law presented during the hearing and submitted timely. Evidence and written arguments to be considered by the Board must be submitted to the City Clerk by **noon on Tuesday, July 20, 2021**. A packet containing all evidence of written argument, timely submitted, will be provided to all parties as soon as possible after the submission date. The Clerk will include in the packet the record previously submitted to the Planning and Zoning Commission. A list of witnesses any party intends to have testify during the hearing must be provided to the City Clerk by the date evidence is due. New tangible evidence not timely submitted to the City Clerk will normally not be admitted unless good cause is shown as to why the evidence could not be timely submitted. A decision to include the evidence will be decided by the board. All evidence considered in this matter should be in the record before the Board as previously provided to the parties. The Appellant, or party applying to the Board, has the burden of proof to show entitlement to relief.

Hearing Procedures

Any requested revision to the agenda or procedures by a party must be made to the Board and approved by the Board prior to the start of the hearing.

Members of the public may have five minutes each to address the Board prior to any presentations.

Staff will be allowed 15 minutes to provide a report to the Board at the beginning of the hearing.

Following the staff report, each party will be allowed 30 minutes to present its case. The Appellants will present their cases first. During the parties' presentation of the case, the parties may call witnesses. Any witness that testifies during the presentation of the case by either party, unless excused by the Board with concurrence of the parties, must remain available to be called during rebuttal, at which time cross examination may occur. Each party will be allowed 10 minutes for rebuttal and 5 minutes for closing arguments.

Upon recognition by the Chair, Board Members may question the parties and their witnesses. Questioning by the Board may take place at any time before the hearing is closed. Questioning by the Board and responsive answers will not count against a party's time.

Hearing Deliberation & Decision

The Board may undertake deliberations immediately upon the conclusion of the hearing on appeal or may take the matter under advisement and meet at such other time as is convenient for deliberations until a decision is rendered.

The Board requires a quorum of four and a majority of those assembled to make a decision. The Board must issue a decision within 30 days of the hearing date. The Board may reverse, remand or affirm, wholly or in part, or may modify the order, requirement, decision or determination, as ought to be made, and to that end shall have the powers of the body from whom the appeal is taken.

Deliberations need not be in public and may be conducted with the City Attorney. A written decision will be issued and will indicate how each board member voted. Copies of the decision shall be promptly posted on the City's official website and mailed to all parties participating in the appeal. The written decision shall trigger the timeline for any appeal to the Superior Court.

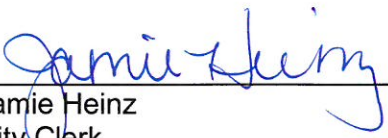
AFFIDAVIT OF SERVICE

I, Jamie Heinz, City Clerk for the City of Kenai, Alaska, do hereby certify that on the fourteenth day of July, 2021, I mailed or caused to be mailed the foregoing Notice of Hearing before the Board of Adjustment of the following appeal:

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

This notice was sent by first class mail to all residents within 300 feet of the subject property and all other interested parties as required by KMC 14.20.290. The list of recipients of the notice is attached herewith.

Further this affiant sayeth naught.



Jamie Heinz
City Clerk

Dear Property Owner:

The Kenai City Council will convene as the Board of Adjustment on **Friday, July 30, 2021, at 6:00 p.m. in the Council Chambers, 210 Fidalgo Avenue, Kenai, Alaska.** The following will be heard by the Board:

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

Because you are a property owner within 300 feet of the above-mentioned property or have stated interest in the subject, you are hereby notified of the hearing date, time, and place, pursuant to KMC 14.20.290. Your comments and/or attendance regarding this appeal are encouraged. Written comments will be accepted until noon on Tuesday, July 20, 2021 and may be mailed to the Office of the City Clerk, 210 Fidalgo Ave., Kenai, AK 99611 or by email: jheinz@kenai.city. ~ Jamie Heinz, City Clerk, 907-283-8231

Thank you.

Dear Property Owner:

The Kenai City Council will convene as the Board of Adjustment on **Friday, July 30, 2021, at 6:00 p.m. in the Council Chambers, 210 Fidalgo Avenue, Kenai, Alaska.** The following will be heard by the Board:

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

Because you are a property owner within 300 feet of the above-mentioned property or have stated interest in the subject, you are hereby notified of the hearing date, time, and place, pursuant to KMC 14.20.290. Your comments and/or attendance regarding this appeal are encouraged. Written comments will be accepted until noon on Tuesday, July 20, 2021 and may be mailed to the Office of the City Clerk, 210 Fidalgo Ave., Kenai, AK 99611 or by email: jheinz@kenai.city. ~ Jamie Heinz, City Clerk, 907-283-8231

Thank you.

Dear Property Owner:

The Kenai City Council will convene as the Board of Adjustment on **Friday, July 30, 2021, at 6:00 p.m. in the Council Chambers, 210 Fidalgo Avenue, Kenai, Alaska.** The following will be heard by the Board:

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

Because you are a property owner within 300 feet of the above-mentioned property or have stated interest in the subject, you are hereby notified of the hearing date, time, and place, pursuant to KMC 14.20.290. Your comments and/or attendance regarding this appeal are encouraged. Written comments will be accepted until noon on Tuesday, July 20, 2021 and may be mailed to the Office of the City Clerk, 210 Fidalgo Ave., Kenai, AK 99611 or by email: jheinz@kenai.city. ~ Jamie Heinz, City Clerk, 907-283-8231

Thank you.

Dear Property Owner:

The Kenai City Council will convene as the Board of Adjustment on **Friday, July 30, 2021, at 6:00 p.m. in the Council Chambers, 210 Fidalgo Avenue, Kenai, Alaska.** The following will be heard by the Board:

Appeal of Planning and Zoning Commission Action Approving a Conditional Use Permit for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

Because you are a property owner within 300 feet of the above-mentioned property or have stated interest in the subject, you are hereby notified of the hearing date, time, and place, pursuant to KMC 14.20.290. Your comments and/or attendance regarding this appeal are encouraged. Written comments will be accepted until noon on Tuesday, July 20, 2021 and may be mailed to the Office of the City Clerk, 210 Fidalgo Ave., Kenai, AK 99611 or by email: jheinz@kenai.city. ~ Jamie Heinz, City Clerk, 907-283-8231

Thank you.



City of Kenai
Office of the City Clerk
210 Fidalgo Avenue
Kenai, Alaska 99611

IMPORTANT NOTICE



City of Kenai
Office of the City Clerk
210 Fidalgo Avenue
Kenai, Alaska 99611

IMPORTANT NOTICE



City of Kenai
Office of the City Clerk
210 Fidalgo Avenue
Kenai, Alaska 99611

IMPORTANT NOTICE



City of Kenai
Office of the City Clerk
210 Fidalgo Avenue
Kenai, Alaska 99611

IMPORTANT NOTICE

Parcel: 04302007
BROOKS JEANETTE
139 ESTRELLA XING UNIT 233
GEORGETOWN, TX 78628

Parcel: 04302010
FITT MARK D
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302010
FITT SHANNON L
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302013
MADIGAN LLC
SCOTT OR DENA CUNNINGHAM
37100 EDGEWOOD DR
KENAI, AK 99611

Parcel: 04302014
BEISER MARCI LYN
2755 SET NET CT
KENAI, AK 99611

Parcel: 04302015
LUSK DENNIS V & MARY E
406 JEFFERSON ST
KENAI, AK 99611

Parcel: 04302016
MCCLLOUD STAR E
405 HALLER ST
KENAI, AK 99611

Parcel: 04302017
SHINN MARK A & SHARRON G
PO BOX 2789
KENAI, AK 99611

Parcel: 04302018
GOURLEY NANCY L
1802 4TH AVE
KENAI, AK 99611

Parcel: 04302018
HENRICKSEN NANCY LEE
1802 4TH AVE
KENAI, AK 99611

Parcel: 04302024
ADAMS MARY L SURVIVORS TRUST
268 WHITE SANDS DR
VACAVILLE, CA 95687

Parcel: 04302025
BABAS JANEEN R
PO BOX 104
ROY, WA 98580

Parcel: 04302025
BABAS RICHARD S
PO BOX 104
ROY, WA 98580

Parcel: 04302026
GILLES STEVE C
380 RAND DR
INDIAN, AK 99540

Parcel: 04302027
FITT MARK D
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302027
FITT SHANNON L
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302028
CLORE ERIC A
PO BOX 938
KENAI, AK 99611

Parcel: 04302029
LUNDSTROM RYAN L
411 HALLER ST
KENAI, AK 99611

Parcel: 04302030
COOK GARY A
PO BOX 220
COQUILLE, OR 97423

Parcel: 04302031
KNAPP ROBERT V
PO BOX 1551
KENAI, AK 99611

Parcel: 04302032
PECK NANCY J
5491 TSAWWASSEN LOOP
BLAINE, WA 98230

Parcel: 04302033
POWELL BRIAN C
310 W KATMAI AVE
SOLDOTNA, AK 99669

Parcel: 04302033
POWELL KIMBERLY
310 W KATMAI AVE
SOLDOTNA, AK 99669

Parcel: 04302034
ANDERSON DOUGLAS A & CHRISTINE A
PO BOX 1642
SOLDOTNA, AK 99669

Parcel: 04302035
TROTTIER FAMILY TRUST
35265 BETTY LOU DR
STERLING, AK 99672

Parcel: 04302036
DRAKE ROGER A
PO BOX 1014
KASILOF, AK 99610

Parcel: 04302037
PECK NANCY J
5491 TSAWWASSEN LOOP
BLAINE, WA 98230

Parcel: 04302038
FITT SHANNON
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302039
FITT SHANNON
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302040
FITT MARK D & SHANNON
1706 4TH AVE
KENAI, AK 99611

Parcel: 04302041
FITT MARK D & SHANNON
1706 4TH AVE
KENAI, AK 99611

Parcel: 04306011
SMITH DANIEL T
51087 HOLT LAMPLIGHT RD
NIKISKI, AK 99611

Parcel: 04306011
SMITH JESSICA L
PO BOX 8193
NIKISKI, AK 99635

Parcel: 04306012
ENDSLEY ANTHONY L
102 E REDOUBT AVE
SOLDOTNA, AK 99669

Parcel: 04306012
ENDSLEY SUSAN L
102 E REDOUBT AVE
SOLDOTNA, AK 99669

Parcel: 04306023
ZIEBER ROBERT & TARA
3775 W SANDIA CREEK TER
FALLBROOK, CA 92028

Parcel: 04306024
WALKER KEVIN M & JUDY K
311 MCKINLEY ST
KENAI, AK 99611

Parcel: 04306025
WALKER KEVIN M & JUDY K
311 MCKINLEY ST
KENAI, AK 99611

Parcel: 04306026
STERLING CHARLENE
309 MCKINLEY ST
KENAI, AK 99611

Parcel: 04306028
MINOR BRENDA SUE & HERRINGTON
HOWARD M
1707 4TH AVE
KENAI, AK 99611

Parcel: 04306029
ARMBRUST BRANDON T
1715 4TH AVE
KENAI, AK 99611

Parcel: 04306029
DOYLE JENNIFER A
1715 4TH AVE
KENAI, AK 99611

Parcel: 04306030
ANDERSON SHAWN A
312 HALLER ST
KENAI, AK 99611

Parcel: 04306031
GUNZNER AARON
474 S 21ST ST
REEDSPORT, OR 97467

Parcel: 04306032
WATSON KATHLEEN E
308 HALLER ST
KENAI, AK 99611

Parcel: 04306052
JONES WAYNE D & MARGARET M
1805 4TH AVE
KENAI, AK 99611

Parcel: 04306053
CASTRO DEBRA C
1803 4TH AVE
KENAI, AK 99611

Parcel: 04306053
CASTRO JOSELITO T
1803 4TH AVE
KENAI, AK 99611

Parcel: 04306054
CASTRO DEBRA C
1803 4TH AVE
KENAI, AK 99611

Parcel: 04306054
CASTRO JOSELITO T
1803 4TH AVE
KENAI, AK 99611

Parcel: 04306061
ASHKENASY DANYEL
1709 4TH AVE
KENAI, AK 99611

Parcel: 04306061
WATKINS DESTINY
1709 4TH AVE
KENAI, AK 99611

Parcel: 04306069
MALONE KERRY M
PO BOX 103
KENAI, AK 99611

Parcel: 04306070
MESE DWAYNE A JR & LAURA E
1713 4TH AVE
KENAI, AK 99611

EVERGREEN SUBDIVISION KIM ADD'N

EVERGREEN ST

JEFFERSON ST

HALLER ST

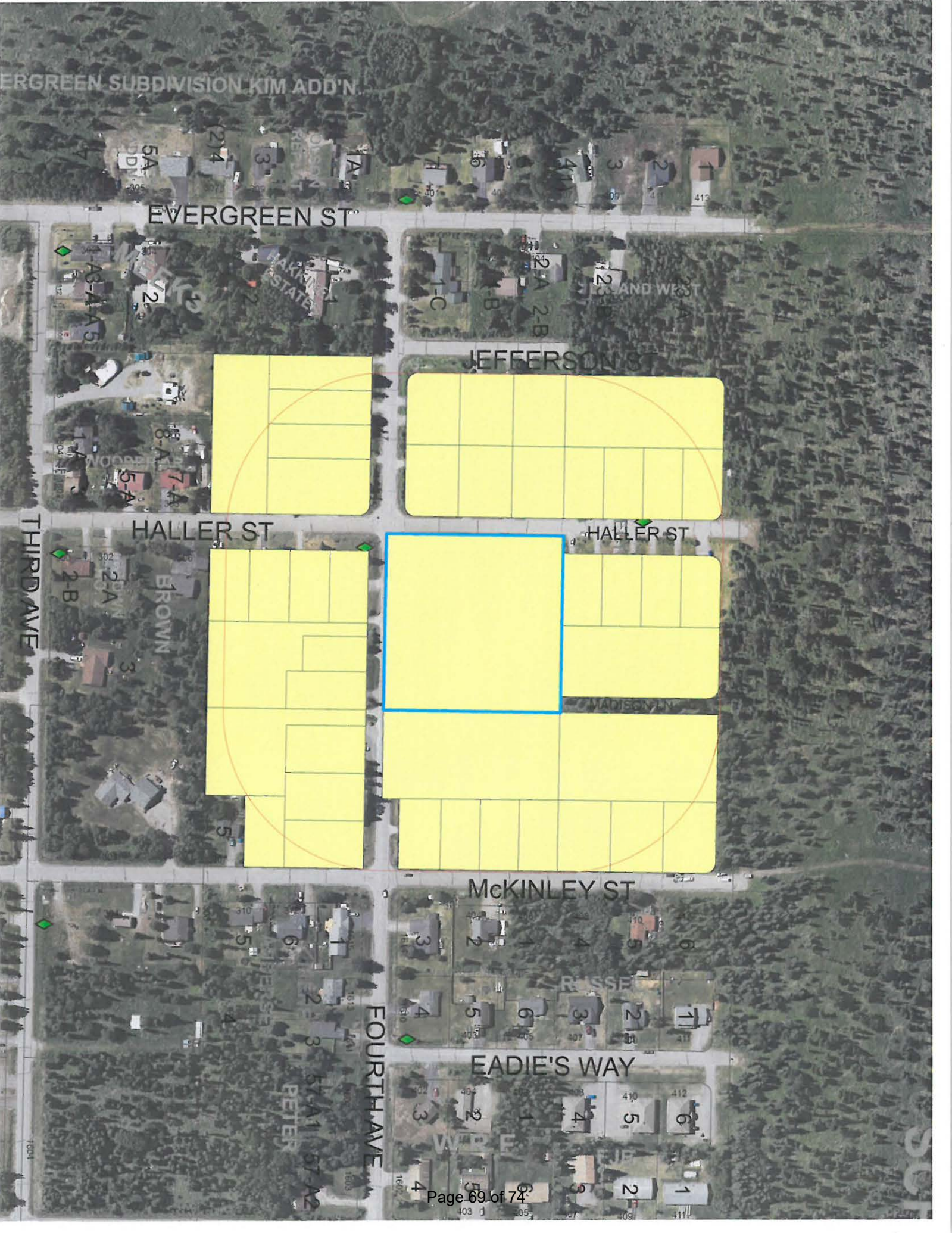
HALLER ST

McKINLEY ST

EADIE'S WAY

THIRD AVE

FOURTH AVE



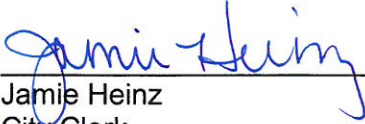
AFFIDAVIT OF SERVICE

I, Jamie Heinz, Clerk for the City of Kenai, Alaska, do hereby certify that on the seventh day of July, 2021, I posted or caused to be posted the foregoing Notice of Hearing before the Board of Adjustment of the following appeal:

Appeal Filed by Applicant, Dean Schlehofer, Appealing the Decision of the Planning and Zoning Commission to Deny a Conditional Use Permit for Lodging at 345 Dolchok Lane, Lot 4, Block 4, Basin View Subdivision Part 3.

This notice was posted in the Peninsula Clarion newspaper on July 16, 2021 and July 20, 2021. A copy of the notice is attached.

Further this affiant sayeth naught.



Jamie Heinz
City Clerk



PUBLIC NOTICE

The Kenai City Council will convene as the Board of Adjustment on Friday, July 30, 2021, at 6:00 p.m. in the Council Chambers at 2140 Fidalgo Avenue, Kenai. The following item will be heard at that time:

Appeal Filed by Wayne Jones, Appealing the Decision of the Planning and Zoning Commission to Approve a Conditional Use Permit for TKC, LLC for Eight Single Family Dwellings in Suburban Residential Zone, Government Lot 26, Section 3 Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

The public is invited to attend and testimony will be taken. Any questions related to this public notice may be directed to the Kenai City Clerk's Office at 283-2831 or cityclerk@kenai.city

Jamie Heinz, MMC, City Clerk
Publish: 7/23/21, 7/27/21

D/211

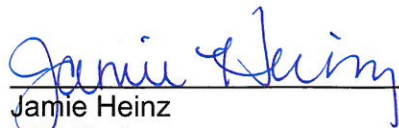
AFFIDAVIT OF SERVICE

I, Jamie Heinz, Clerk for the City of Kenai, Alaska, do hereby certify that on the fourteenth day of July, 2021, I posted or caused to be posted the foregoing Notice of Hearing before the Board of Adjustment of the following appeal:

Appeal Filed by Wayne Jones, Appealing the Decision of the Planning and Zoning Commission to Approve a Conditional Use Permit for TKC, LLC for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

This notice was posted on the City Bulletin Board within City Hall on July 14, 2021. A copy of the notice is attached.

Further this affiant sayeth naught.



Jamie Heinz
City Clerk



City of Kenai Public Notice

Notice is hereby given; the Kenai City Council will convene as the Board of Adjustment on **Friday, July 30, 2021, at 6:00 p.m.** in the Council Chambers at 210 Fidalgo Avenue, Kenai. The following will be heard at that time:

Appeal Filed by Wayne Jones, Appealing the Decision of the Planning and Zoning Commission to Approve a Conditional Use Permit for TKC, LLC for Eight Single Family Dwellings in a Suburban Residential Zone, Government Lot 26, Section 31, Township 6 North, Range 11 West and Located at 1714 Fourth Avenue.

The public is invited to attend and testimony will be taken. The agenda and any supporting documents can be located on the City's website, www.kenai.city. Any questions related to this public notice may be directed to the Kenai City Clerk's Office at 283-8231 or cityclerk@kenai.city.

Jamie Heinz, CMC
City Clerk

AS 44.62.310

Posted: 7/14/21
Jamie Heinz, MMC, City Clerk

Wayne D Jones	1805 Fourth Ave	Kenai Alaska
Margaret M Jones	1805 Fourth Ave	Kenai Alaska
Ronald Dukowitz	1807 Fourth Ave	Kenai Alaska
Judy Walker	311 Mckinley St	Kenai Alaska
Kevin Walker	311 Mckinley St	Kenai Alaska
Holly Segura	1614 Fourth Ave	Kenai Alaska
Kerry Malone	1711 Fourth Ave	Kenai Alaska
Daniel Lusk	406 Jefferson St	Kenai Alaska
Nancy Henriksen	1802 Fourth Ave	Kenai Alaska
Randy Bee	310 Haller St	Kenai Alaska
Carol King	302 Haller St	Kenai Alaska
Randy Johnson	300 Haller St	Kenai Alaska
Dennis Chapman	1802 3 rd Ave	Kenai Alaska
Anthony Kitchen	1804 Fourth Ave	Kenai Alaska
Julie Dravis	1804 3 rd Ave	Kenai Alaska
Jerry Strait	308 Evergreen St	Kenai Alaska
Violetta Strait	308 Evergreen St	Kenai Alaska
Madison Eighmie	309 308 Evergreen St	Kenai Alaska
Joshua Eighmie	309 Evergreen St	Kenai Alaska
Colter Holliday	307 Evergreen St	Kenai Alaska
Susan Olson	313 Evergreen St	Kenai Alaska
Debra Castro	1803 Fourth Ave	Kenai Alaska
Sharron Shinn	403 Haller St	Kenai Alaska
Star McCloud	405 Haller St	Kenai Alaska
Joe Doshen	405 Haller St	Kenai Alaska
Rob Knapp	407 Haller St	Kenai Alaska
Gabe Hannold	413 Haller St	Kenai Alaska
Tracie Alo	414 Haller St	Kenai Alaska
Veronica Bilger	412 Haller St	Kenai Alaska
Mathew Rossiter	412 Haller St	Kenai Alaska
Kiara Lynn Rossiter	412 Haller St	Kenai Alaska
Tiphany Becker	418 Haller St	Kenai Alaska
Dave Unruh	1615 Fourth Ave	Kenai Alaska
Glenn Yamada	1806 Fourth Ave	Kenai Alaska
Charlotte Yamada	1806 Fourth Ave	Kenai Alaska

RECEIVED

JUL 20 2021

Kenai City Clerk's Office