

**DECEMBER 14, 2022
PLANNING & ZONING COMMISSION
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED ADDITIONS TO THE PACKET			
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KENAI

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

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: December 14, 2022
SUBJECT: Resolution PZ2022-26 Requested Amendment

For compliance with the National Fire Protection Association (NFPA) codes and standards, the Fire Department has recommended the following condition be added to Resolution PZ2022-26.

Electrical vehicles (EVs) shall be stored at least 50 feet from property lines.

The following amendment is respectfully requested.

Motion

Move to add an 8th condition to read as follows:

8. Electrical vehicles (EVs) shall be stored at least 50 feet from property lines.

Thank you for your consideration.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2022-26**

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

APPLICANT: Jeff Bettis

PROPERTY ADDRESS: 310 Airport Way

LEGAL DESCRIPTION: Lot 4, Block 5 Cook Inlet Industrial Air Park Subdivision

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04322021

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on November 18, 2022; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on December 14, 2022, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Findings: The proposed use is consistent with the purpose of the Kenai Zoning Code and Land Use Table. The land use table indicates a storage yard is a conditional use; therefore, a conditional use permit may be granted for the operation of a tow yard.

The intent of the Central Mixed Use (CMU) zone is to provide a centrally located area in the City for general retail shopping, personal and professional services, entertainment establishments, restaurants and related businesses. While the proposed use does not explicitly conform to the purpose and intent of the CMU zone, it will not alter the principal land use of the area.

The proposed use is permitted in the zone with an approved conditional use permit and could be suited for the zone as it was previously used as a tow yard. It is not anticipated that the proposed use would generate more vehicular traffic than by-right permitted uses in the CMU zone. The proposed use provides a centralized location for towing services with anticipated coordination with Kenai Police Department and Alaska State Troopers.

Staff recommends Condition 3, which requires the proposed use to be consistent with the purposes and development requirement of the CMU zone.

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

Findings: The economic and noneconomic value of adjacent properties would not be significantly impacted by this change. Most of the surrounding properties are vacant and city-owned. The operation of a tow yard would not significantly impair adjoining property and neighborhood as the previous use was a tow yard.

Staff recommends Conditions 4, 5, and 6 to mitigate the potential adverse impacts to the adjoining properties and neighborhood.

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

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Central Commercial land use classification. The Central Commercial Land Use Classification is defined in the Comprehensive Plan:

Central Commercial is intended for retail, service, and office businesses at a more compact and denser scale; locations are accessible and convenient to both motorists and pedestrians. Central Commercial-type development is particularly desirable in the Townsite Historic District and adjacent core area. Residences may be appropriate among commercial uses in these central areas. Non-commercial uses such as public offices, institutional uses and residences may be appropriate among commercial uses. Central Commercial may also apply at locations that have evolved into new Kenai commercial "centers" that are developed at a small to medium scale.

The subject property is on the northern edge of the Central Commercial land use designation bordering the Industrial land use designation and it has not been an area that has developed into a "center" but the proposed use is consistent with the surrounding uses. The subject property is close to ½ acre lot size so it creates a denser scale and provide a centrally convenience location for vehicle pick-ups.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", Goal 3 Land Use specifically addresses strategies to implement a forward-looking approach to community growth and development.

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

Goal 3 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

Land Use 1: Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Land Use 2: Promote the infill of existing, improved subdivision lots.

The identified goals are met with mitigated measure to minimize impacts to the surrounding uses by applying the Conditions 4, 5, and 6 as set forth in the staff recommendation. The proposed use would be on a lot previously used as a tow yard; therefore, reducing the need for clearing and minimizing ground disturbance if this use was proposed at a different location.

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

Findings: Public services and facilities are available for the lot; however, water and sewer services are not required to serve the proposed use. There is adequate access to/from the property off Airport Way, which is a city maintained road.

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

Findings: The operation of a tow yard will not be harmful to public safety, health, or welfare. The proposed use has been reviewed by the Building Official and he indicated he does not have any objections or concerns. Towed vehicles will be stored behind a screened chain-linked fence, which would minimize the visual impact on the surrounding area. The conditional use permit is not for any additional activity other than storing of towed vehicles on site. Staff believes the public safety, health or welfare could be maintained by the approval of the request with the conditions set forth in the staff recommendation.

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

Findings: Specific conditions are listed in the above-mentioned criteria.

Staff recommends adding Condition 7, regarding signage for business identification and contact information for customers. The sign will provide a means to confirm the business location and provide a contact for the public.

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 Jeff Bettis for a Tow Yard for property described as Lot 4, Block 5 Cook Inlet Industrial Air Park Subdivision, and located at 310 Airport Way.

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

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

3. No open storage shall be located closer than twenty-five feet (25') to the adjoining right-of-way of any collector street or main thoroughfare. Any open storage in front or side yard visible from a collector street shall be enclosed with an eight-foot (8') high commercial grade fence.
4. No auto repair/service or dismantling shall occur on-site.
5. The applicant shall maintain the tow yard in an orderly manner at all times and clear of debris and junk.
6. The on-street curb parking shall not be used for vehicle storage, queuing of cars for storage, tow truck parking, or customer parking.
7. At least one sign shall be located at the main entrance to the site and contain the name of business and phone number. All signs shall conform to the City's sign regulations for the designated zone.
8. Electrical vehicles (EVs) shall be stored at least 50 feet from property lines.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 14th day of December, 2022.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk

From: [k.morin](#)
To: [City of Kenai Planning Department](#)
Subject: Written Comments for Hearing 12/14/22
Date: Monday, December 12, 2022 7:06:59 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To; City of Kenai Planning and Zoning Commission

Re: Conditional Use Permit for 310 Airport Way Boro Parcel 04322021

From: Kevin Morin (owner of) 300 Airport Way, KPB Parcel 04322022

114 Paula St. Kenai, 99611 cellular 907 398 3082

To the Planning and Zoning Commission,

I own the adjacent parcel of land located to the East & South of City Lot listed above. I do not object to the Conditional Use Permit or for the City to lease the lot in question to an auto towing and storage company.

I will note several items for the Commission's consideration in this Lease.

1. The land has existing drainage plumes of various automotive hydrocarbon fluids draining under my parcel at 300 Airport Way (E&S) and into the drainage waterway East & South of both lots.

The City's lot has many oil spills around its perimeter that were not cleaned up during or after the occupancy of the previous leaseholders. The City may incur some future clean-up liability if the wrecked automobiles stored on this lot in the future have no provision for either clean-up of hydrocarbons released during storage on open gravel OR some provision by the lessee to contain such releases on plastic containment apparatus.

I had the land along the old military drainage ditch inspected by an Engineering firm who notes all these facts in their report on the land's potential for pollution liability. At this time, there is no expected higher stage inspection or remediation planned; as near as I know?

2. The two lots are separated on the adjoining lot line running from Airport Way to the City's storage lot to the N & E; by the remnants of a chain link fence. The fence is in disrepair and should be inspected. The fence has been in disrepair at the NE end since car owners of vehicles the previous lessee held on this lot, damaged and pulled down that end of the fence nearest my shed along the N/E lot line with the City. This fence damage is not visible from the Airport Way but is evident by viewing the fence from the N/E end of my storage container, set parallel to the fence line.

Approximately one half of the fence closest to Airport Way is not supported very well by the fence posts due to both snow storage (from plowing) and moose climbing the snow berm to get over the fence to feed on the unbrowsed willow growing in the City's lot.

If the lessee intends to store impounded vehicles (?) it may be necessary to renew the fencing otherwise vehicle owners may again breach this fence to seek access to the contents of their stored vehicles as was common for 15 years of the last lessee's occupancy. This passed practice constantly set off motion sensors and alarms on the property in the

past.

In order to avoid a repeat of this constant nuisance, and enforce any custodial issues with any vehicle parked on the City's leased lot: I believe it would behoove the City and Lessee to re-construct the E/SE lot line fence.

Sincerely,

Kevin Morin



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MEMORANDUM

TO: Planning and Zoning Commission

FROM: Linda Mitchell, Planning Director

DATE: December 9, 2022

SUBJECT: Code Enforcement – November 2022 Monthly Report

Planning and Zoning received 1 new complaint in November for a cumulative total of 16 open cases. Planning staff conducted a total of 10 site visits that included follow-up visits to verify compliance and closed 10 cases.

Violations	No. of Open Cases	Carried Over	New	Closed
<i>By Types</i>				
Abandoned Structure(s)	0	0	0	0
Abandoned Vehicle(s)	1	2	0	1
Building (e.g., as-built, damaged or decayed)	3	4	0	1
Conditional Use Permit	0	0	0	0
Junk and/or Refuse	4	4	0	0
Junk Vehicle(s)	5	9	0	4
Livestock	1	3	0	2
Signs	0	0	0	0
Recreational Vehicle(s)	0	0	0	0
Zoning (e.g., structures, setbacks, use)	2	3	1	2
Total	16	25	1	10

Before and After Highlight



List of Open Cases

Property Address	Date of Complaint	Type of Violation
110 Aleene Way	5/4/2022	Junk Vehicle; Junk and/or Refuse
5264 Kenai Spur Hwy	5/12/2022	Junk and/or Refuse
508 Hemlock Avenue	5/13/2022	Junk and/or Refuse
9168 Kenai Spur Hwy	5/16/2022	Junk Vehicle; Junk and/or Refuse
311 Linwood Lane	6/17/2022	Junk and/or Refuse
8195 Kenai Spur Hwy	8/18/2022	Junk and/or Refuse
1715 Fourth Avenue	8/25/2022	Junk Vehicle; Junk and/or Refuse
4215 N Lupine Drive	8/31/2022	Chickens
1009 Second Avenue	8/12/2022	Zoning
107 Tern Avenue	10/20/2022	Building
305 Sterling Court	10/20/2022	Building
700 Cypress Drive	10/24/2022	Junk Vehicle(s)
1616 Tanaga Avenue	10/25/2022	Junk Vehicle(s)
345 Dolchok Lane	10/28/2022	Building
312 Aspen Street	10/26/2022	Abandoned Vehicle(s)
1188 Kenai Spur Hwy	11/17/2022	Zoning

