

**JUNE 24, 2026
PLANNING & ZONING COMMISSION MEETING
ADDITIONAL MATERIAL/REVISIONS**

REQUESTED ADDITIONS TO THE PACKET

<u>ACTION</u>	<u>ITEM</u>	<u>REQUESTED BY</u>	<u>PAGE</u>
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KENAI

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MEMORANDUM

TO: Chair Keaton and Planning & Zoning Commissioners
FROM: Kevin Buettner, Planning Director
THROUGH: Jessica See, Planning Technician
DATE: June 24, 2026
SUBJECT: Requested Postponement

This memo requests an amendment to the Agenda as presented for the June 24, 2026 Planning & Zoning Commission meeting. An item on the agenda was given public noticing in accordance with Kenai Municipal Code (KMC) 14.20.280(c), but is no longer applicable to this meeting.

The petitioner representative for Item F.1, PZ2026-19 for zero lot line townhouses and six-family dwelling has requested to withdraw this project from consideration. We request this item be postponed indefinitely.

Thank you for your consideration.

RE: Resolution PZ2026-19 – Granting a Conditional Use Permit for the Development and Use of Zero Lot Line Townhouses and a Six Family Dwelling in the Rural Residential Zoning District.

ATTN: Clerk – Please circulate this letter as appropriate to Planning and Zoning personnel, and P&Z Commission, so that it may be read during the upcoming Planning and Zoning meeting on June 24th at 7:00pm. Thank you.

To begin, I am incredibly disappointed in the City’s notification process of Conditional Use Permits, as this is the second CUP in the past year that my property falls within the 300ft notification requirement and yet I received no postcard for. This is especially upsetting, because I own 2 properties and share nearly 200ft of property line with the subject property. Because my properties adjoin the back of the lot of the subject property, I was not aware of any signage because it had been posted on the next street over nearly 3 blocks away.

So after noticing that trees had been cut down, on the evening on Thursday June 18th I drove around to Highbush Lane to discover the Condition Use Permit notification sign. I then took the morning of Friday, June 19th off of work to go into City Hall and request to placed on the schedule to speak in regard to this resolution but was told that would not be allowed because the Agenda Packet had already been created.

How can the city reasonably expect people to timely respond to issues affecting their properties when the notification process is so clearly broken. As stated previously this is the second time in a year that I have not received notification for a CUP where my properties were within the 300ft notification requirement. All I received from the City in each case was a half hearted apology, and excuse that “They’ve met the requirements in City code” despite that not actually occurring.

Speaking with other residents on the street within the 300ft notification zone, they also mentioned they had received no notice via mail of the pending CUP.

This is not good enough. Clearly postcards have a low or mixed success rate of arriving at their destination – which the City P&Z technician even testified to when we spoke on Friday morning in their office.

Posting notifications in the Peninsula Clarion, which has nearly zero circulation, and hardly any relevance on the happenings of the City is not a useful or prudent place to post notifications anymore. This is a passive method and requires potentially affected persons to go searching for in perpetuity – which is not a reasonable method of notification.

Therefore, had I received TIMELY notification of this CUP application, I would be appearing on the schedule to speak to you today with 10 minutes of time. I will be requesting more time to speak at the meeting, as I made clear to the Planning and Zoning Staff and City Clerk on Friday.

I will be using whatever time I am given to demonstrate why this proposed development needs to comply to additional existing City code requirements, which clearly state that the subject properties are too small for the proposed development. I can only hope I am given the benefit of enough time to speak to demonstrate to the P&Z Commission why this application has not been thoroughly vetted against existing City code, and needs to be reconsidered against the requirements in Code Section 14.20.170.

Beyond the actual violation of existing City code, and current zoning regulations, I have many reasons that I believe this development is not right for this neighborhood. The proposed housing unit density far exceeds the character of the surrounding block, as currently there are only Single-Family homes on that block of Highbush Lane. It is a dead-end street, with 10 residential housing units on it. Proposing to place twelve housing units in 1.5 acres is an increase of 120% in less than 10% of the physical space of the block. That defies all definition of being ‘characteristic of the neighborhood.’

The prepared ‘Staff Report’ cites many fallacies, which clearly overstate the ability of the neighborhood to support this level of housing density.

Criteria #1:

In the Staff Report the Criteria 1 findings state: *“The RR Zone is intended to provide for low density residential development in outlying and rural areas in a form which creates a stable and attractive residential environment. The specific intent in establishing this zone is: (1) To separate residential structures to an extent which will: (A) Preserve the rural, open quality of the environment;*

“The proposed site plan will have the property surrounded by a privacy fence and landscaping that preserves the areas rural character...”

The admittance that a privacy fence and landscaping is needed to preserve the rural character of the neighborhood illustrates that is development is **unlike** the existing surrounding neighborhood.

Additionally, the staff report list Highbush Lane as *“a main corridor in the community providing adequate travel in and out of the neighborhood to limit the generation of increased traffic from a multi-dwelling lot in a residential area”*, when in reality that Highbush Lane is a narrow, dead-end street with no center line striping or defined shoulder. The staff report grossly over represents it.

Additionally, the staff reports misrepresents that assumed traffic would increase by an estimated 5 vehicles per hour: *“Using commonly used traffic generation methods developed by the Institute of Transportation Engineers (ITE) Trip Generation Manual, the expected increase would be 120 trips per day, or approximately five additional vehicles an hour.”* This math is overly reductive and simplified. Simply dividing the daily traffic estimate by 24 hours to arrive at ‘~5 vehicles per hour’ is foolish, as most people in the area keep commonly accepted schedules which typically occur in a 16-hour window. This much more realistic estimate produces an hourly increase of 7.5 vehicles per hour, or 50% than the staff report estimate. Using the same mathematical logic presented here, the existing residential units on that block of Highbush Lane generate ~100 trips per day, ~4 vehicles per hour (by the 24 hour method) or ~6.25 vehicles per hour (by the 16 hour method). In any case this would represent an increase of 125% in traffic for that residential block.

Criteria #2:

The staff report foolishly states that the proposed development *“... would not negatively impact economic nor noneconomic value of adjoining properties or neighborhood.”* It arrives at this logic by saying *“New development will build equity on a what is currently an empty lot, thereby positively impacting values of the neighborhood”* however an increase in taxable base for the neighborhood as a whole does not correlate directly with an increase in value to individual properties adjacent to the development and in most cases does exactly the opposite. No existing resident, or prospective future resident places a higher value on any individual property because it is adjacent to a high-density housing development – it is the exact opposite. Allowing this development will impair the values of all of the neighboring properties, specifically because it is uncharacteristic of the surrounding neighborhood!

Criteria #3:

The staff report findings states that *“The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the Suburban Residential (SR) land use classification.”* What it does not state in this section however, is that this is currently zoned as Rural Residential and this development exceeds the allowances for that type of zoning as it exists today. Certainly, it is proposed that the zoning of the area move to Suburban Residential, however that has yet to actually happen, is not certain to do so, requires its own process, and will certainly face an overwhelming outcry of public opinion when the city does finally get around to attempting to implement those changes. Weighing this proposed CUP by a change that has not occurred yet and calling it ‘harmonious’ is an unfair comparison.

Criteria #4:

The staff reports state that *“Trash services are available in the area and the lots are serviced by Highbush Lane a paved and City maintained road”* however as I previously mentioned, this road is narrow, has no center line or shoulder, and would not support 2-lane traffic with trash cans placed in an area that is serviceable by a trash collection vehicle. Additionally the road is a dead end, and has no true cul-de-sac at the end of it which would allow for the previously mentioned trash collection vehicles to actually operate and turn around. The staff report findings are generalized in nature and not realistic of the actual physical limitations of the street.

Criteria 5:

The staff report findings state *“The submitted plans show adequate parking on site, each unit has an attached garage and there will be additional parking spaces on-site to service for safe, off-street parking.”* However this is not the case. The included plans only allow for one vehicle parking inside of the garage of their respective unit. When reviewing the proposed development with P&Z Staff I pointed out that there was not enough parking in the driveway of each unit for each tenant to park and operate their vehicles with other vehicles park in front of their units. When I asked the Planning and Zoning staff about this, they said the CUP applicant was stipulating that tenants of the building would only be allowed to park inside of the garage of their unit, and no outdoor parking was allowed. Clearly any reasonable Alaskan can see that this is not a workable solution as MOST pick up trucks will not fit in a garage the size of the ones being proposed. This also would exclude anyone who owned 2 vehicles from living here – or what would clearly happen is that on-street parking would begin to be utilized as overflow parking from the proposed development. As stated before, this block of Highbush Lane is narrow and has no shoulder for parking on. If on-street parking were to be utilized this would not allow for 2-lane traffic, and certainly create an unsafe situation during the winter when snow removal becomes necessary.

Criteria 6:

This is possibly the biggest error in the staff report. The staff report states *“Both Townhouses and Zero Lot Line Developments are subject to the following standards per KMC 14.20.160 and 14.20.161...”*

Upon examination of the Zero Lot Line section of code, we can see it is what points toward the requirement of compliance with Code 14.20.160, in via code 14.20.161.b.2.

14.20.161 Zero Lot Line Development

(b) Zero lot line development shall be subject to the following standards;

(2) For three (3) or more units, Section [14.20.160](#), pertaining to townhouses, shall be followed. For detached zero lot line units, see Section [14.20.170](#) for planned unit residential development shall be followed.

The critical designation here is actually that the proposed development are “*detached zero lot line units*” due to the fact that there are multiple, separate, detached buildings, some of which are proposed to span the lot line. Because these buildings are detached zero lot line units, Code 14.20.161.b.2 points towards necessary compliance with Section 14.20.170.

Upon review of the code in Section 14.20.170, it becomes immediately clear that:

- A. Section 14.20.170 also applies to townhouses, and
- B. The proposed townhouse developments in this CUP do not meet the minimum lot requirements of this section of code.

To demonstrate that Section 14.20.170 relates to detached townhouse developments, we see the following code sections:

14.20.170 Planned Unit Residential Development.

(5) The allowable land use activities shall include the following:

- (A) Residential uses including single-family, duplex, multiplex, and **townhouse dwelling units**;

And,

14.20.170 Planned Unit Residential Development

(8) The developer or subdivider of any Planned Unit Residential Development including common open area, property, or amenities, shall have evidence that compliance with Uniform Common Interest Ownership Act, AS [34.08](#), has been made prior to the sale of any **townhouse dwelling units**.

Because the proposed development has detached zero lot line units, it should be subject to the code requirements in Section 14.20.170, which include:

14.20.170 Planned Unit Residential Development

(b) Planned Unit Residential Development shall be subject to the following standards:

- (3) **The minimum parcel size allowed for a Planned Unit Residential Development shall be two and one-half (2.5) acres**, inclusive of any dedicated right-of-way or public use easement which may exist within the boundaries of the site.

And,

14.20.170 Planned Unit Residential Development

(b) Planned Unit Residential Development shall be subject to the following standards:

(4) The maximum number of dwelling units **per acre** allowable within the gross area of a Planned Unit Residential Development shall be as follows:

Zoning District (Gross Area): Rural Residential

Dwelling **Units/Acre**: Six (6)

We see that the proposed development fails to meet the existing city code on two counts. The lot sizes for the proposed development are .76 acres each, and the proposed development includes 12 total units. Whether examined individually or collectively, the proposed development fails to meet the minimum lot size requirements outlined in city code. The collective lot size is only 1.52 acre – well short of the 2.5 acre minimum size requirement. Also attempting to build 6 units on .76 acre falls short of the 6 units per acre requirement.

Hopefully, I have demonstrated how the Proposal for Resolution PZ2026-19 has failed on multiple accounts. A failure to successfully and timely notify impacted City residents, a failure of staffing to accurately assess impacts to the surrounding neighborhood, and a failure of P&Z staff to accurately identify which sections of City Code are required to be met by the applicant.

This resolution should be voted down, and this application should be denied due to fact that it does not meet the requirements set forth in existing code, was not accurately assessed by City staff, and overwhelming neighborhood opposition.

Thank you for your consideration and attention to my concerns.

-Brad Brown

Lifelong City of Kenai resident

306 Baker Street, Kenai.



TO: Kenai Planning and Zoning Commission
THRU: Kevin Buettner, Kenai Planning Director
FROM: Samantha Lopez, KPB River Center Manager
DATE: June 22, 2026
RE: Resolution PZ2026-19 Conditional Use Permit

Dear Planning Commissioners:

The River Center was recently made aware of the subject Conditional Use Permit and is submitting the attached comment for your consideration.

The River Center administers the Kenai Peninsula Borough's (KPB) 21.18 Anadromous Waters Habitat Protection District (HPD), a 50-foot setback from anadromous waterbodies. The HPD was established to protect and preserve the riverine habitat that supports salmon by prohibiting certain developments that would be detrimental to the habitat. The unnamed stream (AWC 244-30-10010-2007) at 307 and 309 Highbush Lane was identified by the Alaska Department of Fish and Game as vital rearing habitat for juvenile Coho salmon, and has been regulated by the KPB since January 1, 2014.

After reviewing the packet materials, the application proposes several activities that appear to be within the HPD, including: a townhome, lawn, privacy berms, and fencing. These activities are not allowable under KPB 21.18, and we request that the Commission deny the proposed developments within the HPD.

Please note that the River Center has no comment or objection to any of the proposed activities outside the HPD.

Thank you for your consideration.

Samantha Lopez
River Center Manager

Attachments: Aerial Map of HPD



Approximate location of
Habitat Protection District

