



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

December 14, 2022 – 7:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

www.kenai.city

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

Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. Agenda Approval
- 4. Election of Chair and Vice Chair**
5. Consent Agenda
6. *Excused Absences

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

B. APPROVAL OF MINUTES

- 1.** *Regular Meeting of October 12, 2022

C. SCHEDULED PUBLIC COMMENT

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

D. UNSCHEDULED PUBLIC COMMENT

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

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

- 1. Resolution PZ2022-26** – A request by Jeff Bettis for a Conditional Use Permit for a towing storage yard on the property described as Lot 4, Block 5, Cook Inlet Industrial Air Park, located at 310 Airport Way in the Central Mixed Use (CMU) Zone.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

I. PENDING ITEMS**J. REPORTS**

- [1.](#) City Council
- [2.](#) Kenai Peninsula Borough Planning
- [3.](#) City Administration

K. ADDITIONAL PUBLIC COMMENT

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

L. INFORMATIONAL ITEMS**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: December 28, 2022

N. COMMISSION COMMENTS AND QUESTIONS**O. ADJOURNMENT**

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89180629878>

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

Meeting ID: 891 8062 9878 **Passcode:** 475235



KENAI

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

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Meghan Thibodeau, Deputy City Clerk
DATE: December 8, 2022
SUBJECT: Election of Chair and Vice Chair

At the December 14, 2022 Planning & Zoning Commission meeting there will be an election of Chair for a term beginning January 1, 2023, and Vice Chair for a term beginning at the present meeting.

Standard practice has been to hold an election of Chair and Vice Chair at the first meeting of the new year; however, with the election of Alex Douthit to City Council, the Planning & Zoning Commission is need of a Vice Chair for the remainder of 2022.

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
OCTOBER 12, 2022 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on October 12, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present: J. Twait, A. Douthit, G. Woodard, V. Askin, J. Halstead, G. Greenberg, D. Fikes

Commissioners absent: None.

Staff/Council Liaison present: Planning Director L. Mitchell, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as presented. Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Woodard **SECONDED** the motion. There being no objection; **SO ORDERED.**

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

5. *Excused Absences – None.

B. APPROVAL OF MINUTES

1. *Regular Meeting of September 14, 2022

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS – None.

D. **UNSCHEDULED PUBLIC COMMENTS** – None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** – Approving a time extension for the finalization of Beaver Loop Acres Addition No. 2 Preliminary Plat.

MOTION:

Commissioner Askin **MOVED** to approve a time extension for the finalization of Beaver Loop Acres Addition No. 2 Preliminary Plat. Vice Chair Douthit **SECONDED** the motion.

Director Mitchell provided a staff report noting that the preliminary plat had originally been approved in 2020 with an expiration timeframe of two years; the applicant had asked for a time extension to finalize. She explained that the Kenai Peninsula Borough would not typically approve a time extension request without approval from the Kenai Planning & Zoning Commission, but they made an exception and conditionally approved it due to time constraints on the plat expiration.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Glendening reported on the actions of the October 5, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the October 10, 2022 Kenai Peninsula Borough Planning Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Planning Department is fully staffed; she and Planning Assistant Karrie Barone both began working with the City within the past few weeks.
 - Anticipates future work sessions which will look at administrative planning processes and the role of the Commission.
 - Working on a special project to create a GIS map with parcel data from the adopted Land Management Plan.
 - Sent out reminders to Conditional Use Permit operators to submit their annual report.
 - The Planning Department has 11 active applications and 10 open code-enforcement cases.

K. **ADDITIONAL PUBLIC COMMENTS** – None.

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting Date: October 26, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard congratulated the City Council election winners and retirees.

Commissioner Askin reported feedback from the public regarding an applicant whose permit had been denied. Congratulated Commissioner Douthit and Vice Mayor Glendening.

Commissioner Halstead noted that it had been a privilege working with Commissioners Askin and Douthit, and will be great additions to the City Council; congratulated Vice Mayor Glendening on his retirement.

Commissioner Greenberg congratulated the City Council election winners, Planning Director Mitchell and Vice Mayor Glendening.

Commissioner Fikes congratulated Vice Mayor Glendening on his retirement, and looks forward to hearing from him in the future.

Vice Chair Douthit noted that it will be his last meeting; congratulated Commissioner Askin and Vice Mayor Glendening. Noted that he looks forward to working with Planning Director Mitchell.

Chair Twait noted that he is looking forward to filling the Commission vacancies and working with Planning Director Mitchell.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:36 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk



**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 6, 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.

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



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director
DATE: December 9, 2022
SUBJECT: PZ2022-26 – Conditional Use Permit – Tow Yard

Request The applicant is seeking to operate a tow yard on a vacant lot.

Staff Recommendation Adopt Resolution PZ2022-26 approving a Conditional Use Permit for the operation of a tow yard.

Applicant Jeff Bettis
Property Owner City of Kenai
Legal Description Lot 4, Block 5 Cook Inlet Industrial Air Park Subdivision
Property Address 310 Airport Way
KPB Parcel No. 04322021
Lot Size .46 Acres (20,037 square feet)
Existing Zoning Central Mixed Use (CMU)
Current Use Vacant
Land Use Plan Central Commercial

SUMMARY

The applicant has requested a conditional use permit to allow the storage of towed vehicles on a City-owned parcel. The applicant is not proposing any improvements.

The subject property is currently vacant and it was previously used as a tow yard between 2007 and 2018. The property has been vacant since 2018. The applicant stated that the proposed conditional use permit would allow a tow yard at a suitable location for towing service requests by Kenai Police Department and Alaska State Troopers. For customers pick up, the

applicant/operator plans to coordinate in advance to ensure a quick transaction or provide off site pick up.

The subject property has an existing 6-foot tall chain-linked fence with a 2-foot barbed/razor wire that is screened with slats or a mesh along the perimeter. The only access to the property is off of Airport Way.

In order to operate the business on a City-owned property, the applicant must obtain a Special Use Permit or lease the property from the City. At this time, the applicant is pursuing a Special Use Permit contingent on the approval of the conditional use permit.

ANALYSIS

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. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

Criteria 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.

Criteria 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.

Surrounding Zoning and Current Use

- To the north is zoned Light Industrial (IL) with buildings on gravel that is a city-owned property.
- To the west and south is zoned Central Mixed Use (CMU) and is vacant.
- To the east is zoned Light Industrial (IL) with a commercial use.

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

Criteria 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.

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.

RELEVANT GOALS

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.

Criteria 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.

Criteria 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.

Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. 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 6, 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.

PUBLIC NOTICE

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*. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit request.

No public comments have been received.

STAFF RECOMMENDATION

Staff finds that the proposed use meets the criteria for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code 14.20.150, and hereby recommends that the Planning and Zoning Commission adopt Resolution PZ2022-26 approving the Conditional Use Permit, 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.

ATTACHMENTS

Aerial Map
Application

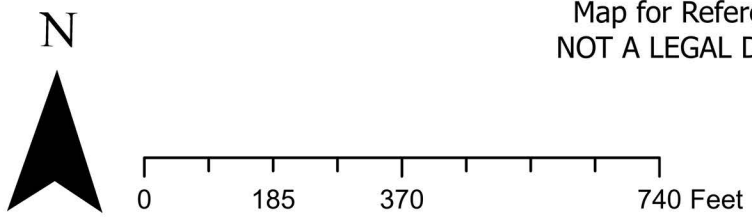


Conditional Use Permit - Towing Storage Yard
Lot 4, Block 5 Cook Inlet Industrial Air Park
310 Airport Way
KPB Parcel ID: 04322021



Date Printed: 12/9/2022

Map for Reference Only
NOT A LEGAL DOCUMENT





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:	Protow Jeff Roth				
Mailing Address:	57735 Lee Ave				
City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	907 262 4500				
Email:	AKPROTOW@yahoo.com				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

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

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	
Physical Address:	310 Airport Way
Legal Description:	
Zoning:	
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?	Vacant currently
--	------------------

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

Kenai Police Dept is requesting that I tow for them - and this would be the storage lot.

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

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

Nothing can be seen behind the fence

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:

It supports local law enforcement and the central location will be beneficial in keeping Kenai's roads cleared from accidents

Are public services and facilities on the property adequate to serve the proposed conditional use?


YCS - No water or septic needed

Explain how the conditional use will not be harmful to public safety, health, or welfare:

merely storage

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?

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:	<i>10-27-22</i>
Print Name:	<i>Jeff Retti</i>	Title/Business:	<i>Pro Tow - owner/operator</i>

For City Use Only	Date Application Fee Received:	<i>11/18/22 oem</i>
	PZ Resolution Number:	<i>PZ2022-26</i>



Kenai City Council - Regular Meeting

October 19, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

1. Pledge of Allegiance
2. Roll Call
3. **RESULTS OF 10/4/2022 ELECTION CERTIFIED. Certification of the October 4, 2022 Election Results**
 - a. **Swearing in of Elected Officials.** *(The term of office for those elected during the October 4, 2022 Regular Election begins on Monday, October 24, 2022.)*
4. Agenda Approval
5. Consent Agenda *(Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated)*

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

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

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

D. PUBLIC HEARINGS

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3318-2022** – Renaming and Amending Kenai Municipal Code Chapter 7.30 Land Sale Permanent Funds to Establish the Kenai Senior Center Cone Memorial Trust and Directing All Proceeds Received as a Residual Beneficiary from the Tamara Diane Cone Testamentary Trust to be Deposited into such Fund. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3319-2022** - Increasing Estimated Revenues and Appropriations in the Kenai Bluff Erosion Capital Project Fund for Construction of the Kenai Bluff Stabilization Project. (Administration)
3. **ADOPTED WITHOUT OBJECTION. Resolution No. 2022-73** - Authorizing a Construction Contract Award for the Kenai Fire Department (KFD) Flooring Replacement Project. (Administration)

E. MINUTES

1. *Regular Meeting of October 5, 2022. (City Clerk)

F. UNFINISHED BUSINESS

1. **POSTPONED INDEFINITELY. Resolution No. 2022-64** - Approving the Renewal of a Lease Utilizing a Non-Standard Lease Form on Airport Reserve Lands Between the City of Kenai and the Federal Aviation Administration for the Automated Flight Service Station and Satellite Communication Network Facilities on Lot 7A-1 FBO Subdivision No. 5. (Administration) [**Clerk's Note:** *At the October 5, 2022 City Council Meeting, this Resolution was Postponed to this Meeting; a Motion to Adopt is on the Floor.*]

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3320-2022** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)
3. **12/7/2022 CITY COUNCIL MEETING CANCELLED. Discussion** - Cancelling the December 7, 2022 City Council Meeting to Allow for Council Member Travel to Alaska Municipal League Conference. (Knackstedt)
4. **Discussion** – Supervisory Subcommittee Report on City Manager Recruitment. (Gabriel)
5. **JOINT WORK SESSION WITH KENAITZE INDIAN TRIBE SCHEDULED FOR 11/2/2022. Discussion** – Scheduling a Work Session with the Kenaitze Indian Tribe. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR**J. ADMINISTRATION REPORTS**

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION**M. PENDING ITEMS****N. ADJOURNMENT**

O. INFORMATION ITEMS

1. Purchase Orders Between \$2,500 and \$15,000.
2. Kenaitze Indian Tribe Donation Letter

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

Join Zoom Meeting

<https://us02web.zoom.us/j/81157086559>

Meeting ID: 811 5708 6559 **Passcode:** 683100

OR

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

Meeting ID: 811 5708 6559 **Passcode:** 683100



Kenai City Council - Regular Meeting

November 02, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

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

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

D. PUBLIC HEARINGS

1. **ENACTED UNANIMOUSLY. Ordinance No. 3320-2022** - Accepting and Appropriating a Donation from Hilcorp Energy Company to Assist with the Annual Area-Wide Senior Thanksgiving Dinner. (Administration)
2. **ADOPTED UNANIMOUSLY. Resolution No. 2022-74** - Establishing Dates for Regular Meetings of the City Council for 2023. (City Clerk)

E. MINUTES

1. *Regular Meeting of October 19, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Granting a Utility Easement to Homer Electric Association, Inc. within Lot 2, Block 5, General Aviation Apron Subdivision No. 1 Amended. (Administration)

3. **APPROVED UNANIMOUSLY, AND COUNCIL MEMBER KNACKSTEDT APPOINTED TO SUPERVISORY SUBCOMMITTEE.** Action/Approval - Mayoral Liaison Nominations for Appointment to Committees and Commissions. (Mayor Gabriel)
4. **GLENESE PETTEY APPOINTED TO COUNCIL ON AGING.** Action/Approval - Confirmation of Mayoral Nomination for Appointment to the Council on Aging. (Mayor Gabriel)
5. **JIM GLENDENING AND JOHN COSTON APPOINTED TO THE PLANNING & ZONING COMMISSION.** Action/Approval - Confirmation of Mayoral Nominations for Partial Term Appointments to the Planning and Zoning Commission. (Mayor Gabriel)
6. **DIANE FIKES AND JOHN COSTON REAPPOINTED TO THE PLANNING & ZONING COMMISSION.** Action/Approval - Confirmation of Mayoral Nominations for Appointments to the Planning and Zoning Commission for Terms Beginning January 1, 2023. (Mayor Gabriel)
7. **AUTHORITY GIVEN TO SUBCOMMITTEE TO RANK CANDIDATES.** Discussion - Employee Subcommittee Report on City Manager Recruitment. (Mayor Gabriel)
8. **JOINT WORK SESSION SCHEDULED FOR JANUARY 4, 2023.** Discussion - Rescheduling Joint Work Session with Kenaitze Indian Tribe. (Administration)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR

J. ADMINISTRATION REPORTS

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION

1. Review and Discussion of City Manager Interview Questions and Applicant Selection Process. *[AS 44.62.310(C)(3) matters which by law, municipal charter, or ordinance are required to be confidential.]*

M. PENDING ITEMS

N. ADJOURNMENT

O. INFORMATION ITEMS

1. DNR Notice of Public Scoping for Possible Regulations Regarding Derelict Vessels

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

Join Zoom Meeting

<https://us02web.zoom.us/j/83068382906>

Meeting ID: 830 6838 2906 **Passcode:** 438748

OR

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

Meeting ID: 830 6838 2906 **Passcode:** 438748



Kenai City Council - Regular Meeting

November 16, 2022 – 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

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

www.kenai.city

Action Agenda

A. CALL TO ORDER

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

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

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

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

D. PUBLIC HEARINGS

1. **ADOPTED UNANIMOUSLY. Resolution No. 2022-75** - Authorizing the Purchase of Real Property Described as Lot 7, Block 19, Original Townsite of Kenai, Located Within Section 5, T5N, R22W, Seward Meridian, and Designated as Kenai Peninsula Borough Parcel Number 04710307 From Julian Errea et al. and Dan Hilderbrand, for the Public Purpose of Including the Property in the Bluff Erosion Restoration Project and Determining that the Public Interest Will Not be Served by an Appraisal. (Administration) (7 Yes, 0 No)
2. **ADOPTED AS AMENDED UNANIMOUSLY. Resolution No. 2022-76** - Authorizing a Contract for Employee Health Care Effective January 1, 2023. (Administration) (7 Yes, 0 No)
3. **ADOPTED UNANIMOUSLY. Resolution No. 2022-77** - Authorizing the Sole Source Purchase of a Team Eagle Edge-Lite Runway Edge Light Cleaner Attachment from BSI Equipment LLC for the Kenai Municipal Airport Through the Federal Aviation Administration Airport Improvement Program Grant No. 3-02-0142-072-2022 and Issuance of a Purchase Order. (Administration) (7 Yes, 0 No)

E. MINUTES

1. *Regular Meeting of November 2, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to Liquor License Renewal for Playa Azul. (City Clerk)
3. ***Ordinance No. 3321-2022** - Repealing Kenai Municipal Code Sections 13.30.030- Night Parking Prohibited, 13.30.050- Signs Bearing the Legend, and 13.30.100- Parking Prohibited on Kenai Avenue, and Reenacting and Renaming Kenai Municipal Code 13.30.030- Street Parking Prohibitions, to Allow Greater Flexibility in Regulating Street Parking in the City. (Legal)
4. ***Ordinance No. 3322-2022** - Increasing Estimated Revenues and Appropriations in the General Fund for Costs in Excess of Budgeted Amounts for Public Works Street Lighting Repairs and Maintenance. (Administration)
5. ***Ordinance No. 3323-2022** - Accepting and Appropriating Grants from the U.S. Department of Homeland Security Passed Through the State of Alaska Department of Military and Veterans' Affairs for the Purchases of Public Safety Radios, Police In-Car Video Systems, and a Cyber Security Assessment. (Administration)
6. **JOHN COSTON UNANIMOUSLY APPOINTED. Action/Approval** – Confirmation of Mayoral Nomination for Appointment to the Harbor Commission. (Mayor Gabriel) (7 Yes, 0 No)

H. COMMISSION / COMMITTEE REPORTS

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

I. REPORT OF THE MAYOR**J. ADMINISTRATION REPORTS**

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

K. ADDITIONAL PUBLIC COMMENTS

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

L. EXECUTIVE SESSION**M. PENDING ITEMS****N. ADJOURNMENT****O. INFORMATION ITEMS**

1. Race Across Alaska Winter Challenge (RAAWC) Invite

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

Join Zoom Meeting

<https://us02web.zoom.us/j/89664559311>

Meeting ID: 896 6455 9311 **Passcode:** 290589

OR

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

Meeting ID: 896 6455 9311 **Passcode:** 290589



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, October 24, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

[KPB-4688](#)

- a. Arrowhead Estates 2022 Replat; KPB File 2022-001
- b. Bryson Subdivision; KPB File 2020-089
- c. Kinder Subdivision; KPB File 2021-079
- d. Seldovia Townsite East Addn Watson 2021 Replat; KPB File 2021-148
- e. Smurfy Acres 2022 Replat; KPB File 2022-080
- f. The Business Center Subd 2022 Replat; KPB File 2022-039

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

[KPB-4689](#)

- a. Trotter Subdivision Rill River Replat; KPB File 2022-102

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request
6. Commissioner Excused Absences

7. Minutes

[KPB-4690](#) October 10, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 101022 PC Minutes](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-4691](#) Building Setback Encroachment Permit; KPB File 2022-121
Lot 10, Lake Estates Subdivision; Plat KN K-1648
PC RES 2022-46

Attachments: [E1. BSEP_Lot 10 Lake Estates Subdivision_Packet](#)
2. [KPB-4692](#) Utility Easement Vacation: KPB File 2022-148V
Lots 2A-1 & 2B-1 of Seldovia Townsite East Addition 2006 Replat
PC Resolution 2022-47

Attachments: [E2. UEV Seldovia Townsite East Addition 2006 Replat_Packet](#)
3. [KPB-4693](#) Resolution 2022-054: Approving the acquisition of a public access
easement from the State of Alaska for Watermelon Trail.

Attachments: [E3. RES 2022-XX_Public Access Easement Acquisition](#)
[E3. Desk Packet_PC](#)

F. PLAT COMMITTEE REPORT**G. OTHER**

[KPB-4694](#) October 24, 2022 Director's Report

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS**J. COMMISSIONER COMMENTS****K. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**

KPB-4704 Hope/Sunrise APC 10/5/22 Meeting Minutes
Cooper Landing APC 10/5/22 Meeting Minutes

Attachments: MISC_PC

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, November 14, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

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

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

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



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Plat Committee

Monday, October 24, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4695](#) October 10, 2022 Plat Committee Meeting Minutes

Attachments: [C. 101022 Plat Committee Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4696](#) North Subdivision AHO Replat; KPB File 2022-152
Attachments: [E1. North 20 Sub AHO Replat Packet](#)
2. [KPB-4697](#) Birch Forest No. 3; KPB File 2022-151
Attachments: [E2. Birch Forest No. 3 Packet](#)
3. [KPB-4698](#) R Subdivision; KPB File 2022-091R1
Attachments: [E3. R Subdivision Packet](#)
4. [KPB-4699](#) Red Boat Subdivision; KPB File 2022-150
Attachments: [E4. Red Boat Subdivision Packet](#)
5. [KPB-4700](#) D & J Subdivision Burt Addition 2022 Replat; KPB File 2022-145
Attachments: [E5. D&J Sub Burt Addition 2022 Replat Packet](#)
6. [KPB-4701](#) Grouse Creek Subdivision 2022 Addition; KPB File 2022-022R1
Attachments: [E6 Grouse Creek Sub 2022 Addition Packet](#)
7. [KPB-4702](#) KMD Subdivision 2022 Addition; KPB File 2022-146
Attachments: [E7. K.M.D. Subdivision 2022 Addition Packet](#)
8. [KPB-4703](#) Waldron-Engle Subdivision; KPB File 2022-147
Attachments: [E8. Waldron-Engle Subdivision Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, November 14, 2022 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KP.B 2.40.080.



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Plat Committee

Monday, December 12, 2022

6:00 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Plat Committee public hearings are as follows:

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

All items marked with an asterisk () are consent agenda items. Consent agenda items are considered routine and noncontroversial by the Plat Committee and may be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner removes the item from the consent agenda. The removed item will then be considered in its normal sequence on the regular agenda. If you wish to comment on a consent agenda item, please advise the recording secretary before the meeting begins, and she will inform the Chair of your wish to comment.*

1. Agenda
2. Member / Alternate Excused Absences
3. Minutes

[KPB-4788](#) November 14, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 111422 Plat Committee Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4789](#) Gateway Subdivision 2022 Lindquist Addition; KPB File 2022-164
Attachments: [E1. Gateway Sub 2022 Lindquist Addn Packet](#)
2. [KPB-4790](#) Homer One Swan Cove Addition 2022 Replat; KPB File 2022-165
Attachments: [E2. Homer One Swan Cove Addn 2022 Replat Packet](#)
3. [KPB-4791](#) McCall Subdivision 2022 Replat; KPB File 2022-166
Attachments: [E3. McCall Sub 2022 Replat Packet](#)
4. [KPB-4792](#) Pace's Pleasant Haven 2022 Replat; KPB File 2022-168
Attachments: [E4. Pace's Pleasant Haven 2022 Replat Packet](#)
5. [KPB-4793](#) Razdolna 2023 Replat Lot 10-D-2; KPB File 2022-163
Attachments: [E5. Razdolna 2023 Replat Lot 10-D-2 Packet](#)
6. [KPB-4794](#) Tera Firma Subdivision Johnson Addition; KPB File 2022-171
Attachments: [E6. Terra Firma Sub Johnson Addn Packet](#)
7. [KPB-4795](#) Petaluma Acres Koonz Addition; KPB File 2022-173
Attachments: [E7. Petaluma Acres Koonz Addn Packet](#)
8. [KPB-4796](#) Thorsland Subdivision Addition No. 1; KPB File 2022-069R1
Attachments: [E8. Thorsland Subdivision Addn. No. 1 Packet](#)

F. PUBLIC COMMENT

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

G. ADJOURNMENT**MISCELLANEOUS INFORMATIONAL ITEMS****NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, January 9, 2023 at 5:30 P.M. The Plat Committee meeting will not be physically open to the public. The meeting will be held via Zoom. The Plat Committee and staff will be attending via Zoom.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.us

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

Written comments will be accepted until 1:00 p.m. on the last business day (usually a Friday) before the day of the Plat Committee meeting in which the item is being heard. If voluminous information and materials are submitted staff may request seven copies be submitted. Maps, graphics, photographs, and typewritten information that is submitted at the meeting must be limited to 10 pages. Seven copies should be given to the recording secretary to provide the information to each Committee member. If using large format visual aids (i.e. poster, large-scale maps, etc.) please provide a small copy (8 ½ x 11) or digital file for the recording secretary. Audio, videos, and movies are not allowed as testimony. If testimony is given by reading a prepared statement, please provide a copy of that statement to the recording secretary.

An interested party may request that the Planning Commission review a decision of the Plat Committee by filing a written request within 10 days of the written notice of decision in accordance with KP.B 2.40.080.



Kenai Peninsula Borough

Meeting Agenda Planning Commission

Jeremy Brantley, Chair – District 5 Sterling/Funny River
Blair Martin, Vice Chair – District 2 Kenai
Pamela Gillham – District 1 Kalifornsky
Virginia Morgan, Parliamentarian – District 6 East Peninsula
John Hooper – District 3 Nikiski
Michael Horton – District 4 Soldotna
VACANT – District 7 Central
David Stutzer – District 8 Homer
Dawson Slaughter – District 9 South Peninsula
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Charlene Tautfest – City of Soldotna
Troy Staggs – City of Seward
VACANT – City of Seldovia

Monday, December 12, 2022

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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

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

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

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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

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

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

- [KPB-4782](#)
- a. Barker Subdivision #2, KPB File 2021-055
 - b. Coles Corner No. 3; KPB File 2022-052
 - c. Eker Estates Lujan 2022 Replat; KPB File 2022-045
 - d. Kachemak Vista Subdivision; KPB File 2021-023
 - e. Kachemak Wilderness Avrams Replat Phase 1; KPB File 2021-165P1
 - f. Katamar Subdivision 2022; KPB File 2022-020
 - g. Kenaitze Government Lots Replat; KPB File 2022-009
 - h. Kustatan Estates TKC Addition; KPB File 2021-140
 - i. Moose Acres; KPB File 2022-087
 - j. Mott's Subdivision 2022 Addition; KPB File 2022-059
 - k. Pipers Haven Unit 3 2021 Replat; KPB File 2021-115
 - l. Saddle Ridge subdivision 2022 Replat; KPB File 2022-036

Attachments: [C3. Admin Approvals Packet](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-4783](#) November 14, 2022 Planning Commission Meeting Minutes

Attachments: [C7. 11-14-22 PC Meeting Minutes](#)

D. OLD BUSINESS**E. NEW BUSINESS**

1. [KPB-4784](#) Utility Easement Vacation; KPB 2022-169V
Johnson Surveying / Martinez
Request: Vacate entire 10' utility easement along the west boundary of Lot 4, Block 2, Bruhn Subdivision, Plat KN 86-143
Location: Sterling Area

Attachments: [E1. UEV Bruhn Sub Packet](#)

2. [KPB-4785](#) Right-Of-Way Vacation; KPB File 2022-172V
Johnson Surveying / Ancient Basements, LLC
Request: Vacate a 2' X 222.78' portion of an alley located between Mission Ave. & Bayview Street as dedicated on USS 3036 HM 65-55
Location: Ninilchik Area

Attachments: [E2. ROWV Mission Ave-Bayview St Packet](#)

3. [KPB-4786](#) Ordinance 2022-XX: Authorizing a subsurface oil & gas lease at twelve & one-half percent (12.50%) royalty to Hilcorp Alaska, LLC, in the Ninilchik Unit under Township 03 South, Range 14 West, Seward Meridian, Section 30, in the North 2/5 of Govt Lot 1 Lying East of the Sterling Highway Right-Of-Way

Attachments: [E3. ORD Hilcorp Lease Packet](#)

F. PLAT COMMITTEE REPORT**G. OTHER****H. PUBLIC COMMENT/PRESENTATION**

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

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS**K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS
NO ACTION REQUIRED**[KPB-4787](#)**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, January 9, 2023 at 7:30 P.M. The Planning Commission meeting will not be physically open to the public. The meeting will be held via Zoom. The Planning Commission and staff will be attending via Zoom.

CONTACT INFORMATION**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: planning@kpb.uswebsite: <http://www.kpb.us/planning-dept/planning-home>

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

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

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



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 December 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 8 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)	2	4	0	1
Conditional Use Permit	2	0	0	1
Junk and/or Refuse	7	4	0	4
Junk Vehicle(s)	2	9	0	0
Livestock	1	3	1	1
Signs	0	0	0	0
Recreational Vehicle(s)	0	0	0	0
Zoning (e.g., structures, setbacks, use)	1	3	0	0
Total	16	25	1	8

Before and After Highlight



List of Open Cases

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

