



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

January 25, 2023 – 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. Consent Agenda
5. *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 December 28, 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 PZ2023-01** – A Request by Joe Rizzo for a Conditional Use Permit to Allow a Performing Arts Center on the Eastern Portion of the Property Described as Tract 4A of Baron Park 2020 Replat, Located at 450 Marathon Road in the Light Industrial (IL) Zone.
2. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 – Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.

G. UNFINISHED BUSINESS

H. NEW BUSINESS

1. **Action/Approval** – Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-38.

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: February 8, 2023

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/81983082301>

Meeting ID: 819 8308 2301 **Passcode:** 978907

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

Meeting ID: 819 8308 2301 **Passcode:** 978907

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
DECEMBER 28, 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 December 28, 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, G. Woodard, J. Halstead, G. Greenberg, J. Glendening

Commissioners absent: D. Fikes, J. Coston

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

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

Vice Chair 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 – J. Coston

B. APPROVAL OF MINUTES

1. *Regular Meeting of December 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**

1. **Resolution PZ2022-27** – A request by Michael Campanella for an Encroachment Permit for a Side Yard Setback Reduction on the property described as Lot 7, Block 2, Kenai Peninsula Estates Subd. Part 2, located at 910 Salmon Run Drive in the Rural Residential (RR) Zone.

MOTION:

Commissioner Greenberg **MOVED** to adopt Resolution PZ2022-27. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit for a side yard setback reduction. Clarification was provided that the current use is a single-family dwelling, and the proposed two-story addition would encroach about three feet into the required 15 foot side setback, leaving twelve feet between the addition and the north property line. The criteria for encroachment permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain a building permit issued by the Building Official.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the encroachment is only one corner of the northeast portion of the addition encroaches and not the entire length of the structure, that it has been built but not finalized, and that the application was submitted after the applicants had been notified by the Building Inspector of the need for this permit.

Questions were raised about the accuracy of the distance of the encroachment as seen in the survey, and it was clarified that the Building Inspector will verify the measurements on site during the final inspection. Further discussion involved toleration of variance in surveying, whether the applicant had submitted for a building permit, and consideration of an additional condition requiring an as-built.

VOTE:

YEA: Woodard, Greenberg, Glendening, Twait, Halstead

NAY: None.

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-44.

MOTION:

Commissioner Greenberg **MOVED** to approve a Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-44. Commissioner Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report explaining that Resolution PZ2021-44 had been approved by the Planning & Zoning Commission the previous year, granting the applicant a Conditional

Use Permit (CUP) for a standard marijuana cultivation facility. The conditions of the permit stipulated that the applicant must get a building permit or establish the use within the year, or the permit would lapse; the applicant has requested additional time to comply with these conditions. It was noted that the applicant had already submitted a landscape site plan and building permit application which are under review, and that staff expects these conditions to be accomplished within the next few weeks.

It was noted that the applicant was actively working towards meeting the conditions.

VOTE:

YEA: Glendening, Twait, Halstead, Woodard, Greenberg

NAY: None.

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Baisden reported on the actions of the December 21, 2022 City Council Meeting, and noted that the City Manager employment agreement had been finalized with Terry Eubank.
2. Kenai Peninsula Borough Planning – None.
3. City Administration – Planning Director Mitchell reported on the following:
 - Conditional Use Permit annual reports: 49 received, over 100 pending. She will be looking thoroughly at the reports to determine compliance, and sending notices to inactive CUPs which may result in more requests for time extensions.
 - Would like the commission to provide written budget goals for the Planning & Zoning Department.
 - Code cleanups will be brought to the commission more regularly; asked commissioners to notify her if they see any areas that need revision.
 - Bluff Project update: Kenai is officially part of the National Floodplain Insurance Program.
 - There is no longer a planning assistant on staff.

K. ADDITIONAL PUBLIC COMMENTS – None.

L. INFORMATION ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting Date: January 11, 2023

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Glendening thanked staff for bringing issues to the commission's attention. Suggested the commission look at last year's budget to see what the concerns are.

Commissioner Woodard wished everyone a happy New Year.

Vice Chair Halstead agreed that the Planning Director has been doing a phenomenal job and has a lot on her plate.

Commissioner Greenberg stated that it is great to see the CUP report included in the packet, and thanked Planning Director Mitchell.

Chair Twait noted that some of the businesses on the CUP report may still be in operation, and wished everyone a happy New Year.

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

DRAFT



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. PZ2023-01**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A PERFORMING ARTS CENTER.

APPLICANT: Joe Rizzo

PROPERTY ADDRESS: 450 Marathon Road

LEGAL DESCRIPTION: Tract 4A of Baron Park 2020 Replat

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04501061

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on December 9, 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 January 18, 2023, 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 theater is a conditional use; therefore, a conditional use permit may be granted for a performing arts center.

The Light Industrial (IL) Zone is designed to provide for the development of industrial and commercial uses which are usually compatible and which are of a type which has no nuisance effects upon surrounding property, or which may be controlled to prevent any nuisance effects upon surrounding property. New residential uses and other non-industrial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for industrial and commercial purposes, and because the IL zone is not suited to the excluded uses.

The proposed use is permitted in the zone with an approved conditional use permit. A performing arts center is an appropriate commercial use in the zone as it is a compatible

use with the adjacent public park. The proposed number of provided parking space exceeds the minimum parking requirements for a theater. It is not anticipated that the proposed use will have any nuisance effects upon the surrounding properties.

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 city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational. It is anticipated that most of the activities/events at the performing arts center would occur after business hours; therefore, the proposed use would not significantly impair the economic and noneconomic value of the adjoining properties and neighborhood as the surrounding uses encompass a variety of land use types.

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 Industrial land use classification. The Industrial Land Use Classification is defined in the Comprehensive Plan:

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

The surrounding uses are not primarily industrial but recreational and commercial. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses.

As stated by the applicant, the enterprise will not only bring the arts to Kenai for both children and adults but will add greatly to the economic development of the City of Kenai.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-1: Establish siting and design standards so that development is in harmony and scale with surrounding uses.

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

Objective ED-9: Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

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

Findings: City water and sewer run beneath most of the constructed loop of Daubenspeck Road, a paved road. There are adequate public services and facilities to serve the proposed use.

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

Findings: A performing arts center will not be harmful to public safety, health, or welfare. The proposed plans show a single driveway access to the parking lot along the east property line. The single access point reduces the interruption of the traffic flow along Daubenspeck Road. The proposed development will provide sidewalks and lighting to the area. The proposed use will not negatively affect the public safety, health or welfare.

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: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as most of the activities/events will occur in the evening and the adjacent uses are recreational. Specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 Joe Rizzo for a Performing Arts Center on approximately 2 acres of the eastern portion of the property described as Tract 4A of Baron Park 2020 Replat, and located at 450 Marathon Road.

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. Prior to issuance of a building permit, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
THIS 25TH DAY OF JANUARY, 2023.

JEFF TWAIT, CHAIRPERSON

ATTEST:

Meghan Thibodeau, Deputy City Clerk



STAFF REPORT

PLANNING & ZONING DEPARTMENT

TO: Planning and Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: January 20, 2023
SUBJECT: Resolution No. PZ2023-01 – Conditional Use Permit – Performing Arts Center

Request The applicant is proposing a performing arts center.

Staff Recommendation Adopt Resolution PZ2023-01 approving a Conditional Use Permit for a performing arts center.

Applicant	Joe Rizzo
Property Owner	City of Kenai
Legal Description	Tract 4A of Baron Park 2020 Replat
Property Address	450 Marathon Road
KPB Parcel No.	04501061
Lot Size	Approximately 2 Acres of the 5.844 Acres Lot
Zoning	Light Industrial (IL)
Current Use	Vacant
Land Use Plan	Industrial

SUMMARY

The applicant has requested a conditional use permit for a performing arts center with an audience of up to 150 people. The proposed use will be on approximately 2 acres of the eastern portion of the city-owned parcel. The subject parcel is vacant.

The proposed plans would be to construct a 2-story building with an approximate gross floor area of 7,726 square feet. The overall building is a modern design with multiple asymmetrical single-plane roofs. The exterior materials would consist of pre-finished metal siding, composite panel

system, aluminum windows, and a standing seam metal roof. The approximate number of provided parking spaces is 63, where a minimum of 40 parking spaces is required. A single driveway access would be provided along the east property line.

City Council enacted Ordinance No. 3219-2021 to conditionally donate the approximate 2-acre parcel for a performing arts center with stipulations that have been extended for completion of improvements under Ordinance No. 3314-2022. One of the stipulations require a preliminary plat to subdivide the parcel.

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 theater is a conditional use; therefore, a conditional use permit may be granted for a performing arts center.

The Light Industrial (IL) Zone is designed to provide for the development of industrial and commercial uses which are usually compatible and which are of a type which has no nuisance effects upon surrounding property, or which may be controlled to prevent any nuisance effects upon surrounding property. New residential uses and other non-industrial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for industrial and commercial purposes, and because the IL zone is not suited to the excluded uses.

The proposed use is permitted in the zone with an approved conditional use permit. A performing arts center is an appropriate commercial use in the zone as it is a compatible use with the adjacent public park. The proposed number of provided parking space exceeds the minimum parking requirements for a theater. It is not anticipated that the proposed use will have any nuisance effects upon the surrounding properties.

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 city-owned with the following surrounding uses: institutional, industrial, commercial, and recreational. It is anticipated that most of the activities/events at the performing arts center would occur after business hours; therefore, the proposed use would not significantly impair the economic and noneconomic value of the adjoining properties and neighborhood as the surrounding uses encompass a variety of land use types.

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 Industrial land use classification. The Industrial Land Use Classification is defined in the Comprehensive Plan:

Industrial is intended for a variety of light and heavy industrial uses such as: warehousing, trucking, packaging, distribution, production, manufacturing, processing, marine-related industry and storage, and similar industrial activities. Public water and sewer; utilities; and safe, convenient vehicular access are required or planned. Because uses generate noise, odors and emissions typically at a higher level than other land uses, measures should be taken to minimize conflicts with adjacent non-industrial uses. Buffers between industrial uses and adjacent non-industrial uses are desirable.

The surrounding uses are not primarily industrial but recreational and commercial. The proposed use would be compatible with the existing uses and would not require any buffer between surrounding uses.

As stated by the applicant, the enterprise will not only bring the arts to Kenai for both children and adults but will add greatly to the economic development of the City of Kenai.

RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, "Goals, Objectives, and Implementation", several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

*Objective Q-1
Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

*Objective ED-9
Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.*

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

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

Findings: City water and sewer run beneath most of the constructed loop of Daubenspeck Road, a paved road. There are adequate public services and facilities to serve the proposed use.

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

Findings: A performing arts center will not be harmful to public safety, health, or welfare. The proposed plans show a single driveway access to the parking lot along the east property line. The single access point reduces the interruption of the traffic flow along Daubenspeck Road. The proposed development will provide sidewalks and lighting to the area. The proposed use will not negatively affect the public safety, health or welfare.

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: The proposed use is not anticipated to have any adverse impacts on the surrounding properties as most of the activities/events will occur in the evening and the adjacent uses are recreational. Specific conditions are not deemed necessary to fulfill the above-mentioned conditions.

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 PZ2023-01 approving the Conditional Use Permit, subject to the following conditions:

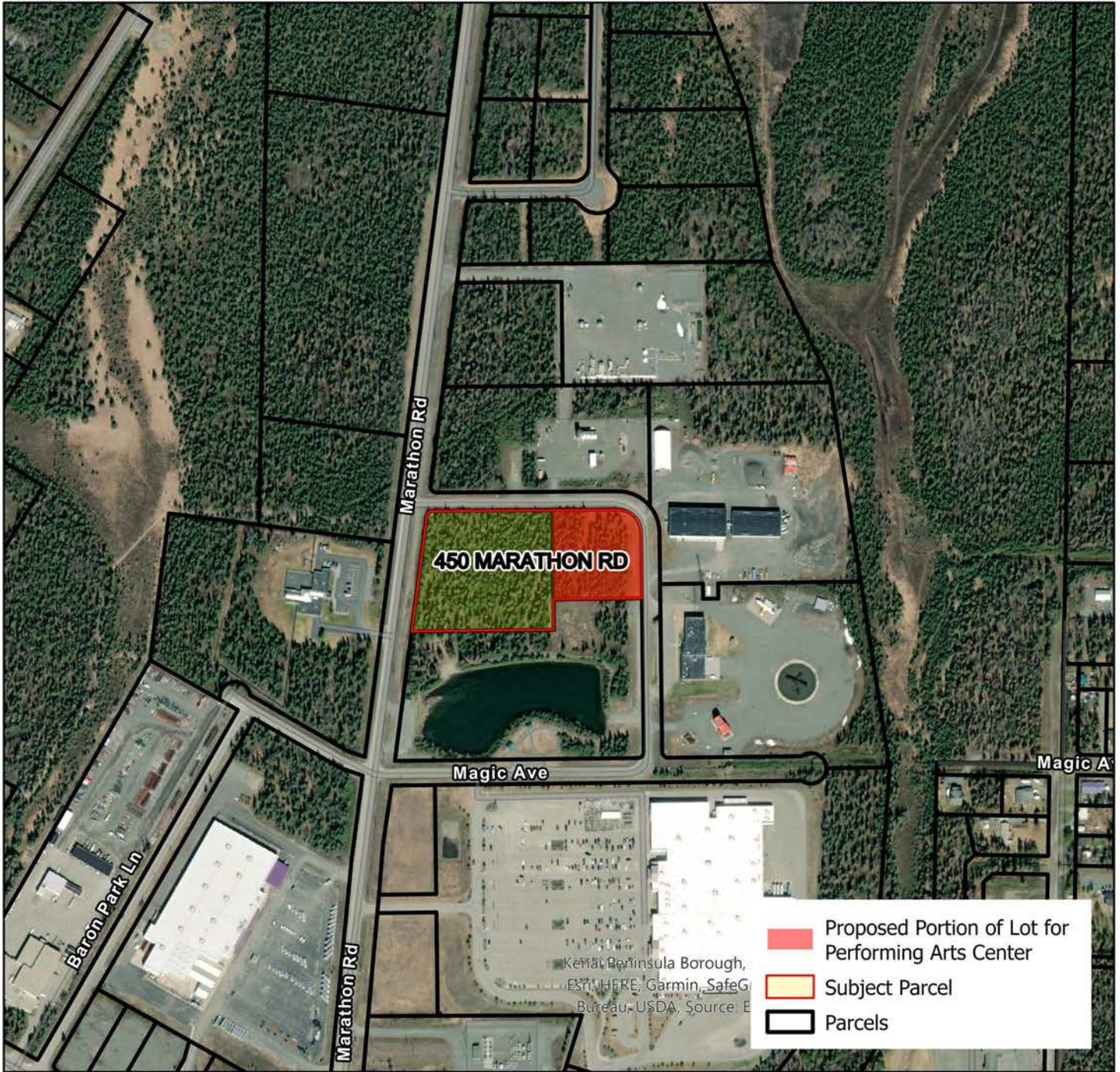
1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Prior to issuance of a building permit, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.

ATTACHMENTS

Aerial Map
Application
Plans

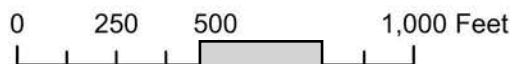


Resolution PZ2023-01
Conditional Use Permit
450 Marathon Road
KPB Parcel ID: 04501061



Date Printed: 1/20/2023

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:	City of Kenai			
Mailing Address:	210 Fidalgo Ave			
City:	Kenai	State:	Alaska	Zip Code: 99611
Phone Number(s):				
Email:				

PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Alaska Children's Institute for the Performing Arts			
Mailing Address:	PO Box 322			
City:	Kenai	State:	Alaska	Zip Code: 99611
Phone Number(s):	(907) 394-1159			
Email:	hereliesdrama@hotmail.com			

PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04501061
Physical Address:	
Legal Description:	Track 4A Baron Park 2020 Replatt
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 Lot
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Conditional Use Requested for (attach additional sheets if necessary):

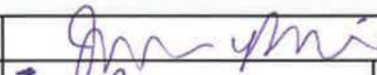
The erecting of a performing arts center.

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

This commercial building will be consistent with surrounding buildings that are also used for commercial use. No residential homes are in this area.

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

The theater will not impair adjoining properties because the majority of use of this performing arts center will be after business hours. Additionally, adequate parking is included in the design of this building and property.

Use of surrounding property - north:	
Use of surrounding property - south:	
Use of surrounding property - east:	
Use of surrounding property - west:	
Explain how the conditional use is in harmony with the City's Comprehensive Plan:	
Part of the City's comprehensive plan is to develop the arts. This enterprise will not only bring the arts to Kenai for both children and adults but will add greatly to the economic development of the City of Kenai. Performances, children's programs, etc will bring many people to Kenai who in turn will patronize restaurants, stores, etc.	
Are public services and facilities on the property adequate to serve the proposed conditional use?	
Yes.	
Explain how the conditional use will not be harmful to public safety, health, or welfare:	
This facility will have adequate parking so there will be no need for patrons to park on the roadway. Additionally, the design will be ADA compliant and have exterior sidewalks, lighting, etc.	
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?	
Since the majority of the use of this facility (audiences attending plays and other arts events) occur in the evenings, that will certainly lessen the potential impact of operations impacting 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:	12/09/22
Print Name:	Joe Rizzo
Title/Business:	
For City Use Only	
Date Application Fee Received: 12/9/22 PZ Resolution Number:	



General Description:

The proposed Triumvirate Theatre is designed to house live performing events with an audience up to one hundred and fifty people. The Triumvirate Theatre group has worked with the city of Kenai to secure roughly 2 acres of land in the middle of the city adjacent to a city owned park in the commercial district.

Site Information:

The site is located near the intersection of Marathon Road and Daubenspeck Road. The lot is currently undeveloped, native ground and relatively flat in topography. We expect three feet of organics will need to be removed and replaced with NFS fill at all building and parking locations. The roughly two acre lot can accommodate 63 parking spaces as well as a loading zone for the theatre. Daubenspeck Road is paved and has water, sewer, power and telephone located in the right of way.

Foundation:

The building will be founded on a concrete thickened edge footing system with a 4" concrete slab on grade throughout the building. Where needed, spread footings shall be provided for interior steel columns.

Exterior Wall Construction:

The exterior walls shall be dimensional wood framing at 6 inches and 8 inches, filled with minimum R-21 continuous batt insulation. Vapor barrier and 5/8" gypsum wall board will be installed on the interior side. Exterior side of the wall will consist of 5/8" sheathing, weather barrier and pre-finished metal siding. At some areas a composite panel system will be used to highlight public areas.

Roof Construction:

Pre-fabricated wood trusses shall be utilized to span the exterior walls and 5/8" plywood sheathing shall provide shear for the roof system. The plywood will be protected with ice and water shield, then covered by a pre-finished, standing seam metal roof.

Doors and Windows:

All windows shall be 4 inch or 6 inch aluminum windows, with glazed 1-inch, insulated glass units. Exterior doors shall be insulated steel doors, galvanized and custom painted. Interior doors, fire-rated or non-fire-rated doors will be solid core wood doors with wood veneer faces. All door frames will be hollow metal, painted.

Interior Finishes:

- Flooring – Carpet tile: 24" x 24" in theater, offices, lobby hallways and balcony areas.
- Concrete – Polished concrete in bathrooms and sealed concrete in accessory spaces.
- Paint – Gypsum wall board – No VOC Latex paint. Metal – Acrylic Direct to Metal. Wood – Clear Acrylic
- Ceilings – The majority of the ceilings shall be suspended ceiling tile. Linear wood ceilings shall be used in limited public locations as design elements.

Theatre Design:

The theatre interior shall have appropriate lighting, acoustics and sound system throughout. Special care will be used when designing each system to account for live performances as well as motion pictures. The theatre floor shall be a gentle sloping floor to the stage allowing for good sight lines between fixed seats. The stage will be made supported by wood framing, sheeted and painted black.

Mechanical Systems:

The heating and cooling systems will be provided from ground mounted HVAC units through routed through the plenum space in the building. The building will also have a boiler system to provide additional heat to the building through cabinet unit heaters and baseboard heat. The boiler will also provide heat to hot water and the public sidewalks.

Fire Prevention:

The building will be equipped with an automatic fire suppression system as well as a manual fire alarm. The building is adjacent to a city water main, which will be tied into for fire water.

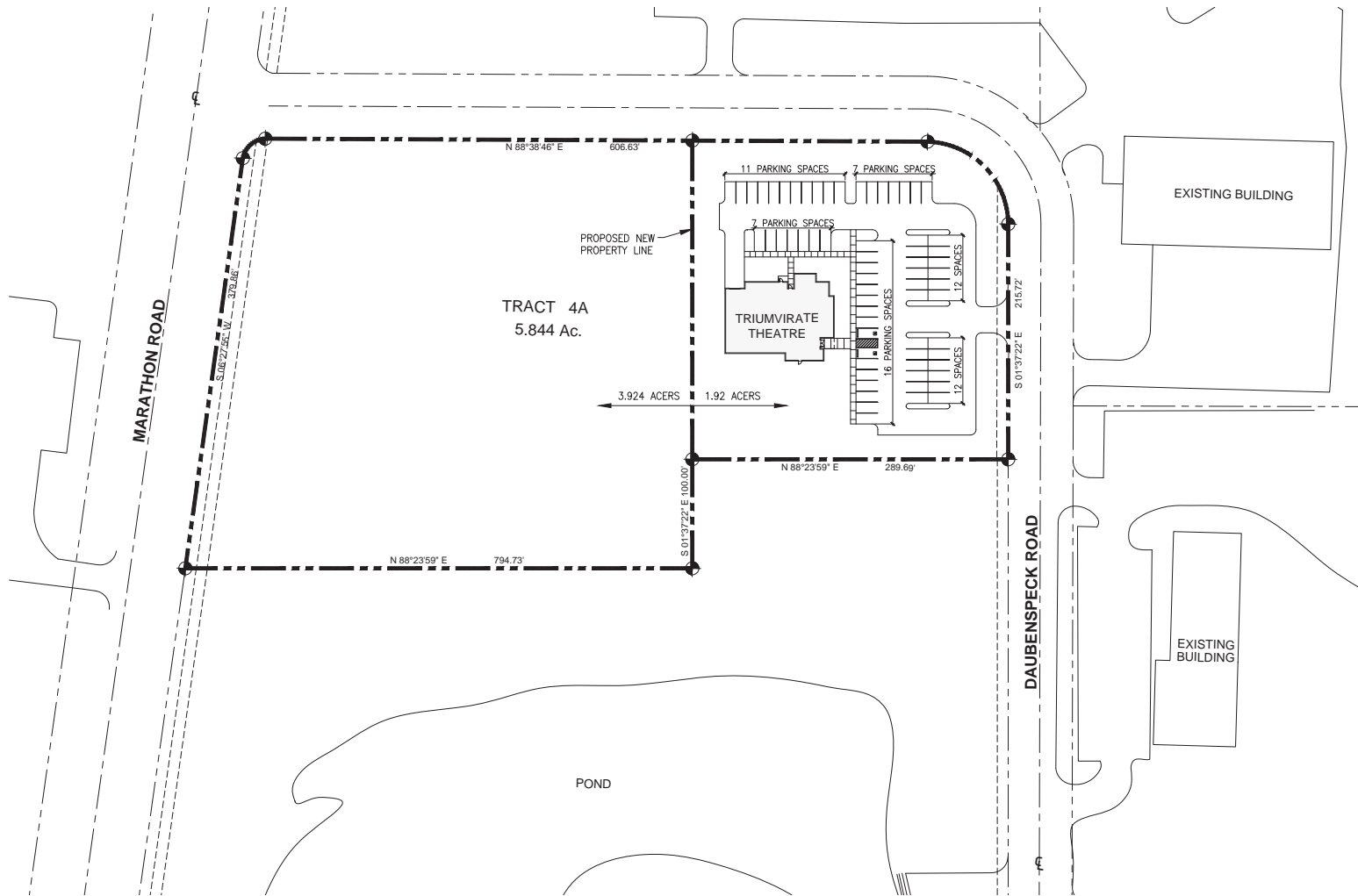
Electrical Systems:

The theatre will have access to 3-phase power form the adjacent street which will feed the air-handlers and theatre required lighting and sound. We look forward to working with a lighting and sound specialist to design these systems. The general area lighting and support spaces will be designed by the electrical engineer. Site lighting will be provided by light poles throughout the parking lot.



2012 International Building Code Information:

- Construction Type: V-B
- Occupancy Type: A-2
- Building Area: Story 1: 6,590 S.F.
 Story 2: 1,136 S.F.
 Total Area: 7,726 S.F.
- Building Height: 2 stories under 40 feet tall
- Sprinkler System: Provided
- Manual Fire Alarm System: Provided



PARKING	
(63)	PARKING SPACES
(2)	ADA ACCESSIBLE SPACES
(1)	12' SERVICE DRIVE

1 SITE PLAN



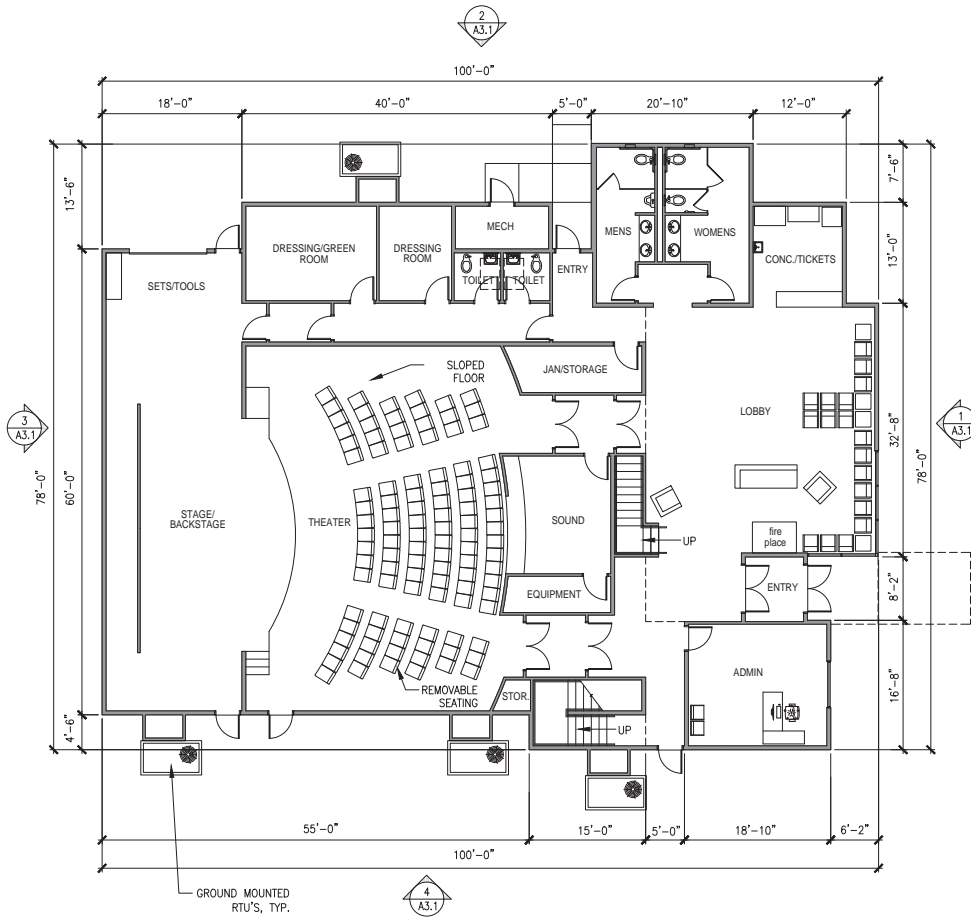
TRIUMVIRATE THEATRE

CONCEPTUAL SITE PLAN A1.0



DATE: 7.30.2021 ARCHITECTURE + PLANNING

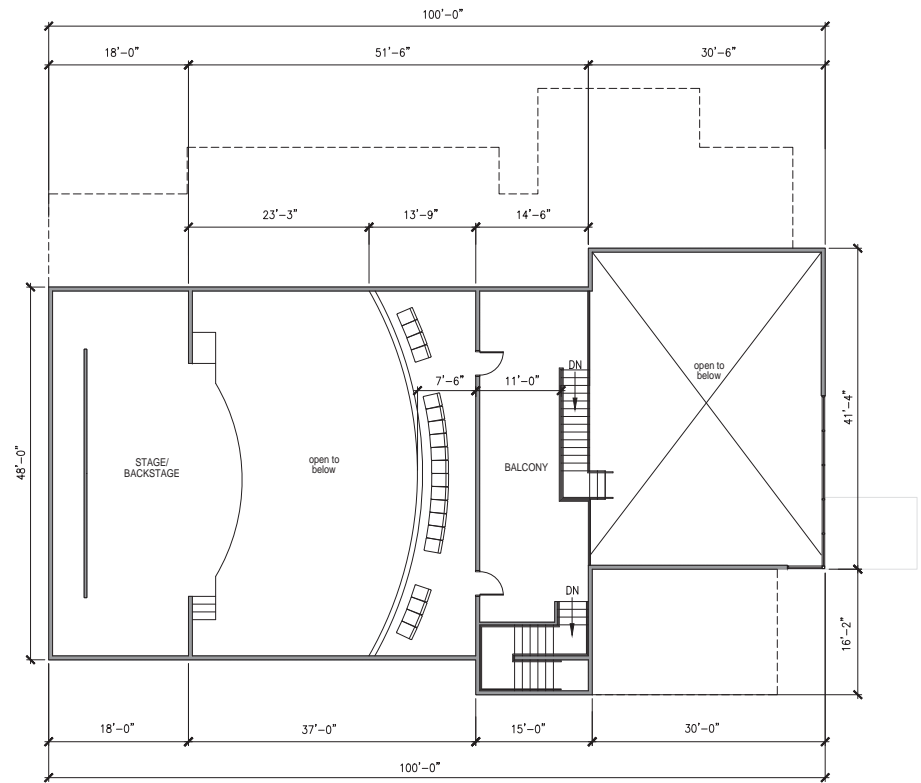
130 TRADING BAY RD. SUITE 330 KENAI, ALASKA 99611
T: 907.283.3698 WWW.KA-DESIGNSTUDIOS.COM



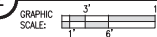
1 MAIN FLOOR PLAN



MAIN FLOOR AREA: 6,590 S.F.
 SECOND FLOOR AREA: 1,136 S.F.
 TOTAL AREA: 7,726 S.F.



2 SECOND FLOOR PLAN



MAIN FLOOR AREA: 6,590 S.F.
 SECOND FLOOR AREA: 1,136 S.F.
 TOTAL AREA: 7,726 S.F.



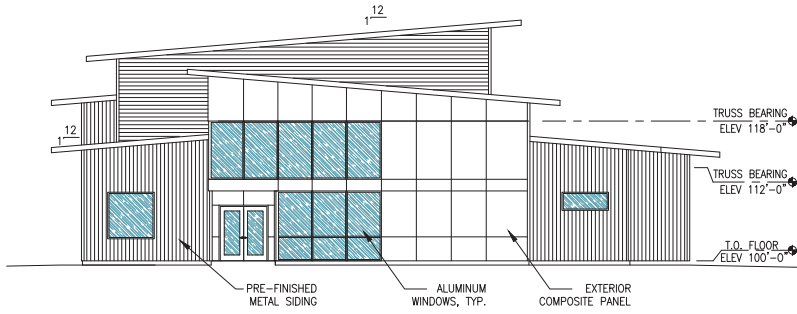
TRIUMVIRATE THEATRE

CONCEPTUAL FLOOR PLAN A1.1



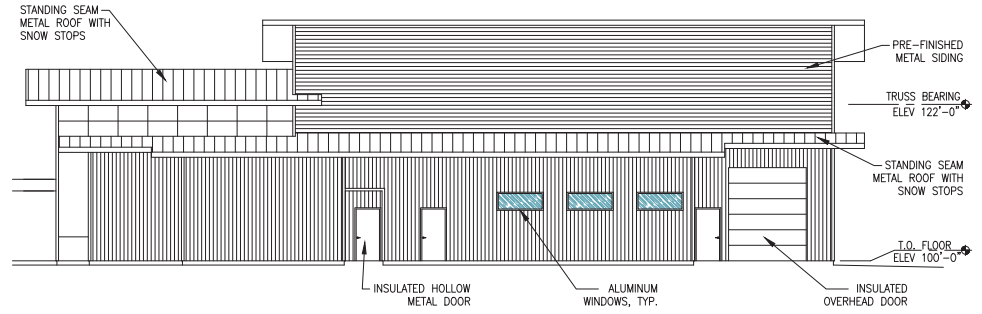
ARCHITECTURE + PLANNING

130 TRADING BAY RD. SUITE 330 KENAI, ALASKA 99611
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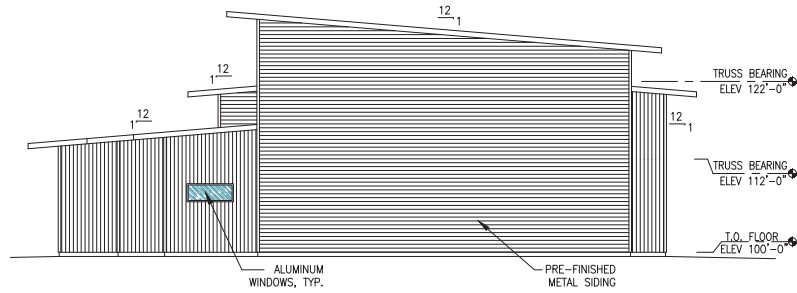
1 SOUTH ELEVATION

GRAPHIC SCALE: 1" = 6'



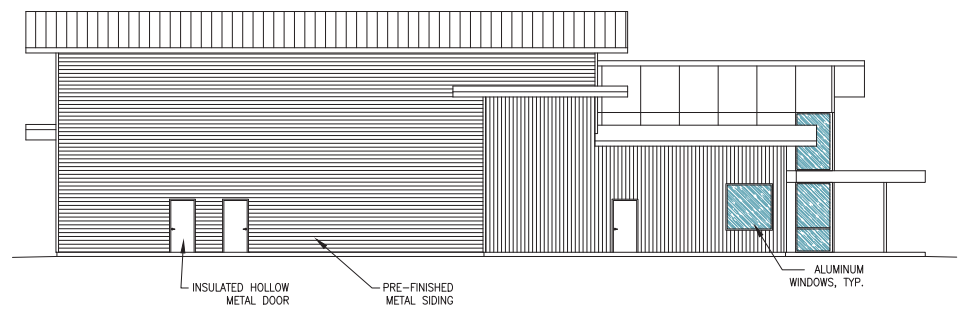
2 EAST ELEVATION

GRAPHIC SCALE: 1" = 6'



3 NORTH ELEVATION

GRAPHIC SCALE: 1" = 6'



4 WEST ELEVATION

GRAPHIC SCALE: 1" = 6'

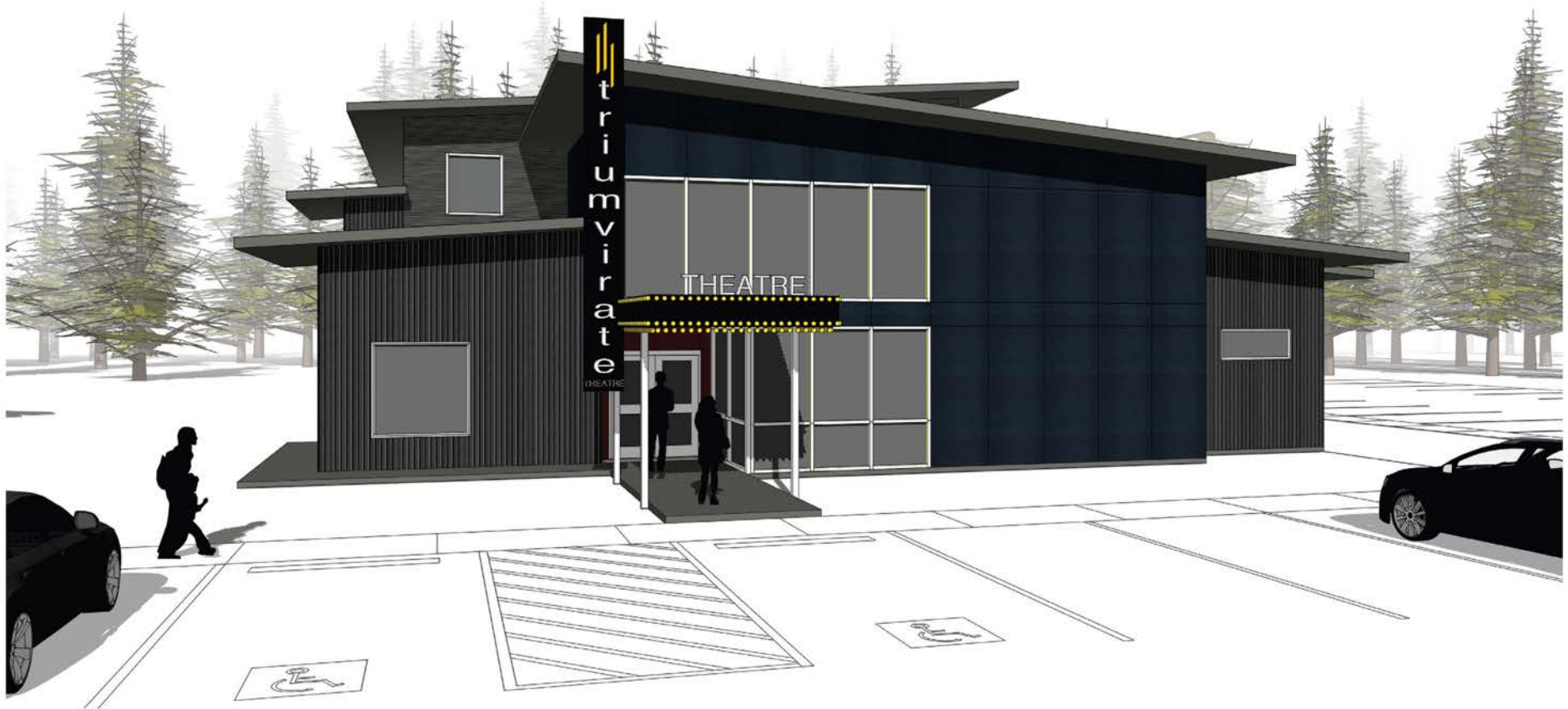
TRIUMVIRATE THEATRE

EXTERIOR ELEVATIONS A2.1



DATE: 7.30.2021 ARCHITECTURE + PLANNING

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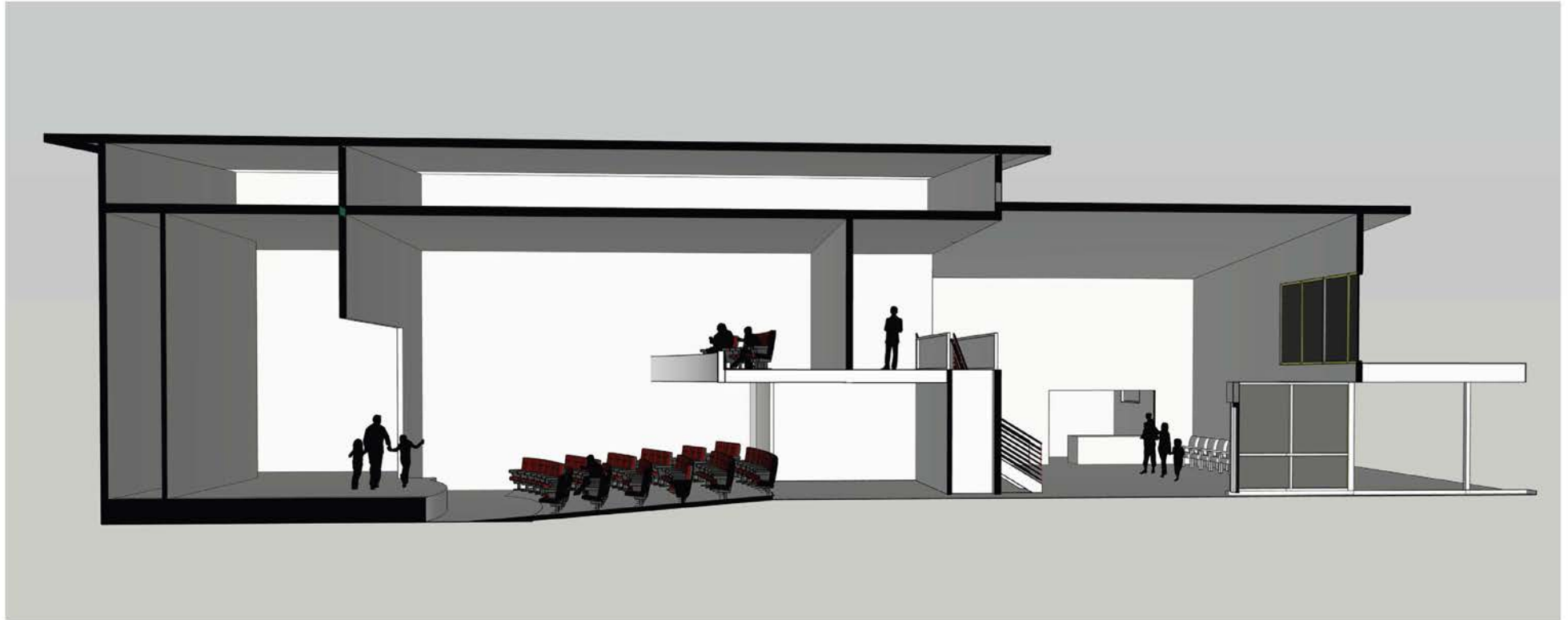
A3.1

K+A designstudios

DATE: 7.30.2021

ARCHITECTURE + PLANNING

130 TRADING BAY RD. SUITE 330 KENAI, ALASKA 99611
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TRIUMVIRATE THEATRE

A3.2

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ARCHITECTURE + PLANNING

DATE: 7.30.2021

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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: January 20, 2023
SUBJECT: **Action/Approval – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 – Amendment of KMC Section 3.10.070 - Livestock within City Limits**

At their regular meeting held on January 4, 2023, City Council referred Ordinance No. 3332-2023 to Planning and Zoning Commission for a recommendation. Ordinance No. 3332-2023 is an amendment to Kenai Municipal Code (KMC) Section 3.10.070-Livestock within the City Limits, to allow a maximum of twelve (12) chicken hens to be kept on certain lots less than 40,000 square feet within the City of Kenai.

Please find the attached memo from Council Member Douthit on Ordinance No. 3332-2023, the Ordinance that would make these amendments, along with the Ordinance itself. Technical corrections have been identified within Ordinance No. 3332-2023 and will be forwarded to the Council for correction during their meeting on February 1, 2023.

Pursuant to KMC 14.20.280(b) and (c) notice of the public hearing was published in the *Peninsula Clarion* on January 18, 2023 and posted in three (3) public places. Attached are public comments received before the publication of the agenda packet.

The commission may make a recommendation to enact the ordinance, enact it with modifications recommended by the commission, or to not enact the ordinance.

The commission is not making a final decision, so the commission action is not subject to appeal.

Attachments

Memo from Council Member Douthit
Memo from City Clerk
Public Comments

MEMORANDUM

TO: Mayor Gabriel and Council Members
FROM: Council Member Alex Douhit
DATE: December 29, 2022
SUBJECT: **Ordinance No. 3332-2023 Amending KMC Section 3.10.070-Livestock Within the City Limits**

This Ordinance addresses proposed changes to KMC Section 3.10.070 that will allow a relatively small number of chicken hens to be kept on certain lots within the city limits. Under the current ordinance, the keeping of chicken hens on lots less than 40,000 square feet is prohibited. Residents have expressed an interest in keeping chicken hens on lots less than 40,000 square feet to provide a supply of fresh eggs. The raising of chicken hens for their eggs helps to promote food security in our community.

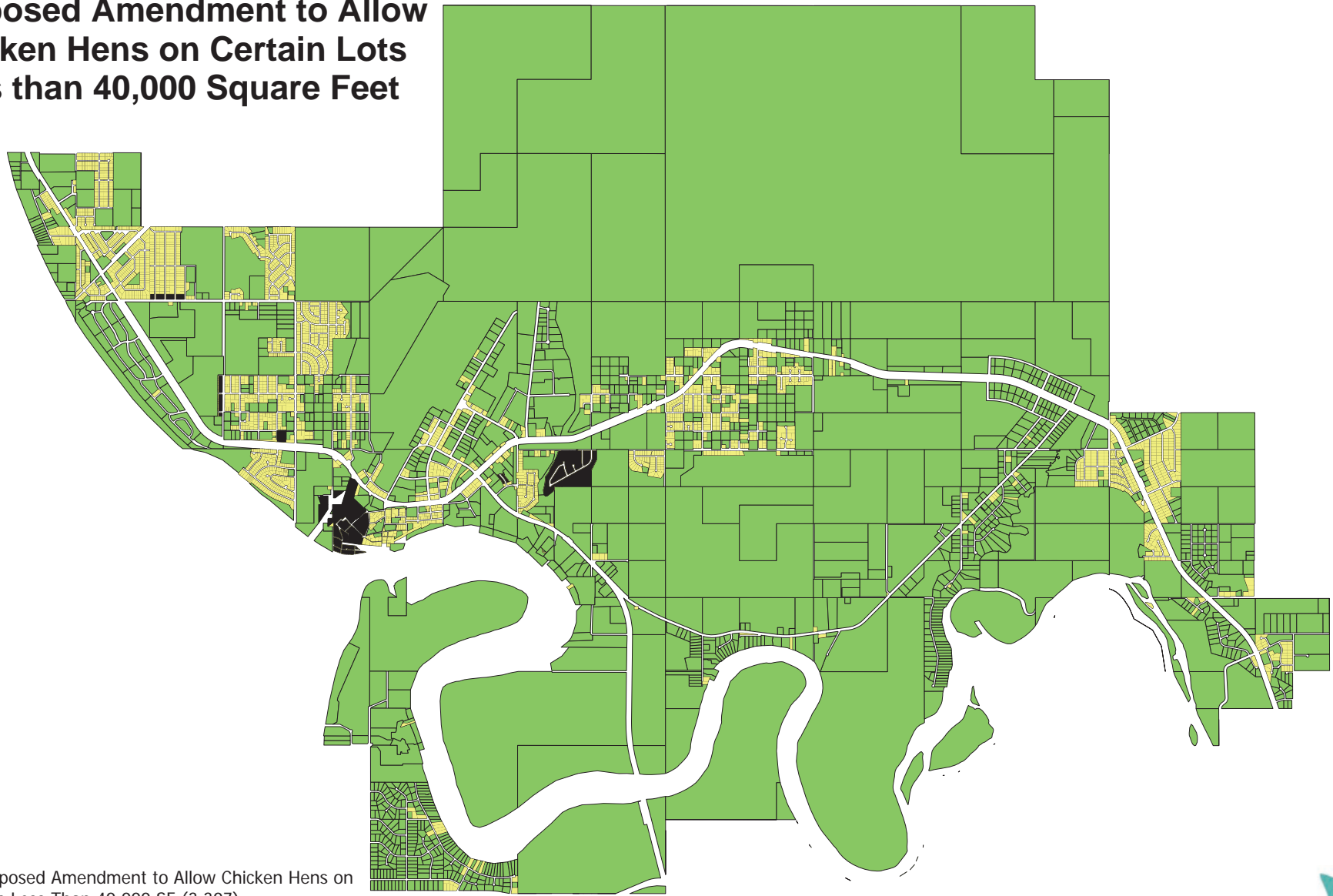
The proposed changes will allow a maximum of 12 chicken hens to be kept on lots less than 40,000 square feet except for the following zones: RU, RS1, RS2, and TSH, these four zones uniquely prohibit the keeping of any livestock regardless of lot size. Attached is a map of where chicken hens will be permitted under the proposed amendment. The proposed changes also includes specific conditions under which the keeping of chicken hens will be permitted.




Your consideration is appreciated.

City of Kenai

KMC 3.10.070-Livestock within city limits

Proposed Amendment to Allow
Chicken Hens on Certain Lots
Less than 40,000 Square Feet



-  Proposed Amendment to Allow Chicken Hens on Lots Less Than 40,000 SF (3,307)
-  Livestock are Permitted
-  Prohibited Zones (RU, RS1, RS2, and TSH)



This is only a graphic representation of Kenai and assumes no responsibility for errors on this map.





**CITY OF KENAI
ORDINANCE NO. 3332-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTION 3.10.070-LIVESTOCK WITHIN THE CITY LIMITS, TO ALLOW A MAXIMUM OF TWELVE (12) CHICKEN HENS TO BE KEPT ON CERTAIN LOTS LESS THAN 40,000 SQUARE FEET WITHIN THE CITY OF KENAI.

WHEREAS, the keeping of chicken hens within the City of Kenai on lots less than forty thousand (40,000) square feet and in the Urban Residential (RU), Suburban Residential 1 (RS1) Suburban Residential 2 (RS2), and Townsite Historic (TSH) zoning districts is currently prohibited; and,

WHEREAS, residents have expressed an interest in keeping chicken hens on lots less than forty thousand (40,000) square feet for personal use; and,

WHEREAS, outside the RU, RS1, RS2, and TSH zoning districts, a relatively small number of chicken hens may be kept within populated areas of the City without causing an unreasonable risk of nuisance or wild animal attractant if the hens are properly located, contained, managed and maintained; and,

WHEREAS, twelve (12) chicken hens or less is a reasonable number to provide a household with eggs without having too high a density of chickens, which could increase the likelihood of causing a nuisance or wild animal attractant.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, AS FOLLOWS:

Section 1. Amendment of Section 3.10.070 of Kenai Municipal Code: That Kenai Municipal Code, Section 3.10.070, Livestock within the city limits, is hereby amended as follows:

3.10.070 Livestock within the city limits.

(a) Except as otherwise provided in this section, no person shall keep or maintain livestock within the City of Kenai.

(b) No livestock shall be allowed in the RU, RS1, RS2 or TSH zones.

([B]c) Except in the RU, RS1, RS2, or TSH zones, [L]livestock, other than bees, may be kept on lots of forty thousand (40,000) square feet or greater. [NO LIVESTOCK SHALL BE ALLOWED IN THE RU, RS1, RS2 OR TSH ZONES. ANIMALS RAISED FOR A FUR-BEARING PURPOSE ARE NOT ALLOWED IN ANY ZONE. BEEKEEPING WILL BE RESTRICTED AS DESCRIBED IN SUBSECTION (G).]

(1) The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k).

(2) Animals raised for a fur-bearing purpose are prohibited within the city limits.

(3) Beekeeping will be restricted as described in subsection (l).

([C]d) In this section "livestock" is defined as the following animals:

(1) Cow

- (2) Horse
- (3) American bison
- (4) Llama
- (5) Alpaca
- (6) Sheep
- (7) Swine
- (8) Goat
- (9) Mule
- (10) Donkey
- (11) Ratite
- (12) Duck
- (13) Goose
- (14) Chicken
- (15) Turkey
- (16) Rabbit
- (17) Honey bees (*Apis mellifera*)

([D]e) (1) Except for the RS1, RS2, RU, TSH zone(s), the Chief Animal Control Officer may issue temporary permits of not more than fourteen (14) days for the keeping of livestock not otherwise allowed for public exhibitions or entertainment events. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or pertinent section of the Kenai Municipal Code. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.

(2) Except in the RU zone, the Chief Animal Control Officer may, after notifying adjoining property owners in writing and allowing reasonable time for comment, issue a permit for the keeping of livestock for educational or youth activities, such as 4-H, Future Farmers of America, or Boy/Girl Scouts on lots not otherwise eligible under this section. The permit shall state the duration of the permit, which shall not exceed two (2) years, and the type and number of livestock to be kept. The Chief Animal Control Officer may impose conditions on the permits as reasonably necessary for sanitation, safety, or hygiene. The permit may be revoked for a violation of the conditions of the permit or Title 3 of the Kenai Municipal Code. Appeal of issuance or revocation of a permit may be made in writing to the board of adjustment. A permit may be renewed following written notice and reasonable time for comment to the adjoining property owners. The City may charge a permit fee, which fee shall be as set forth in the City's schedule of fees adopted by the City Council.

([E]f) Lots on which livestock are kept on the effective date of the ordinance codified in this section which are not eligible for the keeping of livestock under this section shall be considered a non-conforming use of land under KMC 14.20.050. No new or replacement livestock may be kept or introduced on such lots after the effective date of the ordinance codified in this section. Offspring of livestock allowed as a non-conforming use under this section may be kept on such lots only until they are old enough to be relocated to a site conforming to this section or outside of the city limits.

([F]g) Except as set forth in subsections ([G]h) and (i), below, corrals, pens, hutches, coops, fences or other animal containment structures must have a minimum setback of twenty-five feet (25') from the property's side yards, fifty feet (50') from the front yard, and ten feet (10') from the back yard. All animal containment structures must be secure and in good repair.

(h) The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the RU, RS1, RSL, and TSH zoning districts, subject to the following standards:

(1) A maximum of twelve (12) chicken hens may be kept on lots with a permitted principal structure.

(2) Chicken hens must be kept in an enclosed shelter or fully fenced-in at all times.

(3) Chicken coops, hutches or other fully enclosed shelters may not be located in a front yard or side yard that abuts a street in a residential zoning district and must have a minimum setback of fifteen feet (15') from the side yards, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.

(4) Fences, corral, pen, or other similar containment structures must have a minimum setback of fifteen feet (15') from the side yards, twenty-five feet (25') from the front yard, ten feet (10') from the rear yard, and twenty-five feet (25') from residential dwellings on neighboring lots.

(5) All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair.

(6) No person may slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties.

(7) Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code.

(8) The keeping of chicken hens must be consistent with terms of this title and does not in or of itself constitute a nuisance or a disturbance.

([G]i) No person may keep honey bees, *Apis mellifera*, in a manner that is inconsistent with the following requirements or that is inconsistent with any other section of this code.

(1) Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall be situated at least twenty-five feet (25') from any lot line not in common ownership; or oriented with entrances facing away from adjacent property; or placed at least eight feet (8') above ground level; or placed behind a fence at least six feet (6') in height and extending at least ten feet (10') beyond each hive in both directions.

(2) No person shall keep more than four (4) hives on a lot of ten thousand (10,000) square feet or smaller, nor shall any person keep more than one (1) additional hive for each additional two thousand four hundred (2,400) square feet over ten thousand (10,000) on lots larger than ten thousand (10,000) square feet.

(3) It shall be a violation for any beekeeper to keep a colony or colonies in such a manner or in such a disposition as to cause any unhealthy condition to humans or animals.

(4) Beekeepers shall take appropriate care according to best management practices when transporting hives of bees. Bees being transported shall have entrance screens or be secured under netting.

(5) The term "hive" as used in this section means the single structure intended for the housing of a single bee colony. The term "colony" as used in this section means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

[(H) A PERSON SEEKING RELIEF FROM THE PROVISIONS OF THIS SECTION MAY APPLY FOR A CONDITIONAL USE PERMIT UNDER KMC 14.20.150.]

Section 2. Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 3. Effective Date: That pursuant to KMC 1.15.070(f), this ordinance shall take effect 30 days after enactment.

ENACTED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 18TH DAY OF JANUARY, 2023.

Brian Gabriel Sr., Mayor

ATTEST:

Michelle M. Saner, MMC, City Clerk

Introduced: January 4, 2023
Enacted: January 18, 2023
Effective: February 17, 2023



KENAI

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

MEMORANDUM

TO: Chair Twait and Planning Commission Members
FROM: Shellie Saner, City Clerk
DATE: January 18, 2023
SUBJECT: **City Council Ordinance No. 3332-2023** - Technical Corrections

Technical corrections have been identified within Ordinance No. 3332-2023, the following technical amendments will be forwarded to the Council for correction during their meeting on February 1, 2023:

- Section 1, paragraph c. 1. References subsection (k); the reference should be to subsection (h).
- Section 1 paragraph c. 3.: References subsection (l); the reference should be to subsection (i).
- Section 1 paragraph h: Exception RSL should be RS2.

January 17, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Kenai Planning and Zoning Commission, City Council, and Mayor Gabriel,

Subject: Opposition to Ordinance No. 3332-2023

Allowing for Chickens to be Kept on Lots Less Than 40,000 s.f.

I urge the city council to NOT support Ordinance No. 3332-2023. I am opposed to Ordinance No. 3332-2023 which would allow chickens to be kept on lots less than 40,000 s.f. in a densely populated residential zone. I live in a residential neighborhood that is zoned RS (The Woodland Subdivision). I would like the city council to continue to preserve the character and integrity of our residential neighborhoods. Allowing chickens to be kept in a residential neighborhood like the Woodland Subdivision would cause great angst among neighbors. When I bought my house in 1988 I deliberately chose a lot in a residential neighborhood because I didn't want to live next to farm animals, a pack of sled dogs, a gravel pit, or other disruptive nuisances and I certainly didn't want to live next door to where chickens could be slaughtered. If I wanted to live in an area with less regulations, I could have bought property outside city limits as there is plenty of lots to pick from. I enjoy the amenities that the City of Kenai has to offer and I don't want to see the character and integrity our residential neighborhoods compromised.

In a memorandum from Council Member Alex Douthit, dated December 29, 2022 two reasons were given for the proposed code changes: 1) Provide a supply of fresh eggs, and 2) Promote food security.

Until recently, I have never had a problem with buying fresh eggs from the local grocery stores. As for food security we first need to understand what it is. One definition of food security is this: *"The state of having reliable access to a sufficient quantity of affordable, nutritious food."* By that definition I don't see a problem in our community. We have three grocery stores in the City of Kenai which seem to provide reliable access to a sufficient quantity of food. If the City of Kenai wants to address food security then maybe it would be better to establish a Food Security Task Force to recommend the best ways to address it. It seems that there are better ways to address this issue without compromising the integrity of our peaceful residential neighborhoods. One way to address food security without impacting one's neighbors is to grow a garden.

To bring further clarity to this issue we need to ask the right question. If you ask the question: Do you want fresh eggs and food security then the answer is yes. But if you ask the question: Are the proposed changes to the city code appropriate for lots less than 40,000 s.f. in a residential zone (RS zone) then the answer is No.

The second Whereas in Ordinance 3332-2023 is also misleading. It states that residents have expressed an interest in keeping chickens hens on lots less than forty thousand (40,000) square feet for personal use. While this statement may be technically true it's really just a few residents that have expressed this interest. There is no massive demand by the residents to raise chickens in residential neighborhoods. This ordinance aims to satisfy the interest of a few residents at the expense of all others. This ordinance reeks of an agenda to be satisfied and appears to be retaliatory in nature due to the last incident involving chickens kept on a residential lot when neighbors expressed opposition to a Livestock Permit for Chickens (Case No. BA-22-01, Board of Adjustment Hearing of June 20, 2022).

The sponsor of this ordinance has clearly demonstrated that he does not know how to balance the interests of residents in the Kenai community. The agenda that is driving this ordinance is simply bias.

Ordinance No. 3332-2023, as written, is not a balanced proposal

Currently the city code allows for chickens to be raised on 28% of the city's lots but if this ordinance passes, then it would allow for chickens to be raised on 96% of the city's lots. This would create a complete imbalance for those who want chickens in their residential neighborhood and those who don't.

Facts and Figures

Total number of Kenai city lots is 4,895

Current number of lots allowed to raise chickens is 1,384 (28%)

The proposed ordinance would allow an additional 3,307 (68%) lots for raising chickens

The result of the proposed ordinance would allow a total of 4,691 (96%) lots for raising chickens

These facts and figures can be verified with City Planning Director, Linda Mitchell

Inequity Among Subdivisions

The Inlet View Subdivision (Rogers Road area) is zoned RS1 and does not allow for raising chickens. But I live in the Woodland Subdivision, Part 4 which is zoned RS and it does allow for raising chickens with a conditional use permit. However, the average lots size in the Inlet View Subdivision (Rogers Road area) is larger than the lots in my Woodland Subdivision, Part 4. These two subdivisions have similar profiles (lot sizes, densely populated, street widths, etc.) but yet they are treated differently when it comes to raising chickens. The lot sizes in both of these subdivisions are too small to provide adequate buffers or practical setbacks to protect adjacent neighbors from nuisance activities. The proposed ordinance, as written, would create further inequity among Kenai subdivisions with similar profiles. (To create equity among similar subdivisions, see Alternative 1 and 2 below)

Reasons not to change the code:

- 1) The current code already allows for the raising of chickens and is adequate.
- 2) There are plenty of parcels outside city limits to raise chickens.
- 3) Ordinance No. 3332-2023 is not a balanced proposal. It only considers the will of those who want to raise chickens in a residential area.
- 4) Ordinance No. 3332-2023 creates a situation where it is likely to be a breeding place for flies and vermin. See KMC 12.10.010 (L)
- 5) Ordinance No. 3332-2023 invites the potential for more nuisance in our residential neighborhoods.
- 6) Ordinance No. 3332-2023 would change the character and integrity of our residential neighborhoods that are currently zoned RS.
- 7) Ordinance No. 3332-2023 will invite more angst among neighbors.
- 8) Ordinance No. 3332-2023 invites the potential to attract predators into our residential neighborhoods.
- 9) Ordinance No. 3332-2023 will naturally attract more rodents into the neighborhood.
- 10) Ordinance No. 3332-2023 invites the potential to attract domestic cats and dogs to prey on neighborhood chickens causing more conflict among neighbors.
- 11) Ordinance No. 3332-2023 will circumvent the conditional use process. The conditional use process helps to decide if a particular parcel has merit for raising chickens. The proposed ordinance is a blanket proposal which would allow chickens to be raised on almost any lot without consideration.

City of Soldotna

The City of Soldotna prohibits the raising of chickens in all residential zones that are less than 1½ acres.

City of Soldotna Municipal Code 17.10.365 – Animals: *“In the Single, Single-Family/Two-Family and Multi-Family Residential Districts and on properties in the Rural Residential District 1½ acres or less in size, the keeping of farm or wild animals shall be prohibited...”*

I urge the Kenai City Council to NOT support Ordinance No. 3332-2023 as written and consider some sort of compromise between those who want chickens in their residential neighborhood and those who don't.

I ask the Kenai City Council to consider some alternatives.

Alternative 1: Modify the proposed ordinance as follows:

Add language to allow the raising of chickens in Part 1 and Part 2 of the Woodland Subdivision but prohibit the raising of chickens in Part 3 and Part 4 of the Woodland Subdivision. This would be a more balanced proposal and preserve the character and integrity of our neighborhoods.

Parts 1 and 2 contain some lots that are large enough for more impactful activities while Parts 3 and 4 have a profile that is on par with the Inlet View Subdivision (Rogers Road area) which is zoned RS1 and prohibits the raising of chickens.

Alternative 2: Modify the proposed ordinance to prohibit the raising of chickens in **RS Zones** (Suburban Residential) as follows:

Please amend Section 1, part (b) to read as follows:

(b) No livestock shall be allowed in the RS, RU, RS1, RS2 or TSH zones.

Please amend Section 1, part (h) to read as follows:

(h) The keeping of chickens hens on lots less than 40,000 square feet is allowed, except in the RS, RU, RS1, RS2 and TSH zoning districts, subject to the following standards:

Adding the RS zone into Section 1, part (b) and part (h) above will help to preserve the character and integrity of our residential neighborhoods.

Alternative 3: Modify the proposed ordinance as follows:

Add language that would establish a minimum lot size of 20,000 s.f. to raise chickens. Lots that are 20,000 s.f. will be large enough to sustain more impactful activities while buffering neighboring properties. Such lots are large enough to provide natural buffers and practical setbacks to protect neighboring properties from impactful activities.

Any of the above alternatives would seem to be a reasonable balance between those who want chickens in their densely populated residential neighborhood and those who don't. If no compromise can be made then I urge the city council to NOT support Ordinance No. 3332-2023.

Sincerely,



Daniel A. Conetta

January 18, 2023

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

Re: Opposition to Ordinance No. 3332-2023

To: Mayor Gabriel and Kenai City Council
Kenai Planning and Zoning Commission

Thank you to the City Council for referring this sweeping ordinance (affecting 3,307 parcels) to the Planning and Zoning Commission. This will give the public more opportunity for notice and comment. We wish to express our strong opposition to the passage of Ordinance No. 3332-2023. Passage of this ordinance will dramatically change the character of our neighborhoods. It severely limits the properties for residents who don't want to reside near chickens. Our guess is the majority of Kenai residents would oppose it if they were aware of it and of the impacts.

Most of the City Council was present for the June 20, 2022 Board of Adjustment Hearing (Case No. BA-22-01) where we and others expressed our opposition to our adjacent neighbor's Livestock Permit for Chickens. We purchased our home in Woodland Subdivision in 1988 (zoned Suburban Residential) because we wanted to live in a residential neighborhood. For over two years we witnessed blatant violation of the terms of our neighbor's 2020 permit. It wasn't until a "renewal" was applied for did Animal Control perform inspections in April 2022 and found the applicant violated not only the original permit but also the requested new permit. In addition, fencing and structures violating the setback requirements still have not been removed. This is a prime example of where residents did not comply with their permit. If the current laws can't be managed, new and broader allowances won't be enforced either.

Fresh eggs can be purchased locally. We buy eggs at local businesses where sales tax is collected to help support our community. As far as the increased cost of eggs, there is also an increasing cost to have proper chicken coops, fencing, feed, electricity and other expenses.

It seems this ordinance intends to satisfy a few residents at the expense of many. A similar ordinance failed in 2015.

We can attest that a dozen chickens, or several dozen chickens, are a nuisance in a densely populated subdivision on lots smaller than 40,000 square feet. Along with elevated noise, odors and spread of disease, there is an increased potential for predators, wild and domestic.

We think most homeowners affected by this ordinance bought their property knowing that chickens were not a permitted land use and had an expectation that their neighbors wouldn't have chickens either. Passage of this ordinance will pit neighbor against neighbor.

Please reject this ordinance.

Thank you for your consideration in this matter.

Sincerely,

Handwritten signatures of Dave Howard and Kim Howard in blue ink. The signature for Dave Howard is on top, and the signature for Kim Howard is below it.

Kim and Dave Howard
P.O. Box 2823
Kenai, AK 99611

Attachment: Photo from our side yard window, 3/29/22



March 29, 2022
8:49 PM



Edit



January 19, 2023

Mayor Brian Gabriel and Council Members
Planning & Zoning Commission Members
City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

RE: **ORDINANCE NO. 3332-2023** – Amending Kenai Municipal Code Section 3.10.070-Livestock Within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less Than 40,000 Square Feet Within the City of Kenai.

Thank you for reviewing and considering amendments to Kenai Municipal Code 3.10.070, Livestock. I live in Woodland Subdivision, and due to personal experience during 2022 as well as a neighbor's encounter with the ins and outs of the existing ordinance, it is very apparent the Livestock ordinance sorely needs attention, as well as monitoring of the ordinance.

My concerns with Ordinance No. 3332-2023 are listed below:

- (d) -- In the listing of animals defined as "livestock," should (14) Chicken be amended to read "(14) Chicken Hens?"
- (d) -- Should "roosters" be added to animals defined as "livestock?" Definition of chickens, i.e., the difference between chicken hens and roosters, was pointed out during the appeal for extending a permit for keeping chickens at Hansen Heritage Homestead during 2022.
- (g) -- "All animal containment structures must be secure and in good repair." Fairly subjective. Who will be policing these requirements?
- (h)(1) -- "A maximum of twelve (12) chickens may be kept on lots with a permitted principal structure." Add "hens" to "chickens"; perhaps reference where in the Code "permitted principal structure" is defined to assist the public; and, identify whether it would be the Animal Control Officer or Building Official who would be approving the structure.
- (h)(3)
& (4) -- Happy to see setbacks included, but concerned with the statement "and twenty-five feet (25') from residential dwellings on neighboring lots." Should a statement be included that requires a setback of containment structures from neighboring property lines/fences? Also, who will be inspecting/monitoring where and if containment structures have been placed according to Code?

(h)(5) -- "All shelters or containment structures must be constructed of durable weather-resistant materials, secured, and kept in good repair." Who will be policing whether these requirements are followed? If it is to be the Chief Animal Control Officer or Building Official, then include that information.

(h)(7) -- "Chicken hens may not be kept in such a manner as to constitute a public nuisance as defined by Kenai Municipal Code." Should where in the Code public nuisance is defined be added? Who decides if a public nuisance is taking place?


Add as

(h)(9) -- No keeping of chicken hens, roosters, coops, fences, containment shelters, etc. may be situated on city-owned property without a City-approved permit (which could require a survey taken to identify property corners and whether any of the above are trespassing on city-owned property). (This was an issue raised during the Hansen Homestead appeal.)

During the Hansen appeal, it was apparent follow-up was lacking as to the permitted number of chickens (six (6) were permitted on the Hansen property and I believe it was reported approximately 30+ were actually counted by City officials existing on the property). Woodland Subdivision is a fairly highly populated subdivision. Even if half of the properties decide to raise chicken hens, that a huge amount of chicken hens in one area of the city. If passed as it is, for Animal Control to properly police the potential amount of chickened properties in Woodland Subdivision, along with the number of other under 40,000 sq. ft. properties within the city this ordinance will affect, plus responsibilities already assigned, I am not sure if tighter restrictions would be needed. And, whether additional staff will be needed which will affect the City's overall and year-around budget.

For someone to say, "I want to raise chicken hens in my backyard" takes on year-around responsibilities and issues. Having livestock affects more than just that property. Not everyone lives in a subdivision within the city to now have livestock living next door. City budgetary issues, property values; neighbors with allergies to livestock; avian flu; predatory animals; errant neighborhood dogs; foul/fowl odors, etc. are factors of concern to evaluate when considering Ordinance No. 3332-2023.

Thank you.


Carol L. Freas
609 Maple Drive
Kenai, AK 99611



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 *LM*
DATE: January 19, 2023
SUBJECT: Resolution PZ2021-38 – Time Extension for a Conditional Use Permit

Resolution PZ2021-38 granted a conditional use permit for a recreational vehicle park on three (3) parcels described as Lots 2, 3, 14, and 15, Beaver Creek Alaska Subdivision Amended located at 6575/6607 Kenai Spur Highway and 3415 Mudhen Drive. The conditional use permit was approved on November 10, 2021. Pursuant to KMC 14.20.150(l)(1), the permit will lapse 12 months after approval if a building permit has not issued or the use has not been initiated. If the administrative official does not issue a written notice concerning lapse or expiration, the permittee may request a time extension at any time within two (2) years of the date the permit was issued or the use ceased, whichever is later.

Casey Gaze has requested a time extension to complete the site improvements and comply with remaining conditions of approval for the conditional use permit.

KMC 14.20.150(l)(3), allows a time extension of up to one (1) year upon findings that circumstances have not changed significantly to warrant reconsideration of the permit approval or that good cause exists to grant the time extension, not to exceed a total of two (2) years from the date of the Commission's grant of the first time extension. There are no proposed changes to the permit. The applicant is requesting for additional time to complete the site improvements and comply with the required conditions outlined in Resolution PZ2021-38.

If the Planning and Zoning Commission approves the time extension request, the applicant shall comply with all conditions for the Conditional Use Permit on or before November 9, 2023, unless another time extension is requested.

Does the Commission approve a one-year time extension for Resolution PZ2021-38?

Attachments

Annual Report Letter

Aerial Map

Resolution PZ2021-38

December 13, 2022

To: City of Kenai Planning Dept.

From: Casey & Liana Gaze

6575 Kenai Spur Hwy

Kenai, AK 99611

Conditional Use Permit #PZ2021-38

2022 Annual Update

Driveway and approximately half of the parking spaces have been roughed in. We will continue work in spring of 2023. We are planning to finish driveway and remaining parking spaces by July. We are hoping to open in a limited capacity with parking, picnic tables, fire rings, and restrooms for 2023 season, with electricity, potable water, and dump station in 2024. Please contact us with any questions.

Thank you,
Casey & Liana Gaze



**Resolution PZ2021-38 - Time Extension
Recreation Vehicle Park
6575/6607 Kenai Spur Hwy & 3415 Mudhen Dr.
KPB Parcel IDs: 04106302, 04106303, 04106317**



Date Printed: 1/17/2023

Map for Reference Only
NOT A LEGAL DOCUMENT



0 250 500 1,000 Feet



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-38**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI
GRANTING A CONDITIONAL USE PERMIT FOR A RECREATIONAL VEHICLE PARK.

APPLICANT: Casey & Llana Gaze

PROPERTY ADDRESS:

6575 Kenai Spur Highway
6607 Kenai Spur Highway
3415 Mudhen Drive

LEGAL DESCRIPTION:

Lot 2, Block F, Beaver Creek Alaska Subdivision Amended
Lot 3, Block F, Beaver Creek Alaska Subdivision Amended
Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended

KENAI PENINSULA BOROUGH PARCEL NUMBER:

04106302
04106303
04106317

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on October 11, 2021; and,

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

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on November 10, 2021, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

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

Criteria Met: Both 6575 Kenai Spur Highway and 6607 Kenai Spur Highway are zoned General Commercial (CG). The proposed Recreational Vehicle Park meets the intent of

the General Commercial Zone (CG) to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above. A Recreational Vehicle Park would be a primary commercial use.

3415 Mudhen Drive is designated Rural Residential (RR). 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;
 - (B) Prevent health hazards in areas not served by public water and sewer.
- (2) To prohibit uses which would:
 - (A) Violate the residential character of the environment;
 - (B) Generate heavy traffic in predominantly residential areas.

A Recreational Vehicle Park is consistent with the intent of the Rural Residential District by preserving the rural, open quality of the environment with a site design that preserves as many trees as possible and creates privacy between neighboring parcels as well as RV parking spaces. Recommended Condition 2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station; would prevent health hazards in an area not served by public sewer and that is served by private well.

Parcels in the vicinity of the subject parcels, do not have a residential character and consist of general commercial uses and vacant lots. The proposed use would increase the amount of traffic entering and existing the subject properties, but would not be generating heavy traffic in a predominantly residential area.

The Land Use Table provides that Recreational Vehicle Parks are a conditional use for both General Commercial and Rural Residential Zoning Districts; therefore, a conditional use permit must be granted for the operation of a Recreational Vehicle Park. The applicant has provided a site plan that provides the layout of the premises.

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

Criteria Met. The adjacent parcels located to the South, East and West are vacant. Parcels to the North, across the Kenai Spur Highway consist of a propane business, a Homer Electric Association facility, and a steel distributor, all general commercial land uses that

should not be negatively impacted by the proposed recreational vehicle park. Both the economic and noneconomic value of adjacent properties should not be significantly impacted by this change.

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

Criteria Met. The Land Use Plan, from the 2016 Comprehensive Plan, proposes a General Commercial land use for this neighborhood. The General Commercial Land Use Classification is defined in the Comprehensive Plan:

“General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.”

All of the parcels adjacent to the Kenai Spur Highway are zoned General Commercial, the lots located behind those zoned General Commercial are zoned Rural Residential, though the vast majority are not accessible by existing roads and have platted rights-of-way.

The Comprehensive Plan has goals to support businesses and economic development and to provide a high quality of life within the City. Below are specific goals/objectives from the Comprehensive Plan that support this CUP application:

Goal 1 of the Comprehensive Plan is to promote and encourage quality of life in Kenai.

- Q-4 Promote the siting and design of land uses that are in harmony and scale with surrounding uses
- Q-9 Encourage healthy lifestyles by providing opportunities and/or facilities for outdoor activities

Goal 2 of the Comprehensive Plan is to provide economic development to support the fiscal health of Kenai. The tourism industry is an important component for economic development within the City of Kenai.

- ED-9 Capitalize on the tourism industry by marketing Kenai as a destination for recreational activities, conventions, festivals, arts, cultural and other events.

Goal 3 of the Comprehensive Plan is to Develop land use strategies to implement a forward-looking approach to community growth and development.

- LU-2 Promote the infill of existing, improved subdivision lots.

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

Criteria Met. The subject properties are accessed via a paved, State of Alaska Department of Transportation maintained highway. There are no City sewer services in the vicinity, therefore, a private septic system will be required. City water services, are located in the northern half of the right-of-way, but beyond the two hundred (200) feet required for connecting to the public water system per Kenai Municipal Code 17.10.010. The subject property is located approximately 255 feet from the existing water line in the ROW. The application proposes utilizing a water well. A dump station is proposed for use by recreational vehicles. Recommended Condition 2 requires providing the City DEC compliance certification of the water and wastewater systems; 2. Applicant will provide a

copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station. There is access to natural gas, electricity, and telephone services.

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

Criteria Met: There are recommended conditions with requirements related to public safety, health, and welfare:

- 3. Provide accommodations for trash and restroom facilities.
 - 4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.
6. *KMC 14.150(d)(6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions should be met by the applicant. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.*

See Conditions of Approval as set forth below.

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

Section 1. That a conditional use permit is granted to Casey & Llana Gaze for a Recreational Vehicle Park for properties described as Lot 2, Block F, Beaver Creek Alaska Subdivision Amended Lot 3, Block F, Beaver Creek Alaska Subdivision Amended Lot 14&15, Block F, Beaver Creek Alaska Subdivision Amended and located at 6575 Kenai Spur Highway, 6607 Kenai Spur Highway, and 3415 Mudhen Drive.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.
3. Provide accommodations for trash and restroom facilities.
4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.
5. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai.

6. Staff encourages the applicant pursue consolidation of the three subject parcels into one parcel and submitting a rezoning application to rezone 3415 Mudhen Drive from Rural Residential to General Commercial.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
10. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
11. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 10th day of November, 2021.



JEFF TWAIT, CHAIRPERSON

ATTEST:



JAMIE HEINZ, MMC, CITY CLERK





Kenai City Council - Regular Meeting

January 04, 2023 – 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. **ENACTED WITHOUT OBJECTION. Ordinance No. 3324-2022** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds and Authorizing the Purchase of Airport Snow Removal Equipment. (Administration)
2. **ENACTED AS AMENDED WITHOUT OBJECTION. Ordinance No. 3325-2022** - Accepting and Appropriating Donations to the Kenai Community Library for the Purchase of Program Supplies and Equipment. (Administration)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3326-2022** - Increasing Estimated Revenues and Appropriations in the General Fund Parks, Recreation and Beautification Department, and Authorizing an Increase to the Multi-Purpose Facility Management Services Purchase Order to Red Line Sports for Additional Ice Maintenance Services. (Administration)
4. **ENACTED WITHOUT OBJECTION. Ordinance No. 3327-2022** - Increasing and Decreasing Estimated Revenues and Appropriations to Reallocate Grant Funds Previously Appropriated for Construction of a Pedestrian Bridge in the Kenai Municipal Park to Playground Equipment Replacement at the Softball Greenstrip. (Administration)
5. **ENACTED WITHOUT OBJECTION. Ordinance No. 3328-2022** - Increasing Estimated Revenues and Appropriations in the Airport Snow Removal Equipment Capital Project Fund to Provide Supplemental Funding for the Kenai Municipal Airport's Snowblower and Increasing the Existing Purchase Order to Craig Taylor Equipment. (Administration)

6. **ENACTED WITHOUT OBJECTION. Ordinance No. 3329-2022** - Increasing Estimated Revenues and Appropriations in the General and Visitor Center Improvement Capital Project Funds to Provide Supplemental Funding for the Roof Replacement Project. (Administration)
7. **ENACTED WITHOUT OBJECTION. Ordinance No. 3330-2022** - Increasing Estimated Revenues and Appropriations in the General and Recreation Center Improvement Capital Project Funds to Provide Supplemental Funding for the Kenai Recreation Center Improvements Project. (Administration)
8. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-01** - Adopting an Alternative Allocation Method for the FY23 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in FMA 14: Cook Inlet Area. (Administration)
9. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-02** - Adopting Goals to Guide the Preparation of the Fiscal Year 2024 Annual Budget. (Administration)

E. MINUTES

1. *Work Session of December 21, 2022. (City Clerk)
2. *Regular Meeting of December 21, 2022. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Action/Approval** - Non-Objection to the Renewal of a Golf Course-Seasonal Liquor License to Griffin Golf LLC. DBA: Kenai Golf Course - License 5788. (Clerk)
3. ***Action/Approval** - Non-Objection to the Transfer of Controlling Interest for a Beverage Dispensary and Restaurant Designation Permit Liquor License to G&P Inc., DBA: The White Moose - License 204. (Clerk)
4. ***Ordinance No. 3331-2023** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of Ballistic Vests. (Administration)
5. **INTRODUCED AND REFERRED TO THE PLANNING & ZONING COMMISSION, AND SCHEDULED FOR PUBLIC HEARING ON 2/1/2023. *Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit)
6. **APPROVED WITHOUT OBJECTION. Action/Approval** - Confirming the Mayor Appointment of Kenneth Ayers to the Council on Aging for a Partial Term Ending December 31, 2024. (Gabriel)
7. **APPROVED WITHOUT OBJECTION. Action/Approval** - Special Use Permit to Beacon Occupational Health & Safety for Exclusive Lease Space in the Alaska Fire Training Center.

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

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/81303072020>

Meeting ID: 813 0307 2020 **Passcode:** 480578

OR

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

Meeting ID: 813 0307 2020 **Passcode:** 480578



Kenai City Council - Regular Meeting

January 18, 2023 – 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. **ENACTED WITHOUT OBJECTION. Ordinance No. 3331-2023** - Increasing Estimated Revenues and Appropriations in the General Fund – Police Department and Accepting Grants from the United States Department of Justice and Alaska Municipal League Joint Insurance Association for the Purchase of Ballistic Vests. (Administration)
2. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-03** - Amending the City of Kenai's Schedule of Rates, Charges and Fees to Establish New Fees for Conference and Training Rooms at the Alaska Regional Fire Training Center. (Administration)

E. MINUTES

1. *Work Session Minutes of January 4, 2023. (City Clerk)
2. *Regular Meeting of January 4, 2023. (City Clerk)

F. UNFINISHED BUSINESS

G. NEW BUSINESS

1. ***Action/Approval** - Bills to be Ratified. (Administration)
2. ***Ordinance No. 3333-2023** - Amending Kenai Municipal Code 8.05.010 - Adoption of Fire Prevention Standards, and Repealing and Replacing Kenai Municipal Code 8.05.030 - Local

Amendments to the 2009 International Fire Code, to Adopt the 2021 International Fire Code with Local Amendments. (Administrations)

3. ***Ordinance No. 3334-2023** - Amending Kenai Municipal Code Title 4 - Uniform Codes, to Adopt the 2021 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, Uniform Plumbing Code, International Existing Building Code, International Property Maintenance Code and the 2020 National Electrical Code and Incorporate Local Amendments. (Administration)
4. **APPROVED WITHOUT OBJECTION. Action/Approval** - Authorizing the Issuance of a Conditional Letter of Non-Objection for a New Standard Marijuana Cultivation Facility License to Nicholas Mann DBA: Shackelford Investments – License 31826. (Administration)
5. **APPROVED WITHOUT OBJECTION. Action/Approval** - Consent to Assignment and Assumption of Lease Agreement, of ADL 37765, ATS 770, to Riverfront Investments, LLC. (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

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

1. **Ordinance No. 3332-2023** - Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai. (Douthit and Winger) [01/04/23 Introduced by Council; Referred for recommendation to the 01/25/23 Planning and Zoning Commission Meeting; Public Hearing by Council Scheduled for 02/01/23.]

N. ADJOURNMENT

O. INFORMATION ITEMS

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

Join Zoom Meeting

<https://us02web.zoom.us/j/88278369539>

Meeting ID: 882 7836 9539 **Passcode:** 827712

OR

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

Meeting ID: 882 7836 9539 **Passcode:** 827712



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, January 9, 2023

7:30 PM ZOOM ONLY MEETING - Meeting Not Physically Open
To Public

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-4829](#)
- a. AA Mattox Subdivision Johnson Addition; KPB File 2022-064
 - b. Bear Run Tract 2 Replat; KPB File 2022-043
 - c. Beaver Creek Alaska Subdivision 2020 Replat; KPB File 2021-006
 - d. Breakfield-McCaughey Subdivision; KPB File 2022-054
 - e. Catkin Subdivision 2021 Replat; KPB File 2021-144
 - f. C L Hatton Subdivision Eagles Crest Addition Byler Replat; KPB File 2022-027
 - g. Crane-France Subdivision; KPB File 2022-096
 - h. D & J subdivision; KPB File 2022-065
 - i. Foothills Subdivision Sunset View Estate 2020 Addition; KPB File 2020-113P2
 - j. Fritz Creek Acres 2022 Replat; KPB File 2022-095
 - k. K.D.M. Subdivision 2022 Addition; KPB File 2022-146
 - l. Kasilof Alaska Subdivision 2022 Replat; KPB File 2022-119
 - m. Lillian Walli Estate 2022 Replat; KPB File 2022-083
 - n. Lobdell Subdivision; KPB File 2022-018
 - o. McClaren Subdivision; KPB File 2016-083
 - p. Monk Acres; KPB File 2022-071
 - q. Puffin Acres Bayweld 2022 Replat; KPB File 2022-046

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)

- [KPB-4830](#)
- a. Alisyn Acres Subdivision McDonald Replat; KPB File 2022-149
 - b. Foster Lake Subdivision Vasilie Replat; KPB File 2022-140
 - c. Golf-Fairway 2022 Replat; KPB File 2022-138
 - d. John Buchanan Subdivision; KPB File 2022-154

Attachments: [C4. Final Approvals](#)

5. Plat Amendment Request

6. Commissioner Excused Absences

7. Minutes

[KPB-4831](#) December 12, 2022 PC Meeting Minutes

Attachments: [C7. 12-12-22 PC Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4832](#) Building Setback Encroachment Permit; KPB File 2022-176
Petitioner/Landowner: Richard Shreves
Request: Permits a house that is encroaching 12.2;' by 25.9' within the building setback on Lot 2A Spruce Lake Estates Addition No. 2, Plat HM 86-34
Location: Whisky Gulch Street & Cape Ninilchik Avenue
Anchor Point Area

Attachments: [E1. BSEP Spruce Lake Estates - Lot 2](#)
2. [KPB-4833](#) Building Setback Encroachment Permit; KPB File 2022-181
Petitioner/Landowner: Jay Snow
Request: Permits a 9.1' by 4.3' portion of a house to remain in the building setback granted on Hollywood Subdivision No. 4, Plat HM 86-90
Location: Whisky Gulch Street
Anchor Point Area

Attachments: [E2. BSE Hollywood Hills Sub No. 4](#)
3. [KPB-4834](#) Ordinance 2022-46: Amending KPB 21.02.230 to modify the boundaries of the Nikiski Advisory Planning Commission.

Attachments: [E3. ORD 2022-46 Nikiski APC](#)
[E3. ORD 2022-46 Desk Packet](#)
4. [KPB-4835](#) Ordinance 2023-XX: Authorizing an amendment to the Kenai Peninsula Archers lease to provide a ten-year extension of the term and a ten-year renewal option.

Attachments: [E4. ORD 2023-XX KP Archers Lease](#)
5. [KPB-4836](#) Resolution 2023-XX: Providing a 30-day application period prior to inactivating the Kachemak Bay Advisory Planning Commission.

Attachments: [E5. RES 2023-XX Kachemak Bay APC](#)

F. PLAT COMMITTEE REPORT

G. OTHER

- [KPB-4864](#) Advisory Planning Commission Meeting Minutes

Attachments: [Misc Info](#)

H. PUBLIC COMMENT/PRESENTATION

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

I. DIRECTOR'S COMMENTS**J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED****NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

The next regularly scheduled Planning Commission meeting will be held Monday, January 23, 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.



Meeting Agenda Plat Committee

Monday, January 9, 2023

5:30 PM ZOOM ONLY MEETING - Meeting Not Physically Open
To Public

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-4837](#) December 12, 2022 Plat Committee Meeting Minutes

Attachments: [C3. 12-12-22 Plat Minutes](#)

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

1. [KPB-4838](#) Bay Ridge Estates Lot 22 Caron 2023 Replat; KPB File 2022-175
Seabright Surveying / Caron
Location: Diamond Ridge Road
Diamond Ridge Area
Attachments: [E1. Bay Ridge Estates Lot 22 Caron 2023 Replat Packet](#)
2. [KPB-4839](#) Brown's Acre Estates Addition No. 1; KPB File 2022-170
Peninsula Surveying, LLC
Anchorage Development & Construction, LLC
Location: Lopez Avenue
Sterling Area
Attachments: [E2. Brown's Acre Estates Addn. No. 1 Packet](#)
3. [KPB-4840](#) Fort Raymond Subdivision No. 1 Hemlock Addition; KPB File 2022-177
R&M Consultants, Inc / City of Seward
Location: Hemlock Avenue, Sea Lion Avenue & Seward Highway
City of Seward
Attachments: [E3. Fort Raymond Sub No. 1 Hemlock Addn. Packet](#)

4. [KPB-4841](#) Surreal Subdivision Tract C Replat; KPB file 2022-174
Ability Surveys / Cabbage, Maxon
Location: Diamond Ridge Road, Zoe Street & Elliot Avenue
Diamond Ridge Area

Attachments: [E4. Surreal Sub Tract C Replat Packet](#)
[E4. Surreal Sub Desk Packet](#)
5. [KPB-4842](#) Hank & Mattie Bartos Subdivision; KPB File 2022-180
Edge Survey & Design, LLC / Bureau of Indian Affairs, Minium, Lee
Location: Lois Anne Lane, Jacque Street & Bend Street
Nikiski Area

Attachments: [E6. Hank & Matti Bartos Subdivision Packet](#)
6. [KPB-4843](#) Tatum Denise Subdivision Derks Lake Addition; KPB File
2022-155R1
McLane Consulting Group / Friendshuh
Location: Derks Lake Road & Cinnamon Street
Ridgeway Area

Attachments: [E5. Tatum Denise Sub Derks Lake Addn. Packet](#)
7. [KPB-4844](#) Smith-Stanton Subdivision; KPB File 2022-178
Edge Survey & Design. LLC / Smith
Location: Lower Salamatof Avenue, Amethyst Avenue & Beryl Street
Salamatof Area

Attachments: [E7. Smith-Stanton Subdivision Packet](#)
8. [KPB-4845](#) The Place Subdivision; KPB File 2022-179
Edge Survey & Design, LLC / The Place Motel Bar & Grill, LLC
Location: Sparrow Land & Kenai Spur Highway
Salamatof Area

Attachments: [E8. The Place 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, January 23, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

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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 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, January 23, 2023

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

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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-4874](#) a. Bear Lahai Roi Subdivision Sockeye Run View Addition
KPB File 2022-074

Attachments: [C3. Admin Approvals](#)

4. Plats Granted Final Approval (KPB 20.10.040)
5. Plat Amendment Request
6. Commissioner Excused Absences
7. Minutes

[KPB-4875](#) January 9, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 010923 PC Minutes Draft](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4876](#) Bidarki Creek No. 5; KPB File 2022-160

Attachments: [E1. Bidarki Creek No. 5 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-4877](#) APC Meeting Minutes

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, February 13, 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

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**Meeting Agenda
Plat Committee**

Monday, January 23, 2023

6:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

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A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

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

[KPB-4869](#) January 9, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 010923 Plat Committee Meeting Minutes](#)

D. OLD BUSINESS

E. NEW BUSINESS

1. [KPB-4870](#) Federal Addition to Seward Saltwater Safari Replat; KPB File 2022-184
Attachments: [E1. Federal Addn. Seward Saltwater Safari Replat Packet](#)
2. [KPB-4871](#) Kingswood Estates subdivision 2022; KPB File 2022-183
Attachments: [E2. Kingswood Estates Subdivision Packet](#)
3. [KPB-4872](#) Ninilchik Townsite Vanek 2023 Replat; KPB File 2022-182
Attachments: [E3. Ninilchik Townsite Vanek 2023 Replat Packet](#)
4. [KPB-4873](#) Russian Gap Subdivision 2023 Addition; KPB File 2022-185
Attachments: [E4. Russian Gap Sub 2023 Addn. Packet](#)

F. PUBLIC COMMENT

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G. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS

NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING

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MEMORANDUM

TO: Planning & Zoning Commission
FROM: Linda Mitchell, Planning Director *LM*
DATE: January 20, 2023
SUBJECT: Tentative Work Sessions

Work session dates are tentative and subject to change.

Work Session Date	Subject
February 8, 2023	Department Budget Goals
March 22, 2023	Historic Preservation
April 26, 2023	Short-Term Rentals (STRs)
TBD	Sign Code
TBD	Land Use Table – Conditional Uses
TBD	Zoning Code Clean-up