#### AGENDA KENAI PLANNING & ZONING COMMISSION – REGULAR MEETING MARCH 27, 2019 - 7:00 P.M. KENAI CITY COUNCIL CHAMBERS 210 FIDALGO AVENUE, KENAI, ALASKA

www.kenai.city

A Work Session will be held prior to the general meeting from 5:30 p.m. to 6:45 p.m. to provide training for the Planning & Zoning Commission to review Parliamentary Procedures

## 1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call
- c. Agenda Approval
- d. Consent Agenda
- e. \*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.

#### 2. \*APPROVAL OF MINUTES

a. March 13, 2019......1

#### 3. SCHEDULED PUBLIC COMMENT

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

#### 4. UNSCHEDULED PUBLIC COMMENT

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

#### 5. CONSIDERATION OF PLATS

#### 6. PUBLIC HEARINGS

 a. Resolution PZ2019-11 – In Support of Ordinance 3056-2019 Amending KMC 14.22.010 – Land Use Table to Allow Business/Consumer Services and Taxidermy/Gunsmithing in Rural Residential 1 (RR-1) Zone by Conditional Use Permit and Removing the 

## 7. UNFINISHED BUSINESS - None

8. NEW BUSINESS - None

## 9. PENDING ITEMS - None

## 10. <u>REPORTS</u>

a.	City Council	43
b.	Borough Planning	.47
c.	Administration	

## 11. ADDITIONAL PUBLIC COMMENT

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

## 12. INFORMATIONAL ITEMS

a.	March 2019 Planning and Zoning Department Report	.53
b.	Bicycle/Pedestrian Planning Update	.55

#### 13. NEXT MEETING ATTENDANCE NOTIFICATION - April 10, 2019

#### 14. COMMISSION COMMENTS AND QUESTIONS

#### 15. ADJOURNMENT

#### KENAI PLANNING & ZONING COMMISSION REGULAR MEETING MARCH 13, 2019 – 7:00 P.M. KENAI CITY COUNCIL CHAMBERS 210 FIDALGO AVENUE, KENAI, ALASKA CHAIR JEFF TWAIT, PRESIDING

#### MINUTES

#### 1. CALL TO ORDER

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

**a.** Pledge of Allegiance

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

<b>b.</b> Roll Call	
Commissioners present:	Chair J. Twait, Vice-Chair D. Fikes, R. Springer, G. Greenberg, T. McIntyre, J. Halstead, V. Askin
Commissioners absent:	
Staff/Council Liaison present:	City Planner E. Appleby, Deputy City Clerk J. LaPlante, Planning Dept. Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

c. Agenda Approval

#### MOTION:

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

d. Consent Agenda

#### **MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner McIntyre **SECONDED** the motion. There were no objections; **SO ORDERED**.

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

e. \*Excused absences – None.

## 2. \*<u>APPROVAL OF MINUTES</u> – February 27, 2019

The minutes were approved by the Consent Agenda.

- **3. <u>SCHEDULED PUBLIC COMMENT</u> (10 minutes) None scheduled.**
- 4. UNSCHEDULED PUBLIC COMMENT (3 minutes) None.
- 5. <u>CONSIDERATION OF PLATS</u> None.

#### 6. PUBLIC HEARINGS

a. Resolution PZ2019-04 – Application for an Encroachment Permit for an Existing Single-Family Residence Side Yard Setback for the property located at 2730 VIP Drive, Kenai, Alaska, 99611, and further described as Lot 12, Block 3, VIP Ranch Estates Subdivision Part One. The application was submitted by Tom Campanella, 2730 VIP Drive, Kenai, Alaska 99611

The City Planner noted the review of the staff report at the February 27 meeting and that due to a typo in the public notice cards; a second public hearing was scheduled.

#### MOTION:

Commissioner Fikes **MOVED** to approve Resolution No. PZ2019-04 with staff recommendations, and Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED**.

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

#### VOTE:

YEA: Greenberg, McIntyre, Halstead, Springer, Fikes, Askin, Twait NAY:

#### MOTION PASSED UNANIMOUSLY.

b. Resolution PZ2019-07 – Application for a Conditional Use Permit to operate a Bed and Breakfast and Guide Service located at 1555 Angler Drive, Kenai, Alaska 99611, and further described as Lot 31, Block 1, Anglers Acres Subdivision Part 2. The application was submitted by Evan and Kathy Harding, 1555 Angler Drive, Kenai, Alaska 99611

The City Planner reviewed the staff report as provided in the meeting packet and specifically noted there was a permit for the same use in 2003-2014 but it expired and the owners intended on resuming their business and have applied for a new conditional use permit.

The City Planner reported that all the conditions have been met and staff recommended approval of the application for a permit to operate a bed and breakfast, subject to the following conditions:

- Applicant must comply with all federal, State of Alaska, and local regulations;
- A fire inspection must be completed by the City of Kenai Fire Marshal for compliance with the Fire Code prior to renting out of the rooms as described in this conditional use permit to comply with Kenai Municipal Code (KMC) 14.20.431(d);
- After the initial fire inspection prior to operating in 2019, biennial fire inspections must be completed by the Fire Marshal for the City of Kenai, pursuant to KMC 14.20.321(d), starting in 2021;
- Applicant will file an annual report for the Conditional Use Permit as set forth in KMC 14.20.150(f) prior to the 31<sup>st</sup> day of December of each year;
- No more than three (3) boats shall be operated from or stored at this location; and
- Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination of interruption of the use for a period of at least one year.

#### MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-07 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

Chair Twait opened the floor for public testimony.

Owner, Evan Harding, clarified that his personal boat was the only boat in the water. He added there were no complaints in previous years of owning the Bed and Breakfast, noting the neighbors offer guide services.

There being no one else wishing to be heard, public comment was closed.

#### VOTE:

YEA: Fikes, Springer, McIntyre, Askin, Greenberg, Twait, Halstead NAY:

#### MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

- 7. UNFINISHED BUSINESS None.
- 8. <u>NEW BUSINESS</u> None.
- 9. PENDING ITEMS None.

#### 10. <u>REPORTS</u>

- a. City Council Council Member Molloy reviewed the action agenda from the March 6<sup>th</sup> City Council Meeting. He clarified the approval of decreased rent by the Airport Restaurant Concession was due to the Airport Rehabilitation Project; also noted there was an upcoming Ordinance to amend the Residential Rural (RR1) land use table to be reviewed by the Planning and Zoning Commission for a recommendation to City Council.
- b. Borough Planning Vice-Chair Fikes reported that the Commission met on March 11

and approved a limited marijuana cultivation license, Alaska Gold, in the Nikiski area; recommended approval of an Ordinance amending a 160-acre property parcel, creating the Murwood South Single Family Residential (R1) local option zoning; and approved a resolution for a conditional use permit for anadromous waters habitat pond on the Kenai Golf Course.

- c. Administration City Planner Appleby reported on the following:
  - She attended an Alaska LNG Project meeting on March 12; the next meeting is in May;
  - The Alaska Draft Environmental Impact Statement (EIS) was now scheduled to be released June 2019;
  - The sign code work sessions will resume in April;
  - There was upcoming training for Commissioners by the City Clerk focused on Parliamentary Procedures;
  - Administration working on lands management process, update to follow;
  - An updated City of Kenai website would be going live in a few weeks.

#### 11. ADDITIONAL PUBLIC COMMENT - None.

#### 12. INFORMATIONAL ITEMS - None.

#### 13. NEXT MEETING ATTENDANCE NOTIFICATION - March 27, 2019

#### 14. COMMISSION COMMENTS & QUESTIONS - None.

#### 15. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:43 p.m.

Minutes prepared and submitted by:

Jacquelyn LaPlante Deputy City Clerk



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## STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: March 21, 2019

Subject: Resolution PZ2019-09 – Preliminary Subdivision Plat – Basin View Subdivision Pettey-Daniel Replat

Applicant:	Jay and Glenese Pettey
, pprioant.	340 Thompson Place
	Kenai, Alaska 99611
	Phillip Daniel
	P.O. Box 1284
	Kenai, AK 99611
Submitted By:	Segesser Surveys, Incorporated
	30485 Rosland Street
	Soldotna, Alaska 99669
Requested Action:	Preliminary Subdivision Plat – Basin View Subdivision Pettey-Daniel
	Replat
Legal Description:	Lot 4, Block 2, Basin View Subdivision Part 3
	Lot 2-A, Block 2, Basin View Subdivision Part 3
	Lot 3-A, Block 2, Basin View Subdivision Part 3
Property Address:	570 Dolchok Lane
	580 Dolchok Lane
	590 Dolchok Lane
KPB Parcel No:	04926102
	04926127 04926128
Lot Size:	40,178 square feet (0.92 acres)
LOI SIZE.	38,118 square feet (0.88 acres)
	40,707 square feet (0.93 acres)
Existing Zoning:	Rural Residential (RR)
Current Land Use:	Single Family Dwelling
Surrent Land 030.	Vacant Lot
	Single Family Dwelling
Land Use Plan:	Low Density Residential

#### GENERAL INFORMATION

Jay and Glenese Pettey own Lots 2-A and 3-A, Block 2, Basin View Subdivision Part 3, and Phillip Daniel owns Lot 4, Block 2, Basin View Subdivision Part 3. The proposed plat would vacate the property lines for the three lots and create two larger lots. The Pettey residence is located on Lot 2-A and the field line for their septic system is located on Lot 3-A. The vacation of the property line between the two lots will result in the septic system and field line being located on one larger lot.

#### Application, Public Notice, Public Comment

*KMC 14.10.010, General* under *Chapter 14.10 Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review prior to the submittal of the plat to the Kenai Peninsula Borough Planning Department. Kenai Municipal Code (*KMC*) *14.10.060* describes the process in more detail. The plat will be reviewed first by the City of Kenai Planning and Zoning Commission, followed by the Kenai Peninsula Borough's review, and then the Kenai City Council.

The property owners completed the City of Kenai preliminary plat submittal form. City staff deemed the application to be complete. The City of Kenai follows *Kenai Peninsula Borough Code 20.25.070* and *20.25.080* for preliminary plat submittal requirements.

City staff published notice of the consideration of the plat in the *Peninsula Clarion*. No public comments have been received as of March 21, 2019.

#### ANALYSIS

The parcels are within the Rural Residential (RR) Zone of the City of Kenai. Pursuant to *Kenai Municipal Code 14.24.010*, the minimum lot size is 20,000 square feet. The proposed Lot 2A, is approximately 1.369 acres (approximately 59,634 square feet), which meets the minimum lot size requirements. The proposed Lot 4A is approximately 1.385 acres (approximately 60,331 square feet), which also meets the minimum lot size requirements. The lots meet the minimum lot width of sixty (60) feet as specified by Kenai Municipal Code 14.24.020.

The vacation of the existing lots lines place the field line for the septic system currently on Lot 3-A serving the Pettey residence located on Lot 2-A on one parcel (Lot 4A). The existing structure on Lot 2-A owned by the Pettey family is currently quite close to the side yard lot line. Replatting the lot line to create Lot 2A would provide more assurance to the property owner that he is avoiding an encroachment into the side yard setback.

Dolchok Lane provides access to the proposed lots. Dolchok Lane is a paved and City-maintained road. The right-of-way for Dolchok Lane is sixty feet (60') in width, which meets the minimum width of sixty feet (60') pursuant to *KMC 14.10.070(b)(2)*. The proposed plat does not dedicate any additional right-of-way. Street names are denoted accurately on the preliminary plat.

The City of Kenai does not have water and sewer connections to Dolchok Lane and the existing residences are serviced by private wells and sewer systems. An installation agreement is not required.

The easement for utilities is along the front fifteen feet (15') of the property line fronting Dolchok

Lane and a portion of the front setback within five feet (5') of the side yard setback. The easement is accurately denoted on the preliminary plat. The front utility easement was previously ten feet (10') and the increase to fifteen feet (15') reflects the current standard of utility companies.

Based upon the submitted materials and this review, the preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*. Conditions of approval are recommended to revise the notes on the plat. Condition (b) recommends adding a reference to the plat number 85-19 in addition to the reference to plat 83-173. This reflects the two original plats amended by this resubdivision. Condition (d) clarifies that the utility easement is 15 feet and Condition (c) references City of Kenai zoning requirements, which includes City of Kenai setback requirements.

#### RECOMMENDATIONS

City staff recommends approval of the preliminary plat of Basin View Subdivision Pettey-Daniel Replat, subject to the following conditions:

- a. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- b. Revise plat legend to reflect that this is also a subdivision of Basin View Subdivision Part 3, plat number 85-19.
- c. Add a note that the development requirements must meet the City of Kenai Chapter 14 Zoning Code requirements.
- d. Amend note number three (3) to delete the setback width of twenty feet (20').

#### ATTACHMENTS

- 1. Resolution No. PZ2019-09
- 2. Application
- 3. Preliminary Plat
- 4. Map

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#### CITY OF KENAI PLANNING AND ZONING COMMISSION RESOLUTION NO. 2019 - 09

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI **RECOMMENDING** THAT THE BASIN VIEW SUBDIVISION PETTEY-DANIEL REPLAT ATTACHED HERETO AS EXHIBIT "A" BE APPROVED SUBJECT TO THE CONDITIONS OUTLINED BELOW.

WHEREAS, the City of Kenai received the plat attached as Exhibit A from Segesser Surveys, Incorporated; and,

WHEREAS, the plat meets City Code requirements of the Rural Residential Zone; and,

WHEREAS, the plat accurately represents street names and surrounding properties; and,

WHEREAS, the plat will not change the existing access to the properties; and,

WHEREAS, access to the property is provided by Dolchok Lane, which is a paved, City maintained road.

WHEREAS, the plat accurately shows utility easements; and,

WHEREAS, City water and sewer services are not available in this area and the property owners have installed appropriate private wells and septic systems; and,

WHEREAS, an installation agreement is not required.

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

**Section 1.** That the Basin View Subdivision Pettey-Daniel Replat attached as Exhibit "A" be approved based on the following findings:

- a. Pursuant to Kenai Municipal Code 14.10.070 Subdivision design standards, the plat conforms the minimum street widths, easements are sufficiently provided for utilities, lots are arranged to provide satisfactory and desirable building sites, and lots meets standards for well and septic systems.
- b. Pursuant to Kenai Municipal Code 14.10.080 Minimum improvements required, there is adequate access and facilities available to the parcels. An installation agreement is not required.
- c. Pursuant to Kenai Municipal Code 14.24.010 Minimum lot area requirements, the lots meet City standards for minimum lot sizes.

Resolution No. PZ2019-09 Page 2 of 2

d. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

**Section 2.** That the approval be subject to the following conditions:

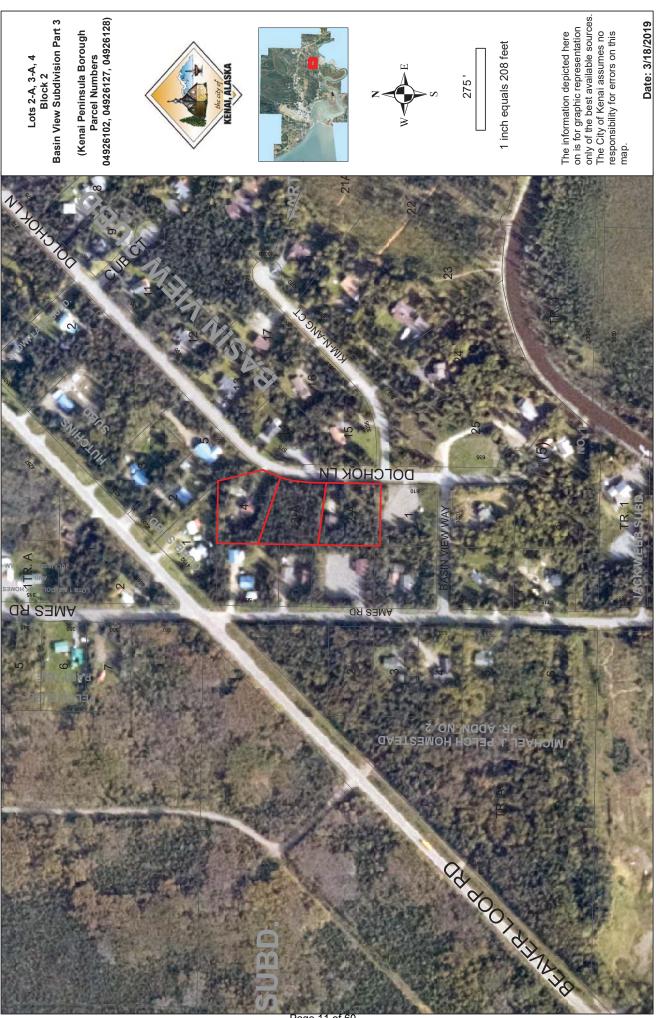
- a. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- b. Revise plat legend to reflect that this is also a subdivision of Basin View Subdivision Part 3, plat number 85-19.
- c. Add a note that the development requirements must meet the City of Kenai Chapter 14 Zoning Code requirements.
- d. Amend note number three (3) to delete the setback width of twenty feet (20').

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of March, 2019.

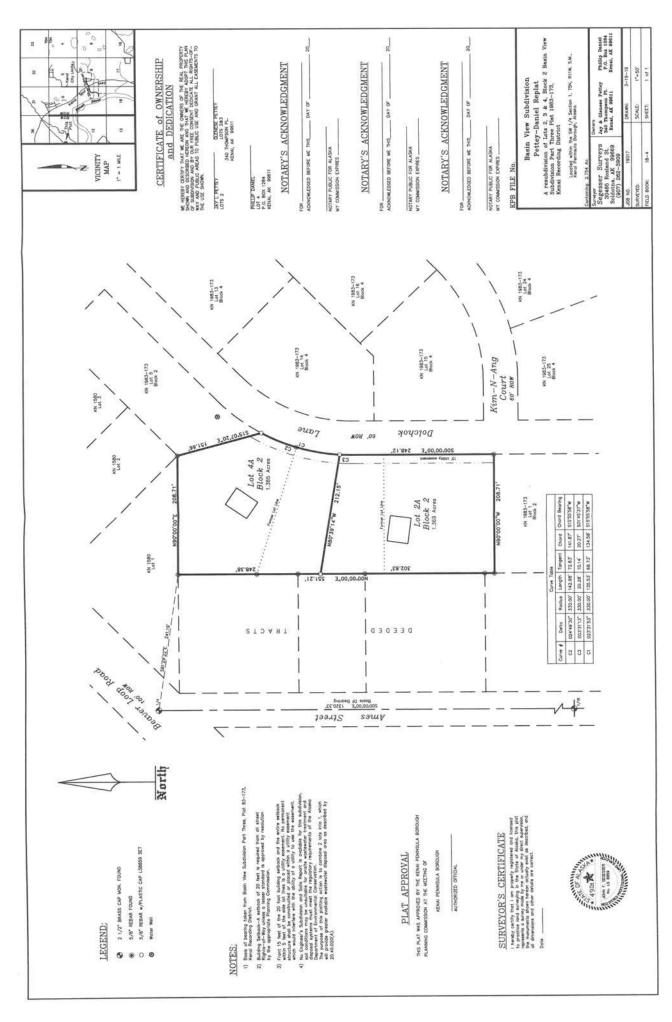
JEFF TWAIT, CHAIRPERSON

ATTEST:

JAMIE HEINZ, CITY CLERK



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## STAFF REPORT

To: Planning & Zoning Commission

From: Elizabeth Appleby, City Planner

Date: March 22, 2019

Subject: Resolution PZ2019-11-Recommeding Kenai City Council Enact Ordinance 3056-2019 Amending Kenai Municipal Code 14.22.010 – Land Use Table to Allow Business/Consumer Services and Taxidermy/Gunsmithing in Rural Residential 1 (RR-1) Zone by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit within the RR-1 Zone

#### **GENERAL INFORMATION**

During their regular meeting on March 6, 2019, the Kenai City Council voted to refer Ordinance No. 3056-2019 – Amending Kenai Municipal Code (KMC) 14.22.010 Land Use Table to the City of Kenai Planning and Zoning Commission for consideration and a recommendation. Ordinance No. 3056-2019 would amend *KMC 14.22.010 Land Use Table* to allow business/consumer services and taxidermy/gunsmithing as conditional uses within the Rural Residential (RR-1) Zone. Currently these uses are not permitted within the RR-1 Zone. Ordinance No. 3056-2019 would also remove the location restriction on professional offices from the RR-1 Zone. Professional offices would remain a conditional use within the RR-1 Zone. Ordinance No. 3056-2019 would only modify permitted land uses within the RR-1 Zone and would not alter the City of Kenai Zoning Map or the intent of the RR-1 Zone. The memorandum and draft ordinance provided from the City Attorney to City Council for Ordinance No. 3056-2019 are attached to this staff report as references.

The City of Kenai Planning and Zoning Commission acts in an advisory capacity to the Kenai City Council on the Kenai Zoning Code as specified in *KMC 14.05.010 Duties and powers* under *Title 14 Planning and Zoning Commission*. The Kenai City Council will consider Ordinance No. 3056-2019 once the City of Kenai Planning and Zoning Commission has provided a recommendation through Resolution PZ2019-11. Both the City Council and the Planning and Zoning Commission will consider their respective ordinance and resolution through public hearings as required by City Code.

The RR-1 Zone is in two parts of the City. This staff report refers to these two parts as the "western portion" and the "eastern portion". The western portion of the RR-1 Zone contains 109 parcels.

The eastern portion of the RR-1 Zone contains 32 parcels. Ordinance 3056-2019 would not change the City Zoning Map or amend the location or boundaries of the RR-1 Zone and would only amend the Land Use Table for the RR-1 Zone. Several maps are attached to this staff report as reference points for the location of the RR-1 Zone.

Much of the western portion of the RR-1 Zone has City water and sewer connections available. Land in the Rural Residential (RR) Zone is to the north. Land in the Conservation (C) Zone is to the immediate west, with General Commercial (CG) Zone land farther west. Land zoned RR and Suburban Residential (RS) are to the east. The Kenai Spur Highway borders most of the southern edge of the RR-1 Zone. Across the Kenai Spur Highway are Kenai Central High School, the Kenai Middle School, the Challenger Learning Center, and land in the RS Zone.

The eastern portion of the RR-1 Zone does not have City water and sewer connections available. The eastern portion of the RR-1 Zone is surrounded by the RR Zone to the north, south, and east. Land to the west is zoned Limited Commercial (CL). Visible on the close-up map to the southeast is a rough private road leading from Wortham Avenue to Strawberry Road. The City has received repeated complaints of trash and debris at the end of Wortham Avenue and Johnisee Court. The City received approval from the property owner to install a trench and dirt/rock to block vehicles from entering both ends of this rough private road last year.

#### Public Notice, Public Comment

The proposed change to City Code was referred to the Kenai Planning and Zoning Commission from the Kenai City Council. Pursuant to *KMC 14.20.280, Public hearing and notifications*, City staff published notice of the Planning and Zoning Commission public hearing in the *Peninsula Clarion* and posted notice in three public places. *KMC 14.20.280 Public hearings and notifications* states:

When a public hearing is to be held about a proposed zoning ordinance amendment involving a change in the text or major district boundary changes, no notification of neighboring property owners shall be required, but notices shall be displayed in at least three (3) public places.

No public comments have been submitted to the City of Kenai as of March 22, 2019.

#### ANALYSIS

#### Land Use Definitions

*KMC 14.20.320 Definitions* specifies the meaning of several terms in the zoning code, including the meaning of land uses. Relevant land use definitions for the proposed Ordinance 3056-2019 are the following:

"Business/Consumer Services" means the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

"Gunsmith" means a person who repairs, modifies, designs, or builds firearms.

"Profession" means an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine.

"Office" means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

"Taxidermy" means the act of mounting or reproducing dead animals, fish, and/or birds for display.

#### Land Use Table

*KMC 14.22.010 Land Use Table* specifies uses in the different zones of the City. The land uses of "Gunsmithing/Taxidermy" and "Business/Consumer Services" are shown as "Not Permitted (N)" in the RR-1 Zone.

The City may not issue permits for non-permitted uses. The City currently may not accept a conditional use permit application for the uses of gunsmithing, taxidermy, or business/consumer services in the RR-1 Zone.

Over the past year, the Planning and Zoning Department for the City of Kenai has fielded calls regarding currently non-permitted uses in the RR-1 Zone from residents wanting to have homebased businesses that would largely blend into the existing neighborhood. Two individuals have contacted the City asking about restrictions on starting gunsmithing businesses in the RR-1 Zone. One person was asking for a potential future use on his property in his retirement and the second person had asked so that he could obtain his business license and open his business as soon as it was legal for him to do so on property he currently owns. A third person contacted the City with interest in purchasing property within the RR-1 Zone who wanted to ensure the counseling services he intended to provide out of his home would be a legal use. The seller of that property also contacted the City to inquire about limitations on the use of the property impacting the sale. If Ordinance 3056-2019 is enacted, the City could issue a conditional use permit for gunsmithing /taxidermy or business/consumer services if the Planning and Zoning Commission deemed criteria for issuance was met by the applicants during a public hearing.

The use of "Professional Offices" is currently shown as a "Conditional Use (C)" in the RR-1 Zone, with the following location restriction in footnote 29 of the Land Use Table:

<sup>29</sup> Use allowed only for those parcels that abut the Kenai Spur Highway. The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

The use of Professional Offices is allowed with a conditional use permit for the approximately 14 percent (14%) of parcels within the RR-1 Zone that are with 275 feet of the Kenai Spur Highway. Potentially, additional parcels could meet the location restriction for a conditional use permit with driveway access, and the 14% was calculated by buffering the centerline of the Kenai Spur Highway out 275 feet and counting the number of parcels within the RR-1 Zone that fell within

that distance. There are 141 parcels in the RR-1 Zone and 20 of those parcels are within 275 feet of the Kenai Spur Highway, with 19 in the western part of the RR-1 Zone and 1 in the eastern part of the RR-1 Zone. For parcels that cannot meet the location restriction, the use is not permitted. If Ordinance 3056-2019 is enacted, locations within the RR-1 Zone could apply for a conditional use permit for a professional office without needing to meet the location restriction requirements.

#### Intent of the RR-1 Zone

*KMC 14.20.080 Rural Residential Zones (RR, RR-1 Zones)* states the intent for the RR Zone and the RR-1 Zone is to provide for low density residential development in a form which creates a stable and attractive residential environment. Specifically, these zones separate residential structures to an extent which will preserve the rural, open quality of the environment, prevent health hazards in areas not served by public water and sewer, and prohibit uses which would violate the residential character of the environment or generate heavy traffic in predominantly residential areas. The main distinction of the RR-1 Zone as differentiated from the RR Zone is prohibiting multifamily dwellings beyond a four-family dwelling and only allowing four-family dwellings by conditional use. Currently, the RR-1 Zone allows four-family dwellings, limited marijuana cultivation facilities, professional offices, many public and institutional uses, bed and breakfasts, day care centers and surface extraction of natural resources, many with proximity limitations to the Kenai Spur Highway.

Professional offices, gunsmithing, and taxidermy are businesses that may be operated with little impact to traffic or neighborhood aesthetics. Ordinance 3056-2019 would make these uses conditionally permitted. If an application for this type of businesses would not meet the intent of the RR-1 Zone, it could be excluded through the conditional use permit process. Conditional use permits require a public hearing and property owners within 300 feet must be notified by the City of the conditional use permit application. The purpose of conditional uses is to recognize that some uses may be compatible with designated principal uses in specific zoning districts provided certain conditions are met, intended to assure the proposed use is compatible with the surroundings.

#### Comprehensive Plan

The RR-1 Zone is in two parts of the City. These areas are summarized under General Information. Ordinance 3056-2019 would not change the City Zoning Map.

The Land Use Plan map on p. 61 of the 2016 Imagine Kenai 2030 Comprehensive Plan classifies the western portion of the RR-1 Zone as Suburban Residential (one parcel is classified as Institutional). The eastern portion of the RR-1 Zone is classified as Low Density Residential. Suburban Residential Land Use Classification is intended for single-family and multi-family residential uses that are urban or suburban in character and where public water and sewer services are required or planned. The Low Density Residential Land Use Classification is intended for single-family low-density residential development with on-site water supply and wastewater disposal systems being typical. The difference of the classification of the RR-1 Zone in the Land Use map is likely related to their differing access to City water and sewer. The western portion of the RR-1 Zone has City water and sewer services available and the eastern portion of the RR-1 Zone does not. Both portions of the RR-1 Zone have access from the Kenai Spur Highway. The conditional use permit process would consider water, sewer, and other utilities and their capacity

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to support a proposed use. The Land Use Plan describes the City's vision of a generalized desirable pattern of land uses, but it is not a zoning ordinance. Ordinance 3056-2019 would be consistent with the Land Use Plan classifications, particularly because the Land Use Table changes would still require a conditional use permit.

Goal 2-Economic Development of the Comprehensive Plan states a vision of Kenai having a wide variety of job opportunities, a quality of life and a financial climate that encourages businesses to start of up, expand, or relocate to Kenai, and a built environment based on standards that sustain a long-term economic viability. Objective ED-2 is to implement business-friendly regulations for private investment. Ordinance 3056-2019 would make the Land Use Table for the RR-1 Zone more business-friendly while still meeting the intent of the zone to separate residential structures from uses that would generate heavy traffic. Goal 3-Land Use has a vision for the City to implement a forward-looking approach to community growth and development by establishing zoning districts that reflect the needs of each district and provide areas suited to current and probable future growth. Objective LU-2 promotes the infill of existing and improved subdivision lots, LU-3 is to review existing zoning codes to determine if they address current and future land uses, and LU-5 is to support development outside of the major employment centers that provide a mix of retail, service, and residential uses. Ordinance 3056-2019 supports Goal 3-Land Use objectives by allowing for some residents to operate low-neighborhood-impact businesses from their homes and to make use of parcels that can readily connect or are already connected to City water, City sewer, and the principal arterial roadway of the Kenai Spur Highway.

#### Summary of Analysis

Ordinance 3056-2019 does not change the City Zoning Map, amend the Comprehensive Plan, or change the intent of the RR-1 Zone. It would allow for appropriately-scaled business development within the RR-1 Zone that meets the intent of the zone and is consistent with the goals and objectives of the Comprehensive Plan and the Land Use Plan. Business/consumer services, taxidermy/gunsmithing, and professional offices are businesses that may be successfully developed without generating heavy traffic or changing the character of the RR-1 Zone. The uses would be conditionally-allowed, and would need to meet the review criteria for issuance of a conditional use permit, including a review during a public hearing that the use would meet the intent of the zoning district, that neighboring property and the neighborhood will not be significantly impaired, and that public services and facilities are adequate to serve the proposed use. Ordinance 3056-2019 will contribute to the economic viability of the City of Kenai while still maintaining the neighborhood integrity of the RR-1 Zone.

#### RECOMMENDATIONS

City staff finds Ordinance No. 3056-2019 meets the intent of the Zoning Code and is consistent with the Comprehensive Plan. City staff advises the Planning and Zoning Commission to recommend approval or Ordinance No. 2056-2019 to the Kenai City Council by passing Resolution No. PZ2019-11.

## ATTACHMENTS

- A. Resolution No. PZ2019-11
- B. Ordinance No. 3056-2019
- C. Memorandum from the City Attorney to City Council for Ordinance No. 3056-2019
- D. Map of City of Kenai Zoning Districts
- E. Map of RR-1 Zone
- F. Map of RR-1 Zone: Western Portion
- G. Map of RR-1 Zone: Eastern Portion
- H. Map of RR-1 Zone and 275-Foot Buffer from the Kenai Spur Highway Centerline



#### CITY OF KENAI PLANNING AND ZONING COMMISSION RESOLUTION NO. PZ2019 – 11

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI TO **RECOMMENDING** THE COUNCIL OF THE CITY OF KENAI ENACT ORDINANCE 3056-2019 AMENDING KENAI MUNICIPAL CODE 14.22.010 – LAND USE TABLE TO ALLOW BUSINESS/CONSUMER SERVICES AND TAXIDERMY/GUNSMITHING IN RURAL RESIDENTIAL 1 (RR-1) ZONING DISTRICT BY CONDITIONAL USE PERMIT AND REMOVING THE LOCATION RESTRICTION ON PROFESSIONAL OFFICES ALLOWED BY CONDITIONAL USE PERMIT WITHIN THE RURAL RESIDENTIAL 1 (RR-1) ZONING DISTRICT

WHEREAS, Kenai Municipal Code 14.20.080 provides that residential zones, including the RR-1 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 separating residential structures to preserve the rural, open quality of the environment preventing health hazards in areas not served by public water and sewer and prohibit uses that would violate the residential character of the environment and generate heavy traffic in predominantly residential areas; and,

WHEREAS, the main distinction of the RR-1 Zone as differentiated from the RR Zone is prohibiting multifamily dwellings beyond a four-family dwelling and only allowing four-family dwellings by conditional use; and,

WHEREAS, the purpose of conditional uses is to recognize that some uses may be compatible with designated principal uses in specific zoning districts provided certain conditions are met, intended to assure the proposed use is compatible with the surroundings; and,

WHEREAS, currently, the RR-1 Zone allows four-family dwellings, limited marijuana cultivation facilities, professional offices, many public and institutional uses, bed and breakfasts, day care centers and surface extraction of natural resources, many with proximity limitations to the Kenai Spur Highway; and,

WHEREAS, KMC 14.20.320 defines business/consumer services as the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'gunsmith' a person who repairs, modifies, designs, or builds firearms; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'taxidermy' as the act of mounting or reproducing dead animals, fish, and/or birds for display; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines "profession" as an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institution of high learning, e.g., Doctor of Medicine, and "office" as a room or group of

Resolution No. PZ2019-11 Page 2 of 3

rooms used for conducting the affairs of a business, profession, service, industry, or government; and,

WHEREAS, business and consumer services, professional offices, gunsmithing, and taxidermy business can be operated out of single-family dwellings with negligible traffic and impact on surrounding properties; and,

WHEREAS, many business and consumer services, professional offices, gunsmithing and taxidermy are compatible with the residential character and location of the RR-1 Zone and should be allowed through a conditional use permit; and,

WHEREAS, removing the restrictions on the location of professional offices by conditional use within the RR-1 Zone will allow more opportunity for the location of low impact businesses within the RR-1 Zone; and,

WHEREAS, Kenai Municipal Code 14.05.010 states the City of Kenai Planning and Zoning Commission will act in an advisory capacity to the Kenai City Council regarding the Kenai Zoning Code; and,

WHEREAS, on March 27, 2019, the Planning and Zoning Commission held a public hearing on Resolution No. PZ2019-11and recommended the City Council pass this Ordinance.

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

**Section 1.** That the Kenai City Council enact Ordinance 3056-2019, based on the following findings:

a. Ordinance 3056-2019 meets the intent of the RR-1 Zone.

The RR-1 Zone is to provide for low density residential development in a form which creates a stable and attractive residential environment separating residential structures to preserve the rural, open quality of the environment preventing health hazards in areas not served by public water and sewer and prohibit uses that would violate the residential character of the environment and generate heavy traffic in predominantly residential areas. Business/consumer services, taxidermy/gunsmithing, and professional offices are businesses that may be successfully developed without generating heavy traffic or changing the character of the RR-1 Zone. Connections to public water and sewer exist in much of the western portion of the RR-1 Zone.

b. Ordinance 3056-2019 is consistent with the 2016 Envision Kenai 2030 Comprehensive Plan.

The proposed ordinance is consistent with the Land Use Plan identifying much of the RR-1 Zone as Suburban Residential. Allowing for business/consumer services and gunsmithing/taxidermy with a conditional use permit and removing the location restriction on professional offices within the RR-1 Zone supports the goals and objectives for Goal 2-Economic Development and Goal 3-Land Use. The ordinance specifically supports Objective ED-2 to implement business-friendly regulations, Objective LU-2 to promote the infill of existing developed lots, Objective LU-3 to review zoning codes to address current and future land uses, and LU-5 to support development outside of major employment centers that provides a mix of retail, service, and residential uses.

c. The purpose of conditional uses is to recognize that some uses may be compatible with designated principal uses in specific zoning districts provided certain conditions are met, intended to assure the proposed use is compatible with the surroundings, and business/consumer services, gunsmithing/taxidermy, and removing the location restriction on professional offices would allow for some uses that may be compatible with the RR-1 Zone.

The conditional use permit process, which requires a public hearing and notification of property owners within 300-feet, would review proposed uses against the following review criteria: consistency with the intent of the RR-1 Zone, property values and the neighborhood would not be significantly impaired, consistency with the Comprehensive Plan, adequate public services and utilities, public safety, health, and welfare, and any specific conditions deemed necessary by the Planning and Zoning Commission. Ordinance 3056-2019 will contribute to the economic viability of the City of Kenai while still supporting the intent RR-1 Zone

**Section 2.** That a copy of Resolution PZ2019-11 be forwarded to the Kenai City Council.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, this 27th day of March, 2019.

ATTEST:

JEFF TWAIT, CHAIRPERSON

JAMIE HEINZ, CMC, CITY CLERK

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## CITY OF KENAI

#### **ORDINANCE NO. 3056-2019**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, AMENDING KENAI MUNICIPAL CODE 14.22.010-LAND USE TABLE, TO ALLOW BUSINESS/ CONSUMER SERVICES AND TAXIDERMY/GUNSMITHING IN RR1 ZONING DISTRICT BY CONDITIONAL USE PERMIT AND REMOVING THE LOCATION RESTRICTION ON PROFESSIONAL OFFICES ALLOWED BY CONDITIONAL USE PERMIT WITHIN THE RR1 ZONE.

WHEREAS, Kenai Municipal Code 14.20.080 provides that the RR Zone, including the RR1 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 separating residential structures to preserve the rural, open quality of the environment preventing health hazards in areas not served by public water and sewer and prohibit uses that would violate the residential character of the environment and generate heavy traffic in predominantly residential areas; and,

WHEREAS, the main distinction of the RR1 Zone as differentiated from the RR Zone, is prohibiting multifamily dwellings beyond a four-family dwelling and only allowing four-family dwellings by conditional use; and,

WHEREAS, the purpose of conditional uses is to recognize that some uses may be compatible with designated principal uses in specific zoning districts provided certain conditions are met, intended to assure the proposed use is compatible with the surroundings; and,

WHEREAS, currently, the RR1 Zone allows four-family dwellings, limited marijuana cultivation facilities, professional offices, many public and institutional uses, bed and breakfasts, day care centers and surface extraction of natural resources, many with proximity limitations to the Kenai Spur Highway; and,

WHEREAS, 'business and consumer services' is defined in KMC 14.20.320 as the provision of services to others on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'gunsmith' a person who repairs, modifies, designs, or builds firearms; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines 'taxidermy' as the act of mounting or reproducing dead animals, fish, and/or birds for display; and,

WHEREAS, Kenai Municipal Code 14.20.320 defines "profession" as an occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued

by an institution of high learning, e.g., Doctor of Medicine, and "office" as a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government; and,

WHEREAS, many business and consumer services, professional offices, gunsmithing, and taxidermy business can be run out of single family dwellings with negligible traffic and impact on surrounding properties; and,

WHEREAS, many business and consumer services, professional offices, gunsmithing and taxidermy are compatible with the residential character and location of the RR1 zones and should be allowed through a conditional use permit; and,

WHEREAS, removing the restrictions on the location of professional offices by conditional use within the RR1 zone will allow more opportunity for the location of low impact businesses within the RR1 zone; and,

WHEREAS, on\_\_\_\_\_, the Planning and Zoning Commission held a public hearing on PZ Resolution No.\_\_\_\_\_ and recommended the City Council \_\_\_\_\_ this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, as follows:

**Section 1.** <u>Amendment of Section 14.22.010 of the Kenai Municipal Code</u>: That Kenai Municipal Code, Section \_\_\_14.22.010- Land Use Table, is hereby amended as follows:

#### 14.22.010 Land [U] <u>U</u>se [T]<u>T</u>able.

#### LAND USE TABLE

- KEY: P = Principal Permitted Use
  - C = Conditional Use
  - S = Secondary Use
  - N = Not Permitted

NOTE: Reference footnotes on following pages for additional restrictions

			Z		IG D	ISTR	RICTS	S									
LAND USES	AL I	с	R R	RR- 1	R S	RS -1	RS -2	R U	C C	C G	IL	ІН	E D	R	TS H	LC	СМИ
RESIDENTIAL																	
One-Family Dwelling	N	C <sup>1</sup> 8	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	P <sup>2</sup> 1	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C <sup>2</sup> 2	Ρ	Ρ	Ρ	S <sup>1</sup> /C <sup>2</sup>
Two-, Three-Family Dwelling	N	C <sup>1</sup> 8	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	P <sup>2</sup>	S <sup>1</sup>	С	С	C <sup>2</sup> 2	Ρ	Ρ	Ρ	S <sup>1</sup> /C <sup>2</sup>
Four-Family Dwelling	N	C <sup>1</sup> 8	Ρ	C <sup>3 ,</sup> 29	Ρ	N	N	Ρ	P <sup>2</sup>	S <sup>1</sup>	С	С	C <sup>2</sup> 2	N	Ρ	С	S <sup>1</sup> /C <sup>2</sup>
Five-, Six-Family Dwelling	N	C <sup>1</sup> 8	C <sup>3</sup>	N	Ρ	N	Ν	Ρ	P <sup>2</sup> 1	S <sup>1</sup>	С	С	Ν	Ν	Ρ	С	S <sup>1</sup> /C <sup>2</sup>

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Seven- or More Family Dwelling	N	C <sup>1</sup> 8	C <sup>3</sup>	N	C <sup>3</sup>	N	N	Ρ	P <sup>2</sup>	S <sup>1</sup>	С	С	N	N	Ρ	С	S <sup>1</sup> /C <sup>2</sup>
Mobile Home Parks <sup>6</sup>	Ν	N	С	N	С	С	С	С	С	С	С	С	Ν	С	N	N	С
Planned Unit Residential Development <sup>7</sup>	N	C <sup>1</sup> 8	С	C <sup>29</sup>	С	С	С	С	С	С	С	С	N	С	С	С	С
Townhouses <sup>4</sup>	N	C <sup>1</sup> 8	C <sup>3</sup>	C <sup>3 ,</sup> 29	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	С	С	С	С	C <sup>2</sup> 2	С	С	С	С
Accessory Building on Parcel Without Main Building or Use (See KMC <u>14.20.200</u> )	N	N	С	С	С	С	С	С	Ν	Ν	N	N	N	N	С	N	N
COMMERCIAL																	
Airport Compatible Uses	Ρ	Ν	Ν	Ν	Ν	Ν	Ν	Ν	С	С	С	С	Ν	Ν	Ν	С	С
Automotive Sales	С	Ν	С	Ν	Ν	Ν	Ν	С	Ρ	Ρ	Ρ	Ρ	Ν	Ν	Ν	Ν	Р
Automotive Service Stations	С	Ν	С	Ν	Ν	Ν	Ν	С	Ρ	Ρ	Ρ	Ρ	Ν	С	Ν	Ν	Р
Banks	С	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	С	Ν	С	С	С	Р
Business/Consumer Services	С	N	С	[N] <u>C</u>	С	N	N	С	Ρ	Ρ	Ρ	С	N	С	С	С	Р
Commercial Recreation	Ν	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	С	С	Ν	Ρ	С	С	Р
Guide Service	С	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	Ρ	Ν	Ρ	Р	С	Р
Hotels/Motels	С	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	С	Ν	С	Р	С	Р
Lodge	С	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	С	Ν	Ρ	Р	С	Р
Marijuana Cultivation Facility, Limited <sup>30</sup>	N	N	С	С	С	С	С	С	N	С	С	С	N	N	N	С	N
Marijuana Cultivation Facility, Standard <sup>30</sup>	N	N	N	N	N	N	N	N	Ν	С	С	С	N	N	N	С	N
Marijuana Product Manufacturing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	N	С	С	С	N	N	N	N	N
Marijuana Testing Facility <sup>30</sup>	Ν	Ν	Ν	Ν	Ν	Ν	Ν	Ν	С	С	Ρ	Ρ	Ν	Ν	Ν	С	С
Professional Offices	С	N	С	C[ <sup>29</sup> ]	С	N	N	Ρ	Ρ	Ρ	Ρ	Ρ	N	С	Ρ	Р	Р
Restaurants	С	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	С	Ν	С	С	С	Р
Retail Business	С	N <sup>2</sup> 6	С	N	С	N	N	С	Ρ	Ρ	Ρ	Ρ	S <sup>2</sup> 4	S <sup>2</sup> 4	С	С	Р
Retail Marijuana Store <sup>30</sup>	Ν	N	Ν	N	Ν	Ν	Ν	Ν	Ν	С	С	С	Ν	Ν	N	С	С
Theaters	N	N	С	N	С	Ν	Ν	С	Ρ	Ρ	С	С	N	Ρ	С	С	Р
Wholesale Business	С	N	С	N	С	N	N	С	С	Ρ	Р	Р	N	S <sup>2</sup> 4	С	С	N

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INDUSTRIAL																	
Airports	С	P <sup>2</sup> 0	С	N	С	N	N	С	С	С	С	С	Ν	С	N	N	С
Necessary Aviation Facilities	Ρ	Ρ	С	С	С	С	С	С	Ρ	Ρ	Ρ	Ρ	С	Ρ	С	Р	Р
Automotive Repair	Ρ	Ν	С	Ν	С	Ν	Ν	С	Ρ	Ρ	Ρ	Ρ	Ν	Ν	Ν	Ν	Р
Gas Manufacturer/Storage	C <sup>9</sup>	Ν	Ν	Ν	С	Ν	Ν	Ν	Ν	Ν	C <sup>9</sup>	C <sup>9</sup>	Ν	Ν	Ν	Ν	N
Manufacturing/Fabricating/Assem bly	Ρ	N	С	N	С	N	N	С	С	Ρ	Ρ	Ρ	Ν	С	С	N	С
Mini-Storage Facility	С	Ν	С	Ν	С	Ν	Ν	С	С	Ρ	Ρ	Ρ	Ν	Ν	Ν	С	С
Storage Yard	С	Ν	С	Ν	С	Ν	Ν	С	С	Ρ	Ρ	Ρ	Ν	Ν	Ν	N	С
Warehouses	С	Ν	С	Ν	С	Ν	Ν	С	Ν	Ρ	Ρ	Ρ	Ν	С	Ν	Ν	N
PUBLIC/INSTITUTIONAL																	
Assisted Living	Ν	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С	С
Churches*	N	С	P <sup>1</sup> 0	P <sup>10</sup>	P <sup>1</sup> 0	P <sup>10</sup>	P <sup>10</sup>	P <sup>1</sup> 0	P <sup>1</sup> 0	P <sup>10</sup>	С	С	Ρ	P <sup>1</sup> 0	Ρ	Р	Ρ
Clinics	Ν	С	С	Ν	С	С	С	С	Ρ	Ρ	Ρ	С	С	С	С	Р	Р
Colleges*	Ν	С	С	C <sup>29</sup>	С	С	С	С	Р	Ρ	С	С	Ρ	С	С	С	Р
Elementary Schools*	Ν	С	С	C <sup>29</sup>	С	С	С	С	Ρ	Ρ	С	С	Ρ	С	С	С	Р
Governmental Buildings	Ρ	С	С	C <sup>29</sup>	С	С	С	С	Ρ	Ρ	Ρ	С	Ρ	С	С	Р	Р
High Schools*	Ν	С	С	C <sup>29</sup>	С	С	С	С	Ρ	Ρ	С	С	Ρ	С	С	С	Р
Hospitals*	Ν	С	С	Ν	С	С	С	С	Ρ	Ρ	Ρ	С	С	С	С	С	Р
Libraries*	N	С	С	C <sup>29</sup>	С	С	С	C <sup>1</sup> 2	Ρ	Ρ	Ρ	С	Ρ	С	Ρ	С	Р
Museums	С	С	С	C <sup>29</sup>	С	С	С	С	Ρ	Ρ	Ρ	С	Ρ	С	Р	С	Р
Parks and Recreation	Ν	Ρ	С	C <sup>29</sup>	С	С	С	С	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Ρ	С	Р
MISCELLANEOUS																	
Animal Boarding/Commercial Kennel <sup>13</sup>	С	С	С	N	С	С	Ν	Ν	С	С	С	С	Ν	С	N	С	С
Assemblies <sup>15</sup> (Large: Circuses, Fairs, etc.)	Р	С	С	N	С	С	С	С	P <sup>1</sup> 5	P <sup>15</sup>	P <sup>1</sup> 5	P <sup>1</sup> 5	P <sup>1</sup> 5	С	Ρ	N	P <sup>15</sup>
Bed and Breakfasts	Ν	С	С	С	С	С	С	С	С	С	С	С	Ν	Ρ	С	С	Р
Cabin Rentals	Ν	С	С	Ν	С	Ν	Ν	Ν	Ρ	Ρ	Ρ	С	Ν	Ρ	Ρ	С	Р
Cemeteries	Р	С	С	Ν	С	Ν	Ν	Ν	Ν	С	С	С	Ν	С	С	Ν	N

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	1	-			r			1			r					1	
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** <sup>28</sup>	С	Ρ	С	N	С	С	С	С	Ρ	Ρ	Ρ	Ρ	Ρ	С	С	С	С
Crematories/Funeral Homes	Ν	Ν	С	Ν	С	Ν	Ν	С	С	С	С	С	Ν	С	С	С	С
Day Care Centers <sup>12</sup>	Ν	С	С	C <sup>29</sup>	С	С	С	С	Ρ	Ρ	Ρ	С	С	С	С	Р	Р
Dormitories/Boarding Houses	N	С	С	N	С	С	С	Ρ	P <sup>2</sup> 1	S	С	Ρ	P <sup>2</sup> 3	С	С	С	Ρ
Essential Services	Ρ	Ρ	Ρ	Р	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ	Р	Р	Р
Farming/General Agriculture***	Ν	Ρ	Ρ	Ν	Ν	Ν	Ν	Ν	Ν	Ν	Ν	Ρ	Ν	Ρ	Ν	Ν	Ν
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	С	N	С	С	С	С	Ρ	Ρ	Ρ	С	N	С	Ρ	С	Ρ
Greenhouses/Tree Nurseries <sup>13</sup>	Ν	С	С	Ν	С	С	С	С	Ρ	Ρ	Ρ	С	Ν	С	С	С	Р
Gunsmithing, Taxidermy	N	N	С	[N] <u>C</u>	С	С	С	С	Ρ	Ρ	Ρ	Ρ	Ν	С	Ρ	Р	Р
Nursing, Convalescent or Rest Homes	N	N	С	N	С	С	С	С	Ρ	Ρ	С	С	С	С	С	С	Ρ
Parking, Public Lots <sup>12</sup>	С	С	С	Ν	С	С	С	С	С	С	С	С	С	С	С	С	С
Personal Services <sup>25</sup>	N	С	С	N	С	С	С	С	Ρ	Ρ	Ρ	Ρ	С	С	Ρ	P/C <sup>2</sup> 7	Ρ
Recreational Vehicle Parks	N	С	С	Ν	С	Ν	Ν	С	С	С	С	С	Ν	С	С	Ν	С
Subsurface Extraction of Natural Resources <sup>16</sup>	С	С	С	С	С	С	С	С	С	С	С	С	N	С	N	N	Ν
Surface Extraction of Natural Resources <sup>17</sup>	С	С	С	N	С	N	N	С	N	С	С	С	Ν	С	N	N	Ν

\* See 42 USCA Sec. 2000cc (Religious Land Use and Institutionalized Persons Act of 2000)

\*\* See 42 Telecommunications Act of 1996, Sec. 704(a)

\*\*\* See, however, the limitations imposed under KMC 3.10.070

Footnotes:

**1** Allowed as a secondary use except on the ground floor of the part of the building fronting on collector streets and major highways. Commercial or industrial which falls under the landscaping/site plans requirements of KMC Chapter <u>14.25</u> shall include any secondary uses in the landscaping and site plans.

**2** One (1) single-family residence per parcel, which is part of the main building.

**3** Allowed as a conditional use, subject to satisfying the following conditions:

**a** The usable area per dwelling unit shall be the same as that required for dwelling units in the RS Zone;

**b** The site square footage in area must be approved by the Commission;

**c** Yards around the site, off-street parking, and other development requirements shall be the same as for principal uses in the RR Zone;

**d** Water and sewer facilities shall meet the requirements of all applicable health regulations;

**e** The proposed dwelling group will constitute a residential area of sustained desirability and stability, will be in harmony with the character of the surrounding neighborhood, and will not adversely affect surrounding property values;

**f** The buildings shall be used only for residential purposes and customary accessory uses, such as garages, storage spaces, and recreational and community activities;

**g** There shall be provided, as part of the proposed development, adequate recreation areas to serve the needs of the anticipated population;

**h** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed;

i The property adjacent to the proposed dwelling group will not be adversely affected.

**4** See "Townhouses" section.

**5** See "Mobile Homes" section.

**6** Allowed as a conditional use, subject to "Mobile Homes" section; and provided, that any mobile home park meets the minimum Federal Housing Authority requirements.

7 See "Planned Unit Residential Development" section.

**8** Allowed as a conditional use; provided, that the proposed location and the characteristics of the site will not destroy the residential character of the neighborhood.

**9** Allowed as a conditional use; provided, that all applicable safety and fire regulations are met.

**10** Provided that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line.

**11** Allowed as a conditional use; provided, that no part of any building is located nearer than thirty (30) feet to any adjoining street or property line; and provided further, that the proposed location and characteristics of the use will not adversely affect the commercial development of the zone.

**12** Allowed as a conditional use; provided, that the following conditions are met:

**a** The proposed location of the use and the size and characteristics of the site will maximize its benefit to the public;

**b** Exits and entrances and off-street parking for the use are located to prevent traffic hazards on public streets.

**13** Allowed as a conditional use; provided, that setbacks, buffer strips, and other provisions are adequate to assure that the use will not be a nuisance to surrounding properties. The Commission shall specify the conditions necessary to fulfill this requirement. Animal boarding and commercial kennels require a kennel license (see KMC Chapter <u>3.15</u>).

**14** Allowed as a conditional use; provided, that no indication of said use is evident from the exterior of the mortuary.

**15** Allowed; provided, that the following conditions are met:

**a** An uncleared buffer strip of at least thirty (30) feet shall be provided between said use and any adjoining property in a residential zone.

**b** Exits and entrances and off-street parking for the use shall be located to prevent traffic hazards on the public streets.

**16** See "Conditional Uses" section.

**17** See "Conditional Use Permit for Surface Extraction of Natural Resources" section.

**18 Conditional use allowed only on privately held property.** Not allowed on government lands.

19 Reserved.

**20** The airport related uses allowed under this entry are aircraft approach and departure zones pursuant to KMC <u>14.20.070(a)</u>, except that for properties contained inside the airport perimeter fence or having access to aircraft movement areas, taxiways or parking aprons, FAA authorized uses are allowed.

**21** Developments for use shall be the same as those listed in the Development Requirements Table for the RU/TSH Zones.

**22** Allowed as a conditional use in conjunction with a permitted use in the ED Zone. For example, housing for teachers or students for a school in the zone.

**23** Allowed as an accessory use in conjunction with a permitted use in the ED Zone. For example, a dormitory used to house students for a school or educational facility.

**24** Retail businesses allowed as a secondary use in conjunction with the primary use (e.g., a gift shop or coffee shop within another business).

45

**25** Art studios, barbers, beauticians, tattoo parlors, dressmakers, dry cleaners and self-service laundries, fitness centers, photographic studios, tailors, tanning salons and massage therapists.

**26** Food services are allowed on a temporary or seasonal basis of not more than four (4) months per year.

Lin	nited Commercial Zone	
Personal Services	Permitted (P)	Conditional Use (C)
Art Studios	X	
Barbers	X	
Beauticians	X	
Dressmakers	X	
Dry Cleaners		X
Fitness Centers	X	
Massage Therapist		X
Photographic Studios	X	
Self-Service Laundries		X
Tailors	X	
Tanning Salons	X	
Tattoo Parlors		X

**27** Personal services not set forth in the below matrix are conditional uses.

**28** Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC  $\underline{14.20.255}$  are met or a conditional use (C) if the applicable conditions set forth in KMC  $\underline{14.20.150}$  and  $\underline{14.20.255}$  are met.

**29 Use allowed only for those parcels that abut the Kenai Spur Highway.** The access to any such parcel must be either from: (a) driveway access on the Kenai Spur Highway; or (b) driveway access from a dedicated right-of-way and that driveway access is not more than two hundred seventy-five (275) feet as measured from the constructed centerline of the Kenai Spur Highway to the center of the driveway access as shown on an as-built drawing/survey of the parcel.

**30** See marijuana regulations, KMC <u>14.20.230</u>—Home Occupations, <u>14.20.320</u>— Definitions, <u>14.20.330</u>—Standards for Commercial Marijuana Establishments.

**Section 2.** <u>Severability</u>: 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.

Ordinance 3052-2019 Page **9** of **9** 

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 \* day of \*, 2019.

ATTEST:

BRIAN GABRIEL SR., MAYOR

Jamie Heinz, CMC, City Clerk

Introduced: March 7, 2019 Enacted: March 20, 2019 Effective: April 3, 2019



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## MEMORANDUM

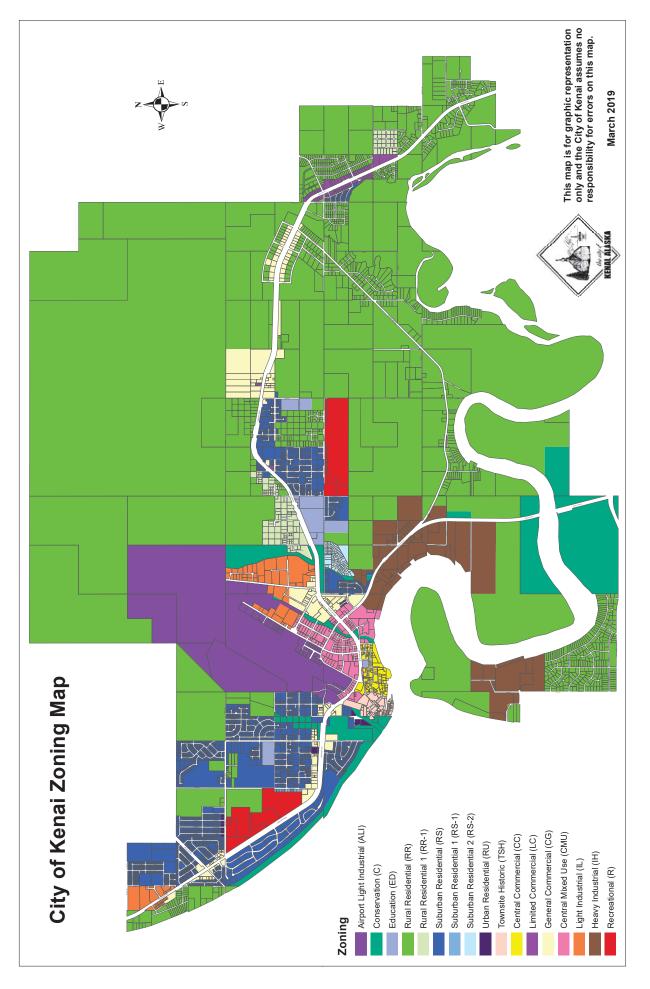
SUBJECT:	Ordinance No. 3056-2019 – Amending Kenai Municipal Code 14.22.010- Land Use Table
DATE:	February 28, 2019
FROM:	Council Members Jim Glendening and Robert Peterkin
то:	Mayor Brian Gabriel and Kenai City Council

The intent of this Ordinance is to conditionally allow for low impact compatible uses in the RR1 Zoning Districts, specifically business and consumer services, gunsmith and taxidermies, and expand the location options for professional offices within the zone. These uses generally have low traffic flow and would allow for expanded business opportunities without disrupting the character and nature of the RR1 zones. Any exceptions for business plans that would have a high traffic volume or impact on the neighborhoods can be excluded through the conditional use permitting process.

The City has very recently had two inquiries from individuals wanting to start businesses in the RR1 zone. One was a resident wishing to do gunsmithing from his home, and another wanting to locate a new professional office in the RR1 zone.

The proposed change to the Land Use Table needs to be considered by the Planning and Zoning Commission, and it is requested that, after introduction, this Ordinance be referred by Council to the Planning and Zoning Commission for consideration and a recommendation. A public hearing at the Council level will need to be postponed until after the Planning and Zoning Commission has made a recommendation.





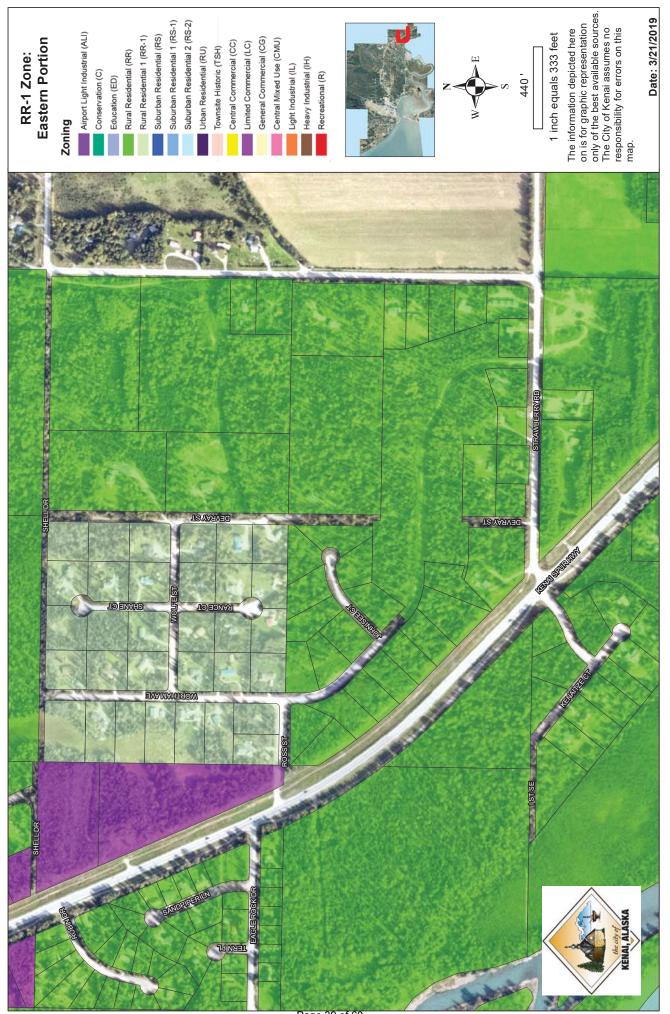
Page 33 of 60 March 13, 2019 City of Kenai Planning and Zoning Commission Meeting Packet

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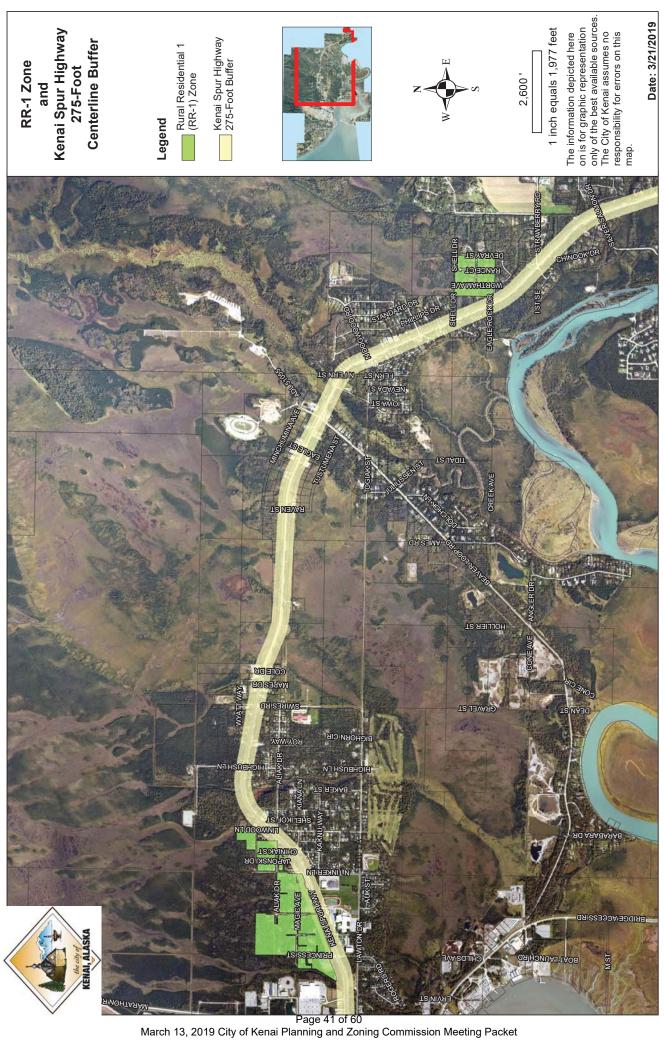




March 13, 2019 City of Kenai Planning and Zoning Commission Meeting Packet



Page 39 of 60 March 13, 2019 City of Kenai Planning and Zoning Commission Meeting Packet



#### ACTION AGENDA KENAI CITY COUNCIL – REGULAR MEETING MARCH 20, 2019 – 6:00 P.M. KENAI CITY COUNCIL CHAMBERS 210 FIDALGO AVE., KENAI, AK 99611 http://www.kenai.city

A. <u>CALL TO ORDER</u>

- 1. Pledge of Allegiance
- 2. Roll Call
- 3. Agenda Approval
- 4. Consent Agenda (Public comment 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.** <u>SCHEDULED PUBLIC COMMENTS</u> (Public comment limited to ten (10) minutes per speaker)
  - 1. **Craig Thomsen** Cleanup of Valhalla Heights Subdivision.
- **C.** <u>UNSCHEDULED PUBLIC COMMENTS</u> (Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated)

#### D. <u>PUBLIC HEARINGS</u>

- ENACTED UNANIMOUSLY. Ordinance No. 3053-2019 Increasing Estimated Revenues and Appropriations in the General Fund for the Donation of a Bush Doctor's Historic Cabin from Doctor Peter Hansen and Kenai Community Foundation and Supporting the Placement of the Cabin Adjacent to the Kenai Visitor Center. (Council Members Molloy and Pettey)
- ENACTED UNANIMOUSLY. Ordinance No. 3054-2019 Accepting Drug Seizure Funds Forfeited to the City in the Amount of \$2,153.52 and Appropriating those Funds into the Police Professional Services Account in the Furtherance of Criminal Investigations. (Administration)
- 3. **ENACTED UNANIMOUSLY. Ordinance No. 3055-2019** Accepting and Appropriating a Scholarship from the Alaska Association of Municipal Clerks for Employee Travel and Training. (City Clerk)
- 4. **ADOPTED UNANIMOUSLY. Resolution No. 2019-15** Amending its Comprehensive Schedule of Rates, Charges, and Fees to Amend the Fee for Mobile Food Vendor Licenses. (City Clerk)

- ADOPTED UNANIMOUSLY. Resolution No. 2019-16 Approving the Purchase of Ten Portable Radios and Accessories for the Police and Fire Departments under a Sole Source Purchase from Motorola Solutions using NASPO ValuePoint Contract Pricing for the Total Price of \$55,401.16. (Administration)
- ADOPTED UNANIMOUSLY. Resolution No. 2019-17 In Support of Modifying SB 57 and HB 59 to Restore Local Municipalities Authority to Tax Oil and Gas Property Taxable Under AS 43.56 to a Maximum of 15 Mils. (Council Member Peterkin and Mayor Gabriel)
- ADOPTED UNANIMOUSLY. Resolution No. 2019-18 Opposing SB 63 and HB 65 Repealing Fisheries Business Tax Refunds to Municipalities and Revenue Sharing for Fishery Resource Landing Taxes. (Council Member Peterkin and Mayor Gabriel)

#### E. <u>MINUTES</u>

- 1. APPROVED BY THE CONSENT AGENDA. \*Regular Meeting of March 6, 2019
- F. <u>UNFINISHED BUSINESS</u> None.

#### G. <u>NEW BUSINESS</u>

- 1. **APPROVED BY THE CONSENT AGENDA.** \*Action/Approval Bills to be Ratified. (Administration)
- APPROVED BY THE CONSENT AGENDA. \*Action/Approval Purchase Orders Exceeding \$15,000. (Administration)
- 3. INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/03/19. \*Ordinance No. 3057-2019 – Accepting and Appropriating a Grant from the State of Alaska Department of Public Safety for Crime Prevention and Response and Equipment for the Purchase of Portable Radios and Accessories for the Police Department, and to Purchase Supplies in Support of the D.A.R.E Programs Conducted by the Police Department in Local Elementary Schools. (Administration)
- INTRODUCED BY THE CONSENT AGENDA/PUBLIC HEARING SET FOR 4/03/19.
  \*Ordinance No. 3058-2019 Amending Provisions in Kenai Municipal Code Title 7 Finance, Taxation, and Business Affairs of the City, including Investment of Monies – Scope and Objectives 7.22.010; Land Sale Permanent Funds – General Fund Land Sale Permanent Fund 7.30.005; Investments 7.30.020; Investments 7.30.020; Investments 7.30.020; and Investments 7.30.020 for Updates to Management Practices for the City's General Land Sale and Airport Land Sale Permanent Funds. (Administration)
- 5. **APPROVED UNANIMOUSLY. Action/Approval** Special Use Permit to State of Alaska Division of Natural Resources-Forestry. (Administration)
- 6. **Discussion** Onsite Marijuana Consumption. (Administration)

#### H. <u>COMMISSION/COMMITTEE REPORTS</u>

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

#### I. REPORT OF THE MAYOR

#### J. ADMINISTRATION REPORTS

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

#### K. ADDITIONAL PUBLIC COMMENT

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

#### L. <u>EXECUTIVE SESSION</u>

#### M. <u>PENDING ITEMS</u>

 Ordinance No. 3056-2019 - Amending Kenai Municipal Code 14.22.010-Land Use Table, to Allow Business/ Consumer Services and Taxidermy/Gunsmithing in RR1 Zoning District by Conditional Use Permit and Removing the Location Restriction on Professional Offices Allowed by Conditional Use Permit Within the RR1 Zone. (Council Members Peterkin and Glendening)

[Clerk's Note: This item was Referred to the Planning & Zoning Commission for a Recommendation at their March 27, 2019 Meeting and a Public Hearing Scheduled before the City Council on April 3, 2019.]

#### N. ADJOURNMENT

#### INFORMATION ITEMS

1. Purchase Orders between \$2,500 and \$15,000 for Council Review

The agenda and supporting documents are posted on the City's website at <u>www.kenai.city</u>. 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.



#### Planning Commission Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2215 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

#### Max J. Best, Planning Director • Charlie Pierce, Borough Mayor

Blair Martin, Chairman – Kalifornsky Beach • Robert Ruffner, Vice Chairman – Kasilof/Clam Gulch Dr. Rick Foster, Parliamentarian – Southwest Borough • Syverine Abrahamson-Bentz – Anchor Point/Ninilchik Jeremy Brantley – Sterling • Paulette Bokenko-Carluccio – City of Seldovia • Cindy Ecklund – City of Seward Robert F. Ernst – Northwest Borough • Diane Fikes – City of Kenai • Virginia Morgan – East Peninsula Franco Venuti – City of Homer • Paul Whitney – City of Soldotna

#### March 25, 2019 7:30 p.m.

#### 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 noncontroversial 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 None
- \*2. Planning Commission Resolutions None
- \*3. Plats Granted Administrative Approval
- \*4. Plats Granted Final Approval (20.10.070) None
- \*5. Plat Amendment Request None

#### \*6. Utility Easement Vacations

a. Petition was received to vacate the twenty-foot wide utility easement centered on the shared lot line of Lot 7 and Lot 8 Block 2 Longmere Estates Subdivision Part 1 and vacate the ten-foot wide utility easement adjoining the south lot line of Lot 8 Block 2 Longmere Estates Subdivision Part 1, both granted by Longmere Estates Subdivision Part 1 (Plat KN1780); within Section 19 and Section 20, Township 5 North, Range 9 West, Seward Meridian, Kenai Peninsula Borough, Alaska. <u>Petitioners:</u> Wendi and Innettia Schreiber of Soldotna, Alaska. KPB File 2019-017V.

#### \*7. Commissioner Excused Absences

- a. Blair Martin, Kalifornsky Beach
- b. Robert Ruffner, Kasilof / Clam Gulch
- c. Vacant, Ridgeway

#### \*8. Minutes

a. March 11, 2019 Planning Commission Minutes

#### D. PUBLIC COMMENT/PRESENTATIONS/COMMISSIONERS

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

#### E. UNFINISHED BUSINESS

#### F. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT (21.18)

 PC Resolution 2019-10; A Conditional Land Use permit to expand an existing deck and install exterior stairs between the upper and lower decks using light penetrating grating within the 50-foot Habitat Protection District of the Kenai River. This project is located at River Mile 15 on the left bank, near Soldotna, AK. Legal Description: T5N, R10W, S19, SM, KN 2004111 River Quest Phase 1 Amended Lot 37. KPB Parcel: 055-033-37. Applicant: Doug Clegg, Spring Creek Office LLC.

#### G. PUBLIC HEARINGS

- Public hearing on a Limited Marijuana Cultivation Facility license in the Sterling area to provide comment to the State of Alaska. **Applicant:** Danny's Place. **Landowner:** Ronald Pritchard. **Parcel Number:** 058-291-21. **Property Description:** Lot 2B, Robinette Subdivision Laurel – Ryan Addition, according to Plat 2007-98, Kenai Recording District. **Location:** 36221 Pine Street.
- Resolution 2019-020; A Resolution classifying certain parcel of Borough owned land in Nikiski, North Kenai, Ciechanski, Kalifornsky, Tote Road, Anchor Point, and Diamond Ridge areas.
- 3. Ordinance 2019-03; An Ordinance Substitute authorizing the sale of certain parcels of Borough land by sealed bid followed by an over-the-counter sale.
- Public hearing on a conditional land use permit application for material extraction on a parcel in the Anchor Point area that has been remanded on appeal to the Planning Commission. Applicant / Landowner: Beachcomber LLC. Parcel Number: 169-010-67. Legal Description: Tract B, McGee Tracts Deed of Record Boundary Survey (Plat 80-104) Deed recorded in Book 4, Page 116, Homer Recording District. Location: 74185 Anchor Point Road. Proposed Land Use: The applicant wishes to obtain a permit for sand, gravel, and peat extraction on a portion of the parcel listed above.

#### H. VACATIONS NOT REQUIRING A PUBLIC HEARING - None

Page 2

#### I. SPECIAL CONSIDERATIONS - None

#### J. SUBDIVISION PLAT PUBLIC HEARINGS

1. The Plat Committee will review 6 preliminary plat.

#### K. OTHER/NEW BUSINESS

1. New Plat Committee (April, May, June 2019) – 5 Members / 2 Alternates

#### L. ASSEMBLY COMMENTS

- M. LEGAL REPRESENTATIVE COMMENTS
- N. DIRECTOR'S COMMENTS
- O. COMMISSIONER COMMENTS
- P. PENDING ITEMS FOR FUTURE ACTION
- Q. ADJOURNMENT

#### MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

#### NEXT REGULARY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, April 8, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley St, Soldotna, Alaska at **7:30 p.m.** 

ADVISORY COMMISSION	MEETING LOCATION	DATE	TIME
Anchor Point	Anchor Point Chamber of Commerce	April 3, 2019	7:00 p.m.
Cooper Landing	Cooper Landing Community Hall	April 3, 2019	6:00 p.m.
Moose Pass	Moose Pass Community Hall	TBD	6:30 p.m.
Hope / Sunrise	Hope Social Hall	TBD	6:00 p.m.
A	The Kachemak Bay and Funny Rive Advisory Planning Commissions are inactive		

#### ADVISORY PLANNING COMMISSION MEETINGS

**NOTE:** Advisory planning commission meetings are subject to change. Please verify the meeting date, location, and time with the advisory planning commission chairperson. Chairperson contact information is on each advisory planning commission website, which is linked to the Planning Department website.

Page 3

#### **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: <u>planning@kpb.us</u> website: <u>http://www.kpb.us/planning-dept/planning-home</u>

Page 4



#### Plat Committee Tentative Agenda

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

Paulette Bokenko-Carluccio – City of Seldovia • Jeremy Brantley – Sterling Blair Martin – Kalifornsky Beach • Paul Whitney – City of Soldotna Alternates: Virginia Morgan – East Peninsula

#### March 25, 2019 6:30 p.m.

#### A. CALL TO ORDER

B. ROLL CALL

#### C. APPROVAL OF AGENDA, EXCUSED ABSENCES, AND MINUTES

- 1. Agenda
- 2. Member/Alternate Excused Absences
  - a. Blair Martin, Kalifornsky Beach
- 3. Minutes
  - a. March 11, 2019 Plat Committee Minutes

#### D. PUBLIC COMMENT

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

#### E. SUBDIVISION PLAT PUBLIC HEARINGS

- Commercial Park Unit 2 KPB 2016-039R2 [Geovera, LLC / Arno, TL Investments, LLC] Location: on Ternview Place and Spruce Lane, City of Homer
- Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat #2 KPB 2019-015 [Joshua Varney / City of Seward] Location: on Morris Avenue, Olga Street and Sorrel Road, City of Seward
- Ji-Anna Subdivision Phase 3 Roady Addition KPB File 2019-016 [Segesser Surveys / Roady] Location: on Higher Ground Street off Robinson Loop Road, Sterling
- Murwood South Subdivision KPB File 2019-020 [Segesser Surveys / Kenai Peninsula Borough] Location: on Murwood Avenue and Iditarod Street, Kalifornsky

- R. Abbott Subdivision KPB File 2019-018 [Johnson Surveying / Abbott] Location: on A Private Road and Merkes Road off the Sterling Highway, Sterling
- Seward Business Park Phase 4 2019 Addition KPB File 2019-019 [Johnson Surveying / Noyes] Location: on Nautical Avenue off the Seward Highway, Bear Creek
- Herrin Subdivision 2019 Addition KPB File 2019-012 [Johnson Surveying / Koberstein] Location: On Lost Street and Blithe Court, Cohoe (Postponed from March 11, 2019 Meeting)

#### F. FINAL SUBDIVISION PLAT PUBLIC HEARING - None

#### G. OTHER / NEW BUSINESS

H. MISCELLANEOUS INFORMATION – NO ACTION REQUIRED

#### I. ADJOURNMENT

#### NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled Plat Committee meeting will be held **Monday, April 8, 2019** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley, Soldotna, Alaska at **5:30 p.m.** 

#### **PLANNING DEPARTMENT**

Phone: 907-714-2215 Fax: 907-714-2378 Phone: toll free within the Borough 1-800-478-4441, extension 2215 e-mail address: <u>planning@kpb.us</u> web site: <u>http://www.kpb.us/planning-dept/planning-home</u>



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#### **MEMORANDUM**

SUBJECT:	Planning and Zoning February 2019 Report
DATE:	March 11, 2019
FROM:	Elizabeth Appleby, City Planner
THROUGH:	Paul Ostrander, City Manager
TO:	Mayor Brian Gabriel and Kenai City Council

Below are a summary of activity in February 2019 for the Planning and Zoning Department.

#### Planning and Zoning Commission Agenda Items and Resolutions

The Planning and Zoning Commission approved of one conditional use permit:

Resolution PZ2018-30 - Application for a Conditional Use Permit to operate a Boarding House located at 160 Phillips Drive, Kenai, Alaska 99611, and further described as Lot 9, Block 8, Valhalla Heights Subdivision Part 3. The application was submitted by Perry and Sheryl Neel, P.O. Box 1075, Kasilof, Alaska 99610

Sign Code initial work session – purpose and intent statements

Lands, Economic Development, and Outreach

The temporary lands staff-person is making progress research City-owned lands, which will be used to create a Land Management Plan.

The City Planner and Administration met to clarify lands processes and tracking.

City staff met to discuss Kenai Municipal Code for City-owned properties.

The City Planner attended a Parks and Recreation Commission meeting to communicate information about bicycling in Kenai.

The City Planner attended a board meeting of the Kenai Peninsula Borough Alaska LNG Project Advisory Committee.



#### Page 2 of 2 Planning and Zoning Mid-Month Report

#### Plans and Reports

The City Planner communicated with a consultant who will be assisting the City to update the local hazard mitigation plan.

The City Planner met to discuss the Central and Southern Kenai Peninsula Coordinated Public Transit-Human Services Transportation Plan.

<u>Code Enforcement (Complaint Responses and Community Outreach Measures)</u> 2 cases were opened in February 2019:

• 2 – Junked or Abandoned Vehicles



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#### MEMORANDUM

SUBJECT:	Bicycle and Pedestrian Planning Update
DATE:	March 22, 2019
FROM:	Elizabeth Appleby, City Planner
TO:	City of Kenai Planning and Zoning Commission

 The City of Kenai submitted an application for federal funding through the Alaska Transportation Alternatives Program (ATAP) to construct a pedestrian pathway along Bridge Access Road from the intersection with Beaver Loop Road to the intersection with the Kenai Spur Highway. The Alaska Department of Transportation has also submitted an application for ATAP funding to construct elevated walkways along the Kenai River at the pullout along Bridge Access Road. More information on this funding program is available online at: <u>http://dot.alaska.gov/stwdplng/atap/</u>

The Alaska Department of Transportation and Public Facilities (ADOT&PF) Project Evaluation Board meets March 27, 2019 at 9am. This meeting is open to the public and there is a WebEx to join the meeting remotely. Information on this meeting is as follows:

#### ADOT&PF Project Evaluation Board Meeting March 27, 2019 Wednesday 9:00 am

Join by Webex: Meeting number: 803 957 073 Password: TA2019 https://stateofalaska.webex.com/stateofalaska/j.php?MTID=m55a89747f297f0087fcf64f8 ccb04455

Join by phone 1-650-479-3207 Call-in toll number (US/Canada) Access code: 803 957 073



#### Page 2 of 2 Bicycle and Pedestrian Planning Update

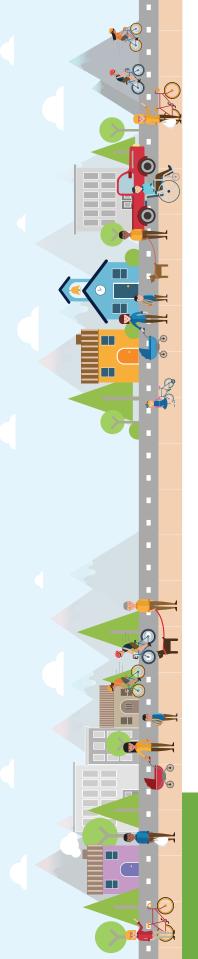
- 2. The Draft Alaska Statewide Active Transportation Plan is open to public comment until May 3, 2019. The plan is a policy document and framework to define future goals, objectives, needs, and gaps for the bicycle and pedestrian network in the State of Alaska. Information on the plan is available online at: <u>www.akbikeped.com</u> and the Comment webpage is attached to this memorandum.
- 3. The Joint Kenai/Soldotna Chamber Luncheon at noon on April 17, 2019 will include a presentation from the Biking in Kenai & Soldotna (BIK&S) organization. More information is available online at: <a href="http://kenaichamber.chambermaster.com/events/details/joint-kenai-soldotna-chamber-luncheon-5038">http://kenaichamber.ch



Draft

**Making Comment** 





## Staying Involved **Open House and 45-Day**

**Comment Period** 

plan will be recommended for adoption evisions will be made to the ASATP to address comment received, and the as an element of the Department of Transportation and Public Facilities' Following the comment period final -ong-Range Transportation Plan.

# Please provide your comments/feedback at:

www.akbikeped.com

- Complete the online form C
- (or give it to us at the Open House this evening) Download a paper form and mail it back to us
- Email us at akbikeped@dowl.com  $\bigotimes$
- Call Renee or Jovie at (907) 562-2000 0
  - and give us your comments

### Vision

strategies, and performance measures for walking and bicycling in Alaska. The ASATP forms part of the Alaska The ASATP sets out a vision, goal areas, objectives, Statewide LRTP. The Vision is:

### accessible, safer walking and bicycling "People in Alaska will enjoy equitable, opportunities as an integral part of daily life."

effectiveness of transportation investments over the performance measures to deliver the ASATP's vision, DOT&PF has identified goal areas, objectives, and guide transportation decisions, and ensure the 20-year life of the ASATP.

## **Goal Areas**

focus and improvement over the life of the ASATP. The The goal areas identify and describe key matters for research and input carried out by the planning team. goal areas are based on input received from public outreach and the Steering Committee, as well as he goal areas are:

- Goal Area One: Safety;
- Goal Area Two: Health;
- Goal Area Three: Maintenance/ System Preservation;
- Goal Area Four: Connectivity; and
- Goal Area Five: Economic Development

areas and achieve the vision of equitable, accessible, associated objectives are discussed in greater detail and safer walking and bicycling opportunities as an Objectives were identified to address these goal integral part of daily life. Each goal area and the in the next section.

# **Objectives**

# Goal Area One: Safety

M

Improving safety for walkers and bicyclists using the transportation network is a core goal. Seven objectives are targeted at improving safety:

between people bicycling, walking, and driving. Reduce the number and severity of conflicts :

Design the active transportation network,

12

- non-motorized users using current state of the including roads, to enhance safety for practice approaches.
- Integrate design criteria that incorporate best design guidance documents and the Alaska practices into local, regional, and statewide Highway Preconstruction Manual (HPM). 13
- active transportation on roadway segments that are being reconstructed or rehabilitated (except Consider provisions for the safer movement of for curb-to-curb mill and pave projects). 4
- Alaska to encourage walking and bicycling as a Improve facilities and wayfinding throughout primary transportation mode. 1.5
- Streamline and improve bicycle and pedestrian data collection efforts across Alaska. 1.6
- Review statewide laws to improve safety for active transportation on the road network. 1.7

# Goal Area Two: Health

- Alaska moving through service and infrastructure, supports Alaska's ability to thrive. Two objectives important factor in creating a healthy population. They also support DOT&PF's mission of keeping while providing a transportation system that Active transportation opportunities are an are targeted to improve health:
- design facilities that meet community health needs. industry to promote active transportation and help Collaborate with other organizations connected to or part of the health care and community services 2.1
- Promote active transportation use as a viable means to improve health among Alaskans. 2.2

## Goal Area Three: Maintenance/ System Preservation

maintaining and preserving existing bicycling and walking facilities across Alaska. Four objectives A key part of delivering the ASATP's vision is are targeted at improving maintenance and system preservation:

- active transportation provisions during Provide safer and more convenient construction activities. 3.1
- maintenance, including winter snow removal transportation organizations to improve on active transportation facilities. Encourage coordination between 3.2
- a key consideration in the design of active Encourage maintenance of facilities to be transportation facilities. 3.3
- initiatives in all communities and with the private sector to support the maintenance of all active Encourage "Adopt a Trail" and "Adopt a Road' transportation facilities. 3.4

# Goal Area Four: Connectivity

- are targeted at enhancing connections in the active While there is an extensive network of walking and create impediments to facility use. Five objectives bicycling facilities across Alaska, gaps exist that transportation network:
- need repair to facilitate a connection or for access. transportation network, including where facilities Identify and address gaps in the non-motorized 4.1
- Encourage the use of technology to enhance connectivity. 42

- Support education, encouragement, and enforcement initiatives. 4.3
- Identify and encourage multi-modal transportation opportunities. 4.4

Establish and identify active transportation connections to and through public lands. 4.5

as determined by American Community Survey data.



# Goal Area Five: Economic Development

improving economic development. Four objectives are targeted at enhancing economic development transportation system is strongly correlated with through the provision of facilities for walking Improving facilities for all users of the and bicycling:

- Encourage facilities for active transportation users in private and public premises 5.1
- transportation connection to activity centers. 5.2 Establish comfortable and safer active
  - Increase awareness of Alaska's active transportation network. 5.3
- encourage active transportation, in conjunction Create transportation systems that encourage with broader community and infrastructure natural movement for daily activities and development planning. 5.4

# **Performance Measures**

Performance measures enable the recording of progress toward the achievement of the ASATP's vision, goal areas, and objectives.

	Goal Area		Performance Measure
	Goal Area One Safety	11	Reduction in the number of fatal or serious injury collisions involving bicyclists and pedestrians in the last five years, as both a rolling average and percentage of total collisions.
8	Goal Area Two Health	2.1	Percent change in average minutes of physical activity per day per capita over a five-year period, as measured by the Alaska Department of Health and Social Services.
		2.2	Percentage of health regions meeting Healthy Alaska Benchmarks by 2020.
	<b>Goal Area Three</b> Maintenance/System Preservation	3.1	Miles of roadways adopted through Adopta-Road and Adopt a Highway initiatives.
	Goal Area Four Connectivity	4.1	Miles of state-owned active transportation facilities, including trails, sidewalks, and designated bicycle facilities.
G	<b>Goal Area Five</b> Economic Development	5.1	Number of communities with current active transportation plans and Safe Routes to School Programs or plans.
		5.2	Percent of commute trips completed by walking or bicycling,



DOT&PF > Alaska Statewide Active Transportation Master Plan > Comments

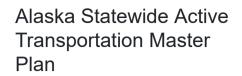
### Comments

The 45-day comment period on the draft Alaska Statewide Active Transportation Master Plan commences March 18 and runs through May 3, 2019.

Please provide your comments/feedback:

- 1. Complete the online form
- Download a paper form and mail it back to us: Attn: ASATP Draft Master Plan DOWL 4041 B Street, Anchorage, AK, 99507
- 3. Email us at: akbikeped@dowl.com
- 4. Call Renee or Jovie at (907) 562-2000 and give us your comments.

Click <u>HERE</u> to be added to the project mailing list. Thank you!





- <u>Home</u>
- <u>Vision, Goals and Objectives</u>
- Public Involvement
- <u>Recommendations</u>
- View the plan
- <u>Project Team</u>
- <u>Comments</u>

Join the Mailing List



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People in Alaska will enjoy equitable, accessible, safer walking and bicycling opportunities as an integral part of daily life.

http://www.akbikeped.com/Comments.html

#### Page 59 of 60 March 13, 2019 City of Kenai Planning and Zoning Commission Meeting Packet

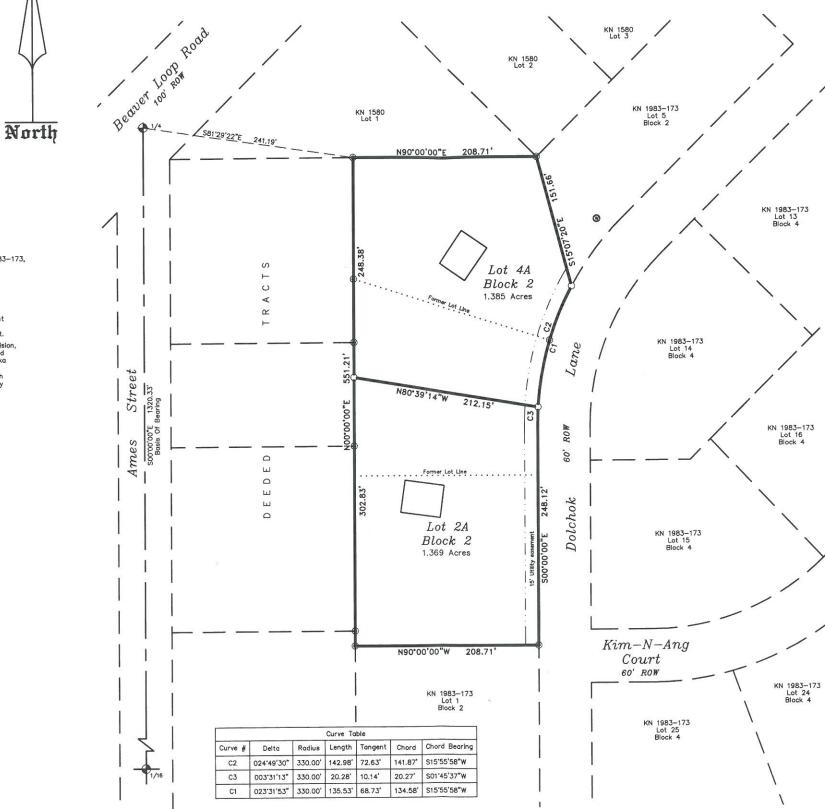
## 11x17 Size Maps and Plats

in the

## City of Kenai Planning and Zoning Commission March 27, 2019 Meeting Packet

#### LEGEND:

- 2 1/2" BRASS CAP MON. FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET 0
- 0 Water Well



#### NOTES:

- Basis of bearing taken from Basin View Subdivision Part Three, Plat 83-173, Kenai Recording District.
- Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Front 15 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- Which would interfer which do down and Solls Report is available for this subdivision, soil conditions may be unsuitable for onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. Department of Environmental conservation. The purpose of this platting action is to combine 2 lots into 1, which will provide greater available wastewater disposal area as described by 20.40.020(Å).

#### PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

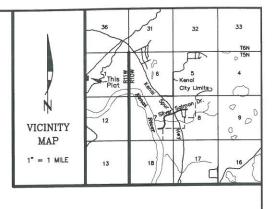
AUTHORIZED OFFICIAL

#### SURVEYOR'S CERTIFICATE

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

Dote \_\_\_\_





#### CERTIFICATE of OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JAY L PETTEY LOTS 2

GLENESE PETTEY LOTS 2&3 340 THOMPSON PL. KENAI, AK 99611

PHILLIP DANIEL LOT 4 P.O. BOX 1284 KENAI, AK 99611

#### NOTARY'S ACKNOWLEDGMENT

20

20

FOR\_

ACKNOWLEDGED BEFORE ME THIS\_\_\_\_\_ DAY OF \_\_\_

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES \_

#### NOTARY'S ACKNOWLEDGMENT

FOR . ACKNOWLEDGED BEFORE ME THIS\_\_\_\_\_ DAY OF \_\_\_

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES .

#### NOTARY'S ACKNOWLEDGMENT

FOR \_\_\_\_ ACKNOWLEDGED BEFORE ME THIS DAY OF 20

NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES .

KPB FILE No.

Basin View Subdivision Pettey-Daniel Replat A resubdivision of Lots 2, 3 & 4, Block 2 Basin View Subdivision Part Three Plat 1983-173, Kenai Recording District

Located within the SW 1/4 Section 1, T5N, R11W, S.M., Kenai Peninsula Borough, Alaska.

Surveyor Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909		Owners Jay & Glenese Pettey 340 Thompson Pl. Kenai, AK 99611		Phillip Daniel P.O. Box 1284 Kenai, AK 99611	
JOB NO.	19017		DRAWN:	3-19	9—19
SURVEYED:			SCALE:	1"	=50'
FIELD BOOK:	18-4		SHEET:	1	of 1



Lots 2-A, 3-A, 4 Block 2 Basin View Subdivision Part 3

(Kenai Peninsula Borough Parcel Numbers 04926102, 04926127, 04926128)



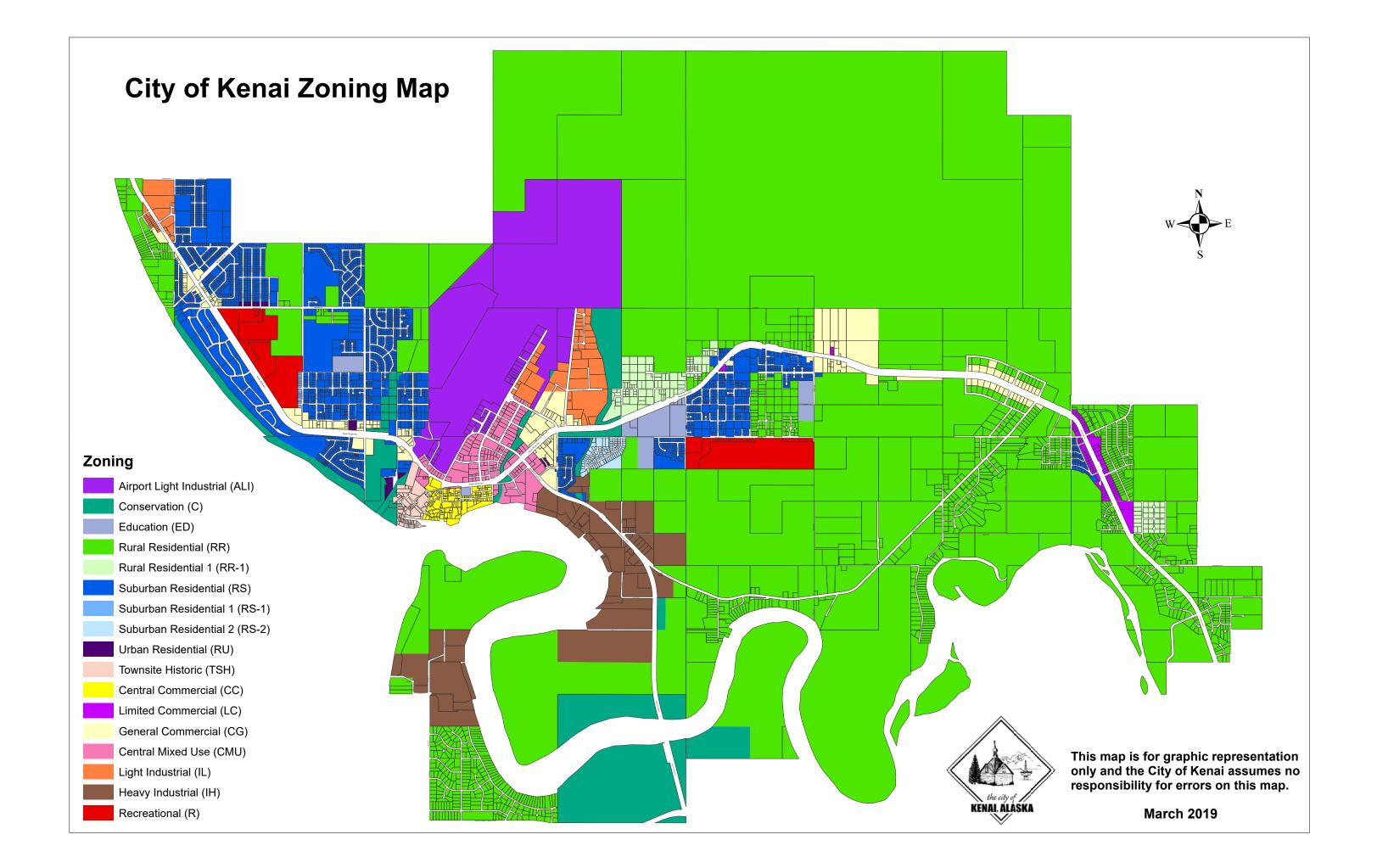


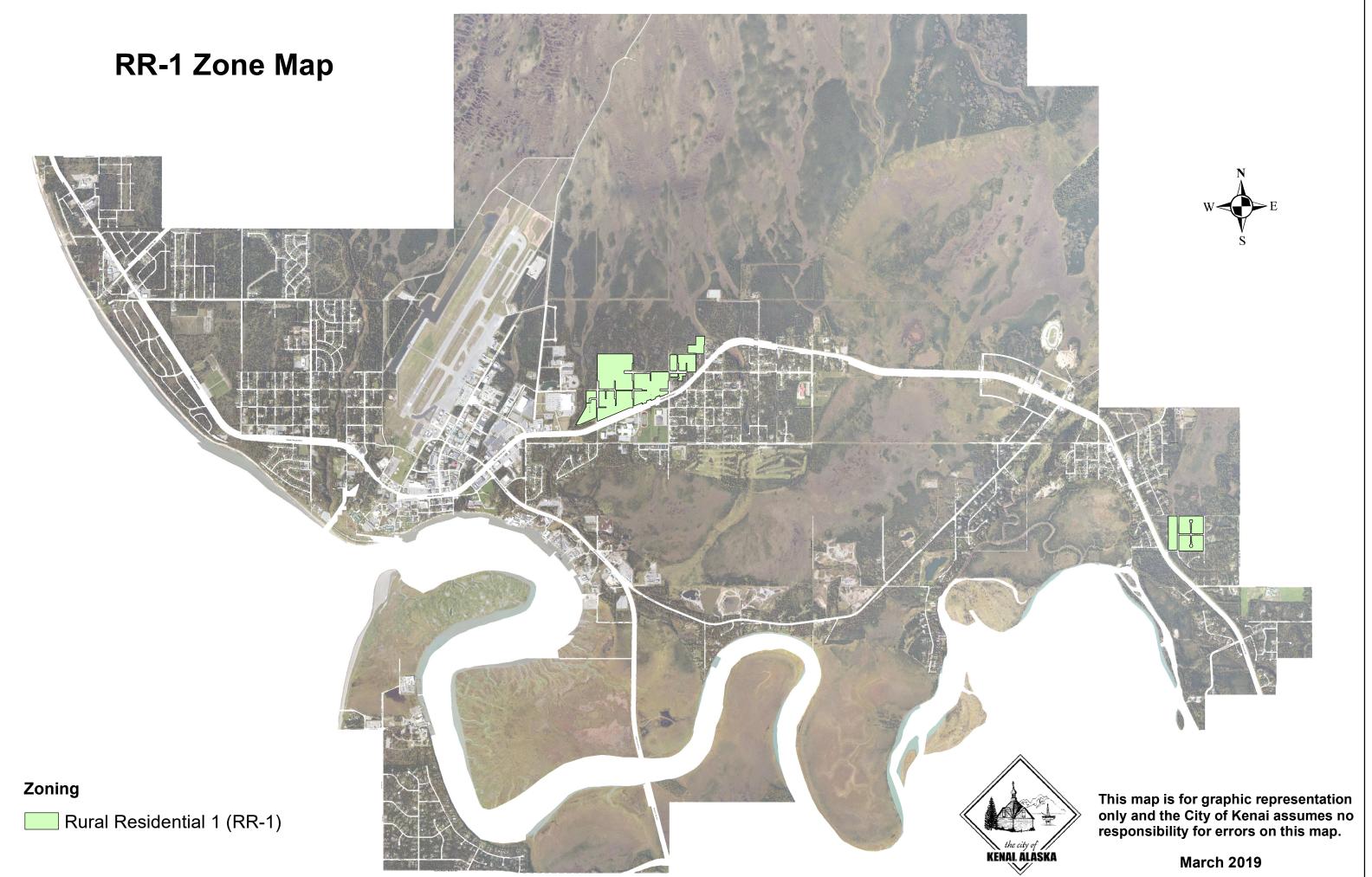


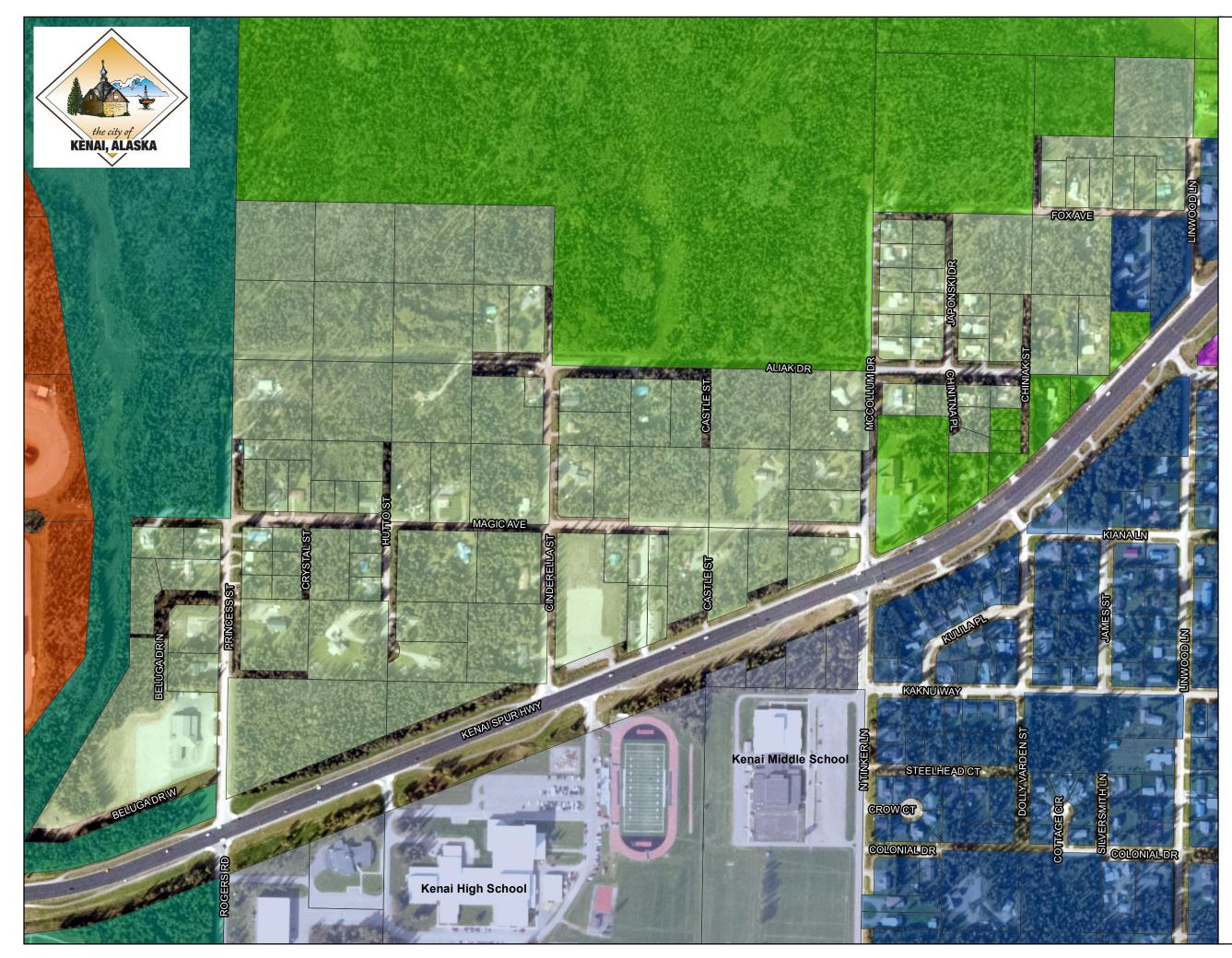
1 inch equals 208 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 3/18/2019







#### RR-1 Zone: Western Portion

#### Zoning

Airport Light Industrial (ALI) Conservation (C) Education (ED) Rural Residential (RR) Rural Residential 1 (RR-1) Suburban Residential (RS) Suburban Residential 1 (RS-1) Suburban Residential 2 (RS-2) Urban Residential (RU) Townsite Historic (TSH) Central Commercial (CC) Limited Commercial (LC) General Commercial (CG) Central Mixed Use (CMU) Light Industrial (IL) Heavy Industrial (IH) Recreational (R)

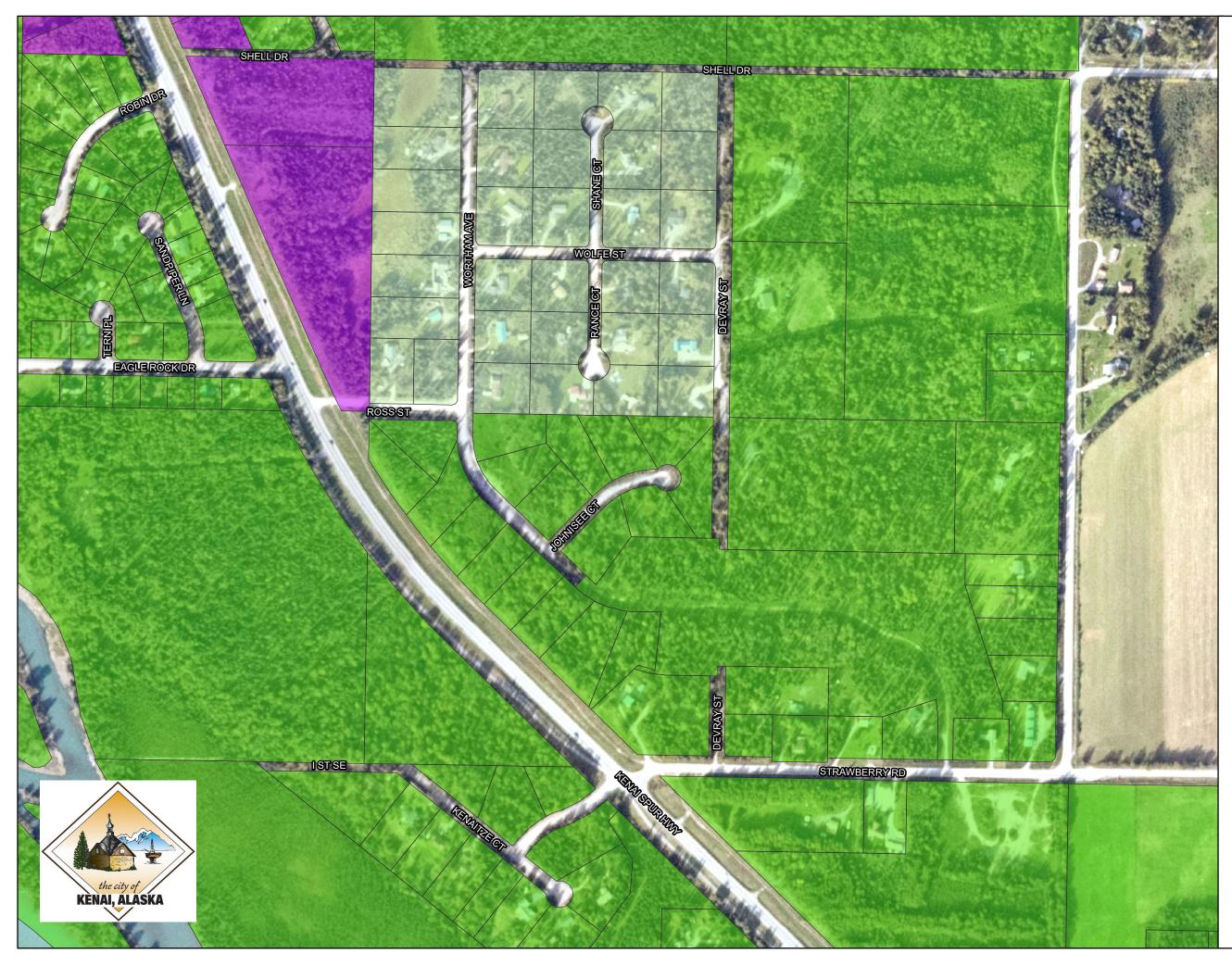




1 inch equals 366 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 3/21/2019



#### RR-1 Zone: Eastern Portion

#### Zoning

Airport Light Industrial (ALI) Conservation (C) Education (ED) Rural Residential (RR) Rural Residential 1 (RR-1) Suburban Residential (RS) Suburban Residential 1 (RS-1) Suburban Residential 2 (RS-2) Urban Residential (RU) Townsite Historic (TSH) Central Commercial (CC) Limited Commercial (LC) General Commercial (CG) Central Mixed Use (CMU) Light Industrial (IL) Heavy Industrial (IH) Recreational (R)





440 '

1 inch equals 333 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 3/21/2019



RR-1 Zone and Kenai Spur Highway 275-Foot Centerline Buffer

#### Legend



Rural Residential 1 (RR-1) Zone

Kenai Spur Highway 275-Foot Buffer





### 2,600 '

1 inch equals 1,977 feet

The information depicted here on is for graphic representation only of the best available sources. The City of Kenai assumes no responsibility for errors on this map.

Date: 3/21/2019