

## **E. NEW BUSINESS**

- 2. Baron Wood Subdivision 2023 Replat; KPB File 2023-105  
Johnson Surveying / Hardcastle  
Location: Childs Avenue off Bridge Access Road  
City of Kenai**

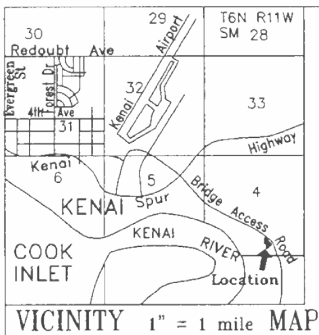


KPB File 2023-105  
T 05N R 11W SEC 04  
Kenai





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



# Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.  
Located in the SE 1/4 Section 4, T5N R11W, SM, City of Kenai,  
Kenai Recording District Kenai Peninsula Borough

## Prepared for

Duke Hardcastle  
1152 Bridge Access Rd.  
Kenai, AK 99611

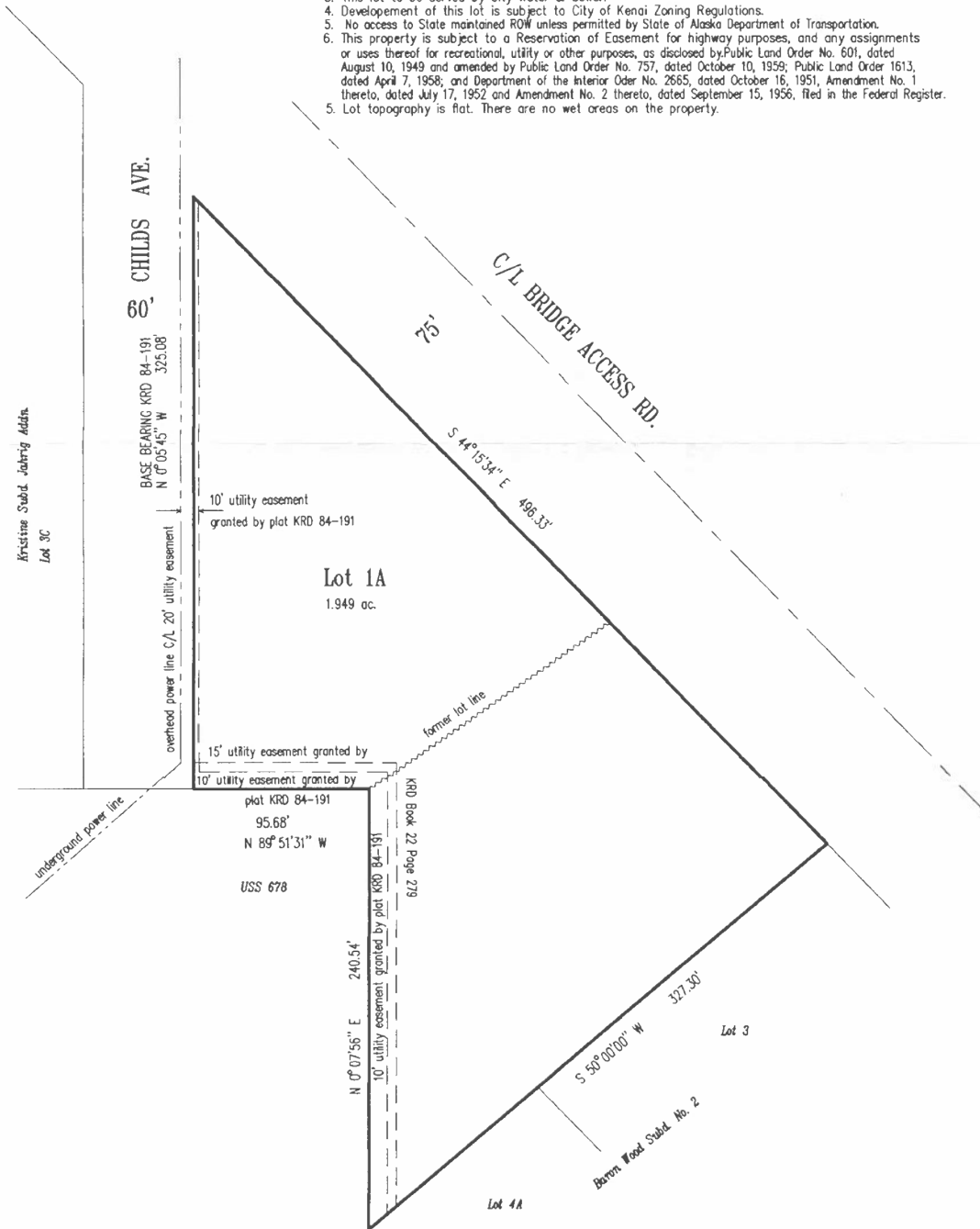
## Prepared by

Johnson Surveying  
P.O. Box 27  
Clam Gulch, AK 99568

SCALE 1" = 50' AREA = 1.949 acres  
3 October, 2023

## NOTES

1. This is a paper plat based on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. No access to State maintained ROW unless permitted by State of Alaska Department of Transportation.
6. This property is subject to a Reservation of Easement for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. Lot topography is flat. There are no wet areas on the property.



**KPB 2023-105**



AGENDA ITEM E. NEW BUSINESS

ITEM #2 - PRELIMINARY PLAT  
BARON WOOD SUBDIVISION 2023 REPLAT

KPB File No.	2023-105
Plat Committee Meeting:	November 13, 2023
Applicant / Owner:	Duke Hardcastle of Kenai, Alaska
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	City of Kenai

Parent Parcel No.:	049-013-12 and 13
Legal Description:	T 5N R 11W SEC 4 Seward Meridian KN 0840191 Baron Wood Sub Lot 1 and 2
Assessing Use:	
Zoning:	Commercial and Residential
Water / Wastewater	City
Exception Request	None

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STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will combine two parcels into one with a total acreage of 1.949 acres.

**Location and Legal Access (existing and proposed):** This subdivision is located within the city limits of Kenai on the corner of Childs Avenue and Bridge Access Road. Childs Avenue is a 60-foot-wide constructed right-of-way along the west boundary. Bridge Access Road is 150 feet wide in this area and is maintained by State of Alaska: DOT. No dedications are being proposed with this platting action.

Due to an unsubdivided parcel to the southwest the block does not close and is not compliant. If the parcel to the southwest is ever subdivided dedications will be required and will improve the block. ***Staff recommends: the plat committee concur an exception to block length is not needed at this time.***

***PER DOT:*** The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

KPB Roads Dept. comments	Out of Jurisdiction: Yes  Roads Director: Griebel, Scott Comments: City of Kenai. No RSA Comments
SOA DOT comments	

**Site Investigation:** Both parcels are currently vacant.

There are no steep slopes or classified wetlands within the boundary of the subdivision.

KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Within City of Kenai Comments: No comments
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	<p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks</p> <p>Reviewer: Comments:</p>
State of Alaska Fish and Game	

**Staff Analysis** This area was originally a portion of Government Lot 9 and was subdivided by Baron Wood Subdivision KN 84-191. KN 84-191 created the current configuration for the parcels in this platting action.

*Per Planning and Zoning Resolution 2023-11 this subdivision will have access to city water and sewer. A soils report will not be required, but **staff recommends** the correct wastewater note be added to the final plat to comply with KPB 20.40.*

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

**Utility Easements** The parent plat granted a 20-foot utility easement with an overhead powerline being the centerline along the west boundary of lot one. The easement appears to be shown correctly. A 10-foot utility easement was also granted along the southern boundary of exiting lot one and the west boundary of existing lot two with the correct depiction shown.

The Certificate to Plat listed several recorded easements one of them being a 15-foot utility easement. **Staff recommends** the surveyor review the book and page number for the depicted easement as we believe it should be Book 299 Page 759. All easement listed in the Certificate to Plat are required to depicted if the location is known or a plat note for easements with no defined locations. Surveyor needs to show easement in Serial 2023-005502-0 on drawing and list in plat notes.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

**Utility provider review:**

HEA	
ENSTAR	
ACS	No objections
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 1088 BRIDGE ACCESS RD, 1120 BRIDGE ACCESS RD</p> <p>Existing Street Names are Correct: Yes</p>
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	List of Correct Street Names: CHILDS AVE, BRIDGE ACCESS RD  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: CITY OF KENAI WILL ADVISE ON ADDRESSING
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required
Assessing	Reviewer: Windsor, Heather Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

#### **STAFF RECOMMENDATIONS** **CORRECTIONS / EDITS**

Correct note numbering.  
Add code reference of KPB 20.60.200(A) to plat note one.  
Add 150' ROW to Bridge Access Rd.  
Need to show easement in CTP at 2023-005502-0 on drawing and in plat notes.

#### **KPB 20.25.070 – Form and contents required**

**Staff recommendation:** *final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.*

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
  2. Legal description, location, date, and total area in acres of the proposed subdivision;
  3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** *Please add Alaska to the title block.*



- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;  
**Staff recommendation:** *Several section labels are missing as well as the label for Township 5N.*
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;  
**Staff recommendation:** *Please add plat recording numbers to Lot 3C to the west and lots 4A and 3 to the southeast.*

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#### **KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** *final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.*

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#### **KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** *final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.*

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##### **20.40.010 Wastewater disposal.**

*Platting Staff Comments: Lots currently have access to city utilities. Please provide correct wastewater note.*

**Staff recommendation:** *comply with 20.40.*

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#### **KPB 20.60 – Final Plat**

**Staff recommendation:** *final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.*

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##### **20.60.180. Plat notes.**

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

**Staff recommendation:** *Place the following notes on the plat.*

- All development must comply with the Kenai municipal zoning requirements.

#### **RECOMMENDATION:**

#### **STAFF RECOMMENDS:**

- **GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND**
- **COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND**

- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

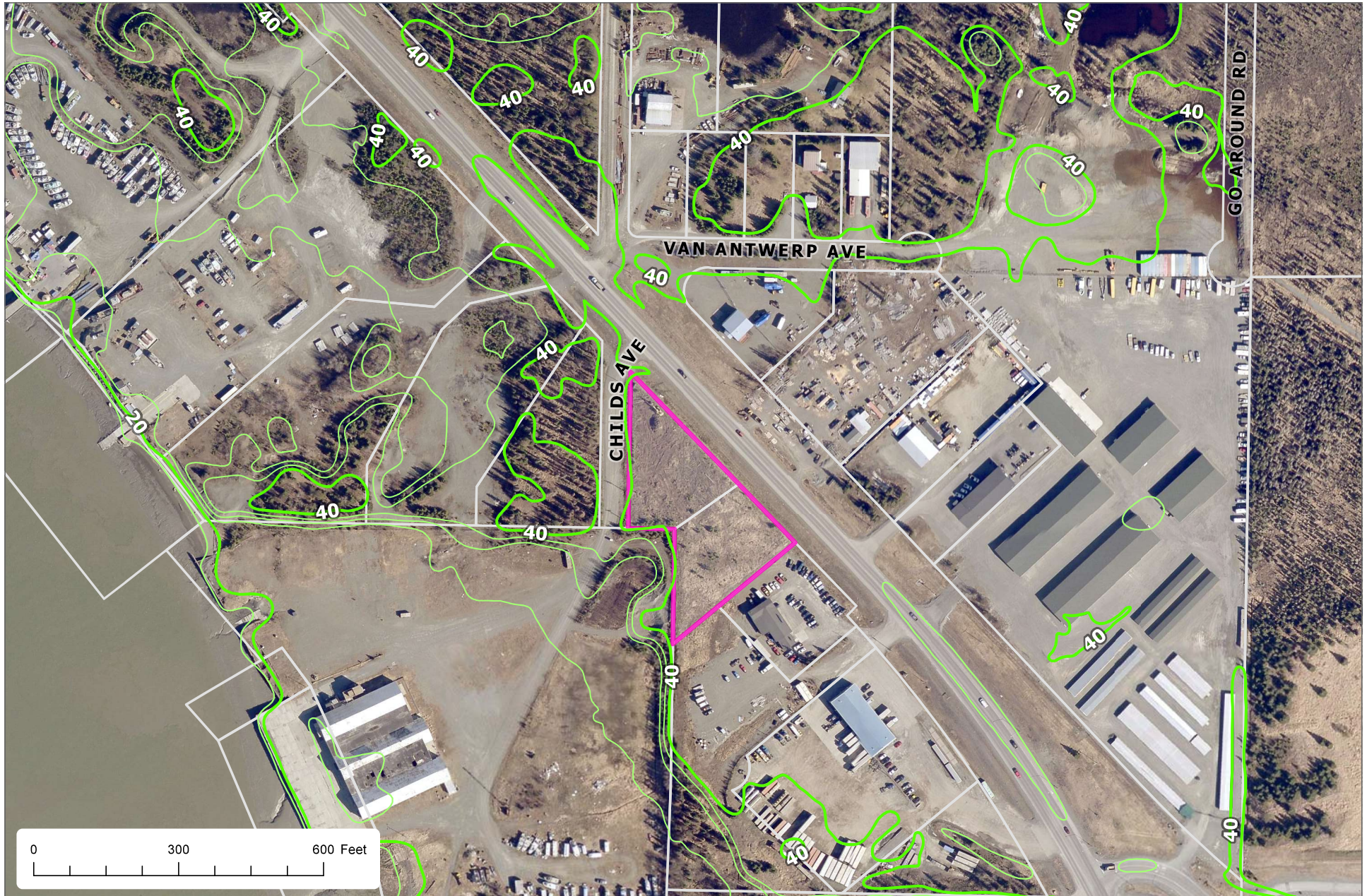
END OF STAFF REPORT





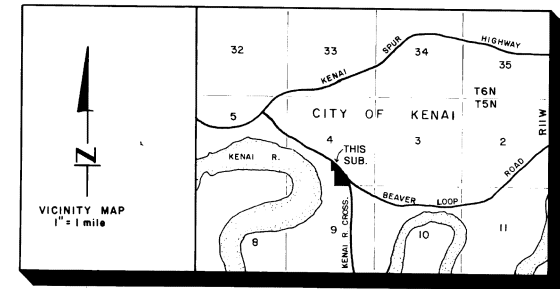
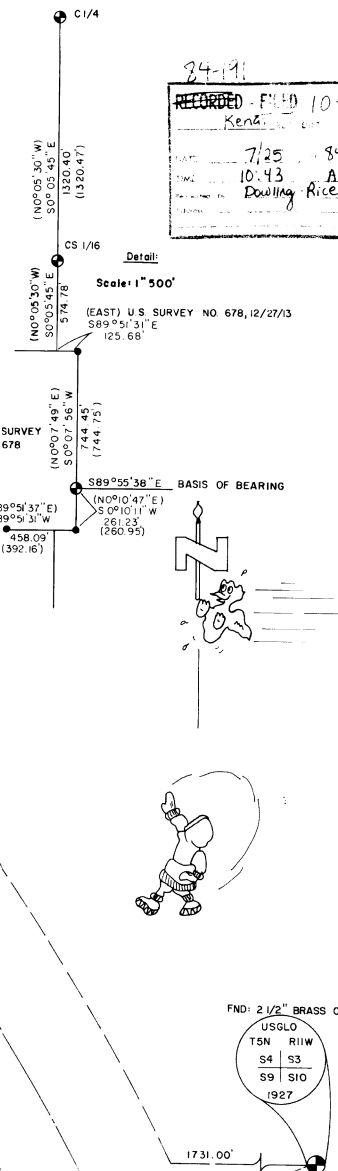
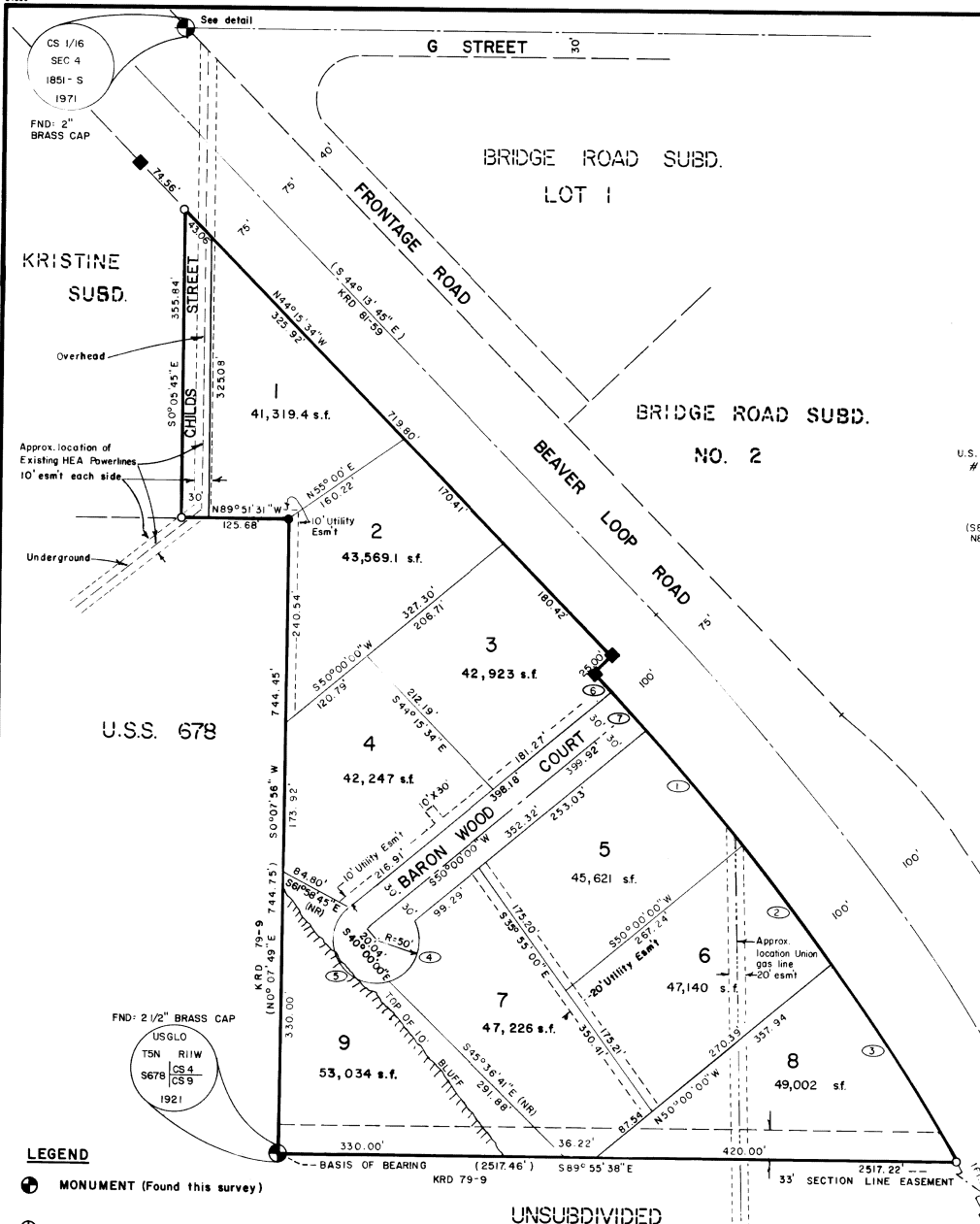
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





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**CERTIFICATE of OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Jess L. Hall, Kathleen L. Hall, Clinton D. Hall  
JESS L. HALL and KATHLEEN L. HALL CLINTON D. HALL  
PO BOX 651 PO BOX 2829  
KENAI, ALASKA 99611 KENAI, AK. 99611

**NOTARY'S ACKNOWLEDGEMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF April, 1984, FOR Jess L. Hall, Kathleen L. Hall, Clinton D. Hall.

Sharon Jean  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES Feb 24, 1986

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MARCH 12, 1984.

KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL

CLIFFORD E. BAKER, R.L.S.  
REGISTRATION NO. LS-5152

CLIFFORD E. BAKER  
No. LS-5152

**BARON WOOD SUBD.**

A SUBDIVISION OF THAT PORTION OF GOV'T LOT 9 SW OF BEAVER LOOP AND LOCATED IN THE SW 1/4 SE 1/4 SEC 4 T5N R11W S.M., AK. AND THE CITY OF KENAI.

10.37 acres containing 9 lots

**DOWLING-RICE and ASSOCIATES**  
P.O. BOX 1974 SOLDOTNA, ALASKA 99669

**ENGINEERS** 262 - 9011 **SURVEYORS**

SURVEYED: 9-83 PLATTED: 9-83  
DRAFTED: LKA / MM SCALE: 1" = 100'  
CHECKED: CEB / DP FIELD BOOK: 17

**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

NOTES  
1) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.  
2) NO DIRECT ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

Robert P. Carver  
SIGNATURE DATE 5-16-84

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 28, 2023 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 28, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait, Chair  
Gwen Woodard  
John Coston

Joe Halstead, Vice Chair  
Jim Glendening  
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Vice Chair

Gary Greenberg

Also in attendance were:

Linda Mitchell, Planning Director  
Meghan Thibodeau, Deputy City Clerk  
Alex Douthit, Council Member

**3. Approval of Agenda and Consent Agenda**

**MOTION:**

Commissioner Woodard **MOVED** to approve the agenda and consent agenda. Commissioner Fikes **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.

There being no objection; **SO ORDERED**.

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

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 14, 2023



Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS - None.**

**D. UNSCHEDULED PUBLIC COMMENTS - None.**

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-11** – Recommending Approval for Preliminary Plat – Baron Wood Subdivision 2023 Replat to Consolidate Lots 1 and 2, of Baron Wood Subdivision into one (1) lot.

**MOTION:**

Commissioner Woodard **MOVED** to approve Resolution PZ2023-11. Commissioner Fikes **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet. Zoning and uses of surrounding lots were reviewed; staff recommended approval subject to the following conditions:

1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

Discussion ensued.

**VOTE:**

YEA: Fikes, Woodard, Glendening, Coston, Twait

NAY: None

ABSENT: Halstead, Greenberg

**MOTION PASSED.**

**F. PUBLIC HEARINGS**

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

**MOTION:**

Commissioner Woodard **MOVED** to recommend that the City Council enact Ordinance No. 3363-2023. Commissioner Fikes **SECONDED** the motion.

Director Mitchell explained that the ordinance is Council-sponsored and proposes to amend the current marijuana establishment code.

Chair Twait opened for public hearing.

Alex Douthit explained his reasons for sponsoring the Ordinance.

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

Discussion ensued. The commission requested that administration review buffer regulations related to State-licensed daycare facilities.

**VOTE:**

YEA: Fikes, Coston, Woodard, Twait, Glendening  
NAY: None  
ABSENT: Halstead, Greenberg  
**MOTION PASSED.**

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Halstead.

Approved by the consent agenda.

**I. REPORTS**

1. City Council – Council Member Douthit reported on the actions of the June 21, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 26, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
  - Updated data on the 2022 Conditional Use Permit (CUP) annual report; notified commission of active CUPs with missing reports.
  - Update on King of the River Food Drive, and ways to donate.
  - Deadline approaching for commissioners to sign up to attend the American Planning Association Conference in Anchorage on September 20, 2023.
  - Attended the joint Kenai-Soldotna Chamber of Commerce luncheon on a fixed-route transportation plan.
  - Attended the open house for the FEMA map update, representing Kenai.

**J. ADDITIONAL PUBLIC COMMENT – None.**

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: July 12, 2023

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioner Fikes noted she may be absent or participating on Zoom at the July 12, 2023 meeting.

Commissioner Glendening noted that he may be absent for the next meeting as well.

**M. PENDING ITEMS – None.**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS – None.**

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 28, 2023.



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Meghan Thibodeau  
Deputy City Clerk





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

**June 28, 2023 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

[www.kenai.city](http://www.kenai.city)

**\*\*Telephonic/Virtual Info on Page 2\*\***

**Agenda**

**A. CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items 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 Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda as part of the General Orders.

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 14, 2023

**C. SCHEDULED PUBLIC COMMENT (*Public comment limited to ten (10) minutes per speaker*)**

**D. UNSCHEDULED PUBLIC COMMENT (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)**

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-11** – Recommending Approval for Preliminary Plat – Baron Wood Subdivision 2023 Replat to Consolidate Lots 1 and 2, of Baron Wood Subdivision into one (1) lot.

**F. PUBLIC HEARINGS**

1. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. **\*Action/Approval** - Requesting an Excused Absence for the June 28, 2023 Regular Meeting - Halstead.

**I. REPORTS**

1. City Council
2. Kenai Peninsula Borough Planning
3. City Administration

**J. ADDITIONAL PUBLIC COMMENT** *(Public comment limited to five (5) minutes per speaker)*

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: July 12, 2023

**L. COMMISSION COMMENTS AND QUESTIONS**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87457354594>

**Meeting ID:** 874 5735 4594 **Passcode:** 924601

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

**Meeting ID:** 874 5735 4594 **Passcode:** 924601

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 14, 2023 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 14, 2023, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 p.m.

**1. Pledge of Allegiance**

Chair Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait, Chair  
Gary Greenberg  
John Coston  
Gwen Woodard

Joe Halstead, Vice Chair  
Jim Glendening  
Diane Fikes

A quorum was present.

Absent:

None

Also in attendance were:

Linda Mitchell, Planning Director  
Meghan Thibodeau, Deputy City Clerk  
Henry Knackstedt, Council Member

**3. Approval of Agenda and Consent Agenda**

Chair Twait noted the following additions to the Packet:

Add to item I.3

**City Administration Report**

- 2022 Conditional Use Permits Annual Report Review

Add to item O.2

**Informational Items**

- King of the River Food Drive Flyer

**MOTION:**

Vice Chair Halstead **MOVED** to approve the agenda and consent agenda with the requested revisions. Council Member Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.

There being no objection; **SO ORDERED.**

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

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of May 24, 2023

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS - None.**

**D. UNSCHEDULED PUBLIC COMMENTS**

Will Jahrig provided an update on the progress of the Restaurant/Brewery development at 800 Childs Avenue.

**E. CONSIDERATION OF PLATS**

1. **Resolution PZ2023-10** – Recommending Approval for Preliminary Plat - Reutov Subdivision to Subdivide a Parcel into Four (4) Lots Located at 106 Lawton Drive (Parcel ID: 04902008) in the Suburban Residential (RS) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-10. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant intends to subdivide the parcel into four lots. Zoning and uses of surrounding lots were reviewed; staff recommended approval to Kenai Peninsula Borough, subject to the following conditions:

1. Update the City of Kenai's City Manager name under the Certificate of Acceptance section.
2. Place the following note on the plat: The 20-foot wide access portion of the flag lots (Lots 3 and 4) must be unobstructed and maintained for emergency access.

Discussion ensued.

**VOTE:**

YEA: Fikes, Glendening, Woodard, Twait, Greenberg, Halstead, Coston

NAY: None

**MOTION PASSED UNANIMOUSLY.**

**F. PUBLIC HEARINGS**

1. **Resolution PZ2023-09** – Granting a Conditional Use Permit (CUP) to Allow for Lodging on the Property Located at 1534 Stellar Drive (Parcel ID: 04714032) in the Suburban Residential (RS) Zoning District.

**MOTION:**

Vice Chair Halstead **MOVED** to approve Resolution PZ2023-09. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell clarified the definition of lodging in Kenai Municipal Code, and presented her staff report with information provided in the packet explaining that the applicant had been running a lodging operation for a few years without knowing it required a conditional use permit (CUP). The criteria



for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Quiet hours are from 10:00 p.m. to 6:00 a.m.

Applicant Mary Kennedy noted that she had submitted a statement into the packet, and would be available for questions.

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

Support was expressed; it was noted that the applicant had put in a good faith effort to comply with code.

In response to questions from the commission, Mary Kennedy clarified that she is not collecting sales tax but has been paying it to the Kenai Peninsula Borough; apologized for not being aware of the CUP requirement and expressed appreciation for Director Mitchell for helping her through the process; noted that she doesn't advertise but does list her property on AirBNB and VRBO; explained how a group with travel trailers had booked her property last summer, and she had made neighbors aware beforehand and provided them with her contact information in case of issues; noted that her property has been consistently booked in previous years; discussed how she mitigates potential guest issues with a security camera and communication with neighbors; and clarified she has had no homeowner's insurance claims.

**VOTE:**

YEA: Glendening, Woodard, Greenberg, Fikes, Twait, Halstead, Coston

NAY: None

**MOTION PASSED UNANIMOUSLY.**

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the May 24, 2023 Regular Meeting - Coston.

Approved by the consent agenda.

2. **\*Action/Approval** – Time Extension for Compliance with Conditions in Resolution PZ2022-14 for a Restaurant/Brewery on the Property Located at 800 Childs Avenue (Parcel ID: 04901138) in the Heavy Industrial (IH) Zoning District.

Approved by the consent agenda.

**I. REPORTS**

1. City Council – Council Member Knackstedt reported on the actions of the June 7, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the June 12, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:

- Storefront and Streetscape Improvement grant applications have been out since last week; two completed applications recieved. Explained program process.
- FY2024 budget includes travel expenses for commissioners who want to the American Planning Association conference in Anchorage on September 20, 2023.
- There will be a work session prior to the regular meeting on June 28<sup>th</sup>.
- Reviewed the 2022 Conditional Use Permits Annual Report provided in laydown; asked commissioners to review and noted that it is within the purview of commission to revoke permits.

**J. ADDITIONAL PUBLIC COMMENT** – None.

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: June 28, 2023

Vice Chair Halstead noted he would be absent from the June 28<sup>th</sup> meeting.

**L. COMMISSION COMMENTS AND QUESTIONS**

**M. PENDING ITEMS** – None.

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

1. Kenai Public Open House Flyer

There being no further business before the Commission, the meeting was adjourned at 7:56 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 14, 2023.

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Meghan Thibodeau  
Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2023-11**

A RESOLUTION **RECOMMENDING** THAT BARON WOOD SUBDIVISION 2023 REPLAT ATTACHED HERETO BE APPROVED

PROPERTY ADDRESSES: 1088 and 1120 Bridge Access Road

LEGAL DESCRIPTION: Lots 1 and 2 Baron Wood Subdivision

KPB PARCEL NOS.: 04901312 and 04901313

WHEREAS, the City of Kenai received the plat from Johnson Surveying on behalf of the property owner, Duke Hardcastle and,

WHEREAS, the plat meets Kenai Municipal Code preliminary plat requirements of the Heavy Industrial (IH) zoning district; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, the consolidated lot will have access off of Childs Avenue, which is not a City maintained road; and

WHEREAS, City water and sewer lines are available to serve the new lot along Bridge Access Road; and,

WHEREAS, the Planning and Zoning Commission finds:

1. Pursuant to Kenai Municipal Code 14.10.070 *Subdivision design standards*, the plat conforms to the minimum street widths, easements are sufficiently provided for utilities, the proposed lot consolidation would provide satisfactory and desirable building site, and the preliminary plat meets standards for water and wastewater.
2. Pursuant to Kenai Municipal Code 14.24.010 *Minimum lot area requirements*, the proposed lot meets City standards for minimum lot sizes in the subject zoning district.
3. Pursuant to Kenai Municipal Code 14.24.020 *General Requirements*, the proposed lot meet City standards for minimum lot width and utility easements. Compliance with the maximum lot coverage, maximum height, and setbacks will be reviewed during the building permit review.

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

**Section 1.** That the preliminary plat of Baron Wood Subdivision 2023 Replat be approved subject to the following conditions.

1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,  
this 28<sup>th</sup> day of June, 2023.

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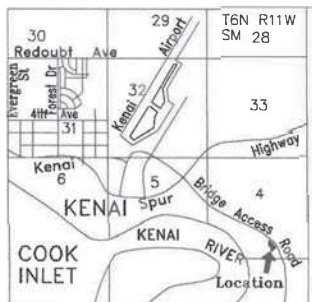
JEFF TWAIT, CHAIRPERSON

ATTEST:

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Meghan Thibodeau, Deputy City Clerk





VICINITY 1" = 1 mile MAP

# Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.  
Located in the SE 1/4 Section 4, T6N R11W, SM, City of Kenai,  
Kenai Recording District Kenai Peninsula Borough

## Prepared for

Duke Hardecastle  
1152 Bridge Access Rd.  
Kenai, AK 99611

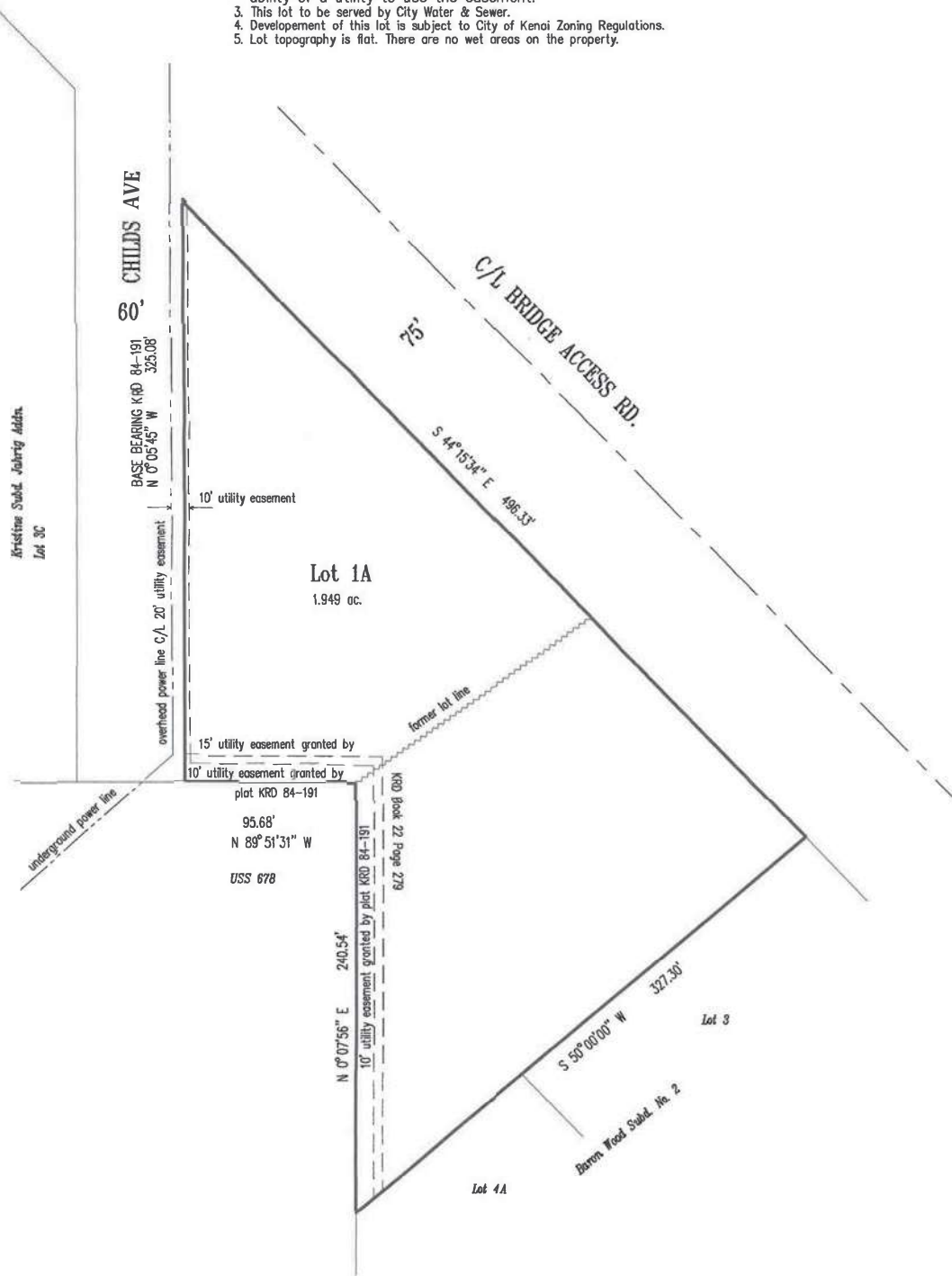
## Prepared by

Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 62' AREA = 1.949 acres  
30 May, 2023

## NOTES

1. This is a paper plat replat base on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. Lot topography is flat. There are no wet areas on the property.





# STAFF REPORT

PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission  
**FROM:** Linda Mitchell, Planning Director *LM*  
**DATE:** June 23, 2023  
**SUBJECT:** Resolution No. PZ2023-11 – Preliminary Plat – Baron Wood Subdivision  
2023 Replat

---

**Request** The applicant is proposing a preliminary plat to consolidate two (2) lots into one (1) lot.

**Staff Recommendation** Adopt Resolution No. PZ2023-11 recommending approval for a preliminary plat to consolidate Lots 1 and 2, of the Baron Wood Subdivision into one (1) lot.

---

**Applicant:** Johnson Surveying  
Attn: Gerard Johnson  
P.O. Box 27  
Clam Gulch, AK 99568

**Property Owner:** Duke Hardcastle

**Legal Description:** Lots 1 and 2, of the Baron Wood Subdivision, according to Plat No. 84-191

**Property Addresses:** 1088 and 1120 Bridge Access Road

**KPB Parcel Nos.:** 04901312 (Lot 1) and 04901313 (Lot 2)

**Lot Sizes (acreage):** 0.948 (Lot 1) and 1.0 (Lot 2)

**Zoning:** Heavy Industrial (IH)

**Current Use:** Vacant

**Land Use Plan:** Industrial

**Associated Permit(s):** PZ2023-08 (RV Park)

## SUMMARY

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The proposed preliminary plat will consolidate Lots 1 and 2, of the Baron Wood Subdivision into one (1) lot with an approximate lot size of 1.949 acres. The subject lots are located in the southeast corner of Bridge Access Road and Childs Avenue. Both lots are currently vacant but a Conditional Use Permit (PZ2023-08) was granted to operate recreational vehicle park on the premises. The proposed consolidated lot will be surrounded by a RV park to the southwest, automotive and transport business to the southeast, vacant land (future restaurant/brewery) to the north, and the Bridge Access Road to the east.

Kenai Municipal Code (KMC) Chapter 14.10 *Subdivision Regulations* states preliminary plats or replats must first be submitted to the City for review and recommendation the Kenai Peninsula Borough Planning Commission.

## ANALYSIS

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The parent plat, Baron Wood Subdivision was approved by the Kenai Peninsula Borough Planning Commission on March 12, 1984. For the proposed lot consolidation of parcels subdivided under an approved plat, the design and layout requirements were met under the parent plat. The new consolidated lot will have access off of Childs Avenue, which is not a City maintained road. City water and sewer lines are available to serve the new lot along Bridge Access Road.

The proposed preliminary plat meets the general standards of KMC Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*.

## STAFF RECOMMENDATION

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Staff finds that the proposed preliminary plat for Baron Wood Subdivision 2023 Replat meets the general standards of Kenai Municipal Code Chapter 14.10 *Subdivision Regulations* and Chapter 14.24 *Development Requirements Table*, and hereby recommends that the Planning and Zoning Commission recommends approval of Resolution No. PZ2023-11 to Kenai Peninsula Borough, subject to the following conditions.

1. Revised the scale to an engineer scale (e.g., nearest tenth of a foot).
2. Verify the 15-foot utility easement is corresponding to the correct recorded document.

## ATTACHMENTS

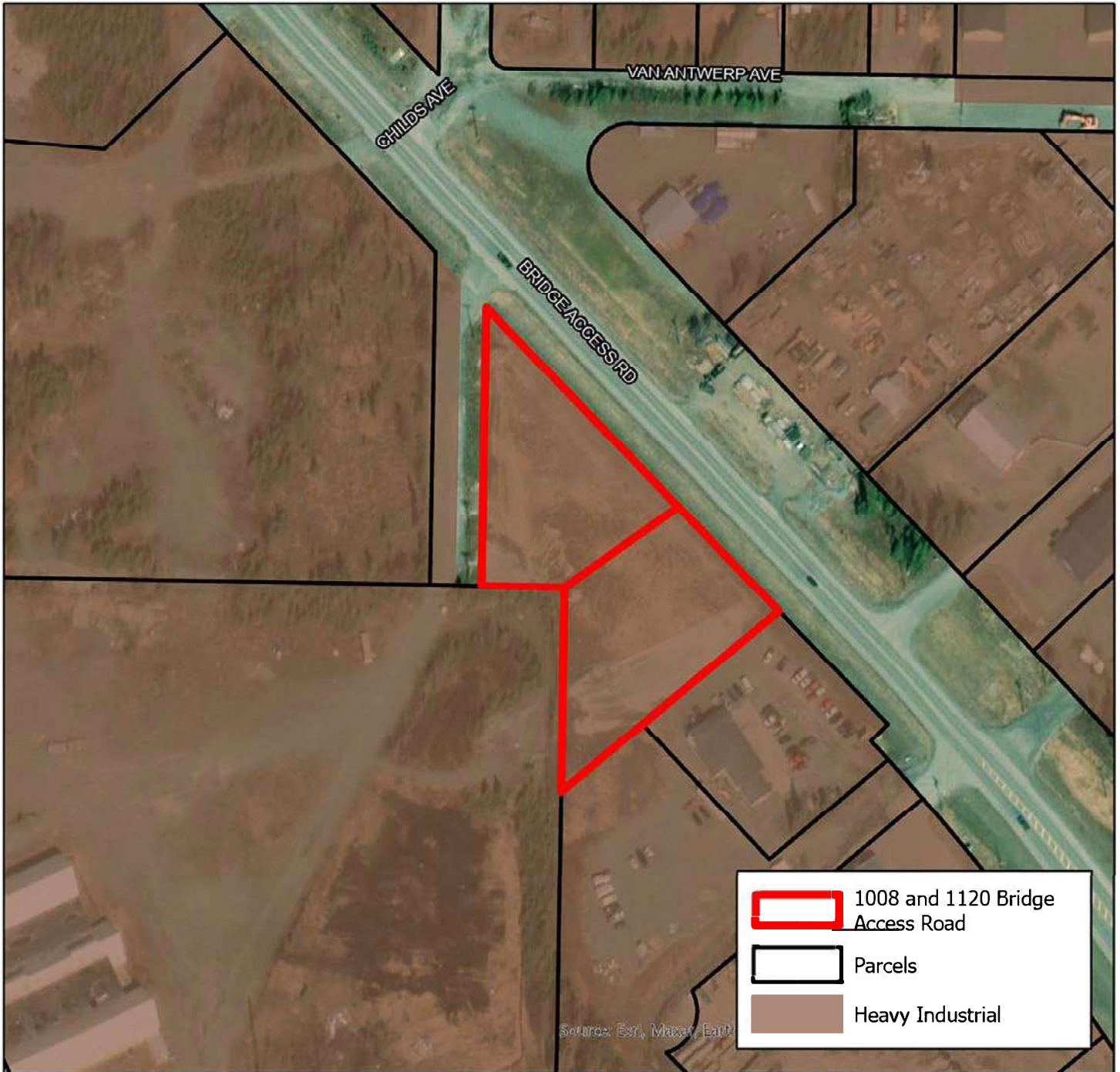
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Aerial Map  
Application  
Preliminary Plat, Baron Wood Subdivision 2023 Replat  
Baron Wood Subdivision Plat





**Preliminary Plat  
Resolution PZ2023-11  
Lot Consolidation  
1088/1120 Bridge Access Road  
KPB Parcel IDs: 04901312 and 04901313**



Date Printed: 5/19/2023

Map for Reference Only  
NOT A LEGAL DOCUMENT



0 100 200 400 Feet

Page 12

**E2-27**

# RECEIVED

6/12/23



**Preliminary Plat  
Submittal Form**

**CITY OF KENAI**

**DATE  
PLANNING DEPARTMENT**

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

## APPLICANT (SURVEYOR)

Name:	Gerard Johnson						
Mailing Address:	P.O.Box-27	City:	Clam Gulch	State:	AK	Zip Code:	99568
Phone Number(s):	(907) 262-5772						
Email:	johnsonsurveying@hotmail.com						

## PROPERTY OWNER

Name:	Duke Hardcastle						
Mailing Address:	1152 Bridge Access	City:	Kenai	State:	AK	Zip Code:	99611
Phone Number(s):	(907) 252-2534						
Email:	dukehardcastle@hotmail.com						

## PROPERTY INFORMATION

Kenai Peninsula Borough Parcel #:	04901312 & 04901313					
Current City Zoning:						
Use:	<input type="checkbox"/> Residential <input type="checkbox"/> Recreational <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other:					
Water:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					
Sewer:	<input type="checkbox"/> On Site <input checked="" type="checkbox"/> City <input type="checkbox"/> Community					

## PLAT INFORMATION

Preliminary Plat Name:	Baron Wood Subdivision 2023 Replat					
Revised Preliminary Plat Name:						
Vacation of Public Right-of-Way:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Street Name (if vacating ROW):						

Exceptions Required and Requested:

Comments:

## REQUIRED ATTACHMENTS

<input checked="" type="checkbox"/> Certificate to Plat	<input checked="" type="checkbox"/> (1) 24" x 36" Plat	<input checked="" type="checkbox"/> (2) 11" x 17" Plats
---	--	---

## SIGNATURE

Signature:	<i>Gerard L Johnson</i>			Date:	6/11/23
Print Name:	Gerard L Johnson	Title/Business:	Johnson Surveying		



*Stewart Title of the Kenai Peninsula, Inc.*

35681 Kenai Spur Hwy., Unit B  
Soldotna, AK 99669  
Tel: (907) 260-8031 Fax: (907) 260-8036

**CERTIFICATE TO PLAT**

Johnson Surveying  
PO Box 27  
Clam Gulch, AK 99568  
Attention: Jerry Johnson

File Number: 23147  
Premium: \$250.00  
Tax:

Gentlemen:

This is a certificate as of June 02, 2023 at 8:00 A.M. for a plat out of the following property:

Lots One (1) and Two (2), BARON WOOD SUBDIVISION, according to Plat No. 84-191, Kenai Recording District, Third Judicial District, State of Alaska.

Proposed Plat to be called "Baron Wood Subdivision 2023 Replat"

The Company certifies that record title is vested in

Duke Hardcastle, an unmarried person  
an estate in fee simple, free from all liens, encumbrances, and objections except for as follows:

1. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
2. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated  
Taxing Authority: City of Kenai
3. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:  
Taxing Authority: KENAI PENINSULA BOROUGH
4. **RESERVATION OF EASEMENT** for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
5. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:  
For: Right of Way  
In Favor Of: Union Oil Company of California  
Recorded: August 27, 1965  
Volume/Page: 19/128  
Affects: Portion of said land
6. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:  
For: public right of way  
Recorded: January 14, 1966  
Volume/Page: 22/279  
Affects: Portion of said land



7. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:

Recorded: December 10, 1980

Volume/Page: 165/45

**FURTHER**, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

8. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 84-191.

9. **EFFECT** of the notes on said Plat No. 84-191.

10. **EASEMENT** affecting the portion of said premises and for the purposes stated herein, and incidental purposes thereto:

For: Underground conduit and cable lines

In Favor Of: City of Kenai

Recorded: November 12, 1986

Volume/Page: 299/759

Affects: Portion of said land

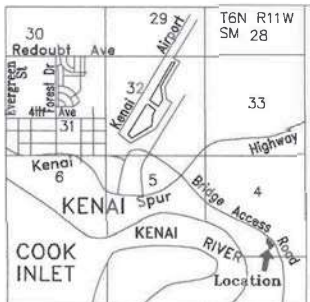
**Stewart Title of the Kenai Peninsula, Inc.**

By

  
Authorized Countersignature

Terri Cotterell  
Authorized Signator

NOTE: We will update this certificate to comply with Kenai Peninsula Borough Ordinance 90-38 upon notification from surveyor.



VICINITY 1" = 1 mile MAP

# Baron Wood Subdivision 2023 Replat Preliminary Plat

A replat combining Lots 1 & 2 Baron Wood Subd., KRD 84-191.  
Located in the SE 1/4 Section 4, T6N R11W, SM, City of Kenai,  
Kenai Recording District Kenai Peninsula Borough

## Prepared for

Duke Hardecastle  
1152 Bridge Access Rd.  
Kenai, AK 99611

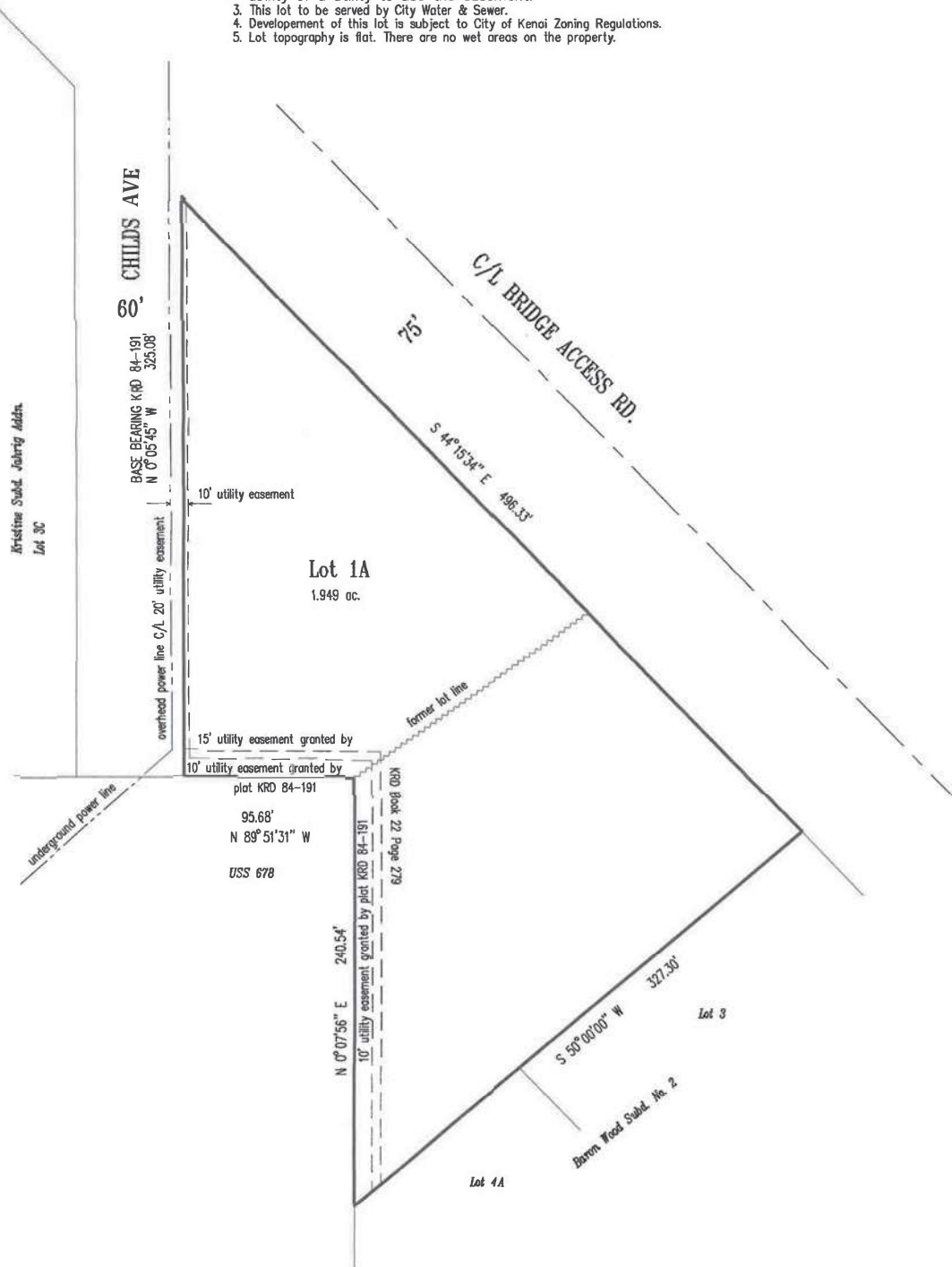
## Prepared by

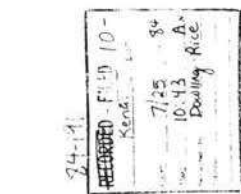
Johnson Surveying  
P.O. Box 27  
Clam Gulch, Ak 99568  
(907) 262-5772

SCALE 1" = 62' AREA = 1.949 acres  
30 May, 2023

## NOTES

1. This is a paper plat replat base on data from plat KRD 84-191. No field survey was performed in conjunction with preparing this plat, no corners were found or set.
2. No permanent structure may be placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. This lot to be served by City Water & Sewer.
4. Development of this lot is subject to City of Kenai Zoning Regulations.
5. Lot topography is flat. There are no wet areas on the property.





WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN

JESS L. HALL  
 PO BOX 651  
 KENAI, ALASKA 99611

SUBSCRIBED AND SWORN BEFORE ME THIS 23 DAY OF April,  
1984 FOR James L. Hall, Clinton D. Hall.

Sharon Jean  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES Feb 24 1986

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
PLANNING COMMISSION AT THE MEETING OF MARCH 12, 1991

KENAI PENINSULA BOROUGH  
AUTHORIZED OFFICIAL



CLIFFORD E. BAKER, R.L.S.  
REGISTRATION NO. LS-5152

A SUBDIVISION OF THAT PORTION OF  
GOV'T LOT 9 SW OF BEAVER LOOP AND  
LOCATED IN THE SW 1/4 SE 1/4 SEC 4  
T5N R11W S1M, AK. AND THE CITY OF KENAI.

10.57 acres containing 9 lots

**DOWLING-RICE and ASSOCIATES**  
P.O. BOX 1974 SOLDOTNA, ALASKA 99669  
ENGINEERS 262 - 9011 SURVEYORS

SURVEYED: Q-83	PLATTED: Q-83
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[illegible]

DRAFTED:	LKA / MM	SCALE: 1=100
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NO.	R	$\Delta$	L	T	CR
1	276.4 79	5037 20	174.79	87.43	174.76
2	276.4 79	5333 36	175.04	87.35	5.40594 12° E
3	276.4 79	5339 23	175.04	87.35	5.38350 43° E
4	276.4 79	5349 23	172.95	136.38	5.32018 12° E
5	500 000	102545 000	89.65	62.94	78.11
6	500 000	155975 000	136.00	233.13	97.79
7	276.4 79	0793 20	300.03	15.01	30.93
8	276.4 79	1914 36	59.96	30.00	55.96
9	276.4 79	1914 36	59.96	30.00	55.96
10	276.4 79	1914 36	59.96	30.00	55.96

UNSUBDIVIDED


### LEGEND

- MONUMENT (Found this survey)
- ⊕ MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- ⊥ 5/8" x 30" REBAR (Set this survey)
- ) RECORD DATUM KRD 79-9
- CONCRETE HWY. MONUMENT (Fnd)
- NR) NON-RADIAL



## MEMORANDUM

**TO:** Planning and Zoning Commission

**FROM:** Linda Mitchell, Planning Director 

**DATE:** June 23, 2023

**SUBJECT:** **Action/Approval – Recommending the Kenai City Council Enact Ordinance No. 3363-2023 – Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table**

---

At their regular meeting held on June 21, 2023, City Council introduced Ordinance No. 3363-2023. Ordinance No. 3363-2023 is an amendment to Kenai Municipal Code (KMC) Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to establish a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts.

Please find the attached memo from Council Members Alex Douthit and James Baisden on Ordinance No. 3363-2023, the Ordinance that would make these amendments, along with the Ordinance itself.

Pursuant to KMC 14.20.280(b) and (c) notice of the public hearing was published in the *Peninsula Clarion* on June 21, 2023 and posted in three (3) public places. No public comments have been received.

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

The commission is not making a final decision, so the commission action is not subject to appeal. The city council decision may be appealed because it is a final decision.

### Attachment

Memo from Council Members Alex Douthit and James Baisden  
Draft Ordinance

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members

**FROM:** Council Members Alex Douthit and James Baisden

**DATE:** June 13, 2023

**SUBJECT:** **Ordinance No. 3363-2023 Amending KMC Sections 14.20.330 and 14.22.010-Standards for Commercial Marijuana Establishments and Land Use Table**

---

The Ordinance addresses proposed changes to KMC Sections 14.20.330 and 14.22.010 that establishes a minimum standard for public notification for commercial marijuana establishments and prohibit limited marijuana cultivation facilities in residential zoning districts. Under the current ordinance, property owner notification for a proposed commercial marijuana establishments is mailed to all property owners within five hundred (500) foot periphery of the parcel affected by the proposed action. In addition, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts. Residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence.

The prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation. The establishment of a minimum of 30 different property owners to be notified of proposed commercial marijuana cultivation facility will increase the noticing area and address noticing concerns.

Your consideration is appreciated.



**CITY OF KENAI  
ORDINANCE NO. 3363-2023**

AN ORDINANCE AMENDING KENAI MUNICIPAL CODE SECTIONS 14.20.330 - STANDARDS FOR COMMERCIAL MARIJUANA ESTABLISHMENTS, AND 14.22.010 - LAND USE TABLE, TO ESTABLISH A MINIMUM STANDARD FOR PUBLIC NOTIFICATION FOR COMMERCIAL MARIJUANA ESTABLISHMENTS AND PROHIBIT LIMITED MARIJUANA CULTIVATION FACILITIES IN RESIDENTIAL ZONING DISTRICTS.

---

WHEREAS, property owner notification for proposed commercial marijuana establishments are mailed to all property owners within a five hundred (500) foot periphery of the parcel affected by the proposed action; and,

WHEREAS, a limited marijuana cultivation facility is permitted with a Conditional Use Permit in the Rural Residential (RR), Rural Residential 1 (RR-1), Suburban Residential (RS), Suburban Residential 1 (RS-1), Suburban Residential 2 (RS-2), Urban Residential (RU), General Commercial (CG), Light Industrial (IL), Heavy Industrial (IH), and Limited Commercial (LC) zoning districts; and,

WHEREAS, residents have expressed concerns with the proximity of commercial marijuana cultivation facilities near residential neighborhoods and not receiving notices of proposed commercial marijuana cultivation facilities nearby their residence; and,

WHEREAS, the prohibition of limited marijuana cultivation facilities in residential zoning districts will preserve and protect the intent of the residential zoning districts and ensure consistency with the Kenai Municipal Code Section 14.20.230 - Home Occupations, which prohibits commercial marijuana establishments as a home occupation; and,

WHEREAS, establishing a minimum number of property owners to be notified of proposed commercial marijuana cultivation facility would increase the noticing area and address noticing concerns.

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

**Section 1.** Amendment of Subsection 14.20.330(c) of Kenai Municipal Code: That Kenai Municipal Code, Section 14.20.330(c), Standards for commercial marijuana establishments, is hereby amended as follows:

**14.20.330(c) Standards for commercial marijuana establishments.**

- (c) A public hearing shall be scheduled before the Planning and Zoning Commission to review the conditional use permit application once it has been deemed complete. The public hearing shall be scheduled in accordance with the requirements in KMC [14.20.280](#), except that notification shall be mailed to all real property owners on record on the Borough Assessor's records within a five hundred (500) foot periphery of the parcel affected by the proposed action. The notice area will be expanded until a minimum of thirty (30) different property owners are available for notification.

**Section 2.** Amendment of Section 14.22.010 of Kenai Municipal Code: That Kenai Municipal Code, Section 14.22.010 is hereby amended as follows:

**14.22.010 Land use table.****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**

<b>ZONING DISTRICTS</b>																	
<b>LAND USES</b>	<b>ALI</b>	<b>C</b>	<b>RR</b>	<b>RR-1</b>	<b>RS</b>	<b>RS-1</b>	<b>RS-2</b>	<b>RU</b>	<b>CC</b>	<b>CG</b>	<b>IL</b>	<b>IH</b>	<b>ED</b>	<b>R</b>	<b>TSH</b>	<b>LC</b>	<b>CMU</b>
<b>RESIDENTIAL</b>																	
One-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	S <sup>2</sup>	S <sup>2</sup>	C <sup>22</sup>	P	P	P	S <sup>1</sup> / C <sup>21</sup>
Two-, Three-Family Dwelling	N	C <sup>18</sup>	P	P	P	P	P	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	P	P	P	S <sup>1</sup> / C <sup>21</sup>
Four-Family Dwelling	N	C <sup>18</sup>	P	C <sup>3, 29</sup>	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	C <sup>22</sup>	N	P	C	S <sup>1</sup> / C <sup>21</sup>
Five-, Six-Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	P	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> / C <sup>21</sup>
Seven- or More Family Dwelling	N	C <sup>18</sup>	C <sup>3</sup>	N	C <sup>3</sup>	N	N	P	P <sup>21</sup>	S <sup>1</sup>	C	C	N	N	P	C	S <sup>1</sup> / C <sup>21</sup>
Mobile Home Parks <sup>6</sup>	N	N	C	N	C	C	C	C	C	C	C	C	N	C	N	N	C
Planned Unit Residential Development <sup>7</sup>	N	C <sup>18</sup>	C	C <sup>29</sup>	C	C	C	C	C	C	C	C	N	C	C	C	C
Townhouses <sup>4</sup>	N	C <sup>18</sup>	C <sup>3</sup>	C <sup>3, 29</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C	C	C	C	C <sup>22</sup>	C	C	C	C
Accessory Building on Parcel Without Main Building or Use (See KMC <a href="#">14.20.200</a> )	N	N	C	C	C	C	C	C	N	N	N	N	N	N	C	N	N



<b>COMMERCIAL</b>																	
Airport Compatible Uses	P	N	N	N	N	N	N	N	C	C	C	C	N	N	N	C	C
Adult Businesses	N	N	N	N	N	N	N	N	P <sup>31</sup>	P <sup>31</sup>	P <sup>31</sup>	P <sup>31</sup>	N	N	N	N	N
Automotive Sales	C	N	C	N	N	N	N	C	P	P	P	P	N	N	N	N	P
Automotive Service Stations	C	N	C	N	N	N	N	C	P	P	P	P	N	C	N	N	P
Banks	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Business/Consumer Services	C	N	C	C	C	N	N	C	P	P	P	C	N	C	C	C	P
Commercial Recreation	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P
Guide Service	C	N	C	N	C	N	N	C	P	P	P	P	N	P	P	C	P
Hotels/Motels	C	N	C	N	C	N	N	C	P	P	P	C	N	C	P	C	P
Lodge	C	N	C	N	C	N	N	C	P	P	P	C	N	P	P	C	P
Marijuana Cultivation Facility, Limited <sup>30</sup>	N	N	[C] N	[C] N	[C] N	[C] N	[C] N	[C] N	N	C	C	C	N	N	N	C	N
Marijuana Cultivation Facility, Standard <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
Marijuana Product Manufacturing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	N	N
Marijuana Testing Facility <sup>30</sup>	N	N	N	N	N	N	N	N	C	C	P	P	N	N	N	C	C
Professional Offices	C	N	C	C	C	N	N	P	P	P	P	P	N	C	P	P	P
Restaurants	C	N	C	N	C	N	N	C	P	P	P	C	N	C	C	C	P
Retail Business	C	N <sup>26</sup>	C	N	C	N	N	C	P	P	P	P	S <sup>24</sup>	S <sup>24</sup>	C	C	P
Retail Marijuana Store <sup>30</sup>	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	C
Theaters	N	N	C	N	C	N	N	C	P	P	C	C	N	P	C	C	P

Wholesale Business	C	N	C	N	C	N	N	C	C	P	P	P	N	S <sup>24</sup>	C	C	N
<b>INDUSTRIAL</b>																	
Airports	C	P <sup>20</sup>	C	N	C	N	N	C	C	C	C	C	N	C	N	N	C
Necessary Aviation Facilities	P	P	C	C	C	C	C	C	P	P	P	P	C	P	C	P	P
Automotive Repair	P	N	C	N	C	N	N	C	P	P	P	P	N	N	N	N	P
Gas Manufacturer/Storage	C <sup>9</sup>	N	N	N	C	N	N	N	N	N	C <sup>9</sup>	C <sup>9</sup>	N	N	N	N	N
Manufacturing/Fabricating/Assembly	P	N	C	N	C	N	N	C	C	P	P	P	N	C	C	N	C
Mini-Storage Facility	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	C	C
Storage Yard	C	N	C	N	C	N	N	C	C	P	P	P	N	N	N	N	C
Warehouses	C	N	C	N	C	N	N	C	N	P	P	P	N	C	N	N	N
<b>PUBLIC/INSTITUTIONAL</b>																	
Assisted Living	N	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches*	N	C	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	C	C	P	P <sup>10</sup>	P	P	P
Clinics	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	P	P
Colleges*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Elementary Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Governmental Buildings	P	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	C	P	P
High Schools*	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	C	C	P	C	C	C	P
Hospitals*	N	C	C	N	C	C	C	C	P	P	P	C	C	C	C	C	P
Libraries*	N	C	C	C <sup>29</sup>	C	C	C	C <sup>12</sup>	P	P	P	C	P	C	P	C	P
Museums	C	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	P	C	P	C	P

Parks and Recreation	N	P	C	C <sup>29</sup>	C	C	C	C	P	P	P	P	P	P	P	C	P
<b>MISCELLANEOUS</b>																	
Animal Boarding/Commercial Kennel <sup>13</sup>	C	C	C	N	C	C	N	N	C	C	C	C	N	C	N	C	C
Assemblies <sup>15</sup> (Large: Circuses, Fairs, etc.)	P	C	C	N	C	C	C	C	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	C	P	N	P <sup>15</sup>
Bed and Breakfasts	N	C	C	C	C	C	C	C	C	C	C	C	N	P	C	C	P
Cabin Rentals	N	C	C	N	C	N	N	N	P	P	P	C	N	P	P	C	P
Cemeteries	P	C	C	N	C	N	N	N	N	C	C	C	N	C	C	N	N
Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites** <sup>28</sup>	C	P	C	N	C	C	C	C	P	P	P	P	P	C	C	C	C
Crematories/Funeral Homes	N	N	C	N	C	N	N	C	C	C	C	C	N	C	C	C	C
Day Care Centers <sup>12</sup>	N	C	C	C <sup>29</sup>	C	C	C	C	P	P	P	C	C	C	C	P	P
Dormitories/Boarding Houses	N	C	C	N	C	C	C	P	P <sup>21</sup>	S	C	P	P <sup>23</sup>	C	C	C	P
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Farming/General Agriculture***	N	P	P	N	N	N	N	N	N	N	N	P	N	P	N	N	N
Fraternal Organizations/ Private Clubs/Social Halls and Union Halls	N	N	C	N	C	C	C	C	P	P	P	C	N	C	P	C	P
Greenhouses/Tree Nurseries <sup>13</sup>	N	C	C	N	C	C	C	C	P	P	P	C	N	C	C	C	P
Gunsmithing, Taxidermy	N	N	C	C	C	C	C	C	P	P	P	P	N	C	P	P	P
Nursing, Convalescent or Rest Homes	N	N	C	N	C	C	C	C	P	P	C	C	C	C	C	C	P

Parking, Public Lots <sup>12</sup>	C	C	C	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Personal Services <sup>25</sup>	N	C	C	N	C	C	C	C	P	P	P	P	C	C	P	P/ C <sup>27</sup>	P
Recreational Vehicle Parks	N	C	C	N	C	N	N	C	C	C	C	C	N	C	C	N	C
Subsurface Extraction of Natural Resources <sup>16</sup>	C	C	C	C	C	C	C	C	C	C	C	C	N	C	N	N	N
Surface Extraction of Natural Resources <sup>17</sup>	C	C	C	N	C	N	N	C	N	C	C	C	N	C	N	N	N

\* 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 [14.25](#) 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 [3.15](#)).
- 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 [14.20.070\(a\)](#), 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).

**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.

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

Limited 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

**28** Communications tower/antenna(s) allowed as a principal permitted (P) use if the applicable conditions set forth in KMC 14.20.255 are met or a conditional use (C) if the applicable conditions set forth in KMC 14.20.150 and 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 14.20.230—Home Occupations, 14.20.320—Definitions, 14.20.330—Standards for commercial marijuana establishments.

**31** See KMC 14.20.175—Adult businesses; no adult business may be located within one thousand (1,000) feet of another adult business, or sensitive use. “Sensitive use” means a church or other place of worship, a public or private school (licensed pre-K through twelfth grade) or businesses where or areas where youth are likely to be present (limited to public parks, youth recreational centers, public playgrounds, public libraries).

**Section 3.** Severability: That if any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

**Section 4.** 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 5<sup>TH</sup> DAY OF JULY, 2023.

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Brian Gabriel Sr., Mayor

ATTEST:

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Michelle M. Saner, MMC, City Clerk

Introduced:	June 21, 2023
Enacted:	July 5, 2023
Effective:	August 4, 2023



## Kenai City Council - Regular Meeting

June 21, 2023 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://www.kenai.city)

**\*\*Telephonic/Virtual Information on Page 4\*\***

### **Action Agenda**

#### **A. CALL TO ORDER**

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

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

#### **B. SCHEDULED ADMINISTRATIVE REPORTS**

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

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

#### **E. PUBLIC HEARINGS**

1. **ENACTED WITHOUT OBJECTION. Ordinance No. 3357-2023** - Amending Kenai Municipal Code Section 23.55.045 to Establish an Annual Tool Allowance for Classified Employees Required to Furnish their Own Standard Working Tools. (Administration)
2. **ENACTED WITHOUT OBJECTION. Ordinance No. 3358-2023** - Increasing Estimated Revenues and Appropriations in the General Fund to Provide Supplemental Funding for the Parks and Recreation Utilities Budget. (Administration)
3. **ENACTED WITHOUT OBJECTION. Ordinance No. 3359-2023** - Increasing Estimated Revenues and Appropriations in the General Fund and Municipal Roadway Improvements Capital Fund to Provide Supplemental Funding to the 2023 North Willow Street Roadway Improvements, 2023 First Avenue Roadway Repairs, and 2023 Miscellaneous Roadway Repairs Projects. (Administration) [KMC 1.15.070(d)]
  1. Motion for Introduction
  2. Motion for Second Reading (Requires a Unanimous Vote)
  3. Motion for Enactment (Requires Five Affirmative Votes)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-44** - Approving a Twelve-Month Extension of Time for Good Cause for the Completion of Permanent Improvements for a Lease Between the City of Kenai and Soar International Ministries, Inc., for Airport Reserve Lands Described as Tract A-1 of General Aviation Apron Subdivision No. 7. (Administration)



5. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-45** - Authorizing Renewal of the City's Property, Liability, Workers' Compensation, Airport and Other Ancillary Policies with the Alaska Municipal League Joint Insurance Association for July 1, 2023 through June 30, 2024. (Administration)
6. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-46** - Authorizing a Contract Award to Supply Operational Chemicals for the City's Water Treatment and Wastewater Treatment Facilities. (Administration)
7. **ADOPTED WITHOUT OBJECTION. Resolution No. 2023-47** - Authorizing a Contract Award for Street Light Repairs and Maintenance with Utility Locate Services. (Administration)

#### F. **MINUTES**

1. \*Regular Meeting of June 7, 2023. (City Clerk)

#### G. **UNFINISHED BUSINESS**

1. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 N. Willow Street Roadway Improvements Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
  - **Substitute Resolution No. 2023-40** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 North Willow Street Roadway Improvements Project. (Administration)
2. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
  - **Substitute Resolution No. 2023-41** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 First Avenue Roadway Repairs Project. (Administration)
3. **ADOPTED WITHOUT OBJECTION AS AMENDED BY SUBSTITUTE. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration) *[Postponed at the 06/07/23 meeting to the 06/21/23 meeting]*
  - **Substitute Resolution No. 2023-42** - Authorizing a Construction Agreement and Corresponding Purchase Order for the 2023 Miscellaneous Roadway Repairs Project. (Administration)

#### H. **NEW BUSINESS**

1. **\*Action/Approval** - Bills to be Ratified. (Administration)
2. **\*Action/Approval** - FY2023 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. **\*Action/Approval** - FY2024 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
4. **\*Action/Approval** - Third Amendment to the Agreement for Janitorial Services with Reborn Again Janitorial Services. (Administration)

5. **\*Action/Approval** - Assignment and Assumption of Lease Agreement of Lot 1A FBO Subdivision, South Addition and Lot 2A1 FBO Subdivision, South Addition No. 2 to Schilling Rentals, LLC. (Administration)
6. **\*Action/Approval** - Non-Objection to the Renewal of a Recreational Site Liquor License for Peninsula Oilers Baseball Club Inc., DBA Peninsula Oilers – License No. 846 (City Clerk)
7. **\*Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for George Pitsilionis, DBA Pizza Paradisos – License No. 3032 (City Clerk)
8. **\*Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Carr-Gottstein Food Co., DBA Oaken Keg #1808 – License No. 3218 (City Clerk)
9. **\*Ordinance No. 3360-2023** - Accepting and Appropriating a Grant Received through Maddie's Fund to the Kenai Animal Shelter for the Care of Animals. (Administration)
10. **\*Ordinance No. 3361-2023** - Accepting and Appropriating Fiscal Year 2023 Funds from the 2022 Community Assistance Program, Passed through the State of Alaska, Department of Commerce, Community, and Economic Development for National Floodplain Insurance Program Training. (Administration)
11. **\*Ordinance No. 3362-2023** - Increasing Estimated Revenues and Appropriations in the Airport Special Revenue and Airport Improvements Capital Project Funds to Provide Supplemental Funding for the Kenai Municipal Airport's Sand Storage Facility Project and Authorizing a Contract Amendment for Professional Services. (Administration)
12. **\*Ordinance No. 3363-2023** - Amending Kenai Municipal Code Sections 14.20.330 - Standards for Commercial Marijuana Establishments, and 14.22.010 - Land Use Table, to Establish a Minimum Standard for Public Notification for Commercial Marijuana Establishments and Prohibit Limited Marijuana Cultivation Facilities in Residential Zoning Districts. (Douthit and Baisden)

#### **I. COMMISSION / COMMITTEE REPORTS**

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

#### **J. REPORT OF THE MAYOR**

#### **K. ADMINISTRATION REPORTS**

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

#### **L. ADDITIONAL PUBLIC COMMENTS**

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

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

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

**Join Zoom Meeting**

<https://us02web.zoom.us/j/81792332527>

**Meeting ID:** 817 9233 2527 **Passcode:** 110734

OR

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

**Meeting ID:** 817 9233 2527 **Passcode:** 110734



# Kenai Peninsula Borough

144 North Binkley Street  
Soldotna, AK 99669

## Meeting Agenda Planning Commission

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

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Monday, June 26, 2023

7:30 PM

Betty J. Glick Assembly Chambers

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**Zoom Meeting ID: 907 714 2200**

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

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



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

#### **A. CALL TO ORDER**

#### **B. ROLL CALL**

#### **C. APPROVAL OF CONSENT AND REGULAR AGENDA**

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

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

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

##### [KPB-5312](#)

- a. Bosn Landing Subdivision No. 3: KPB File 2021-101
- b. Brown's Acre Estates Addition No. 1: KPB File 2022-170
- c. Clam Gulch Heights 2022 Addition; KPB File 2022-136
- d. Lloyd Race Lot 4 Replat; KPB File 2022-157
- e. Smith-Staton Subdivision; KPB File 2022-178
- f. Spruce Knoll; KPB File 2022-005
- g. The Place Subdivision; KPB File 2022-179
- h. Voznesenka Lot 11 Replat; KPB File 2021-166

##### Attachments:

[C3. Plat Administrative Approval](#)

4. Plats Granted Final Approval (KPB 20.10.040)

##### [KPB-5313](#)

- a. Janousek Subdivision 2023 Replat; KPB File 2023-033
- b. Panoramic Park Subdivision Yancey Replat; KPB File 2023-017

##### Attachments:

[C4. Plat Final Approval](#)

5. Plat Amendment Request

## 6. Commissioner Excused Absences

## 7. Minutes

[KPB-5314](#) June 12, 2023 Planning Commission Meeting Minutes

Attachments: [C7. 061223 PC Minutes](#)

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

- 1 [KPB-5315](#) Building Setback Encroachment Permit; KPB File 2023-058  
Mullikin Surveys / Baumgardner  
Request: Permits a shop, building & house to remain in the building setback on Lot 32, Granross Grove Sub Unit 1, Plat HM 0780005  
Anchor Point Area / Anchor Point APC

Attachments: [E1. BSEP Granross Grove Sub Unit 1 Packet](#)

- 2 [KPB-5316](#) Right-of-Way Vacation; KPB File 2023-061V  
No Surveyor / Caribou Hills Cabin Hoppers  
Request: Vacates approximately a 30' by 1000' portion of Steik Avenue dedicated by Ninilchik ROW Map, Plat HM 84-155  
Ninilchik Area

Attachments: [E2. ROWW Ninilchik ROW Map Packet](#)

- 3 [KPB-5317](#) Condition Use Permit; PC Resolution 2023-13  
Request: Permits a fence within the 50-foot Habitat Protection District of the Kenai River  
Location: 33537 Keystone Drive; Parcel ID 135-260-02  
Petitioner/Landowner: Helbock  
Soldotna Area

Attachments: [E3. CUP Helbock Packet](#)

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

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

**I. DIRECTOR'S COMMENTS****J. COMMISSIONER COMMENTS****K. ADJOURNMENT****MISCELLANEOUS INFORMATIONAL ITEMS****NO ACTION REQUIRED**

[KPB-5318](#) PUBLIC REVIEW DRAFT: UNIT 395 LAND PLAN (Cooper Landing)

Attachments: [Misc. Info](#)

**NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING**

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

**CONTACT INFORMATION****KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215

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

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

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

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

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

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



**Meeting Agenda  
Plat Committee**

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**Monday, June 26, 2023**

**6:00 PM**

**Betty J. Glick Assembly Chambers**

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**Zoom Meeting ID: 907 714 2200**

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

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

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

**A. CALL TO ORDER**

**B. ROLL CALL**

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

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



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

[KPB-5308](#) June 12, 2023 Plat Committee Meeting Minutes

Attachments: [C3. 061223 Plat Minutes](#)

#### **D. OLD BUSINESS**

#### **E. NEW BUSINESS**

1. [KPB-5309](#) Right-of-Way Acquisition Park Road; KPB File 2023-033  
McLane Consulting Group / Oliva  
Location: Park Road  
Nikiski Area / Nikiski APC  
  
Attachments: [E1. ROW Acquisition Park Road](#)
2. [KPB-5310](#) Fox Sparrow Subdivision; KPB File 2023-060  
Seabright Surveying / Mary Ann Cooper Living Trust  
Location: Cowgirl Avenue, Woape Street & North Glacier View Road  
Homer Area / Kachemak Bay APC  
  
Attachments: [E2. Fox Sparrow Sub\\_Packet](#)
3. [KPB-5311](#) Seal Rock Roost 2023; KPB File 2023-059  
Ability Surveys / Koth  
Location: East End Road  
City of Homer  
  
Attachments: [E3. Seal Rock Roost 2023](#)

#### **F. PUBLIC COMMENT**

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

#### **G. ADJOURNMENT**

#### **MISCELLANEOUS INFORMATIONAL ITEMS**

#### **NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held Monday, July 17, 2023 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

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

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