



KENAI

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

June 2, 2021

Scott Huff, Platting Officer
Kenai Peninsula Borough
Planning Department
144 North Binkley
Soldotna, AK 99669

RE: PZ2021-20 TKC2 Subdivision

Dear Mr. Huff:

The Planning and Zoning Commission reviewed the above-referenced plat at their meeting on May 26, 2021. 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*. City staff recommends approval of the preliminary plat of TKC2 Subdivision, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

I have included a copy of the signed resolution, staff report and draft of minutes for your information.

If you need additional information, please let me know.

Sincerely,

Wilma E. Anderson
Planning Assistant

cc: Segesser Surveys, Inc.



**CITY OF KENAI
PLANNING AND ZONING COMMISSION
RESOLUTION NO. 2021-20**

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI RECOMMENDING THAT TKC 2 SUBDIVISION HERETO BE APPROVED

WHEREAS, the City of Kenai received the plat from Segesser Surveys, Inc. and,

WHEREAS, the plat meets Municipal Code requirements of the Suburban Residential (RS) zone; and,

WHEREAS, street names are referenced correctly; and,

WHEREAS, access to the proposed Lots 1 and 2 is provided via Haller Street which is a paved City maintained road; and

WHEREAS, there are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. An installation agreement is not required; 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 would be arranged to provide satisfactory and desirable building sites, 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 lots meets City standards for minimum lot sizes.
3. Pursuant to Kenai Municipal Code 14.24.020 General Requirements, the proposed lots meet City standards for minimum lot width, maximum lot coverage, maximum height, and setbacks.

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

Section 1. That the preliminary plat of TKC 2 SUBDIVISION be approved subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
-

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA,
this 26th day of May, 2021.



JEFF TWAIT, CHAIRPERSON

ATTEST:

 for

JAMIE HEINZ MMC, CITY CLERK



LEGEND:

- 1) 3 1/4" ALUM. CAP. MONUMENT FOUND
- 2) 2 1/2" ALUM. CAP. MONUMENT FOUND
- 3) 1 1/2" ALUM. CAP. MONUMENT FOUND
- 4) 1/2" ALUM. CAP. MONUMENT FOUND
- 5) 1/4" ALUM. CAP. MONUMENT FOUND
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KENAI

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

STAFF REPORT

TO: Planning and Zoning Commission
FROM: Ryan Foster, Planning Director
DATE: May 19, 2021
SUBJECT: PZ2021-20 – Preliminary Plat – TKC 2 Subdivision

Applicant: TKC LLC
P.O. Box 10658
Bakersfield, CA 93389

Submitted By: Segesser Surveys
30485 Rosland St.
Soldotna, AK 99669

Requested Action: Preliminary Subdivision Plat – TKC 2 Subdivision

Legal Description: Government Lot 26, Sec. 31, T6N, R11W

Property Address: 1714 Fourth Avenue

KPB Parcel No: 0430207

Lot Size: Approximately 2.5 Acres (108,900 square feet)

Existing Zoning: Suburban Residential

Current Land Use: Vacant

Land Use Plan: Suburban Residential

GENERAL INFORMATION

Kenai Municipal Code 14.22.010. Land Use Table provides that a seven or more family dwelling is listed as a conditional use within the Suburban Residential Zone. Byler Contracting has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Planning and

Zoning Commission on May 26, 2021, requesting to allow for eight single family dwellings units to be constructed on a 2.5 acre parcel.

Segesser Surveys, LLC. has submitted a preliminary plat on behalf of the property owner, TKC, LLC. The plat affects the parcel described as Government Lot 26, Section 31, Township 6 North, Range 11 West, Seward Meridian. The plat will subdivide the 2.5 acre (approximately 108,900 square feet) Government Lot 26, into two smaller lots. Lot 1 will consist of approximately 1.01 acres (43,995 square feet); Lot 2, will consist of approximately 1.01 acres (43,995 square feet). A 33' right of way will be dedicated along Haller Street and Fourth Avenue consisting of approximately 20,710 square feet total.

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 and then by the Kenai Peninsula Borough's Plat Committee and Planning Commission.

The property owners completed the City of Kenai preliminary plat submittal form. 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 as part of the agenda for the City of Kenai Planning and Zoning Commission in the *Peninsula Clarion*. No public comments have been received as of May 19, 2021.

ANALYSIS

Access to the proposed Lot 1 and Lot 2 is provided via Haller Street which is a paved City maintained road.

There are water and sewer lines located in the rights-of-way of Haller Street and Fourth Avenue and the eight single family dwellings will connect to those services. The draft site plan identifies sewer and water connecting to Lot 1, and separate sewer and water lines connecting to Lot 2. An installation agreement is not required.

The preliminary plat meets requirements of *KMC Subdivision design standards* and *KMC 14.10.080 Minimum improvements required* under *Chapter 14.10 Subdivision Regulations*.

RECOMMENDATIONS

City staff recommends approval of the preliminary plat of TKC 2 Subdivision, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.



ATTACHMENTS

1. Resolution No. PZ2021-20
2. Application
3. Preliminary Plat
4. Aerial Map



**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 26, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, J. Halstead, G. Greenberg, A. Douthit, R. Springer

Commissioners absent: D. Fikes, G. Woodard

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendering

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Greenberg **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.

5. *Excused absences – None

B. APPROVAL OF MINUTES

1. *May 12, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2021-11** – Preliminary Subdivision Plat of Valhalla Heights 2021 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Jeremiah and Jennifer Cates, 415 Phillips Drive, Kenai, AK 99611

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-11 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to remove the lot line between Lot 10A and Lot 12 to create a new Lot 10B Block 11, which will provide a greater wastewater disposal area for the property.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

VOTE:

YEA: Springer, Halstead, Douthit, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2021-17** – Preliminary Subdivision Plat of Tide View Subdivision #2, submitted by Johnson Surveying, P.O. Box 27, Clam Gulch, AK 99568, on behalf of Mack and Carol Padgett, 855 Ames Rd., Kenai, AK 99611 and Ken and Elizabeth Smith, 4342 Freeman Creek Rd., Lenore, ID 83541

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-17 and Commissioner Springer **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to move the property line between two lots, and with the adjustment of the lot line, an existing 10'x12' cabin on Lot 1A will need to be moved in order to meet the 15 foot side

setback requirement.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. The 10'x12' cabin on Lot 1A will be moved in order to meet the 15 foot side setback per KMC 14.24.020.
3. Change Note 6 on the plat from 30 foot front setback to a 20 foot front setback per KMC 14.24.020 Development Requirements Table.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend Resolution No. PZ2021-17 by changing the Resolution Number to 2021-18 and Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Halstead, Douthit, Greenberg, Twait, Springer

NAY:

MOTION PASSED UNANIMOUSLY.

Clarification was provided that the applicant intends to move the cabin, but submitting an application for a waiver on the encroachment is also an option.

VOTE ON MAIN MOTION:

YEA: Greenberg, Twait Springer, Halstead, Douthit

NAY:

MOTION PASSED UNANIMOUSLY.

3. **Resolution PZ2021-20** - Preliminary Subdivision Plat of TKC2 Subdivision, submitted by Segesser Surveys, 30485 Rosaland Street, Soldotna, AK 99669, on behalf of TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-20 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet noting that the Byler Contracting, on behalf of the applicant, has submitted a conditional use permit (Resolution PZ 2021-19) to be reviewed by the Commission during tonight's meeting. The plat will subdivide the 2.5 acre Government Lot 26, into two smaller lots.

Approval of the plat was recommended, subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.

Clarification was provided that each parcel would be connecting sewer and water from Haller Street.

VOTE:

YEA: Twait, Springer, Halstead, Douthit, Greenberg

NAY:

MOTION PASSED UNANIMOUSLY.

4. **Resolution PZ2021-22** – Preliminary Subdivision Plat of Kenai Landing Subdivision 2021 Addition, submitted by Edge Survey and Design, P. O. Box 208, Kasilof, AK 99610, on behalf of Kenai Landing, Inc., 4786 Homer Spit Rd., Homer, AK 99603

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-22 and Commissioner Greenberg **SECONDED** the motion.

Planning Director Foster noted that staff recommends postponing Resolution No. PZ2021-22 until the next scheduled Planning & Zoning Commission meeting of June 9, 2021.

MOTION TO POSTPONE:

Commissioner Halstead **MOVED** to postpone Resolution No. PZ2021-22 until the Planning & Zoning Commission meeting of June 9, 2021 and Commissioner Douthit **SECONDED** the motion.

VOTE ON POSTPONEMENT:

YEA: Springer, Halstead, Douthit, Greenberg, Twait

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-19** – Application for a Conditional Use Permit for eight single family dwellings in the Suburban Residential zone, on Government Lot 26, Section 31, Township 6 North, Range 11 West, and located at 1714 Fourth Avenue. The application was submitted by Byler Contracting, P.O. Box 877750, Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-19 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for the purposes of constructing 8

single-family dwelling units. The criteria for conditional use permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(i)(5).
8. Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
9. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

Chair Twait opened for public hearing.

Wayne Jones expressed concerns about the development such as the effect on neighboring property values, the organization's non-local base, the potential loss of wooded spaces in the neighborhood, and increased traffic.

Fred Braun spoke in favor of the development, and clarified that the developer is an Alaskan resident. He explained his reasons for supporting the resolution, including the lack of rentals available in the area and the tax dollars it will provide to the City.

Star McCloud stated her opposition to the development, expressing concerns about the wildlife that can be found on the property, the addition of new driveways, and negative effects on neighboring property values. She encouraged the Commission to visit the neighborhood to see for themselves.

Sharon Shinn stated that she shared her neighbors' opposition to the development and their concerns about increased traffic, effect on wildlife, and negative effects on neighboring property values.

Rob Coreson clarified that Byler Contracting builds all over the state, and noted the quality and cleanliness of the projects they've completed locally. He explained the size and layout of the proposed units.

Wayne Jones noted that a number of homes in the area are rentals. He questioned the zoning classification of "medium density" for the residential area, and the length of time after planting for vegetation to hide the development.

Fred Braun explained that they intend to rent to professional people and this will not be low-income housing.

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

It was noted that no negative reports or complaints have been received regarding the organization's other similar project.

Commissioner Springer explained he will vote yes on this resolution, because once the plat is approved there would be no need to have a Conditional Use Permit for this, and would only need to receive a Building Permit for two four-plexes.

Clarification was provided that the applicant is required to plant a screen of trees as part of their landscape plan in order to receive approval.

Commissioner Douthit explained he will be voting yes, because he sees no difference in terms of density between this plan and the possibility for another contractor to create eight individual lots and create the same number of residences. He explained that the size of the proposed residences are average and not inadequately sized, and a growing community will naturally result in less green space. He also noted that the driveway plans meet City code.

Chair Twait explained he is in favor of the resolution, because it meets the criteria. He noted that he understands the public's concerns, but that the applicant can't be penalized because neighbors want to preserve the property as a green space. He noted that he does not expect neighboring property values to be harmed by this development.

Commissioner Greenberg explained that he will vote to approve the resolution, because the property is private ownership and we can't mandate that it remain green space. He noted that the landscape plan requirement to plant a screen of trees will provide a good buffer to maintain visual integrity.

Commissioner Halstead explained that he agrees with the other commissioners and will vote to approve the resolution, because the Conditional Use Permit application meets our requirements and it follows the City code, and he anticipates this being a well-maintained project.

VOTE:

YEA: Halstead, Douthit, Greenberg, Twait, Springer

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Glendening reported on the actions from the May 19, 2021 City Council meeting, and upcoming local events.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
 - Updated Airport Lease Lands brochure;
 - Upcoming meeting on June 9, 2021 is anticipated to include two Special Use Permits and two plats.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments
2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 9, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Halstead thanked everyone and noted his appreciation for the Airport Lands brochure.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:18 p.m.

Minutes prepared and submitted by:

Meghan Thibodeau
Deputy City Clerk