



MINUTES
BOARD OF ADJUSTMENT HEARING
July 2, 2025 - 2:00 p.m.
Kenai City Council Chambers
210 Fidalgo Avenue, Kenai, Alaska

Appeal of the Planning and Zoning Commission Action Denying an Application for Conditional Use Permit to Cornerstone Developments of Alaska, LLC to Develop and Operate an 82-Unit Indoor Heated Storage Facility Located at 101 Third Street, Kenai, Alaska.

A. CALL TO ORDER

The City of Kenai Board of Adjustment convened on July 2, 2025 in the City Hall Council Chambers, Kenai, AK. Board Chair Brian Gabriel called the meeting to order at approximately 2:00 p.m.

B. ROLL CALL

There were present:

Brian Gabriel, Chair
Sovala Kisenia
Victoria Askin
Alex Douthit

Henry Knackstedt
Phil Daniel
Deborah Sounart

C. APPROVAL OF MINUTES

1. February 5, 2025 Board of Adjustment Meeting

MOTION:

Board Member Knackstedt **MOVED** to approve the February 5, 2025 Board of Adjustment meeting minutes. Board Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

D. OPENING STATEMENT

Board Chair Gabriel provided an opening statement and read the Board of Adjustment procedures.

[Clerk's Note: Board Member Knackstedt disclosed that the Appellant Adam Tugan had been a client of his in the past and may be a client in the future; the business relation ship was less than one-percent of his business; and that he could remain impartial in during the hearing. Chair Gabriel ruled a conflict did not exist.]

D. SWEARING IN OF ALL PERSONS PROVIDING TESTIMONY

City Clerk Saner administered the oath to all persons present who would be providing evidence and testimony.

E. PUBLIC COMMENTS (5 minutes per speaker)

Board Chair Gabriel open the floor for public comments.

Michael Urciuoli, 1004 3rd Street addressed the Board in opposition to the self-storage development near his home, stating the current zoning laws prohibited such a use; emphasized the importance of maintain the character and peace of the neighborhood; stated developments like this should be located in the appropriate zoned areas; and he referenced previous efforts to maintain the neighborhood integrity.

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

Clarification was provided that a conditional use permit is a legal process under city code.

F. STAFF REPORT (15 minutes)

Planning Director Buettner summarized the staff report as provided within the certified record.

In response to questions from Board Members, Planning Director Buettner clarified the following:

- Zoning codes and the land use plan don't always align; the parcel designation is Urban Residential; the land use plan uses broader categories and describe the area as Suburban Residential.
- Over time, zoning changes and the aging of the land use plan have caused inconsistencies, which are acceptable as long as the general intent remains compatible.
- The original staff recommendation was for the entrance to be on 3rd Street; the Planning Commission overruled the recommendation and decided the entrance should be on Redoubt Avenue to reduce the impact to the neighborhood.
- The facility would be completely fenced with "Obscuring fencing" and a remote-access gate.
- All storage would be indoors, there would be no outdoor storage.
- Lighting would be on or near the building and aimed downward to avoid glare.
- Hours of operation would be 7:00 a.m. - 7:00 p.m.

G. APPELLANT - Cornerstone Developments of Alaska, LLC, represented by Jeremie Bird, President. (30 minutes)

Mr. Bird addressed the Board, stating the denial was arbitrary, lacked substantial evidence and misapplied Kenai Municipal Code 14.20.150 and stated the following:

- Planning staff thoroughly reviewed the project and recommended approval as the proposal met all six conditional use permit criteria.
- Preference was for the entrance to be from Redoubt Avenue; however, would be flexible.
- The Commission vote was a 3-3 tie; and the three members who voted no ignored staff analysis, lacked supporting evidence, and based their decision on subjective opinion not criteria as established in code.
- Statements made by the Commission and the public regarding "mud bogging, 24-7 traffic, clogging the street, homelessness and business activity" were speculative.
- Commissioners voting no provided no explanation, nor did they identify any violations of Kenai Municipal Code.
- The facility was for indoor storage, and no outdoor storage would be allowed.
- The intended use of the facility is to serve residents needing storage, helping maintain a tidy appearance in the neighborhood.

Mr. Bird clarified the grounds for appeal, stating 1. The decision was arbitrary and subjective, commissioners expressed personal preferences over actual zoning code. 2. The decision was a misapplication of Zoning Code, code allows for community-serving uses and storage use is residential-supportive; 3. The decision failed to consider the mitigation measures, including limited operating hours, six-foot privacy fencing, downward facing lighting, and the planned security system.

In conclusion of his initial presentation Mr. Bird stated, the project meets all code requirements; the Commission denial was subjective and unsupported by facts; staff supported the project after rigorous review; and public and commission concerns were speculative and contradicted the record.

In response to questions from Board Members, Mr. Bird clarified the following:

- The facility was indoor storage units, with each unit door facing outside.
- Unit size is 8' x 15'; and at the end of each building would be smaller 4' X 8" units.

- In the case of heavy snow fall and not enough designated area for snow storage excess snow would be hauled off.
- Their eight-unit apartment plans had been approved, and ground has already been broken for the project.

H. APPELLEE - City of Kenai Planning & Zoning Department. *(30 minutes)*

Planning Director Buettner clarified the color code associated with the zoning districts map shown on page 109 of the hearing packet.

I. APPELLANT REBUTTAL - Cornerstone Developments of Alaska, LLC, represented by Jeremie Bird, President. *(10 minutes)*

Mr. Bird clarified that the building would be 35-feet from the property line and when you add the setback its nearly 50-feet from the fence to Redoubt.

J. APPELLEE REBUTTAL - City of Kenai Planning & Zoning Department. *(10 minutes)*

None.

K. APPELLANT CLOSING ARGUMENTS - Cornerstone Developments of Alaska, LLC, represented by Jeremie Bird, President. *(5 minutes)*

Mr. Bird requested the Board approve the conditional use permit, stating it aligns with the RU zoning intent; supports the 2016 Comprehensive Plan and offers a low-impact community-serving amenity.

L. APPELLEE CLOSING ARGUMENTS - City of Kenai Planning & Zoning Department. *(5 minutes)*

Planning Director Buettner thanked the Board for allowing his presentation, noting he stood by his findings in the initial report.

M. DELIBERATIONS *(Deliberations may be held in public or adjudicative session)*

Board Chair Gabriel advised that the Board had 30 days to provide a decision.

MOTION:

Board Member Knackstedt **MOVED** to adjourn into adjudicative session for deliberations with the Board Attorney Present. Board Member Sounart **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

VOTE: Motion **APPROVED**, without objection.

[Clerk's Note: The Board adjourned into Adjudicative Session at 3:11 p.m.]

Minutes Approved: September 17, 2025