



Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENTS** – None.

D. **UNSCHEDULED PUBLIC COMMENTS** – None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2022-11** - Application for a Conditional Use Permit for a Day Care Center, for the property described as Lot 1 Blk G Woodland Sub Pt I, located at 502 Ash Avenue, Kenai, Alaska 99611. The application was submitted by Stephanie Nella Lenzini-LeBaron, 502 Ash Avenue, Kenai, Alaska 99611.

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution PZ2022-11. Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to obtain a conditional use permit (CUP) for a day care center. 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. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. Biennial fire inspection must be completed by the Fire Marshal for the City of Kenai.
4. The applicant will meet with City staff for on-site inspections when requested.
5. If there is a change of use for the above described property a new Conditional Use Permit must be obtained, pursuant to 14.20.150(l)(5).
6. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.

Stephanie Nella Lenzini-LeBaron noted that having childcare is vital for community, and currently options are very limited in Kenai. She explained that she already has a waitlist of families who want to send their children to a State-licensed facility like she will be providing, and that her business will have an economic benefit to the area. She explained that she already has two full-time employees lined up to begin work.

Chair Twait opened for public hearing.

Bob Molloy spoke in opposition, noting that there are already several childcare facilities in the neighborhood and he disagreed with staff's analysis of Criteria 1, 3 and 5. He discussed the home location and street layout, noting that the commercial use will generate heavy traffic which is already dangerous to children in the neighborhood and it is not a good location for a childcare facility. He stated that it is not in harmony with the Goal 1 of the Comprehensive Plan because there are other childcare home occupations in neighborhood and some may not have a license with City.

Kristine Schmidt presented an aerial map of the parcel. She expressed disappointment in the staff report, noting that it did not consider the impact of the business on the historical residential neighborhood with small lots, and that it goes against the Comprehensive Plan's focus on quality of life. She explained that businesses are prohibited in their subdivision covenants, and that the City should not issue permits that violate covenants. She expressed concerns about the location of the business

on a corner lot, increase in traffic, that it will be the only large business in the Woodland subdivision, and that the noise will make it difficult for her to work from home.

Stephanie Nella Lenzini-LeBaron addressed concerns about traffic around her property, noted that it is a family-friendly neighborhood where many children play and the addition of children from her childcare center will not have a harmful impact, and provided details about her large backyard where children where the children will play. She explained that although her intention is to be permitted for twelve children, she only plans on admitting five children full-time and having leeway to allow for emergency drop-offs. She discussed her business hours and the impact of traffic, parking and noise. She stated that it would be negligent if the City decided that more childcare is not necessary, and explained the benefits her learning center will have on the community.

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

Discussion involved how more childcare options are needed in the community, and the impacts of living adjacent to a daycare. The disturbance of noise from a large daycare center was cited as findings in disagreement with Staff's analysis of Criteria 2 "*The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired;*" and Criteria 3 "*The proposed use is in harmony with the Comprehensive Plan.*" Concern was expressed for the number of children, and the lack of enforcement for covenants in the neighborhood. A suggestion was made for issuing the CUP with a limited number for one year, which could be modified to allow more children after a year of operation; a provision for emergency drop-offs was considered.

In response to questions from the commission, the applicant provided details about the State license application process and requirements. Director Foster provided clarification on home occupation permits for childcare, and the applicant explained that to apply for a home occupation permit at this time would require a new application to the State and would delay her business operations for several months.

In response to the earlier suggestion of approving a CUP that is modifiable after one year, Director Foster clarified that this change would be substantial enough to require a second public process.

In response to questions from the commission, the applicant provided further details about the State license requirements for training, safety equipment, and Fire Department and State inspections.

Support was expressed for the CUP; it was noted that it is an appropriate land use, and that it is possible to have a family with twelve people in a suburban residential area and it would be better to have a learning center with strong educational and safety standards. It was noted that denying permits after applicants have gone through the proper channels could prevent people from applying in the future.

In response to questions from the commission, the applicant provided a description of her back yard, fencing and gates. She explained her plan for a rotational schedule of outdoor/indoor play, and types of activity.

**MOTION:**

Vice Chair Douthit **MOVED** to adjourn to adjudicative session with the Director Foster present. Commissioner Halstead **SECONDED** the motion. There being no objection; **SO ORDERED**.

The commission returned from adjudicative session.

**MOTION TO AMEND:**

Commissioner Halstead **MOVED** to amend Resolution No. PZ2022-11 by adding a condition that the operating capacity will be eight full time children and an additional 4 children on an emergency/temporary basis. Commissioner Fikes **SECONDED** the motion.

The definitions of “temporary” and “emergency” were deliberated, and it was noted that the way the motion is currently written this could not be enforced.

Support was expressed; it was noted that the community would lose out if the CUP was denied, that the applicant’s willingness to get State-certified which has stringent requirements and shows that she will be a prudent business owner.

The motion to amend was withdrawn with concurrence from the Second.

**VOTE:**

YEA: Douthit, Woodard, Fikes,

NAY: Halstead, Twait

**MOTION PASSED.**

Chair Twait noted the fifteen-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

- 1. Action/Approval** - Recommending the Kenai City Council Adopt a Resolution Approving the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

**MOTION:**

Vice Chair Douthit **MOVED** to recommend that the Kenai City Council adopt a Resolution approving the Updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan. Commissioner Halstead **SECONDED** the motion.

Fire Chief Prior provided background on the development of the 2022 Kenai Peninsula Borough Community Wildfire Protection Plan, noting that it was a collaborative effort between Kenai Peninsula Borough communities. He explained some of the main items included in the plan including a slash disposal site and mitigation of gullies, and noted there are specifics for the City of Kenai. He clarified the primary goals and focus, and encouraged the commission to read the plan.

Appreciation was expressed for the hard work that was put into developing this plan, and that grant funding was being pursued for these projects.

**VOTE:**

YEA: Woodard, Fikes, Halstead, Twait, Douthit

NAY: None

**MOTION PASSED UNANIMOUSLY.**

- 2. Action/Approval** - Recommending the Kenai City Council Enact Ordinance 3287-2022 - Conditionally Donating Certain City Owned Property Described as Tract A Park View Subdivision (KPB Parcel No. 047010118) to the Boys and Girls Club of the Kenai Peninsula for Development of Facilities for Youth Sports, Recreation, Education, After School Care and Other Youth Activities.

Chair Twait passed gavel to Vice Chair Douthit, and declared that he may have a financial interest in the matter in the future. Vice Chair Douthit ruled that he has a conflict of interest and excused him from voting.

**MOTION:**

Commissioner Halstead **MOVED** to recommend that the Kenai City Council enact Ordinance 3287-2022. Commissioner Fikes **SECONDED** the motion.

Director Foster provided a staff report explaining that the Boys and Girls Club of the Kenai Peninsula is interested in purchasing a parcel to expand and relocate its campus, and is requesting a land donation from the City of an adjacent parcel. Details were provided on the development plan and goals for the land. It was clarified that the Boys & Girls Club Board had approved the purchase of this parcel on the condition that the City agrees to donate the adjacent one.

Ryan Tunseth, Boys & Girls Club Board of Directors member, explained that the creation of a clubhouse had long been on the strategic plan of the Boys & Girls Club, but had not been realized due to a lack of funding. He explained that their current initiative to expand was the result of two events: first, a donation of \$5 million received from the estate of Royce Roberts with a condition that the money be used for a new facility in Kenai; and second, the sale of a parcel owned by the Kenai Community Care Center. He noted that the Care Center property would work for their new campus, but would not encompass their vision without the addition of the adjacent parcel. He stated that if the City donates this land, it will send a strong message about its respect for the vision of Royce Roberts and the Boys & Girls Club.

Mr. Tunseth responded to questions from the commission, clarifying the number of facilities operated by the Boys & Girls Club; their pursuit of additional grants and intent to retain much of the donated funds for future operations; the services provided by their organization and how they benefit the community; further details about the plans for the facility and land utilization; status of the purchase agreement with the Kenai Community Care Center; and total land acreage of these parcels.

Concern was expressed that the lot could be better used for commercial purposes. Clarification was provided on the slope of the land. It was noted that the packet materials did not provide sufficient information for a recommendation to be made.

Mr. Tunseth responded to questions from the commission about the Boys & Girls Club research on potential alternative parcels.

Director Foster provided background on conditional land donations by the City, and confirmed that the City does not currently have plans for this parcel. It was noted that its recommendation in the draft Land Management Plan is Dispose, and that the definition of Dispose includes donation.

A preference was expressed for allowing more time to receive plans and data from the Boys & Girls Club before a recommendation is made.

Kristine Schmidt noted that very little information was provided to the public on this issue; it's a prime piece of land that should not be donated. She questioned the fairness of City's process for evaluating requests for land donation, and whether this land could be better used for something that generates tax revenue.

Bob Molloy stated that the City doesn't have much valuable residential property left in its inventory. He noted that the City Council had discussed this parcel during meetings on the Land Management Plan, and many had thought that this would be a good location for private development that would increase tax revenue. He stated that the City has soccer fields and playgrounds and the Boys & Girls Club can transport their children there in vans, and he doesn't see the value to the public if the land is donated. Expressed concern that the Boys & Girls Club does not have enough confidence to purchase the Care Center's property unless the City donates the adjacent land.

**MOTION TO POSTPONE:**

Commissioner Halstead **MOVED** to postpone their recommendation until May 25, 2022, and request that the City Council postpone their decision until after that. Commissioner Woodard **SECONDED** the motion.

**VOTE ON POSTPONEMENT:**

YEA: Halstead, Douthit, Woodard

NAY: Fikes

**MOTION PASSED.**

Vice Chair Douthit returned the gavel to Chair Twait.

3. **Action/Approval** - Recommending the Kenai City Council Adopt Resolution No. 2022-XX – Approving the Execution of a Lease to Swanson Properties, LLC for Lot 6, Block 5, General Aviation Subdivision No. 1 Amended.

**MOTION:**

Commissioner Halstead **MOVED** to recommend that the Kenai City Council adopt Resolution No. 2022-XX. Vice Chair Douthit **SECONDED** the motion.

Director Foster provided a staff report, explaining that this property and the adjacent lot to the north is currently leased to Swanson Properties for Ron's Rent It Center. The current 55 year lease terminates on June 30, 2022; the application proposes to maintain original and current uses, and includes evidence of existing improvements that would allow for a 45 year lease. He clarified that it is a non-aeronautical use with direct airfield access.

Clarification was provided that by 2031 there may be consideration about finding a better, more compatible location for Ron's Rent It Center and an aeronautical use for this property.

It was noted that Ron's Rent It Center had been at this location for decades and have served the community well.

**VOTE:**

YEA: Woodard, Fikes, Halstead, Twait, Douthit

NAY: None

**MOTION PASSED UNANIMOUSLY.**

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Glendening reported on the actions of the May 4, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the May 9, 2022 Kenai Peninsula Borough Planning meeting.
3. City Administration – Planning Director Foster reported on the following:
  - Next commission meeting May 25, 2022 will include the postponed Boys & Girls Club recommendation, a rezoning application and a vacation of easement.

K. **ADDITIONAL PUBLIC COMMENTS** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. May 11, 2022

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Woodard noted she is glad to see green grass and leaves outside.

Commissioner Halstead thanked staff for providing food during their work session, and noted he is looking forward to more work sessions and continuing work with the commission.

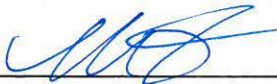
Commissioner Fikes noted that working together with the public during work sessions can affect change, and it is beneficial for the commission to receive help using the tools available to facilitate this change.

Vice Chair Douthit noted that he learned from the work session, and this will continue to help the commission in the future.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:58p.m.

Minutes prepared and submitted by:



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Meghan Thibodeau  
Deputy City Clerk