

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 27, 2022 – 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, A. Douthit, G. Woodard, J. Halstead, D. Fikes, G. Greenberg

Commissioners absent: V. Askin

Staff/Council Liaison present: Planning Director R. Foster, Administrative Assistant K. Rector, Deputy Clerk M. Thibodeau, Vice Mayor J. Glendening, City Attorney S. Bloom

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda. Commissioner Woodard **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 – Askin

B. APPROVAL OF MINUTES

1. *Regular Meeting of April 13, 2022

Approved by the consent agenda.

C. **SCHEDULED PUBLIC COMMENT** – None.

D. **UNSCHEDULED PUBLIC COMMENT** – None.

E. **CONSIDERATION OF PLATS** – None.

F. **PUBLIC HEARINGS**

1. **Resolution PZ2022-10** - Application for a Conditional Use Permit for Cabin Rentals, for the property described as LOT 11 BLK 1 CENTRAL HEIGHTS SUB 1ST ADDN, located at 321 Portlock St, Kenai, Alaska 99611. The application was submitted by Richard W. Main, 207 Walker Lane, Kenai AK 99611.

MOTION:

Vice Chair Douthit **MOVED** to approve Resolution PZ2022-10. Commissioner Halstead **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 cabin rentals. 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 starting any business operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning any construction or renovations, a building permit must be issued by the Building Official for the City of Kenai.
4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.
9. Quiet Hours are 10pm to 6am.

Applicant Rick Main explained that he is a longtime resident of the neighborhood and this house is a retirement investment; his intent is for it to be a rental and was interested in trying a short-term rental business.

Chair Twait opened for public hearing.

Karen Monell expressed concerns about Airbnb's reputation of bringing in noise, crime, trespassing, parties and drinking which could change the dynamics of her neighborhood. She noted that her neighborhood has struggling for years because of rentals, and raised questions about privacy and child safety.

Angela Kniceley noted that she doesn't have issue with the Main's rentals, but expressed concerns with strangers coming into the neighborhood, child safety, traffic and partying. She stated that the applicant had told her they would be close to the property except when on vacation, and requested that there be a contact if problems arise. She expressed frustration with problems in the neighborhood which include noise, drugs and fighting; noted that there are hotels nearby where travelers can stay. She discussed the lack of privacy in the neighborhood and child safety.

Ashley Bauman stated that she had called police on noise problems before and was told there is no noise ordinance in Kenai. She noted that the Mains choose good tenants but do leave for vacation, and explained how the neighborhood affords little privacy. She stated that there are tenants and landlords who are not properly caring for their properties, and described problems that her neighborhood has experienced with rentals. Expressed concerns about child safety, and stated that the laws are not set up to allow the police to help in the way they need to.

Jeanne VanGorder read a letter from the neighborhood which expressed concerns about a nationwide problem of commercial landlords buying up properties for Airbnb and harming neighborhoods by bringing in dangerous strangers, noise, crime and parties.

Sheryl Main thanked her neighbors for their positive comments, and noted that she had established a neighborhood watch group 25 years ago and has worked with the police to improve the area. She explained that this home was purchased for its view, emphasized that it will be a nice home and not a party house; clarified that her brother lives nearby and can respond to issues at the property in her absence. Discussed her experience as a landlord and problems that can arise in long and short term rentals.

Rick Main responded to questions from the commission about their current plans for check in and checkout.

Jeanne VanGorder raised questions about Sheryl Main's brother's work schedule, which Mrs. Main clarified and noted that if he is not in town she can ask someone also to keep an eye on the property.

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

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition that a 6 foot privacy fence be installed on the property. Commissioner Greenberg **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Woodard, Greenberg, Fikes, Halstead, Twait, Douthit
NAY: None

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Commissioner Fikes **MOVED** to add a requirement that the owners are there to meet the guests face-to-face. Commissioner Woodard **SECONDED** the motion.

It was noted that the owners may not always be available to meet in person; the commission discussed allowing the owners to have a representative meet the guests. Commissioner Fikes revised her motion to include that the owners "or their representative." There was concurrence of the Second.

It was suggested that an option be provided to greet people via camera system if someone wasn't available. Discussion involved whether the addition of a camera security system should be considered as a separate condition, or within this condition as an alternative to in-person greeting. Commissioner Fikes revised her motion to add "or provide a video and/or security style check-in for confirmation." There was concurrence of the Second.

Discussion involved how most Airbnbs don't require in-person check in or security system; interpretation of "security system" and range of possible camera types; how having video could help with enforceability; how adding a camera requirement raises questions of data retention, video quality and falsifiability; and the procedure for late arrivals.

Commissioner Fikes requested to divide the question, voting first on adding a condition that the owner or owners representative must be available to meet the guest at the location at check-in, and voting second on adding a provision for video or security system check-in for confirmation if owner or representative is unable to meet in person.

Commission considered changing the timeframe requirement for in-person or video confirmation of guest.

VOTE ON MOTION TO AMEND BY ADDING CONDITION TO REQUIRE THE OWNER OR THEIR REPRESENTATIVE TO MEET THE GUEST AT LOCATION WHEN THEY CHECK IN:

YEA: Fikes, Halstead, Twait, Woodard

NAY: Greenberg, Douthit

MOTION PASSED.

VOTE ON MOTION TO AMEND CONDITION BY ALLOWING VIDEO CHECK-IN:

YEA: Fikes, Twait, Douthit, Woodard

NAY: Halstead, Greenberg

MOTION PASSED.

It was noted that the applicant has been a capable long-term landlord in the past, and the added conditions will help with enforceability.

City Attorney Bloom provided clarification on the noise ordinance under the KMC nuisance code, which is enforced by the Planning and Zoning Department.

Director Foster clarified that in response to noise complaints on CUP properties, the Planning and Zoning Department must verify the complaints with evidence that their quiet hours condition has

been violated. He noted that code violation complaints can be reported through the City of Kenai website.

Further discussion involved conditions for removal of disruptive guests; fire code compliance; city code on securely storing garbage; and posting of quiet hours in the building.

MOTION TO AMEND:

Vice Chair Douthit **MOVED** to add a condition that the regulations for quiet hours and house rules be clearly posted in the facility. Commissioner Fikes **SECONDED** the motion.

VOTE:

YEA: Halstead, Twait, Douthit, Woodard, Greenberg, Fikes

NAY: None

MOTION PASSED UNANIMOUSLY.

Vice Chair Douthit noted that he supports approval because the owner is a responsible landlord as evidenced in public testimony. He noted that Airbnb could work well in the wintertime when the area is quiet, and from personal experience with vacation rentals near his home they have not caused significant issues. He noted that enforceability for CUPs is being improved.

Commissioner Fikes stated that she agreed with concerns about vacation rentals expressed by members of the public, and noted that she has not experienced issues with her own neighbor. Hopes that additional conditions will help strengthen enforcement abilities and rectify some of the concerns of neighbors. She expressed support for approval, and encouraged those who testified to reach out to the Planning & Zoning Department when they experience issues.

Commissioner Greenberg noted that testimony had provided character support for the applicants as property managers, and having responsive property managers results in fewer complaints from neighbors. He stated that he will vote to approve.

Commissioner Halstead noted that there will be an upcoming work session on CUPs that is open to the public.

VOTE:

YEA: Twait, Douthit, Woodard, Greenberg, Fikes, Halstead

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 Winger reported on the actions of the April 20, 2022 City Council Meeting.
2. **Borough Planning** – Commissioner Fikes reported on the actions of the April 25, 2022 Kenai Peninsula Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - There was a discussion on the goals and focus for the upcoming work session on CUPs. The work session was scheduled for 5:30 p.m. on May 11, 2022 prior to the commission's regular meeting;
 - Next commission meeting on May 11, 2022 will include a CUP and lease renewal application;
 - Upcoming waterfront revitalization project meetings will take place on May 2nd and 3rd at the Kenai Visitor Center.

K. ADDITIONAL PUBLIC COMMENT

Jeanne VanGorder noted that she would like contact phone numbers from the Main's representative if the Mains are not available. She expressed frustration about telling people to lower their noise.

Sheryl Main responded to Jeanne Van Gorder, noting that they will take care of any issues to the best of their ability.

Ashley Bauman discussed how she has contacted the police department about problems in her neighborhood and not received satisfactory help, and stated she will reach out to the Planning & Zoning Department in the future. She expressed frustration in the lack of communication with the public about how to take care of issues in their neighborhood.

Angela Kniceley expressed frustration with the City's response when she called about junk cars and other problems, and expressed concerns about changes in the community.

Sheryl Main commented on the great job Pat Porter had done as Mayor, and suggested the commissioners drive through Central Heights neighborhood.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. May 11, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard encouraged the public to apply to serve on a City commission.

Commissioner Halstead expressed appreciation for the commission and noted that it had been a good discussion.

Commissioner Greenberg noted that they had had a good discussion.

Commissioner Fikes expressed appreciation for the commission's civility.

Vice Chair Douthit thanked the public for coming out to testify. He noted that he understand what they're going through recognizes their concerns.

Vice Mayor Glendening noted that he had materials about the Kenai Dog Park project.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:51p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk