

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
MAY 25, 2022 – 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 May 25, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:06 p.m.

1. Pledge of Allegiance

Chair Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Commissioners present: J. Twait, A. Douthit, G. Woodard, D. Fikes, V. Askin, G. Greenberg

Commissioners absent: J. Halstead

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

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the Packet:

- Add item F.1. **Resolution PZ2022-12**
- Public Comment
 - Rezoning Property Petitioner Map

MOTION:

Commissioner Askin **MOVED** to approve the agenda with the requested revisions; requested to hear New Business and Unfinished Business prior to Public Hearings. Vice Chair Douthit **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Vice Chair Douthit **MOVED** to approve the consent agenda. Commissioner Askin **SECONDED** the motion. 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.

5. *Excused Absences – J. Halstead

B. APPROVAL OF MINUTES

1. *Regular Meeting of May 11, 2022

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** – Recommending the City Council Approve Resolution No. 2022-XX to record a document divesting the City's interest in the Deeded thirty foot (30') strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian

MOTION:

Vice Chair Douthit **MOVED** to Recommend the City Council Approve Resolution No. 2022-XX to record a document divesting the City's interest in the Deeded thirty foot (30') strip public use easement lying along the North boundary of Lot 35, Section 6, Township Five North, Range Eleven West, Seward Meridian. Commissioner Woodard **SECONDED** the motion.

Director Foster provided a staff report, explaining that the commission had previously recommended approval of this preliminary plat, but it was determined that a 30 foot public use easement was still deeded to the City of Kenai. It was noted that government lots are not platted and this was an unusual situation, and there was no need for public use of the easement.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS**

1. **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. *[Clerk's Note: At the May 11th Meeting, this Action was Postponed to this Meeting; a Motion to Approve is On the Floor.]*

Chair Twait noted that at the previous meeting he had been recused from voting, and passed the gavel to Vice Chair Douthit.

Director Foster provided an update on the ordinance, noting that at their last meeting the commission had asked for additional information including concept drawings which had been added to the packet. He explained that the zoning is Urban Residential which would require a Conditional Use Permit to operate as a Day Care Center. He clarified that the land use classification is designated as Mixed Use, and provided a definition for Mixed Use.

Vice Chair Douthit opened for public testimony.

Mayor Brian Gabriel noted that he is the co-sponsor of ordinance, provided clarification on the background of the Boys & Girls Club plans and the donation of funds they received for this project, and explained how this is a chance to facilitate a campus for over a thousand people and create a business environment where

people will come to the city to spend money. He discussed the safeguards built into the conditional donation that will protect the city in case they move in a different direction, and questions about vacation of right-of-way. He noted that the public hearing on this ordinance at the last City Council meeting had the most public comment he'd ever seen on an item, and there was a lot of support.

Mike Navarre, Board Member for the Boys & Girls Club, explained how their board had considered alternatives to their plan for this property, and that they are doing their due diligence under a tight timeline as they can't apply for grants prior to obtaining enough property for the project. He noted that this plan isn't ideal nor is it a done deal, but it would be a cost-effective opportunity.

Chris Andrews explained that in the packet there is a parking lot where his house is located, and explained that there had been little communication and no agreement as to what would happen with their house. He stated that this was not due diligence and requested clarification on the Boys & Girls Club plans.

Jeff Dolifka, President of the Boys & Girls Club, explained his prior communications with Mr. and Mrs. Andrews and clarified that the plans were only preliminary and they will be going in a different direction so they will not need the Andrews property.

Kyle Cornellis testified that the issue of the Andrews property speaks to the early nature of the donation request, that the drawings are preliminary and the donation would allow them to go through the process of planning. He noted that the Kenai Community Care Center location on its own would be inadequate so if the land is not donated they will reassess.

Sarah Andrews discussed her prior communications with the Boys & Girls Club, expressed concern about how it could affect her property values. She noted that she supports the Boys & Girls Club but hopes that they maintain the greenbelt next to her property and not pave it over.

Kristine Schmidt stated that the City does not have a neutral process for land donation, and the one it uses is ad hoc and unfair. She noted that this would not be the best use for the public, and it is ideal for housing which the city needs and would generate tax revenue. She suggested the Boys & Girls Club lease the property.

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

The commission discussed the possibilities of outreach to see if other parties are interested in this property, subdivision of the parcel to allow for a portion to be sold, road vacation, land quality and potential for residential use. It was suggested that a Whereas be added to the ordinance specifying that a minimum of two acres be donated to the Boys & Girls Club, and the property lines be adjusted later.

City Manager Ostrander provided background on the City's recent history of land donation to nonprofits.

In response to questions from the commission, Chris Hough explained that the previous suggestion to donate a minimum of two acres and adjust the boundaries later would not work with their timeline for financing and grant application. Without a legal description they could not receive insurance or a loan, and re-platting is a lengthy process.

In response to questions from the commission, Kyle Cornellis noted that maximum flexibility is needed from the City; the complete timeframe for the project is not yet known. He noted that even if the land is conditionally donated the project may not work out, in which case the land goes back to the City. He clarified that the grant process would be hindered by longer deliberations.

It was noted that it would be prudent to provide outreach and allow others to express interest in the property, as it is a valuable piece of land with a view. The timeframe was considered, and it was noted that there is some urgency with the sale of the Care Center.

Support was expressed for recommending approval so that the Boys & Girls Club can receive grants, and because it will provide opportunities for youth and it will bring revenue to the city.

It was suggested that there be a waiting period to allow for interest from other parties to be expressed. Director Foster explained there is a process in code for competitive land purchases but noted that there is no guidance for conditional donations.

Director Foster clarified how the ordinance has been noticed as public hearing, and will return to the City Council for a final vote to approve.

VOTE:

YEA: Woodard, Greenberg, Fikes, Askin

NAY: Douthit

MOTION PASSED.

Vice Chair Douthit returned the gavel to Chair Twait.

F. PUBLIC HEARINGS

1. **Resolution PZ2022-12** - Application for the rezoning of parcels in Basin View Subdivision, Ames Road, and Beaver Loop Road, from Rural Residential (RR) to Rural Residential-1 (RR-1). The application was submitted by Jerry C. Huf, 765 Ames Rd, Kenai AK, 99611 with a petition of a majority of the property owners in the area to be rezoned.

MOTION:

Commissioner Askin **MOVED** to approve Resolution PZ2022-12. Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in the packet explaining that the applicant wishes to rezone 74 parcels. He reviewed the applicant's reasons for rezoning, and noted that the 46 signers met the threshold for a majority. He explained the differences between Rural Residential (RR) and Rural Residential-1 (RR-1), including the more limited opportunities for Conditional Use Permits (CUP) in RR-1. A Comprehensive Plan analysis was provided, and it was noted that staff's recommendation is that the property is suitable for recommending approval to the City Council.

Applicant Jerry Huf explained that his main reason for rezoning is to protect the neighborhood from any more businesses that create traffic and impact livability and enjoyment of property. He noted that the neighborhood is highly desirable area for fishing and guiding, and he would like to narrow the opportunities for high use/high traffic CUP businesses and protect the residential environment. He stated that he hasn't spoken to anyone in the neighborhood that opposed rezoning, and he knows he could get more signatures for approval.

Chair Twait opened for public hearing.

Chuck Eubank noted some previous problems in the neighborhood from businesses, and noted that the proposed rezoning will also affect selected adjoining subdivisions. He stated that the cause for the rezoning application is the lack of enforcement of CUPs and City ordinances. He questioned the applicant's residence in the neighborhood, evidence against CUP owners, and placing of speed signs on electrical poles. He stated that the rezoning will cost the subdivision businesses that generate income.

Charlotte Coots spoke in support of rezoning, noting that from previous Board of Adjustment hearings that the City does not enforce covenants, and that CUPs are not being overseen once the permit is granted which has caused problems. She stated that rezoning will help to protect the neighborhood from high-traffic businesses.

Francis Eurick spoke in support of rezoning, noting that it will preserve the stability of the neighborhood.

Jim Richardson spoke in support of rezoning, noting concern with CUPs that are not being enforced and that they cause problems for adjoining property owners. He explained the issues he has had with a neighbor that has a CUP, and that others have seen this and want to protect their neighborhood from this happening.

Charlotte Coots noted that her husband had submitted the photos and email comment provided in the laydown, which she said show clients on the property of someone who told the City that he was not running a business out of his home. She stated that this is an example of what her neighborhood wants to be protected from.

Mack Padgett explained that he supports the rezoning application because he wants to fight CUPs, which have become a problem in the Beaver Creek neighborhood.

Carol Padgett questioned whether City staff considered covenants when reviewing Planning & Zoning applications. She stated her support for rezoning the neighborhood.

Jerry Huf stated that CUPs do not improve property values in the neighborhood, and that the priorities of the Comprehensive Plan support livability and enjoyment of property. He responded to questions raised during earlier comment about posted speed signs, and noted that he only has issues with high use/high traffic CUP businesses. He reiterated that he wants to protect his neighborhood as residential, and clarified who in the neighborhood he spoke with.

Kristine Schmidt noted that she participated in the development of this zone. She stated that the City's decision not to consider covenants is a policy decision, and they could be considered under non-economic value. She explained the background and intent of the RR zone, and that it was the least restrictive. She stated that she hoped the commission would honor the wishes of the neighborhood and support rezoning.

MJ Loveland clarified that people who didn't sign the position were neutral on rezoning, not against it. She stated her support for rezoning.

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

The commission discussed the types of businesses that would still be allowed in RR-1, the allowed uses per the Land Use Table. It was clarified that Airbnbs could fall under different categories of short-term rentals, and definitions for Cabin Rentals and Bed and Breakfasts were considered.

Preference was expressed for confirming the support from property owners who didn't sign, and if not it was suggested that the boundary line be moved.

Support was expressed for rezoning based on the amount of public support. Clarification was provided that the commission evaluates an application based on the information provided in the packet.

It was noted that the commission was providing a recommendation to City Council, who would hold another public hearing on the application.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Vice Mayor Glendening reported on the actions of the May 18, 2022 City Council Meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the May 23, 2022 Kenai Peninsula Borough Planning meeting.
3. City Administration – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting on June 8, 2022 will include a town site historic development and a Special Use Permit for the Moosemeat John Cabin;
 - Provided an update on the outstanding code violation for bowling alley;
 - Board of Adjustment appeal hearing has been scheduled for May 31, 2022;
 - Waterfront presentations in the Informational Items.

K. ADDITIONAL PUBLIC COMMENTS – None.

L. INFORMATIONAL ITEMS

1. Waterfront Project Presentation (May 2-3)

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. June 8, 2022

N. COMMISSION COMMENTS & QUESTIONS

Vice Chair Douthit noted that he had received signification feedback from the community on the Boys & Girls Club land donation.

Chair Twait recognized the recent school shooting in Texas, and encouraged the commission to write letters to the school board to change building entrances.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:08 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk