

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
JULY 27, 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 July 27, 2022, in City Hall Council Chambers, Kenai, AK. Chair Twait called the meeting to order at approximately 7:00 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, G. Woodard, A. Douthit, V. Askin, G. Greenberg, J. Halstead

Commissioners absent: D. Fikes

Staff/Council Liaison present: Interim Planning Director M. Best, Vice Mayor J. Glendening, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as written. Commissioner Askin **SECONDED** the motion. There being no objection; **SO ORDERED.**

4. Consent Agenda

MOTION:

Commissioner Halstead **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 – None.

B. APPROVAL OF MINUTES

1. *Regular Meeting of June 22, 2022

Approved by the consent agenda.

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

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

E. **CONSIDERATION OF PLATS**

1. **Resolution PZ2022-16** – Preliminary Subdivision Plat of Kings Cove, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Caryn Lee Giliam, 5014 E. 145 Ave., Anchorage, AK 99516.

MOTION:

Vice Chair Douthit **MOVED** to adopt Resolution No. PZ2022-16. Commissioner Halstead **SECONDED** the motion.

Interim Planning Director Best introduced himself, provided a staff report as provided in the packet and noted that the proposed King Cove Subdivision will create eight lots. He explained that there are indications of wetlands with variable water table, and development precautions should be taken. He noted that the applicant is requesting two exceptions to the minimum improvement required in the subdivision regulations: building a portion of the subdivision roads, and installing sanitary sewer. He noted that this plat will require City Council approval.

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. Pursuant to KMC 14.080., the City will require an installation agreement for development of the unnamed Court and that portion of Highbush Lane from the Kenai Spur Highway and the unnamed Court.
3. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements of Highbush Lane and Pearson Avenue per the above conditions.
4. Staff recommends the Planning and Zoning Commission recommend the Council waive the construction requirements for sanitary sewer per the above conditions.
5. Conformance with KPB preliminary and final plat recommendation and adherence to Kenai Municipal Code.
6. Include a note on the recorded plat that when an improvement district is formed, the real property involved will be a part of the Improvement district without further action by the then owner of the property in question.

Clarification was provided that the access road to this plot is not City-maintained; that City water has a built-in exception in code for subdivisions with ten lots or less, but sewer does not; and that the owners will need a soil analysis performed to decide what kind of on-site wastewater system will meet DEC regulations. The exception for upgrading and constructing some roads in the subdivision were clarified

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

F. **PUBLIC HEARINGS** – None.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Resolution PZ2022-19** – Application for Transfer of Conditional Use Permit PZ12-22, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to

Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.

MOTION:

Commissioner Askin **MOVED** to adopt Resolution PZ2022-19. Vice Chair Douthit **SECONDED** the motion.

Planning Director Best presented his staff report with information provided in the packet explaining that this staff report will cover both PZ2022-19 and 2022-20; a Conditional Use Permit (CUP) was issued in 2012, and a second CUP was issued in 2015 to same applicant for the second building in their facility; in 2016 the properties were unsubdivided and put into one lot; a recent change in ownership has prompted the transfer of the CUPs to the new owners. It was noted that City staff recommends approval of the transfer request subject to the original conditions as set forth on the original permit and additional conditions, as follows:

- A. Facility be licensed by the State of Alaska and managed in compliance with State licensing requirements.
- B. Applicant must comply with all Federal, State and local regulations.
- C. Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.150(f).
- D. If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

The Commission considered whether new conditions could be applied during the transfer of CUP ownership and the question was raised of farm animal ownership. Director Best clarified that they cannot operate out of compliance with the zoning or their CUP, and if they are doing so it requires that the Planning Department perform a site investigation; if they are found to be operating outside their zoning or conditions it would stop the transfer of the CUP and they would need to reapply. The conditions in original CUP were reviewed.

Postponement was discussed to provide time to perform a site investigation, and it was noted that the owners have applied for a building permit to modify the facility. It was confirmed that an investigation could be performed after the transfer is approved.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

- 2. **Resolution PZ2022-20** – Application for Transfer of Conditional Use Permit PZ15-24, for Assisted Living Facility in a Suburban Residential Zone, from J. A. C. Enterprises, Inc., to Aspen Creek Kenai LLC, located at 701 N. Forest Drive, and described as a Tract 36A, Killen Estates 2014 Replat.

MOTION:

Vice Chair Douthit **MOVED** to adopt Resolution PZ2022-20. Commissioner Woodard **SECONDED** the motion.

It was clarified that providing separate CUPs for the two buildings in this facility allows the applicants some flexibility, in case they wanted to change the use and modify the CUP for one building and not the other.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Glendening reported on the actions of the July 27, 2022 City Council Special Meeting and the July 6, 2022 City Council Regular Meeting.
2. Kenai Peninsula Borough Planning – No report.
3. City Administration – Planning Director Best reported on the following:
 - The Commission had previously requested information about ownership of the Bowling Alley; noted that the transfer of ownership is not yet public record.
 - The Board of Adjustment met on June 20, 2022 to hear appeals for a daycare facility and a livestock permit; provided clarification on the conditions added to the permits per the BOA decisions.
 - Issued Hilcorp a one-year permit to drill on Cannery Loop.

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

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. August 10, 2022

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Askin noted that in 2021 Council had passed a resolution to provide comment to the National Oceanic and Atmospheric Administration opposing regulations on set netters, and that it had recently been thrown out.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 7:45 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk