

**KENAI PLANNING & ZONING COMMISSION –
REGULAR MEETING
DECEMBER 28, 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 December 28, 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, J. Halstead, G. Greenberg, J. Glendening

Commissioners absent: D. Fikes, J. Coston

Staff/Council Liaison present: Planning Director L. Mitchell, Vice Mayor J. Baisden, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda as presented. Commissioner Woodard **SECONDED** the motion. There being no objection; **SO ORDERED**.

4. Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the consent agenda. Commissioner Woodard **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. Coston

B. APPROVAL OF MINUTES

1. *Regular Meeting of December 14, 2022

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 PZ2022-27** – A request by Michael Campanella for an Encroachment Permit for a Side Yard Setback Reduction on the property described as Lot 7, Block 2, Kenai Peninsula Estates Subd. Part 2, located at 910 Salmon Run Drive in the Rural Residential (RR) Zone.

MOTION:

Commissioner Greenberg **MOVED** to adopt Resolution PZ2022-27. Commissioner Glendening **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting an encroachment permit for a side yard setback reduction. Clarification was provided that the current use is a single-family dwelling, and the proposed two-story addition would encroach about three feet into the required 15 foot side setback, leaving twelve feet between the addition and the north property line. The criteria for encroachment permits was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Applicant must comply with all federal, State of Alaska, and local regulations.
2. Applicant must obtain a building permit issued by the Building Official.

Chair Twait opened for public hearing. There being no one wishing to be heard, the public hearing was closed.

Clarification was provided that the encroachment is only one corner of the northeast portion of the addition encroaches and not the entire length of the structure, that it has been built but not finalized, and that the application was submitted after the applicants had been notified by the Building Inspector of the need for this permit.

Questions were raised about the accuracy of the distance of the encroachment as seen in the survey, and it was clarified that the Building Inspector will verify the measurements on site during the final inspection. Further discussion involved toleration of variance in surveying, whether the applicant had submitted for a building permit, and consideration of an additional condition requiring an as-built.

VOTE:

YEA: Woodard, Greenberg, Glendening, Twait, Halstead

NAY: None.

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS**

1. **Action/Approval** - Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-44.

MOTION:

Commissioner Greenberg **MOVED** to approve a Time Extension for Compliance with the Conditional Use Permit Conditions in Resolution PZ2021-44. Commissioner Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report explaining that Resolution PZ2021-44 had been approved by the Planning & Zoning Commission the previous year, granting the applicant a Conditional

Use Permit (CUP) for a standard marijuana cultivation facility. The conditions of the permit stipulated that the applicant must get a building permit or establish the use within the year, or the permit would lapse; the applicant has requested additional time to comply with these conditions. It was noted that the applicant had already submitted a landscape site plan and building permit application which are under review, and that staff expects these conditions to be accomplished within the next few weeks.

It was noted that the applicant was actively working towards meeting the conditions.

VOTE:

YEA: Glendening, Twait, Halstead, Woodard, Greenberg

NAY: None.

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Vice Mayor Baisden reported on the actions of the December 21, 2022 City Council Meeting, and noted that the City Manager employment agreement had been finalized with Terry Eubank.
2. Kenai Peninsula Borough Planning – None.
3. City Administration – Planning Director Mitchell reported on the following:
 - Conditional Use Permit annual reports: 49 received, over 100 pending. She will be looking thoroughly at the reports to determine compliance, and sending notices to inactive CUPs which may result in more requests for time extensions.
 - Would like the commission to provide written budget goals for the Planning & Zoning Department.
 - Code cleanups will be brought to the commission more regularly; asked commissioners to notify her if they see any areas that need revision.
 - Bluff Project update: Kenai is officially part of the National Floodplain Insurance Program.
 - There is no longer a planning assistant on staff.

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

L. **INFORMATION ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting Date: January 11, 2023

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Glendening thanked staff for bringing issues to the commission's attention. Suggested the commission look at last year's budget to see what the concerns are.

Commissioner Woodard wished everyone a happy New Year.

Vice Chair Halstead agreed that the Planning Director has been doing a phenomenal job and has a lot on her plate.

Commissioner Greenberg stated that it is great to see the CUP report included in the packet, and thanked Planning Director Mitchell.

Chair Twait noted that some of the businesses on the CUP report may still be operating, and wished everyone a happy New Year.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 7:36 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk