

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
FEBRUARY 22, 2023 – 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 February 22, 2023, 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. Glendening, D. Fikes, J. Coston, J. Halstead |
| Commissioners absent: | G. Greenberg |
| Staff/Council Liaison present: | Planning Director L. Mitchell, Council Member V. Askin, Deputy Clerk M. Thibodeau, City Attorney S. Bloom, Chief Animal Control Officer J. Hendrickson |

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the agenda and packet:

ACTION

Add to item F.2

ITEM

Action/Approval – Recommendation for Ordinance No. 3332-2023

- Public Comment

MOTION:

Vice Chair Halstead **MOVED** to approve the agenda with the requested revisions. Commissioner Coston **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 – G. Greenberg

B. APPROVAL OF MINUTES

1. *Regular Meeting of January 25, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS – None.

D. UNSCHEDULED PUBLIC COMMENTS – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-03** – Recommending Approval for Preliminary Plat – Janousek Subdivision 2023 Replat to Consolidate Lots 2 and 3, of Janousek Subdivision into one (1) lot.

Commissioner Woodard **MOVED** to adopt Resolution PZ2023-03. Vice Chair Halstead **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting to consolidate two lots in order to have a detached garage on a lot that is currently vacant. Zoning and uses of surrounding lots were reviewed; staff recommended forwarding an approval of the plat to Kenai Peninsula Borough.

Recommendation of approval was expressed, and it was noted that it would be a good use for the lot.

VOTE:

YEA: Halstead, Fikes, Woodard, Coston, Glendening, Twait

NAY: None.

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-02** – Granting a Variance Permit to Allow Additional Signage on the Properties Located at 508 Upland Street and 1000 Mission Avenue (Parcel IDs: 04707134 and 04707136) in the Townsite Historic (TSH) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-02. Commissioner Coston **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant is requesting a variance permit to obtain relief from the sign ordinance for additional signage. The variance would allow for two gateway signs in addition to wayfinding signs and building signs. The criteria for variance permits were reviewed, and approval of the variance was recommended with the following conditions:

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

Averee Amend, maintenance technician for Kenaitze, noted he represented the applicant Vernon Stanford and was available for questions.

It was noted that the submitted application was well detailed, and approval was expressed as additional signage would help visitors to the establishment. It was noted that the locations of signs are far enough from the road to keep an unobstructed right of way.

VOTE:

YEA: Fikes, Woodard, Coston, Glendening, Twait, Halstead

NAY: None.

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval** – Recommending the Kenai City Council Enact Ordinance No. 3332-2023 – Amending Kenai Municipal Code Section 3.10.070-Livestock within the City Limits, to Allow a Maximum of Twelve (12) Chicken Hens to be Kept on Certain Lots Less than 40,000 Square Feet within the City of Kenai.

Director Mitchell reviewed proposed amendments provided in the packet that had been suggested during the February 8, 2023 work session.

Chair Twait opened for public hearing.

Dan Conetta spoke in opposition to the ordinance, stating that it would violate the public's trust. He stated that the Woodland neighborhood covenants prohibit the raising of poultry, and asked the City to not pass an ordinance that would conflict with and undermine those covenants. He proposed alternative options that would address concerns of residents.

Tim Navarre stated that in the process of changing ordinances, he believes that the status quo should be maintained as there is no overwhelming public interest for the change on this issue. He encouraged the commission to recommend to the city council to not pass the ordinance as it would not improve the quality of life in the community and could create issues for neighbors.

Sarah Barrett spoke in support of the ordinance, citing her positive experience growing up with chickens in the Woodland subdivision. She explained their benefits, and emphasized that her family always informed neighbors about their chickens and took measures to prevent disturbances. She expressed a desire to continue raising chickens in her current home in the city limits.

Kim Howard spoke in opposition, stating that most homeowners in the affected zones expected that their neighbors wouldn't have chickens when they purchased homes. She argued that chickens in densely populated areas are a public nuisance and cause disturbance, and affect the residential character of her neighborhood. She stated that she hopes the City Council will reject the ordinance, but if not, suggests prohibiting chickens in the Suburban Residential (RS) zone.

Barbara Kennedy expressed that most of the proposed amendments seemed fair, with the exception of the requirement to screen chickens from view. She expressed disagreement with comments that this is not the right time for the ordinance, and discussed the educational and self-sustaining benefits of owning chickens. She explained how a one-year permit would be impractical after making the financial investment to raise chickens.

Kristine Schmidt spoke in opposition, arguing that this is not the right time for this ordinance, the City had previously considered covenants in zoning decisions, and that this would be a stealth rezoning of RS and would be unfair to people in RS zones. She suggested removing the RS zone, as it would eliminate most of the problems.

Council Member Teea Winger explained that she sponsored this ordinance to encourage self-sufficiency to help with food security in the event of a disaster. She discussed Anchorage's livestock regulations and expressed concern about the proposed amendment which would require enclosures to screen chickens from public view, and requested clarification in light of recent code changes which raised the required fence height.

Ed Castillo spoke in opposition to allowing chickens on smaller size lots. He spoke about his personal experience raising chickens, noting that he has over an acre of land and neighbors can hear his rooster. He stated that people should have the right to raise chickens if they have enough space, and that eating

them is a personal choice. He suggested that new buyers should familiarize themselves with neighborhood covenants before getting chickens.

Dave Howard spoke in opposition, expressing concerns about chicken owners self-certifying their pen setup and lack of enforcement from the City. He spoke about experience having a neighbor with an educational permit, and emphasized that the City should be taking more responsibility when allowing people to have chickens. He stated that the ordinance should be set aside as he cannot see how they can come to a compromise.

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

Clarification was provided that the Commission would be considering proposed amendments to Ordinance No. 3332-2023 that they recommend to the City Council before enactment.

The Commission discussed City enforcement of Animal Control codes, and whether the ordinance would fit better in Title 3 or Title 14.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph c. 1. to read:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet will be subject to the standards in subsection (k). This allowance for the keeping of chicken hens does not permit commercial activities where otherwise prohibited or additional permitting or licensing is required.”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Woodard, Coston, Glendening, Twait, Halstead, Fikes

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Woodard **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 1. to read:

“Up to four (4) chicken hens may be kept on lots of 24,000 square feet or less [A MAXIMUM OF TWELVE (12) CHICKEN HENS MAY BE KEPT ON LOTS] with a permitted principal structure. One (1) additional chicken hen is allowed for each additional 2,000 square feet of lot area.”

Commissioner Halstead **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Glendening **MOVED** to amend the proposed amendment as follows:

“A maximum of twelve (12) chicken hens may be kept on lots in the Rural Residential (RR) zones and a maximum of six (6) [UP TO FOUR (4)] chicken hens [MAY BE KEPT] on lots in other allowed zones [OF 24,000 SQUARE FEET OR LESS] with a permitted principal structure. One (1) additional chicken hen is allowed for each additional 2,000 square feet of lot area.”

Commissioner Halstead **SECONDED** the motion to amend the main motion.

VOTE ON MOTION TO AMEND CONDITION:

YEA: Coston, Glendening

NAY: Twait, Halstead, Fikes, Woodard

MOTION TO AMEND CONDITION FAILED.

VOTE ON MAIN MOTION:

YEA: Twait, Halstead, Fikes, Woodard, Coston

NAY: Glendening

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h as follows:

“The keeping of chicken hens on lots less than forty thousand (40,000) square feet is allowed, except in the ALI, RU, RS1, RS2, and TSH zoning districts, subject to the following standards:”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Twait, Halstead, Fikes, Woodard, Coston, Glendening

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Glendening **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 3. and h. 4. as follows:

“(3) Chicken coops, hutches or other fully enclosed shelters must be located in the rear yard [MAY NOT BE LOCATED IN A FRONT YARD OR SIDE YARD THAT ABUTS A STREET IN A RESIDENTIAL ZONING DISTRICT] and must have a minimum setback of fifteen feet (15’) from the side yards, ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.

(4) Fences, corral, pen, or other similar containment structures must be located in the rear yard and have a minimum setback of fifteen feet (15’) from the side yards, [TWENTY-FIVE FEET (25’) FROM THE FRONT YARD,] ten feet (10’) from the rear yard, and twenty-five feet (25’) from residential dwellings on neighboring lots.”

Commissioner Halstead **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION :

YEA: Halstead, Fikes, Woodard, Coston, Glendening, Twait

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, to exclude Suburban Residential RS1. Commissioner Fikes **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Woodard **MOVED** to amend the proposed amendment, to exclude lots under 15,000 square feet in the Suburban Residential RS1. Commissioner Glendening **SECONDED** the motion.

VOTE ON MOTION TO AMEND CONDITION:

YEA: Twait, Woodard, Glendening

NAY: Halstead, Fikes, Coston

MOTION TO AMEND CONDITION FAILED.

VOTE ON MAIN MOTION:

YEA: Halstead, Fikes, Woodard, Coston, Twait

NAY: Glendening

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Coston **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. 5. as follows:

“All shelters or containment structures must be constructed of durable weather resistant materials, secured, and kept in good repair. The siding and roofing must be constructed with solid and durable construction materials.”

Commissioner Woodard **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Fikes, Woodard, Glendening, Twait, Halstead

NAY: Coston

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 9 as follows:

“All feed for chickens must be stored securely to prevent access from rodents and other non-domestic animals.”

Commissioner Glendening **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION

YEA: Coston, Glendening, Twait, Halstead, Fikes, Woodard

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h by adding a new paragraph 10 as follows:

“On lots twenty thousand square feet or less, a registration for chicken hens must first be obtained from animal control prior to moving any number of chicken hens onto the property. The registration will require certification that all provisions of this title are complied with.”

Commissioner Glendening **SECONDED** the motion.

MOTION TO AMEND CONDITION:

Commissioner Glendening **MOVED** to amend the proposed amendment as follows:

“On lots twenty-four (24) thousand square feet or less, a registration for chicken hens must first be obtained from animal control prior to moving any number of chicken hens onto the property. The registration will require certification that all provisions of this title are complied with.”

Commissioner Halstead **SECONDED** the motion to amend the main motion.

VOTE ON MOTION TO AMEND CONDITION:

YEA: Twait, Halstead, Fikes, Woodard, Coston, Glendening,

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

YEA: Twait, Halstead, Fikes, Woodard, Coston, Glendening,

NAY: None.

MOTION TO INCLUDE CONDITION PASSED UNANIMOUSLY.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 12 as follows:

“Chicken coops, hutches or other fully enclosed shelters may not exceed eight feet (8’) in height.”

Commissioner Woodard **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Fikes, Woodard, Coston, Halstead

NAY: Glendening, Twait

MOTION TO INCLUDE CONDITION PASSED.

MOTION TO INCLUDE CONDITION:

Commissioner Halstead **MOVED** to recommend Council amend Ordinance 3332-2023, Section 1, paragraph h. by adding a new paragraph 13 as follows:

“All enclosures, coops, hutches, pens, or appurtenances for chicken hens must be fully screened from public view and neighboring properties with fences, walls, obstructions, or natural screening not less than six feet (6’) in height.”

Commissioner Coston **SECONDED** the motion.

VOTE ON MOTION TO INCLUDE CONDITION:

YEA: Halstead, Fikes, Coston,

NAY: Glendening, Twait, Woodard

MOTION TO INCLUDE CONDITION FAILED.

MOTION:

Commissioner Halstead **MOVED** to recommend the City Council enact Ordinance No. 3332-2023 with the recommended amendments from the Planning and Zoning Commission. Commissioner Glendening **SECONDED** the motion.

VOTE:

YEA: Halstead, Coston, Glendening, Twait

NAY: Fikes, Woodard

MOTION PASSED.

Clarification was provided that there will be a City Council public hearing on this ordinance on March 1, 2023.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. City Council – Council Member Askin reviewed the actions of the February 15, 2023 City Council meeting.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the February 13, 2023 Kenai Peninsula Borough Planning Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - An encroachment permit that had been approved by the Commission had submitted an as-built that is consistent with what was approved.
 - Reviewing of annual conditional use permit reports continues, completed the compliance review on commercial marijuana establishment permits.
 - Revised work session schedule included in packet; upcoming work session to address accessory structures code changes with adoption of new building codes.
 - Considering more effective ways to address junk vehicle and refuse violations.
 - Planning Department has received several new conditional use permit applications.
 - Update on Administrative Assistant hiring process.
 - Attending National Floodplain Insurance Program administrator training by FEMA next week, will be out of the office.
 - Attending a training at a sign expo in April.
 - Human Resources Director has been hired and will start in March.
 - Council and Commission training tomorrow at the Chamber of Commerce.

K. ADDITIONAL PUBLIC COMMENTS – None.

L. INFORMATION ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting Date: March 8, 2023

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Glendening discussed the zoning map.

Commissioner Woodard noted an upcoming meeting to discuss rank choice voting.

Commissioner Coston encouraged everyone to watch the snow loads on roofs, as there have been recent collapses.

Vice Chair Halstead noted that he appreciated the Commission's discussion and due diligence on their recommendation for Ordinance No. 3332-2023.

Commissioner Fikes expressed appreciation for the discussion.

Chair Twait noted that the Commission did a good job in providing their recommendation to Council, and appreciates everyone's hard work.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:35 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk