

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 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 March 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. Halstead, G. Greenberg, J. Coston (*electronic participation*)

Commissioners absent:

Staff/Council Liaison present: Planning Director L. Mitchell, Council Member H. Knackstedt, City Clerk S. Saner, Deputy Clerk M. Thibodeau

A quorum was present.

3. Agenda Approval

Chair Twait noted the following additions to the Packet:

Add to item F.1 **Resolution PZ2023-04**
• Public Comment

Add to item L **Informational Items**
• General Public Comments
• River Center Open House Flyer

MOTION:

Commissioner Greenberg **MOVED** to approve the agenda with the requested revisions and requested **UNANIMOUS CONSENT**. Commissioner Fikes **SECONDED** the motion.

VOTE: There being no objection; **SO ORDERED**.

4. Consent Agenda

MOTION:

Vice Chair Halstead **MOVED** to approve the consent agenda. Commissioner Fikes **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 council and will be approved by one motion. There will be no separate discussion of these items unless a council

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 February 22, 2023

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2023-06** – Recommending Approval for Preliminary Plat – Baron Park Triumvirate Addition to Subdivide Tract 4A of Baron Park 2020 Replat into Two (2) Lots.

MOTION:

Commissioner Greenberg **MOVED** to adopt Resolution PZ2023-06. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant intends to subdivide into two lots, and the Commission had previously approved a conditional use permit (CUP) for a performing arts center on the eastern portion of the parcel. Zoning and uses of surrounding lots were reviewed; staff recommended approval to Kenai Peninsula Borough, subject to the following condition:

1. Provide a curve table for C1 and C2 on the plat.

It was noted that this is a housekeeping measure, and part of the development process for the performing art center.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2023-04** - Granting a Conditional Use Permit to Allow Lodging on the Property Located 1035 Angler Drive (Parcel ID: 04939036) in the Rural Residential (RR) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-04. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicants had recently acquired the property, that the previous owners had been granted a CUP for lodging and guide service and the new owners would like to continue the use for lodging but not guiding. The criteria for CUPs were reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.

Applicants Ben and Kathleen Lovejoy explained that they purchased the single-family home for when they visit Alaska, and would like to rent it out when they're not using it. They noted that they have managed other rental properties and intend to work with a property management company, and will be renting it primarily on a short-term basis. Concerns expressed in written public testimony were addressed, and the applicants discussed the house rules they will be putting in place such as quiet hours, number of vehicles allowed, maximum occupancy, and prohibiting guiding and use of the dock.

Chair Twait opened for public hearing.

Greg Anderson noted that the application didn't raise any red flags for him, but he had some concerns about potential use of the dock. He noted that dock use required a permit, and questioned whether dock space will be offered to renters or if trailer traffic will occur. He noted that dock rules are not being enforced on Beaver Creek and the river is already overexploited.

Christy Hudson welcomed the Lovejoys to the neighborhood, discussed ownership and use of the dock space, stated that she was in support of the permit, and noted that she helps to take care of the Lovejoy's property in the winter.

Ron Rogalsky welcomed the Lovejoys, noting that the property has been managed well in the past and seems that it will continue under the new ownership. He commended the City for requiring CUPs when there are changes, but expressed concerns about enforcement and the possibility of dock use for guiding activities.

Jim Richardson welcomed the Lovejoys but expressed caution, explaining that there have been past issues with CUPs in this area and it is better to set clear restrictions on CUPs when they are issued rather than address problems in the future. He stated that City enforcement has not been effective in addressing these problems, and urged the Commission to set clear boundaries with what is and is not allowed.

Ben Lovejoy thanked the members of the public for their comments and responded to previous testimony; he expressed respect for conservation efforts in the river, and stated that their dock will only be used for personal use and not for a guide business.

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

There was discussion regarding use of the dock, advertisement, and allowing events such as weddings or other gatherings. Lovejoy clarified that the rental listing would state that there would be no use of the dock on their property, renters would not be allowed to be picked up from their dock but would have use of a nearby public dock. He stated that the property would only be used for fishing and leisure, and that the listing would note that parking RVs or tents on the premises would not be permitted.

The Commission discussed additional conditions that could be added, such as quiet hours or maximum occupancy, and considered what had been added to previous lodging CUPs. Clarification was provided that dock usage was regulated by the State, and it was noted that any commercial transactions outside of lodging would be in violation of their zoning district; any changes in use would require the owner to apply for an amendment to the CUP. Non-commercial dock use by friends of the owners was discussed, and the applicant noted he would communicate with neighbors and they may also use the public dock.

MOTION TO AMEND:

Vice Chair Halstead **MOVED** to amend by adding a condition stating that "Quiet hours are from 10:00 p.m. to 6:00 a.m." Commissioner Woodard **SECONDED** the motion.

There was discussion on what would constitute a reasonable amount of noise.

VOTE ON AMENDMENT:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Commissioner Woodard **MOVED** to amend by adding a condition stating that "Occupancy will be limited to six adults." Commissioner Greenberg **SECONDED** the motion.

There was discussion on maximum occupancy, including what would be reasonable for the property, and how it could be defined and enforced. It was noted that this could limit business operations and multigenerational families.

The motion to amend was withdrawn with concurrence from the second.

MOTION TO AMEND:

Commissioner Fikes **MOVED** to amend by adding a condition to "Provide a copy of the Alaska Department of Environmental Conservation (ADEC) documentation stating the existing wastewater system supports a three (3) bedroom single-family dwelling." Commissioner Woodard **SECONDED** the motion.

VOTE ON AMENDMENT:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

2. **Resolution PZ2023-05** - Granting an Amendment to a Conditional Permit for the Expansion of the Assisted Living Facility on the Property Located at 701 N. Forest Drive (Parcel ID: 04321030) in the Suburban Residential (RS) Zoning District.

MOTION:

Vice Chair Halstead **MOVED** to adopt Resolution PZ2023-05. Commissioner Greenberg **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet explaining that the applicant proposes to construct an addition to an assisted living facility. The addition will include specialized memory care units, additional assisted living suites and various amenities, and will adjoin Buildings 1 and 2 which have both been issued CUPs. The application meets development, parking and access requirements, and the applicant is proposing access through adjacent property connecting to Ponderosa and a ten-foot vehicle access. The criteria for CUPs was reviewed; it was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Any development or use of the property shall comply with all applicable Federal, State of Alaska, and City regulations regardless of whether or not the requirements are listed as conditions for the approval of the Conditional Use Permit.
2. Upon request, the applicant or applicant's representative shall meet with City staff for an on-site inspection.
3. Obtain a minimum 60-foot right of way easement on the adjacent property for ingress and egress from/to Ponderosa Street.

4. Prior to building permit issuance, a landscape/site plan must be reviewed and approved by the Planning and Zoning Department.
5. Maintain a safe and clear passage of the 10-foot vehicle access so it remains free of obstruction and obstacles created by snow removal or the depositing of snow. Snow removal must not be pushed onto another property.
6. Prior to building permit issuance, provide an as-built survey to Planning & Zoning Department for verification that a minimum of 20 feet width for vehicular access and buffer are provided between the south building façade and the south property line.
7. Applicant must obtain a sign permit for the proposed monument sign.

Applicant Doug Clegg, CEO of Aspen Creek Senior Living, explained the need for a memory care unit on the Peninsula, and discussed the challenges of operating multiple buildings in a campus during harsh weather conditions and the benefits of having a facility that provides amenities for seniors such as exercise facilities, performing art centers, staff training centers, and common areas.

Chair Twait opened for public hearing.

Sasha Fallon expressed support for the expansion of Aspen Creek, noting that she works in the field of senior social services and her mother is a resident at this facility. She cited the need for senior housing on the Peninsula and her positive experiences with the current facility and its management.

Brad Howser discussed the growing population of seniors on the Peninsula and the need for senior facilities, specifically memory care. He explained how connecting the buildings will create a safer facility, and emphasized that Aspen Creek wants to keep seniors on the Peninsula close to their families and provide them with quality of life. He stated that there will be greater need for senior facilities in the future.

In response to questions from the Commission, clarification was provided on the facility's plans for access streets, snow removal, the high demand for memory care, staffing, easement paving and extension of utilities for potential future development in the area, and parking lot lighting.

Renee Bryant expressed excitement about the new amenities that will be available for residents, and the addition of a memory care center that will provide better facilities and engagement for seniors with dementia. She also highlighted the lack of a tracking system for seniors with dementia, which the center will provide, as well as the growing waitlist for senior living spaces.

Christine Smith discussed the value of adding a safe and engaging space for residents with dementia and the challenges of providing activities for residents in two different buildings. Christine emphasized the importance of meeting the residents' activity needs and the impact of the winter weather on their safety and well-being.

Jackie Lane spoke about the importance of training for staff and how the building design will aid in safer movement for residents in wheelchairs or with walkers. She emphasized the importance of providing top-notch training for staff who are taking care of elders in the community. She expressed her belief that the building design will have a huge impact on Aspen Creek in every aspect.

Ashley Nichols expressed support for the building design and layout, stating that it will be beneficial for physical therapy. The addition of a division in the hall will give in-house physical therapists more room to work with, helping to increase their effectiveness.

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

Support was expressed for providing improvements to much-needed facilities. Concerns were raised about Ponderosa Street being small and relatively undeveloped, and it was noted that notices were sent to all property owners within 300 feet and no comments were received from them. Clarification was provided that few residents would be driving and increased traffic would be due to additional staff, and that Aspen Creek specializes in assisted living as opposed to active senior living facilities but there will be a greater need for all senior services in the future.

VOTE:

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

NAY: None.

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

- 1. Action/Approval** - Recommending City Council Approval of the Student Representative Policy No. 20.100.

It was reported that this would repeal both of the existing student representative policies and establish one policy that would be applicable to all boards, commissions and councils; she reviewed the proposed changes to the policy.

Clarification was provided that the draft policy as currently written would allow Junior's or Senior's in good standing at a school within the Kenai City Limits, this would include homeschool and private school students.

There was discussion regarding the proposed amendments would allow homeschool and private school students.

MOTION:

Vice Chair Halstead **MOVED** to recommend the City Council approval of the Student Representative Policy No. 20.100. Commissioner Woodard **SECONDED** the motion.

There was discussion regarding the proposed draft policy addressing concerns voiced in the past; support was voiced for reducing the term to a 1-year; the recruitment process would take both the Clerk's Office and the School Administration; the number of possible applicants and the possibility of alternate student representatives.

[Clerk's note: Commissioner Coston exited the meeting following the previous vote.]

VOTE:

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

NAY: None

ABSENT: Coston

MOTION PASSED UNANIMOUSLY.

- 2. Action/Approval** - Recommending City Council Approval of Amendments to the City Council Procedures for Commissions, Committees and Council on Aging Policy No. 2016-01.

City Clerk Saner reviewed the proposed amendments to the Procedures for Commissions, Committees and Council on Aging Policy.

Clarification was provided that video and audio recordings are kept; the proposed amendments would clarify Commissioners may only speak on behalf of the body they are serving on when approved to do so by a majority vote of that body; if a Council Member was in attendance and testifying on an issue as a resident they must clearly state that prior to testifying.

MOTION:

Vice Chair Halstead **MOVED** to recommend the City Council approval of the Amendments to City Council Policy No. 2016-01. Commissioner Woodard **SECONDED** the motion.

There was discussion regarding this being a general housekeeping process; for a Council Member to bring a legislative issue to a Commission, the legislation should have already been introduced by Council; and because Council Members are part of the final decision making body, it is recommended that they refrain from testifying in front of the Commissions to allow the Commission recommendations to be uninfluenced by the Council Member.

VOTE:

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

NAY: None

ABSENT: Coston

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. City Council – Council Member Knackstedt reported on the actions of the March 1 and March 15, 2023 City Council meetings, and noted that the City has hired an Interim Finance Director.
2. Kenai Peninsula Borough Planning – Commissioner Fikes reported on the actions of the March 20, 2023 Kenai Peninsula Borough Planning Commission Meeting.
3. City Administration – Planning Director Mitchell reported on the following:
 - Noted public comments provided in the laydown, and discussed how short-term rentals will be addressed at future commission work sessions.
 - The River Center is having an open house; the City will be there to answer questions from residents about development within the floodplain.
 - Reviewed National Flood Plain Insurance training with FEMA in Anchorage; in process of updating map.
 - Update on Administrative Assistant hiring progress.
 - Recognized long-serving commissioners Joe Halstead (eight years), Diane Fikes (10 years) and Gary Greenberg (10 years); provided with certificates of appreciation and pins.
 - Parks & Recreation Director has resigned.
 - Attending training at a sign expo in Las Vegas on April 10-13.
 - Difficulties with posting public notice signs while understaffed and with winter weather conditions.
 - Will be visiting sites with a CUP for lodging during upcoming peak season to see firsthand if complaints are valid.
 - Collaborating with other departments to create a one-stop shop for development permits.

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS**

M. **NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: April 12, 2023

It was noted that Director Mitchell would be out of town on April 12th, and the next meeting would be April 26, 2023.

N. COMMISSION COMMENTS AND QUESTIONS

Commissioner Glendening thanked everyone for the good meeting.

Commissioner Woodard noted that she is circulating a petition to repeal rank choice voting.

Vice Chair Halstead said it was a good meeting.

Commissioner Greenberg commented on the ordinance regulating chickens that was passed at the previous meeting, noting that it was good work.

Commissioner Fikes said thanks for her certificate of appreciation.

Chair Twait noted that it may be good to start implementing maximum occupancy on lodging CUPs.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:19 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of March 22, 2023.



Meghan Thibodeau
Deputy City Clerk