

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
FEBRUARY 14, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR JOE HALSTEAD, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on February 14, 2024, in City Hall Council Chambers, Kenai, AK. Chair Halstead called the meeting to order at approximately 7:00 p.m.

1. Pledge of Allegiance

Chair Halstead led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Joe Halstead, Chair
Glenese Pettey
Jeff Twait

Gwen Woodard
Sonja Barbaza
Diane Fikes

A quorum was present.

Absent:

John Coston, Vice Chair

Also in attendance were:

Linda Mitchell, Planning Director
Alex Douthit, City Council Liaison
Meghan Thibodeau, Deputy City Clerk

3. Approval of Agenda and Consent Agenda

Chair Halstead noted there was a request from staff to include item H.1. on the Consent Agenda.

MOTION:

Commissioner Pettey **MOVED** to approve the agenda and consent agenda with the addition of item H.1. to the Consent Agenda. Commissioner Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Halstead opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

UNANIMOUS CONSENT was requested.

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.

B. APPROVAL OF MINUTES

1. *Regular Meeting of January 24, 2024

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 No. PZ2024-03** - Granting a Conditional Use Permit to Allow Cabin Rentals (i.e., Short-Term Rentals) for the 60-Unit Planned Unit Residential Development (PZ2021-10) on the Property Located at 2101 Bowpicker Lane in the Heavy Industrial (IH) Zoning District.

MOTION:

Commissioner Twait **MOVED** to approve Resolution PZ2024-03. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell presented her staff report with information provided in the packet, and explained that the applicants have requested an amendment to their Conditional Use Permit (CUP) PZ2021-10 for a 60-unit planned unit residential development (PUD). The amendment would authorize the use of short-term rental of the entire dwelling. 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. Each short-term rental unit owner or operator must have a valid borough sales tax account.

Clarification was provided that the units are being sold to individual owners but are still governed by their Declaration of Covenants, Conditions, and Restrictions (CC&Rs); this amendment would give the individual owners the option to operate short-term rentals in their unit. There was discussion on enforcement of the CC&R, and how the City addresses complaints of short-term rentals.

Steve Agni, property owner and applicant, clarified that he had believed short-term rentals were allowed in the original CUP. He stated that having recorded CC&Rs that require proper management and operations of short-term rentals will prevent issues such as disturbances.

Chair Halstead opened the floor for public hearing; there being no one wishing to be heard, the public hearing period was closed.

In response to questions from the commission, Agni clarified that the CC&R includes provisions that restrict quiet times, pets, open fires, music, and disturbances of neighbors. He explained the enforcement process of the governing board and that there was onsite management of the property.

There was discussion on the original vision and development of the PUD and surrounding area. It was noted that additional conditions added to the CUP would become City staff's responsibility to enforce, and the Commission can amend or revoke CUPs at a later time if issues arise.

Concerns were expressed that CC&R restrictions might not be known by owners, that the development was not yet completed and not all potential owners are known, and that the Commission had not seen the full CC&Rs.

Clarification was provided that the CUPs run with the land, and currently the CC&R allows short-term rental of the units but the City does not without the CUP in place.

Agni explained that unit owners are legally responsible for knowing CC&R contents, provided details from the CC&R that specify restrictions on usage that apply to the units, and stated that these restrictions address any potential disturbances and are enforceable.

In response to questions from the Commission, Agni provided further detail on the on-site management, security and access to the PUD, and the governing board's enforcement process.

VOTE:

YEA: Pettey, Woodard, Twait, Halstead, Barbaza

NAY: Fikes

ABSENT: Coston

MOTION PASSED.

Chair Halstead noted the 15-day appeal period.

- 2. Action/Approval** - Recommending the Kenai City Council Enact Ordinance No. 3391-2024 - Amending the Imagine Kenai 2030 Comprehensive Plan Land Use Plan Map for Certain Parcels from Industrial to Mixed-Use.

MOTION:

Commissioner Pettey **MOVED** to recommend the Kenai City Council enact Ordinance No. 3391-2024. Commissioner Woodard **SECONDED** the motion.

Director Mitchell presented a staff report as provided in the packet.

Chair Halstead opened the floor for public testimony; there being no one wishing to be heard, the public testimony period was closed.

Commissioner Pettey spoke in support.

VOTE:

YEA: Fikes, Barbaza, Twait, Halstead, Pettey, Woodard

NAY: None

ABSENT: Coston

MOTION PASSED WITHOUT OBJECTION.

- 3. Action/Approval** - Recommending the Kenai City Council Enact Ordinance No. 3392-2024 - Amending the Kenai Zoning Code to Add a New Zoning District, Working Waterfront (WW) and Amending the Official Zoning Map for Certain Parcels from Heavy Industrial (IH) to Working Waterfront (WW) or Conservation (C) Zoning District.

MOTION:

Commissioner Pettey **MOVED** to recommend the Kenai City Council enact Ordinance No. 3392-2024. Commissioner Woodard **SECONDED** the motion.

Director Mitchell presented a staff report as provided in the packet.

Chair Halstead opened the floor for public testimony; there being no one wishing to be heard, the public testimony period was closed.

Discussion ensued.

MOTION TO AMEND:

Commissioner Twait **MOVED** to recommend to remove footnote #32 from Townhouses in the Land Use Table. Commissioner Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Fikes, Woodard, Pettey, Halstead, Barbaza, Twait

NAY: None.

ABSENT: Coston

MOTION PASSED WITHOUT OBJECTION.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend Automotive Repair be changed to Not Permitted under the Land Use Table. Commissioner Woodard **SECONDED** the motion.

Discussion ensued.

Motion was withdrawn with concurrence of the second.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Retail Marijuana Store be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

Discussion ensued.

VOTE ON AMENDMENT:

YEA: Barbaza, Woodard, Twait, Pettey

NAY: Fikes, Halstead

ABSENT: Coston.

MOTION PASSED.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Storage Yard be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Warehouses be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

Discussion ensued.

Motion was withdrawn with concurrence of the second.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend the Assisted Living be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

Discussion ensued.

VOTE ON AMENDMENT:

YEA: Woodard, Pettey, Barbaza, Twait

NAY: Halstead, Fikes

ABSENT: Coston

MOTION PASSED.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Elementary Schools be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

Discussion ensued. Commissioner Fikes spoke in opposition.

VOTE ON AMENDMENT:

YEA: Twait, Woodard, Barbaza, Pettey, Halstead

NAY: Fikes

ABSENT: Coston

MOTION PASSED.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Governmental Buildings be changed to Not Permitted under the Land Use Table. Commissioner Woodard **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that High Schools be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Hospitals be changed to Not Permitted under the Land Use Table. Commissioner Woodard **SECONDED** the motion.

Discussion ensued.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Animal Boarding/Commercial Kennel be changed to Not Permitted under the Land Use Table. Commissioner Woodard **SECONDED** the motion.

Discussion ensued. Commissioner Twait and Chair Halstead spoke in opposition.

VOTE ON AMENDMENT:

YEA: Pettey, Barbaza

NAY: Halstead, Woodard, Twait, Fikes

ABSENT: Coston

MOTION FAILED.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Communications Towers and Antenna(s), Radio/TV Transmitters/Cell Sites be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

VOTE ON AMENDMENT:

YEA: Barbaza, Fikes, Twait, Pettey

NAY: Halstead, Woodard

ABSENT: Coston.

MOTION PASSED.

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Day Care Centers be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

Discussion ensued.

VOTE ON AMENDMENT:

YEA: Pettey, Barbaza

NAY: Twait, Woodard, Halstead, Fikes

ABSENT: Coston

MOTION FAILED.

MOTION TO AMEND:

Commissioner Twait **MOVED** to recommend Day Care Centers be changed to Conditional Use under the Land Use Table. Commissioner Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Twait **MOVED** to recommend that One-Family Dwelling be changed to Not Permitted under the Land Use Table. Commissioner Woodard **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Twait **MOVED** to recommend that Two-, Three-Family Dwelling be changed to Conditional Use under the Land Use Table. Commissioner Pettey **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend that Fraternal Organizations/Private Clubs/Social Halls and Union Halls be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

MOTION TO AMEND:

Commissioner Pettey **MOVED** to recommend Nursing, Convalescent or Rest Homes be changed to Not Permitted under the Land Use Table. Commissioner Twait **SECONDED** the motion.

UNANIMOUS CONSENT was requested.

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

VOTE ON MAIN MOTION AS AMENDED:

YEA: Twait, Woodard, Pettey, Barbaza, Fikes, Halstead

NAY: None

ABSENT: Coston

MOTION PASSED WITHOUT OBJECTION.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval - Granting a Home Occupation Permit to Allow a Home Office and Equipment Storage for a Cleaning Service Business on a Property Located at 810 Set Net Drive in the Rural Residential (RR) Zoning District.**

Approved by the consent agenda.

I. REPORTS

1. Planning Director– Planning Director Mitchell reported on the following:
 - Participated in the Kenai Central High School job shadow day.
 - Attended Realtor Association Event as a guest speaker.
 - Full-time Planning Technician position has been offered, new employee Brandon McElrea will be starting February 26th.
 - Updated layout of online GIS map gallery.
 - Discussed annual CUP reports and whether they serve a purpose; proposed amending code to remove requirement.
 - Last week for the Building Official.
 - Three CUPs, a home occupation and several plats are in progress.
 - Implementation of code enforcement software has been delayed.
 - City departments are preparing for annual budget process.
2. Commission Chair - Chair Halstead noted that he appreciated the good discussion.
3. Kenai Peninsula Borough Planning - Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.
4. City Council Liaison - Council Member Douthit reported on recent City Council actions.

J. ADDITIONAL PUBLIC COMMENT

Jeanne Reveal, resident and Harbor Commissioner, thanked the Commission.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: February 28, 2024

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Barbaza thanked the Commission and staff.

Commissioner Pettey thanked Planning Director and stated support for CUP annual report process amendment for improving efficiency. Noted that it was a good discussion, and expressed appreciation for the Joint Work Session with the Harbor Commission on the waterfront rezone.

Commissioner Fikes expressed appreciation for the input and discussion from the Commission, said she supported lightening the load for staff, and thanked Planning Director Mitchell.

M. PENDING ITEMS – None.

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 9:45 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of February 14, 2024.



Meghan Thibodeau
Deputy City Clerk