

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
AUGUST 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 August 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 Pettet  
Jeff Twait  
Gwen Woodard

John Coston, Vice Chair  
Sonja Earsley  
Diane Fikes

A quorum was present.

Also in attendance were:

Max Best, Interim Planning Director  
Brandon McElrea, Planning Technician  
Alex Douthit, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

**MOTION:**

Commissioner Woodard **MOVED** to approve the agenda and consent agenda. Commissioner Fikes **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 June 26, 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. PZ2024-18** – Consideration of a Variance Permit for Reduced Buffer Distances on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

It was noted that the resolution was denying an application for a variance permit.

**MOTION:**

Commissioner Twait **MOVED** to approve Resolution PZ2024-18. Commissioner Fikes **SECONDED** the motion.

Interim Planning Director Best provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-18; he noted that the application was for a variance permit for buffering distance within a conditional use permit (CUP) to allow a retail marijuana store; the CUP would be addressed in a separate public hearing on Resolution PZ2024-19. The criteria for a variance were reviewed; and it was reported the application did not meet the criteria for a variance and City staff recommended denial.

Chair Halstead opened the floor for public hearing.

Deneise Isaacs spoke in opposition to the applications; stating that she had previously been denied a conditional use permit to operate a marijuana store in the same location.

Nancy Wiles spoke in opposition to the applications; highlighted her family's involvement in sports at the nearby fields; explained that tournaments are large family events and a marijuana establishment should not be close to the fields.

Ken Dunbar spoke in opposition to the applications and stated that the applicants should have put the property in escrow subject to receiving all necessary permits.

Teea Winger spoke in opposition to the applications; stating that she conducted a neighborhood poll on the subject and the results showed the majority of respondents were not in support; expressed concerns about drugs, homelessness, traffic, ATV use and child safety in the neighborhood.

Jim Glendening spoke in opposition to the applications; provided a history of the City's development of marijuana laws through community, City and State involvement; and stated there was no reason to deviate from the established system.

Richard Moses, representative of the applicant, spoke in support of the applications; emphasized that this was an issue of fairness; stated that a previous City employee had provided assurances that the applicant was compliant with code.

Sandra Millhouse, applicant, stated that she was unaware the Isaacs had previously been denied a retail marijuana CUP when she purchased and remodeled the property; she lived in close proximity to the marijuana store she operated in Wasilla and had not experienced public trespassing; and the previous Planning Director had told her she had measured wrong.

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

*[Clerk's note: Chair Halstead passed the gavel to Vice Chair Coston and disclosed a potential conflict with Resolution No. PZ2024-19 and Resolution No. PZ2024-19, as he had received a comment from the*

*public on the proposed marijuana business. Vice Chair Coston ruled he had no conflict and returned the gavel.]*

Clarification was provided on the City's buffer distance requirements; previous Planning decisions on other marijuana properties; and the City's method of distance measurement.

Commissioner Twait noted that he had not observed homelessness issues related to marijuana properties, and the City has code in place for handling these issues.

Commissioner Fikes stated that she agreed with staff's finding, and did not support approving a variance from the established marijuana laws.

**VOTE:**

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

NAY: None

ABSENT: Pettey

**MOTION PASSED WITHOUT OBJECTION.**

Chair Halstead noted the 15-day appeal period.

2. **Resolution PZ2024-19** – Consideration of a Conditional Use Permit to Operate a Retail Marijuana Store on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

It was noted that the Resolution was denying a Conditional Use Permit for a Retail Marijuana Store.

**MOTION:**

Commissioner Twait **MOVED** to approve Resolution PZ2024-19. Commissioner Fikes **SECONDED** the motion.

Interim Planning Director Best provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-19; he noted that the application was for a CUP to operate a retail marijuana store. The criteria for a CUP were reviewed; and it was reported that the application did not meet the criteria for a CUP and City staff recommended denial.

Richard Moses, representative of the applicant, stated that he was available for questions.

Chair Halstead opened the floor for public hearing.

Deniece Isaacs spoke in opposition to the application; emphasized due diligence and abiding to rules; and discussed history of previous tenants and owners of the property.

Nancy Wiles spoke in opposition to the application; expressed concerns about increased traffic and drug activity; and spoke of previous issues with other businesses near the property.

Teea Winger spoke in opposition to the application; expressed concerns about drug activity among the homeless and in her neighborhood; noted there was no written evidence of what the previous Planning Director told the applicant; and stated that the neighborhood was not in support of the proposed business.

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

**MOTION TO AMEND:**

Commissioner Twait **MOVED** to amend Criteria 5 to read as following:

Given the preceding Variance Permit application not meeting required criteria (PZ2024-18), staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store consisting of approximately 1,600 square feet would [NOT] be harmful to the public safety, health, or welfare.

Commissioner Woodard **SECONDED** the motion.

Commissioner Twait expressed sympathy for the applicant's position; stated that the Commission's role is to consider the application within Code; and said he was in support of Staff's recommendation to deny the permit.

Commissioner Halstead stated that the situation is unfortunate; noted that the City's zoning regulations were developed in the best interest of the community.

**VOTE:**

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

NAY: None

ABSENT: Pettey

**MOTION PASSED WITHOUT OBJECTION.**

Chair Halstead noted the 15-day appeal period.

**G. UNFINISHED BUSINESS**

1. **Discussion/Recommendation** – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. *[On 6/12/24 this item was postponed.]*

Deputy Clerk Thibodeau reviewed the memo provided in the packet, and noted that the City Clerk recommended postponing this item indefinitely.

**MOTION:**

Commissioner Twait **MOVED** to postpone the discussion to reduce the number of Planning and Zoning Commission Meetings indefinitely. Vice Chair Coston **SECONDED** the motion.

**UNANIMOUS CONSENT** was requested.

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

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the June 26, 2024 Regular Meeting – Halstead

Approved by the consent agenda.

**I. REPORTS**

1. Planning Director – Interim Planning Director Best reported on the following:
  - The August 28, 2024 Regular Meeting will be cancelled due to lack of agenda items.
  - Thanked Planning Technician Brandon McElrea and Administrative Assistant Beth McDonald on their help during his time as Interim Director.
2. Commission Chair – None.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission Meeting.
4. City Council Liaison – Council Member Douthit reported on recent actions of the City Council.

**J. ADDITIONAL PUBLIC COMMENT**

Jim Glendening thanked the Commission for their work on the public hearing items.

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: August 28, 2024

It was noted this meeting had been cancelled.

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioner Woodard thanked Max Best for returning as Interim Planning Director.

Commissioner Twait asked about the Board of Adjustment Hearing date.


**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 8:24 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of August 24, 2024.

  
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Meghan Thibodeau  
Deputy City Clerk