

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 26, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR PRO TEMPORE JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 26, 2024, in City Hall Council Chambers, Kenai, AK. Commissioner Twait called the meeting to order at approximately 7:00 p.m.

Having no presiding officer present, the first order of business was the election of a Chair Pro Tempore.

MOTION:

Commissioner Pettey **NOMINATED** Commissioner Twait to serve as Chair Pro Tempore for the meeting.

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

1. Pledge of Allegiance

Chair Pro Tempore Twait led those assembled in the Pledge of Allegiance.

2. Roll Call

There were present:

Jeff Twait
Glenese Pettey
Gwen Woodard

John Coston, Vice Chair (*electronic participation*)
Sonja Barbaza
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Chair

Also in attendance were:

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

3. Approval of Agenda and Consent Agenda

Chair Pro Tempore Twait noted the following additions to the Packet:

Add Item B.1. **Approval of Minutes**

Deputy Clerk

- *Regular Meeting of June 12, 2024

Add Item F.1. **Public Hearing** – Resolution No. PZ2024-16

Planning Director

- Public Comment

MOTION:

Commissioner Pettey **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

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

Chair Pro Tempore Twait 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 12, 2024

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution No. PZ2024-15** – Recommending Approval on Preliminary Plat – Beaver Loop Acres Addition No. 2 Replat for a Replat of Tract A and Lot 2 of the Beaver Loop Acres Subdivision within the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution No. PZ2024-15. Commissioner Pettey **SECONDED** the motion.

Planning Technician McElrea provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-15, and explained the purpose of the replat. Staff's findings were reviewed, and it was noted that staff's recommendation is approval subject to the condition specified within the staff report as attached to Resolution No. PZ2024-15.

VOTE:

YEA: Pettey, Barbaza, Woodard, Twait, Fikes

NAY: None.

ABSENT: Halstead

MOTION PASSED WITHOUT OBJECTION.

[Clerk's Note: Vice Chair Coston was unable to cast a vote due to technical issues.]

F. PUBLIC HEARINGS

1. **Resolution No. PZ2024-16** – Granting a Conditional Use Permit to Operate Administrative Offices Within the Existing Building on the Property Described as Lot 1-A, Vacation & Replat, Rasmussen Subdivision, Located at 1311 Kiana Lane, Within the Suburban Residential (RS) Zoning District.

[Clerk's Note: Commissioner Barbaza declared a possible conflict with Resolution No. PZ2024-16 as her employer intended to occupy the location if the CUP was granted. Chair Pro Tempore Twait ruled a conflict existed and Commissioner Barbaza abstained from discussion and voting on the resolution.]

MOTION:

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-16. Commissioner Pettey **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-16, noting previous uses of the building include a martial art/yoga studio. Clarification was provided that the permitted use for this CUP was for administrative offices only, and any expanded uses would require reevaluation by Planning & Zoning Commission to include the public hearing process. It was noted that the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-16.

Chris Monfor, President and CEO of Salamatof Native Association (applicant), explained that the organization had applied for the CUP with intention of purchasing the building on Kiana Lane for the Salamatof Tribe's administrative offices; the building had suitable space for administrative offices including bathrooms, a large kitchen, and areas for potential youth and cultural classes. He described the association's commitment to Kenai; their community-oriented focus; social services offered by the association; and the future intent to expand services to include youth classes and elder gatherings after applying for and receiving the necessary permits. Monfor apologized to his neighbors for not reaching out prior to the public hearing.

Chair Pro Tempore Twait opened the floor for public hearing.

Eric Morrison, Director of Salamatof Tribe, noted the prospective tenants to occupy the building would be the Tribe; the proposed use fits within the Institutional land use and would provide social and cultural services to the community. He identified services provided by the Tribe included support for the homeless, youth programs focusing on pride, culture, health, and services for elders. In response to questions from the Commission, he clarified that the Tribe intended to grow, although firefighting services will not be at this location.

Brad Brown, resident, addressed the Commission in opposition to the CUP expressing concerns regarding being a property owner within the 300-foot radius and not receiving notification from the City; inconsistencies in the CUP regarding use and future expansions; the proposal violates the suburban residential zone by potentially generating heavy traffic, which poses a danger to children who play in the street; and how it may worsen existing issues with street parking. Mr. Brown requested a clearer definition of what is being approved with the CUP and urged the Commission to consider the impact on the neighborhood from traffic and future expansion plans.

In response to questions from the Commission, Mr. Brown stated that he was unaware of the facility being used as a yoga studio; and had not experienced issues when the building was operating under previous institutional uses. He noted that he had not received notification from the City, Planning Director Mitchell clarified that was due to Mr. Brown having his information removed from Kenai Peninsula Borough map; she clarified that this CUP was strictly for administrative offices only, and if the applicant wanted to expand their use of the building they would have to reapply for a new CUP; Brown further expressed concerns that the approval of this CUP would make it more likely that the Commission would approve a future CUP for additional uses.

Raymond Hanson, resident, addressed the Commission in opposition to the CUP expressing concerns about the potential expansions not detailed in the permit application; noted disappointment with the vacation of public access and traditional trail use when the church property expanded and the increase in stop signs in the neighborhood; and noted that he shared some of Brad Brown's concerns and would like the intent to be made clearer on the permit.

[Clerk's Note: Paula Carlyle attempted to provide testimony at this time, however, was unable to be heard due to technical issues.]

In response to questions from the Commission, Mr. Monfor identified the initial phase would focus on improving the existing building for administrative use; long-term plans may include adding more buildings and hosting community events; that traffic to the property would be strictly administrative at the beginning; that expansion plans would be designed to minimize traffic and maintain a clean, well-maintained environment to allow them to hold more community and family-focused events. He emphasized Salamatof's values of betterment of youth and being good community members.

[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]

Tim Davenport, resident, addressed the Commission in opposition to the CUP, stating concerns regarding the lack of detailed notice received; and the potential impacts on his neighborhood; inadequate access and infrastructure; lack of a buffer between his home and the building. Mr. Davenport clarified that he lived with his five children, the new use would significantly increase traffic in a residential neighborhood where children play; it would disrupt his family's quality of life and decrease property values; stated that the location was unsuitable for the proposal; and cautioned against the potential for future commercial development.

Danette Howland, current occupant of the building, addressed the Commission in support of the CUP, noting the building once housed a successful yoga and martial arts business attracting up to 30-people at a time; she acknowledged traffic issues, stating the kids on four wheelers and motorcycles on the street were not supposed to be doing that and a separate issue from the CUP. Ms. Howland identified potential improvements to the parking lot, fence and buildings.

Kathy McMurray, resident, addressed the Commission in opposition to the CUP, noting concerns regarding the proposed changes to the building; not receiving any notification regarding the hearing; there were ongoing issues with traffic and safety in the neighborhood, especially regarding children playing in the area. Ms. McMurray questioned how the new development would affect access to her home.

[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]

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

Director Mitchell clarified that the lot line on Baker Street had been vacated when the plat had been approved in 1979. She reviewed staff's recommended conditions on the CUP, including a requirement for the property owners to either plant and maintain necessary landscaping or install a minimum six-foot fence, and ensure that existing setbacks and landscape buffers are maintained. The timeframe for compliance with these conditions was discussed, and it was noted that typically they have up to two years to meet the requirement. The location of the buffering was discussed.

Chair Pro Tempore Twait stated that he would be in support of the resolution and that the CUP meets criteria. He addressed the concerns shared during public testimony, noting that it would be inappropriate to deny the CUP based on potential future uses not included in this permit, and that any traffic issues would likely be limited to normal business hours.

Commissioner Fikes stated support for the resolution, noting that the previous commercial use had been successful and the applicants intend to use the property for the good of the community and neighborhood. She noted that the CUP meets criteria, the conditions requiring buffering will help to mitigate potential issues, and that it will be low impact.

Commissioner Pettey also noted that the previous commercial use had been successful, that the current CUP application met criteria, and with the additional buffering requirements staff had added she supported approval.

Commissioner Woodard stated she would not be in support of this CUP. She stated that despite the criteria being met, she did not want to go against the residents who opposed the CUP and disagreed with letting businesses go into neighborhoods.

Chair Pro Tempore Twait addressed comments made during public testimony, noting that concerns with the notification process and traffic issues are separate issues that should be addressed by the City.

VOTE:

YEA: Fikes, Twait, Pettley

NAY: Woodard

ABSENT: Halstead

ABSTAIN: Barbaza, Coston

MOTION PASSED.

[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-16 pursuant to KMC 14.05.025(e)]

Chairperson Pro Tempore Twait noted the 15-day appeal period.

2. **Resolution No. PZ2024-17 - Granting a Conditional Use Permit to Operate a Cabin Rental (i.e., Short-Term Rental) of the Existing Single-Family Dwelling on the Property Described as Lot 1, Block 4, Central Heights Subdivision, Located at 213 Portlock Street Within the Suburban Residential (RS) Zoning District.**

MOTION:

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-17. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-17, noting that another short-term rental CUP on the same street had been approved with the added condition of quiet hours, and so the same condition was added to this CUP to maintain consistency in the area; the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-17.

Frank Duniphin, applicant, addressed the Commission in support of the CUP, noting that his family had lived in the neighborhood for eleven years; were friends with many neighbors; clarified that tenants would be limited to three vehicles and no more than four adults per night.

In response to questions from the Commission, Mr. Duniphin clarified that he would not be allowing boat trailers; that he will be living within a five-minute drive of the property; and is friends with neighbors if any issues arise with tenants.

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

Chair Pro Tempore Twait stated support, noting that no issues had been reported on the other short-term rental CUP on the street, and that this kind of business is good for the community.

VOTE:

YEA: Barbaza, Woodard, Pettley, Fikes, Twait

NAY: None

ABSENT: Halstead

ABSTAIN: Coston

MOTION PASSED WITHOUT OBJECTION.

[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-17 pursuant to KMC 14.05.025(e)]

Chair Pro Tempore Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. ***Action/Approval** – Requesting an Excused Absence for the June 12, 2024 Regular Meeting – Barbaza

Approved by the consent agenda.

I. REPORTS

1. Planning Director – Planning Director Mitchell reported on the following:
 - This was her last Planning & Zoning Commission meeting; last day with the City is July 5th.
 - Max Best serve as Interim Planner, and will be working part-time starting next week.
 - Expressed appreciation for working with Commission; emphasized the importance of the Comprehensive Plan.
2. Commission Chair – No report.
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 actions of the City Council.

J. ADDITIONAL PUBLIC COMMENT – None.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: July 10, 2024

L. COMMISSION COMMENTS AND QUESTIONS

Commissioners Barbaza, Woodard, Pettey and Fikes expressed appreciation for Director Mitchell.

M. PENDING ITEMS

Discussion/Recommendation – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. *[On 6/12/24 this item was postponed to the 7/24/24 Planning & Zoning Commission meeting.]*

N. ADJOURNMENT

O. INFORMATIONAL ITEMS – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 9:29 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 26, 2024.



Meghan Thibodeau, Deputy City Clerk