

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 29, 2024 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVE., KENAI, AK 99611
CHAIR PRO TEM JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

A Regular Meeting of the Kenai Planning & Zoning Commission was held on May 29, 2024, in City Hall Council Chambers, Kenai, AK. Commissioner Twait called the meeting to order at approximately 7:00 p.m.

As no presiding officer was present, an election of Chair Pro Tem was requested.

MOTION:

Commissioner Pettey **NOMINATED** Commissioner Twait to be Chair Pro Tem for the meeting.

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

1. Pledge of Allegiance

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

2. Roll Call

There were present:

Jeff Twait	Diane Fikes
Glenese Pettey	Sonja Barbaza
Gwen Woodard	

A quorum was present.

Absent:

Joe Halstead, Chair	John Coston, Vice Chair
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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 Pro Tem Twait noted the following additions to the Packet:

Add Item H. 1.	Action/Approval - Resolution No. 2024-17
	• Public Comments

MOTION:

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

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

Chair Pro Tem Twait opened the floor for public comment on consent agenda items.

Council Member Deborah Sounart explained that she sponsored Council Resolution No. 2024-17 after hearing feedback from constituents in the affected area.

There being no one else 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 May 8, 2024

Approved by the consent agenda.

C. SCHEDULED PUBLIC COMMENTS - None.

D. UNSCHEDULED PUBLIC COMMENTS - None.

E. CONSIDERATION OF PLATS

1. **Resolution No. PZ2024-10** – Recommending Approval on Preliminary Plat – Thompson Park 2024 Replat for a Replat of Lots 14, 15, 16, and 17, Block 5 of Thompson Park Subdivision within the Suburban Residential (RS) Zoning District.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution PZ2024-10. Commissioner Pettey **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, and explained that the replat would merge four lots into two lots. Staff's findings were reviewed, and it was noted that staff's recommendation is approval.

Clarification was provided that the merged parcels would have one address each.

VOTE:

YEA: Pettey, Barbaza, Woodard, Twait, Fikes

NAY: None

ABSENT: Halstead, Coston

MOTION PASSED WITHOUT OBJECTION.

2. **Resolution No. PZ2024-11** – Recommending Approval on Preliminary Plat – Shoreline Heights 2014 Addition Phase 1 Bowlin Replat to Replat Lots 34 and 35 of Shoreline Heights 2014 Addition Phase 1 within the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution PZ2024-11. Commissioner Barbaza **SECONDED** the motion.

Director Mitchell gave a staff report as provided in the packet, and explained that the replat would merge two lots into one lot. Staff's findings were reviewed, and it was noted that staff's recommendation is approval.

Jason Young noted he was the applicant representing the land owners, and that he was available for questions.

VOTE:

YEA: Fikes, Twait, Woodard, Barbaza, Pettey

NAY: None

ABSENT: Halstead, Coston

MOTION PASSED WITHOUT OBJECTION.

F. PUBLIC HEARINGS

1. **Resolution No. PZ2024-12** – Granting a Conditional Use Permit Amendment for a Retail Marijuana Store Within the Existing Marijuana Cultivation Facility (PZ2021-44) on the Property Described as Lot 1 of Yragui Subdivision, Located at 8847 Kenai Spur Highway within the General Commercial (CG) Zoning District.

MOTION:

Commissioner Woodard **MOVED** to approve Resolution PZ2024-12. Commissioner Pettey **SECONDED** the motion.

Director Mitchell presented her staff report with information provided in the packet, and explained that the applicant had requested an amendment to their conditional use permit (CUP) for a marijuana cultivation facility to allow for a portion of the facility to be used as a retail marijuana store. The criteria for CUPs were reviewed; it was noted that the existing CUP had previously received one complaint, which was researched by staff and AMCO and determined to be unfounded. Mitchell explained that the application met the CUP criteria and City staff recommends approval subject to the following condition:

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.

Nicholas Mann, applicant and current cultivation license holder, stated that he had not yet begun the AMCO application as he was waiting for CUP approval, and noted that he was open to questions.

In response to questions from the Commission, Mann clarified the hours and days of retail store operation; that he had changed his intent for the business to include retail after finding that standalone cultivation may not be profitable enough; that he had learned when applying for his cultivation facility license that the City's CUP process should be approved prior to AMCO's review process; AMCO security requirements; and that marijuana delivery was not currently legal. Director Mitchell explained the City's process for reviewing AMCO applications, and clarified that City code limits hours of retail operation, prohibits marijuana drive-through operations, and had recently been amended to expand noticing of marijuana establishments to a minimum of 30 neighboring property owners.

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

Clarification was provided that amending the CUP to include retail would not change parking requirements. Sign requirements and lighting were discussed, and it was noted that because this site may be challenging for signage and a variance may be needed in the future. Mitchell noted that she had received no feedback from neighboring properties.

VOTE:

YEA: Twait, Pettey, Fikes

NAY: Woodard, Barbaza

ABSENT: Halstead, Coston

MOTION PASSED.

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

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval** – Resolution No. 2024-17 - Recommending Approval on the Street Renaming of Cook Inlet View Drive to Cook Inlet Drive.

Approved by the consent agenda.

2. **Action/Approval** – Approving the Transfer of a Conditional Use Permits PZ1989-06 for Guide Service, PZ1995-01 for Bed and Breakfast, and PZ2003-42 for Lodging on the Property Described as Lot 29, Block 1 of Anglers Acres Subdivision Part 2, Located at 1535 Angler Drive within the Rural Residential (RR) Zoning District.

MOTION:

Commissioner Fikes **MOVED** to approve the transfer of a Conditional Use Permits PZ1989-06, PZ1995-01 and PZ2003-42. Commissioner Woodard **SECONDED** the motion.

Director Mitchell presented her staff report with information provided in the packet; she reviewed the history of CUPs granted to the property and explained that the transfer would be within the family and would be operated in the same way as it had been since 2003.

Applicant Brittany Harding explained that she was the third generation within her family to operate this business, and noted that she was available for questions.

In response to questions from the Commission, Harding clarified plan for parking and traffic, and that occupants with RVs may be allowed on a case-by-case basis.

VOTE:

YEA: Barbaza, Pettey, Woodard, Fikes, Twait

NAY: None

ABSENT: Halstead, Coston

MOTION PASSED WITHOUT OBJECTION.

I. REPORTS

1. Planning Director – Planning Director Mitchell reported on the following:
 - Safe Streets for All Survey to close in 2 days.
 - New City Building Official starts June 3rd.
 - Several CUPs and plats are in process for upcoming meetings.
 - Reviewed KMC 14.05.025 Remote Electronic Participation at Planning and Zoning Commission Meetings, including what items a commissioner joining remotely can and cannot participate in and why.
 - Introduced Brandon McElrea, Planning Technician.
 - Storefront & Streetscape Improvement Grant period is closed, award letters to be issued within the week.
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

Council Member Deborah Sounart commented on Resolution PZ2024-12, noting that there had been feedback and concerns about the applicant's original CUP request for a marijuana cultivation facility.

K. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: June 12, 2024

It was noted that Vice Chair Coston has already notified the Commission he would be out of town.

L. COMMISSION COMMENTS AND QUESTIONS

Commissioner Fikes noted that she appreciated Council Member Sounart's testimony, but that she had voted in support despite personal concerns because she did not find adequate findings to oppose passage.

Commissioner Pettey requested that a discussion be added to the next meeting agenda to consider amending the start time of Planning & Zoning Meetings to 6:30 p.m.

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 8:13 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of May 29, 2024.



Meghan Thibodeau
Deputy City Clerk