

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MAY 22, 2019 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**1. CALL TO ORDER**

Commission Chair Twait called the meeting to order at 7:00 p.m.

**a. Pledge of Allegiance**

Commission Chair Twait led those assembled in the Pledge of the Allegiance.

**b. Roll Call**

Commissioners present: Chair J. Twait, Vice-Chair D. Fikes, R. Springer, G. Greenberg, J. Halstead, V. Askin, T. McIntyre

Commissioners absent: J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Deputy Clerk J. LaPlante, Planning Assistant W. Anderson, Council Liaison B. Molloy

A quorum was present.

**c. Agenda Approval**

**MOTION:**

Commissioner Askin **MOVED** to approve the agenda as presented and Commissioner Springer **SECONDED** the motion. There were no objections; **SO ORDERED**.

**d. Consent Agenda**

**MOTION:**

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Springer **SECONDED** the motion. There were no objections; **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.

**e. \*Excused absences – None.**

2. **\*APPROVAL OF MINUTES**

a. May 8, 2019

The minutes were approved by the Consent Agenda.

3. **SCHEDULED PUBLIC COMMENT** – None.

4. **UNSCHEDULED PUBLIC COMMENT** – None.

5. **CONSIDERATION OF PLATS** – None.

6. **PUBLIC HEARINGS**

a. **Resolution PZ2019-16** – Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.320 - Definitions, and 14.20.330 – Standards for Commercial Marijuana Establishments to Prohibit Onsite Consumption of Marijuana at Retail Marijuana Stores Requiring an Onsite Consumption Endorsement

The City Planner reviewed the staff report as provided in the packet, noting City Council referred Ordinance No. 3068-2019 to prohibit onsite consumption at retail marijuana stores to the Planning and Zoning Commission for consideration and a recommendation. As Council failed the previous Ordinance that would have allowed onsite consumption in retail marijuana stores with a conditional use permit, they are recommending a ban of on-site consumption at this time.

It was staff recommendation that the Planning and Zoning Commission approve Resolution No. PZ2019-16, supporting approval of Ordinance No. 3068-2019.

**MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-16 with staff recommendations and Commissioner McIntyre **SECONDED** the motion.

Chair Twait opened the floor for public testimony. There being no one wishing to be heard, public comment was closed.

It was majority consensus of the Commission that the concern was the lack of ability to test the level of marijuana consumption and intoxication, increasing the threat of safety to others when leaving the establishments.

**VOTE:**

YEA: Springer, McIntyre, Fikes, Askin, Twait

NAY: Greenberg

**MOTION PASSED.**

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS** – None.

9. **PENDING ITEMS** – None.

10. **REPORTS**

- a. **City Council** – Council Member Molloy reviewed the action agenda from the May 15 City Council Meeting and specifically noted the FY2020 budget was thoroughly discussed, amended and approved.
- b. **Borough Planning** – Vice-Chair Fikes reported the Commission met on May 13 and provided an update on the actions at that meeting.
- c. **Administration** – City Planner Appleby reported on the following:
- Purchasing of iPads for Planning and Zoning Commission members was approved for the FY2020 Budget and would be on the June 19<sup>th</sup> City Council agenda with a policy change;
  - The State of Alaska Transportation Alternatives Program approved funding for a bike trail on Bridge Access and from Beaver Loop to the Kenai Spur Highway, and will go before City Council for acceptance of funding and appropriations; the Alaska Department of Natural Resources and the City of Soldotna were also approved funding for their projects;
  - She was working on developing a map of all of the bike trails with the City of Soldotna;
  - The first TRASHercise event is scheduled for Noon tomorrow, May 23 and the events were scheduled through October with the flyer available on the City of Kenai website;
  - The update to the General Fund Lands Code would be coming before the Commission for review when it was completed; and
  - It was a goal to have gravel pit site visits as part of the conditional use permit annual report and application process and there is an opportunity to do so with a recent application, more information to come.

The City Planner requested for input from the Commission in scheduling work session dates.

11. **ADDITIONAL PUBLIC COMMENT** – None.

12. **INFORMATIONAL ITEMS** – None.

13. **NEXT MEETING ATTENDANCE NOTIFICATION** – June 12, 2019

The next sign code work sessions would be scheduled for Tuesday, June 25 and August 13 at 6 p.m.

14. **COMMISSION COMMENTS & QUESTIONS**

Chair Twait expressed interest in reconsideration of Resolution No. PZ2019-16 noting the public

safety issue previously expressed was currently a requirement for a conditional use permit.

**MOTION:**

Chair Twait **MOVED** to reconsider the vote of Resolution No. PZ2019-16 and Commissioner Springer **SECONDED**.

Chair Twait noted that prohibiting onsite consumption because of lack of demand and for public safety was not justifiable reasons as public safety was part of the permit process through the State of Alaska and the conditional use permitting. It was noted that by not allowing on-site consumption in marijuana establishments, it removes the risks of public safety because individuals are forced to do it in a private setting and less likely to drive, potentially at home or in a place away from higher public volume.

**VOTE ON RECONSIDERATION:**

YEA: Greenberg, Twait  
NAY: Springer, McIntyre, Fikes, Askin

**MOTION FAILED.**

**15. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:23 p.m.

Minutes prepared and submitted by:

  
Jacquelyn LaPlante  
Deputy City Clerk

