

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JUNE 12, 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, V. Askin, T. McIntyre, J. Halstead

Commissioners absent: G. Greenberg

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

A quorum was present.

- c. Agenda Approval

MOTION:

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

- d. Consent Agenda

MOTION:

Commissioner Askin **MOVED** to approve the consent agenda and Commissioner Halstead **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.

MOTION:

Commissioner Halstead **MOVED** to approve the agenda as presented with the inclusion of the supporting materials added to the packet in the laydown and Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

e. *Excused absences – None.

2. ***APPROVAL OF MINUTES**

a. May 22, 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 PZ2019-17** – Application for a Conditional Use Permit for Surface Extraction of Natural Resources, submitted by Peninsula Commercial Ventures, 3201 Tamarak Ave., Wasilla, Alaska 99654, for the property described as Tract C, Hollier Subdivision No. 2, located at 695 Gravel Street, Kenai, Alaska 99611

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-17 and Commissioner Springer **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the Conditional Use Permit would be for surface extraction of gravel in a parcel adjacent to parcels already being utilized for the same purpose and, based on the review of criteria, found that the permit could be approved with the following conditions:

- Applicant must comply with all federal, State of Alaska, and local regulations;
- The applicant will properly store fuel oil and hazardous materials away from wetlands or other sensitive areas of the landscape;
- The applicant will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table;
- The applicant will limit noise disturbances and not use compression release engine brakes;
- The applicant will ensure the gate that can be used to block access from Cone Avenue is in working order;
- A vegetated buffer of a minimum of six feet high will be constructed on the north and west boundaries of the extraction;
- Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155;
- The applicant will meet with City staff for on-site inspections when requested;

- If there is a change of use for the above described property, a new Conditional Use Permit must be obtained pursuant to 14.20.150(i)(5).

Chair Twait opened the floor for public testimony.

Pat Daly, on behalf of the owner, answered Commissioner questions regarding buffers, drainage, excavation depth, reclamation, dust control, and the gravel benefitting the City.

There being no one else wishing to be heard, public comment was closed.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend to include staff recommendations and requested **UNANIMOUS CONSENT**. Commissioner Halstead **SECONDED** the motion.

VOTE ON THE AMENDMENT: There being no objections; **SO ORDERED**.

Clarification was provided that the buffer had been encroached on by the previous owner.

It was suggested that what was before the Commission seemed to be industry standard.

VOTE ON THE MAIN MOTION:

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

MOTION PASSED.

Commission Chair Twait noted the fifteen-day appeal period.

7. **UNFINISHED BUSINESS** – None.

8. **NEW BUSINESS**

- a. **Resolution PZ2019-18** – Application for Transfer of Conditional Use Permit PZ06-84 (PZ01-11) for a hotel (short-term recreational rentals) from Blue Heron Land Company, LLC, Transferor, to Blue Heron Enterprises, LLC, Transferee, located at 1230 Angler Dr., Kenai, Alaska 99611; further described as Lot 1, Block 2, Anglers Acres Subdivision Addition No. 1.

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-18 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the transfer was due to a name change and the current permit holder met the conditions of the permit and, based on the review of criteria, found that the permit transfer could be approved with the following conditions:

- Further development of the property must comply with all federal, State of Alaska, and

- local regulations;
- A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai pursuant to Kenai Municipal Code 14.20.321(d);
 - The water and sewer system must meet the standards and have approval to operate from the Alaska Department of Environmental Conservation;
 - If food service is provided, it must meet State of Alaska requirements for food service;
 - Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155;
 - If there is a change of use for the above described property, a new Conditional Use Permit must be obtained pursuant to 14.20.150(i)(5).

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- b. **Resolution PZ2019-19** – Application for Transfer of Conditional Use Permit PZ06-85 (PZ05-26) for a hotel, guide service, and boat parking from Blue Heron Land Company, LLC, Transferor, to Blue Heron Enterprises, LLC, Transferee, located at 1105 Angler Dr., Kenai, Alaska 99611; further described as Lot 6, Anglers Acres Subdivision, Part 3.

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-19 with staff recommendations and Commissioner Halstead **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the transfer was due to a name change and the current permit holder met the conditions of the permit and, based on the review of criteria, found that the permit could be approved with the following conditions:

- Further development of the property must comply with all federal, State of Alaska, and local regulations;
- A biennial fire inspection must be completed by the Fire Marshal for the City of Kenai pursuant to Kenai Municipal Code 14.20.321(d);
- Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155;
- If there is a change of use for the above described property, a new Conditional Use Permit must be obtained pursuant to 14.20.150(i)(5).

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

Clarification was provided that staff was not aware of any complaints regarding the operation of the business.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

- c. **Discussion/Recommendation** – Authorizing the City Planner to draft and send a letter to the Kenai Peninsula Borough supporting a request by the developer of Kee’s Tern Subdivision for a one-year time extension to finalize the plat.

City Planner Appleby reviewed the staff report provided in the packet.

MOTION:

Commissioner Askin **MOVED** to authorize the City Planner to draft and send a letter to the Kenai Peninsula Borough supporting a request for a one-year extension for the developer of the Kee’s Tern Subdivision and Vice Chair Fikes **SECONDED** the motion.

Clarification was provided that some extensions were typically approved for plats; however, this development seemed to require more than usual.

It was suggested that there be berms or gates built on the roads to prevent illegal activity taking place in the undeveloped subdivision.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

9. **PENDING ITEMS** – None.

10. **REPORTS**

- a. **City Council** – Council Member Molloy reviewed the action agenda from the June 5 City Council Meeting.
- b. **Borough Planning** – Vice-Chair Fikes reported the Commission met on June 10 and provided an update on the actions at that meeting.
- c. **Administration** – City Planner Appleby reported on the following:
- Provided an update on iPad acquisition;
 - Bike Trail Map had been finalized and was available;
 - Provided an update on the TRASHercize events;
 - Noted the upcoming Council work session on land sale and leasing policy;
 - Noted plans to conduct site visits for resource extraction Conditional Use Permits;

- Suggested moving a work session to discuss the sign code.

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

12. **INFORMATIONAL ITEMS** – None.

13. **NEXT MEETING ATTENDANCE NOTIFICATION** – July 10, 2019

It was noted three Commissioners would be absent July 10. It was decided the July 10 meeting would be cancelled; next regular meeting July 24; next work session, June 25.

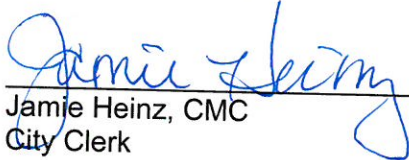
14. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Askin noted a university was working on a cognitive test for marijuana; also a study in Ohio showed 80% of accidents were due to operation under the influence.

15. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:50 p.m.

Minutes prepared and submitted by:



Jamie Heinz, CMC
City Clerk

