

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 13, 2019 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
COMMISSION VICE CHAIR DIANE FIKES, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

Commission Vice Chair Fikes led those assembled in the Pledge of the Allegiance.

2. Roll Call

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

Commissioners absent: Chair J. Twait

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson,
City Clerk J. Heinz, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda to include the items in the laydown and Commissioner Askin **SECONDED** the motion. There were no objections on the amendment; **SO ORDERED**.

4. Consent Agenda

MOTION:

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

5. *Excused absences – J. Twait

B. APPROVAL OF MINUTES

1. *October 30, 2019

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS

1. **Resolution PZ2019-43** – Application for a Conditional Use Permit to operate Gunsmithing Business, located at 1006 Inlet Woods Drive, Kenai, Alaska 99611 and further described as Lot 2A, Block 2, Inlet Woods Subdivision Moore Replat. The application was submitted by Paul N. Begins, 1006 Inlet Woods Drive, Kenai, AK 99611.

City Planner Appleby reviewed the staff report and rationale for how the application met the approval criteria provided in the packet noting the Conditional Use Permit was for a gunsmithing business to test his prototype apparatus for cleaning guns and recommended approval with the following conditions:

- Applicant must comply with all federal, State of Alaska, and local regulations;
- 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). This includes a change in use to have customers at the garage instead of the described use;
- Pursuant to KMC 14.20.150(i)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year;
- Prior to operation, the applicant must submit a copy of the federal firearms license issued by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- Prior to operation, the applicant must schedule and appointment for an inspection by the City of Kenai Fire Marshal and shall comply with instructions from the Fire Marshal to meet municipal Fire Code. The applicant will provide documentation to the City of biannual fire inspections (once every two years) after the initial inspection prior to operation;
- Prior to operation, the applicant will install security cameras, improved door locks, and update the security of his fencing as required by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives and the City of Kenai Fire Marshal. Casual access shall not be available to the garage;
- If the applicant decides to put up a sign for his business, he will first obtain a sign permit from the City of Kenai;
- Failure to provide documentation to the City of meeting these conditions prior to operation

of the gunsmithing business shall be grounds for the suspension or revocation of the Conditional Use Permit.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-43 and Commissioner Askin **SECONDED** the motion.

Commission Vice Chair Fikes opened the floor for public testimony.

Rhonda Baisden spoke against the Conditional Use Permit noting the Homeowner Association Covenants indicated no commercial business may take place in the neighborhood adding that her family chose that area for its zoning and family feel. She also suggested the Material Safety Data Sheets on gun cleaning solvents, which were hazardous to the environment, be required.

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

Clarification was provided that the applicant was modifying an apparatus used for cleaning guns, not guns themselves; the applicant estimated he wouldn't be able to fill up a Windex bottle with the amount of solvent he intended to use; and, the applicant planned to use commercially available solvents.

Clarification was also provided the applicant wanted to eventually market the apparatus but never out of the garage and that the City doesn't enforce homeowner association covenants.

There was discussion regarding the need for a Federal Firearms License in the situation and minimal increase in traffic.

VOTE:

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

MOTION PASSED.

Commission Vice Chair Fikes noted the 15-day appeal period.

- 2. Resolution PZ2019-44** – Application for Amendment to Conditional Use Permit PZ03-32, (amended by Resolution PZ05-35 and PZ16-39 and transferred by Resolution PZ2018-09) to remove the restriction that all fill material must originally be from the 52.5 acre site located at 2369 Beaver Loop Road, and further described as Tr. A-1, Beaver Loop Acres Addition No. 1. The application was submitted by David N. Yragui, P.O. Box 1290, Kenai, AK 99611, on behalf of Beaver Loop Sand & Gravel LLC, P.O. Box 1290, Kenai, AK 99611.

City Planner Appleby reviewed the staff report and rationale for how the application met the approval criteria provided in the packet noting the amendment to the Conditional Use Permit was to remove the requirement that fill be from the existing site and recommended approval with the following conditions:

- Prior to commencement of extraction of Natural Resources or any reclamation activities, the Applicant shall obtain all necessary State and Federal Permits;
- Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall repair or replace any damaged fencing located on the rear of the site;
- Prior to commencement of any extraction of Natural Resources or any reclamation activities, the Applicant shall submit a revised site plan which labels the area behind Area 2 as Area 2A and ensures that the further subsurface extraction is limited to within 10 feet of the rear property line;
- Excavation below the water table shall only be allowed in those locations marked Area 1, Area 2, Area 2A and Area 3;
- There shall be no further excavation below the water table in the Area located up to 10 feet from the rear property line behind Area 2. The final working face shall be back sloped to minimum angle of 2:1;
- The excavation may not penetrate the subsurface clay/silt layer located approximately 30 feet below the original ground surface;
- If fill material is placed in the pits, it must ~~[be fill material originally from this approximately 52.5-acre site and it must]~~ not contain any "hazardous substances," or "industrial waste," "mining waste," "solid waste," or "other waste" as defined in Alaska State Statutes;
- Applicant shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155;
- Applicant shall employ the use of dust control measures to ensure the material site and the driveway fronting onto Beaver Loop Road remain dust free. Dust control shall include the daily use of a water truck and placement of Calcium Chloride on the driveway. A water truck shall also be used to control dust from the working face of the Gravel Pit;
- If there is a change of use for the above described property, a new Conditional Use Permit must be obtained, pursuant to KMC 14.20.150(i)(5).

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2019-44 and Commissioner Springer **SECONDED** the motion.

Commission Vice Chair Fikes opened the floor for public testimony.

Dave Yragui noted in the transfer, there were no provisions for bringing in fill for reclaiming the pit and there was a need for that. He noted they had pulled in 100,000 yards of material off of the Beaver Loop Road construction project to begin reclaiming the pit.

Mike Ashwell spoke in favor of overburden from the reconstruction of Beaver Loop Road being used to reclaim as the material was not hazardous or toxic.

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

Clarification was provided that freezers, washers, and old cars wouldn't be permitted by State of Alaska regulations and the condition regarding fill still read that it couldn't contain hazardous substances or other waste.

There was discussion regarding testing for hazardous substances and the intent for development

after reclamation of the pit.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

Commission Vice Chair Fikes noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. Review of Kenai Peninsula Borough Substitute Ordinance 2019-24 - Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.

Clarification was provided the Kenai Peninsula Borough was proposing an ordinance allowing for private streets and gated subdivisions, other than an exemption process, and Borough staff had been talking with the cities within the borough. Clarification was also provided the City Manager wanted to ensure the City of Kenai had the ability to veto or prohibit to new or existing private subdivisions.

An overview of the ordinance, including advantages to the Borough and impacts to the City was provided. An example of a community that has been operating successfully as a gated community in the borough was also provided.

A Council's ability to veto an action, the Borough's intent to protect the ability to provide services to an area, and the amount of time the City had to amend subdivision codes after adoption of the ordinance was provided.

2. Review of City of Kenai Draft Hazard Mitigation Plan

It was noted Jennifer LeMay with Lemay Engineering provided a presentation at the last meeting and the draft plan was now available for public comment and provided to the Commission. The importance of updating hazard mitigation plans and the City's plan being an annex to the Borough's plan was also noted.

The City Planner reviewed identified hazards and extent of hazards in the City; also listed goals and actions the City would like to accomplish regarding each hazard. A table noting critical facilities that the City couldn't function without was noted.

Clarification was provided on the remainder of the process noting it was anticipated the plan would be adopted in the spring.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Knackstedt noted he was glad to be back as liaison to the Commission and reported on the actions from the November 6 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes provided a report of the November 12 Planning Commission meeting.
3. **Administration** – City Planner Appleby reported on the following:
 - Thanked Council Member Molloy for serving as previous liaison; looking forward to working with Council Member Knackstedt;
 - Reported on the appraisal process for updating lease rates recently approved by Council;
 - Working with the Police Department on clearing streets at night;
 - Working internally on additional items for land inventory and how to move forward with the information.

K. ADDITIONAL PUBLIC COMMENT

Jim Glendening thanked Borough staff for attending and explaining the ordinance coming forth. He noted comments and summaries were provided in the laydown and urged reading them for concerns and questions that may be brought forth to the Borough so the issues can be addressed when the City is amending their codes.

L. INFORMATIONAL ITEMS

1. Public Comment from Inlet Woods Subdivision Resident

M. NEXT MEETING ATTENDANCE NOTIFICATION – December 11, 2019

N. COMMISSION COMMENTS & QUESTIONS

Commissioners Askin, Halstead, and Springer welcomed Council Member Knackstedt back as liaison.

Commission Vice Chair Fikes noted all the information provided in the packet and urged reading it.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:39 p.m.

Minutes prepared and submitted by:


Jamie Heinz, CMC
City Clerk

