

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JULY 24, 2019 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVENUE, KENAI, ALASKA  
CHAIR JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

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

1. Pledge of Allegiance

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

2. Roll Call

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

Commissioners absent: J. Halstead

Staff/Council Liaison present: City Planner E. Appleby, Planning Assistant W. Anderson, City Clerk J. Heinz, City Manager P. Ostrander, Assistant to City Manager, C. Cunningham, Council Liaison B. Molloy

A quorum was present.

3. Agenda Approval

**MOTION:**

Commissioner Greenberg **MOVED** to approve the agenda as presented with the inclusion of the supplemental documentation for item 6a and Commissioner Askin **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

**MOTION:**

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

## **B. \*APPROVAL OF MINUTES**

1. June 26, 2019

The minutes were approved by the Consent Agenda.

## **C. SCHEDULED PUBLIC COMMENT**

1. Presentation on Land Sale and Leasing Policies and Procedures by Assistant to City Manager, Christine Cunningham.

City Manager, P. Ostrander, noted a working group of staff members were reviewing and providing recommendations for Land Sale and Leasing Policies and Procedures and provided an overview of the goals of the working group.

Assistant to the City Manager, C. Cunningham, provided an overview of City-owned lands, the need for the sale and leasing policies, the ongoing work creating a land management database, and recommendations of the working group for policies and procedures to be ultimately adopted by the City Council for City-owned land off the airport.

Clarification was provided in how the highest and best use was to be determined noting appraisal instructions, property restrictions, and processes for leasing and sale would be utilized. Clarification was also provided that the Land Management Plan was to be a guiding document for City Council.

## **D. UNSCHEDULED PUBLIC COMMENT – None.**

## **E. CONSIDERATION OF PLATS**

1. **Resolution PZ2019-24** – Original Preliminary Plat of Shoreline Heights Thiele Replat, submitted by Edge Survey and Design LLC, 43335 K-Beach Rd., Ste.16b, Soldotna, AK 99669, on behalf of the Kim Thiele, 36901 Mallard Road, Kenai, AK 99611.

### **MOTION:**

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-24 and Commissioner McIntyre **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the plat was vacating a property line to alleviate setback concerns with a new building permit and recommended approval with the following condition:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.

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

### **VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

**F. PUBLIC HEARINGS**

1. **Resolution PZ2019-25** – Application for a Conditional Use Permit to operate a Guide Business, located at 1325 Angler Drive, Kenai, Alaska 99611, and further described as Lot 18, Block 1, Anglers Acres Part Two. The application was submitted by Jeff Bressler, P.O. Box 271, Kasilof, AK 99610.

**MOTION:**

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-25 and Commissioner Springer **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the laydown noting the Conditional Use Permit would allow a guiding business to be conducted from the home and, based on the review of criteria, found that the permit could be approved with the following conditions:

- Further development of the property shall conform to 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 in use for the above described property, a new Conditional Use Permit must be obtained pursuant to 14.20.150 (i)(5);
- 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.

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

Clarification was provided that the previous owner had operated a guide business and short term rentals and administration had received no complaints on the property.

**VOTE:**

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

**MOTION PASSED UNANIMOUSLY.**

Commission Chair Twait noted the fifteen-day appeal period.

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **Resolution PZ2019-26** – Application for Transfer of Conditional Use Permit PZ75-54 for Operation of a Gravel Pit for Extraction of Natural Resources, from the Estate of Mavis Cone, Transferor, to Colaska, Inc. dba QAP, Transferee, located at 2817, 2881, 3073 Beaver Loop Road, 1605 Cone Avenue, and 835 Gravel Street, Kenai, Alaska 99611, and further described as Tracts 1 and 2, Tundra Rose Subd. according to Plat No. 84-19; a Portion of the NW1/4 NW1/4 Lying North of Beaver Loop Rd, Section 11, T5N, R11W, Excluding Tundra Rose Subd.; the West 990 Feet of the South 660 Feet Excluding Therefrom the West 330 Feet, Section 2, T5N, R11W; and the West 330 Feet of the South 660 Feet, Section 2, T5N, R11W.

## **MOTION:**

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-26 and Commissioner Greenberg **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the applicant had applied for a transfer of Conditional Use Permit for resource extraction and, based on the review of criteria, found that transfer of the Permit could be approved with the following conditions:

- Transferee must comply with all federal, State of Alaska, and local regulations;
- The transferee will properly store fuel oil and hazardous materials away from wetlands or other sensitive areas of the landscape;
- The transferee will not store fill materials, such as concrete and construction waste, in or near areas with an exposed water table;
- The transferee will block fish passage between water areas if necessary to avoid violating regulations pertaining to anadromous streams and fish habitat;
- The transferee will limit noise disturbances and not use compression release engine brakes (Jake brakes);
- The transferee will ensure the gate that can be used to block access from Beaver Loop Road or any other access point will be kept in working order;
- A vegetated buffer of a minimum of six foot high will be constructed along Beaver Loop Road;
- The transferee will not extend the nonconformity of breached buffers and install fences/berms where necessary to remedy visual disturbances. The transferee will conform to current extraction setbacks where possible on the parcels;
- Transferee shall file an annual report for the Conditional Use Permit as set forth in Kenai Municipal Code 14.20.155;
- The transferee 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.

Mike Zudd, Area Manager with QAP, offered to answer questions, clarifying a portable rock crusher placed in the middle of the properties would be used during the day, only their company would be in the pit, they use white noise instead of back-up beepers, had drilled 45 to 50 test holes and didn't see a need to go below the water table in the near future, were seeking City approval of the permit transfer prior to purchasing the property, and added that the six-foot buffer they were adding where the transferor had breached was consistent with Mat-Su Valley requirements. He also added that beginning the reclamation plan was dependent on how long it

took to mine the gravel; their standard operating procedure was to leave the slopes flattened during the winter months, where they planned to mine the gravel over time, and mitigation plans for drainage from the property on to Beaver Loop Road.

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

Commissioner McIntyre expressed concern that it appeared the owner was not applying for the transfer and that the permit may be expired due to three years of inactivity; may be more appropriate to go through a new application process.

It was asked if the area would be more properly zoned commercial.

It was noted a new Conditional Use Permit required a site plan with contours and, this one being so old, that plan was not available; it was asked if it was appropriate to extend grandfather rights to that type of thing.

Staff pointed out that the transfer process provided an opportunity to put additional restrictions onto a permit that did not have any; also noted that if denied, the owner would have to find a new buyer, leaving the property sitting vacant, with breached buffers, until that happened. It was suggested the transfer was in the best interest of the City and followed code requirements for a transfer of a Conditional Use Permit for surface extraction.

**MOTION TO AMEND:**

Commissioner Springer **MOVED** to include staff recommendations and replace, "Peninsula Commercial Ventures, LLC" in Section 1 with, "Colaska, Inc. DBA QAP," and Commissioner Askin **SECONDED** the motion.

**VOTE ON THE AMENDMENT:**

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

**MOTION PASSED UNANIMOUSLY.**

Clarification was provided that the owner, the Estate of Mavis Cone, was applying for the transfer and that the permit hadn't been operated in approximately three years but it hadn't been expired yet.

**VOTE:**

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

**MOTION PASSED.**

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Molloy reviewed the action agenda from the July 3 City Council meeting.
2. **Borough Planning** – Vice-Chair Fikes reported the Commission met in a work session on July 15 regarding gravel pit regulations noting the Commission would be making a recommendation to the Assembly for adoption of an ordinance. She also reported the Commission approved five plats and a Conditional Use Permit at their regular meeting.
3. **Administration** – City Planner Appleby reported on the following:
  - Upcoming meetings, including a sign code work session;
  - Update on implementation of iPads;
  - Update on an ordinance regarding marijuana retail store hours;
  - Noted the Draft Environmental Impact Statement for the Alaska LNG project had been released;

K. **ADDITIONAL PUBLIC COMMENT** – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – August 14, 2019

N. **COMMISSION COMMENTS & QUESTIONS**

Commission Vice-Chair Fikes thanked Commission Chair Twait for the explanation on the Conditional Use Permit Transfer.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:56 p.m.

Minutes prepared and submitted by:

  
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Jamie Heinz, CMC  
City Clerk

