

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 25, 2019 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
COMMISSION 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: Vice-Chair D. Fikes, J. Halstead, V. Askin, G. Greenberg,
Chair J. Twait, R. Springer, T. McIntyre

Commissioners absent: None

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

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda and Commissioner Askin **SECONDED** the motion.

There were no objections on the amendment; **SO ORDERED**.

4. 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.

5. *Excused absences – None.

B. APPROVAL OF MINUTES

1. *September 11, 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 PZ2019-37** – Application for a Conditional Use Permit to operate Gunsmithing Business, located at 310 Princess Street, Kenai, Alaska 99611, and further described as Lot 2, Cinderella Subdivision. The application was submitted by Ronald Carlson, 310 Princess Street, Kenai, Alaska 99611.

MOTION:

Commissioner Askin **MOVED** to approve Resolution No. PZ2019-37 and Commissioner Springer **SECONDED** the motion.

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 in the RR-1 Zone 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);
- 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.

Commission Chair Twait opened the floor for public testimony.

Ronald Carlson noted he had already begun work on the necessary improvements; clarified that test firing would take place at the gun club.

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

Clarification was provided that after the federal permit was applied for, an agent would inspect the property and make recommendations on what additional security measures needed to be in place.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

Commission Chair Twait noted the 15-day appeal period.

2. **Resolution PZ2019-33** - Recommending the Kenai City Council Amend Kenai Municipal Code 14.20.175 – Adult Businesses, To Increase The Buffer Distances Between Adult Businesses And Sensitive Uses From 500 Feet To 1,000 Feet and Define Sensitive Uses and Amend Kenai Municipal Code 14.22.010 - Land Use Table, to Add Adult Businesses.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-33 and Commissioner Askin **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the Council had requested a recommendation from the Commission and that the ordinance provided a definition for sensitive uses and added adult uses to the Land Use Table. She also referenced the supplemental information provided at a previous meeting, which contained information regarding negative secondary effects and noted goals in the Comprehensive Plan which would be met with the adoption of the ordinance.

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

Clarification was provided on the following:

- If a property owner met buffer requirements and existing code, an adult business would be a principally permitted use;

- Once an adult business was established, they wouldn't have to close if an establishment defined as a sensitive use wanted to locate within the buffer;
- Distance was measured in a straight line from the nearest point on the premises to the nearest property line;
- The buffer tool in the City's GIS Software would be utilized to measure distances;
- The measurement described in the code was the most clear way to measure and was comparable to marijuana buffer measurement points;
- A one time or occasional show could not be regulated the same as a full-time establishment because the secondary effects are not the same; and
- Secondary effects related to each particular type of adult business needed review because a firm line did not exist on what constituted an occasional show versus a full-time establishment.

The point was made that the map would need to be checked any time a new adult business was seeking to establish.

It was restated that the adult businesses would be principally permitted in only four specific zones.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Resolution PZ 2019-39** – Application for a Home Occupation Permit for a Home Day Care of No More Than Eight (8) Children Under the Age of Twelve (12) years, located at 604 Laurel Drive, Kenai, Alaska 99611, and further described as Lot 1, Block J, Woodland Subdivision Part One (1). The application was submitted by Mindy Dalebout, 604 Laurel Drive, Kenai, AK 99611.

MOTION:

Commissioner Springer **MOVED** to approve Resolution No. PZ2019-39 and Commissioner Askin **SECONDED** the motion.

City Planner Appleby reviewed the staff report provided in the packet noting the Home Occupation Permit required improvements to the home and was intended for a daycare within a residence of no more than eight (8) children under the age of twelve (12), including children related to the caregiver and recommended approval with the following condition:

- Applicant must comply with all federal, State of Alaska, and local regulations;
- The City of Kenai Fire Marshal must perform an inspection to verify that the applicant has complied with his requirements set forth on the inspection dated August 22, 2019; including, but not limited to, the installation of egress windows. The applicant may not operate her business until this has been done.

- The applicant will discuss plans for the egress windows with the City Building Official and, if necessary, will obtain a Building Permit from the City to install the egress windows.
- Pursuant to KMC 14.20.230(h)(1), the premises shall be inspected every other year by the Fire Marshal for the City of Kenai;
- A copy of the license issued by the State of Alaska for the day care facilities must be submitted to the City of Kenai prior to operating the day care;
- Pursuant to KMC 14.20.230(f), this Home Occupation Permit is not transferable to another person or location;
- If the applicant decides to put up a sign for her business, she 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.

Clarification was provided that the Fire Marshal provided the inspection on the residence.

It was suggested that, being a daycare, fire code requirements may need to be followed instead of City building codes.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Molloy reviewed the action agenda from the September 18 meeting.
2. **Borough Planning** – Vice-Chair Fikes reported action from the September 23 Borough Planning Commission and Platting Committee meetings.
3. **Administration** – City Planner Appleby reported on the following:
 - Asked if there was objection to rescheduling the October 23 meeting to October 30; there was no objection;
 - Noted the consultant for the Hazard Mitigation Plan would be present at the rescheduled October 30 meeting;
 - The adult business ordinance would be before the Council at their next meeting;
 - Alaska LNG Draft Environmental Impact Statement comments were being accepted until October 3;
 - The land sale and leasing policy ordinance would be before Council at their next meeting; and
 - Work on the Land Management Plan was ongoing.

K. ADDITIONAL PUBLIC COMMENT – None.

L. **INFORMATIONAL ITEMS** – None.

M. **NEXT MEETING ATTENDANCE NOTIFICATION** – October 9, 2019

N. **COMMISSION COMMENTS & QUESTIONS**

Commissioner Greenberg noted that the regulation had changed for gunsmithing in the RR-1 zone and asked about the professional offices; it was confirmed both uses were approved by the ordinance.

Commissioner Springer noted he appreciated an inspection was completed in the daycare Home Occupation Permit.

O. **ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 8:03 p.m.

Minutes prepared and submitted by:



Jamie Heinz, CMC
City Clerk

