

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 13, 2020 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, D. Fikes, V. Askin, R. Springer, T. McIntyre, J. Halstead

Commissioners absent: G. Greenberg

Staff/Council Liaison present: City Planner E. Appleby, City Clerk J. Heinz, Deputy Clerk J. LaPlante, Council Liaison H. Knackstedt

A quorum was present.

3. Agenda Approval

Chair Twait noted the following revisions to the agenda and packet:

Add to Item D.1. **Resolution No. PZ2020-07**
• Memorandum of Additional Recommended Conditions

Add to Item F.1. **Resolution No. PZ2020-04**
• Memorandum of Supplemental Information
• Memorandum Attachment – Written Public Comment Letter from Mr. Jason R. Park and Ms. Hannah C. Parks, 740 Baleen Avenue
• Memorandum Attachment – Kenai Municipal Code 14.22.010 Land use table

MOTION:

Commissioner Askin **MOVED** to approve the agenda with the requested additions to the agenda and packet and Commissioner Springer **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

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

B. APPROVAL OF MINUTES

1. *April 8, 2020

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2020-07** - Preliminary Subdivision Plat of Beaver Loop Acres, Addition No. 2. The plat was submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99660, on behalf of Beaver Loop Sand and Gravel, LLC, P.O. Box 1290, Kenai, AK 99611 and the Estate of Patrick Doyle and Mary Doyle, 2243 Beaver Loop Rd., Kenai, AK 99611.

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-07 and Commissioner Halstead **SECONDED** the motion.

The City Planner provided the staff report noting the preliminary plat showed that the owner is subdividing parcels into several smaller lots. It was clarified that Beaver Loop Road was currently maintained by the State of Alaska and that maintenance would transfer to the City of Kenai upon completion of paving on Beaver Loop Road this summer. The City Planner further clarified that the proposed Tract A2, Beaver Loop Acres Addition No. 2 was currently a gravel pit operated under a City conditional use permit by Beaver Loop Sand and Gravel, LLC. It was the intention of the property owner to reclaim the lots for the development of the proposed subdivision and the subdivision was in alignment with the reclamation plans of Beaver Loop Sand and Gravel, LLC.

City staff recommended approval of the preliminary plat of Beaver Loop Acres Addition No. 2, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- The title block shall be revised to include that the re-subdivision also covers Lot 2, Beaver Loop Acres Subdivision, Plat 94-15;
- The “former lot line” shall be labeled on Lot 2A. 4. The signature line for Patrick Doyle shall be revised to read “The Estate of Patrick J. Doyle, deceased”; and
- The text box reading “Inlet” superimposed over the word “Map” in “Vicinity Map” shall be deleted.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2020-04** - Application for the rezoning of an approximately 10.6 acre parcel, described as a portion of the S1/2 SE1/4 SW 1/4, lying North of K-Beach Road, Section 17, T5N, R11W, excepting therefrom VIP Country Estates Subdivision Part 5 from Rural Residential (RR) to Limited Commercial (LC). The application was submitted by the majority property owners, Rick and Connie Vann, P.O. Box 561, Kasilof, AK 99610.

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-04 and Commissioner Halstead **SECONDED** the motion.

The City Planner reviewed the staff report and rationale for how the application met the approval criteria provided in the packet noting the LC Zone was more consistent with the layout of the parcel; adding that the applicant had indicated plans to construct a multi-unit complex that would have commercial development on the first floor. An overview of establishments and residential surrounding the parcel was provided, and concerns about increased traffic was included in the packet, addressing the restrictive and less restrictive uses.

It was noted that the rezone request of 725 Baleen Avenue from the Rural Residential Zone to the Limited Commercial Zone was suitable for an approval recommendation by the Planning and Zoning Commission to the Kenai City Council.

Commission Chair Twait opened the floor for public testimony.

Owner Connie Vann noted this would create economic opportunity and development in Kenai, allowing new businesses to start out at home, to ease startup costs and allow business growth. Commercial access was anticipated from Kalifornsky Beach Road or VIP Drive, with private access for the home from Baleen Avenue.

Resident Hannah Parks noted concerns with increased noise and traffic, safety of pedestrians,

and decreasing property value with the commercial lot and clearing of trees, and submitted a thorough letter to the Commission as provided in the laydown.

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

Clarification was provided regarding acre size requirement and that this application was specifically about a zone change.

Support was noted with commercial use across the street, a zone change for potential business purpose was highest and best use for this property.

Residents were thanked for submitting public comment.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2020-11** - Application for a Conditional Use of a Six-Plex for Senior Housing, on an approximately 1.215 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.

The City Planner reviewed the staff report and rationale for how the application met the approval criteria provided in the packet noting this foreclosed property was donated to Kenai Peninsula Housing Initiatives, Inc. in 2016 for restricted income and senior housing. It was further noted the applicant obtained a conditional use permit to construct one six-plex that was completed and in order to add a second six-plex to the parcel, a conditional use permit must be granted by the City of Kenai. The maximum lot coverage allowed under Kenai Municipal Code 14.24 was clarified, noting the applicant exceeded it by approximately 630 square feet and an application for a variance permit was also submitted, which was contingent upon approval of the conditional use permit for the additional structure.

City staff found that the applicant met the criteria for issuance of a Conditional Use Permit as set forth in Kenai Municipal Code 14.20.185, and recommended that the Planning and Zoning Commission approve the Conditional Use Permit application, subject to the conditions outlined in the resolution.

MOTION:

Commissioner Springer **MOVED** to approve Resolution PZ2020-11 and Commissioner Askin **SECONDED** the motion.

Commission Chair Twait opened the floor for public testimony.

Owner Connie Vann noted that when the property was donated it was the intention to put two buildings on it.

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

Favor was expressed with the current building's positive aesthetics and project management, providing improvement to the area.

VOTE:

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

MOTION PASSED.

Chair Twait noted the 15-day appeal period.

3. **Resolution PZ2020-12** - Application for a Variance of Kenai Municipal Code 14.14.020 - Maximum Lot Coverage, on an approximately 1.215 acre parcel, described as Lot 1, Kenai Meadows, and located at 2392 Redoubt Avenue. The application was submitted by Kenai Peninsula Housing Initiatives, Inc., P.O. Box 1869, Homer, AK 99603.

The City Planner reviewed the staff report noting a variance application was submitted due to the lot coverage size being 630 square feet over what was allowed by Kenai Municipal Code. She added that the donation of this property was specifically for the purpose of restricted income and senior housing, and the value of the property would revert to the City if a sale occurred within 20 years of the land transfer.

City staff finds the applicant meets the criteria for issuance of a variance permit in accordance with Kenai Municipal Code and recommended that the Planning and Zoning Commission approve the application, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- Prior to issuance of a Building Permit for an additional structure on the property, a Landscape/Site plan must be reviewed and approved by the City Planner; and
- Prior to issuance of a Building Permit for a second six-plex, a conditional use permit must be approved by the City of Kenai Planning and Zoning Commission.

Commission Chair Twait opened the floor for public testimony.

Owner Connie Vann reiterated that it was always the intent to have two buildings on the lot. The funds were previously awarded and granted for this purpose, and until recently was not aware of the variance concern.

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

Clarification was provided that even if this application was approved, the 15-day appeal must pass on the Conditional Use Permit before the variance approval was valid.

Commissioner McIntyre noted concern that the second condition was not met and subsequently lost connection from the meeting.

COMMISSIONER MCINTYRE DISCONNECTED FROM THE MEETING AT 8:25 PM

COMMISSIONER MCINTYRE RE-JOINED THE MEETING AT 8:31 PM

VOTE:

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

MOTION PASSED.

Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS – None.

I. PENDING ITEMS – None.

J. REPORTS

1. **City Council** – Council Member Knackstedt reported on the actions from the April 15 and May 6, 2020 City Council meetings.
2. **Borough Planning** – Commissioner Fikes reported that an anadromous waters habitat protection permit application was denied; will be able to pursue a conditional use permit; a lease was recommended to the Borough Assembly for a wireless communication tower in Kenai; and the Borough Planning and Zoning Commission would be reorganized.
3. **Administration** – City Planner Appleby reported the Hazard Mitigation Plan was adopted and annexed to the Borough’s plan; the budget and efficiency initiative report would be before Council at their next meeting; and an overview was provided of the permit approval process for the wireless communication tower.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION – May 27, 2020

N. COMMISSION COMMENTS & QUESTIONS

Commissioner McIntyre noted regret with missing a portion of discussion and would be contacting the City Attorney to discuss specifics of the applications.

Chair Twait encouraged completion of the 2020 Census.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:12 p.m.

Minutes prepared and submitted by:



Jacquelyn LaPlante
Deputy City Clerk

