

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 14, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
CHAIR JEFF TWAIT, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

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

2. Roll Call

Commissioners present: J. Twait, R. Springer, J. Halstead, A. Douthit, D. Fikes, G. Woodard

Commissioners absent: G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, Planning Assistant W. Anderson, Deputy City Clerk M. Thibodeau, Council Liaison J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

Commissioner Halstead **MOVED** to approve the agenda and Vice Chair Fikes **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Halstead **MOVED** to approve the consent agenda and Vice Chair Fikes **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. *Regular Meeting of June 23, 2021

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 PZ2021-26** - Application for a Variance Permit to Allow for a Rear Yard Setback of Five Feet where a Twenty-Foot Setback is Required and Height Restriction of Twelve Feet for a One-Story Accessory Building on Property Described as Lot 5, Block 3, Deepwood Park Subdivision Amended, and Located at 110 Deepwood Ct., Kenai, AK 99611. The Application was Submitted by Brad Nyquist, P.O. Box 1821, Kenai AK 99611.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-26 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to construct an approximately 320 square foot deck on his property and a storage building on top of the deck, and the application was for a variance of rear yard setback and building height. It was noted the application met the criteria and City staff recommends approval subject to the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. Prior to commencement of construction of the deck, the owner shall obtain a Building Permit from the Building Official for the City of Kenai.
3. Prior to commencement of construction of the accessory structure (shed), the owner shall obtain a Building Permit from the Building Official for the City of Kenai.

Chair Twait opened for public hearing.

Brad Nyquist clarified that this would be a storage shed and a workshop. He stated that he intends to use trees he cut down as lumber to create a timber frame structure, and has not received any negative feedback from neighbors about the proposed structure. The applicant clarified the details of the structure's foundation, which a contractor helped him to engineer and he built himself.

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

Clarification was provided that the deck and structure combined would be larger than 200 square feet which required a building permit.

VOTE:

YEA: Springer, Halstead, Douthit, Fikes, Woodard, Twait
NAY:

MOTION PASSED UNANIMOUSLY.

Commission Chair Twait noted the 15-day appeal period.

G. UNFINISHED BUSINESS – None.

H. NEW BUSINESS

1. **Action/Approval** - Special Use Permit to Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin.

MOTION:

Commissioner Halstead **MOVED** to recommend approval of a Special Use Permit to Kenai Chamber of Commerce and Visitor Center for the Moosemeat John Cabin and Vice Chair Fikes **SECONDED** the motion.

Clarification was provided that this Special Use Permit has been provided on an annual basis for several years, and this is a continuation without any major changes. The Commission discussed why this is an annual SUP instead of a lease, and it was noted that a SUP can allow for more flexibility and may be a better option for the Chamber.

VOTE:

YEA: Halstead, Douthit, Fikes, Woodard, Twait, Springer
NAY:

MOTION PASSED UNANIMOUSLY.

2. **Action/Approval** - Recommendation for Ordinance No. 3222-2021 - Determining that Real Property Described as Lot 1A, Block 1, Deshka Subdivision, City-Owned Airport Land Located Outside the Airport Reserve, is not Needed for a Public Purpose and Authorizing the Sale of the Property to Schilling Rentals (2016), LLC.

MOTION:

Vice Chair Fikes **MOVED** to recommend approval of Ordinance No. 3222-2021 and Commissioner Woodard **SECONDED** the motion.

It was noted that the property is currently leased as a jewelry store. An explanation was given for the City's Policy for Sale of Specific Airport Leased Lands, approved by Resolution No.

2018-12, which provides a lessee the opportunity to purchase City-owned leased land outside the Airport Reserve with substantial constructed leasehold improvements. Certain conditions need to be met for this type of land sale, such as the appraised valuation of property which is the option this lessee has chosen. It was noted that a recent appraisal valued the raw land at \$250,000. The applicant wishes to make \$62,500 in improvements over a three-year time period, and a scope of work and receipts would be provided. Resolution No. 2018-12 allows the lessee to purchase the land at 100% of the raw land value with these improvements.

Discussion from the Commission included the coffee shop on the property and whether it would impact the appraisal value or permits, potential improvements, and the status of the building ownership. It was noted that Schilling Rentals, LLC have been lessees on the property since 2017 when they took over a 55 year lease that expires in 2030.

VOTE:

YEA: Halstead, Douthit, Fikes, Woodard, Twait, Springer
NAY:

MOTION PASSED UNANIMOUSLY.

3. **Action/Approval** - Recommendation for Ordinance No. 3221-2021- Determining that real property described as Lot 4A, Block 3, Cook Inlet Industrial Air Park 2014 Replat, city-owned airport land located outside the airport reserve, is not needed for a public purpose and authorizing the sale of the property to Schilling Rentals, an Alaska Partnership.

MOTION:

Vice Chair Fikes **MOVED** to recommend approval of Ordinance No. 3221-2021 and Commissioner Springer **SECONDED** the motion.

It was noted that, as with Ordinance No. 3222-2021, the lessee intends to purchase the City-owned land they currently lease. However, here they are requesting on the value of improvements they've already made over their current lease term, and this option requires completed improvements to be at least four times the value of the land. A recent appraisal valued the raw land at \$300,000, and the lessee has shown to have added over \$2 million in improvements which exceeds the required amount.

Clarification was provided that the appraisal of the raw land value came from a third-party source.

VOTE:

YEA: Woodard, Twait, Springer, Halstead, Douthit, Fikes
NAY:

MOTION PASSED UNANIMOUSLY.

- I. **PENDING ITEMS** – None.

J. REPORTS

1. **City Council** – Council Member Glendening reported on the actions from the July 7, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the July 12 Borough Planning meeting.
3. **City Administration** – Planning Director Foster reported on the following:
 - Zoning map has been put in Chambers for reference during meetings;
 - Upcoming meeting on July 28, 2021 is anticipated to include a rezoning application and an application for development incentives;
 - The Conditional Use Permit for firewood bundling approved at the June 23, 2021 meeting received an appeal application, but the applicant has withdrawn their CUP application so there won't be a hearing.

K. ADDITIONAL PUBLIC COMMENT – None.

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. July 28, 2021

N. COMMISSION COMMENTS & QUESTIONS – None.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:24 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

