

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 October 27, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

F. PUBLIC HEARINGS

1. **Resolutions PZ2021-21 & PZ2021-40** - Application for Conditional Use Permits for a Dormitory and Bed & Breakfast, for the property described as Lot 1, Block 4, Inlet View Subdivision 1st Revision, located at 702 Lawton Drive, Kenai, Alaska 99611. The application was submitted by Kathleen Martin, P.O. Box 521, Cooper Landing, Alaska 99572.

Ed Martin explained that his parents are the applicants for this property, that he operates a driving academy and the intent for this conditional use permit is to use the property as a dormitory for those students. He provided background on how he had worked with the Kenai Peninsula Borough to resolve a parking issue through the lease of adjacent property, along with the current parking and traffic access usage. He noted that he was willing to work with neighbors to mitigate concerns they raise, and that his property meets the fire marshal's standards.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain conditional use permits for a dormitory and bed & breakfast. He noted that the applicant previously operated a bed & breakfast on this property from 1985-2015. The criteria for conditional use permits was reviewed.

It was noted the application met the criteria and City staff recommends approval of a dormitory CUP 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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.

4. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
5. The applicant will meet with City staff for on-site inspections when requested.
6. 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).
7. 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.
8. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

He noted that City staff recommended approval of a bed and breakfast CUP 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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director. Access to parking is via Lawton Drive and a Driveway Permit may be required for improvements at 750 Lawton Drive.
3. Bed and Breakfast regulations per KMC 14.20.321 must be maintained.
4. Buildings which are the subject of a bed and breakfast permit application shall be inspected by the Fire Marshal for compliance with the Fire Code (KMC 8.05) prior to the approval of the conditional use permit. Thereafter, they shall be inspected every other year by the City Fire Marshal. Failure to comply with the Fire Code (KMC 8.05) shall be grounds for the suspension or revocation of the conditional use permit.
5. The applicant will maintain its lease for parking with the Kenai Peninsula Borough at 750 Lawton Drive. If the lease expires or is severed, the applicant will notify the City Planning Director and demonstrate how the parking requirements will be met.
6. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
7. The applicant will meet with City staff for on-site inspections when requested.
8. 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).
9. 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.
10. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-21 and Commissioner Halstead **SECONDED** the motion.

Chair Twait opened for public hearing.

Kaye Reed expressed concern over the vegetation buffer, explaining that it has diminished in recent years. She noted that Lawton Drive is not currently being utilized for traffic and that coming through Rogers Road is not a good option due to ice. She inquired about the capacity, dormitory plans, and quiet time. She expressed concern over traffic and noise.

Brandon Cramer noted that he is concerned about traffic access from Rogers Road, and expressed preference for access on Lawton Drive.

Ed Martin followed up with concerns about access on Rodgers Road, noting that he was willing to mitigate this issue. He noted that access via Lawton Drive makes sense and he wants to keep harmony with neighbors, although he would like to retain access on Rogers for snow removal equipment or personal use. He showed these parking spots on the map, noting they are angled and that accessing them would be difficult from the other side of the property. In response to questions from commissioners, he provided clarification on capacity, bathrooms, hours of use, the possible timeline for constructing a driveway off Lawton, culvert drainage, storage sheds, schedule for student occupancy, quiet hours, smoking rules, and potential for carpooling to minimize parking. Applicant Kathy Martin also clarified details regarding their smoking area and receptacles.

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

Clarification was provided that fire marshal approval is not required for dormitory permits per Title 14. It was considered whether storage sheds on vacant lots were allowed per code. It was suggested that resurveying the lots to remove the lot line may resolve some issues. Clarification was provided regarding the egress windows in the basement study area, and it was noted that it may not currently meet code.

Chair Twait re-opened for public hearing to hear the testimony of Bridget Mitchell, who requested clarification on driveway paving.

Ed Martin clarified that he cannot make major alterations to the Borough-leased lot, and paving may increase traffic speed which is not encouraged.

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

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend PZ2021-21 to add a condition requiring the Fire Marshal to review the Dormitory use for code compliance. Vice Chair Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend PZ2021-21 to add a condition to require that the main access to parking be from Lawton Drive, with a timeline of creating the access by August 1, 2022. Vice Chair Fikes **SECONDED** the motion.

VOTE ON AMENDMENT:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Concerns were expressed over the vegetative buffer, and options for resolving this were discussed.

MOTION TO AMEND:

Vice Chair Fikes **MOVED** to amend PZ2021-21 to add a condition specifying that the applicant will utilize the lot at 436 Lawton for activity and parking for residential/private use only after August 1, 2022. Commissioner Halstead **SECONDED** the motion.

Concerns about enforceability after the August 1, 2022 deadline were discussed.

VOTE ON AMENDMENT:

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

NAY:

MOTION PASSED UNANIMOUSLY.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend PZ2021-21 to add a condition to set quiet hours from 10:00 PM to 6:00 AM daily. Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

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

NAY:

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-40 and Commissioner Halstead **SECONDED** the motion.

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

Clarification was provided on the KMC residence requirements for owners of bed & breakfast establishments.

Ed Martin clarified that the bed & breakfast aspect of the business is the owner's backup plan if they can't fill all the beds. He noted that they did not plan on serving meals.

Clarification was provided on the definition of bed & breakfasts per code.

It was noted that this property has been operating as a bed & breakfast for many years and it had fit the code. Clarification provided that 30% of floor use could be for the bed & breakfast.

MOTION TO AMEND:

Commissioner Douthit **MOVED** to amend PZ2021-40 to add a condition to set quiet hours from 10:00 PM to 6:00 AM daily. Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

2. **Resolution PZ2021-38** - Application for a Conditional Use Permit for a Recreational Vehicle Park, for the property described as Lot 2, Block F, Beaver Creek Alaska Subdivision Amended, located at 6575 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Casey Gaze, 6575 Kenai Spur Highway, Kenai, Alaska 99611.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-38 and Commissioner Halstead **SECONDED** the motion.

Applicant Cazey Gaze noted that he was available to take questions.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain Conditional Use Permits for a recreational vehicle park. The criteria for conditional use permits was reviewed; 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. Applicant will provide a copy of DEC compliance certification on the water/sewer system. The well as shown will likely need to be separated further from the proposed dump station.
3. Provide accommodations for trash and restroom facilities.
4. Prior to starting operations, a landscape/site plan must be reviewed and approved by the Planning Director, which shall include a site grading plan that minimizes runoff onto neighboring properties and demonstrates sufficient space to prevent backup onto the highway, and demonstrates sufficient space for emergency service vehicles to respond to all RV sites.
5. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai.
6. Staff encourages the applicant pursue consolidation of the three subject parcels into one parcel and submitting a rezoning application to rezone 3415 Mudhen Drive from Rural Residential to General Commercial.
7. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
8. The applicant will meet with City staff for on-site inspections when requested.
9. 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).
10. 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.
11. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit.

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

Support was expressed for development of this area and it was noted that a vehicle park would be a good use for it. Clarification was provided that this area is zoned General Commercial and residency on the property is allowed as a secondary use.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

3. **Resolution PZ2021-39** - Recommending the Council of the City of Kenai Approve and Adopt the City of Kenai Land Management Plan. *[Clerk's Note: At the October 27th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]*

Foster provided an update on Land Management Plan (LMP) discussions with other commissions, noting that all have chosen to postpone to collect comments and discussion.

Chair Twait opened for public hearing.

Bob Molloy noted that missing from the LMP was a discussion over continuing evaluation of city lands for future needs and potential acquisition of lands for public purpose. He also discussed parcels that have a long history of public comment and controversy, and suggested adding a new category for "To Be Determined."

Kristine Schmidt requested that the commission postponed approval, expressed concern over the fast track the plan has been on and explained that there has not been enough public outreach. Noted that she would like to see intermediate categories, and a plan for the future. She expressed disagreement with a map that included properties on Woodland subdivision, noting would like to see a vegetative area maintained as a noise buffer from the airport.

Jim Glendening stated that he agreed with Kristine Schmidt, and explained that Council had expressed that commissions should take their time with LMP discussions and should not rush to judgement.

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

The commission discussed how there is some confusion over how to see the plan, noting that many of the changes proposed through the LMP would still have to go through public processes per code, and this is primarily an inventory of land information. Support was expressed for providing time to engage the public and other commissions, while defining a clear timeline for a public comment period before approval. It was suggested that the commission review Title 22 to recommend changes to Council, specifically considering disposal of residential properties.

MOTION:

Commissioner Douthit **MOVED** to postpone Resolution No. PZ2021-39 until December 8, 2021 and Commissioner Halstead **SECONDED** the motion.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. REPORTS

1. **City Council** – Council Member Winger introduced herself as the new Planning &

Zoning Commission Liaison. Discussed establishing quiet hours in code, agreed with previous public comments about retaining land between airport and Woodland subdivision as noise buffer, and noted she would like to see commissions take their time and have work sessions to go through LMP by section. Reported on the actions from the November 3, 2021 City Council meeting.

2. **Borough Planning** – Vice Chair Fikes reported on the actions from the November 8, 2021 Kenai Peninsula Borough Planning Commission.
3. **City Administration** – Planning Director Foster reported on the following:
 - There are no items for the November 24, 2021 meeting, will be cancelled;
 - Nothing has been submitted yet for the December 8, 2021 meeting.

K. ADDITIONAL PUBLIC COMMENT

Kristine Schmidt noted that she liked the new CUP process, and that having the applicant present added value. She explained that adding conditions that the applicant agreed to do made it better, and that she would like to see them continue to work on the CUP ordinance.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: TBD

Chair Twait noted that the next meeting would be on December 8, 2021.

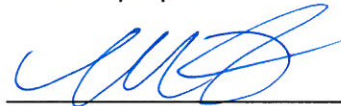
N. COMMISSION COMMENTS & QUESTIONS

Commissioner Douthit stated that he hopes Council will move forward with the waterfront revitalization plan, noting that it's a valuable asset which will go well with the LMP.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 10:08 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

