

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 8, 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, D. Fikes, A. Douthit, G. Woodard, G. Greenberg

Commissioners absent: J. Halstead, R. Springer

Staff/Council Liaison present: Planning Director R. Foster, Deputy City Clerk M. Thibodeau, Council Liaison T. Winger

A quorum was present.

3. Agenda Approval

Chair Twait requested that the items under New Business be heard before the item under Unfinished Business.

MOTION:

Vice Chair Fikes **MOVED** to approve the agenda with requested revisions to the packet and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Greenberg **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 November 10, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT

Jim Glendening discussed the Kenai Peninsula Borough Assembly's decision regarding membership and apportionment of Planning Commission members, noting that first-class home rule cities will have a guaranteed seat, the number of Planning Commission seats will increase to 14, and that seats will align with assembly districts. He also explained a proposed amendment that was defeated.

E. CONSIDERATION OF PLATS – None.

F. PUBLIC HEARINGS – None.

G. NEW BUSINESS

1. **Resolution No. PZ2021-41** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel, Guide, and Boat Parking in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1105 Angler Drive, Lot 6, Anglers Acres, Subdivision Part 3.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-41 and Commissioner Woodard **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel, guide, and boat parking and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. The applicant will meet with City staff for on-site inspections when requested.
4. 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).
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.
6. All conditions of PZ05-26 will be met.

Clarification was provided that the business would continue to be operated under the name of Hi

Lo Charters.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

2. **Resolution No. PZ2021-42** - Granting a Request for a Transfer of Conditional Use Permit for the Use of a Hotel (Short-Term Recreational Rentals) in the Rural Residential Zone to Wild Kenai Adventures, LLC, 1230 Angler Drive, Lot 1, Block 2, Anglers Acres Subdivision, Addition No.1, PT 2.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-42 and Commissioner Douthit **SECONDED** the motion.

Planning Director Foster reviewed the staff report provided in the packet noting the Conditional Use Permit was for the use of a hotel (short-term recreational rentals) and would be transferred for the same use to Wild Kenai Adventures, LLC, and recommended approval with the following conditions:

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations.
2. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
3. The applicant will meet with City staff for on-site inspections when requested.
4. 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(l)(5).
5. Pursuant to KMC 14.20.150(l)(2), this permit shall expire automatically upon termination or interruption of the use for a period of at least one year.
6. All conditions of PZ06-84 (PZ01-11) will be met.

The applicants were wished good luck, and it was noted that it is good to see they are maintaining the business name as it has historical value in the area.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

H. UNFINISHED BUSINESS

1. **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 November 10th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is*

On the Floor.]

Chair Twait opened for public hearing.

Bob Molloy thanked Vice Mayor Glendening and Council Member Winger for trying to provide more time for public outreach on this discussion. He noted that the draft Land Management Plan (LMP) is a great tool for the City and public, but that it is incomplete because it does not include policies and procedures for disposal, and Title 22 of the code is not clear enough on this either. He also noted that some properties have a long history of contention, and recommend additional category for "to be determined" for those.

Kristine Schmidt noted that the problem with the LMP is that it is a plan to dispose of property and the City's current processes for disposal are ad hoc and not well organized. She suggested approving the inventory but postponing disposal recommendation until there is a better plan, and also having a work session to go over these properties and have a dialogue for the public. She noted mistakes she saw in the LMP, including certain parcels which have a divisive history.

Jim Glendening explained that State Title 29 explains roles and responsibility of a Planning & Zoning Commission, and that commissioners have a responsibility to engage themselves with the LMP as much as they did the Comprehensive Plan.

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

The suggestion was made that the names of recommended categories should clarify that "dispose" properties are not needed by the City for a public purpose, and "retain" properties are needed. It was reiterated that the focus of the current document is an inventory of lands and recommendations, and the City has many processes that are required before moving forward with these recommendations and there may be changes to code to update these processes in the future.

It was noted that business owners looking to purchase a City-owned lot will have an easier time navigating the policies and procedures for disposal with this inventory. However, it may be so streamlined that it leads people to believe this is a land sale, and it would be good to clarify that is not the case. It was suggested that the City consider the Borough's process for choosing lands for municipal entitlements to refine our disposal practice.

Clarification was provided that there have been some public comments submitted, and more comments have been received through commission meetings. It was reiterated that it is important to keep having conversations about the LMP to receive more comments. It was noted that refinement of semantics and definitions would help people to understand better.

Clarification was provided that it is possible to query the data in the GIS system to show which lands are wetlands and slopes, as well as things like water and sewer lines and some electric information.

The commission discussed the City's approach to land sales, and it was noted that sales of City-owned lands are typically consumer-driven and disposal processes begin when a member of the public approaches the City with interest. An exception to this is airport lands, as the Airport Manager does advertise available lease lands through an annual brochure and through booths at aviation conventions. It was noted that when the GIS tool becomes available to the public, it may

generate more interest.

Clarification was provided that public works needs have been in consideration for the recommendations, and is the reason for some of the mixed-use designations.

The commission discussed the possibility of holding a work session, and it was noted that dates will be suggested at the next Planning & Zoning Commission meeting.

MOTION:

Commissioner Douthit **MOVED** to postpone Resolution No. PZ2021-39 until December 22, 2021 and Commissioner Woodard **SECONDED** the motion.

VOTE:

YEA: Twait, Woodard, Greenberg, Douthit, Fikes

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Winger reported on the actions from the December 1, 2021 City Council meeting. Encouraged commissioners to engage the public and get more comment about the LMP.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the November 29, 2021 Kenai Peninsula Borough Planning Commission.
3. **City Administration** – Planning Director Foster reported on the following:
 - The next Planning & Zoning Commission meeting will include two CUP applications, as well as dates to consider for scheduling a work session;
 - The Planning Department is working on trying to fill the administrative assistant position;
 - Informational Items includes a letter stating that a CUP code violation has been remedied; trees were planted by CUP owner to fulfill their approved landscape plan.

K. **ADDITIONAL PUBLIC COMMENT**

Jim Glendening noted that there is concern over a piece of property, and suggested that further information be provided during the City Manager's Report at next Council meeting.

L. **INFORMATIONAL ITEMS**

1. 2022 Commission Meeting Calendar
2. Land Management Plan Comment Forms
3. Letter to JAC Enterprises - Violation Remedied

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. Next Meeting: December 22, 2021

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard noted she will bring treats for the next meeting.

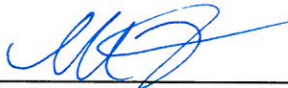
Commissioner Douthit noted that he was appointed to the Chamber of Commerce Board of Directors.

Vice Chair Fikes noted she may not be able to attend the next meeting on December 22nd.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:20 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

