

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
JANUARY 27, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
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: J. Twait, R. Springer, D. Fikes, J. Halstead, G. Greenberg,
A. Douthit

Commissioners absent:

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. Election of Chair and Vice-Chair

MOTION:

Commissioner Springer **MOVED** to re-appoint Commissioner Twait as Chair and Commissioner Fikes as Vice-Chair, and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Agenda Approval

Chair Twait noted the following revisions to the packet:

Add to item E.1.

Resolution No. PZ2021-03

- Memorandum to Commission
- Revised Resolution to Amend a Condition of Approval

MOTION:

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

5. Consent Agenda

MOTION:

Commissioner Springer **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.

6. *Excused absences – None

B. APPROVAL OF MINUTES

1. *January 13, 2021

The minutes were approved by the Consent Agenda.

C. SCHEDULED PUBLIC COMMENT – None.

D. UNSCHEDULED PUBLIC COMMENT – None.

E. CONSIDERATION OF PLATS

1. **Resolution PZ2021-03** – Preliminary Subdivision Plat of Illiamna View Subdivision 2020 Replat, submitted by McLane Consulting, Inc., P.O. Box 468, Soldotna, AK 99669, on behalf of Clifford Heus and Kathleen Heus, 4540 Kenaitze Court, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet and laydown noting that the owners wish to subdivide a large lot comprised of approximately 16.234 acres into two lots. It is clarified that purpose of the plat is to provide private access to the Kenai River via the proposed Lot 1-B, although it was noted that there is a section line easement along the north boundary of the proposed lot and access is not limited to private use only.

Approval of the plat was recommended, subject to the following conditions:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations.
- Remove Note 6 from the Plat, the City of Kenai does not participate in the FEMA Floodplain program and does not comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances.
- If circumstances change to allow lawful onsite wastewater treatment and disposal systems, those systems must meet the wastewater disposal requirements of KPB Chapter 20.40 and the regulatory requirements of the Alaska Department of Environmental Conservation.

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-03 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 that the section-line easement is not a private right-of-way, but the probability of the area being developed is highly unlikely as it is primarily wetlands. A small, undeveloped walking trail exists on the easement so it may be informally used by the public.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-01** – Application for a Conditional Use Permit for eight single family additional dwellings, on Government Lot 107, Section 31, Township 6 North, Range 11 West , and located at 1614 Second Avenue. The application was submitted by Byler Contracting, P.O. Box 877750., Wasilla, AK 99687, on behalf of the TKC LLC, P.O. Box 10658, Bakersfield, CA 93389

Planning Director Foster reviewed the staff report provided in the packet noting the conditional use permit would permit the construction of 8 single-family units in addition to the existing single-family dwelling on this property. 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. Prior to issuance of a Building Permit, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to issuance of a Building Permit, conditions listed under Footnote 3 of the KMC 14.22.010 Land use table must be reviewed and approved by the Planning Director.
4. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai.
5. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year.
6. The applicant will meet with City staff for on-site inspections when requested.
7. 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).
8. 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.
9. 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:

Commissioner Greenberg **MOVED** to recommend approval of Resolution No. PZ2021-01 with staff recommendations and Commissioner Douthit **SECONDED** the motion.

Chair Twait opened the floor for public testimony.

Fred Braun, a realtor with Jack White Real Estate of Kenai, stated that this would be a real win-win for the City. He explained that there is a severe shortage of rentals in Kenai, and this development will allow new families to move into town and result in more sales tax generated. He also noted that these new buildings could enhance the value of other homes in the area.

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

Clarification was provided that there is currently a 5-foot setback and a Conditional Use Permit requires a 15-foot setback, but there is adequate space for this.

Rob Coreson explained the plan for providing utilities to these units which involved creating easements from pre-existing lines, so no roads would be torn up. Clarified that each individual unit will have their own gas, electric and water meters.

Discussion included the plan for vehicle access, which will involve new approaches but not require new paved road, and it was clarified that there is adequate access for emergency vehicles to reach all units.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

G. **UNFINISHED BUSINESS** – None.

H. **NEW BUSINESS** – None.

I. **PENDING ITEMS** – None.

J. REPORTS

1. **City Council** – Council Member Glendening reported on the actions from the January 20, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions of the Borough Planning Commission meeting of January 25, 2021, which included: one plat approved in Sterling area; a right-of-way vacation approved in Skilak area; an Ordinance authorizing the Hospital's acquisition of nearby rural property; and discussion on the subdivision of land code changes.

3. **City Administration** – Planning Director Foster reported on the following:
- Registration is open for this year’s virtual APA conference, which includes commissioner’s training. Encouraged commissioners to reach out to him if they are interested in registering;
 - Does not have list of Capital Improvement Projects yet, but will pass it along to the Commission to review when he receives it;
 - No completed application yet for the February 10th meeting.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments

Council Member Glendening noted that there is information on the Kenai Peninsula Borough website about the Anadromous Waters Habitat Protection Group, including calendars, recordings, agendas and results of discussions. Encouraged the Commissioners to learn about this group’s activities, as it is relevant to Kenai City Planning.

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. February 10, 2021

N. COMMISSION COMMENTS & QUESTIONS

Vice Chair Fikes noted that the Department of Transportation gave a presentation at the Kenai Peninsula Borough Meeting to review the new changes for Cooper Landing Road Project. The Anadromous Waters Habitat Protection Group was also discussed at the meeting, including how they are coming up with a better process for land owners to put up simple structures in the protection area.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:11 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

