

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 28, 2021 – 7:00 P.M.
KENAI CITY COUNCIL CHAMBERS
210 FIDALGO AVENUE, KENAI, ALASKA
VICE CHAIR FIKES, PRESIDING**

MINUTES

A. CALL TO ORDER

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

1. Pledge of Allegiance

Vice Chair Fikes led those assembled in the Pledge of the Allegiance.

2. Roll Call

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

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. Agenda Approval

MOTION:

Commissioner Woodard **MOVED** to approve the agenda as written and Commissioner Greenberg **SECONDED** the motion. There were no objections; **SO ORDERED**.

4. Consent Agenda

MOTION:

Commissioner Douthit **MOVED** to approve the consent agenda and Commissioner Greenberg **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. *April 14, 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 PZ2021-06** – Preliminary Subdivision Plat of TKC Subdivision, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99669, on behalf of TKC, LLC, P.O. Box 10658, Bakersfield, CA 93389

[Clerk's Note: At their April 14, 2021 meeting, Resolution PZ2021-06 was postponed by the Planning & Zoning Commission until the utility line design had been confirmed. A motion to approve is on the floor.]

Planning Director Foster presented his staff report with information provided in packet noting that the commission passed PZ2021-02 on January 27, 2021 which allowed for eight additional single family dwelling units to be constructed on a 2.5 acre parcel which, after being issued a Conditional Use Permit, the property owner decided to divide into three lots. Consideration of this subdivision was postponed at the Planning & Zoning Commission meeting of April 14, 2021 in order to confirm the final design of the utilities associated with the development of the eight additional units and the subdivision, and the design for water and sewer connections has now been accepted by the Public Works Department.

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; and,
- The plat number referenced for the Kenai Christian Church lot which lies to the South is labeled incorrectly; the plat number should be changed to KN2011-52.

Clarification was provided that there is a driveway to access the four units on lot 4.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

2. **Resolution PZ2021-13** – Preliminary Subdivision Plat of Baleen Cove Subdivision, submitted by Segesser Surveys, 30485 Rosland Street, Soldotna, AK 99669, on behalf of Vann Revocable Trust, P.O. Box 561, Kasilof, AK 99610

Planning Director Foster presented his staff report with information provided in packet noting that the plat will subdivide the 10 acre lot into 7 lots of approximately 1-2 acres each. He noted that the primary access to the proposed lots would be via Baleen Avenue which is a gravel City maintained road, and the applicant has granted a 30 foot public access easement which could be used for access along the southern side of the lots, but is not recommended for primary access. The City does not have water and sewer lines in this area and the property owners would have to install water wells and septic systems.

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

1. Further development of the property shall conform to all federal, State of Alaska, and local regulations;
2. Delineate the access easement as set forth under Plat Note number 4 on the face of the plat;
3. Add to Plat Note number 4 that the City of Kenai does not recommend that the access easement be used as primary access into the subdivision;
4. Specify the acreage or square footage of each lot on the face of the plat;
5. The surrounding property notation for Lots 8 and 9, Block 3, should be changed to Lot 8A, Block 3, KN 2014-86;
6. Capitalize the "k" for Kasilof under the owner's signature line.

MOTION:

Commissioner Greenberg **MOVED** to recommend approval of Resolution No. PZ2021-13 with staff recommendations and Commissioner Woodard **SECONDED** the motion.

Clarification was provided that the 30 foot easement is provided in the notes, and that the easement was already existing as part of the preliminary plat and staff's recommendation on how to handle it is based on the zoning of this parcel as limited commercial.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

F. PUBLIC HEARINGS

1. **Resolution PZ2021-12** – Application for a Conditional Use Permit for a Day Care for the property described as Lot 1, Block L, Woodland Subdivision Part 1, located at 530 Ash Avenue, Kenai, Alaska 99611. The application was submitted by Lupine Orlob, 530 Ash Avenue, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet noting that the applicant wishes to increase the number of children attending their day care to 12 children, which exceeds the maximum of eight children under the age twelve allowed with a Home Occupation Permit, therefore requiring a Conditional Use Permit. 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:

- Further development of the property shall conform to all federal, State of Alaska, and local regulations;
- A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year;
- Biennial fire inspection must be completed by the Fire Marshal for the City of Kenai;
- The applicant will meet with City staff for on-site inspections when requested;
- 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);
- 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.

MOTION:

Commissioner Douthit **MOVED** to recommend approval of Resolution No. PZ2021-12 with staff recommendations and Commissioner Greenberg **SECONDED** the motion.

Vice Chair Fikes opened for public hearing.

Lupine Orlob, owner of Sproutlets Creative Learning, clarified details about her business and property for the commission including parking, the increase in children in her care, and State license status. An email from her neighbor as provided in the laydown was noted, and Ms. Orlob explained her policy on children picking up their own toys.

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

VOTE:

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

MOTION PASSED UNANIMOUSLY.

The 15-day appeal period for a Conditional Use Permit was noted.

2. **Resolution PZ2021-10** – Application for a Conditional Use Permit for a Planned Unit Development for the property described as Tract A, Kenai Landing Cottages Subdivision, located at 2101 Bowpicker Lane, Kenai, Alaska 99611. The application was submitted by Kenai Landing, Inc., 2101 Bowpicker Lane, Kenai, AK 99611

Planning Director Foster presented his staff report with information provided in packet noting that the applicant has proposed a planned unit residential development (PUD) for 60 dwelling units in Phase A, and that Phase A includes six development areas within an approximately 13 acre project site. 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 14.20.170 Planned Unit

- Residential Development must be reviewed and approved by the Planning Director;
4. Prior to issuance of a Building Permit, conditions listed under 14.20.160 Townhouses must be reviewed and approved by the Planning Director. Adjustments to criteria regarding lot width, lot size, and setbacks will be considered due to the nature of the project, including the Condominium approach in lieu of fee simple lots;
 5. Prior to beginning construction of the project, a building permit must be issued by the Building Official for the City of Kenai;
 6. Applicant will provide a copy of DEC compliance certification on the water/sewer system;
 7. Approval and issuance of the Conditional Use Permit for the Planned Unit Residential Development results in expiration of PZ2020-35 granting a Conditional Use Permit for two, two unit townhouses and one three unit townhouse on the subject property;
 8. A yearly Conditional Use Permit report must be submitted to the City of Kenai prior to the 31st day of December of each year;
 9. The applicant will meet with City staff for on-site inspections when requested;
 10. 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);
 11. 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;
 12. Failure to provide documentation to the City for meeting these conditions shall be grounds for the suspension or revocation of the conditional use permit;
 13. The developer or subdivider of any Planned Unit Residential Development including common open area, property, or amenities, shall have evidence that compliance with Uniform Common Interest Ownership Act, AS 34.08, has been made prior to the sale of any townhouse dwelling units.

MOTION:

Commissioner Springer **MOVED** to recommend approval of Resolution No. PZ2021-10 with staff recommendations and Commissioner Greenberg **SECONDED** the motion.

Vice Chair Fikes opened for public hearing.

John Faulkner and Steve Agni presented their vision of Home Port, including the location, the phases of construction, development areas and designs for townhomes and houses, and anticipated timeline.

Dawn Bragg expressed enthusiasm for the project, shared her own vision and offered suggestions.

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

Clarification was provided on the point at which private road maintenance takes over from State road maintenance. The applicants recognized that there are historic gravesites in the area, and assured the commission they will be preserved.

Discussion included the applicant's request to alter the language of Condition 4 to read "Prior to Issuance of a building permit, conditions listed under 14.20.160 Townhouses must be reviewed for conformity by the Planning Director. However, due to the unique nature of the project and its status as a condominium, the criteria under 14.20.160 regarding lot width, lot size and setbacks is hereby modified according to the attached grid as organized by Development Area and

represented on the Home Port master plan". The request and associated grid was provided to the commission in the laydown. Planning Director Foster explained that he had reviewed the presented data and noted that we was open to accepting the suggested replacement of Condition 4 with the understanding that, with the specificity of the setbacks provided in the grid, if things did change after the fact then the matter would have to return to the Planning & Zoning Commission.

Director Foster questioned the TBD status of the side setbacks on the nonresidential side of Cannery North, and the applicant recommended that it be set at 10 feet. The applicant also clarified that Cannery South had 0 lot lines for the units who share a common wall and had a 10 foot setback on the units at the end of the building.

MOTION TO AMEND:

Commissioner Springer **MOVED** to amend Resolution No. PZ2021-10 to replace Condition Four with the suggested version as presented in the laydown, and to clarify that the TBD for side setbacks at Cannery North to be 10 feet. Commissioner Halstead **SECONDED** the motion.

VOTE ON AMENDMENT:

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

MOTION PASSED UNANIMOUSLY.

VOTE ON MAIN MOTION AS AMENDED:

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

MOTION PASSED UNANIMOUSLY.

The 15-day appeal period for a Conditional Use Permit was noted.

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 April 21, 2021 City Council meeting.
2. **Borough Planning** – Vice Chair Fikes reported on the actions from the April 26, 2021 Borough Planning meeting, noting that they are now meeting in person with social distancing.
3. **City Administration** – Planning Director Foster reported on the following:
 - Planning & Zoning department has been very busy;

- Next meeting will include two conditional use permits and a plat, and potentially another plat and an airport lease.

K. ADDITIONAL PUBLIC COMMENT

1. Citizens Comments

Dawn Bragg inquired about code restrictions for salmon stream habitats in the Kenai Peninsula Borough Code and Kenai Municipal Codes.

2. Council Comments

L. INFORMATIONAL ITEMS

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. May 12, 2021

N. COMMISSION COMMENTS & QUESTIONS

Chair Twait, who was participating via Zoom, noted that it was nice to see everything from a different perspective.

Commissioner Halstead commended Planning Director Foster on his phenomenal and thorough job presenting all the information at tonight's meeting.

Commissioner Springer noted it was nice to be here in person for the first time in over a year.

Commissioner Greenberg noted that it is very exciting to see what's happening over at Kenai Landing, and is hoping the project will be successful.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 9:31 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

