

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 23, 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, J. Halstead, G. Greenberg, D. Fikes, G. Woodard

Commissioners absent: A. Douthit, R. Springer

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**

Chair Twait noted the following revisions to the agenda and packet:

Add to item F.1.

**Resolution PZ2021-24**

- Emails objecting to Conditional Use Permit application for fire wood bundling business (storage yard)

**MOTION:**

Commissioner Halstead **MOVED** to approve the agenda with requested additions and Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED.**

**4. Consent Agenda**

**MOTION:**

Commissioner Halstead **MOVED** to approve the consent agenda and Commissioner Woodard **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 – A. Douthit, R. Springer

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 9, 2021

The minutes were approved by the Consent Agenda.

**C. SCHEDULED PUBLIC COMMENT** – None.

**D. UNSCHEDULED PUBLIC COMMENT**

Kelly Kelso discussed industrial development near her neighborhood. She noted that at a previous Planning & Zoning Commission meeting regarding such development, she felt as though the Commission listened to the wishes of the neighborhood, and asked the Commission to consider the integrity of the residential area when considering future development proposals.

Barb Christian reiterated the previous public comments of her neighbor, noting that she is interested in keeping industrial development as attractive as possible. She suggested keeping colors green and brown so it blends in, and expressed concern about glaring lights and wetlands protection.

**E. CONSIDERATION OF PLATS** – None.

**F. PUBLIC HEARINGS**

1. **Resolution PZ2021-24** - Application for a Conditional Use Permit for a firewood bundling business (storage yard) in the Rural Residential zone, on Lot 24, Block 3, VIP Ranch Estates Subd. Part 6, and located at 2825 Bowpicker Lane. The application was submitted by Tracey Hedlund-Smith, 2740 Set Net Ct., Kenai, AK 99611.

**MOTION:**

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-24 and Vice Chair Fikes **SECONDED** the motion.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit (CUP) for the purposes of splitting and bundling firewood for sale. He noted that there had been an error in sign posting which had been corrected. 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. 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. 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.

Joe Lyons spoke in opposition to the CUP, expressing concern over spruce bark beetles, hours of operation, noise from the log splitter, fire danger and lack of a buffer zone.

Martha Eldridge explained that many trees that had already been removed from the area due to spruce bark beetles, and expressed concern over noise and resulting stress on the neighborhood children, removal of wildlife habitat, and fire danger.

Mary Rowley expressed concern about road access to the property, the diminishing number of trees on the property affecting the noise buffer, spraying wood with chemicals and water contamination, effects on home insurance rates, and increased dust.

Andrea Johnson spoke in opposition and asked the Commission to order on-site inspection. She stated that she had found discrepancies such as application statements being misleading or untrue, and the error in posting the hearing date. She expressed concern for road usage, excessive operating hours, increase of spruce bark beetles, and tree removal.

Trudy Jones noted that her main concern is road access to the land, and suggested the Commission get more information about trucking safety because of the children who play in these streets.

Matt Smith explained that they had purchased this property because they did not want it to be developed. He clarified that the wood is seasoned to prevent beetles. He explained that it is a family business that will not significantly increase traffic nor bring in many trees from outside, and if successful will only exist on that property only until they move to a commercial property elsewhere.

Gene Backstrom explained he is concerned about the noise and traffic affecting the children in the neighborhood. He expressed doubt about claims that it is a temporary location.

Barbara Backstrom expressing concern for children in the area due to noise and traffic, and commercial activities taking place in a residential area.

Greg Baiser noted that his main concern was hearing the noise. He asked whether it would be possible to provide the applicant the CUP on a temporary basis. He expressed concern for large vehicle traffic and long hours of operation.

Tracey Hedlund-Smith explained that she intends for this to be a small family business, and that they will not be working during all listed hours of operation. She clarified that any traffic will be

deliveries and the public will not be coming to pick up from the property. She noted that as a family with children whose home is adjacent to this property, they are very invested in maintaining low traffic and fire safety in the area.

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

Discussion from the Commission included the level of noise and traffic that the business would generate, its effects on the spruce bark beetle infestation, and fire hazard concerns.

Clarification was provided on the annual review process for CUPs and that there are provisions in code to rescind CUPs through this process, but they are not specific to noise complaints. It was explained that there is not currently precedent in code for issuing a CUP for only a limited period of time.

They considered whether conditions should be imposed regarding hours of operation, restricting the time limit of the CUP, noise complaints, and the applicant's plan for fire hazard mitigation.

**MOTION TO AMEND:**

Vice Chair Fikes **MOVED** to amend Resolution PZ2021-24 by adding Condition 7 to state that hours of operation for splitting will not include Saturday or Sunday. Halstead **SECONDED** the motion.

The Commission discussed the effect of noise on the neighborhood during the weekends.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED.**

**MOTION TO AMEND:**

Commissioner Greenberg **MOVED** to amend Resolution PZ2021-24 by adding Condition 8 that includes a requirement for practicing defensible space as defined by Division of Forestry. Vice Chair Fikes **SECONDED** the motion.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON MAIN MOTION AS AMENDED:**

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

**MOTION PASSED.**

Commission Chair Twait noted the 15-day appeal period.

**MOTION TO RECONSIDER THE QUESTION:**

Commissioner Greenberg **MOVED** to reconsider the question to approve Resolution PZ2021-24. Commissioner Woodard **SECONDED** the motion. There were no objections; **SO ORDERED.**

**MOTION TO AMEND:**

Commissioner Greenberg **MOVED** to amend Resolution PZ2021-24 by changing Condition 7 to state that hours of operation for splitting will not include Saturday or Sunday unless the applicant uses an electric splitter.

**VOTE ON AMENDMENT:**

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

**MOTION PASSED UNANIMOUSLY.**

**VOTE ON MAIN MOTION AS AMENDED:**

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

**MOTION PASSED UNANIMOUSLY.**

**G. UNFINISHED BUSINESS – None.**

**H. NEW BUSINESS**

1. **Action/Approval** - Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing.

**MOTION:**

Vice Chair Fikes **MOVED** to recommend approval of Conditionally Donating Certain City Owned Property Described as Two Approximate 1 1/4 Acre Parcels to be Subdivided from a Portion of the 72 Acre More or Less Portion of the SE 1/4 Lying East of Tract A Kenai Meadows (KPB Parcel No. 039 010 65) To Kenai Peninsula Housing Initiative for the Development of Restricted Income and Senior Housing. Commissioner Halstead **SECONDED** the motion.

Clarification was provided that the City had previously donated parcels to Kenai Peninsula Housing Initiative for low income and senior housing and those projects are now complete. They are now requesting two additional parcels, and staff recommends approving this with the addition of a 60 foot right-of-way, which would provide access to 72 acres of City-owned land.

Discussion included the potential for future development in the area and extension of water and sewer services.

**VOTE:**

YEA: Greenberg, Woodard, Twait, Halstead, Fikes

NAY:

**MOTION PASSED UNANIMOUSLY.**

2. **Action/Approval** - Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 010 35) to Triumvirate Theatre for the Development of a Theatre Facility.

**MOTION:**

Commissioner Halstead **MOVED** to recommend approval of Conditionally Donating Certain City Owned Property Described as One Approximate 2 Acre Parcel to be Subdivided from a Portion of the 6.8 Acre More or Less Portion of the East of Tract 4, Baron Park Subdivision (KPB Parcel No. 045 010 35) to Triumvirate Theatre for the Development of a Theatre Facility. Commissioner Woodard **SECONDED** the motion.

Clarification was provided that the theatre's previous facility burned down in February 2021 and they are looking to rebuild. The new theatre would be approximately 5,000 square feet, is centrally located and next to the site of the future dog park. The value of the donation and the timeframe for construction was discussed.

**VOTE:**

YEA: Twait, Halstead, Fikes, Greenberg, Woodard

NAY:

**MOTION PASSED UNANIMOUSLY.**

**I. PENDING ITEMS** – None.

**J. REPORTS**

1. **City Council** – Council Member Glendening reported on the actions from the June 16, 2021 City Council meeting, and upcoming Board of Adjustment hearings.
2. **Borough Planning** – No report.
3. **City Administration** – Planning Director Foster reported on the following:
  - Upcoming meeting on July 14, 2021 is anticipated to include one assignment, one Special Use Permit, and two proposed land sale ordinances.

**K. ADDITIONAL PUBLIC COMMENT** – None.

**L. INFORMATIONAL ITEMS**

**M. NEXT MEETING ATTENDANCE NOTIFICATION**

1. July 14, 2021

**N. COMMISSION COMMENTS & QUESTIONS**

Commissioner Halstead thanked Director Foster for the well-presented training.

Commissioner Greenberg thanked Director Foster for the training work session.

Vice Chair Fikes thanked Director Foster for the training presentation.

Chair Twait discussed land use maps that had previously been in Chambers, and requested they be reprinted.

**O. ADJOURNMENT**

There being no further business before the Commission, the meeting was adjourned at 9:27 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau  
Deputy City Clerk

