

**KENAI PLANNING & ZONING COMMISSION
REGULAR MEETING
DECEMBER 22, 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, A. Douthit, J. Halstead, R. Springer

Commissioners absent: G. Greenberg

Staff/Council Liaison present: Planning Director R. Foster, City Manager P. Ostrander, Deputy City Clerk M. Thibodeau, Vice Mayor J. Glendening

A quorum was present.

3. Agenda Approval

MOTION:

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

4. Consent Agenda

MOTION:

Commissioner Halstead **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 – None.
- C. SCHEDULED PUBLIC COMMENT – None.
- D. UNSCHEDULED PUBLIC COMMENT – None.
- E. CONSIDERATION OF PLATS – None.
- F. PUBLIC HEARINGS

- 1. **Resolution PZ2021-43** - Application for a Conditional Use Permit for a Limited Marijuana Cultivation Facility for the property described as Lot 2, Block 9, Valhalla Heights Subdivision Part 1, located at 5345 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Bryce Hoxeng, 5345 Kenai Spur Highway, Unit B, Kenai, Alaska 99611.'

MOTION:

Vice Chair Fikes **MOVED** to approve Resolution No. PZ2021-43 and Commissioner Halstead **SECONDED** the motion.

Michael Welch noted that he is one of the owners of this business, and explained that his business partner lives on this property and is passionate about the business. Mr. Welch explained that he operates a cultivation facility at his own home address and is ready to help his partner to start another.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a limited marijuana cultivation facility. 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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
- 3. Prior to beginning construction of any new structures, a building permit must be issued by the Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
- 4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.
- 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(l)(5).
- 8. 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.
- 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.

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

Clarification was provided that once the business is in operation it should not prevent other businesses from operating within a 1,000 foot radius, although it may create a scenario where there is a non-conforming use with any new uses; if the cultivation facility wanted to expand there may be additional requirements.

Mr. Welch clarified that the current State requirements for security, noting that he will receive notifications when regulations change. He explained that the 500 square foot area is canopy for the plants.

Clarification was provided on how the 500 foot buffer was determined. It was noted that there is no limitations on how many cannabis operations can be within proximity of each other.

VOTE:

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

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

2. **Resolution PZ 2021-44** - Application for a Conditional Use Permit for a Standard Marijuana Cultivation Facility for the property described as Lot 1, Yragui Subdivision, located at 8847 Kenai Spur Highway, Kenai, Alaska 99611. The application was submitted by Nicholas Mann, 140 Bidarka Street #1342, Kenai, Alaska 99611.

MOTION:

Commissioner Halstead **MOVED** to approve Resolution No. PZ2021-44 and Vice Chair Fikes **SECONDED** the motion.

Nicholas Mann, business owner and sole proprietor, noted that he is looking forward to exercising his knowledge of the industry.

Planning Director Foster presented his staff report with information provided in packet explaining that the applicant wishes to obtain a Conditional Use Permit for a standard marijuana cultivation facility. 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 starting operations, a landscape/site plan must be reviewed and approved by the Planning Director.
3. Prior to beginning construction of any new structures, a building permit must be issued by Building Official for the City of Kenai. Any renovations must check in with the Building Official regarding any required building permits.
4. Standards for commercial marijuana establishments per KMC14.20.330 must be maintained.

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(l)(5).
8. 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.
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.

Chair Twait opened for public hearing.

Nicholas Mann noted that Director Foster did a good job with the staff report presentation. In response to commissioner questions, he clarified that he does not currently have plans to go into retail, and if he did it would not be on this property. He noted that there is a family living in the house, and they will not be providing security for the business. He explained that he currently has an 18-month lease which he may extend, and the property is on City services for utilities. He clarified that he has taken the standard security measures required by the Alcohol and Marijuana Control Board, and provided details about his security system.

Katherine Uei, owner of the property, shared that every tenant on this property are all in support of this.

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

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

Chair Twait noted the fifteen-day appeal period.

G. NEW BUSINESS – None.

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 December 8th Meeting, this Resolution was Postponed to this Meeting; a Motion to Enact is On the Floor.]*

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

Director Foster noted that information had been added to the packet on Titles 21 and 22, zoning and additional definitions.

Discussion involved how the commission had approached Land Management Plan (LMP)

discussions at previous meetings, and how better clarification can be reached with regard to their LMP recommendations and subsequent implementation plan.

The goals of LMP presentation to commissions were clarified, and it was noted that the intent was not to develop policies and procedure, and the focus should be more about developing recommendations for parcels to retain for a public purpose or dispose. It was also advised that the commission could recommend to re-zone or subdivide a parcel, which would affect the implementation plan.

The commission discussed how the City's website offers resources for prospective land buyers such as GIS maps and land purchase application which clarify the disposal process of City lands. Director Foster clarifies that when he is approached by interested parties he will share this information, meet with them along with the Building Official and Fire Marshal to share information about the potential application, and discuss anything else required by code such as permits and site plans. It was noted that the lands inventory and GIS tool will make this process much easier.

Clarification was provided regarding how competing applications would be handled, and it was noted that the City pays for appraisal and the code specifies the reimbursement process.

Dates for a potential work session were discussed; clarification was provided on how motions will be made, and how public comment will be presented for consideration. It was noted that lands that have already been disposed of will not be moved.

Clarification was provided that commission can recommend eliminating property lines to make smaller adjacent parcels into one combined larger lot which could be more desirable; this would take place in implementation plan. It was noted that this could be expensive for the City, and the suggestion was made to wait until an interested party comes forward.

The commission decided to hold work session on Jan 20, 2022.

The commission requested that Administration provide information about the implementation plan, which would clarify differentiations between it and LMP recommendations.

MOTION:

Vice Chair Fikes **MOVED** to postpone Resolution No. PZ2021-39 until January 12, 2022 and Commissioner Woodard **SECONDED** the motion.

VOTE:

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

NAY:

MOTION PASSED UNANIMOUSLY.

I. **PENDING ITEMS** – None.

J. **REPORTS**

1. **City Council** – Council Member Glendening noted the good discussion, and discussed

next steps for LMP and implementation plan considerations. Reported on the actions from the December 15, 2021 City Council meeting.

2. **Borough Planning** – No report.

3. **City Administration** – Planning Director Foster reported on the following:

- Several meetings have been scheduled for January;
- January 12, 2022 meeting will include one CUP application;
- January 20, 2022 work session will begin at 6:00 pm;
- In response to inquiries from the commission, referred to KMC Title 12 Health & Safety which addresses abandoned and dilapidated buildings.

K. ADDITIONAL PUBLIC COMMENT

Vice Mayor Glendening noted that the City Council is looking for help with the LMP, and really depends on the Planning & Zoning Commission.

L. INFORMATIONAL ITEMS – None.

M. NEXT MEETING ATTENDANCE NOTIFICATION

1. January 12, 2022

N. COMMISSION COMMENTS & QUESTIONS

Commissioner Woodard wished everyone a Merry Christmas.

Commissioner Halstead thanked Commissioner Woodard for the treats she brought.

Vice Chair Fikes thanked Commissioner Woodard for the treats.

O. ADJOURNMENT

There being no further business before the Commission, the meeting was adjourned at 8:57 p.m.

Minutes prepared and submitted by:



Meghan Thibodeau
Deputy City Clerk

