



**Kenai Planning & Zoning Commission -  
Regular Meeting**

**August 14, 2024 – 7:00 PM**

**Kenai City Council Chambers**

**210 Fidalgo Avenue, Kenai, Alaska**

[www.kenai.city](http://www.kenai.city)

**\*\*Telephonic/Virtual Info on Page 2\*\***

**Agenda**

**A. CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

\*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.

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 26, 2024

**C. SCHEDULED PUBLIC COMMENT (*Public comment limited to ten (10) minutes per speaker*)**

**D. UNSCHEDULED PUBLIC COMMENT (*Public comment limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)**

**E. CONSIDERATION OF PLATS**

**F. PUBLIC HEARINGS**

1. **Resolution PZ2024-18** – Consideration of a Variance Permit for Reduced Buffer Distances on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.
2. **Resolution PZ2024-19** – Consideration of a Conditional Use Permit to Operate a Retail Marijuana Store on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

**G. UNFINISHED BUSINESS**

1. **Discussion/Recommendation** – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. [*On 6/12/24 this item was postponed.*]

**H. NEW BUSINESS**

1. **\*Action/Approval** – Requesting an Excused Absence for the June 26, 2024 Regular Meeting – Halstead

**I. REPORTS**

1. Planning Director
2. Commission Chair
- [3.](#) Kenai Peninsula Borough Planning
- [4.](#) City Council Liaison

**J. ADDITIONAL PUBLIC COMMENT *(Public comment limited to five (5) minutes per speaker)***

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: August 28, 2024

**L. COMMISSION COMMENTS AND QUESTIONS**

**M. PENDING ITEMS**

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://www.kenai.city). Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.*

**Registration is required to join the meeting remotely through Zoom.** Please use the link below to register:

<https://us02web.zoom.us/join/tZModuyqqjltGtXk-s8NSC8i4nGSBi3f--ho>

**KENAI PLANNING & ZONING COMMISSION  
REGULAR MEETING  
JUNE 26, 2024 – 7:00 P.M.  
KENAI CITY COUNCIL CHAMBERS  
210 FIDALGO AVE., KENAI, AK 99611  
CHAIR PRO TEMPORE JEFF TWAIT, PRESIDING**

**MINUTES**

**A. CALL TO ORDER**

A Regular Meeting of the Kenai Planning & Zoning Commission was held on June 26, 2024, in City Hall Council Chambers, Kenai, AK. Commissioner Twait called the meeting to order at approximately 7:00 p.m.

Having no presiding officer present, the first order of business was the election of a Chair Pro Tempore.

**MOTION:**

Commissioner Pettey **NOMINATED** Commissioner Twait to serve as Chair Pro Tempore for the meeting.

**VOTE:**           There being no objection; **SO ORDERED.**

**1. Pledge of Allegiance**

Chair Pro Tempore Twait led those assembled in the Pledge of Allegiance.

**2. Roll Call**

There were present:

Jeff Twait  
Glenese Pettey  
Gwen Woodard

John Coston, Vice Chair (*electronic participation*)  
Sonja Barbaza  
Diane Fikes

A quorum was present.

Absent:

Joe Halstead, Chair

Also in attendance were:

Linda Mitchell, Planning Director  
Brandon McElrea, Planning Technician  
Alex Douthit, City Council Liaison  
Meghan Thibodeau, Deputy City Clerk

**3. Approval of Agenda and Consent Agenda**

Chair Pro Tempore Twait noted the following additions to the Packet:

Add Item B.1.   **Approval of Minutes**

Deputy Clerk

- \*Regular Meeting of June 12, 2024

Add Item F.1.   **Public Hearing** – Resolution No. PZ2024-16

Planning Director

- Public Comment

**MOTION:**

Commissioner Pettey **MOVED** to approve the agenda and consent agenda. Commissioner Woodard **SECONDED** the motion.

The items on the Consent Agenda were read into the record.

Chair Pro Tempore Twait opened the floor for public comment on consent agenda items; there being no one wishing to be heard, the public comment period was closed.

**UNANIMOUS CONSENT** was requested.  
There being no objection; **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.

**B. APPROVAL OF MINUTES**

1. \*Regular Meeting of June 12, 2024

Approved by the consent agenda.

**C. SCHEDULED PUBLIC COMMENTS - None.**

**D. UNSCHEDULED PUBLIC COMMENTS - None.**

**E. CONSIDERATION OF PLATS**

1. **Resolution No. PZ2024-15** – Recommending Approval on Preliminary Plat – Beaver Loop Acres Addition No. 2 Replat for a Replat of Tract A and Lot 2 of the Beaver Loop Acres Subdivision within the Rural Residential (RR) Zoning District.

**MOTION:**

Commissioner Woodard **MOVED** to approve Resolution No. PZ2024-15. Commissioner Pettey **SECONDED** the motion.

Planning Technician McElrea provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-15, and explained the purpose of the replat. Staff's findings were reviewed, and it was noted that staff's recommendation is approval subject to the condition specified within the staff report as attached to Resolution No. PZ2024-15.

**VOTE:**

YEA: Pettey, Barbaza, Woodard, Twait, Fikes

NAY: None.

ABSENT: Halstead

**MOTION PASSED WITHOUT OBJECTION.**

*[Clerk's Note: Vice Chair Coston was unable to cast a vote due to technical issues.]*

**F. PUBLIC HEARINGS**

1. **Resolution No. PZ2024-16** – Granting a Conditional Use Permit to Operate Administrative Offices Within the Existing Building on the Property Described as Lot 1-A, Vacation & Replat, Rasmussen Subdivision, Located at 1311 Kiana Lane, Within the Suburban Residential (RS) Zoning District.



*[Clerk's Note: Commissioner Barbaza declared a possible conflict with Resolution No. PZ2024-16 as her employer intended to occupy the location if the CUP was granted. Chair Pro Tempore Twait ruled a conflict existed and Commissioner Barbaza abstained from discussion and voting on the resolution.]*

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-16. Commissioner Pettey **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-16, noting previous uses of the building include a martial art/yoga studio. Clarification was provided that the permitted use for this CUP was for administrative offices only, and any expanded uses would require reevaluation by Planning & Zoning Commission to include the public hearing process. It was noted that the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-16.

Chris Mumford, President and CEO of Salamatof Native Association (applicant), explained that the organization had applied for the CUP with intention of purchasing the building on Kiana Lane for the Salamatof Tribe's administrative offices; the building had suitable space for administrative offices including bathrooms, a large kitchen, and areas for potential youth and cultural classes. He described the association's commitment to Kenai; their community-oriented focus; social services offered by the association; and the future intent to expand services to include youth classes and elder gatherings after applying for and receiving the necessary permits. Mumford apologized to his neighbors for not reaching out prior to the public hearing.

Chair Pro Tempore Twait opened the floor for public hearing.

Eric Morrison, Director of Salamatof Tribe, noted the prospective tenants to occupy the building would be the Tribe; the proposed use fits within the Institutional land use and would provide social and cultural services to the community. He identified services provided by the Tribe included support for the homeless, youth programs focusing on pride, culture, health, and services for elders. In response to questions from the Commission, he clarified that the Tribe intended to grow, although firefighting services will not be at this location.

Brad Brown, resident, addressed the Commission in opposition to the CUP expressing concerns regarding being a property owner within the 300-foot radius and not receiving notification from the City; inconsistencies in the CUP regarding use and future expansions; the proposal violates the suburban residential zone by potentially generating heavy traffic, which poses a danger to children who play in the street; and how it may worsen existing issues with street parking. Mr. Brown requested a clearer definition of what is being approved with the CUP and urged the Commission to consider the impact on the neighborhood from traffic and future expansion plans.

In response to questions from the Commission, Mr. Brown stated that he was unaware of the facility being used as a yoga studio; and had not experienced issues when the building was operating under previous institutional uses. He noted that he had not received notification from the City, Planning Director Mitchell clarified that was due to Mr. Brown having his information removed from Kenai Peninsula Borough map; she clarified that this CUP was strictly for administrative offices only, and if the applicant wanted to expand their use of the building they would have to reapply for a new CUP; Brown further expressed concerns that the approval of this CUP would make it more likely that the Commission would approve a future CUP for additional uses.

Raymond Hanson, resident, addressed the Commission in opposition to the CUP expressing concerns about the potential expansions not detailed in the permit application; noted disappointment with the vacation of public access and traditional trail use when the church property expanded and the increase in stop signs in the neighborhood; and noted that he shared some of Brad Brown's concerns and would like the intent to be made clearer on the permit.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time, however, was unable to be heard due to technical issues.]*

In response to questions from the Commission, Mr. Mumford identified the initial phase would focus on improving the existing building for administrative use; long-term plans may include adding more buildings and hosting community events; that traffic to the property would be strictly administrative at the beginning; that expansion plans would be designed to minimize traffic and maintain a clean, well-maintained environment to allow them to hold more community and family-focused events. He emphasized Salamatof's values of betterment of youth and being good community members.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]*

Tim Davenport, resident, addressed the Commission in opposition to the CUP, stating concerns regarding the lack of detailed notice received; and the potential impacts on his neighborhood; inadequate access and infrastructure; lack of a buffer between his home and the building. Mr. Davenport clarified that he lived with his five children, the new use would significantly increase traffic in a residential neighborhood where children play; it would disrupt his family's quality of life and decrease property values; stated that the location was unsuitable for the proposal; and cautioned against the potential for future commercial development.

Danette Howland, current occupant of the building, addressed the Commission in support of the CUP, noting the building once housed a successful yoga and martial arts business attracting up to 30-people at a time; she acknowledged traffic issues, stating the kids on four wheelers and motorcycles on the street were not supposed to be doing that and a separate issue from the CUP. Ms. Howland identified potential improvements to the parking lot, fence and buildings.

Kathy McMurray, resident, addressed the Commission in opposition to the CUP, noting concerns regarding the proposed changes to the building; not receiving any notification regarding the hearing; there were ongoing issues with traffic and safety in the neighborhood, especially regarding children playing in the area. Ms. McMurray questioned how the new development would affect access to her home.

*[Clerk's Note: Paula Carlyle attempted to provide testimony at this time; however, was unable to be heard due to technical issues.]*

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

Director Mitchell clarified that the lot line on Baker Street had been vacated when the plat had been approved in 1979. She reviewed staff's recommended conditions on the CUP, including a requirement for the property owners to either plant and maintain necessary landscaping or install a minimum six-foot fence, and ensure that existing setbacks and landscape buffers are maintained. The timeframe for compliance with these conditions was discussed, and it was noted that typically they have up to two years to meet the requirement. The location of the buffering was discussed.

Chair Pro Tempore Twait stated that he would be in support of the resolution and that the CUP meets criteria. He addressed the concerns shared during public testimony, noting that it would be inappropriate to deny the CUP based on potential future uses not included in this permit, and that any traffic issues would likely be limited to normal business hours.

Commissioner Fikes stated support for the resolution, noting that the previous commercial use had been successful and the applicants intend to use the property for the good of the community and neighborhood. She noted that the CUP meets criteria, the conditions requiring buffering will help to mitigate potential issues, and that it will be low impact.

Commissioner Pettey also noted that the previous commercial use had been successful, that the current CUP application met criteria, and with the additional buffering requirements staff had added she supported approval.

Commissioner Woodard stated she would not be in support of this CUP. She stated that despite the criteria being met, she did not want to go against the residents who opposed the CUP and disagreed with letting businesses go into neighborhoods.

Chair Pro Tempore Twait addressed comments made during public testimony, noting that concerns with the notification process and traffic issues are separate issues that should be addressed by the City.

**VOTE:**

YEA: Fikes, Twait, Pettey

NAY: Woodard

ABSENT: Halstead

ABSTAIN: Barbaza, Coston

**MOTION PASSED.**

*[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-16 pursuant to KMC 14.05.025(e)]*

Chairperson Pro Tempore Twait noted the 15-day appeal period.

2. **Resolution No. PZ2024-17** - Granting a Conditional Use Permit to Operate a Cabin Rental (i.e., Short-Term Rental) of the Existing Single-Family Dwelling on the Property Described as Lot 1, Block 4, Central Heights Subdivision, Located at 213 Portlock Street Within the Suburban Residential (RS) Zoning District.

**MOTION:**

Commissioner Fikes **MOVED** to approve Resolution No. PZ2024-17. Commissioner Woodard **SECONDED** the motion.

Planning Director Mitchell provided an overview of the staff report as included in the packet and attached to Resolution No. PZ2024-17, noting that another short-term rental CUP on the same street had been approved with the added condition of quiet hours, and so the same condition was added to this CUP to maintain consistency in the area; the application met the CUP criteria and City staff recommends approval subject to the conditions as specified within the staff report as attached to Resolution No. PZ2024-17.

Frank Duniphin, applicant, addressed the Commission in support of the CUP, noting that his family had lived in the neighborhood for eleven years; were friends with many neighbors; clarified that tenants would be limited to three vehicles and no more than four adults per night.

In response to questions from the Commission, Mr. Duniphin clarified that he would not be allowing boat trailers; that he will be living within a five-minute drive of the property; and is friends with neighbors if any issues arise with tenants.

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

Chair Pro Tempore Twait stated support, noting that no issues had been reported on the other short-term rental CUP on the street, and that this kind of business is good for the community.

**VOTE:**

YEA: Barbaza, Woodard, Pettey, Fikes, Twait

NAY: None

ABSENT: Halstead

ABSTAIN: Coston

**MOTION PASSED WITHOUT OBJECTION.**

*[Clerk's note: Commissioner Coston abstained from discussion and voting on Resolution PZ2024-17 pursuant to KMC 14.05.025(e)]*

Chair Pro Tempore Twait noted the 15-day appeal period.

**G. UNFINISHED BUSINESS** – None.

**H. NEW BUSINESS**

1. \***Action/Approval** – Requesting an Excused Absence for the June 12, 2024 Regular Meeting – Barbaza

Approved by the consent agenda.

**I. REPORTS**

1. Planning Director – Planning Director Mitchell reported on the following:
  - This was her last Planning & Zoning Commission meeting; last day with the City is July 5<sup>th</sup>.
  - Max Best serve as Interim Planner, and will be working part-time starting next week.
  - Expressed appreciation for working with Commission; emphasized the importance of the Comprehensive Plan.
2. Commission Chair – No report.
3. Kenai Peninsula Borough Planning – Commissioner Fikes reported on recent actions of the Kenai Peninsula Borough Planning Commission.
4. City Council Liaison – Council Member Douthit reported on recent actions of the City Council.

**J. ADDITIONAL PUBLIC COMMENT** – None.

**K. NEXT MEETING ATTENDANCE NOTIFICATION**

1. Next Meeting: July 10, 2024

**L. COMMISSION COMMENTS AND QUESTIONS**

Commissioners Barbaza, Woodard, Pettey and Fikes expressed appreciation for Director Mitchell.

**M. PENDING ITEMS**

**Discussion/Recommendation** – Proposal to Reduce the Number of Meetings for Planning and Zoning Commission. *[On 6/12/24 this item was postponed to the 7/24/24 Planning & Zoning Commission meeting.]*

**N. ADJOURNMENT**

**O. INFORMATIONAL ITEMS** – None.

There being no further business before the Planning & Zoning Commission, the meeting was adjourned at 9:29 p.m.

I certify the above represents accurate minutes of the Planning & Zoning Commission meeting of June 26, 2024.

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Meghan Thibodeau, Deputy City Clerk



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2024-18**

A RESOLUTION **DENYING** THE APPLICATION FOR A VARIANCE PERMIT.

APPLICANT: Richard R. Moses

PROPERTY ADDRESS: 11888 Kenai Spur Highway #3

LEGAL DESCRIPTION: Government Lots 19, 20, and 21, in Section 6, Township 5 North,  
Range 11 West, Seward Meridian

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04702001

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.180(b) was submitted to the City on May 24, 2024; and,

WHEREAS, the applicant has not demonstrated that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on August 14, 2024, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.*

Findings: Staff finds no special conditions or circumstances peculiar to the land or structures of the subject parcel to meet this criterion.

2. *The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.*

Findings: Staff finds that the requested variance is intended to redress a pecuniary hardship or inconvenience caused by actions of the applicant. The applicants indicate that the building only has value as a commercial marijuana establishment. There are many other uses permitted in the General Commercial zoning district. The inability to operate a retail marijuana store does not substantially diminish economic opportunity. Therefore, the request for a variance permit does not meet this criterion.

3. *The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.*

Findings: Pursuant to KMC Section 14.22.010 Land Use Table, a retail marijuana store is not a permitted principal use in the General Commercial Zoning District, but instead requires a conditional use permit. Therefore, the request for a variance permit does not meet this criterion.

4. *The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.*

Findings: The granting of this variance would be the minimum variance by allowing the applicant to operate a retail marijuana store within approximately 332 feet of the outer boundaries of the nearest recreation or youth center.

5. *The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.*

Findings: An excerpt of the applicants' statement from another section of the application states "...another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance." Therefore, the request for a variance permit does not meet this criterion.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

**Section 1.** That the request for a variance permit to reduce the buffer distances as set forth in Kenai Municipal Code 14.20.330 be denied as it does not meet all of the requirements of KMC Section 14.20.180 Variance Permits.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 14<sup>TH</sup> DAY OF AUGUST, 2024.

ATTEST:

\_\_\_\_\_  
JOE HALSTEAD, CHAIRPERSON

\_\_\_\_\_  
Meghan Thibodeau, Deputy City Clerk



# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission

**FROM:** Max Best, Planning Director

**FROM:** Brandon McElrea, Planning Technician

**DATE:** August 7, 2024

**SUBJECT:** Resolution PZ2024-19 – Conditional Use Permit to Allow a Retail Marijuana Store and Resolution PZ2024-18 – Variance Permit for Buffering Distance.

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### Request

The applicant is requesting a conditional use permit to operate a retail marijuana store, as well a variance permit to obtain relief from the ordinance for standards for commercial marijuana establishments.

### Staff Recommendation

Denial of the Variance Permit for the adjustment of buffer distance as well as the Conditional Use Permit for the operation of a retail marijuana store within an approximately 1,600 square foot commercial space located at 11888 Kenai Spur Highway, #3.

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Applicants	Sandra and Troy Millhouse
Property Owner	Troy Millhouse
Legal Description	Government Lots 19, 20, 21, Section 6, T5N, R11W
Building Address	11888 Kenai Spur Highway
KPB Parcel ID	04702001
Lot Size (acreage)	1.67
Zoning	General Commercial (CG)
Current Property Use	Unoccupied Commercial Buildings
Current Building Use	Unoccupied Commercial
Land Use Plan	General Commercial (GC)

## SUMMARY

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The applicant has requested a Conditional Use Permit (CUP) to operate a retail marijuana store on a property described as Government Lots 19, 20, and 21, Section 6, Township 5 North, Range 11 West, Seward Meridian, Kenai, located at 11888 Kenai Spur Highway. The proposed retail store will be approximately 1,600 square feet and located in unit number three (3) of an approximately 9,332 square foot existing commercial building.

The applicant has also requested a Variance Permit in order to obtain relief from Kenai Municipal Code (KMC) Subsection 14.20.330(f)(2).

It should be noted that request for a Conditional Use Permit on this same property by a separate applicant was denied on June 22, 2016, PZ16-17. This decision was upheld by the Board of Adjustment, Case No. BA-16-03.

## ANALYSIS – Variance

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With the authorization of property owner Troy Millhouse, Richard R. Moses has submitted a variance permit application seeking relief from of KMC Subsection 14.20.330(f), requesting the buffer distance be adjusted such that the proposed marijuana retail store be considered.

Commercial marijuana establishments must comply with KMC 14.20.330 *Standards for Commercial Marijuana Establishment*. As stated in KMC Subsection 14.20.330(f):

*No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:*

- (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment; and*
- (2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.*

Within the 1,000-foot buffer map (see attachment), staff found no institutional uses. Therefore, the proposed retail marijuana store is located outside the 1,000-foot buffer from any primary and secondary schools (K-12).



The 500-foot buffer and accompanying maps (see attachments 500 ft Buffer Map, Exhibit A and Exhibit B) show that within 500 feet of the proposed retail marijuana store, two parcels contain facilities meeting the definition of recreation or youth center. KMC Section 14.20.320 *Definitions* states:

*“Recreation or youth center” means a building, structure, athletic playing field, or playground, run or created by a local government or the State to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under twenty-one (21) years of age.*

Prior to granting a variance permit, the Commission must find that all of the conditions have been met as set forth in KMC 14.20.180(c) [Variance Permit] *Review Criteria*.

***Variance Criteria 1: Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.***

**Findings:** Staff finds no special conditions or circumstances peculiar to the land or structures of the subject parcel to meet this criterion.

**Per the applicants’ statement** “The property in question was purchased after Linda Mitchell, the (former) Planning Director for the City of Kenai, called Mrs. Sandra Millhouse and told her that the property in question was outside the 500 foot buffer zone at issue here. Mr. and Mrs. Millhouse would not have purchased the property in question without Ms. Mitchell’s assurance. In short, they relied upon her assurance to their detriment. Moreover, this property is currently vacant. Accordingly, its development will increase the values of surrounding properties as well as the overall aesthetic of the area.”

***Variance Criteria 2: The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.***

**Findings:** Staff finds that the requested variance is intended to redress a pecuniary hardship or inconvenience caused by actions of the applicant. The applicants indicate that the building only has value as a commercial marijuana establishment. There are many other uses permitted in the General Commercial zoning district. The inability to operate a retail marijuana store does not substantially diminish economic opportunity. Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants’ statement** “As stated, Mr. and Mrs. Millhouse relied upon Ms. Mitchells assurance to purchase the property. Simply put, Mr. and Mrs. Millhouse would not have purchased the subject property but for Ms. Mitchells mistake. It was entirely reasonable for Mr. and Mrs. Millhouse to rely upon the Planning Director in this situation. Additionally, Mr. and Mrs. Millhouse were informed by Ms. Mitchell that another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance.”

***Variance Criteria 3: The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.***

**Findings:** Pursuant to KMC Section 14.22.010 *Land Use Table*, a retail marijuana store is not a permitted principal use in the General Commercial Zoning District, but instead requires a conditional use permit. Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants' statement** "The property in question is located in the general commercial zone, which allows for conditional use permits for marijuana retail facilities per KMC 14.22.010 and KMC 14.20.330(a)."

***Variance Criteria 4: The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.***

**Findings:** The granting of this variance would be the minimum variance by allowing the applicant to operate a retail marijuana store within approximately 332 feet (Exhibit A) of the outer boundaries of the nearest recreation or youth center.

**Per the applicants' statement** "The ballfield(s) in question are actually more than 1,000 feet away from the proposed marijuana retail facility, although within 500 feet of the "buffer zone" under KMC 14.20.330(f)(1) when measured as the City of Kenai measures. So, the requested variance is minimal in all practical effect and will allow Mr. and Mrs. Millhouse to enjoy their property as they see fit and as KMC allows."

***Variance Criteria 5: The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.***

**Findings:** An excerpt of the applicants' statement from another section of the application states "...another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance." Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants' statement** "Given that the property in question is zoned for general commercial and that general commercial allows for conditional use permits for retail marijuana facilities, this variance will not be based upon other nonconforming land uses or structures within the same land use or zoning district."

## **PUBLIC NOTICE**

Pursuant to Kenai Municipal Code 14.20.280 notices of public hearing for the variance permit were mailed to property owners within a three hundred (300) foot periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* on August 2, 2024. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the variance permit request.

As of the date of this staff report, one public comment has been received (See Public Comment Attachment).

## **STAFF RECOMMENDATION**

Staff finds that the proposed Variance Permit application requesting buffer zone adjustment does not meet the criteria for issuance of a Variance Permit as set forth in Kenai Municipal Code Section 14.20.180(c), and hereby recommends that the Planning and Zoning Commission deny the proposed Variance Permit application. The decision of the Planning and Zoning Commission is subject to appeal, pursuant to KMC 14.20.290.

## **ANALYSIS – Conditional Use Permit**

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

***Criteria 1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.***

**Findings:** The General Commercial Zoning District is described in Section 14.20.120 of Kenai Municipal Code (KMC) as follows:

*The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above.*

Retail marijuana stores are a conditional use within the CG Zoning District, therefore a conditional use permit is required to operate a retail marijuana store. As proposed, the retail marijuana store would occupy as approximately 1,600 square foot unit of an approximately 9,332 square foot commercial building. The remaining units of the building are currently unoccupied.

Given the preceding Variance Permit application not meeting required criteria, staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store is consistent with the purpose of this chapter or the intent of the zoning district.

***Criteria 2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.***

**Findings:** The economic and noneconomic value of adjacent properties would not be adversely affected by the proposal. The applicant states that the building is currently in a state of disrepair, and improvements are planned for both the building and landscaping, thus enhancing the aesthetics of the property as a whole. Historically the building has housed an array of businesses including restaurants, billiards halls, thrift/antique stores, small engine repair, and more. A retail store would generate commercial activity on the commercial premises, and would be consistent with the existing commercial development. The operation of any commercial marijuana establishment is subject to KMC as well as AMCO standards and any code violations may be subject to the revocation of the CUP.

**Criteria 3: The proposed use is in harmony with the Comprehensive Plan.**

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the General Commercial (GC) land use classification. The GC Land Use Classification is defined in the Comprehensive Plan:

*General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.*

The subject property is surrounded by Kenai Spur Highway to the south and west, commercial and residential uses to the north, and commercial and airport light industrial uses to the east. The proposed use would be consistent with the existing commercial development on the subject property.

## RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-4

*Promote siting and design of land uses that are in harmony and scale with surrounding uses.*

**Goal 2** – Provide economic development to support the fiscal health of Kenai.

Objective ED-5

*Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.*

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-2

*Promote the infill of existing, improved subdivision lots.*

***Criteria 4: Public services and facilities are adequate to serve the proposed use.***

**Findings:** City water and sewer are available along First Avenue, which is a City-maintained road. The primary access is off of Kenai Spur Highway, a State-maintained right-of-way. Staff finds there would be little to no noticeable increase to traffic on the Kenai Spur Highway. The approximately 1,600 square foot retail unit requires 1 parking space per 300 square feet for retail use, for a total of 5 parking spaces. Therefore, the proposed use would not require additional parking spaces. Staff finds that there are adequate public services and facilities to serve the proposed use.

***Criteria 5: The proposed use will not be harmful to the public safety, health or welfare.***

**Findings:** Given the preceding Variance Permit application not meeting required criteria (PZ2024-18), staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store consisting of approximately 1,600 square feet would not be harmful to the public safety, health, or welfare.

***Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.***

**Findings:** Pursuant to KMC 14.20.330 *Standards for Commercial Marijuana Establishments* the following conditions apply to retail marijuana stores:

1. On-site consumption is prohibited on the premises of the proposed commercial marijuana establishment.
2. The proposed retail marijuana store shall not emit an odor detectable by the public from outside establishment.
3. The proposed marijuana establishment may not conduct business on, or allow any customer or consumer to access, the licensed premises between the hours of 5:00a.m. and 8:00 a.m. daily.

## **PUBLIC NOTICE**

---

Pursuant to Kenai Municipal Code 14.20.330(c) notices of the public hearing for the conditional use permit amendment to allow a retail marijuana store were mailed to property owners within a five hundred-foot (500') periphery of the subject property or expanded until a minimum of 30 different property owners are available for notification. City staff published notice of the public hearing in the *Peninsula Clarion* at least seven (7) days prior to the date of the hearing. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit amendment request.

As of the date of this staff report, one (1) public comment has been received.

## STAFF RECOMMENDATION

---

Staff finds that the proposed CUP application for the operation of an approximately 1,600 square foot retail marijuana store within the existing approximately 9,332 square foot commercial building on Government Lots 19,20, and 21, Section 6, Township 5 North, Range 11 West, Seward Meridian, Kenai, located at 11888 Kenai Spur Highway does not meet the required criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code (KMC) 14.20.150 and KMC 14.20.330 *Standards for Commercial Marijuana Establishments*, and hereby recommends that the Planning and Zoning Commission deny the Conditional Use Permit application. This decision of the Planning and Zoning Commission is subject to appeal, pursuant to KMC 14.20.290.

## ATTACHMENTS

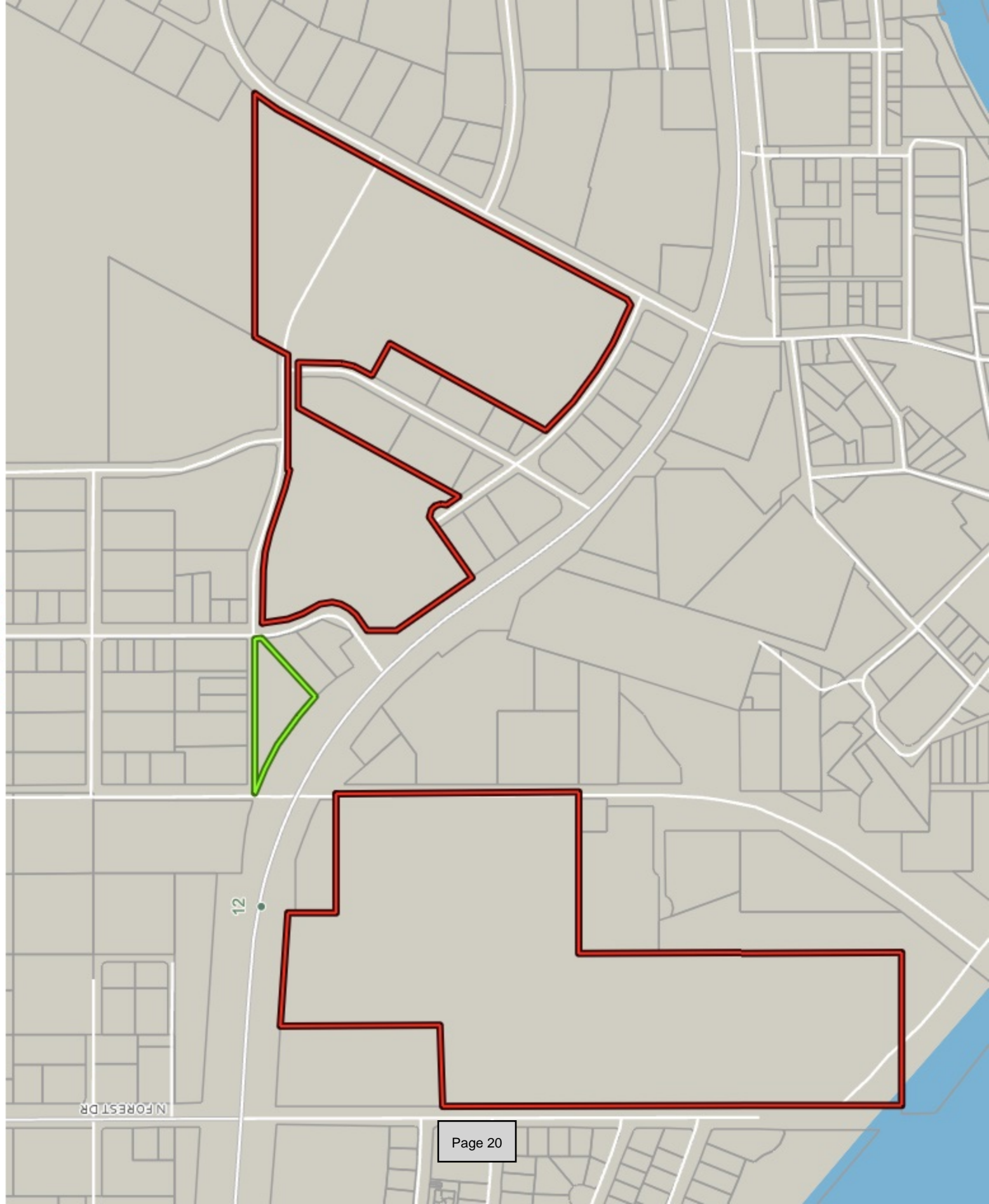
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Exhibit A  
Exhibit B  
500 ft Buffer Map  
1000 ft Buffer Map  
CUP Application with Floor Plan  
Public Comment  
Affidavits of Posting  
Variance Permit Application  
Notice Mailing List











500 foot Buffer Map





1,000 foot Buffer Map







# Conditional Use Permit Application

FEB 28 2024

Planning & Zoning

By: \_\_\_\_\_

*[Signature]*

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

## PROPERTY OWNER

Name:	Troy Millhouse		
Mailing Address:	PO Box 874574		
City:	Wasilla	State:	AK Zip Code: 99687
Phone Number(s):	907-229-6783		
Email:	bigdaddyfuzzy@yahoo.com		

## PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Sandra D. Millhouse		
Mailing Address:	PO Box 874574		
City:	Wasilla	State:	AK Zip Code: 99687
Phone Number(s):	907-373-8761		
Email:	sandraadhbica@yahoo.com		

## PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04702001
Physical Address:	11888 Kenai Spur Hwy #3 Kenai AK 99611
Legal Description:	+ 5N R 11W Sec 6 Seward Meridian KN Govt lots 19, 20, 21
Zoning:	General Commercial (C6)
Acres:	1.67

## CONDITIONAL USE DESCRIPTION

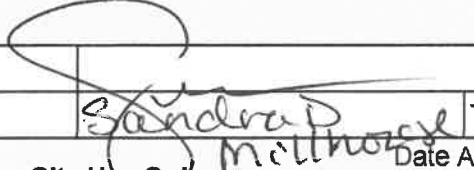
(include site plan/floor plan with square footages)

(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	currently vacant
Conditional Use Requested for (attach additional sheets if necessary):	
a marijuana Retail Facility as defined in municipal code 14.20.320.	

Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:
In the Land use code 14.22.010, the location we picked falls in the General Commercial zoning in the Land Use table, which allows conditional use permits for retail marijuana stores.

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:
we have a private access for our driveway. The property is currently vacant and unattractive. we are planning bldg improvements and plant additions or flower pots / beds to improve the look and aesthetic.

Use of surrounding property - north:	GC - Hall Quality Bldgs & Residential		
Use of surrounding property - south:	GC - Strip mall w/ antique store		
Use of surrounding property - east:	GC & ALI - Salvation Army		
Use of surrounding property - west:	Kenai Spur & Suburban Residential - vacant		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
In Table 16 of the Land Use Plan Classifications, GC will be used for future retail, and our location falls under GC on the map. we are planning improvements			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
Our location is off the main road through downtown Kenai, and all utilities and public services are available there.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
the access to our location is off the Kenai Spur Hwy so access is out of any residential area. we have 24 hour security set in place with camera monitoring and an alarm company. the retail is not visible inside to the public			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
we have easy access from the Kenai Spur Hwy, we have a ID card screening process for all visitors. we do not allow loitering anywhere on the property, and the facility is not visible from the outside.			
AUTHORITY TO APPLY FOR CONDITIONAL USE:			
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 2/22/24
Print Name:	Sandra D. Melthorse	Title/Business:	Canna Get Happy
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

Millhouse Farms & Gardens

NUVISION FCU  
90-8239/3222



1001

PAY TO THE  
ORDER OF

City of Kenai

Two hundred sixty-five and 00/100 \*\*\*\*\*

City of Kenai  
210 Fidalgo St  
Kenai, AK 99611

MEMO

AUTHORIZED SIGNATURE

02/25/2024  
\$  
\*\*265.00

DOLLARS

Security features. Details on back.



**Canna Get Happy**

cannagethappy@gmail.com

2321 E. Palmer Wasilla Hwy Wasilla, AK 99654  
907/376-2900

810 E. 6th Ave. Anchorage, AK 99501  
907/278-0510

- KEY NOTE  
 EXISTING PARTITIONS  
 WINDOW  
 EQUIPMENT TAG  
 PLUMBING FIXT. TAG  
 ELEVATION TAGS  
 TRUE NORTH  
 SURVEILLANCE  
 MENU TV  
 INGRESS  
 EGRESS  
 LICENSED PREMISES  
 NON-LICENSED PREMISES

1	UPDATED	02.21.24
1	CREATED	02.06.24

DESIGNED BY:  
 COT DESIGN  
 1500 W. 10TH AVE  
 WASHILLA, AZ 85087

PROJECT:  
 COWANET HAPPY, LLC  
 1500 W. 10TH AVE  
 SAN PEDRO, CALIFORNIA  
 1500 W. 10TH AVE, UNIT 3  
 KENNA, AZ 85087

PROJECT	DATE	DIAGRAM
02.21.24	02.21.24	3

33' R/W FIRST AVENUE

N 89°58'30" W 660.00

EDGE OF CURB

DRIVEWAY

Loading Dock

Exc. Box

Fuel Tank

LOTS 19,20 & 21

BUILDING

GRAVEL & ASPHALT DRIVEWAY

KENNA SPUR HIGHWAY  
 R=1004.93 L=431.40  
 R/W VARIES

LOT 18

S 50°25' W

BUILDING

DECK

Porch

Water Poles

Conc. Walk

Sign

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

Per Pole

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Per Pole

# NOTES

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

ALL BOUNDARY DATA SHOWN IS OF RECORD INFORMATION UNLESS OTHERWISE NOTED.

THIS MORTGAGE LOCATION SURVEY IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE LOCATION SURVEY WAS PERFORMED. THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENTS.

THIS MORTGAGE LOCATION SURVEY WAS PREPARED IN ACCORDANCE WITH THE ASPLS MORTGAGE LOCATION SURVEY STANDARDS.

SEE ANY LOCAL ZONING AUTHORITIES OR COVENANTS THAT MAY APPLY TO THIS PARCEL FOR BUILDING SETBACKS

# SPECIAL NOTE

This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purposes intended and is valid for 120 days from the date of original survey after which it must be resurveyed.

AS-BUILT PLAN  
 SCALE: 1/8" = 1'-0"



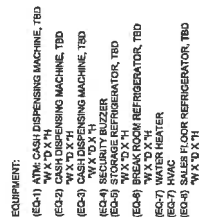
General Notes	
KEY NOTE	EXISTING PARTITIONS
WINDOW	EQUIPMENT TAG
EQ-1	PB-1
PLUMBING	FIXT. TAG
ELEVATION TAGS	TRUE NORTH
INGRESS	EGRESS
LICENSED PREMISES	NOT LICENSED PREMISES

1	CREATED	10.08.21
DESIGNED BY:		
CST DESIGNS		
P.O. BOX 874674		
WASILLA, AK 99677		
PROJECT:		
CANNA GET HAPPY, LLC		
1888 KENAI SPUR HWY, UNIT 3		
KENAI, AK 99511		
DIAGRAM:		
CANNA GET HAPPY		
02/1/24		
1/8"=1'-0"		

4



SITE PLAN  
SCALE: 1/8" = 1'-0"



PROJECT: CANNA GET HAPPY	DIAGRAM: <b>1</b>
DATE: 12/06/24	
SCALE: 3/8"=1'-0"	





# Kenai Peninsula Borough, Alaska

## Assessing Department

[Go Back](#)
[Property Search](#)
[Print Report](#)
[Property Taxes](#)

### General Info

**Property Owner:**  
MILLHOUSE TROY  
PO BOX 874574  
WASILLA AK 99687-4574

[Change of Address](#)
[Owner\(s\)](#)
**Property ID**

04702001

**Address**

11888 KENAI SPUR HWY

**Transfer Date**

9/13/2023

**Document / Book Page**

20230071490

**Acreage**

1.6700

**Tax Authority Group**

30 - KENAI CITY

### Legal Description

#### Description

T 5N R 11W SEC 6 Seward Meridian KN GOVT LOTS 19 20 & 21

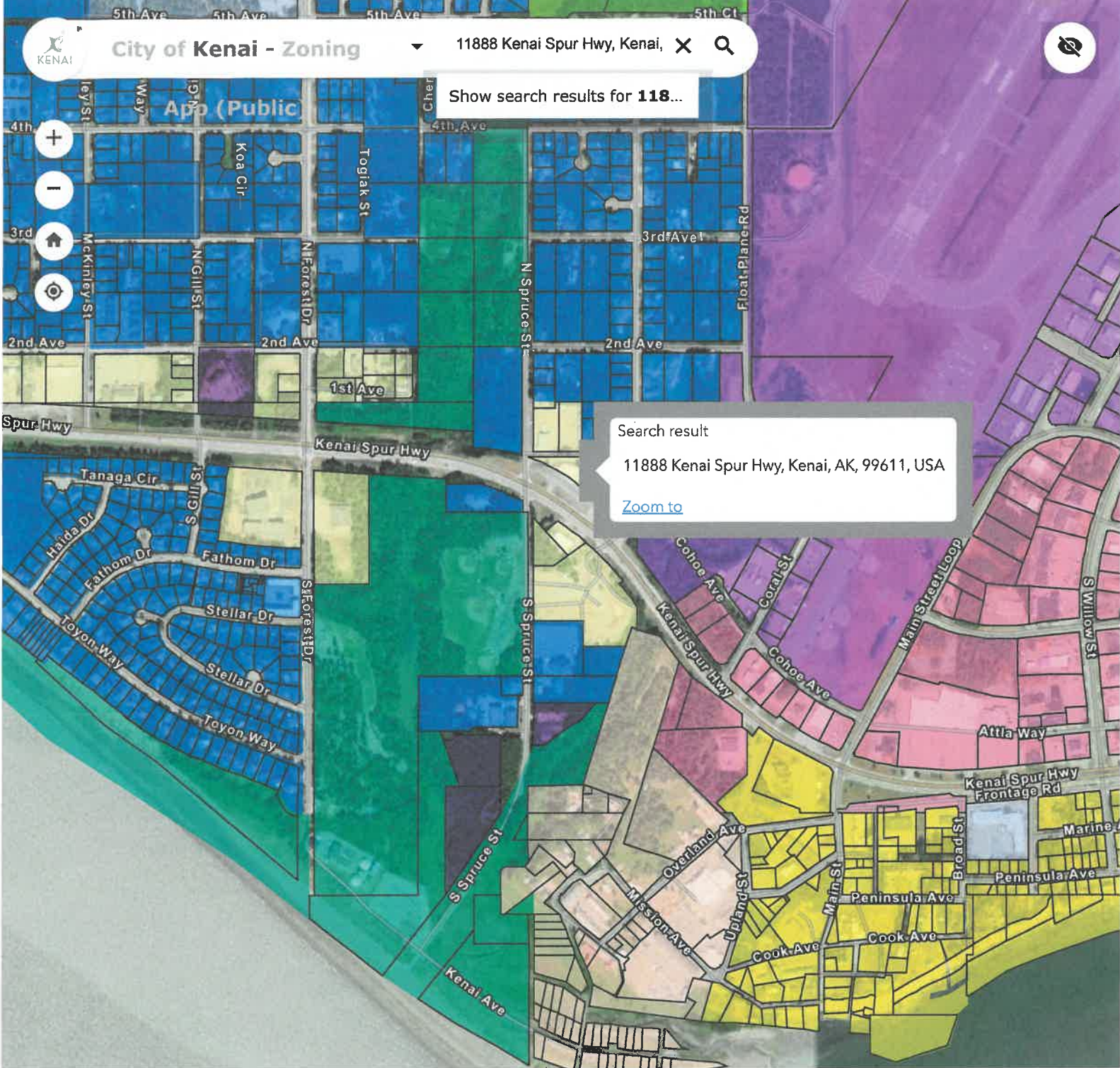
### Value History

Year	2023	2022	2021	2020	2019	2018	2017	2016	2015
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Assd	\$209,300	\$209,300	\$129,500	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300
Imp Assd	\$112,900	\$262,400	\$229,900	\$242,400	\$244,600	\$233,200	\$228,700	\$225,100	\$247,000
Total Assd	\$322,200	\$471,700	\$359,400	\$365,700	\$367,900	\$356,500	\$352,000	\$348,400	\$370,300

### Extension Details

C01

C02



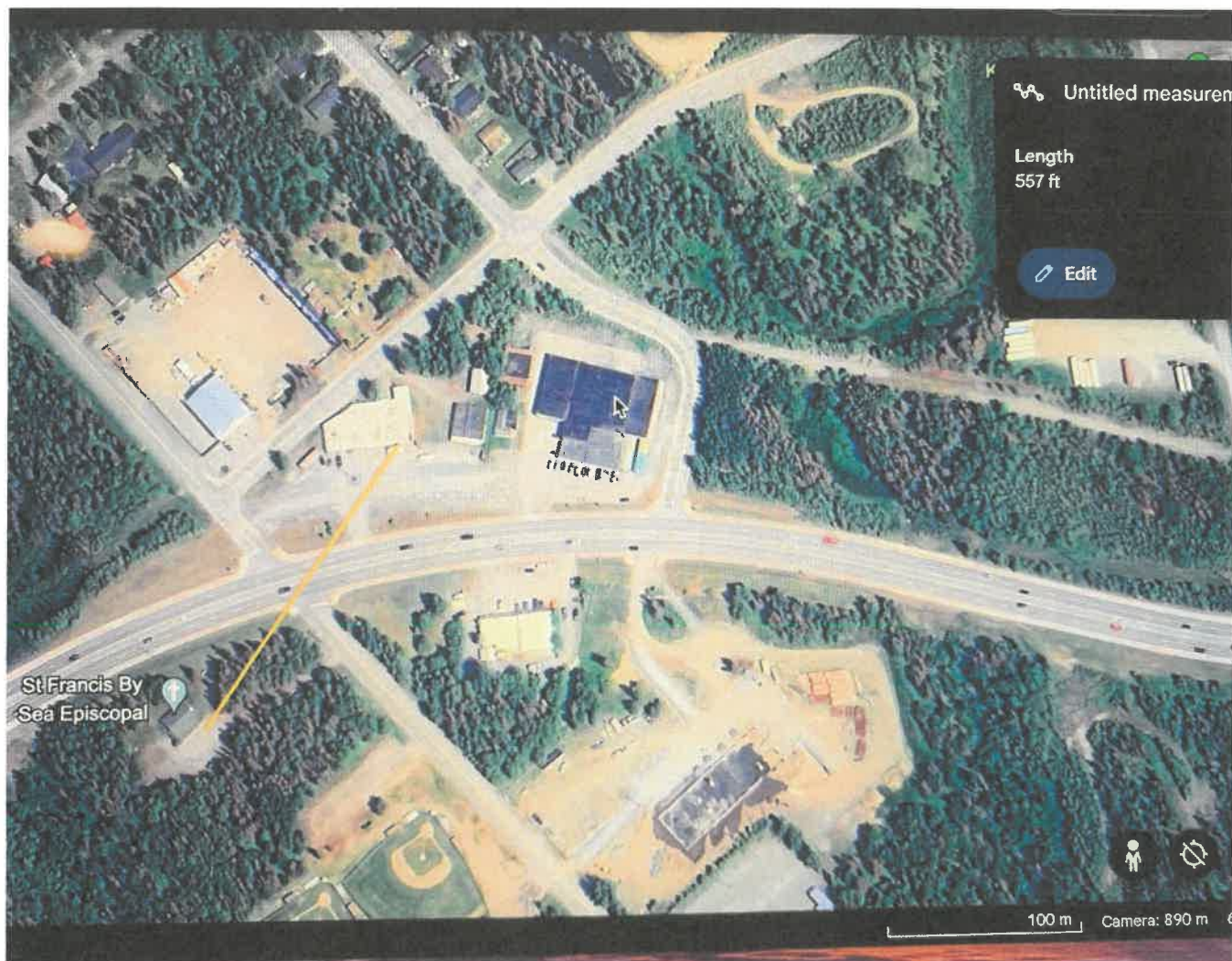
Show search results for 118...

Search result  
11888 Kenai Spur Hwy, Kenai, AK, 99611, USA  
[Zoom to](#)



**From:** Sandra D Millhouse sandradhbic@yahoo.com  
**Subject:** Line From kenai canna to church  
**Date:** February 20, 2024 at 8:43 PM  
**To:** Sandra D Millhouse sandradhbic@yahoo.com

SM



# “The Gardens” Majestic & Magical

Deniece & Ronald Isaacs  
12656 Kenai Spur Hwy Kenai AK 99611  
907-3983267 Dee 9072529777 Ron 9072834872 stores

July 17, 2024

To: major Kenai, city attorney, planning and zoning, city council & any interested party.

We are expressing our dissatisfaction of the willingness to try to change code, regulations for one person and not another.

As entrepreneurs we are fully aware of due diligence. Making sure approval is in writing before giving up our life savings and hawking everything we own. Putting down deposits and paying appraisers for official documentation became a consequence of this endeavor.

We spent a lot of money finding an approved location within the city limits of Kenai. 3 Different attempts before finding closing on a location

One of those locations was Swan square. Where we leased the building after the surveys were done, then we were denied a conditional use permit. Our appeal pleading for collaboration and seeking relief, to change alter existing properties to compile with state regulations was denied.

The Airport land is leased and is vital to our community. Regulations for public safety for these airports are vital to their operations. We can only imagine the funding that is supported by the airport. Athletic fields are on that leased airport land. This land comes practically to swans square back door. The little field at Steven Shearer Memorial Park ball field is too close at 438’.

The Alaskan Native Elders made an appearance to protest the location so close to where there were developing in old town. I am sure they would have some more opinions on what is being considered, I will be bringing this to their attention as well. They have invested tons of money in our community. The church across the street protested as well, offering buckets of money to prevent a marijuana business at that location. This letter will go to them as well.

Canna Get Happy’s; Millhouse should have gotten a conditional use permit BEFORE purchasing the building and gotten some legal surveys. They are experienced marijuana businesses owners.

Swan Square owners knew full well a marijuana business could not go there, as two had already tried, they received revenue from those attempts and were denied. Vivian the owner at the time was over seen by her guardian daughter, Vivian as since passed, they were both aware as they received copies of necessary documents. Vivian did attended a meeting as I recall.

The city would not change, amend or help in any way to approve our conditional use permit, we were not giving the option to change anything, in fact we begged for help and consideration in collaborating to find a solution. NONE WAS GIVEN TO US.

The community, board members and the city officials made that decision not to have marijuana businesses in that location therefore it should stand. It was financially and emotionally draining to say the least. We have evaluated what this denial this has cost us and will be considering our options if this building is considered for a marijuana establishment of any kind. Something is not right it is fishy or feels corrupt to change for one and not another.

*Thank you*  
*Deniece & Ronald*



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

## AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I hereby certify that I have posted a Notice of Public Hearing as prescribed by Kenai Municipal Code 14.20.280 (d) on the property that

SANDRA D. MILLHOUSE (Name of Applicant) has petitioned for a  
CONDITIONAL USE PERMIT FOR A RETAIL MARIJUANA STORE

The notice was posted on the date of 02 AUG 2024, which is at least 10 days prior to the public hearing on this petition. I acknowledge this Notice must be posted so as to be visible from each improved street adjacent to the property and must be maintained and displayed until all public hearings have been completed. I acknowledge that the Notice must be removed within 5 days after the hearing.

### Affirmed and signed by:

Brandon McElrea  
Signature

BRANDON McELREA  
Printed Name

02 AUG 2024  
Date

### Property:

Address: 11888 KENAI SPUR HWY  
Legal Description: GOVERNMENT LOTS 19, 20, 21, SEC 6, T5N, R11W  
KPB Parcel #: 04702001

### P&Z Resolution #:

PZ-2024-19



**CITY OF KENAI  
PLANNING & ZONING COMMISSION  
Notice of Meeting**

**City of Kenai Council Chambers  
210 Fidalgo Avenue, Kenai, AK 99611**

The following agenda items will be before the City of Kenai Planning and Zoning Commission at their meeting starting at 7:00 p.m. on **Wednesday, August 14, 2024.**

**PUBLIC HEARINGS**

1. **Resolution PZ2024-18** – Consideration of a Variance Permit for Reduced Buffer Distances on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.
2. **Resolution PZ2024-19** – Consideration of a Conditional Use Permit to Operate a Retail Marijuana Store on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

The public is invited to attend the meeting and to participate virtually/telephonically. Additional information is available through the Planning and Zoning Department at [planning@kenai.city](mailto:planning@kenai.city), (907) 283-8237, or on the City's website at [www.kenai.city](http://www.kenai.city).

Brandon McElrea, Planning & Zoning Administration

Publish: August 2, 2024





## Variance Permit Application

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

### PROPERTY OWNER

Name:	Troy D. Millhouse				
Mailing Address:	P.O. Box 874574				
City:	Wasilla	State:	AK	Zip Code:	99687
Phone Number(s):	907.229.6783				
Email:	bigdaddyfuzzy@yahoo.com				

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Richard R. Moses (Alaska Bar No. 1311096)				
Mailing Address:	701 W. 8th Ave., Ste. 700				
City:	Anchorage	State:	AK	Zip Code:	99501
Phone Number(s):	907.274.0666				
Email:	rmoses@hwb-law.com				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04702001
Physical Address:	11888 Kenai Spur Hwy., #3, Kenai, AK 99611
Legal Description:	Government Lots 19, 20, and 21, in Section 6, Township 5 North, Range 11 West, Seward Meridian
Zoning:	General Commercial (GC)
Acres:	1.67

### VARIANCE DESCRIPTION

(include site plan with square footages and elevations of all existing/proposed buildings)  
(use additional pages if necessary to answer questions)

A variance permit is the relaxation of the development requirements to provide relief when the literal enforcement would deprive a property owner of the reasonable use of their real property. The requirements for a variance permit in City Code must be met for a variance to be granted.

How is this property currently being used?	Currently vacant.
Use of surrounding property - north:	General Commercial -- Hall Quality Builders.
Use of surrounding property - south:	General Commercial -- Strip mall with antique store.
Use of surrounding property - east:	General Commercial and Airport Light Industrial -- Salvation Army.
Use of surrounding property - west:	Suburban Residential -- currently vacant.

Variance Requested for (attach additional sheets if necessary):

A marijuana retail facility as defined by KMC 14.20.320 to be located within the 500 foot buffer from ball field(s) that potentially qualify as a "recreation or youth center" under KMC 14.20.320.

Explain the special conditions or circumstances present which are peculiar to the land or structure involved which are not applicable to other land or structures in the same land use or zoning district:

The property in question was purchased after Linda Mitchell, the Planning Director for the City of Kenai, called Mrs. Sandra Millhouse and told her that the property in question was outside of the 500 foot buffer zone at issue here. Mr. and Mrs. Millhouse would not have purchased the property in question without Ms. Mitchell's assurance. In short, they relied upon her assurance to their detriment. Moreover, this property is currently vacant. Accordingly, its development will increase the values of surrounding properties as well as the overall aesthetic of the area.

Explain the special conditions or circumstances present that have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary (monetary) hardship or inconvenience:

As stated, Mr. and Mrs. Millhouse relied upon Ms. Mitchell's assurance to purchase the property. Simply put, Mr. and Mrs. Millhouse would not have purchased the subject property but for Ms. Mitchell's mistake. It was entirely reasonable for Mr. and Mrs. Millhouse to rely upon the Planning Director in this situation. Additionally, Mr. and Mrs. Millhouse were informed by Ms. Mitchell that another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance.

Explain how this variance will not authorize a use that is not a permitted principal use in the zoning district in which the property is located:

The property in question is located in the general commercial zone, which allows for conditional use permits for marijuana retail facilities per KMC 14.22.010 and KMC 14.20.330(a).

Explain how the variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure:

The ballfield(s) in question are actually more than 1,000 feet away from the proposed marijuana retail facility, although within 500 feet of the "buffer zone" under KMC 14.20.330(f)(1) when measured as the City of Kenai measures. So, the requested variance is minimal in all practical effect and will allow Mr. and Mrs. Millhouse to enjoy their property as they see fit and as the KMC allows.

Explain how the granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district:

Given that the property in question is zoned for general commercial and that general commercial allows for conditional use permits for retail marijuana facilities, this variance will not be based upon other nonconforming land uses or structures within the same land use or zoning district.

**AUTHORITY TO APPLY FOR A VARIANCE:**

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a variance permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:		ABA# 13110910	Date:	05/21/2024
Print Name:	Richard R. Moses	Title/Business:	Holmes Weddle & Barcott, PC	

**For City Use Only**

Date Application Fee Received:

PZ Resolution Number:





## Variance Permit Application

### CHECKLIST

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

- ☐ Evaluate if your property has special conditions or circumstances peculiar to the property that prevent reasonable use of the property that are not merely a pecuniary inconvenience.
- ☐ Evaluate uses allowed in your zoning district. Information on zoning is available at [kenai.city/planning/page/zoning](http://kenai.city/planning/page/zoning).
- ☒ Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application.  
Intents of zoning districts are at [kenai.municipal.codes/KMC/14.20](http://kenai.municipal.codes/KMC/14.20).
- ☐ Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- ☐ City staff will evaluate your application following Kenai Municipal Code 14.20.180- Variance Permits ([kenai.municipal.codes/KMC/14.20.180](http://kenai.municipal.codes/KMC/14.20.180)). Please answer questions from City staff about your application.
- ☐ Post sign on your property and confirm the posting with the City. Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- ☐ Attend Planning & Zoning Commission meeting (not mandatory, but recommended). Attendance is beneficial so you are able to answer questions of the Commission.
- ☐ 15-day appeal period of the Planning & Zoning Commission's decision.

Thank you for choosing the City of Kenai!













Please contact the Planning & Zoning Department with application questions.

PROJECT: CANVA GET HAPPY	DIAGRAM:
DATE: 02/21/24	3
SCENE: 1/8=1'0"	

**SITE PLAN**   
SCALE: 1/8" = 1'-0"



**General Notes**

	KEY NOTE
	EXISTING PARTITIONS
	WINDOW
	EQUIPMENT
	TAG
	PLUMBING FIXT. TAG
	ELEVATION TAGS
	TRUE NORTH
	INGRESS
	EGRESS
	LEASED PREMISES
	NON-LEASED PREMISES

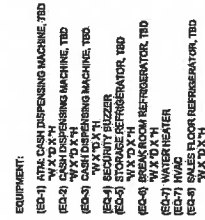
1	CREATED	07/06/2
---	---------	---------

DESIGNED BY:  
CST-DESIGNS  
P.O. BOX 874574  
VALSILLA, AK 99687

FRANCIS J. CANNA GET HAPPY, LLC  
LICENSEE: 34-37844  
SANDRA D. MILLHOISE  
11888 KENN SPUR HWY, UNIT 3  
KENA, AK 99611

PROJECT: CANNA GET HAPPY	DIAGRAM:  <div style="font-size: 2em; text-align: center;">4</div>
DATE: 02/21/21	
SCALE: 1/8"=1'-0"	





**PROPOSED FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



# Kenai Peninsula Borough, Alaska

## Assessing Department

[Go Back](#)[Property Search](#)[Print Report](#)[Property Taxes](#)

**Property Owner:**  
MILLHOUSE TROY  
PO BOX 874574  
WASILLA AK 99687-4574

[Change of Address](#)[Owner\(s\)](#)**Property ID**

04702001

**Address**

11888 KENAI SPUR HWY

**Transfer Date**

9/13/2023

**Document / Book Page**

20230071490

**Acreage**

1.6700

**Tax Authority Group**

30 - KENAI CITY

### Description

T 5N R 11W SEC 6 Seward Meridian KN GOVT LOTS 19 20 & 21

Year	2023	2022	2021	2020	2019	2018	2017	2016	2015
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Assd	\$209,300	\$209,300	\$129,500	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300
Imp Assd	\$112,900	\$262,400	\$229,900	\$242,400	\$244,600	\$233,200	\$228,700	\$225,100	\$225,100
Total Assd	\$322,200	\$471,700	\$359,400	\$365,700	\$367,900	\$356,500	\$352,000	\$348,400	\$348,400

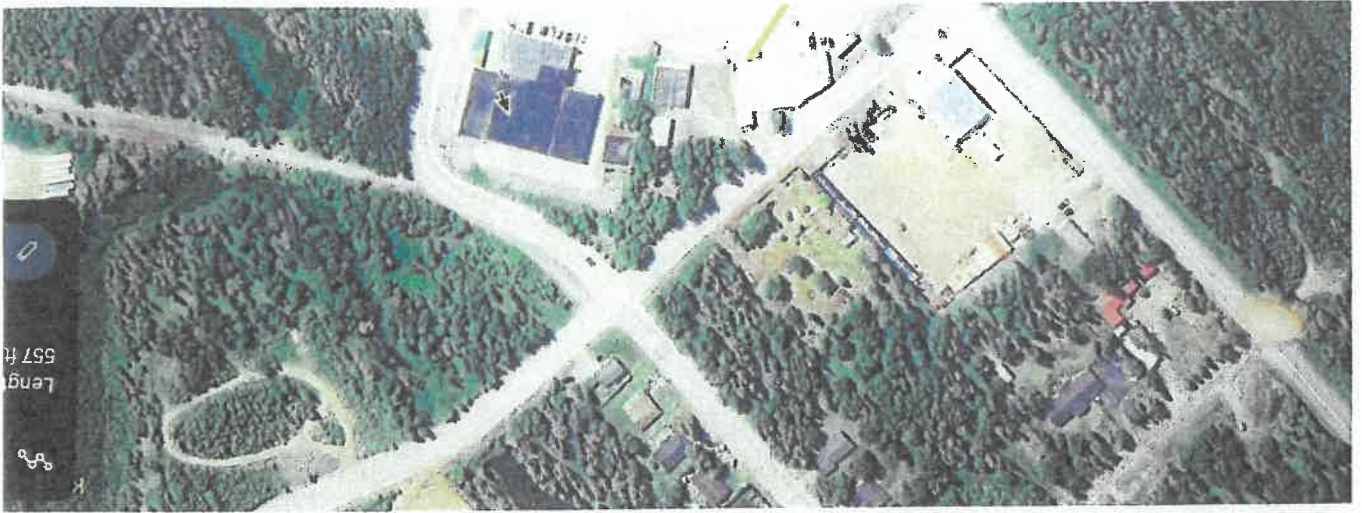
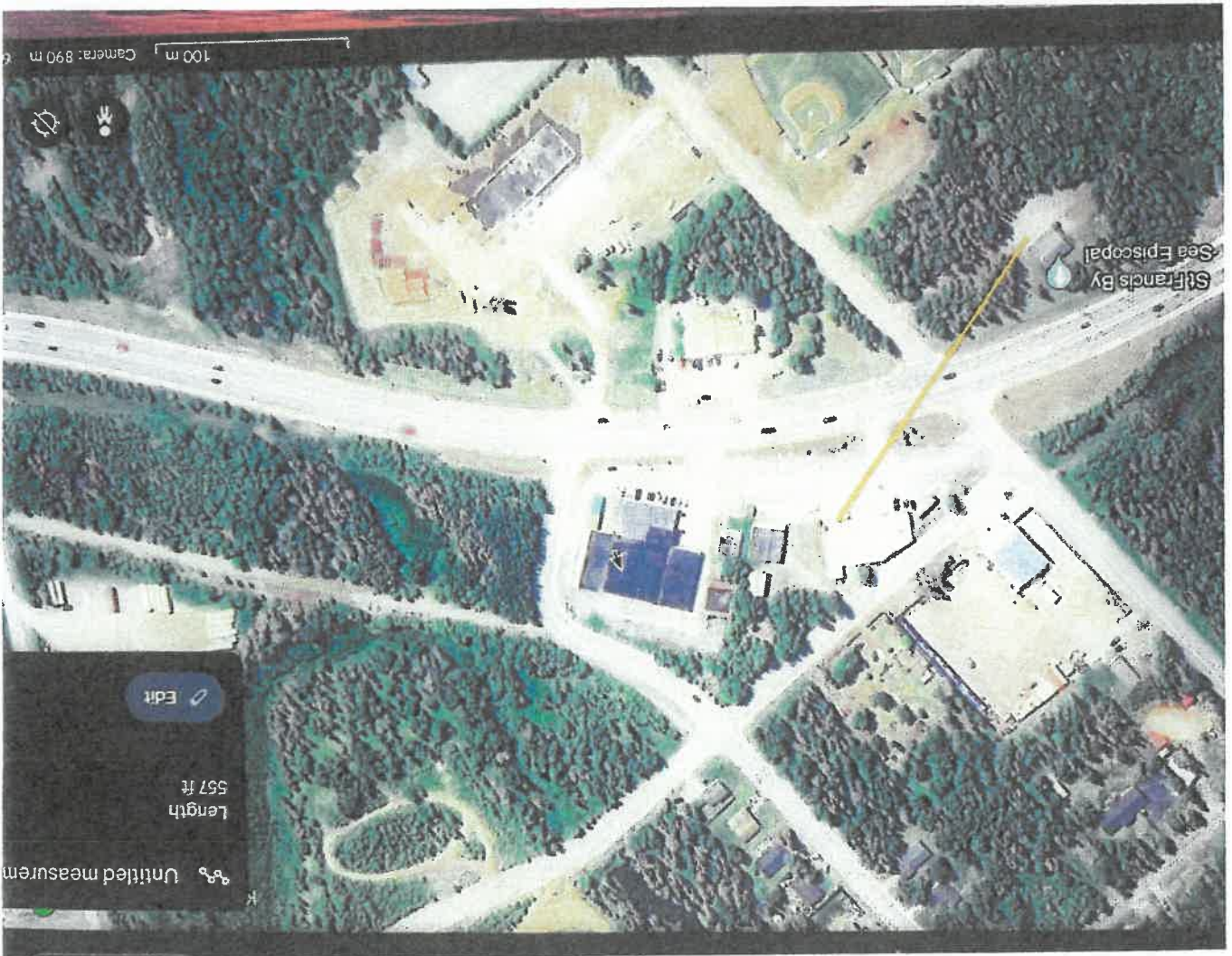
[C01](#)[C02](#)







**From:** Sandra D Millhouse sandradhbic@yahoo.com  
**Subject:** Line From kenal canna to church  
**Date:** February 20, 2024 at 8:43 PM  
**To:** Sandra D Millhouse sandradhbic@yahoo.com



City of Kenai - Planning and Zoning Department

	Inv#	Amt	Inv#	Amt	
	8952-035214	\$265.00			
					May 22, 2024
					Check Total \$265.00

Variance Permit Application (Millhouse)  
Fee \$250.00 (+) Additional \$15 for 6% KPBTax

HOLMES WEDDLE & BARCOTT, PC		WAFD BANK SEATTLE, WASHINGTON 98101 19-7098/3250	
Two hundred sixty-five Dollars 00/100*****		DATE	AMOUNT
		May 22, 2024	\$265.00
PAY TO THE ORDER OF	City of Kenai - Planning and Zoning Department 210 Fidalgo Ave Kenai, AK 99611	VOID AFTER 90 DAYS	
		AUTHORIZED SIGNATURE	



EPISCOPAL DIOCESE OF ALASKA  
110 S SPRUCE ST  
KENAI  
AK 99611

FIRST BAPTIST CHURCH  
PO BOX 3412  
KENAI  
AK 99611

FIVE D INVESTMENTS LLC  
PO BOX 969  
KENAI  
AK 99611

HILCORP ALASKA LLC  
1111 TRAVIS ST  
HOUSTON  
TX 77002

HUGHEY KIANA  
1103 2ND AVE  
KENAI  
AK 99611

HUGHEY TYSON E  
1103 2ND AVE  
KENAI  
AK 99611

KENAI CITY OF  
210 FIDALGO AVE STE 200  
KENAI  
AK 99611

KENAITZE INDIAN TRIBE  
PO BOX 988  
KENAI  
AK 99611

LAGOUTARIS ELAINNAH  
36350 MAYONI ST  
SOLDOTNA  
AK 99669

MADRIGAL ANDY  
4785 BUCKNELL CT  
SACRAMENTO  
CA 95841

MADRIGAL SOPHIA  
4785 BUCKNELL CT  
SACRAMENTO  
CA 95841

MARSH LYN E  
106 BIRCH ST  
KENAI  
AK 99611

MCKEIRNAN DANIEL F  
PO BOX 2365  
KENAI  
AK 99611

MCKEIRNAN SUSAN  
PO BOX 2365  
KENAI  
AK 99611

MCMANAMY SHELDON D  
36350 MAYONI ST  
SOLDOTNA  
AK 99669

MILLHOUSE TROY  
PO BOX 874574  
WASILLA  
AK 99687

MOREY DOLLIE K  
202 BIRCH ST  
KENAI  
AK 99611

OSTRANDER PAUL CLARK  
48645 RUNNERS AVE  
SOLDOTNA  
AK 99669

OUR LADY OF ANGELS PARISH OF  
ARCHDIOCESE OF ANCHORAGE  
225 S SPRUCE ST  
KENAI  
AK 99611

PEREZ FRED Jr  
204 BIRCH ST  
KENAI  
AK 99611

RININGER LACEY  
511 ASH AVE  
KENAI  
AK 99611

RININGER ZACHARY  
511 ASH AVE  
KENAI  
AK 99611

RONELLENFITCH SARAH M  
102 BIRCH ST  
KENAI  
AK 99611

RR KENA LLC  
2133 E RANCH RD  
TEMPE  
AZ 85284

SALVATION ARMY  
143 E 9TH AVE  
ANCHORAGE  
AK 99501

SARKS GARNET M  
110 BIRCH ST  
KENAI  
AK 99611

SARKS PAUL E  
110 BIRCH ST  
KENAI  
AK 99611

SARKS PAUL E & GARNET M  
110 BIRCH ST  
KENAI  
AK 99611

SHAFFER KEITH  
PO BOX 853  
KENAI  
AK 99611

SHAFFER MAUREEN K  
PO BOX 853  
KENAI  
AK 99611

SIPES CHERYL L & GERALDINE L  
PO BOX 4472  
SOLDOTNA  
AK 99669

SWEARINGEN GLENNA M  
PO BOX 1031  
KENAI  
AK 99611

VARNE THOMAS  
22205 67TH PL W  
MOUNTLAKE TERRACE  
WA 98043

WILES MICHAEL L & NANCY L  
1206 1ST AVE  
KENAI  
AK 99611

WILLIAMSON HOWARD J  
607 E 74TH AVE  
ANCHORAGE  
AK 99518

WILLIAMSON TERRY K  
607 E 74TH AVE  
ANCHORAGE  
AK 99518

WILSON RUSSELL J SR & CONSTANCE  
1402 1ST AVE  
KENAI  
AK 99611



**CITY OF KENAI  
PLANNING AND ZONING COMMISSION  
RESOLUTION NO. PZ2024-19**

A RESOLUTION **DENYING** A CONDITIONAL USE PERMIT FOR A RETAIL MARIJUANA STORE.

APPLICANT: Sandra D. Millhouse

PROPERTY ADDRESS: 11888 Kenai Spur Highway #3

LEGAL DESCRIPTION: Government Lots 19, 20, and 21, in Section 6, Township 5 North, Range 11 West, Seward Meridian

KENAI PENINSULA BOROUGH PARCEL NUMBER: 04702001

WHEREAS, a complete application meeting the requirements of Kenai Municipal Code 14.20.150 was submitted to the City on February 28, 2024; and,

WHEREAS, the applicant has not demonstrated that the prerequisites of a Conditional Use Permit have been met pursuant to Kenai Municipal Code 14.20.150; and,

WHEREAS, the City of Kenai Planning and Zoning Commission conducted a duly advertised public hearing on August 14, 2024, following requirements outlined in Kenai Municipal Code 14.20.280 for public hearings and notifications.

WHEREAS, the Planning and Zoning Commission finds:

1. *KMC 14.20.150(d)(1) The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district;*

Findings: The General Commercial Zoning District is described in Section 14.20.120 of Kenai Municipal Code (KMC) as follows:

*The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above.*



Retail marijuana stores are a conditional use within the CG Zoning District, therefore a conditional use permit is required to operate a retail marijuana store. As proposed, the retail marijuana store would occupy as approximately 1,600 square foot unit of an approximately 9,332 square foot commercial building. The remaining units of the building are currently unoccupied.

Given the preceding Variance Permit application not meeting required criteria, staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store is consistent with the purpose of this chapter or the intent of the zoning district

2. *KMC 14.20.150(d)(2) The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired;*

Findings: The economic and noneconomic value of adjacent properties would not be adversely affected by the proposal. The applicant states that the building is currently in a state of disrepair, and improvements are planned for both the building and landscaping, thus enhancing the aesthetics of the property as a whole. Historically the building has housed an array of businesses including restaurants, billiards halls, thrift/antique stores, small engine repair, and more. A retail store would generate commercial activity on the commercial premises, and would be consistent with the existing commercial development. The operation of any commercial marijuana establishment is subject to KMC as well as AMCO standards and any code violations may be subject to the revocation of the CUP.

3. *KMC 14.20.150(d)(3) The proposed use is in harmony with the Comprehensive Plan;*

Findings: The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the General Commercial (GC) land use classification. The GC Land Use Classification is defined in the Comprehensive Plan:

General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.

The subject property is surrounded by Kenai Spur Highway to the south and west, commercial and residential uses to the north, and commercial and airport light industrial uses to the east. The proposed use would be consistent with the existing commercial development on the subject property.

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

Goal 1 – Quality of Life is to promote and encourage quality of life in Kenai.

*Objective Q-4: Establish siting and design standards so that development is in harmony and scale with surrounding uses.*

Goal 2 – Economic Development is to provide economic development to support the fiscal health of Kenai.

*Objective ED-5*

*Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.*

Goal 3 – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

*Objective LU-2*

*Promote the infill of existing, improved subdivision lots*

4. *KMC 14.20.150(d)(4) Public services and facilities are adequate to serve the proposed use;*

Findings: City water and sewer are available along First Avenue, which is a City-maintained road. The primary access is off of Kenai Spur Highway, a State-maintained right-of-way. Staff finds there would be little to no noticeable increase to traffic on the Kenai Spur Highway. The approximately 1,600 square foot retail unit requires 1 parking space per 300 square feet for retail use, for a total of 5 parking spaces. Therefore, the proposed use would not require additional parking spaces. Staff finds that there are adequate public services and facilities to serve the proposed use.

5. *KMC 14.150(d)(5) The proposed use will not be harmful to the public safety, health or welfare;*

Findings: Given the preceding Variance Permit application not meeting required criteria (PZ2024-18), staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store consisting of approximately 1,600 square feet would not be harmful to the public safety, health, or welfare.

6. *KMC 14.150(d)(6) Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions should be met by the applicant. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.*

Findings: Pursuant to KMC 14.20.330 Standards for Commercial Marijuana Establishments the following conditions apply to retail marijuana stores:

1. On-site consumption is prohibited on the premises of the proposed commercial marijuana establishment.
2. The proposed retail marijuana store shall not emit an odor detectable by the public from outside establishment.
3. The proposed marijuana establishment may not conduct business on, or allow any customer or consumer to access, the licensed premises between the hours of 5:00a.m. and 8:00 a.m. daily.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA:

**Section 1.** That, having not met all of the requirements of KMC 14.20.150, a conditional use permit is denied to operate a retail marijuana facility on a property described as Government Lots 19, 20, and 21, in Section 6, Township 5 North, Range 11 West, Seward Meridian, located at 11888 Kenai Spur Highway #3.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENAI, ALASKA, THIS 14<sup>TH</sup> DAY OF AUGUST, 2024.

\_\_\_\_\_  
JOE HALSTEAD, CHAIRPERSON

ATTEST:

\_\_\_\_\_  
Meghan Thibodeau, Deputy City Clerk





# STAFF REPORT

## PLANNING & ZONING DEPARTMENT

**TO:** Planning and Zoning Commission

**FROM:** Max Best, Planning Director

**FROM:** Brandon McElrea, Planning Technician

**DATE:** August 7, 2024

**SUBJECT:** Resolution PZ2024-19 – Conditional Use Permit to Allow a Retail Marijuana Store and Resolution PZ2024-18 – Variance Permit for Buffering Distance.

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### Request

The applicant is requesting a conditional use permit to operate a retail marijuana store, as well a variance permit to obtain relief from the ordinance for standards for commercial marijuana establishments.

### Staff Recommendation

Denial of the Variance Permit for the adjustment of buffer distance as well as the Conditional Use Permit for the operation of a retail marijuana store within an approximately 1,600 square foot commercial space located at 11888 Kenai Spur Highway, #3.

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Applicants	Sandra and Troy Millhouse
Property Owner	Troy Millhouse
Legal Description	Government Lots 19, 20, 21, Section 6, T5N, R11W
Building Address	11888 Kenai Spur Highway
KPB Parcel ID	04702001
Lot Size (acreage)	1.67
Zoning	General Commercial (CG)
Current Property Use	Unoccupied Commercial Buildings
Current Building Use	Unoccupied Commercial
Land Use Plan	General Commercial (GC)

## SUMMARY

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The applicant has requested a Conditional Use Permit (CUP) to operate a retail marijuana store on a property described as Government Lots 19, 20, and 21, Section 6, Township 5 North, Range 11 West, Seward Meridian, Kenai, located at 11888 Kenai Spur Highway. The proposed retail store will be approximately 1,600 square feet and located in unit number three (3) of an approximately 9,332 square foot existing commercial building.

The applicant has also requested a Variance Permit in order to obtain relief from Kenai Municipal Code (KMC) Subsection 14.20.330(f)(2).

It should be noted that request for a Conditional Use Permit on this same property by a separate applicant was denied on June 22, 2016, PZ16-17. This decision was upheld by the Board of Adjustment, Case No. BA-16-03.

## ANALYSIS – Variance

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With the authorization of property owner Troy Millhouse, Richard R. Moses has submitted a variance permit application seeking relief from of KMC Subsection 14.20.330(f), requesting the buffer distance be adjusted such that the proposed marijuana retail store be considered.

Commercial marijuana establishments must comply with KMC 14.20.330 *Standards for Commercial Marijuana Establishment*. As stated in KMC Subsection 14.20.330(f):

*No portion of a parcel upon which any commercial marijuana establishment is located shall be permitted within the following buffer distances:*

- (1) One thousand (1,000) feet of any primary and secondary schools (K-12) and five hundred (500) feet of any vocational programs, post-secondary schools, including but not limited to trade, technical, or vocational schools, colleges and universities, recreation or youth centers, correctional facilities, churches, and State-licensed substance abuse treatment facilities providing substance abuse treatment; and*
- (2) Buffer distances shall be measured as the closest distance from the perimeter of a stand-alone commercial marijuana establishment structure to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church, correctional facility, or a substance abuse treatment facility providing substance abuse treatment. If the commercial marijuana establishment occupies only a portion of a structure, buffer distances are measured as the closest distance from the perimeter of the closest interior wall segregating the commercial marijuana establishment from other uses, or available uses in the structure, or an exterior wall if closer, to the outer boundaries of the school, recreation or youth center, or the main public entrance of a church or correctional facility, or a substance abuse treatment facility providing substance abuse treatment.*

Within the 1,000-foot buffer map (see attachment), staff found no institutional uses. Therefore, the proposed retail marijuana store is located outside the 1,000-foot buffer from any primary and secondary schools (K-12).

The 500-foot buffer and accompanying maps (see attachments 500 ft Buffer Map, Exhibit A and Exhibit B) show that within 500 feet of the proposed retail marijuana store, two parcels contain facilities meeting the definition of recreation or youth center. KMC Section 14.20.320 *Definitions* states:

*“Recreation or youth center” means a building, structure, athletic playing field, or playground, run or created by a local government or the State to provide athletic, recreational, or leisure activities for minors, or operated by a public or private organization, licensed to provide shelter, training, or guidance for persons under twenty-one (21) years of age.*

Prior to granting a variance permit, the Commission must find that all of the conditions have been met as set forth in KMC 14.20.180(c) [Variance Permit] *Review Criteria*.

***Variance Criteria 1: Special conditions or circumstances are present which are peculiar to the land or structures involved which are not applicable to other lands or structures in the same land use or zoning district.***

**Findings:** Staff finds no special conditions or circumstances peculiar to the land or structures of the subject parcel to meet this criterion.

**Per the applicants’ statement** “The property in question was purchased after Linda Mitchell, the (former) Planning Director for the City of Kenai, called Mrs. Sandra Millhouse and told her that the property in question was outside the 500 foot buffer zone at issue here. Mr. and Mrs. Millhouse would not have purchased the property in question without Ms. Mitchell’s assurance. In short, they relied upon her assurance to their detriment. Moreover, this property is currently vacant. Accordingly, its development will increase the values of surrounding properties as well as the overall aesthetic of the area.”

***Variance Criteria 2: The special conditions or circumstances have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.***

**Findings:** Staff finds that the requested variance is intended to redress a pecuniary hardship or inconvenience caused by actions of the applicant. The applicants indicate that the building only has value as a commercial marijuana establishment. There are many other uses permitted in the General Commercial zoning district. The inability to operate a retail marijuana store does not substantially diminish economic opportunity. Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants’ statement** “As stated, Mr. and Mrs. Millhouse relied upon Ms. Mitchells assurance to purchase the property. Simply put, Mr. and Mrs. Millhouse would not have purchased the subject property but for Ms. Mitchells mistake. It was entirely reasonable for Mr. and Mrs. Millhouse to rely upon the Planning Director in this situation. Additionally, Mr. and Mrs. Millhouse were informed by Ms. Mitchell that another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance.”

***Variance Criteria 3: The granting of the variance shall not authorize a use that is not a permitted principal use in the zoning district in which the property is located.***

**Findings:** Pursuant to KMC Section 14.22.010 *Land Use Table*, a retail marijuana store is not a permitted principal use in the General Commercial Zoning District, but instead requires a conditional use permit. Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants' statement** "The property in question is located in the general commercial zone, which allows for conditional use permits for marijuana retail facilities per KMC 14.22.010 and KMC 14.20.330(a)."

***Variance Criteria 4: The granting of a variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure.***

**Findings:** The granting of this variance would be the minimum variance by allowing the applicant to operate a retail marijuana store within approximately 332 feet (Exhibit A) of the outer boundaries of the nearest recreation or youth center.

**Per the applicants' statement** "The ballfield(s) in question are actually more than 1,000 feet away from the proposed marijuana retail facility, although within 500 feet of the "buffer zone" under KMC 14.20.330(f)(1) when measured as the City of Kenai measures. So, the requested variance is minimal in all practical effect and will allow Mr. and Mrs. Millhouse to enjoy their property as they see fit and as KMC allows."

***Variance Criteria 5: The granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district.***

**Findings:** An excerpt of the applicants' statement from another section of the application states "...another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance." Therefore, the request for a variance permit does not meet this criterion.

**Per the applicants' statement** "Given that the property in question is zoned for general commercial and that general commercial allows for conditional use permits for retail marijuana facilities, this variance will not be based upon other nonconforming land uses or structures within the same land use or zoning district."

## **PUBLIC NOTICE**

Pursuant to Kenai Municipal Code 14.20.280 notices of public hearing for the variance permit were mailed to property owners within a three hundred (300) foot periphery of the subject property. City staff published notice of the public hearing in the *Peninsula Clarion* on August 2, 2024. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the variance permit request.

As of the date of this staff report, one public comment has been received (See Public Comment Attachment).



## **STAFF RECOMMENDATION**

Staff finds that the proposed Variance Permit application requesting buffer zone adjustment does not meet the criteria for issuance of a Variance Permit as set forth in Kenai Municipal Code Section 14.20.180(c), and hereby recommends that the Planning and Zoning Commission deny the proposed Variance Permit application. The decision of the Planning and Zoning Commission is subject to appeal, pursuant to KMC 14.20.290.

## **ANALYSIS – Conditional Use Permit**

Pursuant to KMC 14.20.150(a), the intent of a conditional use permit is to allow some uses that may be compatible with the designated principal uses in specific zoning districts provided certain conditions are met. Prior to granting a conditional use permit, the Commission shall determine that the identified criteria as outlined in KMC 14.20.150(e) *Conditional Use Permits Review Criteria* are met.

***Criteria 1: The use is consistent with the purpose of this chapter and the purposes and intent of the zoning district.***

**Findings:** The General Commercial Zoning District is described in Section 14.20.120 of Kenai Municipal Code (KMC) as follows:

*The CG Zone is established to provide for areas where a broad range of retail, wholesale, and service establishments is desirable. Uses are regulated to concentrate commercial development to the greatest extent possible and to prevent any uses which would have an adverse effect upon nearby properties. New single- and two (2) family residential uses and other noncommercial uses, except as otherwise provided in this chapter, are not permitted in this zone as principal uses because it is intended that land classified in this zone be reserved for commercial purposes, and because a commercial zone is not suited to the uses excluded above.*

Retail marijuana stores are a conditional use within the CG Zoning District, therefore a conditional use permit is required to operate a retail marijuana store. As proposed, the retail marijuana store would occupy as approximately 1,600 square foot unit of an approximately 9,332 square foot commercial building. The remaining units of the building are currently unoccupied.

Given the preceding Variance Permit application not meeting required criteria, staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store is consistent with the purpose of this chapter or the intent of the zoning district.

***Criteria 2: The economic and noneconomic value of the adjoining property and neighborhood will not be significantly impaired.***

**Findings:** The economic and noneconomic value of adjacent properties would not be adversely affected by the proposal. The applicant states that the building is currently in a state of disrepair, and improvements are planned for both the building and landscaping, thus enhancing the aesthetics of the property as a whole. Historically the building has housed an array of businesses including restaurants, billiards halls, thrift/antique stores, small engine repair, and more. A retail store would generate commercial activity on the commercial premises, and would be consistent with the existing commercial development. The operation of any commercial marijuana establishment is subject to KMC as well as AMCO standards and any code violations may be subject to the revocation of the CUP.

**Criteria 3: The proposed use is in harmony with the Comprehensive Plan.**

**Findings:** The Land Use Plan, from the 2016 Comprehensive Plan, identifies the subject property with the General Commercial (GC) land use classification. The GC Land Use Classification is defined in the Comprehensive Plan:

*General Commercial is intended for retail, service, and office businesses that serve Kenai and the larger region. General Commercial is appropriate for locations along the arterial road system. General Commercial-type development requires larger parcels of land and access to a major road system. It is also intended to support smaller-scale businesses.*

The subject property is surrounded by Kenai Spur Highway to the south and west, commercial and residential uses to the north, and commercial and airport light industrial uses to the east. The proposed use would be consistent with the existing commercial development on the subject property.

## RELEVANT GOALS

In *Imagine Kenai 2030 Comprehensive Plan*, Chapter 6, “Goals, Objectives, and Implementation”, several goals and objectives are met from the proposed use.

**Goal 1** – Quality of Life is to promote and encourage quality of life in Kenai.

Objective Q-4

*Promote siting and design of land uses that are in harmony and scale with surrounding uses.*

**Goal 2** – Provide economic development to support the fiscal health of Kenai.

Objective ED-5

*Promote adaptive reuse of vacant commercial buildings in the city center and along the Kenai Spur Highway.*

**Goal 3** – Land Use is to develop land use strategies to implement a forward-looking approach to community growth and development.

Objective LU-2

*Promote the infill of existing, improved subdivision lots.*

***Criteria 4: Public services and facilities are adequate to serve the proposed use.***

**Findings:** City water and sewer are available along First Avenue, which is a City-maintained road. The primary access is off of Kenai Spur Highway, a State-maintained right-of-way. Staff finds there would be little to no noticeable increase to traffic on the Kenai Spur Highway. The approximately 1,600 square foot retail unit requires 1 parking space per 300 square feet for retail use, for a total of 5 parking spaces. Therefore, the proposed use would not require additional parking spaces. Staff finds that there are adequate public services and facilities to serve the proposed use.

***Criteria 5: The proposed use will not be harmful to the public safety, health or welfare.***

**Findings:** Given the preceding Variance Permit application not meeting required criteria (PZ2024-18), staff believes that pursuant to KMC 14.20.330(f)(2) the findings cannot be made and that the proposed retail marijuana store consisting of approximately 1,600 square feet would not be harmful to the public safety, health, or welfare.

***Criteria 6: Any and all specific conditions deemed necessary by the Commission to fulfill the above-mentioned conditions. These may include, but are not limited to, measures relative to access, screening, site development, building design, operation of the use and other similar aspects related to the proposed use.***

**Findings:** Pursuant to KMC 14.20.330 *Standards for Commercial Marijuana Establishments* the following conditions apply to retail marijuana stores:

1. On-site consumption is prohibited on the premises of the proposed commercial marijuana establishment.
2. The proposed retail marijuana store shall not emit an odor detectable by the public from outside establishment.
3. The proposed marijuana establishment may not conduct business on, or allow any customer or consumer to access, the licensed premises between the hours of 5:00a.m. and 8:00 a.m. daily.

## **PUBLIC NOTICE**

---

Pursuant to Kenai Municipal Code 14.20.330(c) notices of the public hearing for the conditional use permit amendment to allow a retail marijuana store were mailed to property owners within a five hundred-foot (500') periphery of the subject property or expanded until a minimum of 30 different property owners are available for notification. City staff published notice of the public hearing in the *Peninsula Clarion* at least seven (7) days prior to the date of the hearing. City staff submitted an Affidavit of Posting verifying a sign was placed on the parcel with information on the public hearing for the conditional use permit amendment request.

As of the date of this staff report, one (1) public comment has been received.

## STAFF RECOMMENDATION

---

Staff finds that the proposed CUP application for the operation of an approximately 1,600 square foot retail marijuana store within the existing approximately 9,332 square foot commercial building on Government Lots 19,20, and 21, Section 6, Township 5 North, Range 11 West, Seward Meridian, Kenai, located at 11888 Kenai Spur Highway does not meet the required criteria and conditions for issuance of a Conditional Use Permit as set forth in subsections (e)(1) through (e)(6) of Kenai Municipal Code (KMC) 14.20.150 and KMC 14.20.330 *Standards for Commercial Marijuana Establishments*, and hereby recommends that the Planning and Zoning Commission deny the Conditional Use Permit application. This decision of the Planning and Zoning Commission is subject to appeal, pursuant to KMC 14.20.290.

## ATTACHMENTS

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Exhibit A  
Exhibit B  
500 ft Buffer Map  
1000 ft Buffer Map  
CUP Application with Floor Plan  
Public Comment  
Affidavits of Posting  
Variance Permit Application  
Notice Mailing List





S SPRUCE ST

N SPRUCE ST

Total length: 332.10 ft

Total length: 390.88 ft

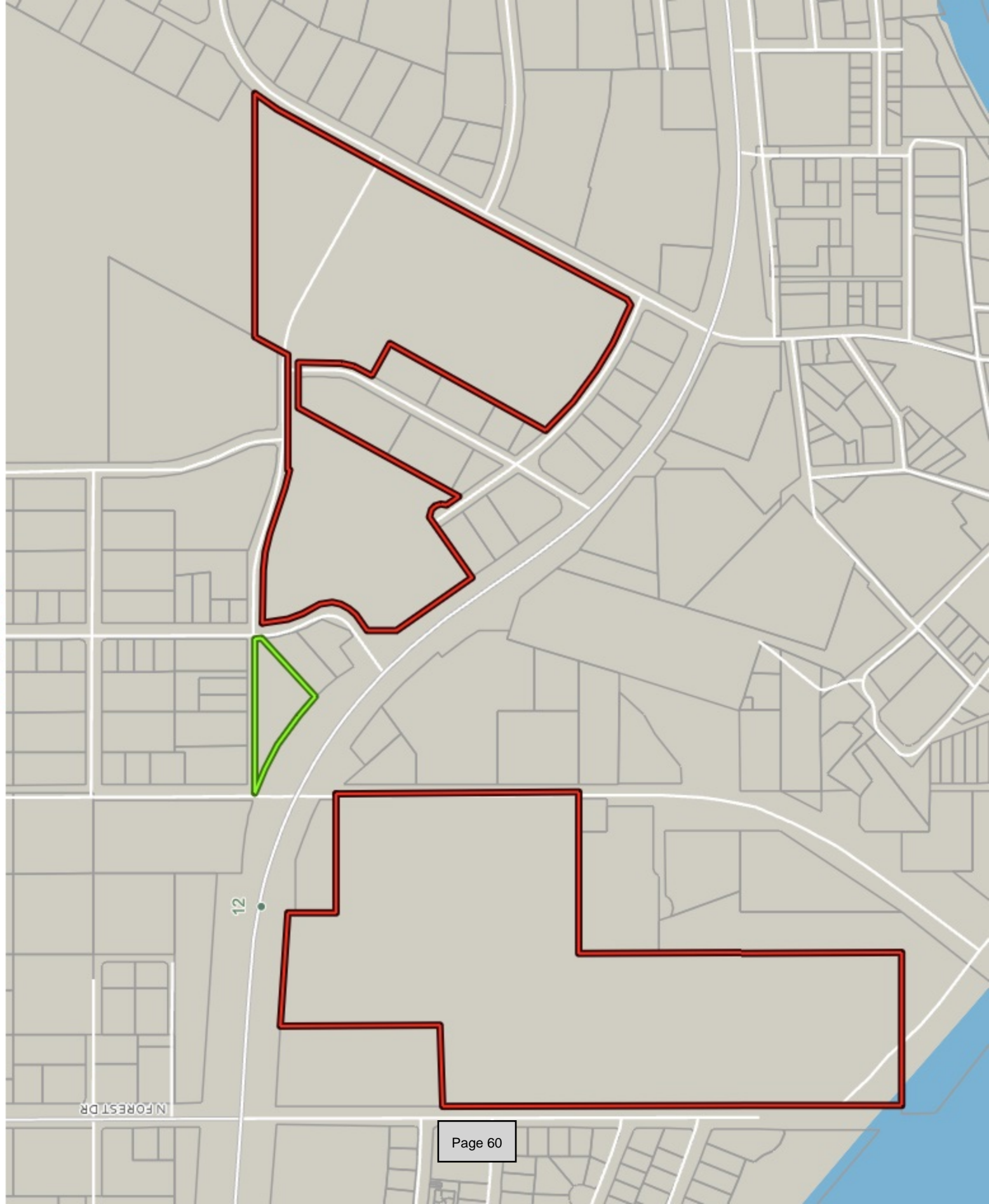
BIG M ST

FIRST AVE

GOOSEBAY

FLOPPY PLANE RD





N FOREST DR

12



500 foot Buffer Map





# 1,000 foot Buffer Map







# Conditional Use Permit Application

FEB 28 2024

Planning & Zoning

By: \_\_\_\_\_

*[Signature]*

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

## PROPERTY OWNER

Name:	Troy Millhouse		
Mailing Address:	PO Box 874574		
City:	Wasilla	State:	AK Zip Code: 99687
Phone Number(s):	907-229-6783		
Email:	bigdaddyfuzzy@yahoo.com		

## PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Sandra D. Millhouse		
Mailing Address:	PO Box 874574		
City:	Wasilla	State:	AK Zip Code: 99687
Phone Number(s):	907-373-8761		
Email:	sandraadhbica@yahoo.com		

## PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04702001
Physical Address:	11888 Kenai Spur Hwy #3 Kenai AK 99611
Legal Description:	+ 5N R 11W Sec 6 Seward Meridian KN Govt lots 19,20,21
Zoning:	General Commercial (C6)
Acres:	1.67

## CONDITIONAL USE DESCRIPTION

(include site plan/floor plan with square footages)

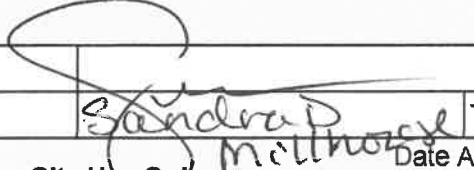
(include State Business License and KPB Tax Compliance if applicable)

How is this property currently being used?	currently vacant
Conditional Use Requested for (attach additional sheets if necessary):	

a marijuana Retail Facility as defined in municipal code 14.20.320.

Explain how the conditional use is consistent with purposes and intent of the zoning district of the property:  
In the Land use code 14.22.010, the location we picked falls in the General Commercial zoning in the Land Use table, which allows conditional use permits for retail marijuana stores.

Explain how the value of adjoining property and neighborhood will not be significantly impaired by the conditional use:  
we have a private access for our driveway. The property is currently vacant and unattractive. we are planning bldg improvements and plant additions or flower pots / beds to improve the look and aesthetic.

Use of surrounding property - north:	GC - Hall Quality Bldgs & Residential		
Use of surrounding property - south:	GC - Strip mall w/ antique store		
Use of surrounding property - east:	GC & ALI - Salvation Army		
Use of surrounding property - west:	Kenai Spur & Suburban Residential - vacant		
Explain how the conditional use is in harmony with the City's Comprehensive Plan:			
In Table 16 of the Land Use Plan Classifications, GC will be used for future retail, and our location falls under GC on the map. we are planning improvements			
Are public services and facilities on the property adequate to serve the proposed conditional use?			
our location is off the main road through downtown Kenai, and all utilities and public services are available there.			
Explain how the conditional use will not be harmful to public safety, health, or welfare:			
the access to our location is off the Kenai Spur Hwy so access is out of any residential area. we have 24 hour security set in place with camera monitoring and an alarm company. the retail is not visible inside to the public			
Are there any measures with access, screening, site development, building design, or business operation that will lessen potential impacts of the conditional use to neighbors?			
we have easy access from the Kenai Spur Hwy, we have a ID card screening process for all visitors. we do not allow loitering anywhere on the property, and the facility is not visible from the outside.			
AUTHORITY TO APPLY FOR CONDITIONAL USE:			
I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a conditional use permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the conditional use. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.			
Signature:			Date: 2/22/24
Print Name:	Sandra D. Melthorse	Title/Business:	Canna Get Happy
For City Use Only		Date Application Fee Received:	
		PZ Resolution Number:	

Millhouse Farms & Gardens

NUVISION FCU  
90-8239/3222



1001

PAY TO THE  
ORDER OF

City of Kenai

Two hundred sixty-five and 00/100 \*\*\*\*\*

City of Kenai  
210 Fidalgo St  
Kenai, AK 99611

MEMO

AUTHORIZED SIGNATURE

02/25/2024  
\$  
\*\*265.00

DOLLARS

Security features. Details on back.



**Canna Get Happy**

cannagethappy@gmail.com

2321 E. Palmer Wasilla Hwy Wasilla, AK 99654  
907/376-2900

810 E. 6th Ave. Anchorage, AK 99501  
907/278-0510

- KEY NOTE
- EXISTING PARTITIONS
- WINDOW
- EQUIPMENT TAG
- PLUMBING FIXT. TAG
- ELEVATION TAGS
- TRUE NORTH
- SURVEILLANCE
- MENU TV
- INGRESS
- EGRESS
- LICENSED PREMISES
- NON-LICENSED PREMISES

1	UPDATED	02/21/24
1	CREATED	02/26/24

DESIGNED BY:  
CST DESIGNS  
1500 W. 10TH AVE  
WASILLA, AK 99607

PROJECT:  
COWASSET HAPPY, LLC  
3 SANDRA L. MILLER HOUSE  
1500 W. 10TH AVE  
WASILLA, AK 99607

PROJECT	DATE	DIAGRAM
02/21/24	02/21/24	3

33' R/W FIRST AVENUE

N 89°58'30" W 660.00

EDGE OF CURB

25.1

DRIVEWAY

Loading Dock

Exc. Box

88.0

13.0

45.0

42.0

51.7

Fuel Tank

21.4

20.0

90.2

24.3

18.8

1.0

1.0

1.0

1.0

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1.0

1.0

1.0

1.0

LOTS 19,20 & 21

S 50°25' W 429.53

LOT 18

# NOTES

THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

ALL BOUNDARY DATA SHOWN IS OF RECORD INFORMATION UNLESS OTHERWISE NOTED.

THIS MORTGAGE LOCATION SURVEY IS A REPRESENTATION OF THE CONDITIONS THAT WERE FOUND AT THE TIME OF THE LOCATION SURVEY WAS PERFORMED. THIS DOCUMENT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS SUBJECT TO ANY INACCURACIES THAT A SUBSEQUENT BOUNDARY SURVEY MAY DISCLOSE. INFORMATION CONTAINED ON THE DRAWING SHALL NOT BE USED TO ESTABLISH ANY FENCE, STRUCTURE, OR OTHER IMPROVEMENTS.

THIS MORTGAGE LOCATION SURVEY WAS PREPARED IN ACCORDANCE WITH THE ASPLS MORTGAGE LOCATION SURVEY STANDARDS.

SEE ANY LOCAL ZONING AUTHORITIES OR COVENANTS THAT MAY APPLY TO THIS PARCEL FOR BUILDING SETBACKS

# SPECIAL NOTE

This document may not be recorded or copies sold without the written permission of the Surveyor. This Survey is to be used only for the purposes intended and is valid for 120 days from the date of original survey after which it must be re-certified.

KENAI SPUR HIGHWAY  
R/W VARIES  
R=1004.93 L=431.40



General Notes	
KEY NOTE	EXISTING PARTITIONS
WINDOW	EQUIPMENT TAG
PLUMBING FIXT. TAG	ELEVATION TAGS
TRUE NORTH	INGRESS
EGRESS	LICENSED PREMISES
NOT LICENSED PREMISES	

1	CREATED	10.06.21
DESIGNED BY: CST DESIGNS		
P.O. BOX 874674		
WASILLA, AK 99687		
PROJECT: CANNA GET HAPPY, LLC		
SUNSET BLVD. 343754		
SUNSET BLVD. 343754		
1888 KENAI SPUR HWY, UNIT 3		
KENAI, AK 99511		
PROJECT: CANNA GET HAPPY	DRAWN: 02/1/24	SCALE: 1/8"=1'-0"
4		



SITE PLAN  
SCALE: 1/8" = 1'-0"

General Notes	
KEY NOTE	
EXISTING PARTITIONS	
WINDOW	
EQUIPMENT TAG	
PLUMBING FIXT. TAG	
ELEVATION TAGS	
PUBLIC ACCESS	
RESTRICTED ACCESS AREA	
TRUE NORTH	
SURVEILLANCE TV	



EQ-1

PB-1

X

X

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X

X

X

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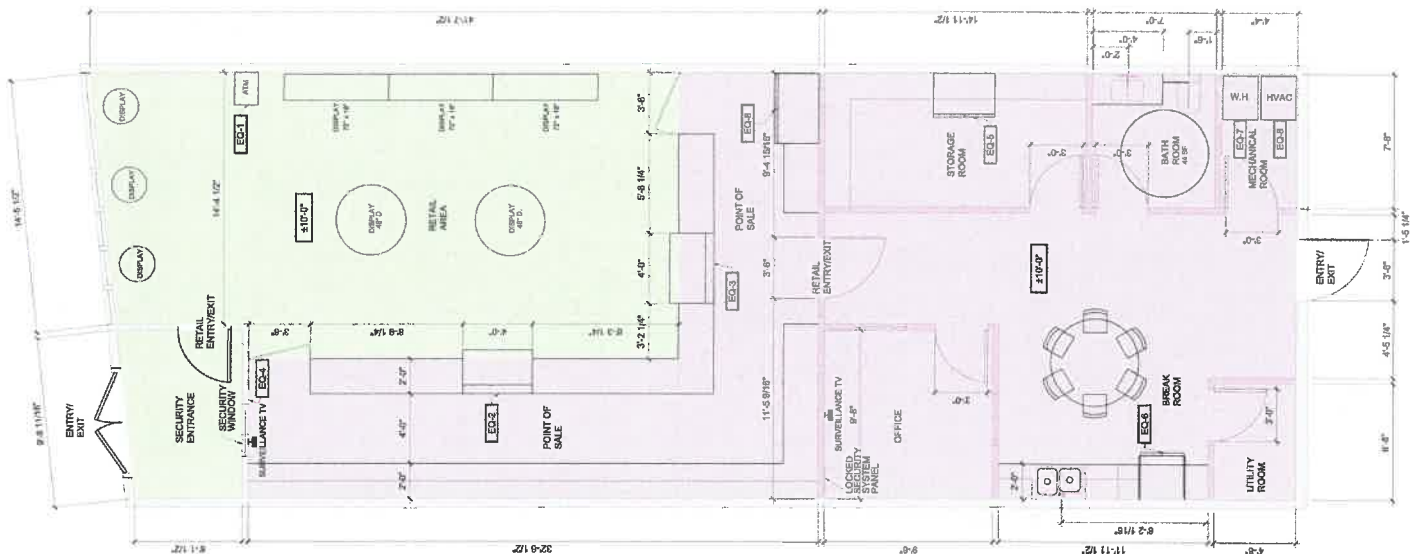
X

X

X

X

EQUIPMENT:  
 (EQ-1) ATM: CASH DISPENSING MACHINE, TBD  
 "W" X "D" X "H"  
 (EQ-2) "W" X "D" X "H"  
 (EQ-3) CASH DISPENSING MACHINE, TBD  
 "W" X "D" X "H"  
 (EQ-4) SECURITY BUZZER  
 "W" X "D" X "H"  
 (EQ-5) STORAGE REFRIGERATOR, TBD  
 "W" X "D" X "H"  
 (EQ-6) BREAK ROOM REFRIGERATOR, TBD  
 "W" X "D" X "H"  
 (EQ-7) WATER HEATER  
 "W" X "D" X "H"  
 (EQ-8) SALES FLOOR REFRIGERATOR, TBD  
 "W" X "D" X "H"



PROPOSED FLOOR PLAN  
 SCALE: 3/16" = 1'-0"

1	UPDATED	02.11.24
1	CREATED	02.06.24

DESIGNED BY:  
 OST DESIGNS  
 1000 KENNESAW HWY, UNIT 3  
 KENNESAW, GA 30144  
 WASHILLA, VA 59887

PROJECT:  
 CANNA GET HAPPY, LLC  
 1000 KENNESAW HWY, UNIT 3  
 KENNESAW, GA 30144  
 WASHILLA, VA 59887

PROJECT:	DATE:	SCALE:
DESIGNED BY:	DATE:	SCALE:
1	02.11.24	3/16" = 1'-0"

PROPOSED FLOOR PLAN  
 SCALE: 3/16" = 1'-0"



# Kenai Peninsula Borough, Alaska

## Assessing Department

[Go Back](#)
[Property Search](#)
[Print Report](#)
[Property Taxes](#)

### General Info

**Property Owner:**  
MILLHOUSE TROY  
PO BOX 874574  
WASILLA AK 99687-4574

[Change of Address](#)
[Owner\(s\)](#)
**Property ID**

04702001

**Address**

11888 KENAI SPUR HWY

**Transfer Date**

9/13/2023

**Document / Book Page**

20230071490

**Acreage**

1.6700

**Tax Authority Group**

30 - KENAI CITY

### Legal Description

#### Description

T 5N R 11W SEC 6 Seward Meridian KN GOVT LOTS 19 20 & 21

### Value History

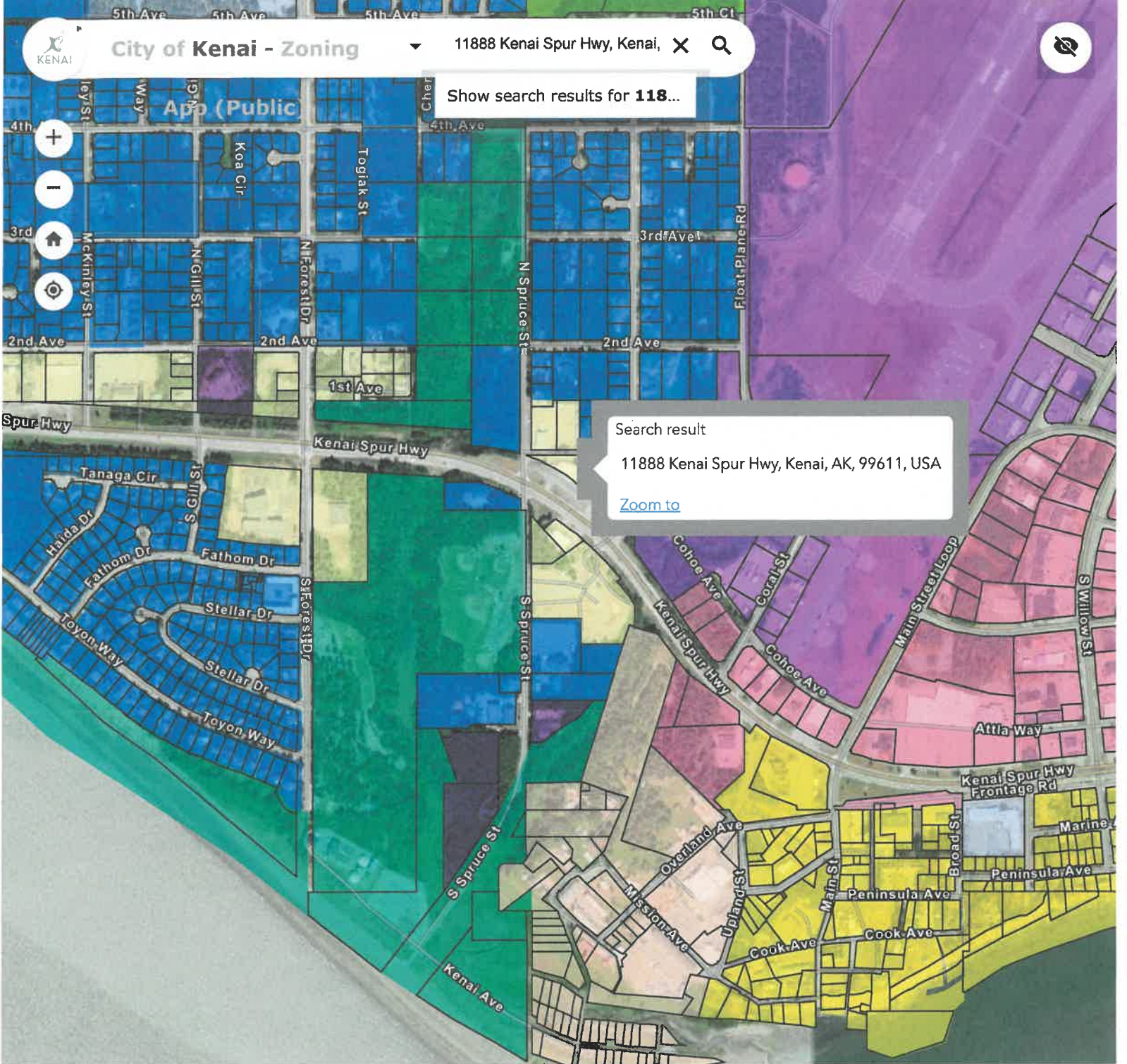
Year	2023	2022	2021	2020	2019	2018	2017	2016	2015
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Assd	\$209,300	\$209,300	\$129,500	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300
Imp Assd	\$112,900	\$262,400	\$229,900	\$242,400	\$244,600	\$233,200	\$228,700	\$225,100	\$247,000
Total Assd	\$322,200	\$471,700	\$359,400	\$365,700	\$367,900	\$356,500	\$352,000	\$348,400	\$370,300

### Extension Details

C01

C02





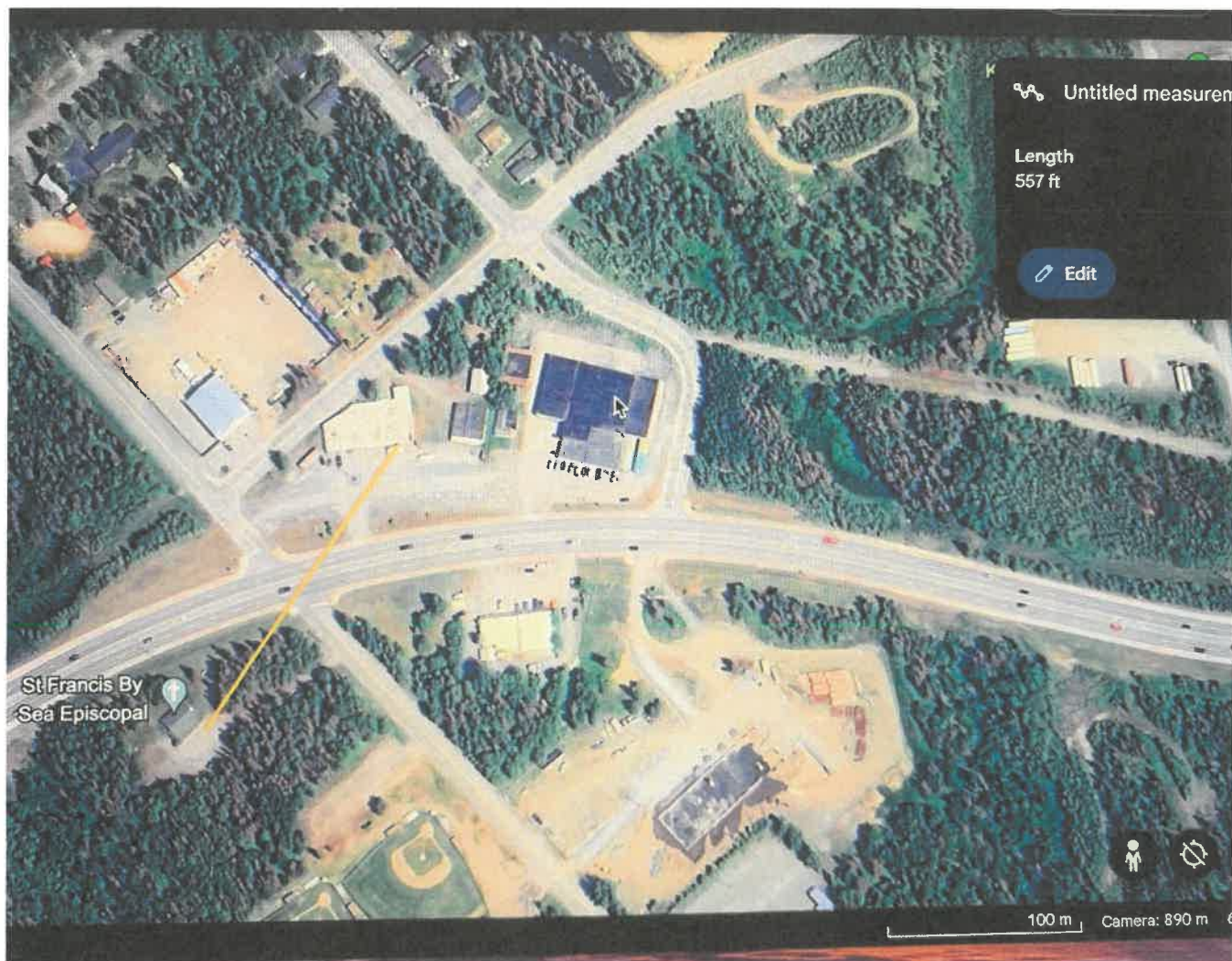
-151.271 60.567 Degrees

600ft



**From:** Sandra D Millhouse sandradhbic@yahoo.com  
**Subject:** Line From kenai canna to church  
**Date:** February 20, 2024 at 8:43 PM  
**To:** Sandra D Millhouse sandradhbic@yahoo.com

SM



# “The Gardens” Majestic & Magical

Deniece & Ronald Isaacs  
12656 Kenai Spur Hwy Kenai AK 99611  
907-3983267 Dee 9072529777 Ron 9072834872 stores

July 17, 2024

To: major Kenai, city attorney, planning and zoning, city council & any interested party.

We are expressing our dissatisfaction of the willingness to try to change code, regulations for one person and not another.

As entrepreneurs we are fully aware of due diligence. Making sure approval is in writing before giving up our life savings and hawking everything we own. Putting down deposits and paying appraisers for official documentation became a consequence of this endeavor.

We spent a lot of money finding an approved location within the city limits of Kenai. 3 Different attempts before finding closing on a location

One of those locations was Swan square. Where we leased the building after the surveys were done, then we were denied a conditional use permit. Our appeal pleading for collaboration and seeking relief, to change alter existing properties to compile with state regulations was denied.

The Airport land is leased and is vital to our community. Regulations for public safety for these airports are vital to their operations. We can only imagine the funding that is supported by the airport. Athletic fields are on that leased airport land. This land comes practically to swans square back door. The little field at Steven Shearer Memorial Park ball field is too close at 438’.

The Alaskan Native Elders made an appearance to protest the location so close to where there were developing in old town. I am sure they would have some more opinions on what is being considered, I will be bringing this to their attention as well. They have invested tons of money in our community. The church across the street protested as well, offering buckets of money to prevent a marijuana business at that location. This letter will go to them as well.

Canna Get Happy’s; Millhouse should have gotten a conditional use permit BEFORE purchasing the building and gotten some legal surveys. They are experienced marijuana businesses owners.

Swan Square owners knew full well a marijuana business could not go there, as two had already tried, they received revenue from those attempts and were denied. Vivian the owner at the time was over seen by her guardian daughter, Vivian as since passed, they were both aware as they received copies of necessary documents. Vivian did attended a meeting as I recall.

The city would not change, amend or help in any way to approve our conditional use permit, we were not giving the option to change anything, in fact we begged for help and consideration in collaborating to find a solution. NONE WAS GIVEN TO US.

The community, board members and the city officials made that decision not to have marijuana businesses in that location therefore it should stand. It was financially and emotionally draining to say the least. We have evaluated what this denial this has cost us and will be considering our options if this building is considered for a marijuana establishment of any kind. Something is not right it is fishy or feels corrupt to change for one and not another.

*Thank you*  
*Deniece & Ronald*



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## AFFIDAVIT OF POSTING PUBLIC HEARING NOTICE

I hereby certify that I have posted a Notice of Public Hearing as prescribed by Kenai Municipal Code 14.20.280 (d) on the property that

SANDRA D. MILLHOUSE (Name of Applicant) has petitioned for a  
CONDITIONAL USE PERMIT FOR A RETAIL MARIJUANA STORE

The notice was posted on the date of 02 AUG 2024, which is at least 10 days prior to the public hearing on this petition. I acknowledge this Notice must be posted so as to be visible from each improved street adjacent to the property and must be maintained and displayed until all public hearings have been completed. I acknowledge that the Notice must be removed within 5 days after the hearing.

### Affirmed and signed by:

Brandon McElrea  
Signature

BRANDON McELREA  
Printed Name

02 AUG 2024  
Date

### Property:

Address: 11888 KENAI SPUR HWY  
Legal Description: GOVERNMENT LOTS 19, 20, 21, SEC 6, T5N, R11W  
KPB Parcel #: 04702001

### P&Z Resolution #:

PZ-2024-19





**CITY OF KENAI  
PLANNING & ZONING COMMISSION  
Notice of Meeting**

**City of Kenai Council Chambers  
210 Fidalgo Avenue, Kenai, AK 99611**

The following agenda items will be before the City of Kenai Planning and Zoning Commission at their meeting starting at 7:00 p.m. on **Wednesday, August 14, 2024.**

**PUBLIC HEARINGS**

1. **Resolution PZ2024-18** – Consideration of a Variance Permit for Reduced Buffer Distances on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.
2. **Resolution PZ2024-19** – Consideration of a Conditional Use Permit to Operate a Retail Marijuana Store on the Property Described as Govt. Lots 19, 20 & 21, Section 6, T5N, R11W, Located at 11888 Kenai Spur Highway Suite #3, in the General Commercial (CG) Zone.

The public is invited to attend the meeting and to participate virtually/telephonically. Additional information is available through the Planning and Zoning Department at [planning@kenai.city](mailto:planning@kenai.city), (907) 283-8237, or on the City's website at [www.kenai.city](http://www.kenai.city).

Brandon McElrea, Planning & Zoning Administration

Publish: August 2, 2024



## Variance Permit Application

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

### PROPERTY OWNER

Name:	Troy D. Millhouse				
Mailing Address:	P.O. Box 874574				
City:	Wasilla	State:	AK	Zip Code:	99687
Phone Number(s):	907.229.6783				
Email:	bigdaddyfuzzy@yahoo.com				

### PETITIONER REPRESENTATIVE (LEAVE BLANK IF NONE)

Name:	Richard R. Moses (Alaska Bar No. 1311096)				
Mailing Address:	701 W. 8th Ave., Ste. 700				
City:	Anchorage	State:	AK	Zip Code:	99501
Phone Number(s):	907.274.0666				
Email:	rmoses@hwb-law.com				

### PROPERTY INFORMATION

Kenai Peninsula Borough Parcel # (Property Tax ID):	04702001
Physical Address:	11888 Kenai Spur Hwy., #3, Kenai, AK 99611
Legal Description:	Government Lots 19, 20, and 21, in Section 6, Township 5 North, Range 11 West, Seward Meridian
Zoning:	General Commercial (GC)
Acres:	1.67

### VARIANCE DESCRIPTION

(include site plan with square footages and elevations of all existing/proposed buildings)  
(use additional pages if necessary to answer questions)

A variance permit is the relaxation of the development requirements to provide relief when the literal enforcement would deprive a property owner of the reasonable use of their real property. The requirements for a variance permit in City Code must be met for a variance to be granted.

How is this property currently being used?	Currently vacant.
Use of surrounding property - north:	General Commercial -- Hall Quality Builders.
Use of surrounding property - south:	General Commercial -- Strip mall with antique store.
Use of surrounding property - east:	General Commercial and Airport Light Industrial -- Salvation Army.
Use of surrounding property - west:	Suburban Residential -- currently vacant.

Variance Requested for (attach additional sheets if necessary):

A marijuana retail facility as defined by KMC 14.20.320 to be located within the 500 foot buffer from ball field(s) that potentially qualify as a "recreation or youth center" under KMC 14.20.320.

Explain the special conditions or circumstances present which are peculiar to the land or structure involved which are not applicable to other land or structures in the same land use or zoning district:

The property in question was purchased after Linda Mitchell, the Planning Director for the City of Kenai, called Mrs. Sandra Millhouse and told her that the property in question was outside of the 500 foot buffer zone at issue here. Mr. and Mrs. Millhouse would not have purchased the property in question without Ms. Mitchell's assurance. In short, they relied upon her assurance to their detriment. Moreover, this property is currently vacant. Accordingly, its development will increase the values of surrounding properties as well as the overall aesthetic of the area.

Explain the special conditions or circumstances present that have not been caused by actions of the applicant and such conditions and circumstances do not merely constitute pecuniary (monetary) hardship or inconvenience:

As stated, Mr. and Mrs. Millhouse relied upon Ms. Mitchell's assurance to purchase the property. Simply put, Mr. and Mrs. Millhouse would not have purchased the subject property but for Ms. Mitchell's mistake. It was entirely reasonable for Mr. and Mrs. Millhouse to rely upon the Planning Director in this situation. Additionally, Mr. and Mrs. Millhouse were informed by Ms. Mitchell that another marijuana retail facility was granted a variance to operate within 250 feet of a recreation or youth center. Accordingly, there is precedent for the grant of such a variance.

Explain how this variance will not authorize a use that is not a permitted principal use in the zoning district in which the property is located:

The property in question is located in the general commercial zone, which allows for conditional use permits for marijuana retail facilities per KMC 14.22.010 and KMC 14.20.330(a).

Explain how the variance shall be the minimum variance that will provide for the reasonable use of the land and/or structure:

The ballfield(s) in question are actually more than 1,000 feet away from the proposed marijuana retail facility, although within 500 feet of the "buffer zone" under KMC 14.20.330(f)(1) when measured as the City of Kenai measures. So, the requested variance is minimal in all practical effect and will allow Mr. and Mrs. Millhouse to enjoy their property as they see fit and as the KMC allows.

Explain how the granting of a variance shall not be based upon other nonconforming land uses or structures within the same land use or zoning district:

Given that the property in question is zoned for general commercial and that general commercial allows for conditional use permits for retail marijuana facilities, this variance will not be based upon other nonconforming land uses or structures within the same land use or zoning district.

**AUTHORITY TO APPLY FOR A VARIANCE:**

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition for a variance permit in conformance with Title 14 of the Kenai Municipal Code. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff of the Planning and Zoning Commission for administrative reasons. I understand that a site visit may be required to process this application. City of Kenai personnel are authorized to access the above-referenced property for the purpose of processing this application.

Signature:		ABA# 13110910	Date:	05/21/2024
Print Name:	Richard R. Moses	Title/Business:	Holmes Weddle & Barcott, PC	

**For City Use Only**

Date Application Fee Received:

PZ Resolution Number:





## Variance Permit Application CHECKLIST

City of Kenai  
Planning and Zoning Department  
210 Fidalgo Avenue  
Kenai, AK 99611  
(907) 283-8200  
planning@kenai.city  
www.kenai.city/planning

- ☐ Evaluate if your property has special conditions or circumstances peculiar to the property that prevent reasonable use of the property that are not merely a pecuniary inconvenience.
- ☐ Evaluate uses allowed in your zoning district. Information on zoning is available at [kenai.city/planning/page/zoning](http://kenai.city/planning/page/zoning).
- ☒ Submit completed application form. The application form must include an attached site plan/floor plan with square footages of all structures on the property and parking areas. If applicable, include a State Business License and a KPB Tax Compliance Form with the application.  
Intents of zoning districts are at [kenai.municipal.codes/KMC/14.20](http://kenai.municipal.codes/KMC/14.20).
- ☐ Pay the \$265 fee as outlined in the Fee Schedule (\$250 + 6% tax).
- ☐ City staff will evaluate your application following Kenai Municipal Code 14.20.180- Variance Permits ([kenai.municipal.codes/KMC/14.20.180](http://kenai.municipal.codes/KMC/14.20.180)). Please answer questions from City staff about your application.
- ☐ Post sign on your property and confirm the posting with the City. Planning staff will contact you and provide a sign stating a conditional use permit application has been submitted. The sign must be posted at least 10 days before the Planning & Zoning Commission meeting.
- ☐ Attend Planning & Zoning Commission meeting (not mandatory, but recommended). Attendance is beneficial so you are able to answer questions of the Commission.
- ☐ 15-day appeal period of the Planning & Zoning Commission's decision.

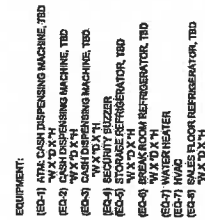
Thank you for choosing the City of Kenai!

Please contact the Planning & Zoning Department with application questions.









**PROPOSED FLOOR PLAN**  
SCALE: 3/16" = 1'-0"



# Kenai Peninsula Borough, Alaska

## Assessing Department

[Go Back](#)[Property Search](#)[Print Report](#)[Property Taxes](#)

**Property Owner:**  
MILLHOUSE TROY  
PO BOX 874574  
WASILLA AK 99687-4574

[Change of Address](#)[Owner\(s\)](#)**Property ID**

04702001

**Address**

11888 KENAI SPUR HWY

**Transfer Date**

9/13/2023

**Document / Book Page**

20230071490

**Acreage**

1.6700

**Tax Authority Group**

30 - KENAI CITY

### Description

T 5N R 11W SEC 6 Seward Meridian KN GOVT LOTS 19 20 & 21

Year	2023	2022	2021	2020	2019	2018	2017	2016	2015
Reason	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification	Main Roll Certification
Land Assd	\$209,300	\$209,300	\$129,500	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300	\$123,300
Imp Assd	\$112,900	\$262,400	\$229,900	\$242,400	\$244,600	\$233,200	\$228,700	\$225,100	\$225,100
Total Assd	\$322,200	\$471,700	\$359,400	\$365,700	\$367,900	\$356,500	\$352,000	\$348,400	\$348,400

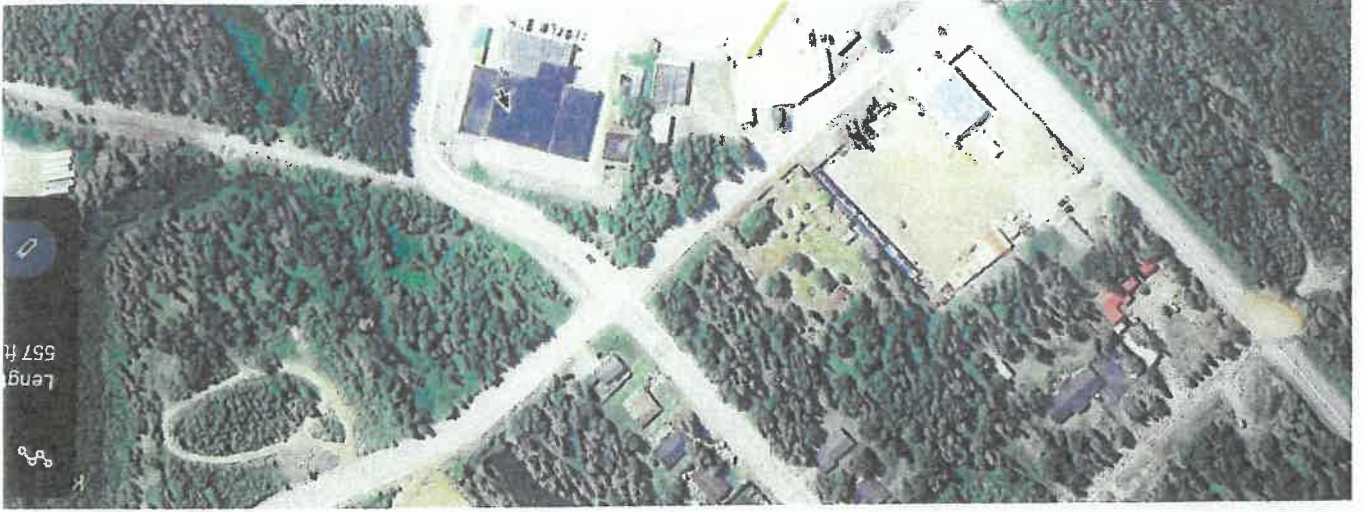
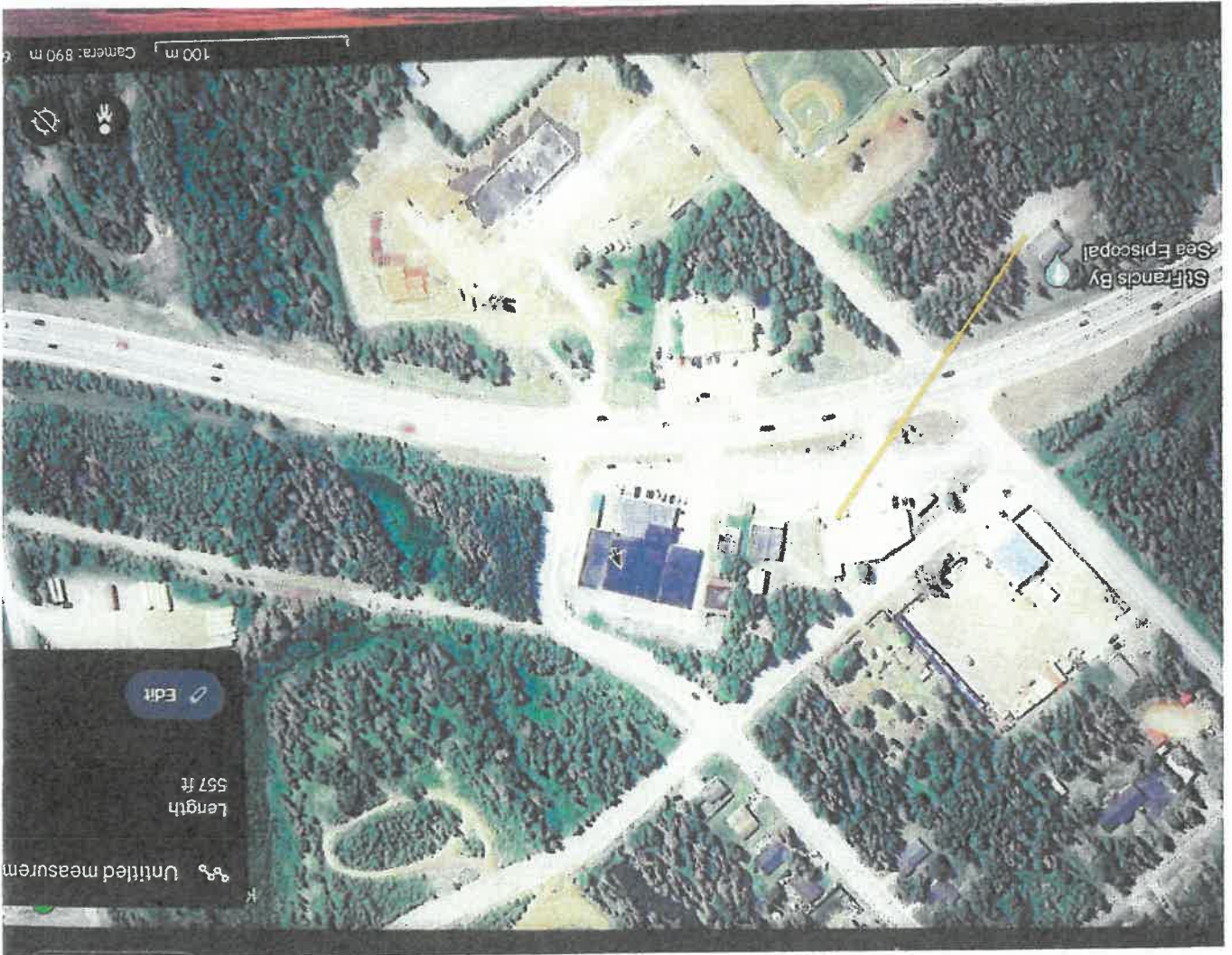
[C01](#)[C02](#)







**From:** Sandra D Millhouse sandradhbic@yahoo.com  
**Subject:** Line From kenal canna to church  
**Date:** February 20, 2024 at 8:43 PM  
**To:** Sandra D Millhouse sandradhbic@yahoo.com



City of Kenai - Planning and Zoning Department

Inv#	Amt	Inv#	Amt
8952-035214	\$265.00		
		May 22, 2024	
		Check Total	\$265.00

Variance Permit Application (Millhouse)  
Fee \$250.00 (+) Additional \$15 for 6% KPBTax

HOLMES WEDDLE & BARCOTT, PC		WAFD BANK SEATTLE, WASHINGTON 98101 19-7098/3250	
Two hundred sixty-five Dollars 00/100*****		DATE	AMOUNT
		May 22, 2024	\$265.00
PAY TO THE ORDER OF	City of Kenai - Planning and Zoning Department 210 Fidalgo Ave Kenai, AK 99611	VOID AFTER 90 DAYS	
		AUTHORIZED SIGNATURE	

EPISCOPAL DIOCESE OF ALASKA  
110 S SPRUCE ST  
KENAI  
AK 99611

FIRST BAPTIST CHURCH  
PO BOX 3412  
KENAI  
AK 99611

FIVE D INVESTMENTS LLC  
PO BOX 969  
KENAI  
AK 99611

HILCORP ALASKA LLC  
1111 TRAVIS ST  
HOUSTON  
TX 77002

HUGHEY KIANA  
1103 2ND AVE  
KENAI  
AK 99611

HUGHEY TYSON E  
1103 2ND AVE  
KENAI  
AK 99611

KENAI CITY OF  
210 FIDALGO AVE STE 200  
KENAI  
AK 99611

KENAITZE INDIAN TRIBE  
PO BOX 988  
KENAI  
AK 99611

LAGOUTARIS ELAINNAH  
36350 MAYONI ST  
SOLDOTNA  
AK 99669

MADRIGAL ANDY  
4785 BUCKNELL CT  
SACRAMENTO  
CA 95841

MADRIGAL SOPHIA  
4785 BUCKNELL CT  
SACRAMENTO  
CA 95841

MARSH LYN E  
106 BIRCH ST  
KENAI  
AK 99611

MCKEIRNAN DANIEL F  
PO BOX 2365  
KENAI  
AK 99611

MCKEIRNAN SUSAN  
PO BOX 2365  
KENAI  
AK 99611

MCMANAMY SHELDON D  
36350 MAYONI ST  
SOLDOTNA  
AK 99669

MILLHOUSE TROY  
PO BOX 874574  
WASILLA  
AK 99687

MOREY DOLLIE K  
202 BIRCH ST  
KENAI  
AK 99611

OSTRANDER PAUL CLARK  
48645 RUNNERS AVE  
SOLDOTNA  
AK 99669

OUR LADY OF ANGELS PARISH OF  
ARCHDIOCESE OF ANCHORAGE  
225 S SPRUCE ST  
KENAI  
AK 99611

PEREZ FRED Jr  
204 BIRCH ST  
KENAI  
AK 99611

RININGER LACEY  
511 ASH AVE  
KENAI  
AK 99611

RININGER ZACHARY  
511 ASH AVE  
KENAI  
AK 99611

RONELLENFITCH SARAH M  
102 BIRCH ST  
KENAI  
AK 99611

RR KENA LLC  
2133 E RANCH RD  
TEMPE  
AZ 85284

SALVATION ARMY  
143 E 9TH AVE  
ANCHORAGE  
AK 99501

SARKS GARNET M  
110 BIRCH ST  
KENAI  
AK 99611

SARKS PAUL E  
110 BIRCH ST  
KENAI  
AK 99611

SARKS PAUL E & GARNET M  
110 BIRCH ST  
KENAI  
AK 99611

SHAFFER KEITH  
PO BOX 853  
KENAI  
AK 99611

SHAFFER MAUREEN K  
PO BOX 853  
KENAI  
AK 99611



SIPES CHERYL L & GERALDINE L  
PO BOX 4472  
SOLDOTNA  
AK 99669

SWEARINGEN GLENNA M  
PO BOX 1031  
KENAI  
AK 99611

VARNE THOMAS  
22205 67TH PL W  
MOUNTLAKE TERRACE  
WA 98043

WILES MICHAEL L & NANCY L  
1206 1ST AVE  
KENAI  
AK 99611

WILLIAMSON HOWARD J  
607 E 74TH AVE  
ANCHORAGE  
AK 99518

WILLIAMSON TERRY K  
607 E 74TH AVE  
ANCHORAGE  
AK 99518

WILSON RUSSELL J SR & CONSTANCE  
1402 1ST AVE  
KENAI  
AK 99611



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Chair Halstead and Planning & Zoning Commission

**FROM:** Meghan Thibodeau, Deputy City Clerk

**DATE:** July 31, 2024

**SUBJECT:** Discussion - Proposal to Reduce the Number of Meetings for Planning and Zoning Commission

---

At the June 12, 2024 Planning & Zoning Commission meeting, the discussion/recommendation item to propose reducing the number of Planning & Zoning Commission regular meetings was postponed to the July 24, 2024 meeting.

The July 24, 2024 regular meeting was cancelled as there was no other agenda items. The Commission was notified that this discussion item would be postponed until the Planning Director position is filled.

Staff is requesting a motion to postpone this item indefinitely. After a Planning Director is hired, it may be added back to the agenda.

The following motion is respectfully requested:

### Motion

I move to postpone the discussion to reduce the number of Planning & Zoning Commission meetings indefinitely.

Thank you for your consideration.



July 22, 2024 – 7:30 PM

## Action Agenda

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through

**Jeremy Brantley, Chair**  
Sterling/Funny River  
Term Expires 2024

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kaslof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Tautfest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

### ZOOM MEETING DETAILS

Zoom Meeting Link: <https://us06web.zoom.us/j/9077142200>  
Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247  
Zoom Meeting ID: 907 714 2200

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. APPROVAL OF AGENDA AND CONSENT AGENDA

(Action items listed with an asterisk (\*) are considered to be routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of these items unless an Commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

#### ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

- \*1. Time Extension Request**
  - a. Princess Lakes Estates Phase 6; KPB File 2018-042
- \*2. Planning Commission Resolutions – None**
- \*3. Plats Granted Administrative Approval**
  - a. Canyon View No. 6 2023 Replat; KPB File 2023-129
  - b. Fort Raymond Subdivision Replat Number 7; KPB File 2023-107
  - c. Kachemak Estates 17; KPB File 2022-144P1
  - d. Kachemak Heights 2023; KPB File 2023-093
  - e. St. Luke Lutheran Church Replat; KPB File 2023-118
  - f. Surreal Subdivision 2023; KPB File 2023-137
- \*4. Plats Granted Final Approval**
  - a. Cinderella Subdivision Glover Replat; KPB File 2024-027
  - b. Ninilchik River Estates Thayer Replat; KPB File 2023-102
- \*5. Plat Amendment Request – None**
- \*6. Commissioner Excused Absences - None**
- \*7. Minutes**
  - a. June 24, 2024 Planning Commission Meeting

[Motion to approve the consent & regular agendas passed by unanimous vote \(7-Yes, 2-Absent\).](#)



## **D. UNFINISHED BUSINESS - None**

## **E. NEW BUSINESS**

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

1. Utility Easement Vacation; KPB File 2023-014V  
Segesser Surveys / Hilltop Properties, LLC  
Request: Vacates the approximate 8525 square foot utility easement on Lots 19 & 20 Block 6 Gateway Subdivision Hilltop Addition Plat SW 2024-002.  
City of Seward

[Motion to grant the vacation as petitioned passed by unanimous vote \(7-Yes, 2-Absent\)](#)

2. Right of Way Vacation; KPB File 2024-068V  
Edge Survey & Design / Wildland Projects, LLC  
Request: Vacates the entire 25-foot Hamilton Road ROW & associated utility easement granted by Taylor-Wright Subdivision, Plat SW 83-007  
Cooper Landing Area / Cooper Landing APC

[Motion to postpone until brought back by the petitioner passed by unanimous vote \(7-Yes, 2-Absent\)](#)

### **Public Hearing: Legislative Matters**

3. Ordinance 2024-20: Amending KPB 2.56.007 to incorporate the Funny River Community Plan as an element of the 2019 Kenai Peninsula Borough Comprehensive Plan for that portion of the Borough.

[Motion to forward to the assembly a recommendation to adopt Ordinance 2024-20 passed by unanimous vote \(7-Yes, 2-Absent\)](#)

## **F. PLAT COMMITTEE REPORT – The plat committee will review 9 plats**

## **G. OTHER**

1. Plat Committee for August thru December

## **H. PRESENTATIONS/PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA (3 MINUTES PER SPEAKER)**

## **I. DIRECTOR'S COMMENTS**

## **J. COMMISSIONER COMMENTS**

## **K. ADJOURNMENT**

## MISCELLANEOUS INFORMATIONAL ITEMS

### NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held **Monday, August 12, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **7:30 p.m.**

### CONTACT INFORMATION

#### KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees.

Vacations of rights-of-way, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly. Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.



July 22, 2024 – 6:30 PM

## Action Agenda

Betty J. Glick Assembly Chambers  
George A. Navarre Kenai Peninsula  
Borough Administration Building and Through

**Jeremy Brantley, Chair**  
Sterling/Funny River  
Term Expires 2024

**Pamela Gillham, Vice Chair**  
Kalifornsky / Kasilof District  
Term Expires 2026

**Virginia Morgan**  
Cooper Landing / Hope  
Eastern Peninsula District  
Term Expires 2025

**Diane Fikes**  
City of Kenai  
Term Expires 2025

**Charlene Taufest**  
City of Soldotna  
Term Expires 2024

**Franco Venuti**  
City of Homer  
Term Expires 2025

**Troy Staggs**  
City of Seward  
Term Expires 2026

**Jeffrey Epperheimer**  
Nikiski District  
Term Expires 2026

**Dawson Slaughter**  
South Peninsula District  
Term Expires 2025

*Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible.*

### ZOOM MEETING DETAILS

**Zoom Meeting Link:** <https://us06web.zoom.us/j/9077142200>  
**Zoom Toll Free Phone Numbers:** 888-788-0099 or 877-853-5247  
**Zoom Meeting ID:** 907 714 2200

To join the meeting from a computer, visit the Zoom meeting link above. If you connect by computer and do not have speakers or a microphone, connect online and then select phone for audio. A box will come up with toll free numbers, the meeting ID, and your participant number. To attend the Zoom meeting by telephone, use the Zoom toll free phone numbers listed above.

The hearing procedure for Planning Commission public hearings is as follows:

- 1) Staff will present a report on the item.
- 2) The Chair will ask for the petitioner's presentation, given by Petitioner(s) / Applicant (s) or their representative – 10 minutes
- 3) Public testimony on the issue – 5 minutes per person
- 4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.
- 5) Staff may respond to any testimony given and the Commission may ask staff questions.
- 6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.
- 7) The Chair closes the hearing and no further public comment will be heard.
- 8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person must begin by stating his or her name and mailing address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect. If participating via Zoom the testifier will need to use the Zoom "raise hand" feature or press \*9 by phone to speak.

### A. CALL TO ORDER

### B. ROLL CALL

#### PLAT COMMITTEE MEMBERS:

- Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula
- Jeffrey Epperheimer, Nikiski District
- Pamela Gillham, Kalifornsky/Kasilof District
- Franco Venuti, City of Homer



## C. APPROVAL OF AGENDA AND CONSENT AGENDA

(Action items listed with an asterisk (\*) are considered to be routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of these items unless an Commissioner so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.)

### ACTION ITEMS CURRENTLY ON CONSENT AGENDA:

**\*1. Agenda**

**\*2. Member Excused Absences**

**\*3. Minutes**

- a. June 24, 2024 Plat Committee Meeting

**\*4. Grouped Plats**

- E1. Holland Park 2024 Replat; KPB File 2024-073
- E2. Shoreline Heights 2014 Addition Phase 1 Bowlin Replat; KPB File 2024-063
- E3. Sagerser Subdivision Trinity Center Replat; KPB File 2024-067
- E6. Mountain Park 2024; KPB File 2024-065
- E7. Sweet Spot Subdivision; KPB File 2024-069

Motion to approve the agenda, the minutes from the June 24, 2024 Plat Committee meeting and the grouped plats passed by unanimout vote (4-Yes)

## D. UNFINISHED BUSINESS - None

## E. NEW BUSINESS

**Public Hearing: Quasi-Judicial Matters** *(Commission members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application)*

- 1. Holland Park 2024 Replat/ KPB File 2024-073  
McLane Consulting Group / Smith, Kuemerle, Maile  
Location: Kalifornsky Beach Road  
Kalifornsky Area

Motion to grant preliminary approval passed by unanimous vote (4-Yes)

- 2. Shoreline Heights 2014 Addn. Phase 1 Bowlin Replat  
KPB File 2024-063  
Edge Survey & Design / Bowlin  
Location: Bree Avenue & Pey Drive  
City of Kenai

Motion to grant preliminary approval passed by unanimous vote (4-Yes)

3. Sagerser Subdivision Trinity Center Replat  
KPB File 2024-067  
Edge Survey & Design / Trinity Christian Center  
Location: Kenai Spur Highway & Alex Drive  
Ridgeway Area

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

4. Burgin Subdivision; KPB File 2024-070  
Edge Survey & Design / Burgin & Ray Trust  
Location: Sterling Highway & Mugzy Avenue  
Ninilchik Area

**Motion to grant preliminary approval as amended passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.190 – Lot Dimensions, passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.170 – Block Length Requirements & KPB 20.30.030 – Proposed Street Layout Requirements, passed by unanimous vote (4-Yes)**

5. 3 John's Subdivision; KPB File 2024-064  
Johnson Surveying / Great Alaska Fish Comp, Inc.  
Location: Great Land Street  
Sterling Area

**Motion to grant preliminary approval as amended passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.190 – Lot Dimensions, passed by unanimous vote (4-Yes)**

6. Mountain Park 2024; KPB File 2024-065  
Geovera, LLC / McBride & Lilac, LLC  
Location: Highland Drive & Kelley Court  
City of Homer

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

7. Sweet Spot Subdivision: KPB File 2024-069  
Geovera, LLC / Shafford  
Location: Hutler Road & East End Road  
Fritz Creek Area / Kachemak Bay APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

8. Trust Land Survey 2024 Emerald Subdivision; KPB File 2024-066  
Fixed Height, LLC / Alaska Mental Health Trust Authority  
Emerald Street & Fern Street  
Salamatof Area / Nikiski APC

**Motion to grant preliminary approval passed by unanimous vote (4-Yes)**

9. Kings's Creek Subdivision Urban Addition No. 2 Kiefer 2024 Replat; KPB File 2024-071  
Seabright Surveying / Charles & Kathleen Kiefer Trust  
Location: East End Road & Finn Avenue E  
Fritz Creek Area / Kachemak Bay APC

**Motion to grant preliminary approval as amended passed by unanimous vote (4-Yes)**

**Motion to grant the exception request to KPB 20.30.030(A) – Proposed Street Layout Requirements & KPB 20.30.120 – Street Width Requirements, passed by unanimous vote (4-Yes)**

**F. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA** (3 MINUTES  
PER SPEAKER)

**G. ADJOURNMENT**

**MISCELLANEOUS INFORMATIONAL ITEMS**

**NEXT REGULARLY SCHEDULED PLAT COMMITTEE MEETING**

The next regularly scheduled Plat Committee meeting will be held **Monday, August 12, 2024** in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at **5:30 p.m.**

**CONTACT INFORMATION**

**KENAI PENINSULA BOROUGH PLANNING DEPARTMENT**

Phone: 907-714-2215 / Toll free within the Borough 1-800-478-4441, extension 2215

Fax: 907-714-2378

e-mail address: [planning@kpb.us](mailto:planning@kpb.us)

website: <http://www.kpb.us/planning-dept/planning-home>

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## Kenai City Council - Regular Meeting

July 03, 2024 — 6:00 PM

Kenai City Council Chambers

210 Fidalgo Avenue, Kenai, Alaska

[www.kenai.city](http://www.kenai.city)

**\*\*Telephonic/Virtual Information on Page 3\*\***

### **Action Agenda**

#### **A. CALL TO ORDER**

1. Pledge of Allegiance
2. Roll Call
3. Approval of the Agenda and Consent Agenda (*Public comments on Consent Agenda Items limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)

\*All items listed with an asterisk (\*) are considered to be routine and non-controversial by the council and will be approved by one motion. There will be no separate discussion of these items unless a council 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.

#### **B. SCHEDULED ADMINISTRATIVE REPORTS**

#### **C. SCHEDULED PUBLIC COMMENTS (*Public comments limited to ten (10) minutes per speaker*)**

1. Legislative Update, Representative Justin Ruffridge, State of Alaska House of Representatives.

#### **D. UNSCHEDULED PUBLIC COMMENTS (*Public comments limited to three (3) minutes per speaker; thirty (30) minutes aggregated*)**

#### **E. PUBLIC HEARINGS**

1. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-32** - Amending City Council Policy No. 20.000 Agenda & Packet - Preparation, Distribution and Publication to Remove Requirements Related to Publishing in a Newspaper of General Circulation. (City Clerk)
2. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-33** - Protesting the Issuance of a New Retail Marijuana Store License for Canna Get Happy, LLC, DBA Canna Get Happy, LLC – License No. 37844, Located at 11888 Kenai Spur Hwy #3. (Administration)
3. **ADOPTED AS AMENDED WITHOUT OBJECTION. Resolution No. 2024-34** - Approving an Easement on Tract B, Kenai Bluff Stabilization Subdivision, Parcel No. 04701030, for the Construction and Maintenance of Seawalls Benefitting Certain Adjacent Upland Properties. (Administration)
4. **ADOPTED WITHOUT OBJECTION. Resolution No. 2024-35** - Adopting Joint Resolution No. 2024-001 of the Assembly of the Kenai Peninsula Borough and the Councils of the City of Homer, Kachemak, Kenai, Seward, Seldovia, and Soldotna, Supporting the City of Kenai Small Community Air Service Development Grant Proposal to Support Incentives Aimed at Direct Air Services from the Kenai Municipal Airport to Seattle/Tacoma and the Lower 48. (Administration)

#### **F. MINUTES**

1. \*Regular Meeting of June 19, 2024. (City Clerk)

**G. UNFINISHED BUSINESS**

**H. NEW BUSINESS**

1. \***Action/Approval** - Bills to be Ratified. (Administration)
2. \***Action/Approval** - FY2024 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
3. \***Action/Approval** - FY2025 Purchase Orders and Purchase Order Amendments Requiring Council Approval in Accordance with KMC 7.15.020. (Administration)
4. \***Action/Approval** - Non-Objection to the Renewal of a Beverage Dispensary Liquor License for G & P Inc., DBA: The White Moose - License No. 204. (City Clerk)
5. \***Action/Approval** - Non-Objection to the Renewal of a Package Store Liquor License for Walmart, Inc., DBA: Wal-Mart Supercenter #4474 - License No. 4878. (City Clerk)
6. \***Action/Approval** - Non-Objection to the Renewal of a Marijuana Product Manufacturing Facility License for Herban Extracts, LLC, DBA: Herban Extracts, LLC - License No. 14432. (City Clerk)
7. \***Action/Approval** - Authorizing a Utility Easement Homer Electric Association within Lot 2, Block 5, General Aviation Apron Subdivision No. 1 Amended. (Administration)
8. \***Action/Approval** - Authorizing an Extension to the Agreement with the Boys and Girls Club of the Kenai Peninsula to Operate a Teen Center within a Designated Area of the Kenai Recreation Center. (Administration)
9. \***Action/Approval** - Authorizing a Memorandum Agreement to the Boys and Girls Club to Provide Temporary Road Access on City Property During Utility Work. (Administration)

**I. COMMISSION REPORTS**

1. Council on Aging Commission
2. Airport Commission
3. Harbor Commission
4. Parks and Recreation Commission
5. Planning and Zoning Commission
6. Beautification Commission

**J. REPORT OF THE MAYOR**

**K. ADMINISTRATION REPORTS**

1. City Manager
2. City Attorney
3. City Clerk

**L. ADDITIONAL PUBLIC COMMENTS**

1. Citizens Comments *(Public comments limited to five (5) minutes per speaker)*
2. Council Comments

**M. EXECUTIVE SESSION**

**N. PENDING ITEMS**

**O. ADJOURNMENT**

**P. INFORMATION ITEMS**

*The agenda and supporting documents are posted on the City's website at [www.kenai.city](http://www.kenai.city). Copies of resolutions and ordinances are available at the City Clerk's Office or outside the Council Chamber prior to the meeting. For additional information, please contact the City Clerk's Office at 907-283-8231.*

**Registration is required to join the meeting remotely through Zoom.** Please use the following link to register:

<https://us02web.zoom.us/meeting/register/tZllc-CpqzloHtE3Q2uZQ1Nyfl4JXP2RtKrN>