

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
NOVEMBER 7, 2007

Session 07-17, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Kranich at 7:10 p.m. on November 7, 2007 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER FOSTER, HESS, HOWARD, KRANICH, ZAK, MINSCH

EXCUSED: NONE.

STAFF: CITY PLANNER MCKIBBEN
PLANNING CLERK ROSENCRANS

AGENDA APPROVAL

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The Public may speak to the Planning Commission regarding matters not scheduled for public hearing. (3 minute time limit) Presentations approved by the Planning Director, the Chair or the Planning Commission. A Public Works representative may address the Planning Commission.

There were no public comments.

RECONSIDERATION

There were no items for reconsideration.

ADOPTION OF THE CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the Public, in which case the item will be moved to the regular agenda and considered in normal sequence.

1. Approval of the Minutes of October 17, 2007 and October 30, 2007
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program
5. Commissioner Excused Absences

Chair Kranich requested the October 30, 2007 minutes be pulled from the consent agenda and placed under New Business Item B. The Consent Agenda was approved as amended by consensus of the Commission.

PRESENTATIONS

Presentations approved by the Planning Director, the Chair, or the Planning Commission. A Public Works representative may address the Planning Commission.

There were no presentations.

REPORTS

A. Borough Report

There was no Borough Report.

B. Kachemak Bay Advisory Planning Commission Report

There was no Kachemak Bay Advisory Planning Commission Report.

C. Planning Director's Report

1. Staff Report PL 07-111, Planning Director's Report

City Planner McKibben reviewed the staff report. Discussion followed regarding commissioner excused absences and the time line for the policy and procedures manual.

PUBLIC HEARINGS

The Commission conducts Public Hearings by hearing a staff report, hearing public testimony and the acting on the Public Hearing items. (3 minute time limit) The commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic.

A. Staff Report PL 07-106, Rezone 07-01, East End Road UR to RO

Commissioner Minsch advised the Commission she has a conflict of interest.

HESS/FOSTER-MOVE THAT COMMISSIONER MINSCH HAS CONFLICT OF INTEREST AS SHE IS THE APPLICANT OF THE PROPOSED REZONE.

**VOTE: YES: FOSTER, HESS, HOWARD, KRANICH, ZAK
NO: NONE.**

Motion passed.

Commissioner Minsch left the table.

City Planner McKibben summarized the staff report.

Sharon Minsch advised the commission that she and her husband were present to answer questions.

Frank Griswold stated the proposed rezone was contrary to the purposes of zoning, that it wouldn't increase the tax base per se, no public purpose would be served and that it would be an illegal spot zone. Further, Mr. Griswold stated it would be virtually impossible to correlate any rezoning of a small parcel to the goals of the comprehensive plan.

HESS/FOSTER - MOTION TO BRING STAFF REPORT PL 07-106 TO THE FLOOR FOR DISCUSSION AND ACTION.

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Motion was approved by consensus of the commission.

Discussion followed regarding the issue of rezoning adjacent parcels, spot zoning and expansion of existing zoning boundaries. City Planner McKibben explained that the proposed rezone is an expansion of an existing zoning district and therefore is not spot zoning.

Commissioner Foster explained that he agreed with the public testimony, and that if rezones aren't treated more scrupulously there is the potential for the city to have trouble with serial zoning in various zoning districts.

City Planner McKibben explained that there would be a replat submitted at a later date pending the decision of the rezone.

Chair Kranich stated he would be more comfortable with the rezone if the replat was already complete. It was discussed that if the replat was completed before the rezone that it would create a split-zoned lot.

Commissioner Howard referred to the fourth 'Whereas' in the attached ordinance and disagreed that there was a public need associated with this proposed rezone.

It was discussed that the property in question is currently land locked and that there is no legal access.

FOSTER/HESS - MOVE TO CALL FOR QUESTION.

VOTE: YES: KRANICH, HESS, HOWARD, ZAK.
NO: FOSTER.

Motion passed.

MOVE TO RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE 07-XX, TO REZONE A PORTION OF THE URBAN RESIDENTIAL DISTRICT (UR) TO RESIDENTIAL OFFICE (RO).

VOTE: YES: HESS, HOWARD, ZAK, KRANICH.
NO: FOSTER.

Motion passed.

PLAT CONSIDERATION

The Commission hears a staff report, testimony from applicants and the public, The Commission may ask questions of staff, applicants and the public, The Commission will accept testimony or a presentation on agenda items that involve an applicant.

A. Staff Report PL 07-105, Eagle View II Subdivision Preliminary Plat

City Planner summarized the staff report.

MINSCH/HESS - MOVE TO ADOPT THE PROPOSED REPLAT WITH STAFF RECOMMENDATIONS.

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FOSTER/HESS - MOVE TO ADD RECOMMENDATION #6, THAT THE PROPERTY OWNER CONTACT THE ARMY CORPS OF ENGINEERS REGARDING WETLANDS DELINEATION PRIOR TO FINAL PLAT APPROVAL.

VOTE: YES: HOWARD, HESS, KRANICH, FOSTER.
NO: MINSCH, ZAK.

Motion failed.

FOSTER/HESS - MOVE THAT THE BOROUGH DOES NOT APPROVE EXCEPTION TO THE KBP 20.20.180 3:1 RATIO REQUIREMENT FOR LOT DIMENSIONS.

MOTION PASSED BY CONSENSUS OF THE COMMISSION.

VOTE: (main motion as amended) YES: HOWARD, MINSCH, KRANICH, HESS, FOSTER

Motion carried.

PENDING BUSINESS

- A. Staff Report PL 07-102, Memorandum dated October 5, 2007 to Council's Advisory Bodies from Jo Johnson, City Clerk regarding 2008 Meeting Schedule

HOWARD/HESS - MOVE TO APPROVE STAFF REPORT PL 07-102 AMENDING THE CITY CLERK'S 2008 MEETING SCHEDULE BY REMOVING THE JULY 2, 2008 AND DECEMBER 17, 2008 MEETINGS, AND TO HAVE NO PUBLIC HEARINGS SCHEDULED ON THE NOVEMBER 19, 2008 MEETING.

MOTION PASSED BY CONSENSUS OF THE COMMISSION.

- B. Staff Report PL 07-109, Open Air Business

MINSCH/HESS - MOVE TO ADOPT STAFF REPORT PL 07-109 WITH STAFF RECOMMENDATIONS, OPEN AIR BUSINESS.

Motion passed by consensus of the commission.

NEW BUSINESS

The Commission hears a report from staff. Commission business includes resolutions, ordinances, zoning issues, requests for reconsideration and other issues as needed. The Commission may ask questions of staff, applicants, and the public. Any items brought before the Commission for discussion are on the floor for discussion following introduction of the item. The Commission will accept testimony or a presentation on agenda items that involve an applicant (such as acceptance of a non conformity).

- A. Staff Report PL 07-104, Nonconformity at 4999 Meadow Drive

City Planner McKibben summarized the staff report.

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MINSCH/HESS - MOVE TO ADOPT STAFF REPORT PL 07-104 WITH STAFF RECOMMENDATIONS, TO ACCEPT THE NONCONFORMING RESIDENTIAL USE OF THE DWELLING AND DETACHED GARAGE ON LOT 3 UTTER ACRES SUBDIVISION AT 4999 MEADOW DRIVE.

MOTION PASSED BY CONSENSUS OF THE COMMISSION.

INFORMATIONAL MATERIALS

- A. Memorandum 07-134 to Mayor and City Council from Jo Johnson, CMC, City Clerk regarding Ordinance 21.55, Overslope District
- B. Letter dated October 24, 2007 to Walt Wrede, City Manager from Frank Griswold
- C. Email to Beth McKibben, City Planner from Sharon Minsch, HAPC regarding NAR and Smart Growth America 2007
- D. Letter dated November 2, 2007 to Dale and Patricia Kaercher from Dotti Harness, Planning Technician
- E. Decision on Appeal of Oscar Munson Subdivision Brant Replat
- F. HAPC Work List 2007-Revised September 2007
- G. Code Enforcement Log dated November 1, 2007

There were no comments regarding the informational materials.

COMMENTS OF THE AUDIENCE

Members of the Audience may address the Commission on any subject.

Betty Seaman was present and addressed the Lighthouse Village project, and explained that even though they are close neighbors to the project, they were not within the 300 feet and were not sent a public notice. She stated further that she would like to be sent a notice when the traffic impact analysis is presented.

COMMENTS OF THE COMMISSION

Commissioners may comments on any subject, including requests to staff and requests for excused absence.

ADJOURN

Notice of the next regular or special meeting or work session will appear on the agenda following "adjournment".

There being no further business to come before the Commission, the meeting adjourned at 8:50 p.m. The next Regular Meeting is scheduled for December 5, 2007 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

SHELLY ROSENCRANS, PLANNING CLERK

Approved: _____

