

**COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

**COMMENTS OF STAFF**

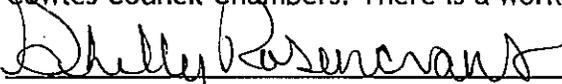
Planning Technician Engebretsen welcomed Commissioner Venuti.

**COMMENTS OF THE COMMISSION**

The Commission welcomed and thanked Commissioner Venuti.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 10:30 p.m. The next regular meeting is scheduled for September 1, 2010 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.

  
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Shelly Rosencrans, Planning Clerk

Approved: September 1, 2010

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 1, 2010

Session 10-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on September 1, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DRUHOT, HIGHLAND, KRANICH, MINSCH, VENUTI

ABSENT: COMMISSIONER SINN

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

### PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Nancy Hillstrand, city resident, thanked the Commission for the reconsideration as it has given her time to get a better understanding of what is happening. She provided some information to explain her specific concerns. She explained that plat as written is that only a portion of her property was involved in the eminent domain and the rest of her property was not. She wants it to be as close to the original integrity of her original deed as possible, because then the rest of her rights are not being taken away. She has concern that some of the notes will pertain to the rest of her unsubdivided land that was not part of the eminent domain process. She wants to ensure there will not be more of a taking with the unsubdivided land. Ms. Hillstrand said she better understands the vacation and doesn't have any issue with that. She would like the plat to reflect how clean the deed was prior to the eminent domain. She is trying to keep the rest of her land clean from the restrictions and encumbrances because that is a result of the taking of the four acres. It kind of makes her a victim again, where she didn't ask for this to happen. She thanked the Commission again reiterating that the extra time has been helpful to her to gain better understanding.

### RECONSIDERATION

HIGHLAND/BOS MOVED TO RECONSIDER STAFF REPORT PL 10-67, HILLSTRAND'S HOMESTEAD SECTION LINE EASEMENT AND RIGHT-OF-WAY VACATION.

Commissioner Highland said that after the last meeting she left with concerns and wanted to make sure that a private citizen wasn't wronged in some way. She said Ms. Hillstrand's comments left her wanting to investigate it more. It would have been more helpful to have more history of the situation. It is a scenario where city's go a little bit over the line on doing some takings and she just wanted to have more information to make sure something like that didn't happen here.

It was noted that Ms. Hillstrand said she did not have any objection to the vacation.

VOTE: YES: HIGHLAND  
NO: BOS, MINSCH, DRUHOT, KRANICH, VENUTI

Motion failed.

HIGHLAND/KRANICH MOVED TO RECONSIDER STAFF REPORT PL 10-66 HILLSTRAND'S HOMESTEAD PRELIMINARY PLAT.

Commissioner Highland said that she had similar concerns as noted previously and wants to ensure that the plat appropriately reflects that the conditions are specific to the subdivided portion. Planning Technician Engebretsen explained that the City is happy to create an additional plat note to specify that lots outside City limits but inside the watershed district are only subject to the watershed rules, and not the rest of the zoning code.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **ADOPTION OF 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.

A. Approval of the August 18, 2010 regular meeting minutes

Commissioner Kranich requested the minutes be placed under new business for discussion.

#### **PRESENTATIONS**

There were no presentations scheduled.

#### **REPORTS**

A. Staff Report PL 10-79, City Planner's Report

City Planner Abboud reviewed his report that was included in the packet.

#### **PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 10-72, Conditional Use Permit PL 10-07, 3685 Sterling Highway for "more than one building containing a permitted principal use on a lot" per HCC 21.12.030(n) Rural Residential

City Planner Abboud reviewed the staff report.

John Bouman, applicant, asked for clarification whether the deck could be 5 feet into the setback. City Planner Abboud noted that the recommendation is for a 40 foot set back from the edge of the porch. Mr. Bouman didn't have any objection. He requested an opportunity to rebut after the public hearing.

Chair Minsch opened the public hearing.

Holly Van Pelt, city resident and adjacent property owner, thanked the Commission. She provided the Commission with a plan of action regarding the property. She provided written testimony that was included in the packet. She does not want to see the CUP go forward as she feels there are too many unanswered questions. She noted that there is a propose subdivision of the property coming forward next week, so the 160 square feet of property may be true today but may not be tomorrow. She does not approve of putting the structures on a smaller lot. She added that she is part owner of the driveway that allows access to the property and is concerned that there are considerations that haven't been thought about. She is concerned about the hold harmless statements in the warranty deed because of the increased traffic that will be created by this project and her liability as part owner of the driveway. She is also concerned about being responsible for 50% of maintenance of the driveway and she certainly won't be using it at a 50% rate in relation to the proposed business. She wants to be cooperative with her neighbor but she just found out about the project last week when notice came in the mail and hasn't had an opportunity to talk with the applicant about her concerns. If it could be worked out so these are moot points, it would serve everyone well. She hopes the Commission will consider her options so they won't have to butt heads and can live in harmony.

There were no further comments and Chair Minsch closed the public hearing.

Mr. Bouman commented that he is willing to work with Ms. Van Pelt on terms to resolve this issue and satisfy her concerns.

**BOS/HIGHLAND MOVED TO BRING STAFF REPORT 10-72 TO THE TABLE FOR DISCUSSION.**

There was no objection and discussion ensued.

Commissioners expressed interest in taking this up in deliberations.

Commissioner Highland questioned if the plan for subdividing is before staff. City Planner Abboud responded it is not. It was noted that subdivision is alluded to in the staff report.

**KRANICH/BOS MOVED TO SCHEDULE DELIBERATIONS FOR A LATER TIME.**

There was discussion attempting to establish when they would deliberate.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

Chair Minsch called for a short break at 7:40. The meeting resumed at 7:45

#### **PLAT CONSIDERATION**

No plats were scheduled for consideration.

#### **PENDING BUSINESS**

KRANICH MOVED TO RE-ORDER PENDING BUSINESS TO DISCUSS THE PRELIMINARY PLAT BEFORE THE OTHER PENDING BUSINESS.

A. Staff Report PL 10-66 Hillstrand's Homestead Preliminary Plat

The motion on the floor after reconsideration passed:

KRANICH/BOS MOVED TO ADOPT STAFF REPORT 10-66 WITH COMMENTS AND RECOMMENDATIONS.

Planning Technician Engebretsen commented that she talked to Ms. Hillstrand and the City is happy to add a plat note to clarify that the portions of the subdivision outside the city are subject only to the Bridge Creek Water Shed Protection District regulations, and note the appropriate code citation.

HIGHLAND/BOS MOVED TO AMEND TO ADD A PLAT NOTE AS REFERENCED BY PLANNING TECHNICIAN ENGBRETSSEN.

There was no discussion.

VOTE: (Primary amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion.

VOTE: (Amended main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS MOVED TO SUSPEND THE RULES TO DISCUSS THE MINUTES NOW.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was consensus of the Commission to amend the minutes to clarify that the items on the Consent Agenda were approved, the recording of the meeting was inaudible, that Nancy Hillstrand commented to the Commission regarding actions affecting her property, and to clarify the voting process on the motions.

KRANICH/BOS MOVED TO APPROVE THE AUGUST 18 MINUTES AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

DRUHOT/KRANICH MOVED TO GO INTO DELIBERATIONS RIGHT NOW ON CUP 10-07, 3685 STERLING HIGHWAY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

The Commission went into deliberations at approximately 7:56 p.m. The meeting resumed at approximately 9:30 p.m.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 10-72 CONDITIONAL USE PERMIT 10-07 WITH STAFF RECOMMENDATIONS AND FINDINGS.

Chair Minsch restated the amendments that were addressed in deliberations.

KRANICH/HIGHLAND SO MOVED TO DELETE RECOMMENDATION TWO AND SUBSTITUTE PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS AN ENGINEER IS TO CERTIFY ON SITE WELL AND SEPTIC SYSTEMS ARE APPROVED BY ADEC AS PUBLIC WATER OR PUBLIC SEWER.

There was brief discussion.

VOTE: NON OBJECTION UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS SO MOVED THE MINIMUM LOT SIZE BE NOT LESS THAN 100,000 SQUARE FEET.

There was brief discussion about adding reference to subdivision.

KRANICH/HIGHLAND MOVED TO AMEND TO ADD "IF SUBDIVISION OCCURS" AT THE FRONT.

There was no discussion

VOTE (AMENDMENT): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (MOTION AS AMENDED): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

KRANICH/BOS SO MOVED THAT IF ANY SUBDIVIDING OCCURS OF THIS LOT OCCURS BOTH LOTS ARE TO HAVE DIRECT ACCESS TO THE STERLING HIGHWAY VIA DOT DRIVEWAY PERMIT.

There was discussion supporting need for direct access.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Druhot expressed that the current access needs to be wider to accommodate two vehicles turning in and out between the property and highway. There was discussion of the need for a wider entrance based on the information provided.

**DRUHOT/HIGHLAND MOVED TO ADD A REQUIREMENT THAT THE DRIVEWAY BE MAINTAINED TO PROVIDE SAFE SIMULTANEOUS INGRESS AND EGRESS OFF THE STERLING HIGHWAY.**

There was no discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

B. Staff Report PL 10-78, Draft Spit Comprehensive Plan

**BOS/KRANICH MOVED TO EXTEND THE MEETING TIME TO 10:30.**

There was no discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

The Commission started a page by page review of the Draft Spit Comprehensive Plan. Typographical corrections were noted as well as items that needed clarifications.

**BOS/KRANICH MOVED TO EXTEND THE MEETING TIME TO 10:45.**

There was no discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

The Commission completed their review of the Draft Spit Comprehensive Plan.

C. Staff Report PL 10-59, Draft Rezone Ordinance

#### **NEW BUSINESS**

A. August 18, 2010 Minutes

This was taken up earlier in the meeting.

#### **INFORMATIONAL MATERIALS**

A. City Manager's Report

#### **COMMENTS OF THE AUDIENCE**

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

**COMMENTS OF STAFF**

There were no comments from staff.

**COMMENTS OF THE COMMISSION**

There were no comments from the commission.

Commissioner Highland asked to clarify that on the motion to reconsider the vacation she had meant to vote no rather than yes.

There were no other Commission comments.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 10:45 p.m. The next regular meeting is scheduled for September 15, 2010 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.

  
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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: September 15, 2010