

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 7, 2010

Session 10-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:06 p.m. on April 7, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER BOS, DRUHOT, HIGHLAND, KRANICH, MINSCH

ABSENT: COMMISSIONER SINN

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

AGENDA
APPROVAL

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

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).

There were no public comments.

RECONSIDERATION

RECONSIDER-
ATION

No reconsiderations were scheduled.

ADOPTION OF CONSENT AGENDA

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. Draft Decisions and Findings, Alaska Marine Highway System CUP 10-03
- B. Approval of Minutes of March 3, 2010

Commissioner Kranich requested the Draft Decisions and findings be taken off the agenda and discussed under New Business. There was no objection.

The amended consent agenda was approved by consensus of the Commission.

PRESENTATIONS

PRESENTATION

No presentations were scheduled.

REPORTS

REPORTS

- A. Staff Report PL 10-32, City Planner's Report

City Planner
Report

City Planner Abboud reviewed the staff report.

PUBLIC HEARINGS

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.

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A. Staff Report PL 10-24, Conditional Use Permit (CUP) 10-04, University of Alaska, Kachemak Bay Campus College Expansion

Planning Technician Engebretsen reviewed the staff report.

James Daugherty, architect of record from RIM Architects, gave a brief overview of the design and materials for the college expansion. He said the overall intent is that it will match the existing building. He acknowledged that the information in the packet is pretty straight forward and they will comply with the conditions, but he wants to ensure that he has a clear understanding of them. He explained the process of the phases for completion of the project. He requested clarification of condition 6 and asked for consideration of the following conditions:

Condition 4- They plan to remove the chain link fence that is there now and asked for consideration of keeping the stand of alders and landscaping that is already in place. It would accomplish the intent of screening and visual buffer.

Condition 3- In looking at the group of parking spaces that will be constructed to support the project, they are removing parking spaces that would have benefited from the pedestrian path, and instead of the path will plant in the burm area.

Condition 9- They intend to pave the parking lot as soon as possible but have concerns that it may not fit in this budget cycle and may have to be moved to the next. He noted that the nature of paving in Homer, is that it is more economical to wait for other projects that bring the asphalt plant into town. Mr. Daugherty asked for consideration to extend the schedule to August 2013.

Other than those requests, Mr. Daugherty said they have incorporated the conditions into their plan.

There was brief discussion regarding the driveway out to Kachemak Way.

Chair Minsch opened the public hearing.

Gaye Wolfe, neighboring property owner, said she is excited that the college is moving forward to develop their property to some degree. She is happy to see the new changes, the deletion of the pathway and consideration for a visual buffer to separate the residential aspect. She noted the alders are the only natural asset to the property and encouraged keeping them alders as she hates to see the trees go away. She questioned signage on the Kachemak Way side as she is concerned about blocking the access to the business on her property. Planning Technician Engebretsen said that there has not been discussion of signage there. The design shows offices at the west end so it may not be necessary to have a sign there.

There were no further comments and the public hearing was closed.

To clarify Condition 6/Finding 13, Planning Technician Engebretsen explained that on the south side of the property there are two expanses of parking that are longer than 11 spaces

BC
expansion

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and they are going to add a few spaces to the existing parking area near the bioswale. The Commission could either make a condition 6 to eliminate one space somewhere to create a break in the 14 spaces or a finding 13 that a break in the 14 spaces is not necessary.

KBC
Campus
Expansion

It was noted that the alders are partially in the right-of-way and it wouldn't be appropriate to require keeping them in a place where the applicant doesn't have any control. Also the intent of buffering and screening is outlined in the Design Manual and the alders don't fit in with the criteria.

KRANICH/BOS MOVED TO DEFER DELIBERATIONS UNTIL AFTER THE REST OF THE BUSINESS TONIGHT.

It was clarified that they would take up deliberations after commission comments and before adjournment.

There was discussion of previous requirements for paving. Chair Minsch asked if one year is the requirement typically imposed on others. Planning Technician Engebretsen responded that it probably is. The courthouse project is the first one the City required paving on, and the contractor was already paving one of his lots in that timeframe.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 10-30, CUP 10-05 Fish Factory to allow two caretakers residences

CUP 10-05
Fish Factory
Caretakers
Residences

City Planner Abboud reviewed the staff report.

Mike McCune, part owner and managing member of the Fish Factory, explained that the original lease was established in 1999 to construct and operate a fish processing plant. He said they have enjoyed the relationship and plan to continue it. One requirement of the processing plant is to have onsite personnel for a number of reasons. He noted examples that the nature of their business is not 9-5, there can be trucks coming in at 2 a.m., and boats that need to be outfitted at odd hours. They run about 600 horse power of refrigeration 24 hours a day for many days and the units have to be emptied at odd hours to allow them to compete with other ports productivity. In this case "caretaker" is more than a watchman, it is several employees. In the beginning the Manly Building next door provided a place for onsite people. When it was removed they accommodated it with temporary structures. It was brought to his attention that was illegal so they felt the best way to be in compliance was to apply for the conditional use permit and add the structures. In reference to questions from the Commission, Mr. McCune explained that there will be two bunks per unit and no kitchens.

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

Commissioner Kranich noted that HCC 21.30.030(g) authorizes a caretaker's residence as an accessory use. The application is for residences, plural. He doesn't believe that it is authorized per HCC to have more than one residence.

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UP 10-05
Fish Factory
ARETAKERS
residence

There was discussion that the drawing shows one of the units is in the 20 foot setback. Per code both units will have to be in compliance with the setbacks.

Chair Minch called for a recess at 8:16 p.m. to allow staff an opportunity to query the applicant about the concept of one building on the lot. The meeting resumed at 8:22 p.m.

City Planner Abboud explained that the applicant will have one unit definitely removed from the setback. He could enter a conceptual drawing to show that.

KRANICH/HIGHLAND MOVED TO POSTPONE DELIBERATION ON THE FISH FACTORY CUP UNTIL AFTER THE REGULAR BUSINESS ITEMS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 10-29, Draft Ordinance 10-XX, Amending HCC 21.75, Storm Water Plans

City Planner Abboud reviewed the staff report.

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

KRANICH/HIGHLAND MOVED TO DISCUSS AND POSSIBLY AMEND THE PROPOSED ORDINANCE PERTAINING TO STORM WATER PLANS.

No objection was expressed and discussion ensued.

Commissioner Highland questioned the dollar amount on line 58. The Commission provided a brief history about how they came to the conclusion to use that amount in addressing financial responsibility for small projects.

There was discussion that the amendment in section four is not clear without the deleted portion shown with strikeouts and without the new language being bold and underlined. It was noted that it states in section four that HCC 21.75.030 is being repealed and reenacted and the City Attorney has reviewed it.

KRANICH/BOS MOVED THAT ON LINE 50 COMMENCING WITH THE WORD FINANCIAL AND INCLUDING ALL THAT FOLLOWS THAT SHALL BE PLACED IN ITALICS BEFORE BEING PRESENTED TO THE CITY COUNCIL.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Draft Ord
amending
Storm Water
Plan

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KRANICH/HIGHLAND MOVED THAT ON LINE 48 THE WORDS THAT ARE UNDERLINED AND LINE THROUGH BE ALLOWED TO REMAIN IN THE CODE WHEN IT GOES TO THE COUNCIL.

Draft Ord
Amending
Storm Water
Plan

There brief discussion in agreement with the recommendation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

KRANICH/HIGHLAND MOVED TO RECOMMEND THE CITY COUNCIL HOLD A PUBLIC HEARING AND ADOPT THE DRAFT ORDINANCE 10-XX AMENDING HOMER CITY CODE 21.75 STORM WATER PLANS AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PLAT CONSIDERATION

No plats were scheduled for consideration.

PLAT
CONSIDERATI

PENDING BUSINESS

A. Staff Report 10-33, Homer Spit Comprehensive Plan

PENDING
BUSINESS
Draft SPIT
Comp Plan

Chair Minch stated that the Commission received information from the Consultant that was discussed during the worksession.

KRANICH/BOS MOVED TO MOVE THIS TO THE NEXT WORKSESSION ON APRIL 21 AS THE MAIN TOPIC OF DISCUSSION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report 10-34, HAPC Worklist

HAPC Work
List

Chair Minsch stated that the Commission discussed this at the worksession.

KRANICH/BOS MOVED TO SEND THE COMMISSION WORKLIST BACK TO STAFF FOR UPDATES AND RETURN IT TO THE COMMISSION AT A LATER DATE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

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Motion carried.

NEW BUSINESS

A. Draft Decisions and Findings, Alaska Marine Highway System CUP 10-03

KRANICH/BOS MOVED TO BRING TO THE FLOOR FOR DISCUSSION AND POSSIBLE AMENDMENT THE HOMER ADVISORY COMMISSION DECISION DOCUMENT PERTAINING TO HOMER SPIT SUBDIVISION AMENDED LOT 48 CONDITIONAL USE PERMIT 10-03.

No objection was expressed and discussion ensued.

Typographical corrections were noted.

KRANICH/BOS MOVED TO AMEND FINDING 10 TO READ "OUTDOOR LIGHTING PROVISIONS OF THE COMMUNITY DESIGN MANUAL SHALL APPLY TO THIS PROJECT."

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

BOS/ KRANICH FINDING 8 SHOULD SAY "THE PROPOSAL DOES OR WILL COMPLY WITH APPLICABLE CITY OF HOMER ZONING REGULATIONS."

There was no discussion.

VOTE: NON OBJECTION UNANIMOUS CONSENT

Motion carried.

KRANICH/BOS MOVED THAT WE ADOPT THE DECISIONS AND FINDINGS FOR CONDITIONAL USE PERMIT 10-03 AS AMENDED.

There was no discussion.

VOTE: YES: DRUHOT, MINSCH, KRANICH, BOS, HIGHLAND

Motion carried.

B. Staff Report PL 10-28, State of Alaska Right-of-way acquisition for East End Road

The Commission had no comments.

C. Staff Report PL 10-31, Draft Ordinance 10-XX Amending HCC 21.93 Appeals

City planner reviewed the staff report.

EW
BUSINESS
raft
ecision
K Marine
wy
UP 10-03

EOA
ROW
East END
Road

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There was discussion that the Commission would like to have some clarification regarding the amendments that are proposed and the information from the Attorney.

Draft Ord
Amending
Appeals

KRANICH/BOS MOVED TO PUT THIS ON THE NEXT WORKSESSION AND TO HAVE MORE SUPPORTING EXPLANATION AT THAT TIME.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

INFORMATION
MATERIALS

A. Fall 2009 Planning Commissioners Journal Article, "The Role for Planning in Sustainable Communities."

COMMENTS OF THE AUDIENCE

AUDIENCE
COMMENTS

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

There were no public comments.

COMMENTS OF STAFF

STAFF COMMEI

Staff had no comments.

COMMENTS OF THE COMMISSION

COMMISSION
COMMENTS

The Commissioners had no comments and adjourned into deliberation at 9:11. The Commission returned at 10:16.

KRANICH/BOS MOVED TO SUSPEND THE RULES TO CONTINUE THE MEETING AFTER 10 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

KRANICH/BOS MOVED TO BRING CONDITIONAL USE PERMIT 10-04 TO THE FLOOR FOR DISCUSSION AND AMENDMENT.

CUP 10-04
KBC
Expansion

No objection was expressed and discussion ensued.

KRANICH/DRUHOT MOVED TO AMEND CONDITION 5 PAGE 28 TO CHANGE THE YEAR TO 2011 AND ADD THE FOLLOWING SENTENCE: "NO LANDSCAPED ISLAND WILL BE REQUIRED IN PHASE II PARKING."

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UP 10-04
 BC
 Expansion

It was noted that by not requiring the landscaped island in the phase II parking it would be following and keeping with using the landscaping along Kachemak Way which would screen the parking lot. It would also facilitate snow removal.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

DRUHOT/BOS MOVED TO CHANGE CONDITION 8 TO READ: "WHEN THE PHASE II PARKING IS CONSTRUCTED A WALKWAY SHALL BE CONSTRUCTED TO THE WEST ENTRANCE FROM THE PHASE II PARKING."

The determined there is no need to eliminate a parking space. Once the phase II parking is established, it will be safer with the walkway there. It was clarified that the intent is to replace the language in condition 8.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/KRANICH MOVED TO AMEND CONDITION 4 TO CHANGE PLANT SPRUCE TREES TO PLANT EVERGREEN AND DECIDUOUS TREES. ALSO CHANGE THE COMPLETION DATE TO 2011.

It gives the applicant more choices than spruce trees and a mixture of deciduous is quite nice. The date change is to stay consistent with the timeframe that has been required of other businesses.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/KRANICH MOVED TO AMEND CONDITION 7 THE SECOND SENTENCE CHANGE SPRUCE TO EVERGREEN AND COMPLETE BY AUGUST 31, 2011.

The same points were noted as in the previous motion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/KRANICH MOVED TO AMEND CONDITION 9 TO PAVE THE PARKING LOT BY AUGUST 31, 2011.

To stay within the timeframe required of others.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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BOS/KRANICH MOVED TO ADD FINDING 13 WHICH STATES "THE COMMISSION FINDS THAT BREAKING UP THE PARKING SPACES FOR THE SECOND PHASE OF PARKING AND THE 14 SPACES THAT ARE EXISTING WOULD CREATE MORE OF A PROBLEM FOR SNOW REMOVAL, THAN IT CREATES FOR A VISUAL INTEREST IN THE PARKING LOT.

CUP 10-04
KPC
EXPANSION

There was brief discussion clarifying that the motion relates to the phase II parking plan and the 14 spaces that are already there.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/HIGHLAND MOVED THAT CONDITIONS 7 THROUGH 11 SHALL BE RENUMBERED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

KRANICH/BOS MOVED TO APPROVE CUP 10-04 WITH AMENDED FINDING AND CONDITIONS.

There was no further discussion.

VOTE: YES: MINSCH, KRANICH, HIGHLAND, BOS, DRUHOT

Motion carried.

KRANICH/BOS MOVED TO BRING FISH FACTORY CONDITIONAL USE PERMIT 10-05 FORWARD FOR DISCUSSION, AMENDMENT, AND APPROVAL.

HIGHLAND/KRANICH MOVED TO AMEND FINDING 11, CHANGING ON SITE CARETAKER'S UNITS TO ON SITE CARETAKER'S RESIDENCE AND REQUIRE A WORD SEARCH TO CHANGE ALL REFERENCES TO CARETAKER'S UNITS, HOUSING, AND STRUCTURES TO CARETAKER'S RESIDENCE.

This is for clarification and consistency. There were different words used throughout the CUP.

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

Motion carried.

KRANICH/HIGHLAND MOVED TO AMEND FINDING 8 TO READ ONE CARETAKER RESIDENCE NOT TO EXCEED 400 SQUARE FEET IS SMALL IN SCALE, BULK, AND COVERAGE IN COMPARISON TO NEARBY WAREHOUSE AND STORAGE FACILITIES.

This keeps it in line with the singular and places size a limit on the unit.

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

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IP 10-04
BC
Expansion

Motion carried.

DRUHOT/HIGHLAND MOVED TO ADD CONDITION 7 TO STATE THAT IT WILL COMPLY WITH ALL LOCAL STATE AND FEDERAL REGULATIONS, AND MEET SETBACK REQUIREMENTS.

This will ensure that all regulations are met and setbacks are not violated.

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

Motion carried.

KRANICH/BOS MOVED TO AMEND THE FIRST BULLET UNDER STAFF RECOMMENDATIONS CHANGING IT TO READ ONE CARETAKER'S RESIDENCE.

This keeps with the amended wording.

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

Motion carried.

VOTE: (Main motion as amended): BOS, DRUHOT, MINSCH, HIGHLAND, KRANICH

Motion carried.

ADJOURN

Meetings adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. 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 10:40 p.m. The next Regular Meeting is scheduled for April 21, 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.

Melissa Jacobsen
MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: April 21, 2010

ADJOURN