

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MAY 4, 2011

Session 11-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:01 p.m. on May 4, 2011 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, DOLMA, HIGHLAND, MINSCH, VENUTI

ABSENT: COMMISSIONER DRUHOT

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).

### RECONSIDERATION

There were no items for reconsideration.

### 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.

1. Approval of the April 20, 2011 minutes
2. Time Extension Requests
3. Approval of City of Homer Projects under HCC 1.76.030 g
4. KPB Coastal Management Program Reports

The Consent Agenda was approved by consensus of the Commission.

### PRESENTATIONS

There were no presentations scheduled.

### REPORTS

- A. Staff Report PL11-53, City Planner's Report

City Planner Abboud reviewed the staff report.

### 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 11-48 CUP 11-06, 4721 Homer Spit Road, Central Charters Boardwalk Expansion

City Planner Abboud reviewed the staff report.

Kenton Bloom, surveyor and applicant's representative, commented that the City Planner's comments were appropriate to what is happening with this project. The applicant, Bill Lovett, has been a shop owner on the spit for over 22 years. When he bought Central Charters he saw that what was happening didn't have the structure for long term sustainability, given the dynamics of the economics on the spit. It is seasonal out there and it would be a stretch to say that it is a full three month program. This project is an effort to diversify and expand the economic foundation to keep the boardwalk sustainable. He said the Michaels' who own Captain Patties have a similar situation where the restaurant building is maxed out, storage and configurations are awkward, and there aren't enough tables for the summer influx. The expansion in their regard has to do with providing a better dining experience, a more efficient work experience, and a more sustainable restaurant operation for the long term. Mr. Bloom explained that in planning this they looked at code, the spit, and the specific area to see what could be done for architectural integration. As part of the process they looked at the other buildings and they are working with features to create a cohesive maritime atmosphere using muted tones on the paints to diminish the buildings and accentuate the signs so people passing by will see something cohesive, attractive, and appropriate. Mr. Bloom said they feel their solution leads a way forward on the spit in terms of development and it represents an infusion of financial resources into an existing boardwalk. The lift between the two boardwalks is going to be over three and a half feet; they have kept the buildings low. The lodging unit is in the middle of the five pieces to break up the roof line. They think the restaurant square footage is modest but it does big things for the restaurant itself. The space between the restaurant and cabins is there because the Sea Lion uses the space as their view shed so they wanted to protect that, and because of the difference in boardwalk heights, there are porches and stairs that are already there and to move the cabins over means that those things would have to be demolished or reconfigured. To cut the corner off the last unit will take out the kitchen piece and ruin the symmetry of the buildings and moving over 5 feet cuts into the upstairs deck of Sea Lion. Regarding parking Mr. Bloom added that they showed the other 16 spaces as they feel they exist for the purposes of noting that they are adding four new spaces to what has been out there. Regarding signage he said they were able to look at the proposed signage model that the Commission is working on and the two things they came up with were is one, the purpose of signage is more critical than he realized in that driving by it is like a window shopping factor that appears to be a big piece in how people choose their activities. It is important not to underestimate that. Secondly, quality signs attract people to a business in the way that a banner or something like that might not. He said his clients wanted him to talk about the relationship and difference between art and signage as they want to integrate sculptural or paintings and so forth. The total signage that is there today is below the limits proposed in the sign documents. He believes that the applicants tried to propose something forward looking that will be attractive, cohesive, and something the community can be proud of.

There was brief discussion to clarify parking in relation to the seasonal activity of the units.

Chair Minch noted for the record that there were laydown items provided to the Commission, one letter from Timothy Cashman, and two documents from Frank Griswold. She opened the public hearing.

John Michaels, part owner of Captain Patties, commented that Mr. Bloom did a good job of explaining what Captain Patties would like to do. He said it will be a stunning addition if it is allowed. With all the glass it will be significant beautification of the property. Economically it will allow Captain Patties to have about 15 more employees to work from March to the end of September.

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

The Commission asked questions of Mr. Bloom and he responded with the following comments.

- The 5 foot walk way by the mechanical room is the setback and it leaves a maintenance area for the entirety of that side of the building.
- The ramp next to the Crab Shack is a universal access designed to serve all of the outside deck and provide access to the new lifted part of Captain Patties.
- Some reasoning they don't want to move the building over five feet out of the set back is that Central Charters is established with its location and views and putting the buildings in front of Central Charters devalues what they have and the north end of the site is more of a transitional area in relation to what is already there. It will be a small triangular piece of the north westerly corner of the first unit in the setback. He tried to avoid it to keep it cleaner but decided to ask the Commission for the variance. It doesn't appear to be a major imposition and he feels they have shown that they tried to work around it.
- The stairway behind the Sea Lion is an egress stairway for the people upstairs; there is a porch that is part of the stairway. The stairway and deck are in the clearance of the walk way to have full head room coming behind the cabins. They can't really move any farther toward Captain Patties with the cabins without impacting the whole piece. On the other side of the Sea Lion needs to be clear for access to the propane and other utilities.
- In reference to comments that the addition doesn't seem aesthetically pleasing or appear to have a nautical feel from the street side Mr. Bloom explained that with the exception of about 30 feet, the addition is behind the other buildings. Due to privacy concerns and wanting to keep the level of the cabin buildings below the existing buildings, it will be as shown in the drawings with the two doors showing, one to a cabin and one to the washroom. They are using an unremarkable wood surfaced board and batten type approach. They looked at other kinds of roof lines but felt that because of the different grade in the boardwalk a flat roof would be less of an impact as gable roofs which would create a situation with the roofs being way over what is already there and cause a real visual impact from the street side.
- In relation to the development in the tsunami zone, they looked at the FEMA preparedness piece and what is happening on the spit and reached a conclusion that the addition of a few rooms won't change the dynamic out there. There are numerous other living situations on the spit.
- The signage is not compliant with the current sign code but is compliant with the proposed amendments that the Commission is working toward.

There was discussion regarding parking to clarify that the additional parking being added is in the state right-of-way. City Planner Abboud added that the parking table in code doesn't apply to the spit. Spit parking is reliant on two things, seasonal/year round employees and dwellings. Concern was expressed to adding traffic in a place where there isn't any parking available. Mr. Bloom noted that on the spit a lot of people park in the bigger lots and walk to businesses on the spit and both clients have said a big part of their business is the foot traffic.

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There is a handicapped parking space included in the 8 spaces, but can't specifically lay one out on that other 16 but will show that there is room for another one.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 11-48 CUP 11-06, 4721 HOMER SPIT ROAD, CENTRAL CHARTERS BOARDWALK EXPANSION.

Commissioner Bos expressed concern with a few items, the parking is a little problematic but if staff and city is going to stand by what is there then it he is good with it. They took advantage of all available space, but Commissioner Bos thinks it could be possible to make it work without having to get into the setback and there is not enough hardship caused to allow a variance. He feels that based on Mr. Bloom's comments it will be a good project.

Commissioner Venuti expressed that it's a great idea but his concern is allowing the CUP when the signage isn't in compliance.

BOS/VENUTI MOVED TO GO INTO DELIBERATIONS AT THE END OF THE MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 11-49, 1295 Mission Road, Alaska Bible Institute, for "more than one building containing a permitted principle use on a lot" per HCC 21.12.030(n)

Commissioner Venuti disclosed a business relationship with Alaska Bible Institute (ABI).

BOS/HIGHLAND MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

Commissioner Venuti explained that he was contacted by ABI to do inspections for their work. There is no contract in place as of yet but it is possible that he may work with them if the CUP is approved. When asked about financial interest he disclosed that the amount would be less than \$5000 but would likely be more than \$1000 if he does the work.

Commissioner Dolma asked if not having the contract and just the possibility of income at some point would cloud his decision making for this process. Commissioner Venuti said he felt he could make a fair decision regardless, but acknowledged there is an appearance of a conflict which is why he is disclosing this.

Commissioner Bos noted that an inspection is objective, unless there is the perception of helping them with the CUP to get the work.

VOTE: YES: BOS, MINSCH, HIGHLAND  
NO: DOLMA

Motion fails for lack of a majority.

Commissioner Highland questioned if she misunderstood the question based on the result of the vote. Deputy City Clerk stated that a yes vote means that you agree that Commissioner Venuti has a conflict because of his potential financial gain.

Chair Minsch called for a short break at 8:19 p.m. to review code regarding the conflict of interest parameters. The meeting resumed at 8:27 p.m.

Chair Minsch expressed that the options are for Commissioner Dolma to reconsider or the Commission could vote to postpone. Commissioner Dolma asked for clarification about the effect of reconsideration and he was advised that it would bring the question of Commissioner Venuti's conflict back to the floor for further consideration.

**BOS/HIGHLAND MOVED TO POSTPONE ACTION ON CUP 11-07 FOR ALASKA BIBLE INSTITUTE TO THE NEXT MEETING.**

There was brief discussion.

**VOTE: YES: HIGHLAND, MINSCH, VENUTI, DOLMA, BOS**

Motion carried.

#### **PLAT CONSIDERATION**

A. Staff Report PL 11-51, Bollenbach (N/C) Preliminary Plat

City Planner Abboud reviewed the staff report.

Roger Imhoff, project surveyor, commented that he wants to make sure they understand the name of the subdivision will not be Bollenbach Subdivision, but the applicant has not come up with her final name. He explained that they are taking property that was portions of three government lots and vacating those common lot lines and creating two side by side lots out of the three. Both lots will front on Kachemak Drive and Kachemak Bay. They will be asking for an exception to the Borough's 3:1 portion of the code for length to width ratio. As is common in these types of lots that have an upland area, steep bluff, and beach frontage, the upland area does meet the 3:1 ratio so he feels they have a good argument for the exception.

Amy Bollenbach, property owner, commented that she is trying it make the land more useable. The original lot lines don't make any sense and it will be more saleable to have two lots with access to the road and the waterway.

There were no further public comments.

Commissioner Venuti noted that after subdivision another structure can not be built within 40 feet of the bluff.

**BOS/DOLMA MOVED TO ADOPT STAFF REPORT PL 11-51.**

Chair Minsch commented that if this is approved then the structure presently on the edge of the bluff becomes nonconforming. City Planner Abboud noted that if an application comes in to build, consideration will have to be given to what is happening with the lot at the time the

application comes in. He noted that the issue of the setback to the slope isn't relevant to the purpose of this action.

Commissioner Highland questioned the 3:1 ratio. City Planner Abboud explained that is something dealt with at the Borough and not through Homer City Code. He noted that if a Commission had opposition they could express it for the record. He thinks the relation between the upland and low land area makes the issue negligible.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

BOS/VENUTI MOVED TO POSTPONE THE REST OF THE AGENDA TO GO INTO DELIBERATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **PENDING BUSINESS**

- A. Staff Report PL 11-52, Draft Ordinance 11-xx East End Mixed Use
- B. Staff Report PL 11-45, Draft Ordinance Amending Chapter 21.34, Conservation District

#### **NEW BUSINESS**

- B. Staff Report PL 11-57, Internally Lit Signs

#### **INFORMATIONAL MATERIALS**

- A. City Manager's Report April 11, 2011
- B. 'Planning Made Easy' Excerpt of Chapter 5- Ethics

#### **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**

Deputy City Clerk Jacobsen recommended that the Commission become familiar with the dollar amounts outlined in the Ethics portion of City Code specific to conflicts of interest. Code outlines \$1000 per occurrence or \$5000 per year. So if a Commissioner states that there is the potential to earn more than \$1000 then that is the Commission's cue that there is in fact a conflict per Homer City Code. It doesn't matter if you ask if a Commissioner can make an unbiased decision and they say yes. A no vote for a conflict of interest cannot be justified when a commissioner states that the amount, if hired, would exceed \$1000. She said if the CUP passes, and the Commissioner who stated their conflict earns in excess of the \$1000 for the project, she is confident that the results will not reflect favorably on the Commission.

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City Planner Abboud added that Commissioners have up to 48 hours issue notice of reconsideration.

**COMMENTS OF THE COMMISSION**

Commissioner Highland said she is enjoying the Planning Made Easy information they are receiving wants to continue working for balancing development and the environment.

There were no further Commission comments.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:51 p.m. The next regular meeting is scheduled for May 18, 2011 at 7:00 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_