

Session 17-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:31 p.m. on November 1, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, BENTZ, BERNARD, HIGHLAND, STEAD AND VENUTI

ABSENT: COMMISSIONER BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

Approval of the Agenda

Chair Stead called for a motion to approve the agenda.

BENTZ/BERNARD SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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).

Scott Adams, city resident, commented on the erosion issues for residents in the Augustine area of Baycrest. He expressed concerns on the removal of vegetation done by Homer Electric Association in the right of way and that it might not have been a good idea and could possibly make the existing conditions worse. He owns property on Mt. Augustine and there is a storm drain that drains from Baycrest to/through the backside of his property and if this was known prior to the purchase he would not have purchased the property. He would like to know who is responsible for that storm drain and that it was unacceptable to have a storm drain running down the backside of this subdivision. The property owners below him shouldn't have to worry about losing their homes. He has already built a cabin so has concern about the potential loss of his property due to erosion. This storm drain sending water constantly down from Baycrest doesn't help. He would like to have this corrected whether it's a city issue or state issue, it's not right.

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.

A. Approval of minutes of October 17, 2017

B. Time Extension Requests

1. Marley Subdivision Time Extension Request

C. Decisions and Findings for Cup 17-07, Communications Tower

Chair Stead requested a motion to approve the consent agenda.

HIGHLAND/VENUTI – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report 17-85, City Planner's report

City Planner Abboud reviewed the staff report.

Commissioner Highland and Commissioner Banks traded Council meetings dates as follows:

November 27, 2017 Commissioner Banks

December 11, 2017 Commissioner Highland

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 17-86, Conditional Use Permit 17-08 for a three story 72 room hotel at 91 Sterling Highway

Deputy City Planner Engebretsen reviewed the staff report. There were two letters in support received after supplemental packet distribution and provided as laydown materials.

Rich Conneen of Rich Conneen Architects, Juneau, Alaska and George Swift, Aspen Hotels presented the project to the commission. Mr. Conneen noted that John Bishop, with Bishop Engineering, civil engineer for the project was also present to respond to any questions or concerns of the commission.

Chair Stead opened the public hearing.

Francie Roberts, city resident, commented on the complaints received in the past during her time on Council regarding the odors that emanate from the Sewer Treatment Plant to the east of the proposed project and the liability posed to the city and expressed concerns with regards to a three story building since Homer did not have a ladder truck.

Scott Adams, city resident, commented on increased traffic concerns, pedestrian crossings, future signal placement since this town doesn't need another traffic light. He did not support the project since he believed they were a small community with lots of small businesses and B & B's and he had concerns with a large corporation coming into town.

Karin Marks, city resident, encouraged the commission to think positively when something like this comes to Homer. She reviewed the information, including the letters and there are a lot of people coming to Homer and she had a B & B owner report that for the 2016 she had 9 nights rented and for the 2017 season she had 45 nights rented out. She believes that more businesses will be at capacity in the future and the additional rooms and year round employment should be welcomed for the economic value that it provides for the community. The Project is appropriate for the location. Ms. Marks then commented that focus can then be on Pioneer Avenue.

Marianne Aplin, U.S. Fish & Wildlife Service, Visitors Services Manager, commented that Alaska Maritime Refuge and Islands and Ocean Visitor Center is our headquarters, commented that she is looking forward to working with Aspen Hotel on the connectivity to the trails. She believes that they can think creatively to provide the access for the public and looks forward to working with the developer to bring their plan to fruition.

Chair Stead closed the public hearing having no further testimony from the public present.

Staff did not have any comments or rebuttal.

Rich Conneen commented on the process in motion and that they were working with the city in complying with all city requirements, he noted that they are willing to work together to meet specific concerns. Mr. Conneen stated that Aspen Hotels is not a large corporation, and the project does not meet the density to have the requirement of a traffic light installed; the bed and breakfast trade is different than a standard hotel accommodation; he believed that Aspen Hotels is a community builder as attested to in previous communities. He can attest that an Aspen Hotel will bring people to Homer since they are a known entity.

Chair Stead asked for questions from the commission.

A question and answer period ensued and the applicant and staff responded to the commissioners questions regarding the following:

- Possible odor issues from the nearby Water Treatment Plant
- Seasonal traffic concerns
- Status of the wetlands permit
 - o The application has been submitted and a Public Notice should be issued by the Corps of Engineers at the end of the week (November 3rd)
- Fill material and liquefaction concerns
 - o Mr. Bishop, civil engineer for the applicant, responded to concerns on placement of fill materials and testing that will be conducted prior to any construction
- Impacts to the sewer system
 - o Public Works has reviewed the plan and did not express any concerns
- Designated employee parking and concerns on parking in general
 - o Split parking is normally used for businesses such as box stores
 - o The City of Homer has a high requirement compared to other communities of 1 space for each room whereas for example Juneau requires 1 space for every 4 rooms
 - o In working with staff it was thought that the commission would have a preference for less parking more landscaping
 - o Development of the parking lot was based on usage/customer data from the other locations
 - o Homer Aspen will be based on double occupancy rooms where most other locations are based on single occupancy
 - o Previous historical data on average show the Aspen Hotels are at 60-70% capacity
 - o Charters and tour groups do not require parking spaces but require larger space accommodation for buses, thus a turn-around is required to accommodate buses and fire apparatus
 - o Parking design is a “double loaded” parking lot
 - o Details and specifics were explained on designing the parking lot which can change dependent upon the final plan design.
 - Current design provides optimum design and minimizes impacts to health, welfare and safety issues, plus allows the developer some relief for the major slope of the parcel.
- Connectivity with the Islands and Ocean Visitor Center
- Pedestrian Accesses and ADA Requirements
- Clarification on the mitigation needed to address drainage, fill materials and quantity
- Explained the terms “man-made wetlands” versus natural wetlands and the criteria to determine if the area should be designated as wetlands
 - o The culvert will be extended and end in the retention basin to be constructed
 - o There is no change to the amount of water delivered to the area below

- Applicant will be required to perform a Stormwater plan but not at this stage of the project. It is not required for granting a CUP.
- The building will be constructed using standard construction methods, wood framing with a concrete foundation.
- The project is not in a tsunami or flood plain and a traffic light is planned for installation at Main Street and the Sterling Highway offering some control to traffic flow between that intersection and the Lake Street/Sterling Highway intersection.

BENTZ\VENUTI MOVED TO APPROVE STAFF REPORT 17-86 CUP 17-08 WITH FINDINGS 1-11 AND CONDITIONS 1 AND 2.

Discussion ensued with the commission expressing concerns on the potential odor issues and impact to sewer systems and parking.

BANKS/BERNARD MOVED TO AMEND TO ADD CONDITION 3 – TO ALLOW NO MORE THAN 65 SPACES FOR PARKING.

Further discussion ensued on providing limits to parking so that the developer cannot change the design and develop additional spaces.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead inquired if there was any additional discussion on the motion as amended. There was none.

VOTE. (Main motion) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead called for a recess at 8:05 p.m. The meeting was called back to order at 8:12 p.m.

B. Staff Report 17-87 Request for Public Sign for Kachemak Bay Critical Habitat Area

City Planner Abboud reviewed the staff report.

Carol Kerkvliet, Area Management Biologist for Sport Fish in Homer. George Meehan with the Department of Fish and Game submitted the request but was unable to attend tonight. Ms. Kerkvliet provided a brief explanation on the request to relocate a sign to bring awareness to the public that they are entering a Critical Habitat Area.

Chair Stead opened the public hearing. There was no public testimony and the public hearing was closed.

There was no questions for staff or applicant from the commission.

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-87 REQUEST FOR A PUBLIC SIGN FOR KACHEMAK BAY CRITICAL HABITAT AREA WITH FINDINGS 1-10.

There were brief comments on relocation of the sign being a good idea and that it would bring recognition to the critical habitat area

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report 17-88 REVISED Barnett's South Slope Subdivision, Quiet Creek Park Preliminary Plat

Deputy City Planner Engebretsen reviewed the staff report. She noted that there were four letters received – one in support and three expressing concerns after the packet was distributed.

Chair Stead asked if the applicant had a presentation for the commission.

Kenton Bloom, surveyor and representative for the applicant provided a brief presentation of the changes to preliminary plat. He noted that the owners and the civil engineer John Bishop were present to answer any questions for the commission.

Chair Stead opened the floor for public testimony.

David Lewis, city resident, expressed his concerns for runoff from the streets that are planned and how that would affect properties on the other side of East End Road off of Mattox Road. He had concerns with the additional traffic and effects on the quiet Mountainview neighborhood.

Louise Ashmun, city resident, expressed concerns regarding the affects to the area hydrology, flooding and debris flows that will increase without significant attention to storm runoff. She expressed concerns for the development of steep slopes given the lack of soils stability and removal of vegetation. Ms. Ashmun expressed further concerns with increased traffic from the proposed subdivision.

Francie Roberts, city resident, expressed concerns that the commissioners did not have all the information regarding the previous decisions made by the commission. She had apprehensions on contradictory information available on the Kenai Peninsula Borough regarding wetlands that

are not identified on the information provided in the packet. Ms. Roberts mentioned a mud slide and flooding that occurred along Bear Creek Drive that could happen to this subdivision and how suitable are the proposed areas for recreation when located in steep ravines. Ms. Roberts echoed previous concerns regarding the increased traffic volumes and the effects on existing roadways.

Katherine George, city resident, voiced concerns that echoed previous testimony regarding drainage, wetlands, impervious surfaces, and traffic increases to the existing roadways.

Letter from Nancy & Leo Vait, city residents, was allowed by Chair Stead to be read into the record by Ms. George that expressed the concerns previously stated regarding the proposed subdivision density, impacts and increases in traffic to local existing roads, wetlands, downstream runoff from new impervious surfaces; possible impacts from flooding, mudslides and putting recreational areas in steep ravines.

Chair Stead seeing no further testimony closed the public comment period and invited the applicant to provide rebuttal.

Mr. Bloom appreciated the public comments and believed that the 30% reduction speaks for itself and reduces the site impacts, drainage, traffic and amount of land effected significantly. Ultimately they believed that the plat is a model for positive development process. Mr. Bloom noted that the civil engineer, John Bishop has studied extensively how the hydrology of the area and how the proposed project will impact that and that they stand by their work and invited anyone to come to his office to review their studies.

Chair Stead opened questions from the commission of staff and applicant. The ensuing questions and responses followed:

- Fire Department request for a second egress
 - o A secondary egress connects Nelson/Ronda with Mountain View
- Staff confirmed that Lesa Lane dead ends into a privately owned 6 acre parcel
- There is no city code that requires offsite improvements
- Clarification on where the CAT work has been completed and the construction of a new facility for Kenai Peninsula Housing Initiative
- Staff provided clarification on the wetlands delineated in the packet versus the map provided by the public
- Conditional Use Permits ride with the land.
- The Fire Chief would like to see something (second egress) that cannot be done through code at this time.
 - o There are other processes outlined in City Code or through the budget process that could outline a future capital improvement project or road project
- The brown areas on the plat are the wetlands delineated by the Army Corps of Engineers
- Staff explained that there is general mapping showing wetlands provided by the Borough on their website; where the Corps will provide a map that shows exactly where

the wetlands are located on the property and those are the jurisdictional determination of the wetlands. As far as law, this is reflected on the plat.

- Previous retention areas were calculated for the property to capture the increase in drainage due to increased hardscape. They are creating a drainage plan that will show the location of the drainage and retention controls. There are two natural drainages on the west side of the high school and there has been no deviation from those two drainages.
- The culverts will be designed to carry the degree of water that would be coming down that 100+ acre watershed.
- The Corps of Engineers requested and the applicant has designated specific areas as conservation and will be deeding that land over to the city.
- Retention basins are not normally shown on plats but on the construction drawings
- Energy breaks and widen areas will be created along roads as necessary to disperse a two hour storm event
- The current subdivision code does not require a Stormwater management plan, this may have been recommended in other plats outside of city code
- The Ronda/Nelson roadways are the main access for the subdivision
 - o This road previously had more twists and was more serpentine
 - o In this plat it has been straightened out so there are not the cuts and fills
- Clarification on the parcels with wetlands shown as parks and those that do not have a designation but have some wetlands will be used appropriately for example shared driveways, combining two parcels into one to avoid the impacts to the wetlands and development areas shown on each parcel
- Status of current plat approval stands as is even if this revised plat is not approved or additional conditions are applied.
 - o The commission can review the previous files and if the commission decides to vote this plat down they must cite the reasons why it was denied so it does not appear arbitrary
 - o Recommendations were attached to the prior plat approval

Chair Stead noted the time and requested a motion to extend the meeting.

HIGHLAND/BENTZ – MOVED TO EXTEND THE MEETING TO 10:00 P.M.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Planner Engebretsen clarified that review of a drainage plan is not part of the platting process.

Mr. Bishop provided detailed information on the study of the increased flow and drainage from the hardscape surfaces and through assumptions determined the best way to maintain the current flow patterns through detention ponds and culverts based on established studies in response to concerns expressed by the commission.

Chair Stead requested a motion for approval hearing no further comments or discussion.

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-88 REVISED BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH COMMENTS 1-7 FROM PUBLIC WORKS

Discussion ensued on including comment #8 in the recommendations.

BANKS/BENTZ MOVED TO AMEND THE MOTION TO INCLUDE COMMENT NUMBER 8

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead asked for additional discussion on the main motion as amended.

Additional discussion and comments on the changes and postponing to review the previous decisions made by the commission, the steep slopes, drainage issues possible flooding ensued.

HIGHLAND/BENTZ MOVED TO POSTPONE DUE TO THE TIME AND COMPLEXITY OF THE PLAT TO THE NEXT MEETING.

Discussion ensued on the postponement and the benefit of a review of those previous recommendations.

VOTE: YES. HIGHLAND, BENTZ, BANKS, BERNARD

VOTE. NO. VENUTI, STEAD

Motion carried.

Chair Stead noted that this is postponed until the next meeting which will be December 6, 2017 and noted that Commissioner Bentz will not be present. A brief discussion ensued on proper process and procedure.

Commissioner Banks moved for an immediate reconsideration on the postponement.

There was a brief discussion on a month was not a fair postponement and the value of reviewing the previous actions of the commission would not change several of the commissioners vote.

VOTE. (Reconsider) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Stead read the amended motion on the floor:

VENUTI/BENTZ MOVED TO APPROVE STAFF REPORT 17-88 REVISED BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH COMMENTS 1-8 FROM PUBLIC WORKS

Further discussion on the preliminary plat and the questions and concerns brought forward by the public; Restrictions on the commissioners to speak with staff if any; regulations in code with minimal requirements for development and policy is implemented by Public Works. The commission can make recommendations.

Commissioner Highland noted they were coming up to the meeting deadline as extended.

HIGHLAND/BENTZ MOVED TO EXTEND THE MEETING TO 10:15 P.M.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion was continued on the motion on the floor including concerns on lot one in the subdivision having most of the area or bulk of the area designated as wetlands.

HIGHLAND/BANKS – MOVED TO RECOMMEND LOT ONE BE DESIGNATED AS A PARK IN THE PROPOSED PLAT FOR QUIET CREEK SUBDIVISION.

There was a discussion noting the approximate square footage denoted as wetlands, hardscape and would be better suited for a park or conservation area; it was noted that a surveyor has looked at this land and it is not up to the commission to determine individual parcels usage within the plat; actions are limited to what is in code.

VOTE. (Amendment) YES. HIGHLAND.

VOTE. NO. BENTZ, VENUTI, BANKS, BERNARD, STEAD.

Motion failed.

Chair Stead asked for additional comments or questions hearing none he called for a vote on the main motion as amended.

VOTE: (Main motion). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Pending Business

A. Staff Report 17-89, Comprehensive Plan Update, Chapter 6 Public Services and Facilities

Due to time restrictions the commission agreed by consensus to postpone this item to the next meeting.

New Business

Informational Materials

A. City Manager's Report for October 30, 2017 City Council Meeting

Comments of the Audience

Katherine George stated that lot one is a total swamp and filled with water most of the year and recommended no one purchase that lot, she appreciated the commissioner's efforts tonight in dealing with this plat.

Comments of the Staff

There were no comments from staff.

Comments of the Commission

Commissioner Banks was apologetic that it took so long but it was an interesting meeting tonight, a learning experience and that they can do a little better when preparing these types of revisions both as individuals and a group. He believes they came to the right decision and feels okay about that.

Commissioner Venuti had nothing further to add.

Commissioner Bernard appreciated the discussion and input from staff and the work that goes with that and the help as she spends more time on the commission learning things along the way. Thanks.

Commissioner Bentz commented on the fun and educational talk with the community on erosion last Thursday night and received good input on the issue at Islands and Ocean Visitor Center. She is excited to look at that and tackle steep slopes and hazard issues in the Augustine area of Baycrest next year similar to plats that they just approved.

Commissioner Highland did not have any comments.

Chair Stead thought they did okay, that's high praise from him. They talked through it, they listened to the public and no one got angry about it.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 10:09 p.m. The next regular meeting is scheduled for Wednesday, December 6, 2017 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

Approved: _____