

**HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING
JUNE 6, 2018**

Session 18-10, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Don Stead at 6:30 p.m. on June 6, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

Approval of the Agenda

Chair Stead called for a motion to approve the agenda.

VENUTI/BOS SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Public Comment

Reconsideration

Adoption of Consent Agenda

- A. Approval of minutes of May 16, 2018
- B. Decisions & Findings for Staff Report 18-28, CUP 18-03 for more than one building containing a permitted principal use at 152 West Danview Avenue.
- C. Decisions & Findings for Staff Report 18-29, CUP 18-04 for more than one building containing a permitted principal use at 680 Sterling Highway
- D. Decisions & Findings for Staff Report 18-33, CUP 18-05 for two apartment buildings at 4201 Rhonda Street

Chair Stead requested a motion to approve the consent agenda.

BENTZ/BOS MOVED TO APPROVE THE CONSENT AGENDA.

There was a brief clarification on public comments for the Comp Plan.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

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Motion carried.

PRESENTATIONS

REPORTS

A. Staff Report 18-34, **City Planner's Report**

City Planner Abboud reviewed the staff report and requested volunteers to report at the June 11, 2018 Council meeting.

No one from the commission was able to attend the meeting due to scheduling conflicts.

PUBLIC HEARINGS

PLAT CONSIDERATION

A. Staff Report 18-35, Homer Spit Properties 2018 Replat Preliminary Plat

Chair Stead read the title into the record and requested City Planner Abboud to provide his report to the commission.

Commissioner Banks declared a conflict of interest.

BOS/VENUTI MOVED THAT COMMISSIONER BANKS MAY HAVE A POSSIBLE CONFLICT

There was a brief explanation by Commissioner Banks declaring that he does business with the applicant. It was determined that his business relationship did not exceed the annual or per transaction limits established in city regulations.

VOTE. NO. VENUTI, STEAD, BENTZ, BERNARD, BOS, HIGHLAND

Motion failed.

Commissioner Banks was found not to have a conflict and remained at the table.

City Planner Abboud reviewed Staff report 18-35 for the Commission.

Mr. Kenton Bloom representing the applicant came forward and just briefly reviewed the purpose of the action and stated he was available for questions.

Chair Stead opened the public comment period seeing no one come forward from the audience to comment he closed the public comment.

Chair Stead opened the floor for questions from the Commission of the applicant or staff.

Commissioner Bernard requested clarification on a 15 foot utility easement when there is existing 40 foot easement shown.

City Planner Abboud responded that was the requirement outlined in city code.

Chair Stead requested confirmation from the applicant that the existing utilities were encompassed in the existing 40 foot easement such as natural gas and electric.

Mr. Bloom responded that to his knowledge all utilities were encompassed.

Chair Stead requested a motion to approve hearing no further questions from the commission.

VENUTI/BENTZ MOVED TO RECOMMEND APPROVAL OF HOMER SPIT PROPERTIES 2018 PRELIMINARY PLAT WITH FULL RECOMMENDATIONS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 18-36, Stream Hill Park 2018 Replat Preliminary Plat

Chair Stead read the title into the record and declared he had a conflict of interest on the matter.

BOS/HIGHLAND MOVED THAT COMMISSIONER STEAD HAD A CONFLICT OF INTEREST.

Commissioner Stead informed the commission that is personally affiliated with the applicant and is a property owner in Stream Hill Park.

VOTE. YES. BANKS, HIGHLAND, BOS, BERNARD, BENTZ, VENUTI.

Motion carried.

Chair Stead turned the meeting over to Vice Chair Bentz and departed the meeting.

City Planner Abboud provided a summary review of Staff Report 18-36.

Vice Chair Bentz invited the applicant to present to the commission.

Mr. Stephen Smith, Geovera, LLC, came forward and stated that he did not have a presentation but commented on the action presented in the Preliminary Plat and commented on the status of

a landlocked parcel that would be affected by the action. He distributed a blown up drawing of a proposed cul de sac to support his statements to the commission.

Mr. Smith continued to elaborate on the existing topography conditions making development difficult at best and extremely expensive and unaffordable. He also acknowledged and provided some background on the changes previously conducted and approved on the properties in question.

Vice Chair Bentz opened the public comment period.

Laura Passic, property owner of the landlocked 30 acre parcel provided information to the commission requesting they not approve the preliminary plat. She disputed a point made in the staff report regarding an alternative access on the southern portion of the parcel as that easement does not allow them to access the property. She pointed out that an additional easement in another parcel to the south would have to be obtained in order to access that parcel. Ms. Passic also stated they only recently became aware of this action when they received notice from the Planning Department two weeks ago and have tried contacting the parties involved. There were no further comments from the public present and Vice Chair Bentz closed the public comment period. She welcomed Mr. Smith to come forward to respond to the comments received.

Mr. Smith rebutted the comments from Ms. Passic making further points on Kenai Peninsula Borough Code 20.30.050, emphasizing the practical and affordable aspects, plus providing additional drawbacks that made development of the land costly to develop an access.

Vice Chair Bentz opened the floor for questions from the commission noting they could ask the applicant, staff or the public.

Ms. Passic responded to the commission on the following:

- They purchased the property 2 months ago
- They were under the impression that access would be through the upper portion as shown on the original plan

Commissioner Bernard requested clarification from City Planner Abboud on the original plat on the books.

City Planner Abboud reported that initially the subdivision was a phased project since it did not have the city required water, sewer, etc. it was also noted that it did not provide any legal access to the parcel in question. He provided further information on requirements and platting process in response to Commissioner Bernard regarding the new road and 24 parcels but now it has changed. He noted that there is nothing in city code to address this situation and that the Borough is the ultimate authority.

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Commissioners expressed concern regarding the lack of contact and conversations between all parties.

Mr. Smith responded to the commission on the following:

- Acknowledged the lack of contact between parties
- Phase three was turned into Parcel J in 2008
- Prior Preliminary approval expired years ago
- Kenai Peninsula Borough approved the plat where there is no access on the western side of the 30 acre parcel
- Agreed that this was not a practical approach by presenting the laydown showing the proposed cul de sac does not lend enough land to develop for a residence
- Additional areas in his opinion were too steep
- The topography makes the development of roads to city standard unfeasible

The commission requested clarification on the proposed cul de sac, water and sewer, previous plats for private residents, existing trails within the mentioned parcels, and that it was not indicated what was designated as parks in the maps provided to the commission.

Further discussion ensued on the ability to come to some agreement or solution between the owners if a postponement was made, possible legal issues, building on slopes with a more than 20% grade would require the best engineering solutions, further clarification on access from the southern border of the parcel owned by Mr. & Mrs. Passic.

BANKS/VENUTI MOVED TO POSTPONE STAFF REPORT 18-36 STREAM HILL PARK 2018 REPLAT PRELIMINARY PLAT UNTIL THE JUNE 20, 2018 MEETING.

Brief discussion ensued on allowing the parties involved time to entertain discussion and commission to receive some assistance from staff on the issue.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Vice Chair Bentz called for a recess at 7:55 p.m. and returned the gavel back to Chair Stead.

The meeting was called back to order at 8:02 p.m.

PENDING BUSINESS

A. Staff Report 18-37, Comprehensive Plan

Chair Stead read the title into the record and requested City Planner Abboud provide his report.

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City Planner Abboud reviewed the amendments and adjustments that were completed by staff since the last meeting this was before the commission. He provided a brief timeline of action that will bring the document before Council, he noted the map changes.

The Commission discussed the area of Lake Street and Heath Street and the public sentiment in a recommendation to expand the area into GC1 from CBD. Additional comments and points made were:

- The minimal issues that the public did not want to allow in the area
- The misperception of the public that changing the zoning would reduce the property values, raising property taxes
- Changing the descriptor of General Business District
- Misperception and opinion should not be considered when drafting a planning document
- The time that has already been spent on the issue
- Create a district similar to the Hospital District
- Land Use Map versus Zoning Map

HIGHLAND/VENUTI - MOVED TO REIDENTIFY THE AREA BETWEEN LAKE STREET AND HEATH STREET AS LAKE STREET MIXED USE DISTRICT.

Discussion ensued on identifying what would be allowed in the district similar to how the commission identified the East End Mixed; creating this district would make the CBD into islands, distinguishing the Downtown Mixed Use is Central Business District

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

Motion failed.

Additional discussion ensued on including the Zoning Map in the Comprehensive Plan and why that was not appropriate ensued; also that there were three maps being referenced – the existing Land Use Map, proposed draft Land Use Map and the Zoning Map; a paragraph in the beginning of the Comp Plan could be supplied where someone may find the Zoning Map in city code; make sure the language used in the plan is the same used on the Land Use Map.

BANKS/BENTZ MOVED TO REMOVE THE HEATH STREET – LAKE STREET AREA (LILAC COLORED ON THE PROPOSED MAP) FROM THE LAND USE MAP AND REQUEST STAFF CREATE LANGUAGE THAT CAN BE INSERTED TO DESCRIBE THE APPROPRIATE CHANGES THERE.

Clarification was provided on the area;

BOS CHANGE THE AREA TO CBD

Deputy City Clerk Krause noted that was not germane to the motion on the floor.

Commissioner Highland requested a restatement of the motion.

Commissioner Highland then asked if the commission was to state what they wanted the area to **reflect such as Downtown Mixed Use...**

There was comments from City Planner Abboud and Commissioner Banks off the record that the Clerk was unable to transcribe.

Commissioner Highland asked if they needed to amend the motion.

Deputy City Clerk Krause responded that it would be preferred.

BENTZ/HIGHLAND MOVED TO AMEND THE MOTION TO ADD REVERT TITLE TO DOWNTOWN MIXED USE.

There was no discussion.

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

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried.

Additional comments on using an approach similar to the Hospital District to retain the discussions and recommendations of the commission on this area in question; adding text to indicate the ideas that were supported; the three maps that are in discussion with regard to the **“Key”**; **expanding upon the direction that is** not currently a CBD; adding the paragraph provided in the draft under the Intent bullet point in the CBD; referring to the index there are categories listed that could provide assistance then under Commercial there was GC1 and GC2 which has not been addressed.

Chair Stead noted that they were in the Appendix and referring to the changes that were requested asked if there were any additional changes for the City Planner.

Commissioner Bentz commented that under Green Infrastructures recommended in Table 4-10, Land Use Implementation Table, new draft Comp Plan, Goal is to Maintaining Homer Natural Environment and Scenic Beauty and recommended adding the implementation item, the responsibility of the Advisory Planning Commission, how to audit local Code and Ordinances provide specific revisions and prioritize code amendments for adoption.

BENTZ/BANKS - MOVE TO ADD IMPLEMENTATION ITEM 2-A-5, AUDIT THE CODES AND ORDINANCES TO IDENTIFY THE REVISIONS THAT SUPPORT THE IMPLEMENTATION OF GREEN INFRASTRUCTURE AND PRIORITIZE CODE AMENDMENTS FOR ADOPTION, THE TIME FRAME WOULD BE NEAR TERM AND PRIMARY DUTY WOULD BE HOMER ADVISORY PLANNING COMMISSION.

There was a brief discussion on the Planning Commission addressing this during worksessions over the next year using the existing materials that are available.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Betz thanked the Commission and believes this would allow them to be more proactive instead of reactive.

NEW BUSINESS

INFORMATIONAL MATERIALS

A. City Manager Report dated May 14, 2018

COMMENTS OF THE AUDIENCE

Mike Yourkowski, city resident, commented that last winter he testified in support of a structure **on his neighbor's property to build a structure and a duplex and that** he believes they were scammed as it appears they are building a 8 unit structure and would like to remove his support for the project, he noted that Commissioner Venuti was the only dissenting vote on the CUP application and he probably figured that something was up. He further stated that it was a sad **deal. He wasn't sure what was going to be done but believed that something should be done.**

In regards to the lilac area he believed it was all GC2 and there is at least 80 acres that is moose habitat and should be delineated somehow and on the other side is residential. He would like to hear the comments of the City Planner on the issue he reported.

COMMENTS OF THE STAFF

City Planner Abboud stated that they have toured the site and that is all he would comment on the issue. They have toured the site.

Deputy City Clerk Krause reported that she would not be attending the June 20, 2018 meeting and was unsure at this time who would be staffing the meeting. This was a very interesting meeting they kept her on her toes tonight.

COMMENTS OF THE COMMISSION

Commissioner Highland had no comments.

Commissioner Bos commented that based on Mr. Yourkowski comments and that he was very familiar with the air of this kind of area and that no one wants to be held accountable for anything but sooner or later we will have to hold people accountable for what they do and they can keep making rules and unless they have someone willing to put on that suit of armor and uphold the rules to keep people accountable **it's not going to happen.**

Commissioner Bernard had no comments.

Commissioner Bentz commented she attended a little league game this afternoon and really appreciates having parks in the city it was really fun.

Commissioner Venuti interesting meeting tonight and then provided the following report from the last Borough Planning Commission meeting on May 29, 2018:

Plat Committee

- Approved 9 Preliminary Plats
- Postponed 2 Preliminary Plats
- Postponed 1 Final Plat which was the Quiet Creek Plat as it was not adequately noticed

Planning Commission

- Approved vacation of public ROW and associated easements in Kenai
- Approved the vacation of public ROW and associated utility easements in Sterling Area
- Approved ordinance authorizing Community Trail Management agreement with Kachemak Nordic Ski Club
- Approved an ordinance amending KPB 7.20 AND KPB 7.30 regarding commenting on Marijuana licenses allowing license renewals to be handled administratively
- Approved Resolution to name two mountain peaks as Mt Marian and Saint Ana
- Approved Conditional Land Use Permit for a Materials Site – developer has gone above required to work with neighbors including white noise back up alarms on equipment – in Kasilof/Cohoe Area
- Denied a CUP on constructing a roof over an elevated fish cleaning table adjacent to the Kenai River in the Kenai Keys area
- Approved exception to building setback on K-Beach Rd

Commissioner Banks commented that it was another stimulating meeting, he wanted to refer Mr. Yourkowski to the Conservation Area shown on the Land Use Map in green and he can meet with him after the meeting to point it out and requested for the next meeting agenda related to Conditional Use Permit enforcement follow-up reporting documentation consequences, etc. for violation of permits.

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Chair Stead and City planner Abboud requested Commissioner Banks submit the information he would like the commission to consider.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:19 p.m. The next regular meeting is scheduled for Wednesday, June 20, 2018 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

Approved: _____