

Session 16-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Acting Chair Bos at 6:30 p.m. on February 3, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, HIGHLAND, VENUTI

ABSENT: ERICKSON, STEAD, STROOZAS

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Acting Chair Bos called for a motion to approve the agenda.

HIGHLAND/BRADLEY 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).

### **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 January 20, 2016 Regular Meeting Minutes

Acting Chair Bos called for a motion to approve the consent agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Presentations**

## Reports

### A. Staff Report PL 16-07, 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 16-08 CUP 16-01at 3902 Shelford St. for a birthing center in the residential office district

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and applicant, commented that staff did a good job of reflecting the intentions for the development and they agree with conditions in the staff report. He addressed the building setback, noting that city code calls for 7 feet for a single story and 10 feet for two stories in the residential office district. The Fire Marshall asks for a 15 foot setback from the property line because they look for 30 feet between buildings, unless you put in an exterior application that creates a one hour fire wall. With that, the setback can be moved back into the normal city setback area. He isn't sure if they will be in the setback with the new building but if it is, they have options to meet the Fire Marshall standards or may move the building if there's a problem. He noted the cottage on the property has a cement coating so it has the one hour fire rating for its exterior surface.

Acting Chair Bos opened the public hearing.

Dave Mastolier, city resident and property owner to the north of the proposed development, commented in opposition of the CUP. He does not want Shelford Street to be developed, he opposed the special assessment district petition that was circulated, and is concerned that property owners may be forced to pay if there is a future requirement to develop the road. He noted his concerns may be moot if they are able to use the access from Pioneer Avenue.

Steve Tutt, city resident, commented on behalf of himself and his mother in law, who owns two pieces of property at the end of Shelford Street. He expressed their opposition because they do not want the road developed. They had put a security fence across the two properties but had to open it up when the City developed the path through to Lee Street and since then, they have a lot of foot traffic going past. His main concern is that their security is gone and it will be worse if the road is developed and more traffic goes through there. He is also concerned about the accessibility of emergency vehicles. He agrees with Mr. Mastolier's concern about future requirement of developing the road and having to bear the cost associated with it.

Kevin Hogan, city resident, commented that his apartment on Herndon is next to the property being developed. He voiced his concern about the amount of time it has taken to build the cottage, which is

still unfinished, the mess that they are leaving at the worksite, and that it appears they are dumping their scrap onto the Senior Center's property. There is a berm over seven feet tall where the drainage is and the area is an eyesore. He supports the vision of the clinic but the project underway is crying out for adult supervision and they need to prove up on what they have started. He added that the access isn't adequate.

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

Acting Chair Bos opened the floor to staff the applicant for rebuttal.

City Planner Abboud reiterated the comments about the setback requirements for a commercial building and the applicants plan in working with the City and the Fire Marshall will just need to be verified.

Mr. Bloom commented that the proposed access is a good faith effort to work with the design flaws in the existing access. He explained that Ms. Robertson, the other applicant, thought it would be beneficial to see if it was a good idea to use the platted right of way to build the road down from Lee Street and initiated a special assessment district as a step forward. Most of the city lives in a way where the streets are developed going by their businesses and houses and are oriented around that. He appreciates the areas that have a hidden and private feel, he doesn't have a way to ameliorate that in this project, but in the big picture we are all saying we all have an equal right to develop our property according to the rules. He can't address Mr. Hogan's concerns because he hasn't been involved with the building project. He encouraged everyone to take a look at the building. They can make the site plan work to drain properly for the site. Based on what they know today they will improve the access to connect their property to the right of way. It will actually provide improved access to the adjacent lots so they will have the benefit of access on the legal right of way at no cost to them.

Commissioner Highland questioned the access from Pioneer, noting that the parking at Kharacters creates a difficult situation, and also maintenance of the access and emergency vehicle accessibility. City Planner Abboud responded that this work will delineate the right of way and Kharacters has additional property they could develop into parking. The business owners will be responsible for maintaining the access.

There was also brief discussion about the timeline to complete a building project with a CUP and the special assessment district process for road improvement. City Planner Abboud noted that if someone wanted to come in and develop the road to city standards at their own expense, they could.

BRADLEY/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 16-08 AND APPROVE CUP 16-01 AT 3902 SHELFORD STREET. FOR A BIRTHING CENTER IN THE RESIDENTIAL OFFICE DISTRICT WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was discussion that the application meets the criteria outlined in city code. They hope the clutter will be taken care of and that it isn't necessarily an indication that the finish product won't be attractive. Cleaning up the right of way access will be beneficial and could make things safer. This is a good business opportunity.

VOTE: YES: BOS, HIGHLAND, VENUTI, BRADLEY

Motion carried.

**Plat Consideration**

A. Staff Report PL 16-09 Commercial Park Unit 1 Preliminary Plat

City Planner Abboud reviewed the staff report.

Mike Arno, applicant, commented the staff report addresses his proposal and he is available for questions.

Acting Chair Bos opened the floor to public comment.

Mike Kennedy, city resident, referenced the aerial photo to show his 30+ acres along the south property line and commented in support of the proposed subdivision He thinks it will benefit his property and it will be a benefit to have more industrial land available for development. The zoning is East End Mixed Use and it's his understanding that development conflicts will favor industrial over other uses. He hopes the developer will be allowed to improve the road in phases and not have the unnecessary burden of having to do it all at once.

There were no further public comments.

In response to questions Mr. Arno acknowledge the drainage in the area and explained when building the roads, ditch lines will be installed to help with drainage. His motivation for developing his property is to fill the need for commercial property in the city. In relation to the property being a discharge slope he explained that he has started the wetlands delineation process but it can't be completed until spring. He noted that discharge slope doesn't prohibit development in the area as there are development standards in place. It is not his intent to develop any lots, other than the subdivision requirements. He plans to make the lots available for sale.

There was discussion about flooding relating to discharge slope and property development. City Planner Abboud responded that the property can be developed within the parameters of code. Sewer will be addressed by city and borough requirements.

Question was raised if there will be covenants, noting that the proposed zoning allows for marijuana activities in the EEMU. Mr. Arno said personally he doesn't support it, but if it's allowed in the district, he doesn't know that there is anything he can do to stop it.

VENUTI/BRADLEY MOVED TO APPROVE STAFF REPORT PL 16-09 AND COMMERCIAL PARK UNIT 1 PRELIMINARY PLAT

Commissioner Highland reiterated her concern about wetlands but understands the need for more commercial property in the city.

Acting Chair Bos agreed that our wetlands are critical and that is why we have the Corps of Engineers to help protect those areas. He thinks this subdivision is a great opportunity for the City of Homer.

VOTE: YES: HIGHLAND, VENUTI, BRADLEY, BOS

Motion carried.

### **Pending Business**

#### **New Business**

A. Staff Report PL 16-10, Land Allocation Plan

City Planner Abboud reviewed the staff report.

There was brief explanation of leases and options and discussion of the property on C-8 being on the market given the minimal developable area available. City Planner Abboud said in theory it could be developed and the City would like to sell the property.

Commissioner Venuti said he went to the open house for the Boat House. He thinks it's a good idea but isn't sure he agrees with the location. Other Commissioner's agreed with Mr. Venuti and expressed concern about losing the parking.

Acting Chair Bos expressed is extreme dissatisfaction with the bathrooms, fish cleaning tables, and fish carcass trailer by the Fishing Hole. It's a poor representation of the city facilities to people who spend a lot of money to come to our town and fish.

VENUTI/BOS MOVED TO DESIGNATE THE 40 ACRES ACQUIRED THROUGH TAX FORECLOSURE, PAGE F-7, FOR WATERSHED PROTECTION PURPOSES AND TO EXPAND THE DESIGNATION OF THE OLD HARBORMASTER PROPERTY ON PAGE D-20 TO INCLUDE THE BOAT HOUSE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Informational Materials**

A. City Manager's Report

### **Comments of the Audience**

**Comments of Staff**

City Planner Abboud commented briefly about getting started on the Comprehensive Plan.

**Comments of the Commission**

Commissioner Highland had no comment.

Commissioner Bradley said she will be absent at the next meeting.

Commissioner Venuti commented the Kenai Borough has determined the Kenai Borough Planning Commission will be the regulatory commission<sup>1</sup> for marijuana for the Borough. It will be interesting because unlike Homer, the borough isn't zoned so it will be difficult to regulate where it will be acceptable. He will keep them posted as it moves along.

Acting Chair Bos said it was a good meeting. He commented that there were people here tonight talking about Shelford and you have to be sensitive that there hasn't been anything going on in that area for forty years, but still, we don't deny a right of a person. He thinks when the driveway or road goes in the area it will make things safer. He thinks they did a good job on the plat also. It will be a nice commercial area.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:13 p.m. The next regular meeting is scheduled for February 17, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

---

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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

---

<sup>1</sup> Commissioner Venuti clarified on 02/17/16 the Borough Planning Commission will be the regulatory authority not the regulatory commission.