

REGULAR MEETING AGENDA

1. Call to Order

2. Approval of Agenda

3. Public Comment

The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

4. Reconsiderations

5. 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.

A. Approval of minutes of October 3, 2018 (Meeting Laydown)

B. Approval of minutes of September 19, 2018 **p. 1**

C. Decisions and Findings for Conditional Use Permit (CUP) 18-09, for a medical clinic containing more than 8,000 square feet of building area at 267 Cityview Avenue (Meeting Laydown)

D. Decisions and Findings for Conditional Use Permit (CUP) 18-11 Pratt Museum Phased Expansion **p. 21**

6. Presentations

7. Reports

A. Staff Report 18-67, City Planner's Report **p. 27**

8. 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 18-68, CUP 18-12, for more than one building containing a permitted principal use on a lot at 3725 West Hill Road. **p. 29**

B. Staff Report 18-70, Ordinance 18-39 Amending HCC 21.18.040 to reduce the setback permitted from 20 feet to 10 feet in the Central Business District. **p. 57**

9. Plat Consideration

A. Staff Report 18-69, Hillside Acres Subd. Tract 7 2018 Replat Preliminary Plat **p. 63**

10. Pending Business

11. New Business

12. Informational Materials

A. City Manager's Report for the October 8, 2018 Homer City Council meeting **p. 75**

13. Comments of the Audience

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

14. Comments of Staff

15. Comments of the Commission

16. Adjournment

The next regular meeting is scheduled for Wednesday, November 7, 2018. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Session 18-14, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on September 19, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BANKS, BENTZ, VENUTI, HIGHLAND, SMITH, BERNARD

ABSENT: COMMISSIONER BOS (EXCUSED)

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ - 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 September 5, 2018, 2018

Chair Venuti requested a motion to approve the consent agenda.

Commissioner Bentz noted that there was a request to amend the minutes so the minutes needed to be pulled from the consent agenda and moved to New Business, Item B.

There were no additional items on the Consent Agenda for approval.

PRESENTATIONS

REPORTS

A. Staff Report 18-56, City Planner's Report

City Planner Abboud provided a summary of his report included in the packet. He additionally noted that the Storm Water Master Plan was number three on the CIP list.

PUBLIC HEARINGS

A. Staff Report 18-57, Conditional Use Permit (CUP) 18-11, for a phased expansion of the Pratt Museum

Chair Venuti introduced the item into the record.

City Planner Abboud provided a summary of Staff Report 18-57 for the commission.

Laurie Stuart, Executive Director for the Pratt Museum and John Mortensen, Project Manager for the Project provided a brief synopsis presentation of the planned improvements to the museum and advised the commission of a subtle color change from a Spruce Green to a Sage Green color palate.

Chair Venuti opened the Public Hearing. Seeing no one in the audience coming forward to testify Chair Venuti closed the Public Hearing.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 18-57 AND APPROVE CONDITIONAL USE PERMIT 2018-11 FOR PHASED EXPANSION OF THE PRATT MUSEUM WITH FINDINGS 1-11.

There was a brief discussion on the proposed improvements that are well deserved, important facet of the community and the Commission expressed compliments on the completeness of the application and the inclusion of drawings and technical information on the proposed project.

Chair Venuti requested a motion for the proposed color change.

SMITH/BENTZ MOVED TO ACCEPT THE ADJUSTMENT TO THE COLOR PALATE FROM DARK SPRUCE TO A SAGE GREEN COLOR.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Ms. Stuart expressed her appreciation to the Commission from the floor.

B. Staff Report 18-58, Conditional Use Permit (CUP) 18-09, for a medical clinic containing more than 8,000 square feet of building area at 267 Cityview Avenue

Chair Venuti requested declarations of Ex Parte communications since the last meeting.

City Planner Abboud provided a clarification on what Ex Parte communication was and the procedure that should be followed by the commission at the request of Commissioner Bentz.

Commissioner Highland disclosed that she attended a South Peninsula Hospital Service Area Board meeting and this action was on their agenda and she recused herself and left the room.

She requested the commission to determine if she has a conflict of interest.

BENTZ/BERNARD MOVED THAT COMMISSIONER HIGHLAND HAS A CONFLICT OF INTEREST.

The Commission briefly questioned Commissioner Highland on her ability to review and consider the matter before the objectively.

Commissioner Highland responded that she viewed this as a zoning matter and nothing else.

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

Motion failed.

Chair Venuti declared that he has been contacted by various members of the community, he has listened and did not respond. He stated that the public expressed opposition to this matter moving forward for the same reasons stated at the earlier meeting.

Commissioner Bentz inquired if he felt that the public comments he heard would impact his objectivity on this action.

Chair Venuti responded that he looks at this issue as a Conditional Use Permit the same as Commissioner Highland.

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

There was a brief comment that it appeared Commissioner Venuti did not have any additional information that the rest of the commission did not have.

VOTE. NO. HIGHLAND, BERNARD, BENTZ, SMITH, BANKS

Motion failed.

Commissioner Bernard declared that she has had members of the public approach her and she immediately stopped their comments and invited them to attend the meeting. She requested that they not speak about the matter to her.

BENTZ/HIGHLAND MOVED THAT COMMISSIONER BERNARD HAS A CONFLICT OF INTEREST.

There was a brief discussion on the comments received were similar to what was spoken at the meeting.

VOTE. NO. BANKS, SMITH, VENUTI, BENTZ, HIGHLAND

Motion failed.

Chair Venuti called for a five minute break at 7:02 p.m. The meeting was called back to order at 7:05 p.m.

Chair Venuti requested City Planner Abboud to provide his report to the Commission.

City Planner Abboud provided a summary of his supplemental report for Conditional Use Permit 2018-09. There are no additional staff recommendations and his report addressed the three issues commented on by the public that were applicable to the zoning code:

Storm water and drainage – During the zoning permit process a Storm Water Plan under Homer City Code 21.50.030 is required. This is a tool to address long term drainage and storm water concerns. He noted that Bartlett and Hohe have storm drains that were installed in 2004/2005 by the State. He provided a brief synopsis of the requirements.

Traffic Impact Study – The proposed project does not trigger the requirements. He referenced the included analysis

Size of the project – The Residential Office (RO) district does not have architectural standards in the form of the Community Design Manual or Homer City Code. There is not a defensible argument to require a reduction in the size and scale when there is such a disparity in building size in the immediate neighborhood. This limits staff's ability to findings or to place conditions on the proposed clinic.

City Planner Abboud noted all Public Comments received have been included for the review of the Commission.

Chair Venuti noted that he was going to open the floor for continued testimony on the Public Hearing that was postponed at the September 5, 2018 regular meeting noting the allowance to provide testimony on a subject is limited to once per person.

Lane Chesley requested clarification from audience on the number of times a person can provide testimony and if they were allowed to testify to the new information provided.

Chair Venuti responded that if the audience desired to comment on the new information they could provide testimony for the record on the new information.

Nubia Upres, member of the community, business owner, patient at Kachemak Bay Medical clinic and currently working towards becoming a nurse, so a student in the community who hopes to serve the medical community in the future as well, commented on the benefit of opening up another building for more services, stated that having choice is vital to a community. As a business owner it is part of the financial responsibility to be aware and adjust for competition and the best defense is providing the best service. This project will provide additional opportunities for employment too and that if the city is going to limit business then it should be across the board for all types of businesses.

Joseph Hurley, former President, Kenai Surgery Center, commented on their efforts to build the surgery center in Kenai, noting if they intended to build a surgery center in Homer they would have approached South Peninsula Hospital first, things are being said that are not true, the article that was submitted was incorrect and redacted on multiple points, the information provided by Central Peninsula employee was inaccurate and caused a stir which was their intention. It makes him think of fruit from a poisonous tree, and he feels that it was misleading to the public to cause a big stir in the community.

Laura Hansen, Director of Physician and Provider Practices, resident of Anchor Point commented on the size of the project not being right sized for the neighborhood, the impact to the neighborhood and to traffic, safety, parking, noise and lighting and comparing the proposed project to Homer Medical Center and medical offices in the Kachemak Bay Medical building.

Jason Friend, Director of Finance, MediCenter, parent company for Kachemak Bay Medical Center, commented on their impact to the community and the services that they will and are bringing to the community and that this project will provide the spaces they need to conduct current business and provide options for growth.

Sharon Stewart, Financial Counselor at South Peninsula Hospital, resident commented on the vote to approve bonds for upgrades to the surgical rooms at the hospital, and the expansion of Homer Medical Center, there is plenty of shell space to bring any additional providers but she believes they need the Certificate of Need to do so.

Carol Klamser, Nurse Practitioner, Kachemak Medical Clinic, resident, commented on the number of providers, the number of patients and types of insurances that they take. She also expressed the misconception and misunderstanding by the community on the use of the proposed building and what existing conditions they are currently dealing with.

Keri Ann Baker, commented on the characterization of the concerns expressed by South Peninsula Hospital, stating she is not against the project, her concerns were the timing and planning that has gone into the project, she is excited to see people having this level of investment

in their community but mere investment without collaboration with the community is not the kind of community they want to live in; South Peninsula Hospital works and collaborates with many organizations in the community and expansion without collaboration is not going to give the community the type of services that they want; she believes that a 21000 square foot building conceived in a vacuum, without outreach, without collaboration is a missed opportunity for a community for a building of this size; she further stated that duplication of resources in a town this small is not the best approach and encouraged the applicant to work collaboratively; to render this as South Peninsula Hospital being anti-competitive is not the case, they have worked with groups to provide services that do not duplicate those services already being provided in the community. They need more information on this project.

Mesille (May) Mershon, resident, nurse at Kachemak Bay Medical Center, is having a hard time understanding why this is causing such a big issue, stating that they are just moving to across the street and traffic will be the same. It is disheartening to hear the negativity and politics involved in opening up another facility that will offer a choice. She works with everyone in the community. She is disappointed in the lack of respect and the rumors that are being spread about their Clinic. They will have more space which may mean more jobs. They provide caring services and hopes that they approve this permit.

Rob Lund, resident, lives next door to the proposed project read from excerpts of the Comprehensive Plan that are relevant to the discussion: "supports diverse economy that including many small independent home based businesses" he did not think a 21,000 square foot, two story medical center was a home based business; "where natural landscaping and a comfortable natural fit with the land" he believed this project contrasts with the building and parking areas in many Alaskan communities such as Wasilla, where development is "pleasing to the eye." The Pratt museum is a good example of the standards that are supposed to be met and this project does not; Mr. Lund then read the description of RO and stated that the project does not fit in his opinion. He believes that the Comp Plan is a dog-gone good document.

Faith Schade, non-resident, born in the original Homer hospital, she also had her daughter in that building and Dr. Raymond was her doctor, fast forward 27 years ago and that building is now a parking lot. The Clinic needs more space and a positive work environment does not hurt the community; it is the job of the commission to determine if the project is appropriate to build in this location not to base decision on emotions.

Maria Victoria Soto, resident and employee of the hospital, commented that she approves of the Pratt Museum color change and appreciated the clarification provided by the gentleman from MediCenter on a surgery center. She believes that they owe a debt of gratitude to Dr. Raymond and does not want to dissuade him from practicing here and he needs to move his clinic. She opposed the project based on the size and compared it to Homer Medical. She still believes its size is overkill and will not fit the neighborhood and encouraged him to be more collaborative. She also acknowledged the benefit of additional employment opportunities.

Phil Needham, resident, related a bit of history on the small town in Wisconsin where he lived in his youth, that in the early 60's there were two brothers who wanted to build a large clinic and they were run out town. The Mayo Brothers were welcomed in Rochester, New York and you know what happened after that.

Derotha Ferraro, Director of Public Relations, South Peninsula Hospital, non-resident, wanted to provide full disclosure that she and her family were previous patients at Dr. Raymond's clinic and South Peninsula Hospital. Ms. Ferraro stated she did reach out to the Peninsula Clarion today and confirmed with them that the article she submitted was the final version, it was not redacted, she also spoke personally with the Central Peninsula Hospital employee who was quoted in that article who assured her that all the facts related in the article were accurate. Tonight she sees and hears reference to South Peninsula Hospital being compared as just another building on Bartlett Street, that the Hospital is a big building, they have traffic, they have lights, they are a vast structure, they, they, them, them... Ms. Ferraro went on to comment that South Peninsula Hospital cannot be used as reference in this conversation; they have been grandfathered in as it's been around longer than statehood. Ms. Ferraro cited historical information on the formation and creation of the Hospital, funding sources, actions by former Homer City Council regarding ownership and working with the Borough. Ms. Ferraro stated that the Hospital is owned by the people with intention and cannot be compared to other scope, size or parking lot, it is a corner stone and keystone to the community.

Shawn Keef, Chief Financial Officer, South Peninsula Hospital, commended the museum on their application and cited comments expressed by the Commission and compared the museum's application to this application and what they do not have; Mr. Keef then cited various comments expressed by the public in support of the project but stated that they do not have the information to know what is actually going to be in that building and the concern is what is really going to go on in that building besides the clinic and he believed that the commission should have all the facts like the museum's application.

David Groesbeck, non-resident, business owner, commented on the development of the existing parking lot without permit; the potential to re-zone the area to a hospital or health care zone. He encouraged the commission to not do "de facto zoning" and to follow the process. When the property was first cleared the surrounding property owners were told by the Planning Office that the developer was making a walking path this manifested into a driveway, then a very large parking lot; he then cited code requirements on landscaping and vegetation. He stated he was taught to follow the rules. This process for the project has been flawed from the beginning and encouraged the commission to test the integrity of the process and insisted that the integrity of Homer's City Code be maintained.

Lee Yale, Chief Nursing Officer, South Peninsula Hospital and Director of Surgical Services, resident, related a similar situation she experience while in Fairbanks and the ensuing redundancy that divided the services which ended in both units struggling. She stated that it is

extremely difficult to get skilled nursing personnel in Homer let alone Alaska. She then encouraged the commission to reconsider approving this request.

Ralph Broshe, resident, commented on when the ordinance passed creating the Residential Office District it was designed to allow offices in the area but had limits on the size and felt it would be a disservice to the residents who lived there if they allowed this project. If they intend to allow that then they should change the zoning.

Joe Woodin, Administrator, South Peninsula Hospital, resident, stated the Hospital is very concerned and opposed to this project. The commission is in possession of some documents he has submitted and from Laura Heideman, as well as Steven Rose and wanted to reference a few points; we think that it will be detrimental to the health, safety and general welfare of the community. A large privately owned medical clinic will create excessive capacity for providing health care in Homer, causing competition with the publically owned South Peninsula Hospital. We talk about competition or opening up a new business and health care is very regulated and a little bit more complicated, you can't just open up a new hospital. There are a lot of choices with providers in the community, there may be a few choices of general surgeons and other providers but when you look at hospital and hospital based services such as emergency department, Operating Room (OR), Birthing Center or Med-Surg floor there is only one out of this list that people like to pursue and that is an OR because you can make a lot of money. That is why Surgery Centers are being built across America. He continued on the size of the facility, the undetermined space, the size of parking of the proposed project overall. It should be considered on how this will affect the Hospital since they took on those bonds.

Doug Schade, non-resident, lived in the area all his life, has listened to the comments today and it is striking that you have a public entity using public funds to try to hold back private enterprise, that is not what they are supposed to do. Simple fact is if it meets the regulations then they should let him do it.

Deborah Brown, city resident, commented that as a business person and with a little bit of knowledge of the law, seconded the comments of the previous person and that the Commissioners should look at this as a planning project and not what the hospital is doing.

Barbara Kennedy, volunteer at the hospital, commented that it should be reviewed as a zoning issue, and remarked on the size of the project and questioned the intent of use of the proposed building and the information they provided comparing it to the Pratt's project. She demanded that they make the applicant show the community what they plan to do with the building.

Steven Rose, Attorney for South Peninsula Hospital, provided his experience and expertise on certificate of need, commented on the ease to get around the certificate of need program, Residential Office district and the creation of the district and requirements of adhering to the established regulations.

Lane Chesley, resident, member of the South Peninsula Hospital Board of Directors, acknowledged the work of the Planning Department and materials, time and money expended by the applicant. He believes that the issues raised by the testimony provided by the public proves that further analysis and design work is required by the applicant. He further encouraged the Commission to request the applicant waive the 45 day rule to allow the Commission, staff and applicant to continue to work on this CUP to find a more appropriate scale to fit in the RO district. He distributed the first page of Chapter 21.71 for the Conditional Use Permit process. He further stated that each CUP must stand on its own merits and it does not matter if there were 10 or 15 CUP's for Medical offices before this one and then read the highlighted portion in City Code that reflected that sentiment.

Seeing no further public coming forward Chair Venuti closed the public hearing and requested rebuttal from City Planner Abboud if any.

City Planner Abboud stated that he will address the zoning related issues, he wished that all these people would have showed up for the Comp Plan to recommend something to protect the viability of the hospital. City Planner Abboud then stated the definition of medical clinic as defined in code noting that he does not have any other level to separate the issue until the state's definition of hospital. The scale it could be many things, additional information would be useful such as the number of employees, hours of operation, he is less concerned with who is a tenant of the building, and in code it does address primary uses noting that they do have the hospital in the district. He did state that they could subdivide the property into 8 lots which could hold 25 single family homes. He further noted that this is in the area that the commission has determined for further work and the area is changing from a residential area noting the reduction in single family residences.

Chair Venuti invited the applicant forward for rebuttal.

Dr. Paul Raymond provided rebuttal and commentary to the following:

- Certificate of Need Program for existing and new construction
- Performance of specific procedures in office does not make a surgery center and the cost differentials for performance of a procedure in office and in an operating room
- Reimbursement comparison by insurances for in office procedures versus hospital
- Services provided by his practice, acceptance policies for insurances and payments, personal patient care versus corporate patient care approach
- Percentages of his patients served with regard to the type of insurances
- Testimony provided by the public that he believed were in conflict due to their involvement or position with the hospital.
- The level/number of patients taken to court for non-payment by the hospital versus Kachemak Bay Medical Clinic
- The benefit to the city by the property taxes that will be paid
- The objections made by South Peninsula Hospital regarding financial impacts his new medical facility will have to their bottom line and the possible layoffs that may ensue

- Provided comparison data for budgets of the hospital, the Kenai Peninsula School District for 2019 and the City of Homer Budget for 2018
- Reported the amounts paid to half time personnel that reside in Oregon and Ohio and the amounts paid to an orthopedist, anesthesiologist, nurse anesthetist, and two family physicians
- Emergency Room visits declining since 2012 and the increase in Medivacs north
- Economic Credentialing
- The need for competition in Homer using the example of imaging citing the charges by the Hospital compared to MediCenter in Kenai
- His project may prevent services, physicians and specialists from going “up the road”
- Provided screen shot of cell phone with message regarding sale of the property or lease agreement with the administrator at the hospital.
- Provided overview of SVT Clinic building location on parcel from Kenai Peninsula Borough website for size relationship comparison for the record
- Design for a four story parking/clinic facility for the hospital providing a copy from the Capital Projects Department with the Kenai Peninsula Borough for the record for the same property
- Encouragement by hospital officials to employees to approach the commissioners directly and provided copies of those notifications for the record
- Increased traffic, noise and light citing as a comparison the hospital 450 employees, emergency vehicle traffic of approximately 12-14 vehicles per 24 hours, 170 Medivacs in 2017
- The additional parking lot that was created without going through Planning department for proper permitting and regulations by the hospital
- The uses for the proposed project and square footages comparing existing offices to proposed office spaces
- Specialty services that will be provided and services that are presently being offered will continue to be offered in the new facility
- The upstairs of the proposed project is projected for a Sleep Medicine Clinic for 2500 sf due to increased demand for services, Human Resources and Billing Department 2500 sf and 5000 sf will be used to house visiting providers or staff and storage
- Ingress and egress on to Danview and Hohe streets
- Due to the nature of the slope there will be no impacts to the viewshed from the hospital and there are other two story buildings in the area.

Chair Venuti requested a recess at 8:37 p.m. The meeting was called back to order at 8:42 p.m. and opened the floor for questions from the Commission.

City Planner Abboud responded to Commissioner Bernard by providing the best possible and using the number provided by the applicant of patients seen does not reach the required minimum of 100 per hour or 500 per day with regards to requiring a Traffic Impact Analysis.

Chair Venuti asked the applicant on the potential to downsizing the project in response to the concern expressed for the scale of the project.

Dr. Raymond responded that there is always potential, but he figured that it was the best use for the space, as far the costs, it is always cheaper to build up than out since he gets more square footage for the price. He proceeded to elaborate on the first floor being used by the existing clinic since it would provide easier access for patients and the upstairs would be additional office space.

Chair Venuti then commented on receiving detailed drawings for other CUP applications and they did not have a set of construction plans for this project and asked if the applicant had those available.

Dr. Raymond responded that he actually did not plan to build out the second floor since he was not sure if he had the funds to complete it. This was a fairly expensive project.

Mr. Lawrence Peek, architect, stated that he advised Dr. Raymond to wait and see if he can get this project permitted first before expending the funds, they have structural and foundation information plus landscaping.

Chair Venuti asked if there was a Certificate of Need.

Dr. Raymond provided again the requirements for the Certificate of Need program and stated emphatically that he is not a surgeon, and they do not plan to put in a surgery center.

Mr. Peek forcefully responded that they submitted for a B Occupancy with the State and he can't give them anything beyond that due to the structural and system requirements of a building that is going to be used as a surgery center because of seismic requirements and if he did not follow the regulations he could lose his license.

Commissioner Smith asked for clarification on Dr. Raymond's estimate of patients seen in a year is approximately 11000 which breaks down to the number of patients seen in a day and is about 30.

Dr. Raymond agreed with his estimate.

Commissioner Bentz requested clarification on the clearing of the land and use as a parking lot.

Dr. Raymond explained that he did not own the land he was a partner and was not involved. He does not believe it was ever used as a parking lot, it was cleared and gravel was placed. Raymond Property Management was not involved with that property until the partnership was dissolved and it acquired the property in April 2018.

Commissioner Bentz asked City Planner Abboud about the status of existing violations on property.

City Planner Abboud stated that they spoke with the people who came in to complain and that this action will correct that violation.

Dr. Raymond stated that he purchased the property as is.

Commissioner Banks inquired if Dr. Raymond would be willing to share the costs of improvement on the roads involved.

Dr. Raymond said that he would not foot the bill since they are city roads but he would be willing to share some of the costs.

Commissioner Banks then requested clarification on completion of the exterior and if he would acceptable to a time limit.

Dr. Raymond was agreeable to a time limit because he plans to complete and finish the exterior but the interior would be incomplete until he finalizes his plans as he stated before he is considering a Sleep Clinic since that is what he does.

Commissioner Banks commented that it would have assisted the commission if that was stated in the application.

Mr. Peek and Dr. Raymond provided a few more details on the choice to build two stories, utilities location determines the location of the building on the lot.

Commissioner Bernard requested clarification from City Planner Abboud on the Comprehensive Plan description of the Residential Office district reading the description, the required standards to maintain the scale and if those requirements have been met or more details have been met.

City Planner Abboud explained that is why they have the Commission which is comprised of members of the public, that there is only five single family residences left in the area.

Commissioner Bentz asked about the draft storm water plan which is really nice to see and confirmed that the actual footprint is 11,000 sf which is similar to the other medical building in the area and asked if there was any additional information on the Stormwater drainage.

John Bishop, civil engineer, addressed the concerns and questions regarding the proposed Stormwater drainage plan and city requirements.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT PL 18-50 AND 18-58 AND APPROVE CUP 2018-09 FOR A MEDICAL CLINIC WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2

The commission commented, questioned and discussed the following points:

- Draft Comprehensive Plan proposed changes to the area for medical services, Residential Office District still applicable, Medical District is new
- Applying the Comp Plan as it exists with the ideal to directing city growth is already expressed with the stated desire for infill and clustering
- Some legitimate points made on scale and character but the criteria outlines the conditional use of a medical clinic as well as a hospital
- Add additional conditions for a time deadline to complete the exterior and including applicant willingness to share costs for road improvements
- Landscaping and vegetation of the property
- The size of the building is large but only because it is two stories and that is allowed
- Having a rendering of the project to accommodate the grade of the parcel would have been nice for the commission to have during their review
- Schedule for the presentation of the Draft Comp Plan to City Council
- Inclusion of any additional requirements for the applicant by the Commission

HIGHLAND BENTZ MOVE TO EXTEND THE MEETING TIME TO 10:00 P.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The commission continued discussion on the following:

- The commission would have to list reasons for denial and there was really no findings that they could list to deny based on the current city code requirements
- The overall size of the project and keeping within scale and nature of the area
- Comparison of SVT and Homer Medical Clinics to this project the footprints are similar, there is no height impact
- Application is compliant based on the criteria

BANKS/BENTZ MOVED TO AMEND THE MOTION TO ADD CONDITION NO. 3 APPLICANT WILL COMPLETE THE EXTERIOR WITHIN ONE YEAR OF ISSUING THE CONDITIONAL USE PERMIT.

Discussion ensued on a recent CUP that was approved for a much smaller project and the Commission gave 18 months to complete the exterior.

Commissioner Banks asked if he could amend his motion.

Chair Venuti requested input from the Clerk.

Deputy City Clerk Krause requested the commission to vote this motion down and make another motion.

VOTE. NO. HIGHLAND, BERNARD, BENTZ, VENUTI, SMITH, BANKS

Motion failed.

BANKS/SMITH MOVED TO AMEND THE MOTION TO ADD CONDITION NO. 3 APPLICANT SHALL COMPLETE THE EXTERIOR OF THE BUILDING WITHIN 18 MONTHS OF ISSUING THE CONDITIONAL USE PERMIT.

There was no discussion.

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

Motion carried.

The commission expressed comments on receiving as much information as possible when submitting applications for conditional use permits and that there has been no clear evidence presented to not approve this application.

Chair Venuti inquired if there were any further discussion on the motion.

Commissioner Banks wanted to address the road issues and make an amendment but requested to hear input from the other commissioners. He noted that the conditions of the road and the entrances to the parcel.

Discussion ensued on the length of roads to be improved are very small, existing collector streets, improvement standards that would be required for fire safety, the commission cannot require off-site improvements unless it is determined that the level of service is unacceptable then the commission would have to mitigate for that, requesting the applicant to willingly make those improvements, conditions of the roads once the construction starts would deteriorate, the level of existing improvements in place currently.

BANKS/BENTZ MOVED TO ADD A FINDING BUT DEFINED AS A RECOMMENDATION THAT THE APPLICANT WORK ACTIVELY WITH THE CITY OF HOMER TO SHARE COSTS OF IMPROVING THE ROADS SO THAT ACCESS IS ADEQUATE.

Discussion ensued on the authority of the Commission to make this Finding.

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

Motion carried.

HIGHLAND/BENTZ MOVED TO HOLD DELIBERATIONS AT A TIME TO BE DETERMINE.

Discussion on what would be gained to delay the decision that deliberation would be conducted in a separate meeting of the commissioners, that there is enough information before the commission to make a decision and further delay may hold up the project unnecessarily.

VOTE. NO. SMITH, HIGHLAND, BENTZ, VENUTI, BANKS, BERNARD

Motion failed.

Discussion then was conducted on what circumstances that would trigger the Conditional Use Permit process other than expansion in size, turning it into a hospital, mortuary, outdoor recreational facility, or a day care center would bring the applicant back before the Commission. It was clarified that as defined a surgery center would not trigger the Conditional Use Permit process since it is defined as medical clinic unless the state changed the definition.

VOTE. (Main as Amended) YES. HIGHLAND, BENTZ, VENUTI, BANKS, BERNARD, SMITH

Motion carried.

PLAT CONSIDERATION

A. Staff Report 18-59, Stream Hill Park 2018 Replat Preliminary Plat

City Planner Abboud provided a summary of Staff Report 18-59.

Peter Crimp and Steve Smith provided a brief synopsis of actions taken since the previous meeting when the Commission directed them to find a resolution on the access issue. Mr. Smith provided some details on the actions required by the Borough in dealing with property called “stranded property” and provided details on discussions they had regarding creating legal access to the parcel in question.

Chair Venuti opened the floor for public comment on the issue, upon seeing no one in audience come forward he closed the public comment period.

A brief discussion on the parcels that were dedicated to parkland being held in perpetuity and clarification on which parcels were which and where the access for the one parcel was located ensued.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT PL 18-59 AND APPROVE STREAM HILL PARK 2018 REPLAT PRELIMINARY PLAT WITH COMMENTS 1 & 2

There was a brief discussion on the ability to come to a resolution on the issues by the property owners.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 18-60, Amending HCC 21.18.040 to Reduce the Setback Permitted from 20 Feet to 10 Feet in the Central Business District

BENTZ/BANKS MOVED TO POSTPONE PENDING BUSINESS ITEM A TO THE NEXT REGULAR MEETING AND MOVE NEW BUSINESS ITEM A.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 18-62, Amending HCC 21.61.040(b) to codify the City Council's Role as the local regulatory authority.

City Planner Abboud provided a brief explanation on the reason to bring this change forward and what it will provide.

BENTZ/HIGHLAND MOVED TO FORWARD DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.61.040(B) CODIFYING THE CITY COUNCIL'S ROLE AS THE LOCAL REGULATORY AUTHORITY TO PUBLIC HEARING AT THE NEXT REGULAR MEETING OF THE COMMISSION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/BENTZ MOVED TO RECOMMEND EXTENDING THE MEETING UNTIL 10:10 P.M. TO ALLOW FOR COMMENTS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Minutes for the September 5, 2018 Regular Meeting.

There was a brief clarification that this item was not postponed just the pending Business item was postponed.

BENTZ/HIGHLAND MOVED TO AMEND THE MINUTES ON PAGE 6 SECOND LINE OF THE SPEAKERS COMMENTS TO REMOVE THE WORDS COMMENTED IN OPPOSITION OF THE PROJECT ON THE SEPTEMBER 5TH MEETING MINUTES.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the September 10, 2018 Homer City Council meeting
- B. Appointments

COMMENTS OF THE AUDIENCE

Heath Smith, city resident, commented that from a historical perspective details matter, and he will charge Rick with making sure that the commission has better details that make their job much easier at the end of the day. There are a couple of interesting things in Chapter 21 under the Conditional Use Permit that he would like the commission to consider defining going forward to help go through the process, he has his own personal opinion on the process but will reserve that for another day. In the first section, 21.71.010(c) Nothing in the zoning code shall be construed to require granting of a conditional use permit, nothing, so, what does that mean and why is it there? The other part that he feels would be beneficial for the Commission to understand and maybe defines what it means is, "The proposal will not be unduly detrimental to health, safety or welfare of the surrounding area or the city as a whole" What does that mean? The City as a whole? Unduly? Some points were made tonight that reached towards the welfare and what that really means and so if these are part of the code how are they defined, how did they get interpreted, and then enacted in the commission's decisions. Another part goes on and talks about the effect to the welfare of the persons not only residing but working in that very area. The Commission has a very difficult job, it is very important to the community and to the Council but...

Chair Venuti asked if Mr. Smith felt the Commission was remiss in their decision.

Mr. Smith responded that he did not have an opinion on the Commission's decision. He is not in a position to have an opinion on that yet but he thinks that when he stated that details matter he did not believe it was detailed enough to help the Commission make a good decision in a timely matter and when it talks about conditions and recommendations that the Commission can make

they can tell Rick, who is your city liaison, the one that the Commission relies on for good information, that you need more information and that those conditions that you put on those permits can be as such that as to say what is your second option when it comes to the size, the roads, I think it's fully benefitted to what they are doing and in order for the city to take them on and maintain them they need to be to standard so he believed Dale was on the right track

Kelly Cooper, speaking as the city representative on the Kenai Peninsula Borough Assembly, thanked the Commission for their hard work, diligence in doing what you are required to do based on the Code in front of you, so Thank you for that. We do not always get to vote on what we want but what we are allowed and you all did that tonight. It is always important to her through the public meeting or somewhere in the public record that those records are accurate and correct so for the last two meetings that there have been comments about tax payer dollars paying the salaries of the people coming to testify to you, please know that all salaries at the hospital are paid for by the Operating Board Inc and those salaries are paid for through revenue generated by the hospital, the service area tax dollars do not pay for the salaries and it is important to her that people understand that. The service area has an operating board, and the taxes pay for Capital projects and those things done through the Service Board, the Operating Board spends money on the services, doctors, staff and all those things that they provide. She also wanted to clarify on the plan to build a 48000 sf as with any administration they were looking at consolidating all the little buildings into one convenient location prior to the approval of the expansion to Homer Medical and they were unable to do that so that is why they did Homer Medical.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland stated it was a most assuredly interesting and challenging meeting tonight thank you everyone.

Commissioner Bernard commented that if nothing else she hopes this meeting generated some, ah, nothing like controversy to generate public participation and hopefully whenever they have the public hearing scheduled on the comp plan it generates some good public input that will be finalized in the future.

Commissioner Bentz commented on the challenge being on the commission for only a couple of years to hear issues that they commonly do not think of as planning issues being aired in testimony so she felt the commission did a good job understanding their role and what their capacity was considering the large amount of public comment and that they see this at the Borough level too.

Commissioner Smith thanked the commission for their incredible thoroughness, no question he is on a steep learning curve transitioning from an historical document to a new document the

questions and comments that the commissioners brought forth were very helpful and teaching him a lot. He is very grateful.

Commissioner Banks commented that it definitely was an interesting meeting and they knew it would be and he thought that they mentioned some of the things that Heath mentioned when they were commenting on the Pratt's application and presentation and all the materials provided to the Commission he thought it was great, it was all right there and they knew what they were going to do, unfortunately the second one which he felt was not as well presented but he felt they found, in any case he felt the commission did their best to find findings of fact and supported what they did, he felt there were a lot of arguments that did not have enough traction to vote down the project. It was interesting and he believes that there is some work that they can do on the whole process, they would like more detail but he understood and Dr. Raymond made a good point on spending \$1000's of dollars and it being unknown if they would get the thing approved. They have their work cut out for them this winter looking at some of these zoning things and the Transportation Plan and he hopes that the Comp Plan gets adopted as is with the Medical zone.

Commissioner Bentz added that they have issues around every item on their worklist which seems pretty relevant to things they have seen day to day here. The only thing they did not have tonight was Coastal Bluff Erosion

Commissioner Venuti it has been an interesting evening and he is hoping that they made the best decision in the interest of the public, that was a rule he learned early in the game, Homer has changed a lot over the years, the neighborhood has changed a lot since he has owned a home there 30 years ago, medical services have literally come down the hill. It is nice to have a full house and thank you to everyone who came tonight.

Commissioner Bernard asked if anyone could attend the meeting on Monday as she had a conflict in her schedule.

A brief discussion by Commissioners determined that no one was available to attend.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 10:15 p.m. The next regular meeting is scheduled for Wednesday, October 3, 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: _____

HOMER ADVISORY PLANNING COMMISSION

Approved CUP 18-11 at the Meeting of September 19, 2018

RE: Conditional Use Permit (CUP) 18-11
Address: 3779 Bartlett St

Legal Description: T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2012057 Tract 1, Pratt Museum Subdivision

DECISION

CUP 18-11

Introduction

The Homer Society of Natural History, Inc (the “Applicants”) applied to the Homer Advisory Planning Commission (the “Commission”) for a conditional use permit under per HCC 21.18.040(d) more than 8,000 square feet of building area on a lot, and HCC 21.18.030(j) more than one building containing a permitted principle use on a lot in the Central Business District.

The applicant proposes a phased expansion of the Pratt Museum. Phase one (porch addition) will increase the area by 107 square feet. Phase two would add 817 square feet, for a total anticipated building area of 10,764 square feet.

The application was scheduled for a public hearing as required by Homer City Code 21.94 before the Commission on September 19, 2018. Notice of the public hearing was published in the local newspaper and sent to 38 property owners of 51 parcels.

At the September 19, 2018 meeting of the Commission, the Commission voted to approve the request with six Commissioners present. The Commission approved CUP 18-11 with unanimous consent.

Evidence Presented

City Planner Abboud reviewed the staff report. Laurie Stuart, Executive Director for the Pratt Museum and John Mortensen, Project Manager for the Project provided a brief synopsis presentation of the planned improvements to the museum and advised the commission of a subtle color change from a Spruce Green to a Sage Green color palate.

There was no public testimony.

Findings of Fact

After careful review of the record, the Commission approves Condition Use Permit 18-11 to build a phased expansion of the Pratt Museum.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030 and 21.71.040.

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district.

Finding 1: HCC 21.18.020 (t) authorizes museums as a permitted use the in Central Business District. HCC 21.18.030(j) authorizes more than one building containing a permitted principle use on a lot, and HCC 21.18.040(d) authorizes more than 8,000 square feet of building area, as conditional uses in the Central Business District.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Finding 2: The purpose of the Central Business District includes providing educational institutions, entertainment establishments, and encourages pedestrian-friendly design and amenities. The proposal includes each of these elements.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Finding 3: A museum is not expected to negatively impact the adjoining properties greater than other permitted or conditional uses.

d. The proposal is compatible with existing uses of surrounding land.

Finding 4: The proposal is compatible with existing uses of surrounding land.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Finding 5: Existing public, water, sewer, and fire services are adequate to serve the site.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Finding 6: The Commission finds the proposal will not cause undue harmful effect upon desirable neighborhood character as described in the purpose statement of the district.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Finding 7: The proposal is not unduly detrimental to health, safety, or welfare.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Finding 8: Gaining a CUP along with the zoning permit process addresses the applicable regulations.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Finding 9: The proposal is not contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns Goal 3 and no evidence has been found that it is not contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with all applicable provisions of the Community Design Manual.

Finding 10: Outdoor lighting must be down lit per HCC 21.59.030 and the CDM

Finding 11: The Commission approves the use of metal siding per the CDM requirements.

In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces.**
- 2. Fences, walls and screening.**
- 3. Surfacing of vehicular ways and parking areas.**
- 4. Street and road dedications and improvements (or bonds).**
- 5. Control of points of vehicular ingress and egress.**
- 6. Special restrictions on signs.**
- 7. Landscaping.**
- 8. Maintenance of the grounds, buildings, or structures.**
- 9. Control of noise, vibration, odors, lighting or other similar nuisances.**
- 10. Limitation of time for certain activities.**
- 11. A time period within which the proposed use shall be developed and commence operation.**

12. A limit on total duration of use or on the term of the permit, or both.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

Conclusion: Based on the foregoing findings of fact and law, Conditional Use Permit 2018-11 is hereby approved, with Findings 1-11.

Date

Chair, Franco Venuti

Date

Deputy City Planner, Julie Engebretsen

NOTICE OF APPEAL RIGHTS

Pursuant to Homer City Code, Chapter 21.93.060, any person with standing that is affected by this decision may appeal this decision to the Homer Board of Adjustment within thirty (30) days of the date of distribution indicated below. Any decision not appealed within that time shall be final. A notice of appeal shall be in writing, shall contain all the information required by Homer City Code, Section 21.93.080, and shall be filed with the Homer City Clerk, 491 East Pioneer Avenue, Homer, Alaska 99603-7645.

CERTIFICATION OF DISTRIBUTION

I certify that a copy of this Decision was mailed to the below listed recipients on _____, 2018. A copy was also delivered to the City of Homer Planning Department and Homer City Clerk on the same date.

Date

Travis Brown, Planning Technician

Laurie Stuart, Executive Director
Homer Society of Natural History dba Pratt Museum
3779 Bartlett St
Homer, AK 99603

Holly C. Wells
Birch, Horton, Bittner & Cherot
1127 West 7th Ave
Anchorage, AK 99501

Katie Koester, City Manager
491 E Pioneer Avenue
Homer, AK 99603



City of Homer

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(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: October 17, 2018
SUBJECT: Staff report PL 18-67, City Planner's Report

City Council

10.8.18

Ordinance 18-37, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Capital Budget by Appropriating up to \$48,590 from the Homer Accelerated Roads and Trails Program (HART) for Traffic Calming and Safety Improvements on Karen Hornaday Park Road. Stroozas. Introduction August 13, 2018, Public Hearing and Referred to PARCAC August 27, 2018, Second Reading October 8, 2018.

Resolution 18-0xx, A Resolution of the City Council of Homer, Alaska Requesting an Extension of 60 Days for a Total of 90 Days of Public Comment on the The Kachemak Bay State Park & Kachemak Bay State Wilderness Park Draft Management Plan, Public Review Draft. Aderhold.

10.22.18

An Ordinance adopting the 2018 Homer Comprehensive Plan and recommending adoption by the Kenai Peninsula Borough. Introduction.

Ordinance 18-41 to codify the City Council's role as the local regulatory authority under AS 17.38 and authorizing council to decide to protest marijuana establishment applications filed with the State of Alaska for sites within the City of Homer.

Staffing

The City Planner is out through the end of October.

City Council report sign up

10.22.18 Tom

11.12.18 ~~Roberta~~ Council only meets once this month, after Thanksgiving

11.26.18 _____

12.10.18 Scott



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Staff Report PL 18-68

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: October 17, 2018
SUBJECT: CUP 2018-12

Synopsis The applicant proposes to support seven dwellings at 3725 West Hill Road, consisting of four 400 square-foot houses, one 2,500 square-foot house, and a shop/dwelling, in addition to an existing 1,000 square-foot house. A CUP is required for more than one building containing a permitted principal use on a lot, according to HCC 21.12.030(m).

Applicant: Jinchil Brian Reid
3725 West Hill Road
Homer, AK 99603

Location: 3725 West Hill Road

Parcel ID: 17524180

Size of Existing Lot: 1.72 acres (74,836 square feet)

Zoning Designation: Rural Residential (RR)

Existing Land Use: Residential

Surrounding Land Use: North: Vacant
South: Residential
East: Vacant
West: Residential

Comprehensive Plan: Chapter 4 Land Use, Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. p 4-18.
Chapter 4 Land Use, Goal 5, Objective C: Promote infill development in all housing districts p 4-19.

Wetland Status: An Upland Complex may be present in the far northeast corner of the lot.

Flood Plain Status: Not in a floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 24 property owners of 29 parcels as shown on the KPB tax assessor rolls.

ANALYSIS: The applicant is proposing to construct four 400 square-foot cabins for monthly or vacation rentals in addition to the existing 1,000 square-foot dwelling on the 74,836 square-foot lot. The applicant also proposes to construct a 2,500 square-foot dwelling and a workshop with a dwelling attached in 4-5 years.

Density: For a relative analysis, we can compare the density of the multiple structures to that of the requirement for multi-family dwellings. The total open area for multi-family shall be at least 1.1 times the total floor area. The proposal creates approximately 8,250 square feet of floor area. Open area is approximately 54,431 square feet, creating an approximate floor area ratio of 0.15

Additionally, in the rural residential district (RR), each lot shall contain a minimum of 10,000 square feet per dwelling when city water and sewer are provided. The lot is 74,836 square feet and seven dwellings proposed, meeting the density requirement in code.

Impervious: The proposal would create approximately 20,400 square feet of impervious surface, or 27% of the lot coverage. The project requires a level one site plan. The level one standard for a stormwater plan is the creation of greater than 25,000 square feet of impervious, which the proposal does not trigger.

Parking: The proposal does not require more than ten parking spaces. Eighteen spaces are displayed on the site plan. The parking area on the southwest corner of the lot is not configured properly for egress onto Robert Avenue (a vehicle cannot reasonably be turned around to avoid backing out on the ROW if all spaces are occupied). **Condition 3:** Eliminate the parking stalls displayed as facing west in the parking area located in the southwest corner of the lot.

The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.030, Review criteria, and establishes the following conditions:

a. The applicable code authorizes each proposed use and structure by conditional use permit in that zoning district;

Analysis: The Rural Residential zoning district allows for more than one single family dwelling on a lot as a conditional use, per HCC 21.12.030(m). Lots served by City water and sewer may have increased density up to one dwelling unit for every 10,000 square feet of lot area, per HCC 21.12.040(a)(3).

Finding 1: More than one single family dwelling on a lot is authorized by conditional use permit.

Finding 2: This 74,836 square foot lot, served by water and sewer, may have up to 7 dwelling units based on dimensional requirements of code.

b. The proposed use(s) and structure(s) are compatible with the purpose of the zoning district in which the lot is located.

Applicant: By providing affordable, quality housing in the neighborhood.

HCC 21.12.010 Purpose: The purpose of the rural residential district is primarily to provide an area in the City for low-density, primarily residential, development; allow for limited agricultural pursuits; and allow for other uses as provided in this chapter.

Finding 3: The proposal is compatible with the purpose of the district by meeting density requirements and providing residential development in the City.

c. The value of the adjoining property will not be negatively affected greater than that anticipated from other permitted or conditionally permitted uses in this district.

Applicant: By improving the property, it will increase surrounding property values.

Analysis: Other allowed uses in this district, such as an apartment building or an assisted living home could dominate the site in terms of bulk, height and intensity more so than this proposal. The proposed one-story cabins could have a positive effect on adjoining property values by retaining a rural nature when compared to the previously mentioned uses by limiting both the size of structures and the disturbance of natural vegetation.

Finding 4: The value of adjoining property will not be negatively affected greater than multi-family dwellings or a conditionally permitted assisted living home.

d. The proposal is compatible with existing uses of surrounding land.

Applicant: The modern cabin design will fit in with surrounding homes.

Analysis: The lots to the north and to the east are vacant residential lots. The subdivision to the south is mostly built-out, consisting of 1,500 to 2,000 sq. ft. single-family homes on lots averaging 11,000 square feet in area. The proposal for single-family dwellings has a similar density and use as surrounding properties.

Finding 5: The proposal is compatible with the existing uses of surrounding land.

e. Public services and facilities are or will be, prior to occupancy, adequate to serve the proposed use and structure.

Applicant: Yes, public water/sewer, electricity, and natural gas are already in use on the property.

Finding 6: Existing public water and sewer, natural gas, and fire services are adequate to serve the proposed development.

f. Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

Applicant: The planned “green spaces” will be a buffer between the cabins and surrounding properties allowing for maximum privacy possible. Traffic will be unaffected.

Analysis: The addition of the small cabins, a garage with dwelling, and a 2500 square foot house on this lot will be in line with the neighborhood character in terms of scale, bulk and coverage. The increased traffic will be easily handled by the site’s access to existing city streets. While more density will increase the intensity of this lot’s current use, the increase is not expected to cause any undue harmful effects.

Finding 7: Considering harmony in scale, bulk, coverage and density, generation of traffic, the nature and intensity of the proposed use, and other relevant effects, the proposal will not cause undue harmful effect upon desirable neighborhood character.

g. The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area or the city as a whole.

Analysis: The permitting process will require the applicant to meet Federal, State and local standards.

Finding 8: The proposal will not be unduly detrimental to the health, safety or welfare of the surrounding area and the city as a whole when all applicable standards are met as required by city code.

h. The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.

Analysis: No relief from code is sought from the applicant. All known applicable regulations will be addressed through the permitting process. The proposed parking plan meets the standards of HCC 21.55 “Off-Street Parking.”

Finding 9: The proposal will comply with all applicable regulations and conditions when the permitting process is successfully navigated as provided in the CUP and permitting process.

i. The proposal is not contrary to the applicable land use goals and objectives of the Comprehensive Plan.

Applicant: By infilling an area serviced by city utilities with a diverse variety of modern, quality housing.

Analysis: This proposal promotes Goal 5: Objectives C and D by providing infill of affordable housing in a location with existing road, water, and sewer infrastructure.

Finding 10: The proposal does not appear to contradict any applicable land use goals and objectives of the Comprehensive Plan. The proposal aligns Goal 1 and Objectives A and B and no evidence has been found that it is contrary to the applicable land use goals and objects of the Comprehensive Plan.

j. The proposal will comply with the applicable provisions of the Community Design Manual (CDM).

Analysis: The Outdoor Lighting section of the Community Design Manual is applicable. This section encourages outdoor lighting sources to be hidden from public view, to avoid excessive light throw, and to be downward directional lighting.

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Finding 11: Condition 1 will assure that the proposal complies with level one lighting standards and the Community Design Manual

HCC 21.71.040(b). b. In approving a conditional use, the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- 1. Special yards and spaces:** No specific conditions deemed necessary
- 2. Fences and walls:** Dumpster to be screened on 3 sides.
- 3. Surfacing of parking areas:** No specific conditions deemed necessary.
- 4. Street and road dedications and improvements:** No specific conditions deemed necessary.
- 5. Control of points of vehicular ingress and egress:** No specific conditions deemed necessary.
- 6. Special provisions on signs:** No specific conditions deemed necessary.
- 7. Landscaping:** No specific conditions deemed necessary.

8. Maintenance of the grounds, building, or structures: No specific conditions deemed necessary.

9. Control of noise, vibration, odors or other similar nuisances: No specific conditions deemed necessary.

10. Limitation of time for certain activities: No specific conditions deemed necessary.

11. A time period within which the proposed use shall be developed: No specific conditions deemed necessary.

12. A limit on total duration of use: No specific conditions deemed necessary.

13. More stringent dimensional requirements, such as lot area or dimensions, setbacks, and building height limitations. Dimensional requirements may be made more lenient by conditional use permit only when such relaxation is authorized by other provisions of the zoning code. Dimensional requirements may not be altered by conditional use permit when and to the extent other provisions of the zoning code expressly prohibit such alterations by conditional use permit.

14. Other conditions necessary to protect the interests of the community and surrounding area, or to protect the health, safety, or welfare of persons residing or working in the vicinity of the subject lot.

PUBLIC WORKS COMMENTS: A community sewer design is required

FIRE DEPARTMENT COMMENTS: No comments.

PUBLIC COMMENTS: None

STAFF COMMENTS/RECOMMENDATIONS:

Planning Commission approve CUP 2018-12 with findings 1-11 and the following conditions:

Condition 1: Outdoor lighting must be downward directional and must not produce light trespass or glare per the CDM and HCC 21.59.030.

Condition 2: Dumpster must be screened on 3 sides.

Condition 3: Eliminate the parking stalls displayed as facing west in the parking area located in the southwest corner of the lot.

Attachments

Application

Public Notice

Aerial Photograph

Staff Photos of Site



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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(p) 907-235-3106

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Applicant

Name: Jinchi Brian Reid Telephone No.: 907 299 8882

Address: 3725 W Hill Rd Email: brian.reid.ak@gmail.com

Property Owner (if different than the applicant):

Name: Same Telephone No.: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: 3725 W Hill Rd Lot Size: 1.72 acres KPB Tax ID # 17524180

Legal Description of Property: Lillian Walli Subdivision Tract D

For staff use:

Date: 9/25/18 Fee submittal: Amount 500.00

Received by: [Signature] Date application accepted as complete _____

Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x			x	

Circle applicable permits. Planning staff will be glad to assist with these questions.

- ☒ Y ☐ N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____
- ☒ Y ☐ N Will your development trigger a Development Activity Plan?
Application Status: _____
- ☒ Y ☐ N Will your development trigger a Storm water Plan?
Application Status: _____
- ☒ Y ☐ N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: Approved (Small section in driveway apron)
- ☒ Y ☐ N Is your development in a floodplain? If yes, a Flood Development Permit is required.
- ☒ Y ☐ N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>
- ☒ Y ☐ N Do you need a traffic impact analysis?
- ☒ Y ☐ N Are there any nonconforming uses or structures on the property?
- ☒ Y ☐ N Have they been formally accepted by the Homer Advisory Planning Commission?
- ☒ Y ☐ N Do you have a state or city driveway permit? Status: Installed - waiting for asphalt
- ☒ Y ☐ N Do you have active City water and sewer permits? Status: Complete

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

Residential, One 1000sqft single family home,
built 2017/18.

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

Propose building 4 modernized 'cabins' for use as monthly and vacation rentals. Also in 4-5 years intend to build a 2500sqft home in NW corner of property and in NE corner intend to build a workshop- possibly with small living quarters attached. We intend to utilize the natural beauty of the existing vegetation and landscape as a privacy buffer and will plant trees where needed to maintain and improve the quality of the neighborhood. An engineered Water/Sewer plan will be done as required by Public Works.

- a. What code citation authorizes each proposed use and structure by conditional use permit? *21.12.030*
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district. *By providing affordable, quality housing in the neighborhood.*
- c. How will your proposed project affect adjoining property values? *By improving the property it will increase surrounding property values.*
- d. How is your proposal compatible with existing uses of the surrounding land? *The modern cabin design will fit in with surrounding homes.*
- e. Are/will public services adequate to serve the proposed uses and structures? *Yes, public water/sewer, electricity, and natural gas are (1.5" main/4") already in use on property.*
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected? *The planned "Green Spaces" will be a buffer between the cabins and surrounding properties allowing for maximum privacy possible. Traffic will be unaffected.*
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole? *No*
- h. How does your project relate to the goals of the Comprehensive Plan? *The Comprehensive Plan are online, By infilling an area serviced by city utilities with a diverse variety of modern, quality housing.*
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
1. ☒ Y ☐ N Special yards and spaces.
 2. ☐ Y ☒ N Fences, walls and screening.
 3. ☐ Y ☒ N Surfacing of parking areas.
 4. ☐ Y ☒ N Street and road dedications and improvements (or bonds).
 5. ☐ Y ☒ N Control of points of vehicular ingress & egress.
 6. ☐ Y ☒ N Special provisions on signs.
 7. ☒ Y ☐ N Landscaping.
 8. ☒ Y ☐ N Maintenance of the grounds, buildings, or structures.

9. ☒ Y ☐ N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
10. Y ☒ N ☐ Time for certain activities.
11. Y ☒ N ☐ A time period within which the proposed use shall be developed.
12. Y ☒ N ☐ A limit on total duration of use.
13. Y ☒ N ☐ Special dimensional requirements such as lot area, setbacks, building height.
14. Y ☒ N ☐ Other conditions deemed necessary to protect the interest of the community.

PARKING

1. How many parking spaces are required for your development? 14
- If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
2. How many spaces are shown on your parking plan? _____
3. Are you requesting any reductions? NO

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE:

Owner of record

Lessee

Contract purchaser

Applicant signature: _____

Date: 9/24/18

Property Owner's signature: _____

Date: 9/24/18

189.1



Scale: 1" = 40ft
N 75° 00' E

333.31'

Vacant Lot

GAS

10' Setback

35' Setback

Enstar Natural Gas

79.42'

40 x 50 Shop/Dwelling

20 x 40 Parking

Drainage

2500'sq

30' x 50' House

1000'sq
16 x 28

Electricity HEA

400'sq
16 x 24

400'sq
16 x 24

400'sq
16 x 24

400'sq
16 x 24

4" Sewer

1.5" Water

Water

Sewer

141.91'

RECEIVED

SEP 23 2018

CITY OF HOMER
PLANNING ZONING

Water runoff directed into storm drain
in SW corner of ROW.

Robert Ave

Carriage Ct.

Residential Neighborhood

West Hill Rd

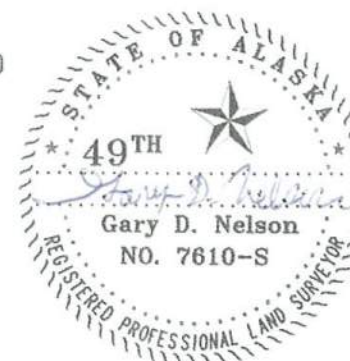
AS-BUILT SURVEY

NOTES

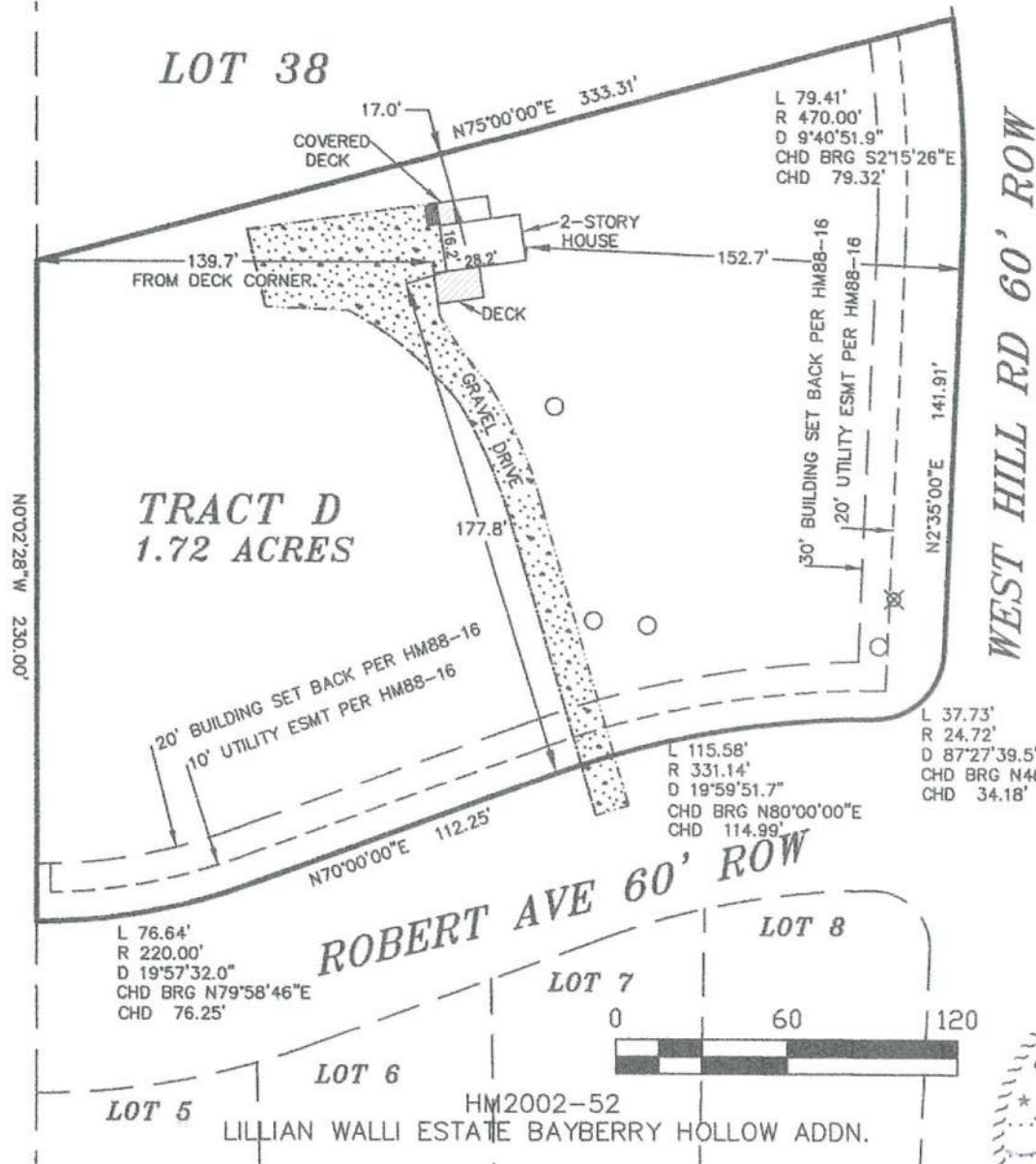
1. THIS PLAT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN FINAL.
2. ALL BUILDING DIMENSIONS AND DISTANCES ARE TO THE EXTERIOR FACE UNLESS OTHERWISE SHOWN. BUILDING EAVES EXTEND 2.0' BEYOND WALL BUT ARE NOT TO BE USED FOR SETBACKS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTING EASEMENTS, COVENANTS OR RESTRICTIONS THAT DO NOT APPEAR ON THE RECORDED SURVEY.
4. ALL BOUNDARY DATA IS RECORD PER "LILLIAN WALLI ESTATE SUBDIVISION" THE HOMER RECORDING DISTRICT.
5. I HAVE SURVEYED THE FOLLOWING DESCRIBED PROPERTY; TRACT D "LILLIAN WALLI ESTATE SUBDIVISION", PLAT#1988-16 H.R.D. THE IMPROVEMENTS SITUATED THEREON ON THIS PLAT AND THERE ARE NO OTHER VISIBLE ABOVE GROUND IMPROVEMENTS ON SAID PROPERTY EXCEPT AS INDICATED HEREON.

LEGEND

- 4" PVC PIPE
- ⊗ WATER SHUT OFF VALVE

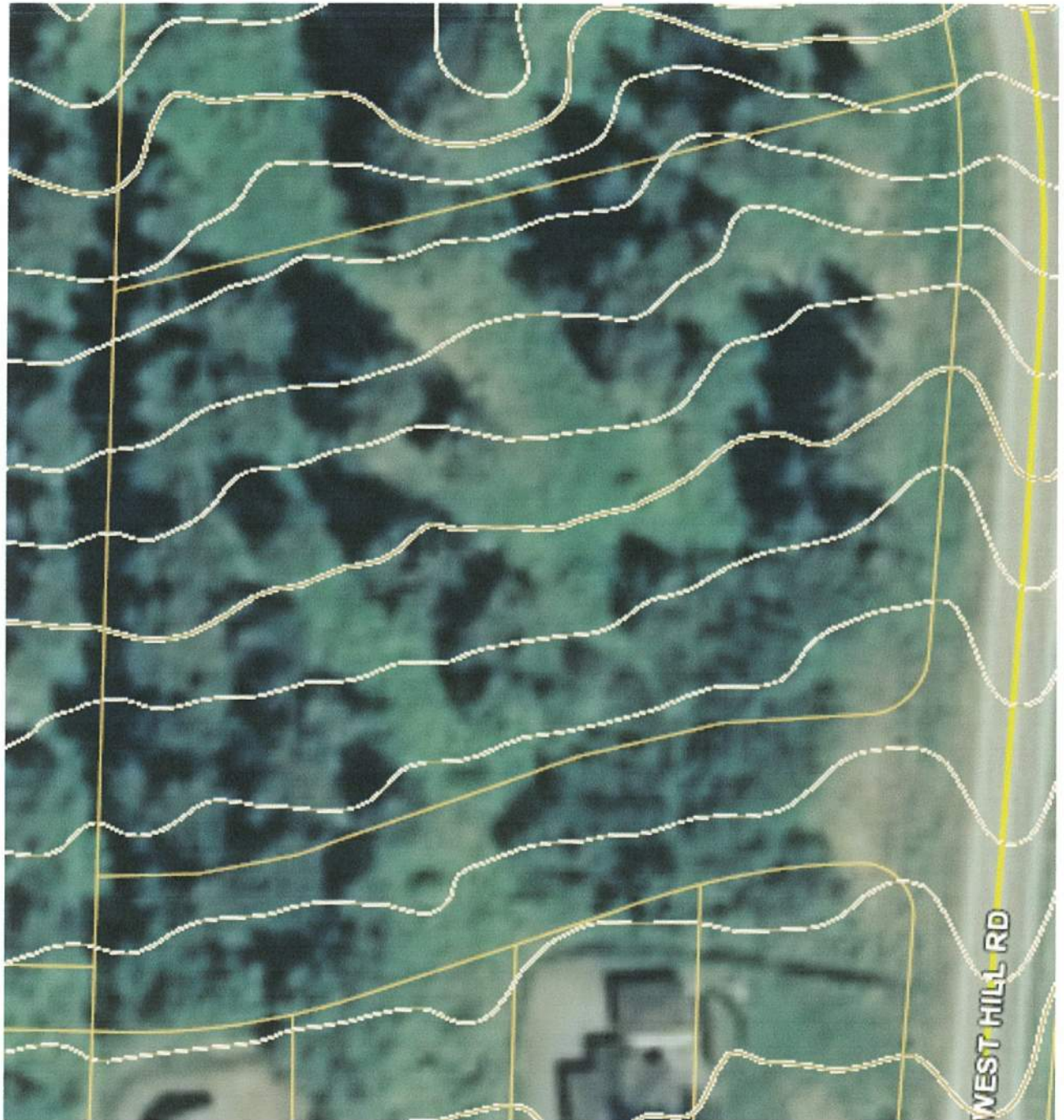


DATE	4-18-2018	LILLIAN WALLI ESTATE SEC 40, WITHIN HOMER
JOB No.	5013	
DWG No.	5013frn4967	
SCALE	1"= 60'	
TAX PARCEL	17524180	ABILITY REGISTERED 152 DEHEL A
PLAT No.	HM 88-16	
SECTION	NE1/4, 24	
TOWNSHIP	T6S	
RANGE	R14W (SM)	



Surrounding Property Uses



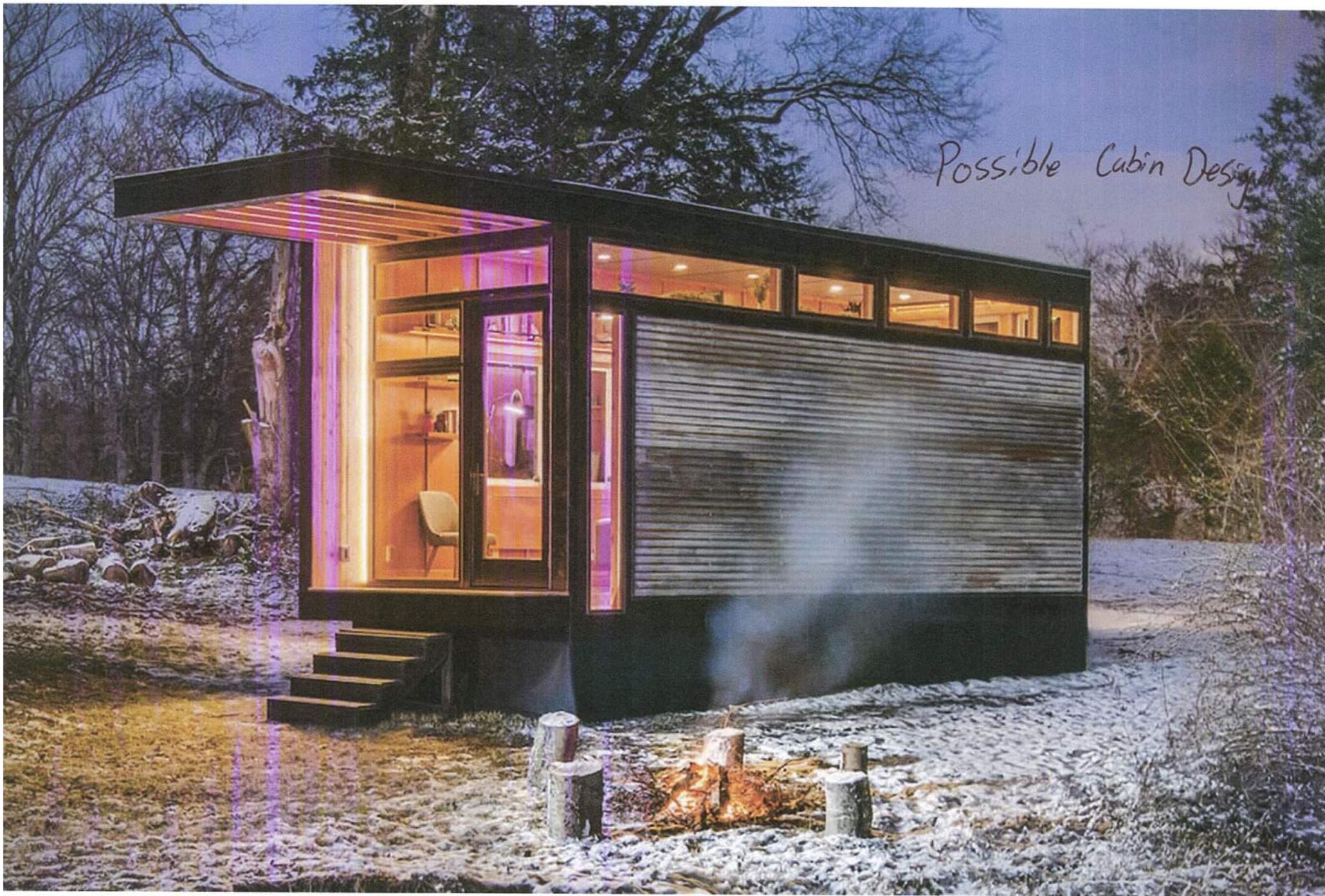


Existing house - Built by owner



Possible Cabin Design





Possible Cabin
Design



Possible Cabin Design



INDEX OF SHEETS

- 01 COVER OVERVIEW
- 02 GENERAL NOTES
- 03 FLOOR PLAN
- 04 EXTERIOR ELEVATIONS
- 05 SECTIONS
- 06 FOUNDATION
- 07 ROOF FRAMING PLAN
- 08 BRACED WALL PLAN
- 09 DETAILS
- 10 ELECTRICAL
- 11 BASIC SITEPLAN

NO. 35 - SHANDRAW COTTAGE



Possible Shop/Dwelling Design



Under
25'
High

50' Long

40' Wide

Possible Shop/Dwelling Design

Under
25'
High



50' Long

40' Wide

Possible 30'x 50' House Design - 2 Story-



Under
25'
High

30' Wide

50' Long

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, October 17, 2018 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

Request for Conditional Use Permit (CUP) 2018-12, to build 7 dwellings at 3725 West Hill Road, consisting of four 400 square-foot houses, one 2,500 square-foot house, and a shop/dwelling, in addition to an existing 1,000 square-foot house. A CUP is required for more than one building containing a permitted principal use on a lot, according to HCC 21.12.030(m). The legal description of the property is Tract D Lillian Walli Estate, E ½ NE ¼ Sec. 24, T.6S., R.14W., S.M.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

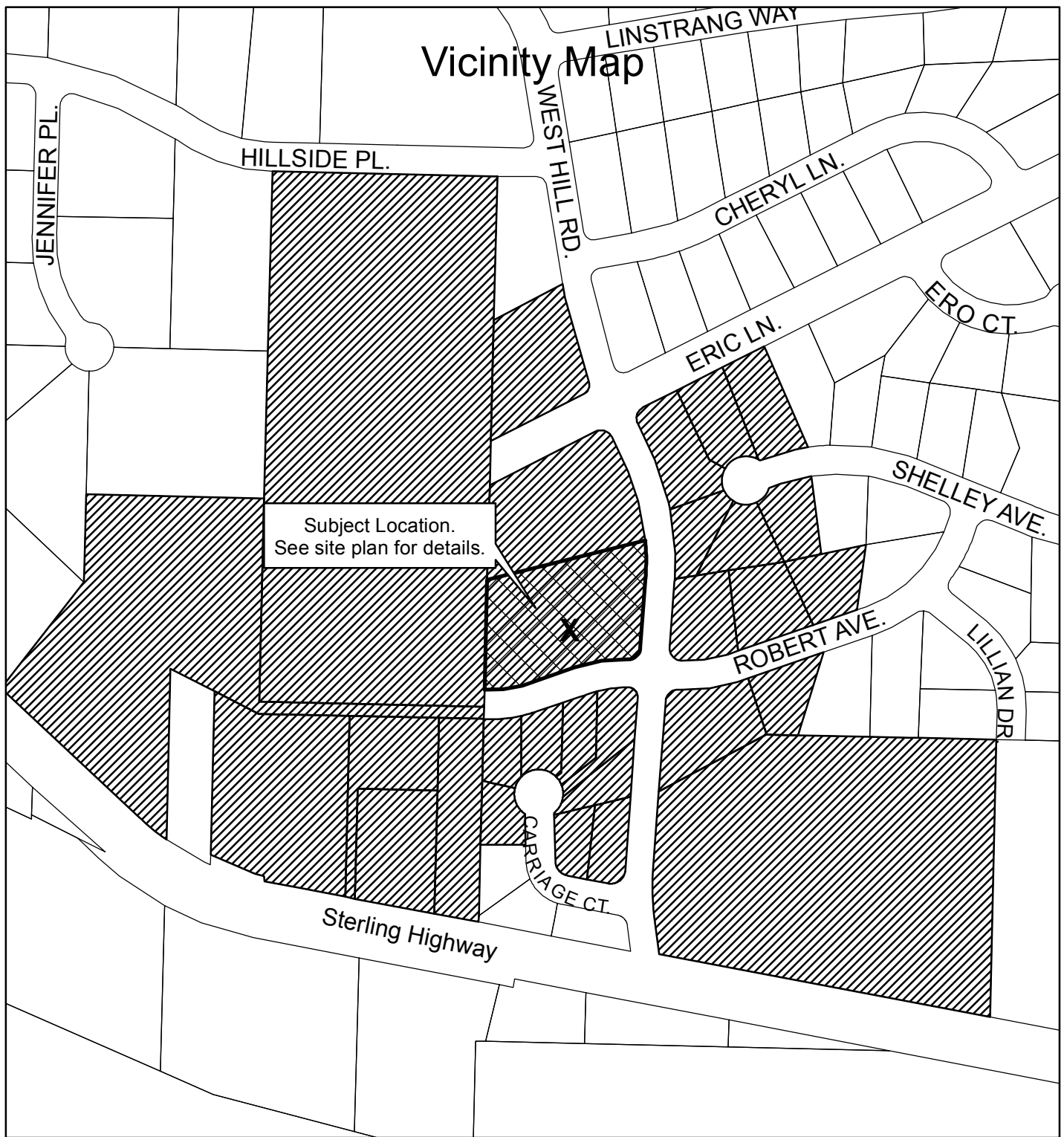
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Julie Engebretsen at the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

October 3, 2018

Request for CUP 2018-12 3725 West Hill Road

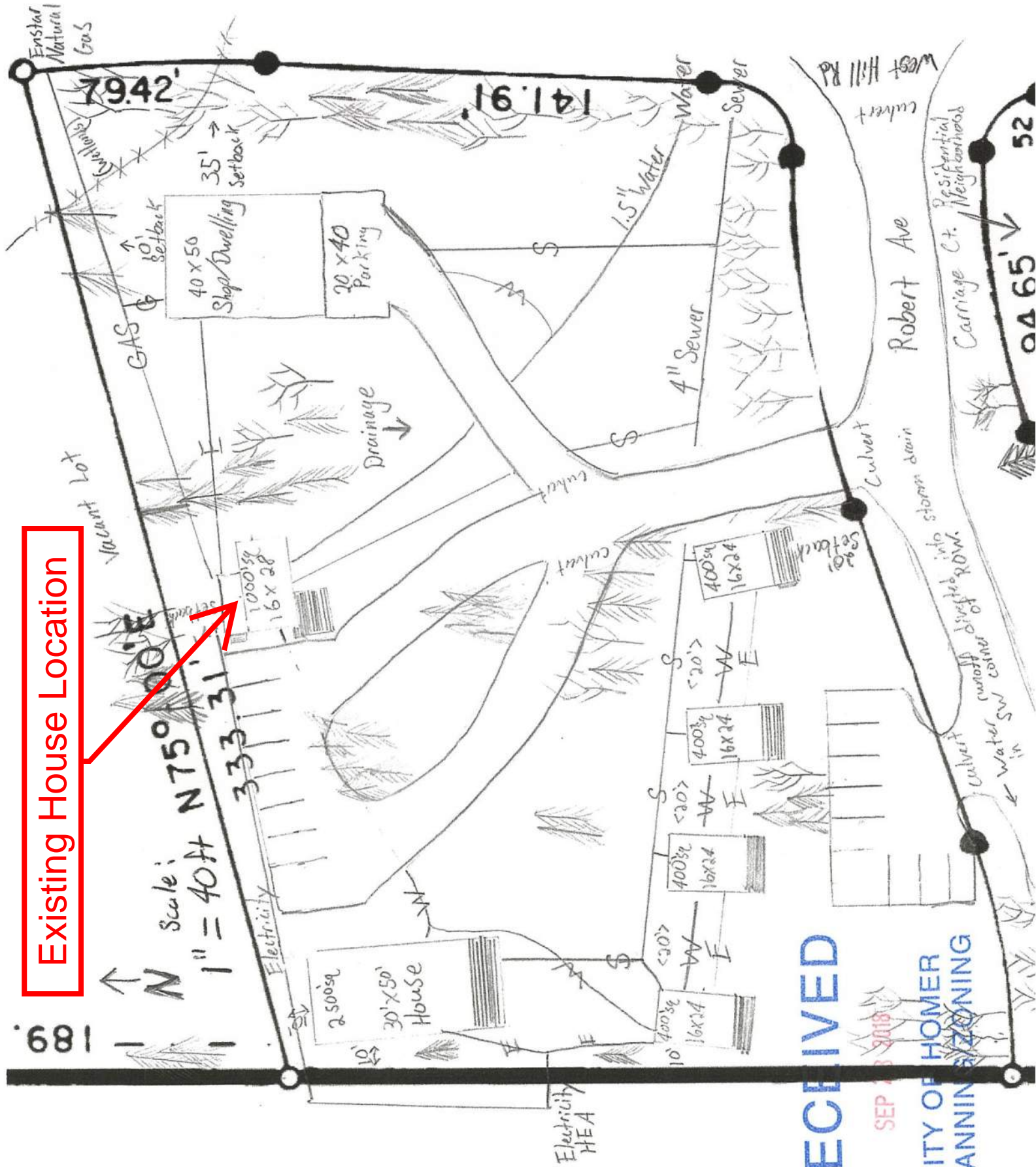
Marked Lots are w/in 300 feet
and property owners notified.

0 150 300 Feet

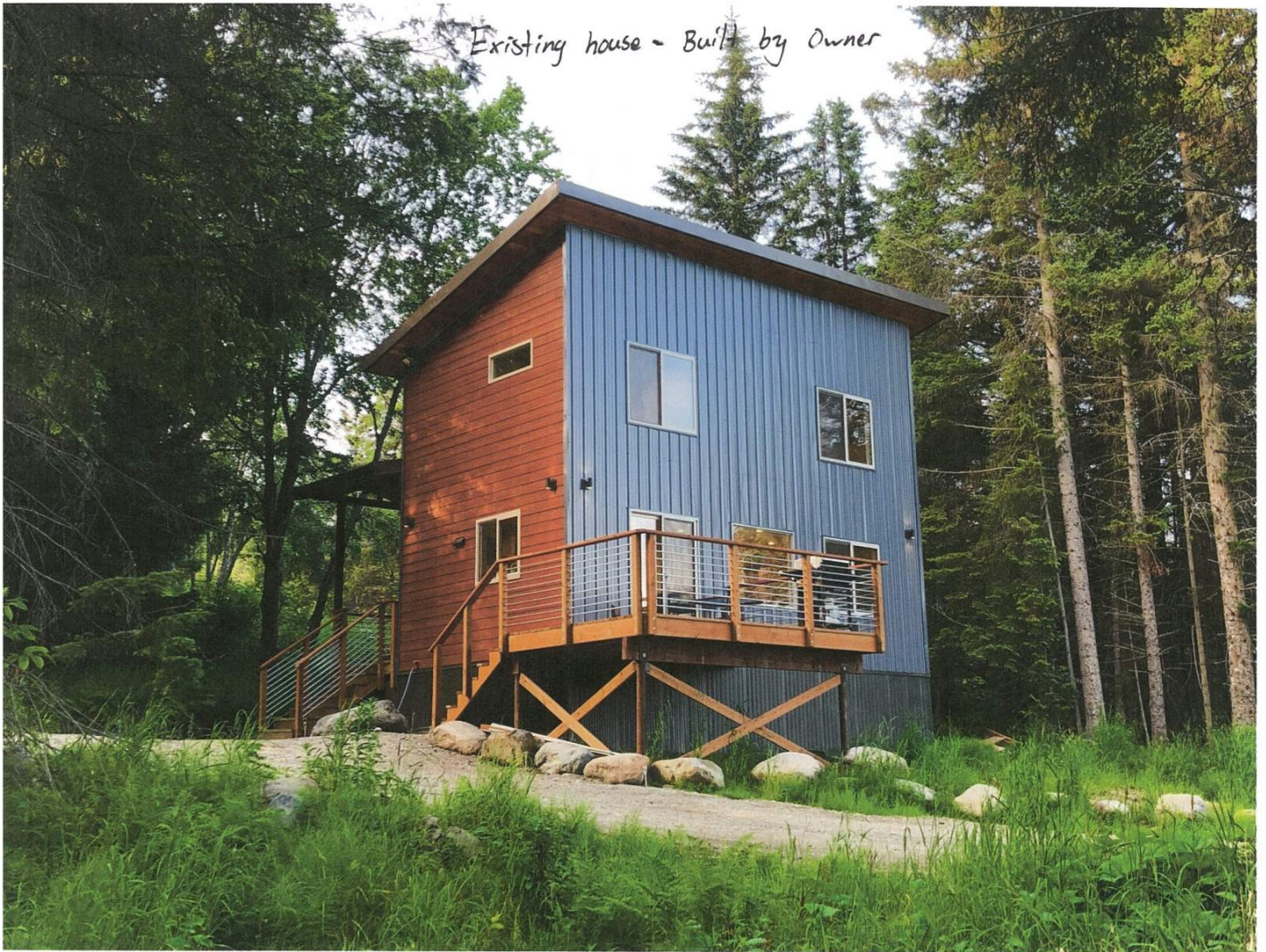


*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

Existing House Location



Existing house - Built by Owner



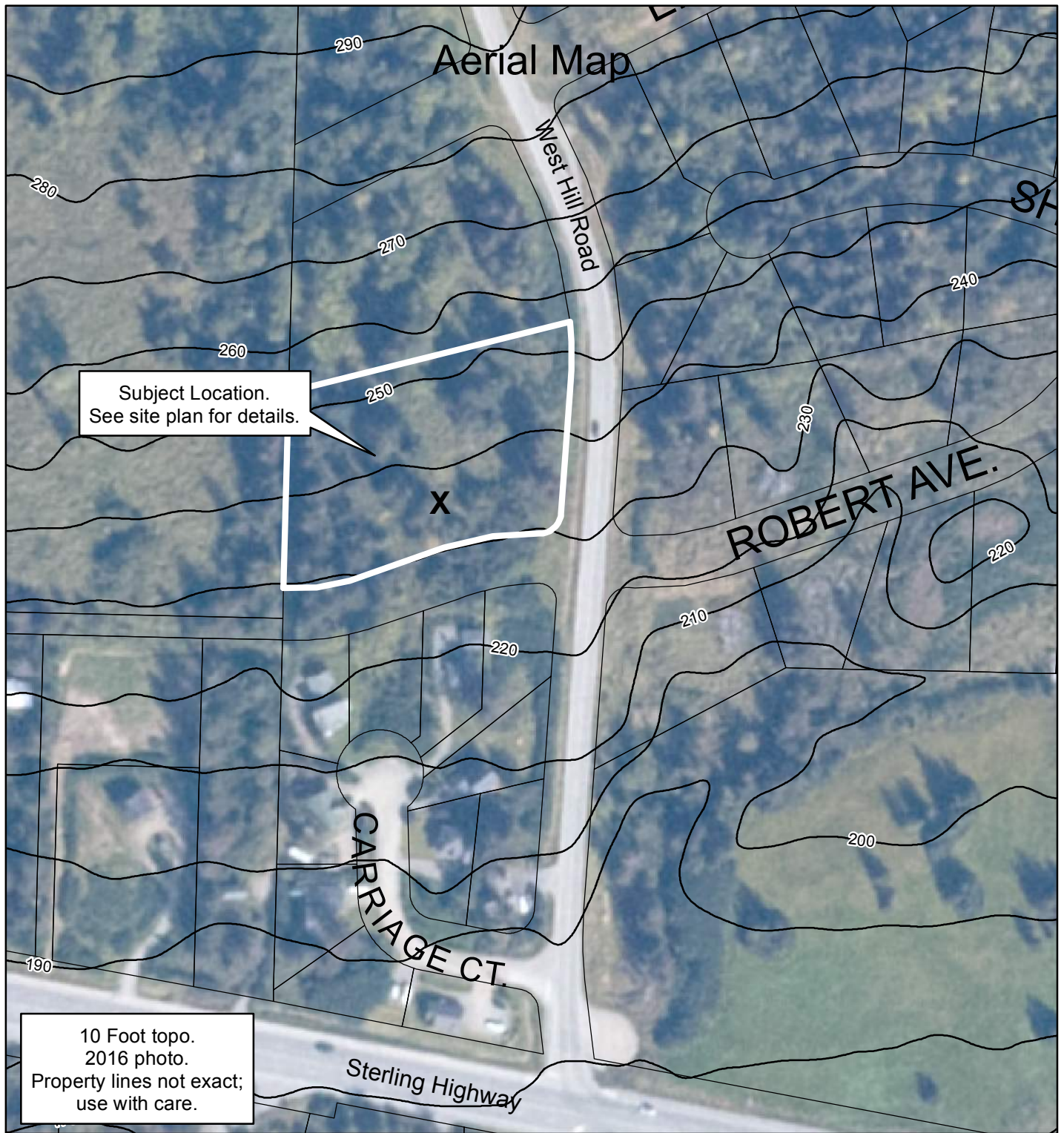
Possible 30'X 50' House Design - 2 Story-



Under
25'
High

30' Wide

50' Long



City of Homer
Planning and Zoning Department

October 3, 2018

Request for CUP 2018-12 3725 West Hill Road

Marked Lots are w/in 300 feet
and property owners notified.

0 150 300 Feet



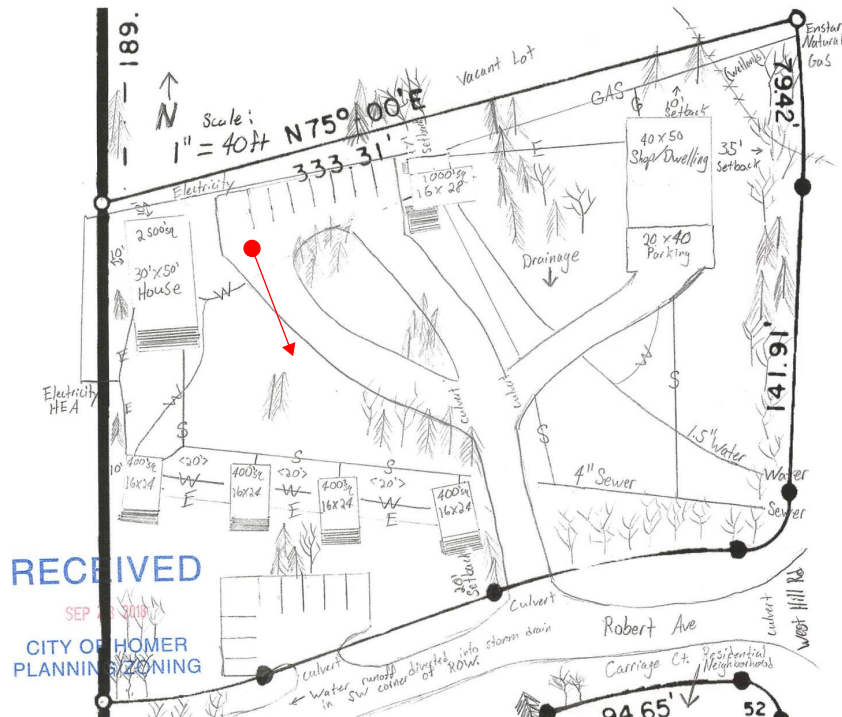
Disclaimer:
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Homer, its council, board,
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or conclusions drawn therefrom.

Home in Carriage Court neighborhood

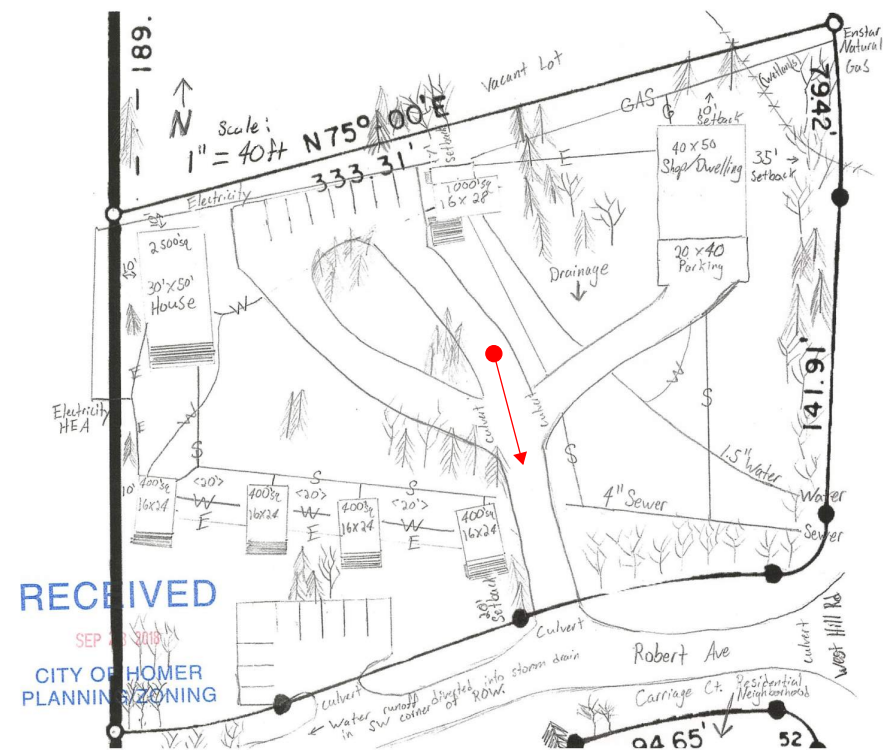


Travelling north on West Hill Road

Home in Carriage Court neighborhood



56





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 18-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 17, 2018
SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
HCC 21.18.040 TO REDUCE THE SETBACK PERMITTED FROM 20 FEET TO
10 FEET IN THE CENTRAL BUSINESS DISTRICT.

Introduction

The Commission has been asked by the City Council to review the proposed ordinance and make a recommendation regarding adoption.

Analysis

The ordinance proposes to reduce the current 20' setback from ROW's in the CBD to 10', with the exception of the Sterling Highway.

After a careful review of the current status of all the ROW's in the CBD, the Commission feels that the various configurations of the roads, which includes a significant amount of substandard ROW widths, deserves more detailed study before reducing the setback districtwide. Consideration for the reduction includes the future expectation of the function that the individual roads are to provide and an examination of the ability of the road to support those functions (i.e. is enough ROW dedicated for anticipated amenities). The Commission feels that an updated transportation plan can provide information in enough detail to evaluate the merits of setback reduction for the various roads. In addition, the Planning Commission recommended working with the City Attorney to identify strategies to minimize legal exposure to CUP appeals.

At this time, the recommendation of the Planning Commission is to not reduce the setbacks in the district until the completion of an update to the transportation plan is accomplished.

Staff Recommendation

Hold a public hearing on Ordinance 18-39 and move a recommendation to the City Council.

Attachments

Ordinance 18-39

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 18-39

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HCC 21.18.040 TO REDUCE THE SETBACK PERMITTED
FROM 20 FEET TO 10 FEET IN THE CENTRAL BUSINESS DISTRICT.

WHEREAS, It is in the City's best interest to permit uses outright that promote the goals of the Homer Comprehensive Plan, including permitting setback reductions in the Central Business District that would promote walkable business district locations located on local, non-arterial roads.

THE CITY OF HOMER HEREBY ORDAINS:

Section 1. Chapter 21.18.040 is amended to read as follows:

21.18.040 Dimensional requirements.

The following dimensional requirements shall apply to all structures and uses in the Central Business District:

a. Lot Size.

1. The minimum lot area shall be 6,000 square feet. Lawful nonconforming lots of smaller size may be newly developed and used if off-site parking is provided in accordance with the City parking code, Chapter 21.55 HCC;

2. Multiple-family dwelling containing three or more units shall meet the standards in HCC 21.14.040(a)(2);

3. Townhouses shall meet the standards in HCC 21.53.010.

b. Building Setbacks.

1. Buildings shall be set back **10** 20 feet from all dedicated rights-of-way, except as **required or** allowed by subsection (b)(4) of this section.

2. Nonresidential buildings shall be set back five feet from all other lot boundary lines except the minimum setback shall be two feet from all other boundary lines when firewalls are provided and access to the rear of

the building is otherwise provided (e.g., alleyways) as defined by the State Fire Code and enforced by the State Fire Marshal.

3. Residential buildings shall be set back five feet from all other lot boundary lines.

4. **Setbacks from a dedicated right-of-way from** ~~If approved by a conditional use permit, the setback from a dedicated right-of-way, except from the Sterling Highway or Lake Street~~ **arterial roads, shall be at least 20 feet. may be reduced. For purposes of this subsection, "arterial" roads means a street, road, boulevard or highway that emphasizes mobility and is designed to carry higher volumes at higher speeds, attributes that usually conflict with safe access. Sterling Highway is an example arterial street.**

5. Alleys are not subject to a **10** 20-foot setback requirement. The setback requirements from any lot line abutting an alley will be determined by the dimensional requirements of subsections (e)(1) and (2) of this section.

6. Any attached or detached accessory building shall maintain the same yards and setbacks as the main building.

c. Building Height. The maximum building height shall be 35 feet.

d. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit.

e. Building Area and Dimensions – Retail and Wholesale.

1. The total floor area of retail and wholesale business uses within a single building shall not exceed 75,000 square feet.

2. No conditional use permit, planned unit development, or variance may be granted that would allow a building to exceed the limits of subsection (e)(1) of this section and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subsection (e)(1) of this section.

Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

Section 3. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 18-69

TO: Homer Advisory Planning Commission
FROM: Julie Engebretsen, Deputy City Planner
DATE: October 17, 2018
SUBJECT: Hillside Acres Subd Tract 7 2018 Replat

Requested Action: Recommend approval of the preliminary plat, which subdivides a larger lot into two smaller lots.

General Information:

Applicants:	Linda and Paul Rourke 1691 Hillside Pl Homer, AK 99603	Kenton Bloom, PLS Seabright Surveying 1044 East End Rd Ste A Homer, AK 99603
Location:	West of West Hill Road, at the end of Hillside Place	
Parcel ID:	17508115	
Size of Existing Lot(s):	5.14	
Size of Proposed Lots(s):	4.467 and 0.688 acres (29,965 square feet)	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Residential South: Residential East: Residential West: Residential, Bidarki Creek and ravine	
Comprehensive Plan:	Goal 1 Objective B: Promote a pattern of growth characterized by a concentrated mixed use center and a surrounding ring of moderate to high density residential and mixed use areas with low densities in outlying areas.	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 37 property owners of 34 parcels as shown on the KPB tax assessor rolls.	

Analysis: This subdivision is within the Rural Residential District. This plat subdivides a larger lot into one large lot and one smaller lot.

Homer City Code 22.10.051 Easements and rights-of-way

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

Staff Response: The plat does not meet these requirements. Provide the 15' utility easement fronting the ROW per HCC 22.10.051 (a).

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

Staff Response: The plat meets these requirements. Water and sewer is existing.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

Staff Response: The plat meets these requirements.

Preliminary Approval, per KPB code 20.25.070 Form and contents required. The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
 - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
 - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
 - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

Staff Response: The plat meets these requirements. Ensure all owners are listed as signers on the plat.

- B. North point;

Staff Response: The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

Staff Response: The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

Staff Response: The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

Staff Response: The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

Staff Response: The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff Response: The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

Staff Response: The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

Staff Response: The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

Staff Response: The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

Staff Response: The plat meets these requirements.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

Staff Response: The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

Staff Response: The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

Staff Response: The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

Staff Response: The plat meets these requirements.

Public Works Comments:

1. Provide the 15' utility easement fronting the ROW
2. An installation agreement is required before final recording. The property owner has been working with Public Works on the details.

Fire Department Comments: No comments or concerns.

Staff Recommendation:

Planning Commission recommend approval of the preliminary plat with the following comments:

1. Provide the 15' utility easement fronting the ROW per HCC 22.10.051 (a).
2. Ensure all land owners are listed on the plat.

Attachments:

1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. SET A SELF-IDENTIFYING 2" ALUMINUM CAP AT ALL CORNERS UNLESS OTHERWISE SPECIFIED.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.

NOTARY'S ACKNOWLEDGMENT

FOR: _____

ACKNOWLEDGED BEFORE ME THIS _____

DAY OF _____, 2018

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

WASTEWATER DISPOSAL

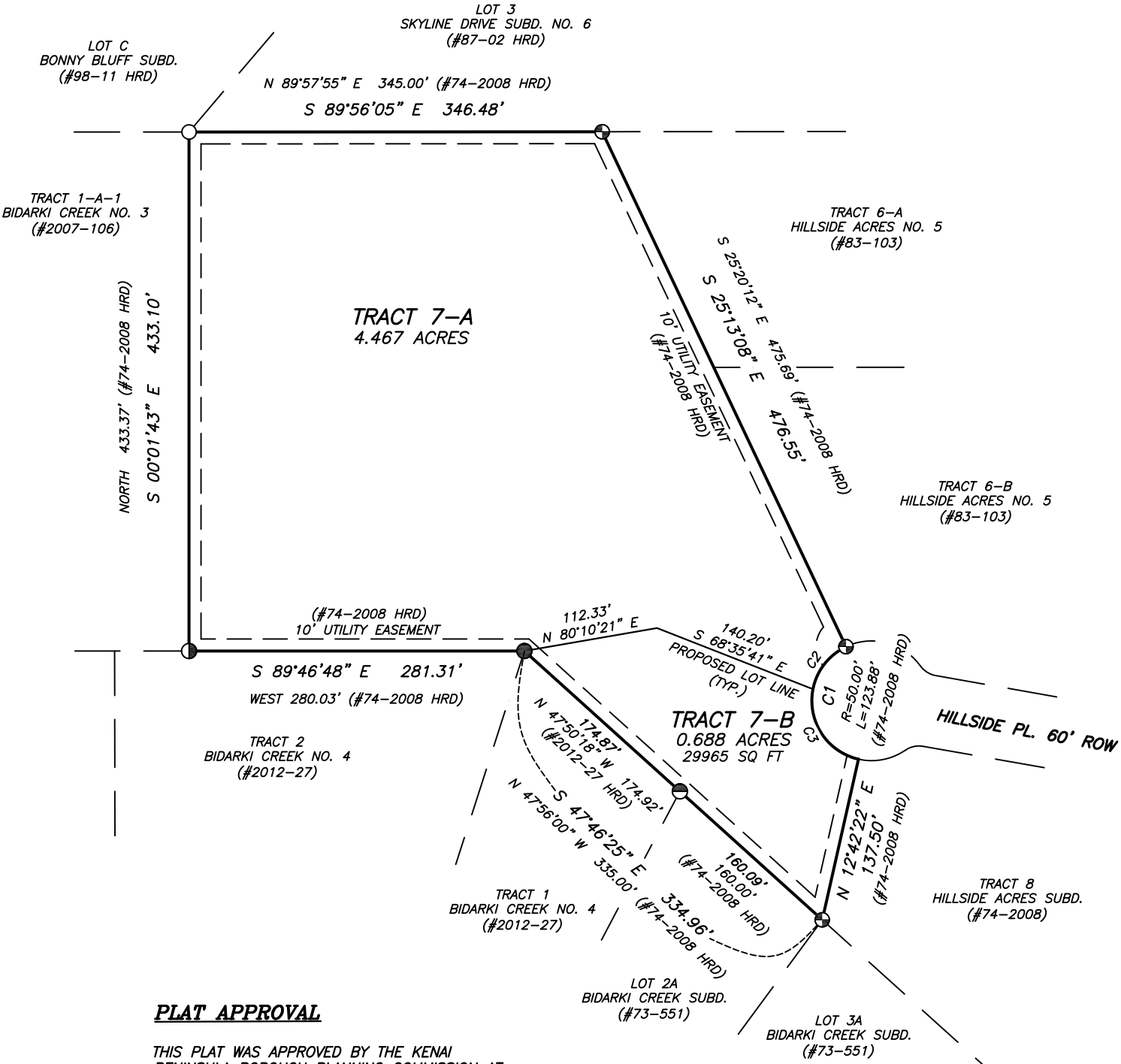
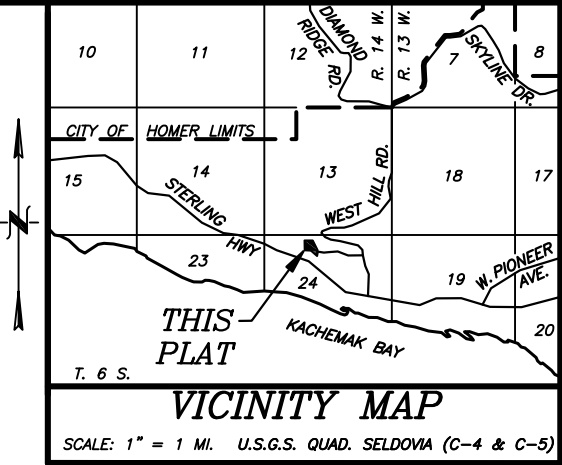
WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

LEGEND

- FND 2" ALCAP 3686-S 1986
- ⊕ FND 2" ALCAP 7538-S 2005
- ⦿ FND 2" ALCAP 5780-S 2007
- FND 1" PCAP 5780-S
- FND 1" IRON PIPE
- + SET 2" AC ON 5/8" REBAR 7968-S 2018

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	140°36'38"	50.00'	122.71'
C2	52°17'32"	50.00'	45.63'
C3	88°19'06"	50.00'	77.07'



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE _____

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

LINDA S ROURKE
1691 HILLSIDE PL
HOMER, ALASKA 99603

HOMER RECORDING DISTRICT KPB FILE NO. 2018-XXX

HILLSIDE ACRES SUBD. TRACT 7
2018 REPLAT

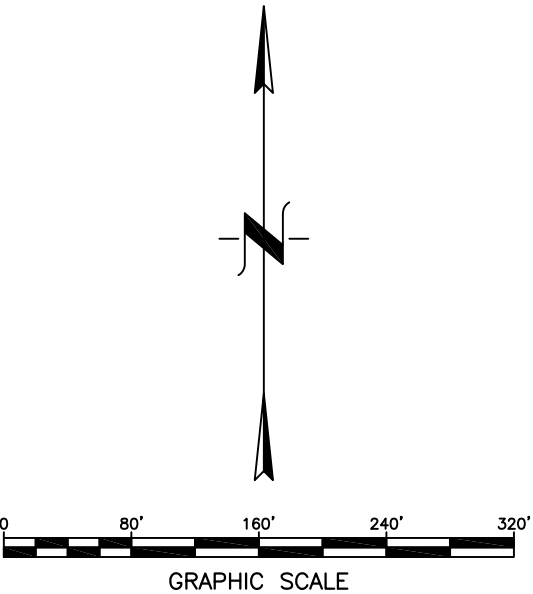
A REPLAT OF HILLSIDE ACRES SUBD. TRACT 7 (HM 0742008) LOCATED WITHIN THE NE 1/4 NW 1/4, SEC 24, T. 6 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 5.155 ACRES

SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

CLIENT: LINDA S ROURKE
1691 HILLSIDE PL, HOMER, AK 99603

DRAWN BY: KK	CHKD BY: KB	JOB #2018-30
DATE: 9/2018	SCALE: 1"=80'	SHEET #1 OF 2



SEABRIGHT SURVEY + DESIGN

Kenton Bloom, PLS
1044 East Road Suite A
Homer, Alaska 99603
(907) 235-4247 (& fax)
seabrightz@yahoo.com

September 27, 2018

City of Homer
Planning Dept.
491 E. Pioneer
Homer, Alaska 99603

RE: Preliminary Plat Submittal Tract 7 Hillside Acres 2018 Replat

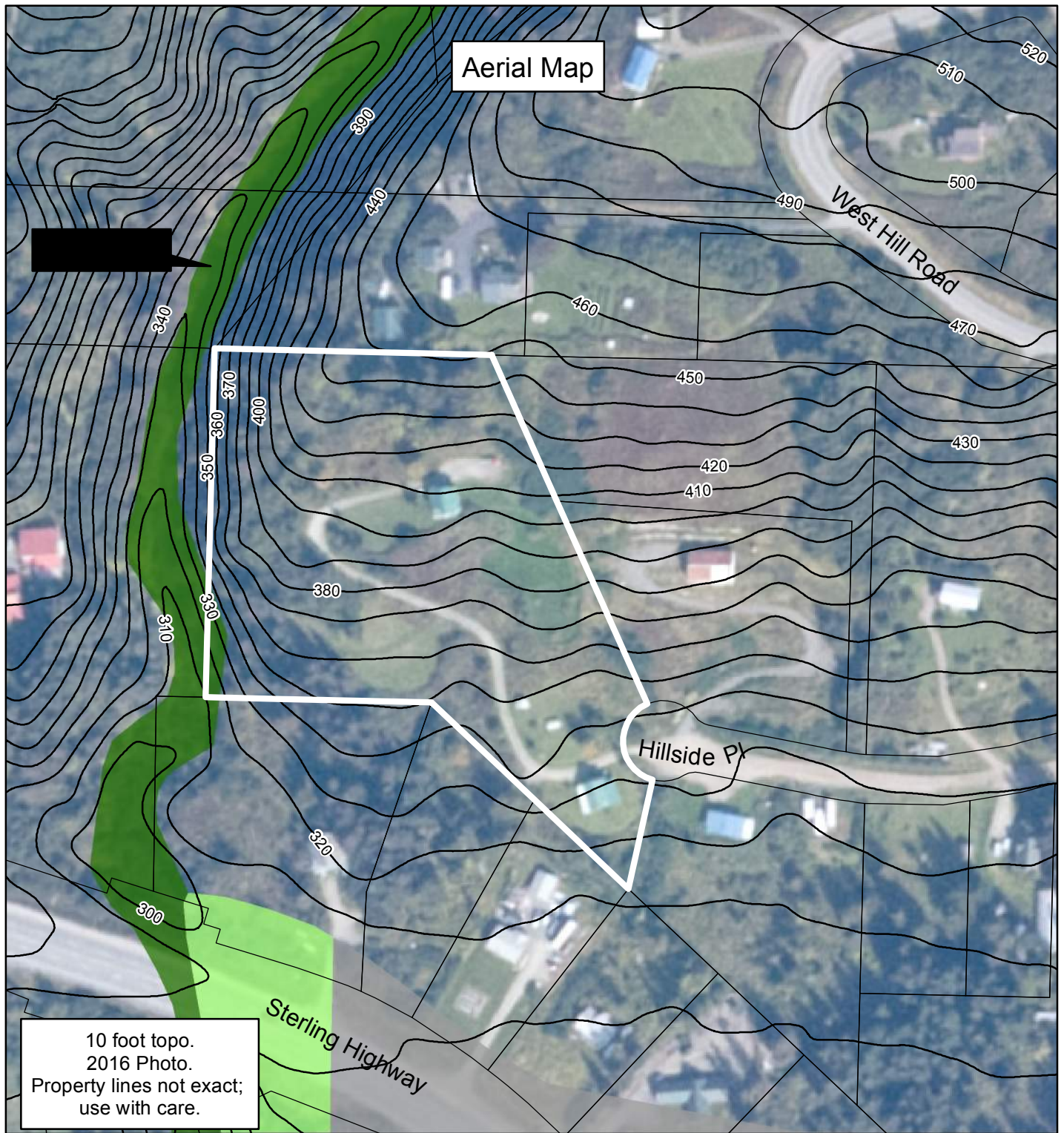
Dear Planning Department:

Here are the two full size copies for the preliminary plat referenced above. We have included a second sheet for the asbuilt information. We are also submitting the \$300 fee. Please let me know if there are any concerns or clarifications I can address.

Cordially,



Kenton Bloom, P.L.S.
Seabright Survey + Design



City of Homer
Planning and Zoning Department

October 3, 2018

Hillside Acres Sub Tract 7 2018 Replat Preliminary Plat

Marked Lots are w/in 500 feet
and property owners notified.

0 250 500 Feet



*Disclaimer:
It is expressly understood the City of
Homer, its council, board,
departments, employees and agents are
not responsible for any errors or omissions
contained herein, or deductions, interpretations
or conclusions drawn therefrom.*

NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

Hillside Acres Subd. Tract 7 2018 Replat Preliminary Plat

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, October 17, 2018 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

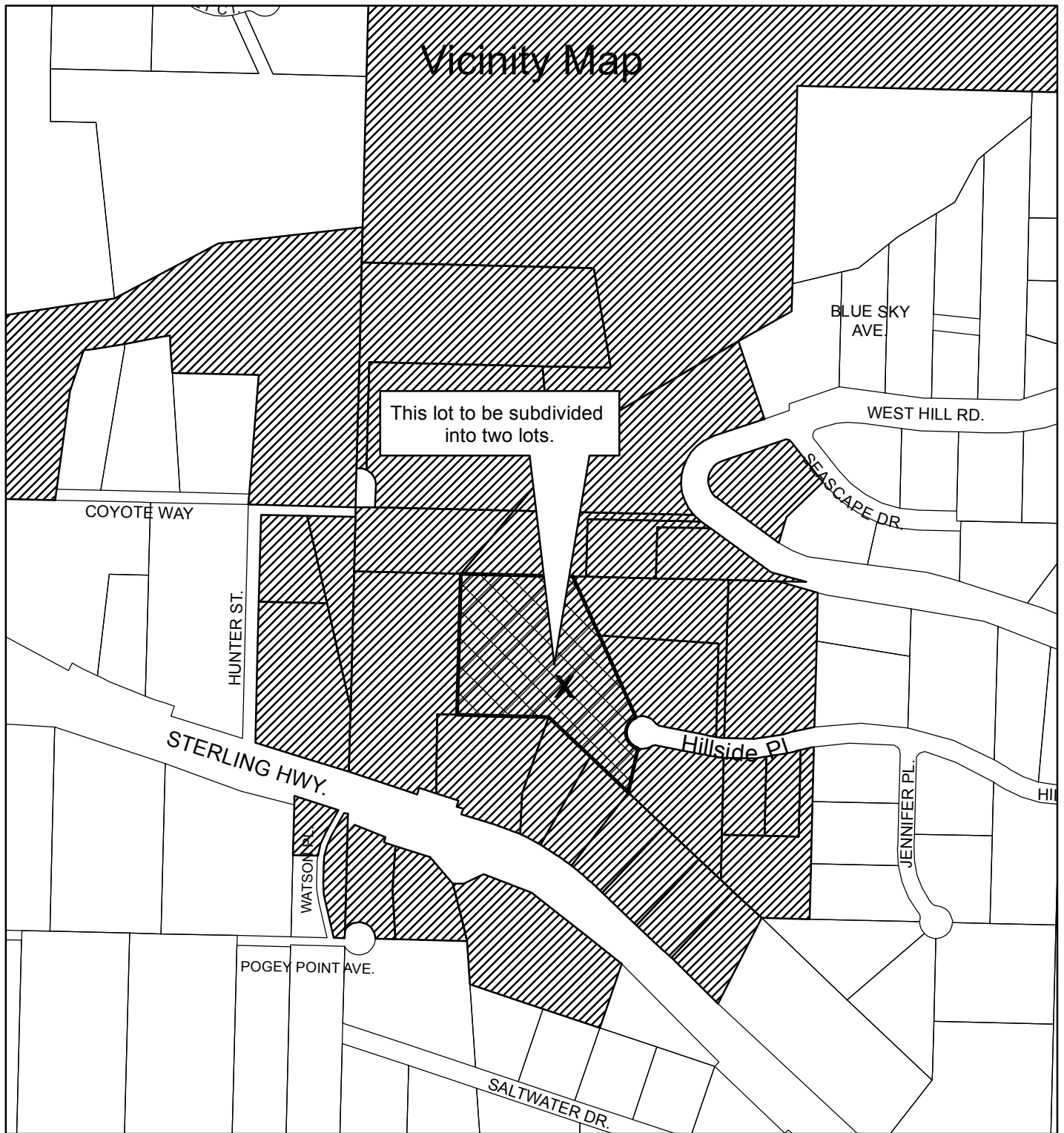
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Julie Engebretsen in the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



City of Homer
Planning and Zoning Department

October 3, 2018

Hillside Acres Sub Tract 7 2018 Replat Preliminary Plat

Marked Lots are w/in 500 feet
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0 250 500 Feet



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NOTES

1. NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE SAID EASEMENT.
2. SET A SELF-IDENTIFYING 2" ALUMINUM CAP AT ALL CORNERS UNLESS OTHERWISE SPECIFIED.
3. THESE LOTS ARE SERVED BY CITY OF HOMER WATER AND SEWER.

NOTARY'S ACKNOWLEDGMENT

FOR: _____
ACKNOWLEDGED BEFORE ME THIS _____
DAY OF _____, 2018

NOTARY PUBLIC FOR ALASKA

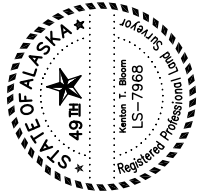
MY COMMISSION EXPIRES _____

WASTEWATER DISPOSAL

WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

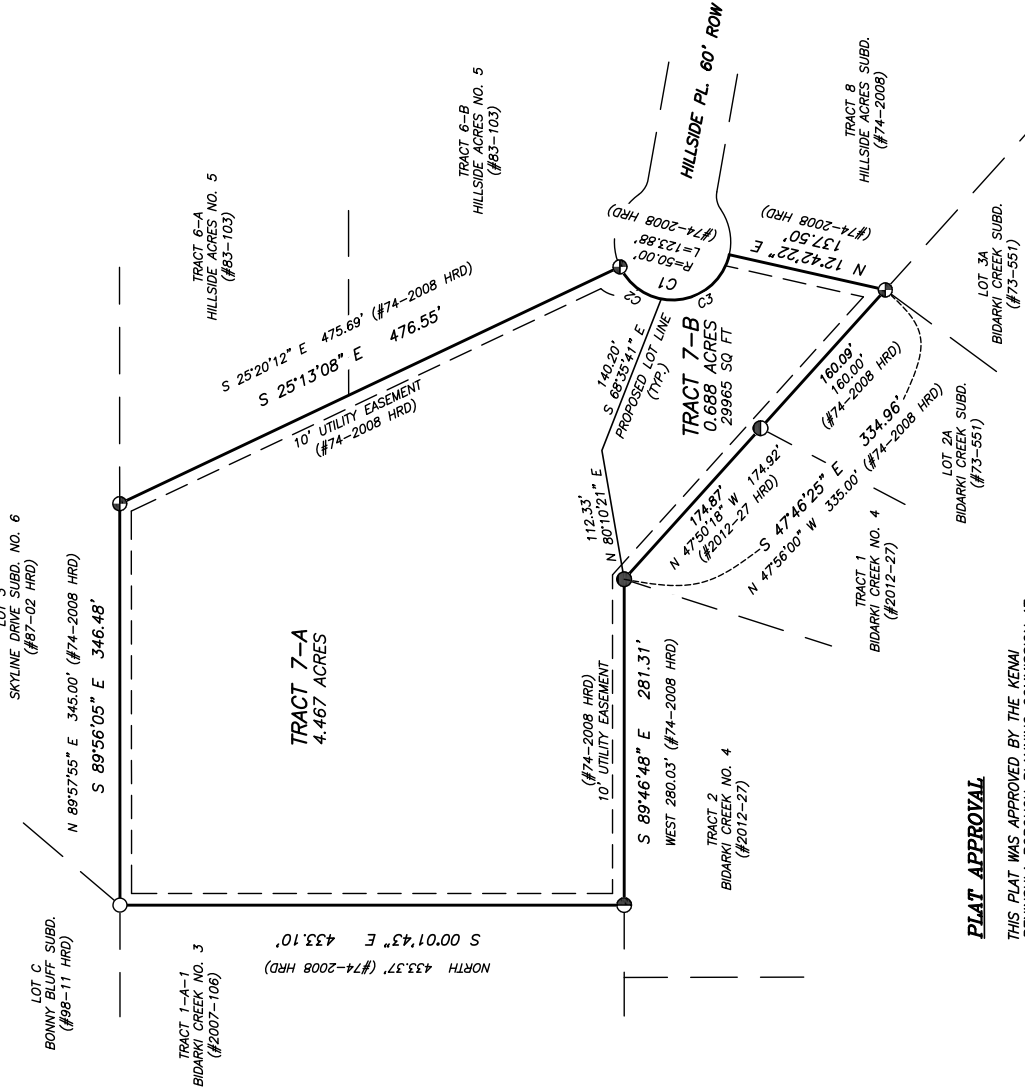
LEGEND

- FND 2" ALCAP 3686-S 1986
- FND 2" ALCAP 7538-S 2005
- FND 2" ALCAP 5780-S 2007
- FND 1" PCAP 5780-S
- FND 1" IRON PIPE
- ⊥ SET 2" AC ON 5/8" REBAR 7568-S 2018



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	140°36'38"	50.00'	122.71'
C2	52°17'32"	50.00'	45.63'
C3	88°19'06"	50.00'	77.07'



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ AUTHORIZED OFFICIAL _____ DATE _____
KENAI PENINSULA BOROUGH

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

LINDA S. ROURKE
1691 HILLSIDE PL.
HOMER, ALASKA 99603

HOMER RECORDING DISTRICT KRB FILE NO. 2018-XXX

HILLSIDE ACRES SUBD. TRACT 7 2018 REPLAT

A REPLAT OF HILLSIDE ACRES SUBD. TRACT 7 (HM 0742008) LOCATED WITHIN THE NE 1/4 NW 1/4, SEC 24, T. 6 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 5.155 ACRES

SEABRIGHT SURVEY + DESIGN KENTON T. BLOOM, P.L.S.

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 235-4247

CLIENT: LINDA S. ROURKE
1691 HILLSIDE PL., HOMER, AK 99603

DRAWN BY: KK CHKD BY: KB JOB #2018-30

DATE: 9/2018 SCALE: 1"=80' SHEET #1 OF 2



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Zak and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 3, 2018
SUBJECT: October 9 City Manager's Report

Pacific Coast Congress of Harbormasters and Port Managers Conference

In September the Homer Port and Harbor hosted the Pacific Coast Conference of Harbormaster's and Port Managers. The Port and Harbor did an excellent job showing the distinguished guests from all over the West Coast our working Port and Harbor. On September 13th at the awards banquet the City Homer Port and Harbor was presented with the Environmental Stewardship Award from the Pacific Coast Congress of Harbormasters & Port Managers. I am proud of the City of Homer and the Port and Harbor staff for their recognition that as the gateway to natural resources and great beauty we have a unique obligation to not only care for the environment in our everyday practices at the Port, but share that sense of stewardship and appreciation with customers. (See image of Port and Harbor Staff receiving award attached).

Planning Assistance to States Launch

On Tuesday September 25 Port and Harbor Director Hawkins and I spent the day with Army Corps of Engineers launching the Planning Assistance to States grant to analyze whether or not to reopen the General Investigation Study of the Large Vessel Harbor. I call this the study of the study. We were visited by Project Manager Dan Allard, Economists Eric Johnson and Eva Sala and Planner Jan Deick. The morning was spent talking through the project, the variables that have changed since 2009 and trying to develop a good understanding of exactly what the Corps is looking for. It is important for us to be able to speak the right language that hits all the right buttons. This includes focusing on national relevance, reducing transportation time, and increasing efficiency all with a focus on commercial activity. Avoiding wear and tear on the existing floats (by rafting large vessels sometimes 4 abreast, for example) is another benefit of a new harbor - we have a good story to tell. The Corps is looking at a 50 year time frame for a benefit analysis, interesting to ponder considering the existing small boat harbor was constructed over 50 years ago. Providing the Corps with all the information to form their analysis will be the focus of the next few months for both Port staff and my office.

Over lunch key stakeholders joined the group including the President of the Marine Trades Association, Kate Mitchel, Eliana Spraker from US Senator Dan Sullivan's office, Teri Robl with Senator Gary Stevens and Mayor Pro Tem Aderhold so the Corps could hear from different sectors of the community regarding the importance and impact of this project. Part of the push for the next few months will be collecting concrete letters of support from these stakeholders and the fleet that

is expected to use the new facility in order for the Corps to calculate the economic benefit of the project.

Greatland Ribbon Cutting

Thank you for showing up to celebrate the opening of Greatland on Tuesday the 25th. It was a sunny day and nice to take a moment and reflect on a project completed. One detail of the project remaining is the street lights. Those should be installed in the next few weeks and turned on by HEA by the end of the month.

Enc:

October Employee Anniversaries

Letter of support for Kachemak Water Trail Recreational Trails Grant for 16.8 mile East End Road

Image of Port and Harbor Staff accepting Environmental Stewardship Aware from Pacific Coast Conference of Harbormaster's and Port Managers President.

Thank you letter from Hospice of Homer



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR ZAK AND CITY COUNCIL
FROM: Katie Koester
DATE: October 8, 2018
SUBJECT: October Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Richard Klopp,	Public Works	16	Years
Claudia Haines,	Library	8	Years
Brad Somers,	Port	7	Years
Paul Raymond,	Public Works	5	Years
Kim Gilbert,	Finance	3	Years
Jed Frazier,	Police	2	Years



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

October 9, 2018

Darcy Harris
Recreational Trails Program
Department of Natural Resources
550 W. 7th Avenue, Suite 380
Anchorage, AK 99501

Re: Public Access and Parking for Kachemak Bay State Park

Ms. Harris,

I am writing to express the City of Homer's support for the Kachemak Bay State Park proposal/application submitted by the Kachemak Bay Water Trail organization.

The proposal provides public access to 2,500 acres of park lands that are located 16.8 miles east of Homer on East End Road. As proposed, a 400 foot long driveway will be built on a section line easement with a parking lot at the end. From the parking area, a 2,000 foot long non-motorized trail will be developed to improve access to recreational opportunities within Kachemak Bay State Park at the head of Kachemak Bay.

I encourage the approval of this application. Thank you for taking the time to consider this important project.

Sincerely,

Katie Koester
City Manager
907-435-3102





Hospice of Homer
P.O. Box 4174 265 E. Pioneer Ave. Suite 3
Homer, AK 99603 (907)235-6899
www.hospiceofhomer.org
Compassion In Action

September 25, 2018

Homer City Council
491 E. Pioneer Ave
Homer, AK 99603

Dear City Council,

Hospice of Homer wishes to thank The City of Homer Fund for your generous 2018 grant of \$3,152 to help us train volunteers, maintain equipment, and reach out to members of our community who are coping with loss.

This grant will support Hospice of Homer's three main programs: direct volunteer-care, medical equipment loan, and bereavement support. Our volunteer program provides in-home care and companionship to more than 40 housebound and end-of-life clients per month. Our medical equipment loan program allows clients to remain comfortable in their homes by supplying hospital beds, toilet seat risers, walkers, wheelchairs, incontinence supplies, shower benches, and lift chairs. Our bereavement program supports more than 20 clients and their families each month, through direct-mail, grief-related information and through one-on-one counseling and support groups.

Hospice of Homer programs are an important part of Homer's network of non-profits that help members of our community in difficult times. Our services are available to the public free of charge.

The City of Homer Fund grant will go a long way toward helping Hospice of Homer support the members of our community who are facing illness and end-of-life.

We are grateful to be selected as a recipient for this award.

Sincerely,

Jessica Golden
Executive Director
director@hospiceofhomer.org

