

## 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:** None
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. HAPC minutes from March 16, 2016 **Page 1**
  - B. Time Extension: Foothill Sunset View Estate Add. No 2 **Page 5**
6. **Presentations:** None
7. **Reports:** Staff Report PL 16-20 City Planner's Report **Page 7**
8. **Public Hearings: None.** 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 16-21 CUP 16-02 at 3936 Svedlund Street for more than one building and a combined square footage of more than 8,000 square feet. **Page 9**
  - B. Staff Report 16-22 Pratt Museum Zoning Map Amendment **Page 29**
9. **Plat Consideration:** None
10. **Pending Business:** None
11. **New Business:** None
12. **Informational Materials:**
  - A. City Manager's Report April 25, 2016 **Page 47**
  - B. Memo from P&H Commission regarding marijuana in the Marine Commercial district. **Page 51**
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:** Next regular meeting is scheduled for May 18, 2016. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



Session 16-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on March 16, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, STEAD, VENUTI

ABSENT: BRADLEY, STROOZAS

STAFF: CITY PLANNER ABBOD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/VENUTI SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Public Comment**

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

### **Reconsideration**

### **Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of March 2, 2016 Regular Meeting Minutes
- B. Time Extension: Barnett's South Slope Sub. Quiet Creek Park
- C. Time Extension: Christensen Tracts 2009 Addition

Chair Stead called for a motion to the consent agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

- A. Staff Report PL 16-17, City Planner's Report

City Planner Abboud reviewed the staff report.

There was brief discussion regarding FEMA and the Beluga Lake dam elevations. City Planner Abboud also commented that he will be at training the first week in April and there are no applications submitted, so he suggested canceling the April 6<sup>th</sup> Commission meeting.

### **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.

None

### **Plat Consideration**

- A. Staff Report PL 16-18 W.R. Benson's 2016 Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant or public comment.

There was brief discussion that the applicant is responsible for verifying wetlands in the area.

It was noted there is conflicting information in that the staff report refers to the area as commercial and the surveyor suggests it's residential. City Planner Abboud confirmed it is in the Commercial Business District.

ERICKSON/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 16-18 W.R. BENSON'S 2016 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



## **Pending Business**

### **A. Staff Report PL 16-19 Comprehensive Plan Update, Chapter 5 Transportation**

City Planner Abboud reviewed Chapter 5, Transportation, with the Commission. He noted some of the challenges with wording, particularly with language that is carried over from other plans. Discussion topics included:

1. Connector streets, particularly the Waddell connection, also where the road dead ends on Fairview.
2. STIP funds that may be available from unfinished projects.
3. The need for sidewalks and proper road improvements.
4. The State's desire to turn Pioneer Avenue over to the City for maintenance.
5. Volunteer efforts to make trails happen as a community project in light of the City's current budget issues.
6. Cluster developments.
7. Making the spit road a pedestrian zone to slow vehicles down in the congested area, and limiting access points to the road.
8. Airport standards, airplane flight patterns and associated noise.
9. Challenges of public transportation alternatives.
10. The need to update the city's existing transportation plans.
11. The city taking a more active role in affordable housing on their properties.

The Commission did not propose any amendments to Chapter 5.

## **New Business**

### **Informational Materials**

#### **A. City Manager's Report – March 14, 2016**

### **Comments of the Audience**

### **Comments of Staff**

City Planner Abboud commented that he will be attending a Planning Conference the first week in April, they will cancel the April 6 meeting, and will continue to bring Comp Plan chapters to the group.

### **Comments of the Commission**

Commissioner Venuti noted the pictures of the concrete anchors in the City Manager's report. He said it was an interesting meeting tonight.

Commissioner Bos wished everyone luck at the Winter King tournament this weekend.

Commissioner Erickson said it's nice to be back.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 16, 2016

Commissioner Highland congratulated Deputy City Clerk Jacobsen on her position on the AAMC board, and is going to continue to look into recycling for the city.

Chair Stead complemented the city's website; he said it looks very nice. He said it was an interesting meeting and the discussion about transportation and the needs in Homer. There is a lot to do.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 7:51 p.m. The next regular meeting is scheduled for April 6, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession may be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



## **KENAI PENINSULA BOROUGH**

### PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

**PHONE:** (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

<http://www.kpb.us/planning-dept/planning-home>

**MIKE NAVARRE  
BOROUGH MAYOR**

April 13, 2016

Mr. Rick Abboud  
City Planner  
City of Homer  
491 East Pioneer Avenue  
Homer, Alaska 99603

RE: Foothills Subdivision Sunset View Estates Addition No. 2  
Time Extension Request: KPB File 2006-004

The owner requested a two-year time extension for Foothills Subdivision Sunset View Estates Addition No. 2, which is within the City of Homer.

Based on the date of plat approval, the subdivision will be finalized in accordance with KPB 20.16. Per Planning Commission Resolution 89-27, if a time extension is requested prior to preliminary plat approval expiration, two years can be requested with the concurrence of the city advisory planning commission. Preliminary approval for Foothills Subdivision Sunset View Estates Addition No. 2 will expire on April 28, 2016.

The time extension request for Foothills Subdivision Sunset View Estates Addition No. 2 is tentatively scheduled for the May 23, 2016 Planning Commission meeting as a consent agenda item. Platting staff is recommending plat approval be extended through May 23, 2018 with the concurrence of the Homer Advisory Planning Commission.

Sincerely,

Julie Hindman  
For Liz Solomon  
Platting Tech  
[ESolomon@kpb.us](mailto:ESolomon@kpb.us)

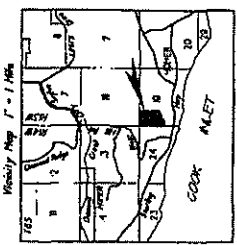
Enclosures: Staff Report  
PC Resolution 89-27  
Preliminary Design Plat

**Ownership Certificate**  
 The undersigned hereby certifies that the above described premises are the property of the undersigned and that the same are not subject to any lien or encumbrance of any kind except as shown on the face hereof.

Owner: James W. Evans LLC  
 Date: 10/10/2013  
 Address: 1000 S. 1st St. Anchorage, Alaska 99501  
 Signature: [Signature]  
 Title: Owner  
 Notary Public for Alaska: [Signature]  
 My Commission Expires: 10/10/2015

**Surveyor Certificate**  
 I hereby certify that I am a Registered Land Surveyor and that the above described premises are the property of the undersigned and that the same are not subject to any lien or encumbrance of any kind except as shown on the face hereof.

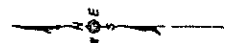
Plat Approved: 10/10/2013  
 The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.  
 ADOPTED: 10/10/2013  
 By: [Signature]  
 Authorized Official



**Footnote Subdivision**  
 Street Vias Entires Addition No. 2  
 Being a Subdivision of a portion of Government Lot 1 and 2  
 Section 6, T11N, R10E, S1  
 Located in the City of Homer  
 Homer Recording District: Third Judicial District, Alaska  
 Containing 9.57 Acres, more or less

Owner: James W. Evans LLC  
 Date: 10/10/2013  
 Scale: 1" = 100'  
 Sheet: 1 of 1

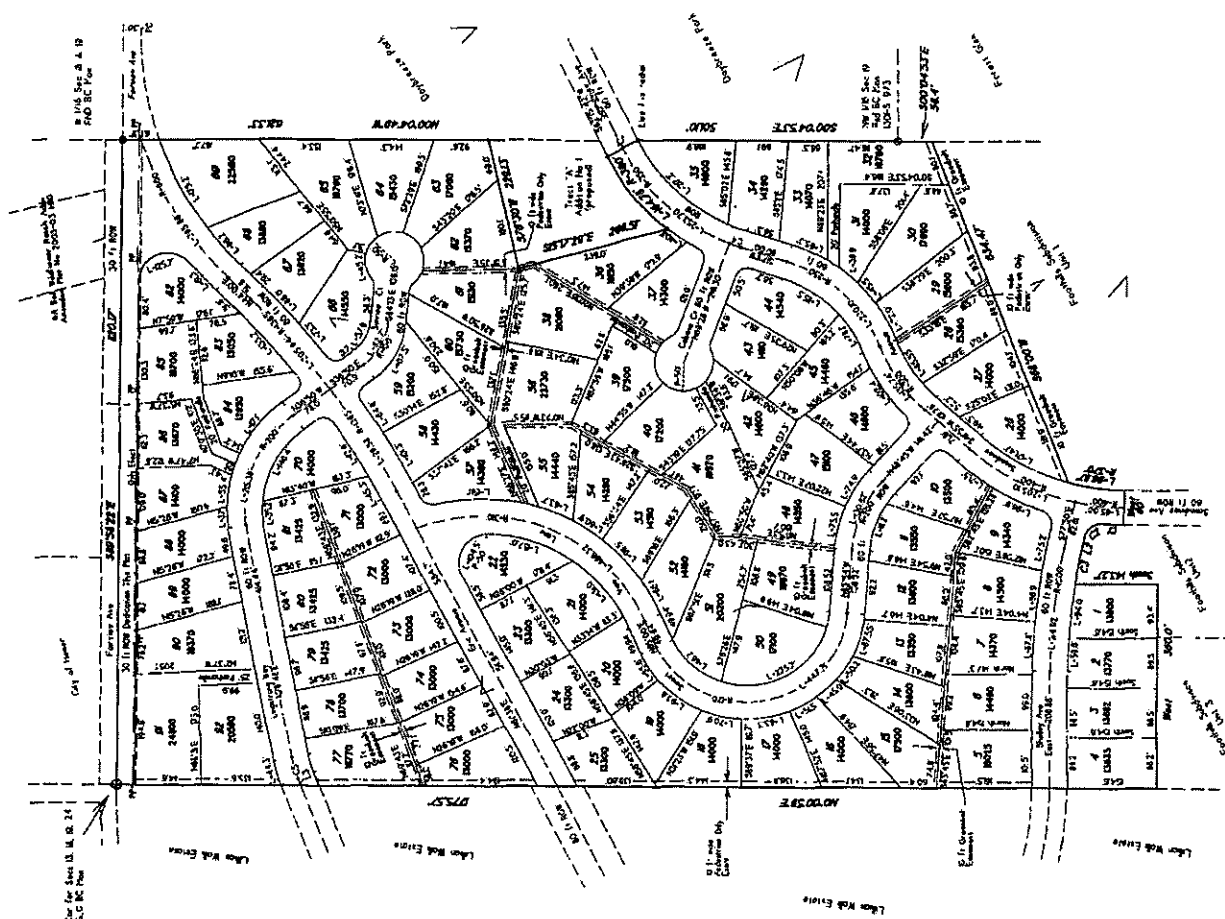
By: [Signature]  
 Title: Owner  
 Notary Public for Alaska: [Signature]  
 My Commission Expires: 10/10/2015



**Line & Curve Chart**

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1. All easements, rights, and interests in the land are shown on this map.
2. The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.
3. The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.
4. The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.
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7. The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.
8. The plat was approved by the Alaska Planning Board on the date of the meeting of the Board of Planning and Development.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 16-20

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: May 4, 2016  
SUBJECT: City Planner's Report

**Invasive Species Workshop:** is scheduled for Thursday, May 5<sup>th</sup> from 9:00am-5:00pm at the Cook Inlet Aquaculture Building on Kalifornsky Beach Road. Free and open to all.

**Signs for Thriving Businesses Workshops** are a joint effort between the Planning Office and the Homer Chamber of Commerce. Dotti's held two lunch-time workshops that explain Homer's sign standards for size, height and temporary signs. The workshops also explored what makes signs effective as in color choice, font size and more all in 45-minutes.

**Code Book Updates:** Bring your code books and Dotti will update with the newest inserts. If you no longer use the paper format let Dotti know.

**FEMA Map update:** The City has received notification to update the Flood Insurance Rate Maps (FIRM) by October 20, 2016. The 2016 FIRMs provide more accurate elevations on everything but the Spit; as in Old Towne, Beluga Slough, and east-west along Kachemak Bay. The map update also includes a review of our HCC 21.41 Flood Prone Area code. A mailing will go out mid-May to all the affected property owners followed by a public hearing in June, so stay tuned.

Please sign up to present at the council meetings.

May 9<sup>th</sup> \_\_\_\_\_

May 23<sup>rd</sup> \_\_\_\_\_

June 13<sup>th</sup> \_\_\_\_\_

**Planning Conference:** Due to time constraints, I am unable to provide a detailed report at this time. I did attend a wide range of sessions dealing with conservation, dark skies, age restricted communities, ethics, craft planning and design for small towns, telecommunications, among others.

**Comprehensive Plan:** We are currently revising review of Chapter 6 and working with the Parks and Recreation Committee, Economic Development Commission, and Library Advisory Commission.





# City of Homer

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## Planning

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(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 16-21

TO: Homer Advisory Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: May 4, 2016  
SUBJECT: CUP 16-02

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Synopsis: The applicant proposes to replace four existing cabins with four new monthly rental cabins, and construct a maintenance building, a covered pavilion and a manager's residence. There is an existing 7-unit apartment building. The site consists of two parcels. A CUP is required for "More than one building containing a permitted principal use on a lot" per HCC 21.16.030(h); and "More than 8,000 square feet of building area" per HCC 21.16.040(e).

Applicants: Scott Smith, on behalf of YWAM (Youth With A Mission) Arctic Mercy, 3936 Svedlund St, Homer AK 99603

Location: 3936 Svedlund St, east of the Senior Center  
Parcel ID: 17720107, 17720108  
Size of Existing Lot: 1.66 acres total  
Zoning Designation: Residential Office  
Existing Land Use: 7 unit apartment building, 4 rental cabins  
Surrounding Land Use: North: Single family homes  
South: CBD zoning - car wash, coffee shop, vacant, commercial office building  
East: Vacant Residential Office  
West: Senior Center, and a single family home

Wetland Status: Wetlands mapping shows there may be wetlands onsite, although some of the area has been filled for a long time. Applicant will verify with ACOE.

Flood Plain Status: Flood Zone D, flood hazards undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District.

Utilities: Public utilities serve the site; see PW comments

Public Notice: Notice was sent to 38 property owners of 40 parcels as shown on the KPB tax assessor rolls.

**FIRE DEPARTMENT COMMENTS:** Chief Painter provided the access approval to the fire marshal's office. There is some confusion there with regards to the scope of the project whether a review is even required, and if the project includes any work done on the apartment building. Since everything appears to be on the single lot they are confused. The applicant needs to contact them to clarify before he submits for a plan review to even determine if one is necessary, or to provide a written opinion from them a plan review is not required. Absent those questions I have no issues with the CUP.

**PUBLIC COMMENTS:** None

**The criteria for granting a Conditional Use Permit is set forth in HCC 21.71.020, General conditions, and establishes the following conditions:**

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

**Condition 1:** The common lot line must be vacated, or the pavilion moved so it does not cross lot lines and meets the required five foot building setback.

**Finding 1:** HCC 21.16.030(h); More than one building containing a permitted principal use on a lot" and HCC 21.16.040(e). "More than 8,000 square feet of building area" authorize the proposed structures as a conditional uses in the Residential Office District.

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

21.16.010 Purpose: The Residential Office District is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.

**Finding 2:** The proposed housing, accessory structures and building area provide low to medium density residential use and are compatible with the purpose of the district.



scale, traffic and intensity of use between commercial activities in the Central Business District, and the Urban Residential zoning to the north.

**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.

**Analysis:** The proposal will result in the construction of a new single family residence and the replacement of four older currently unplumbed cabins with four new units with full plumbing. This is an improvement to the community housing stock is a benefit to the health, safety and welfare of the community.

**Finding 7:** The construction of a single family residence, covered pavilion and replacement of four rental cabins is not detrimental to the health, safety or welfare of the surrounding neighborhood or the City as a whole.

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

**Finding 8:** With the recommended conditions, the proposal will comply with the applicable regulations and conditions specified in this title for such use.

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

**Analysis:** Goals of the Land Use Chapter of the Homer Comprehensive Plan include Goal 5: Maintain high quality residential neighborhoods; promote housing choice by supporting a variety of dwelling options. This project replaces 4 older cabins without water and sewer, with four new cabins with full utilities, and builds a maintenance building and managers residence on the site.

**Finding 9:** No evidence has been found that the proposal is contrary to the applicable land use goals and objects of the Comprehensive Plan. The proposal aligns with Goal 5 by replacing existing substandard housing with new modern units. The proposal is not 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 CDM applies to this project.

services that typically have low traffic generation, similar scale and similar density.” Staff recommends accordingly that the dumpster be screened or fenced on three sides.

**Condition 4:** Dumpster must be fenced on three sides.

**STAFF COMMENTS/RECOMMENDATIONS:**

Planning Commission approve CUP **Staff Report PL 16-21** with findings 1-10 and conditions 1-4.

**Condition 1:** The common lot line must be vacated, or the pavilion moved so it does not cross lot lines and meets the required five foot building setback.

**Condition 2:** Municipal water and wastewater utilities either must be extended to serve each lot separately, or the common lot line must be vacated.

**Condition 3:** Outdoor lighting must meet the requirements of HCC 21.59.030 and the Community Design Manual.

**Condition 4:** Dumpster must be fenced on three sides

**Attachments**

Application  
Public Notice  
Aerial Photograph



# 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

### Applicant

Name: Scott Smith Telephone No.: 907-399-2409

Address: PO Box 959, Homer, AK 99603 Email: ywamakam@yahoo.com

### Property Owner (if different than the applicant):

Name: YWAM (Youth With a Mission) Arctic Mercy Telephone No.: 907-235-9339

Address: 3936 Svedlund Street Email: same as above

### PROPERTY INFORMATION:

Address: 3936 Svedlund Street Lot Size: 0.94 + 0.72 acres KPB Tax ID # Below

### Legal Description of Property:

GLACIER VIEW SUB NO 1 SUPPLEMENT AL PLAT LOT 5 BLK 3 KPB 17720108

GLACIER VIEW SUB NO 1 SUPPLEMENT AL PLAT LOT 6 BLK 3 KPB 17720107

For staff use:

Date: 4/5/16 Fee submittal: Amount \$1000. 13-1306

Received by: [Signature] Date application accepted as complete 4/12/16 RA

Planning Commission Public Hearing Date: 5/4/2016

### 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	

**CONDITIONAL USE INFORMATION:** Please use additional sheets if necessary. HCC21.71.030

- a. What code citation authorizes each proposed use and structure by conditional use permit?

*HCC 21.16.030(a) Planned Unit Development.  
HCC 21.16.030(h) "More than one building containing a permitted principal use on a lot."  
HCC 21.16.040(e) for more than 8,000 square feet of building area (all buildings combined).*

- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.

*All structures are either rental units or single family, private residences. The Pavilion is for general use and enjoyment.*

- c. How will your proposed project affect adjoining property values?

*As the old, dilapidated structures have or will be removed and new structures are to be constructed, adjacent property values should be positively impacted.*

- d. How is your proposal compatible with existing uses of the surrounding land?

*Proposed development fits within the intended use of RO properties.*

- e. Are/will public services adequate to serve the proposed uses and structures?

*Yes, public water and sewer service the site.*

- 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 property once contained a 10-unit apartment building and 7 rental cabins, requiring 17 parking spaces. We have remodeled the apartments to be 7 units: 3 2-bedroom units, 3 studio or 1-bedroom units, and one storage unit. This would require 17 parking spaces for which the property had ample room. The development we propose reduces the previous parking demand on the property. Therefore, there would be no increase of traffic demand or disruption of harmony of the surrounding area.*

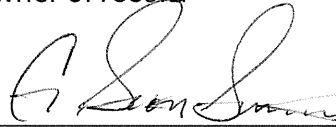



3. Are you requesting any reductions? NO

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: Apr 5, 2016

Property Owner's signature:       Date: Apr 5, 2016

YWAM Arctic Mercy Neighboring Lot Use Report  
As required to be submitted with the CUP  
March 21, 2016

There is an unnamed, undeveloped alley immediately to the north of the YWAM property.

There are three lots north of this alley that are single-family residences.

The lot to the east is privately owned and vacant.

Harry's Aly is a proposed but undeveloped alley immediately to the south of the YWAM property.

There are five lots south of Harry's Aly facing Pioneer Avenue. These lots are either private business or vacant lots. The businesses are as follows (from west to east):

- Pioneer Car Wash
- KBay Coffee
- Vacant
- Vacant
- Malone Insurance Agency/Homer Tribune

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CITY OF HOMER  
PLANNING/ZONING



A= EXISTING APARTMENT  
 B= MANAGER'S RESIDENCE  
 C= RENTAL CABINS  
 D= SHOP (DET)  
 E= PAVILION  
 F= MOVABLE DECK



ROOF  
 DECK  
 SPRUCE TREES  
 GRASS  
 RUN OFF AREA

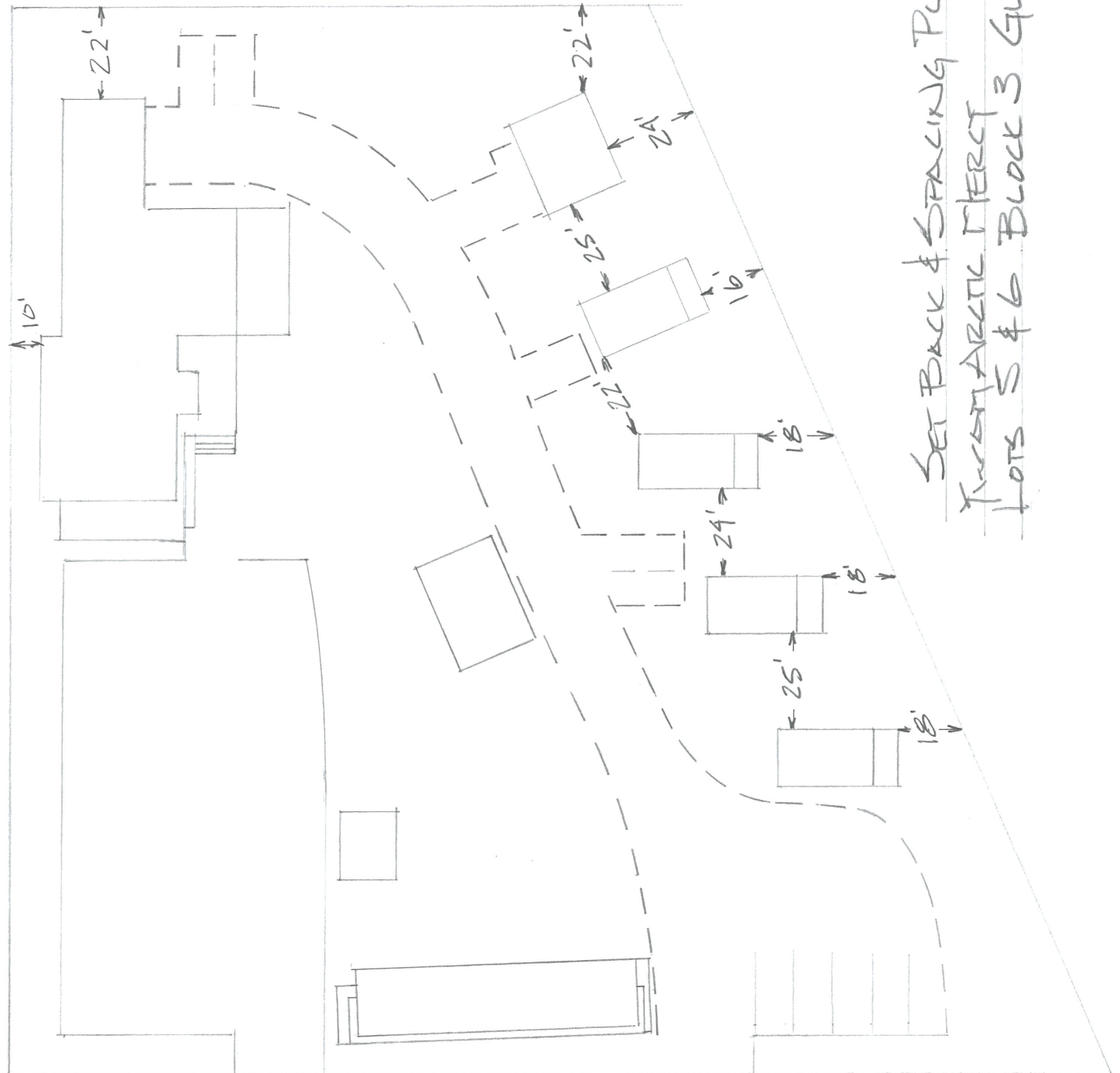


PARKING & WATER RUN OFF PLAN  
 YWANT ARCTIC MERRY  
 LOTS 5, 6 BLOCK 3 GLACIERVIEW N61

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PLANNING/ZONING



SET BACK & SPACING PLAN

TRANS-ARCTIC MERCY

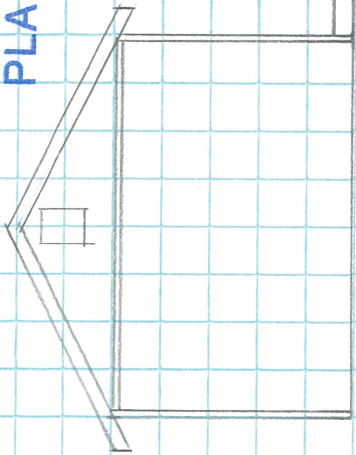
LOTS 5 & 6 BLOCK 3 GLACIER VIEW NO 1



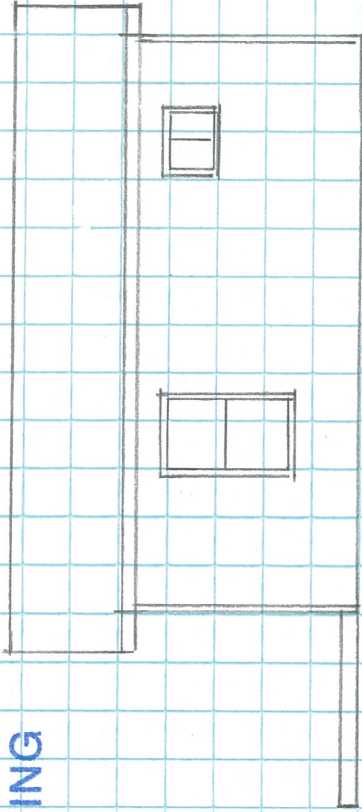
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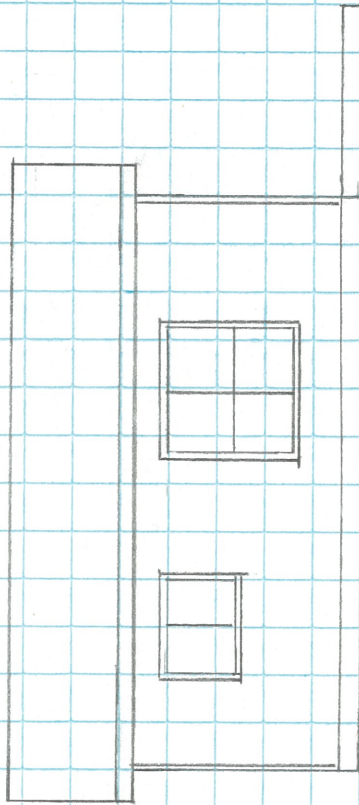
CITY OF HOMER  
PLANNING/ZONING



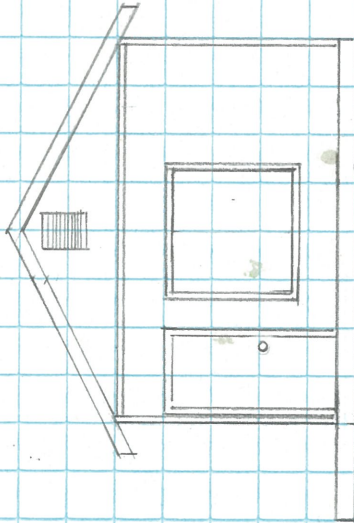
NORTH



EAST

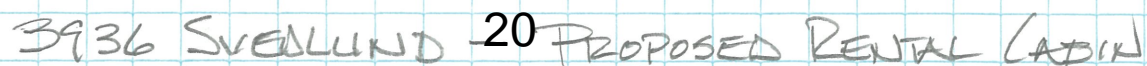


WEST



SOUTH

39130 SWEDLAND - PROPOSED DETACH CABIN

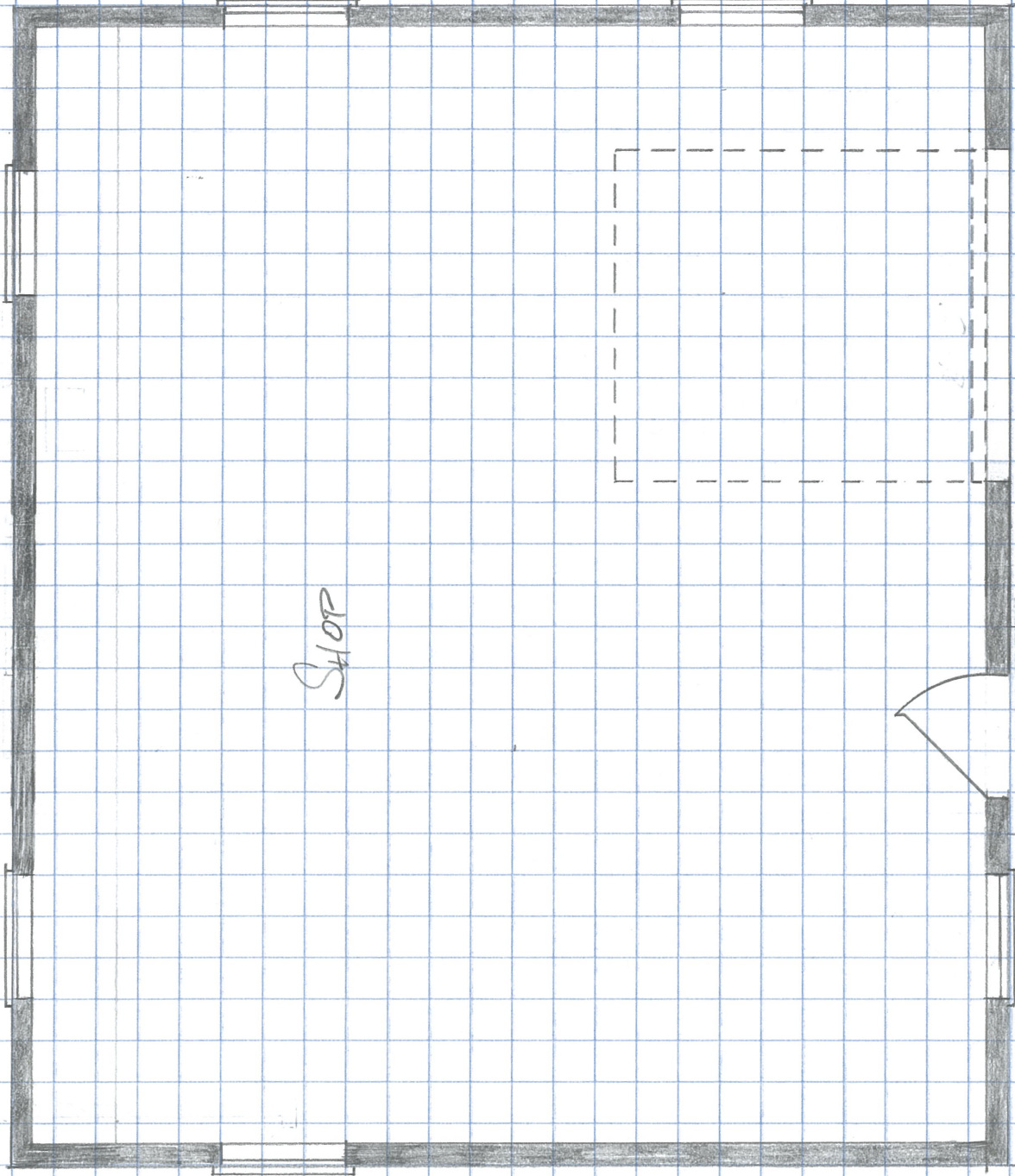




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APR -5 2016

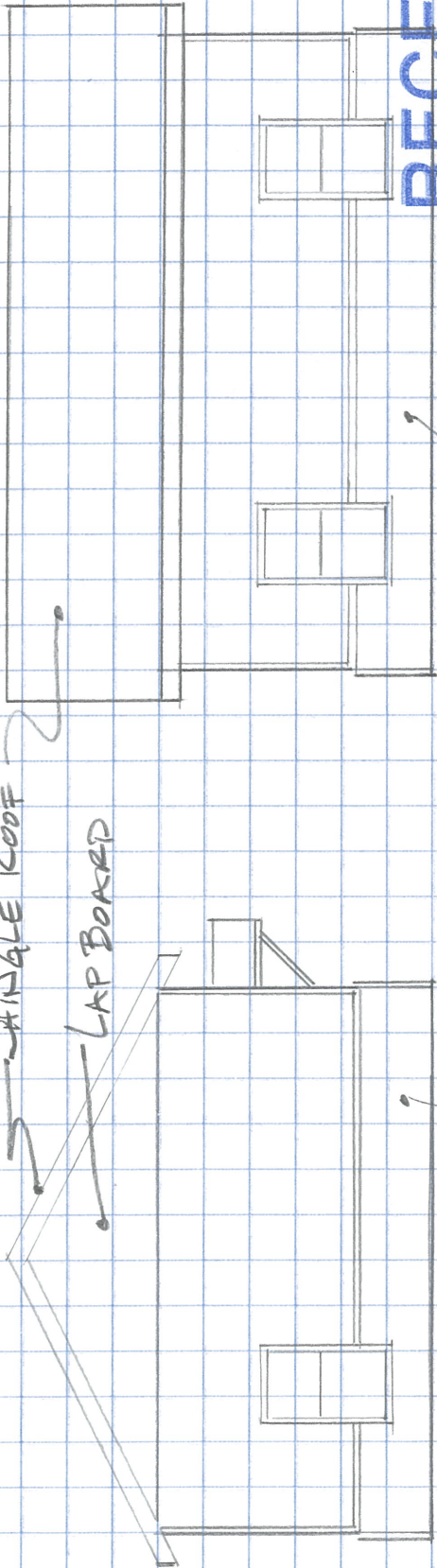
CITY OF HOMER  
PLANNING/ZONING



3936 SVEDLUND - YOUTH PROPOSED SHOP



SHINGLE ROOF  
LAP BOARDS



EAST

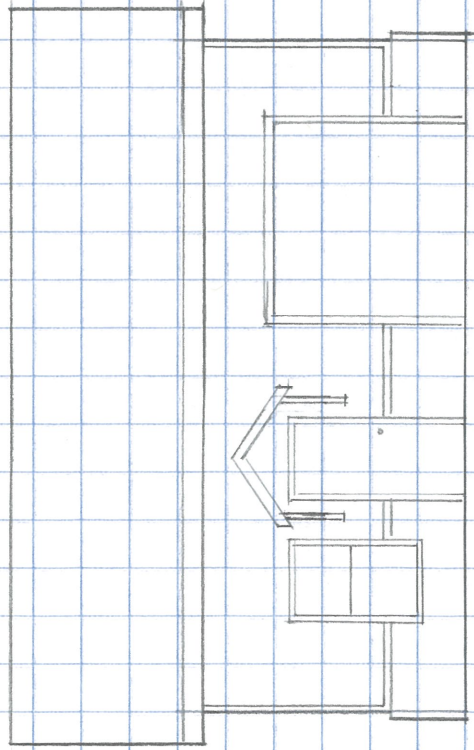
VERTICAL GALVANIZED  
METAL SIDING

SOUTH

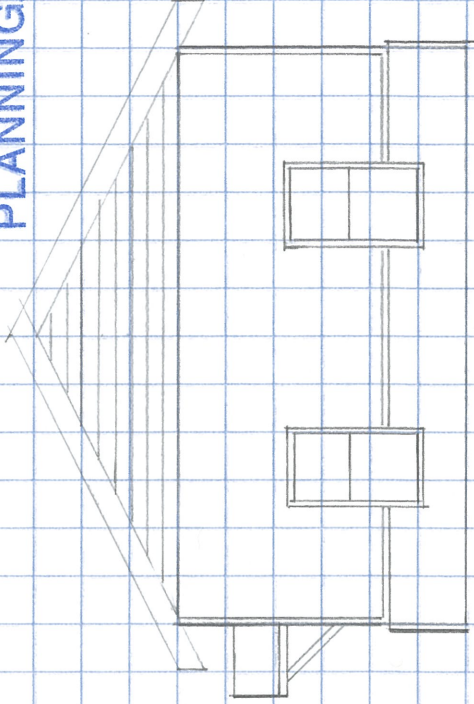
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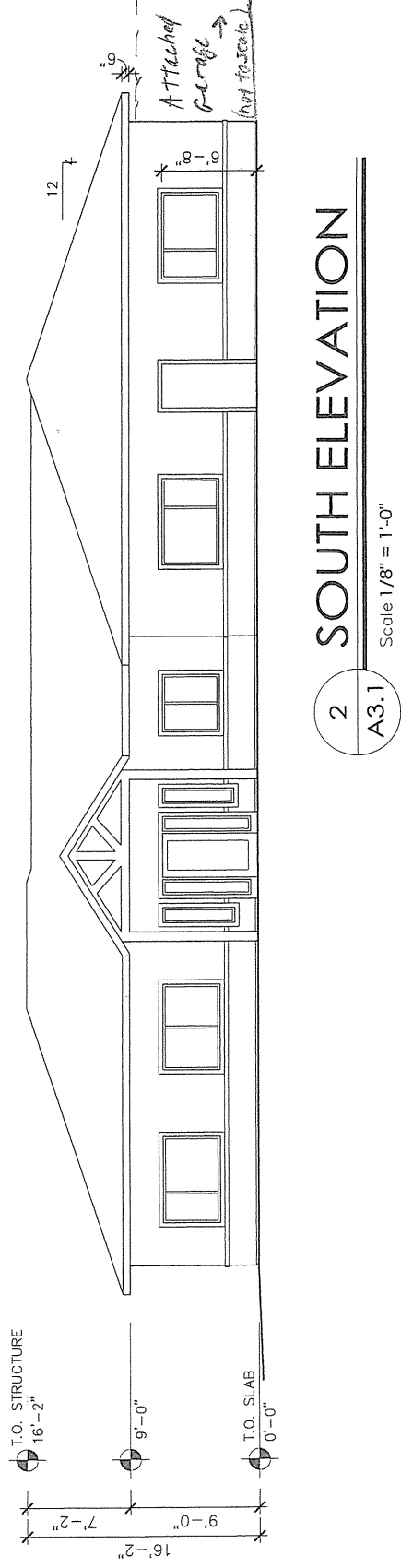
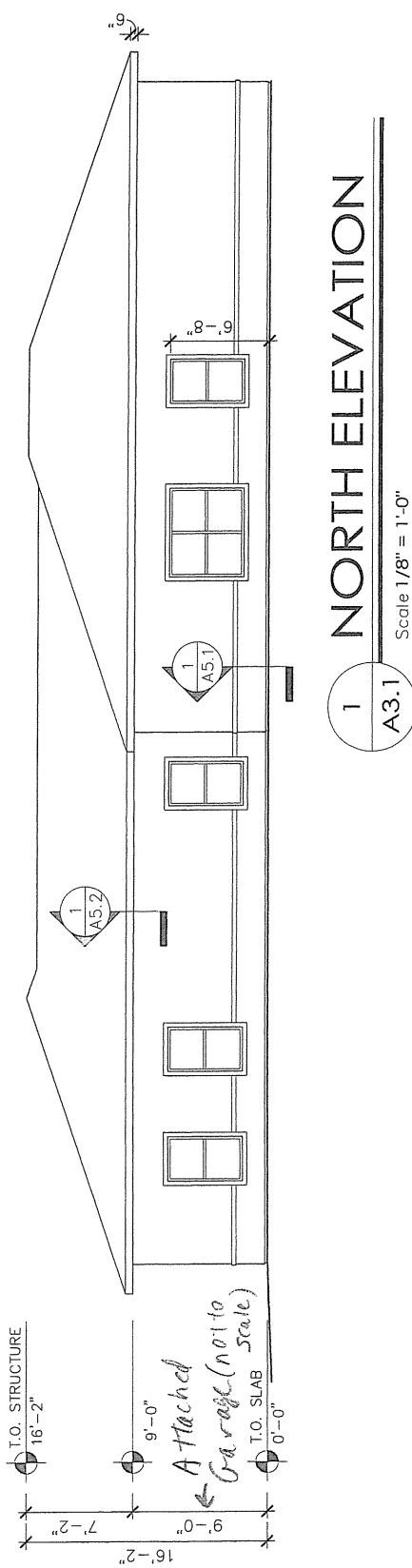
CITY OF HOMER  
PLANNING/ZONING



NORTH



WEST  
3936 SWEOLUND - PROPOSED SHED



Manager's residence

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## NOTICE OF PUBLIC HEARING

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, May 4, 2016 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska on the following matter:

**Request for a Conditional Use Permit (CUP) 2016-02 at 3936 Svedlund Street, Glacier View Subdivision No. 1 Supplement Plat, Lots 5 and 6. A CUP is required for:**

1. **“More than one building containing a permitted principal use on a lot” per HCC 21.16.030(h); and**
2. **“More than 8,000 square feet of building area” per HCC 21.16.040(e).**

**There is an existing 7-unit apartment building and four older cabins on the site. The applicant will be replacing the older cabins with four new rental cabins, a maintenance building, a covered pavilion and a manager’s residence.**

Anyone wishing to present testimony concerning these matters 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 Rick Abboud in the Planning and Zoning Office at 235-3106.

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

.....  
**VICINITY MAP ON REVERSE**



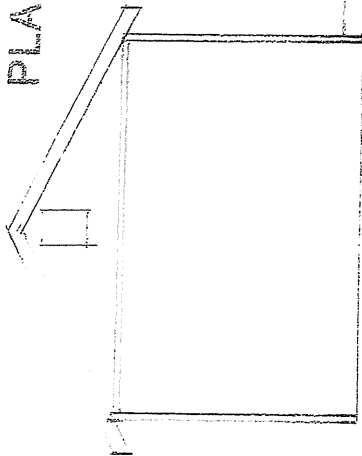


PARKING WATER RUN OFF FLAN  
 KWAT ARCTIC MERY  
 LOTS 5, 6 BLOCK 3 GLACIERVIEW N64

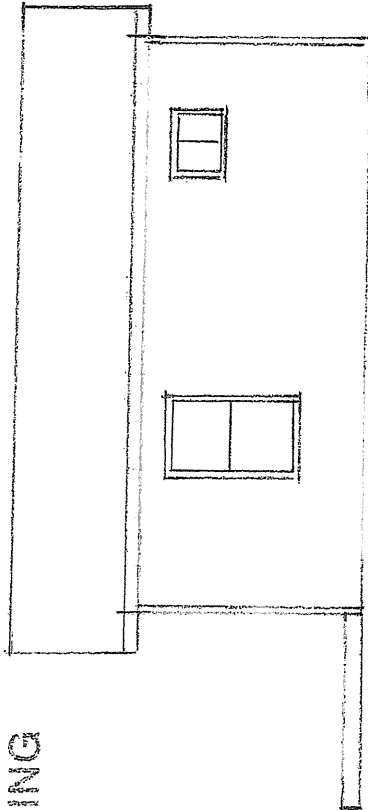
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APR - 5 2016

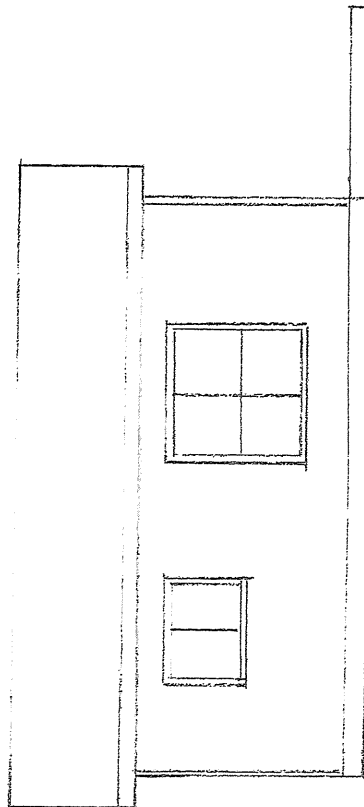
CITY OF HOMER  
PLANNING/ZONING



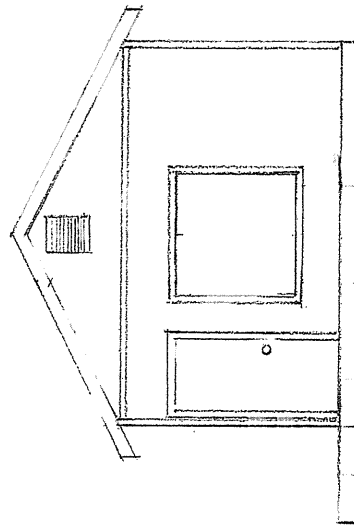
North



East



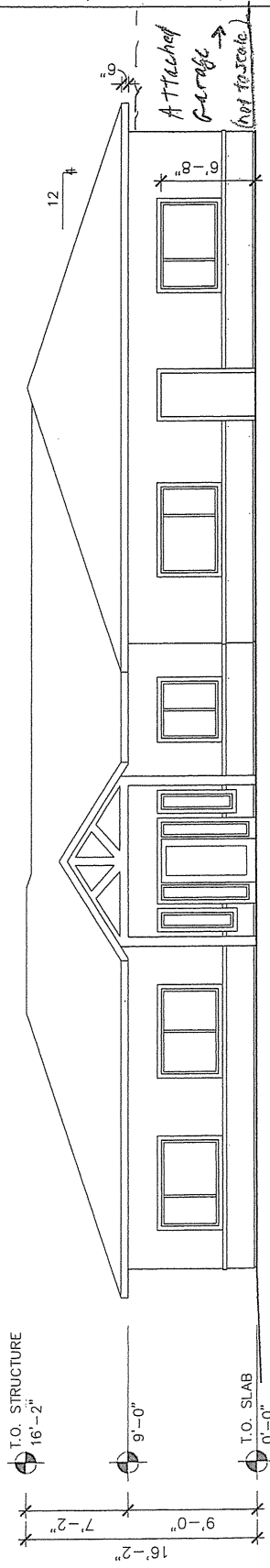
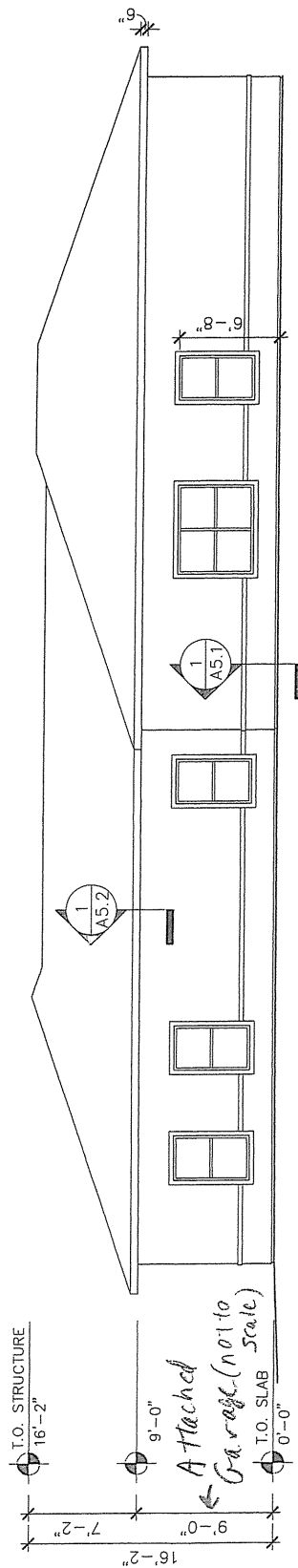
West



South

39130 SWENLAND - PROPOSED RUSTIC CABIN

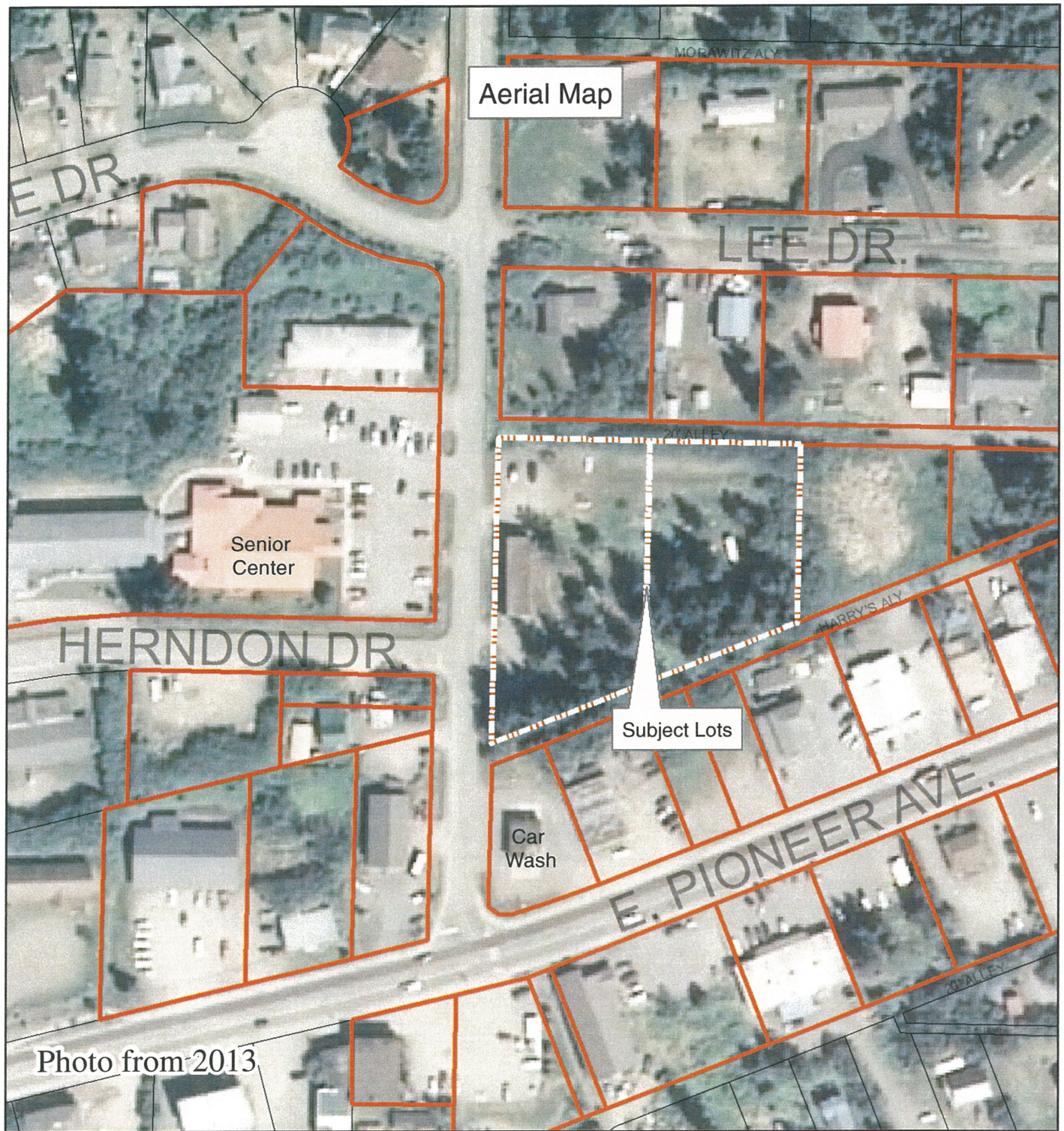




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Manager's residence





City of Homer  
Planning and Zoning Department

4/15/2016

## Request for CUP 16-02 3936 Svedlund St

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

0 90 180 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.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 16-22

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: May 4, 2016  
SUBJECT: Draft Ordinance amending Central Business (CBD), Residential Office (RO), and Urban Residential Districts (UR).

---

### Requested Action: Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map changes.

Applicant: Diane Converse, Pratt Museum Director/CEO

Location: 3779 Barlett Street, Homer AK  
Parcel ID: 17510129  
Size of Existing Lot: 9.79 acres  
Zoning Designation: UR, RO, CBD  
Existing Land Use: Museum  
Surrounding Land Use: North: Residential  
South: Commercial/Residential  
East: Commercial/Church  
West: School

Wetland Status: Woodard Creek runs through and other wetlands are found on the west side of the property.

Flood Plain Status: Not in a designated floodplain.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: Public utilities service the site.

Public Notice: Notice was sent to 35 property owners of 51 parcels as shown on the KPB tax assessor rolls.

### GENERAL INFORMATION

This ordinance proposes a zoning map amendment to cure a lot that is currently spit-zoned as CBD, RO, and UR. The designation of CBD for the entire lot is requested. The Pratt Museum has been acquiring property over the years in order to support a new museum building. The proposed location of the new structure places part of the building in the UR zone, which has

no provisions to support a museum as a use. Gaining the designation of CBD for the entire lot will allow the Pratt to continue with their proposal.

### **HCC 21.95.060 Review by Planning Commission**

a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.

b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.

c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.

*d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.*

### **STAFF COMMENTS/RECOMMENDATIONS:**

A completed application has been received and been reviewed per HCC21.95.050 as attached. Planning Commission to conduct a public hearing, and make recommendation to the City Council.

### **Attachments**

1. Staff Memorandum; review of HCC 21.95.050
2. Rezoning application
3. Petition
4. Draft ordinance and attachments
5. Public Notice



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### MEMORANDUM

TO: Homer Advisory Planning Commission

FROM: Rick Abboud, City Planner

DATE: May 4, 2016

SUBJECT: Draft Ordinance 16-xx Amending the Zoning Map to rezone portions of the Urban Residential and Residential Office Districts to Central Business District.

---

This memo contains the planning staff review of the rezoning application submitted by the Pratt Museum on April 7, 2016 ("Museum Application" or the "Application"). The Museum Application requests an amendment to the zoning map that would place the Pratt Museum wholly in the Central Business District instead of portions of the Museum in the Urban Residential and Residential Office Districts.

### Code Citations

When certain requirements are met, a property owner may request an amendment to the Homer zoning map. Specifically, Homer City Code 21.95.020 states that a petition of property owners may apply for a zoning map amendment where the proposed amendment would either (1) apply to an area not less than two acres, including half the width of any abutting street or alley rights-of-way; or (2) reclassify the area to a zoning district that is contiguous to the area or separated from the area only by a street or alley right-of-way. Any petition for an amendment to the zoning map must represent lots that include more than 50% of the area (excluding rights-of-way) that is the subject of the proposed amendment. Additionally, a petition must include the following:

- A. The following statement on each page of the petition: "Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."
- B. The name of each record owner, the legal description and the Borough tax parcel number of each lot that is the subject of the proposed amendment.
- C. A map showing the lots comprising the area that is the subject of the proposed amendment, all lots contiguous to the boundary of that area, and the present zoning and proposed zoning of each such lot; and
- D. A statement of the justification for the proposed amendment. [Ord. 10-58, 2011].

Once a complete and proper petition has been submitted, the Planning Department is required to evaluate the application and proposed revisions to the zoning map and may, pursuant to HCC. 21.95.050, recommend approval of the amendment, but only if the Planning Department finds that the amendment is:

- A. Consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.
- B. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.
- C. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

### **Staff Analysis and Findings**

After review of the Petitioner's application for a zoning map revision, staff has determined that the application is complete and that, based upon the criteria for granting a zoning map amendment, staff recommends approval of the requested revision to the zoning map. Specifically, staff provides the following response to each criteria:

- A. The requested revision is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

**Discussion:** The land use recommendations found in the comprehensive plan constitutes a general map of proposed future land uses in Homer. The subject lot contains the three zoning districts. The designations found on the map are meant to be flexible in relation to the adjacent districts. The proposal for the subject lot constitutes contiguous expansion of the Central Business District. This proposal supports land use goals and objectives of the 2008 Homer Comprehensive Plan, Goal 1, Objective B by encouraging concentrated business growth in the central area of the city, thus avoiding growth spread over a much wider area.

**Finding 1:** The proposed amendment is consistent with the 2008 City of Homer Comprehensive Plan and follows the guidelines of the Land Use Recommendations Map found in Chapter 4, Land Use.

- B. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

**Discussion:** Since the time of the zoning designation, lots contiguous to and that contain the designation of Central Business District have been combined to support the use of a museum. The expansion of the museum operation constitutes a changed condition since the adoption of the current district designations. Obtaining a single district designation for zoning is appropriate.

**Finding 2:** The conditions of the subject property have changed and the proposed amendment is better suited than the designations it proposes to replace.

- C It is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

**Discussion:** The amendment will support an expansion of a community institution that has been serving Homer since 1968. The lot is bounded on two sides by paved roads that include a collector level road (Bartlett Street) right off a main community arterial street (Pioneer Avenue). The site is well served by City utilities that include public water and sewer service. As noted above, the land use pattern is appropriate. The community infrastructure can well serve this proposal.

**Finding 3:** The proposal is in the best interest of the public in consideration of relevant effects on the neighborhood and the city.







# 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

## Rezoning Application

*For Staff Use Only*

<b>Fee Amount:</b>	<b>Received by:</b>	<b>Planning Commission Public Hearing Date:</b>
<b>Date application accepted as complete:</b>		<b>HAPC approval or denial date:</b>

### APPLICANT INFORMATION

Name: Diane Converse, Museum Director/CEO Phone Number: 907-435-3333

Address: Pratt Museum 3779 Bartlett Street Homer, AK 99603

Property Owner (if different than applicant)

Name: Homer Society of Natural History, Inc. dba Pratt Museum Phone Number: 907-235-8635

Address: 3779 Bartlett Street Homer, AK 99603

PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 3779 Bartlett Street Lot size: 9.790 AC Tax parcel number: 17510129

Legal Description: T 6S R 13W SEC19 Seward Meridian HM2012057 Pratt Sub Tract 1

Circle one: Is City water available? YES City Sewer? YES Electrical Service? YES

What is the existing use of the property? community education and other museum functions, public trails

What is the proposed use of the property? Same as existing use and eventually with a new museum building, a daylighted creek and more trails

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant)  
List the zoning of these adjacent lots.

Structures/land use	Zoning
North: <u>homes / residence</u>	<u>Residential Office &amp; Urban Residential</u>
South: <u>offices / business</u>	<u>Central Business &amp; Urban Residential</u>
East: <u>offices, retail stores / business</u>	<u>Central Business &amp; Residential Office</u>
West: <u>vacant Homer school survey land / trails</u>	<u>Urban Residential</u>

1. What is the public need and why is this rezone justified?

As a natural part of the growth and development of the Pratt Museum, a non-profit and volunteer organization, there has developed a need to replace the current building within the existing Museum property. The current Museum property consists of one parcel in three different zoning districts, CBD, RR, & RO. In order to build a replacement building, this parcel needs to be in just one zoning district, the CBD. In order to remain relevant to the community, the public needs the Museum to keep its facilities up to date, ADA compliant and reliable as an educational science, art and cultural resource and local historical repository. The Pratt parcel includes public trails, some ADA accessible, with Woodard Creek improvements planned as a central feature. These features are desirable for the public and will be enhanced as part of the new work.

2. Describe the benefits and detriments of this proposed rezoning to:

- (a) the community.
- (b) the neighboring landowners.
- (c) you, the property owner.

The proposed rezoning would benefit a, b and c above by allowing the Museum to improve and expand its trail system as well as its educational programming, exhibits and preservation of collections continuing to contribute to the quality of life and economic vitality in Homer. There are no perceivable detriments to this proposed rezoning.

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

Central Business is already part of the Pratt parcel's designated zoning as well as being an adjacent zone to the South and East making the proposed land use compatible with development in adjacent zones in that regard. The land use of the Pratt's public trails as part of recreation and the Homer walkable community is compatible with the adjacent trails to the West and the Pratt's trails are used by residents from adjacent zones in all directions. The proposed change can only benefit the surrounding properties.

4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

Yes. The adjacent zoning districts are part of, or border the Central Business zone already so there would not be a detrimental effect.

5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

No, All uses would be compatible with adjacent land use since part of the parcel is already in the zone requested for the entire parcel.

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

Part of the Pratt property is already in the Central Business zone and this proposal asks for the entire parcel to be in the Central Business zone. As a major economic engine in the Homer visitor industry, the Pratt's property should all be located in one zone, most appropriately the Central Business District, in accordance with the CBD guidelines in the Homer Comprehensive Plan. The Pratt's property is part of Homer's green infrastructure and includes a portion of the Woodard Creek waterway and the recreational trail system. The Community Values listed in Chapter 3 of the Homer Comprehensive Plan include: Keeping Homer a lively, vital community; A

tradition of concern about the quality of natural resources and the environment; Pride and support for local arts; Support for the robust network of nonprofit and volunteer organizations; Interest in lifelong learning. These community values are all strongly expressed by the mission and character of the Pratt Museum. The Homer Comprehensive Plan Chapter 7 Parks, Recreation & Culture goals include: Goal 3: Enhance areawide recreational trail systems: The Museum expansion and site plan aids this goal. Chapter 7 also includes Goal 8: Continue to improve the local arts and cultural opportunities and Homer's reputation as an art-and-culture-friendly community: The Museum improvements fit this goal nicely as well.

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

Since part of this parcel is already in the Central Business zone, the proposed change is unlikely to affect the public health, safety and welfare of the surrounding area since this area is already in close proximity to the CBD zone as the zoning is now.

#### OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.

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:

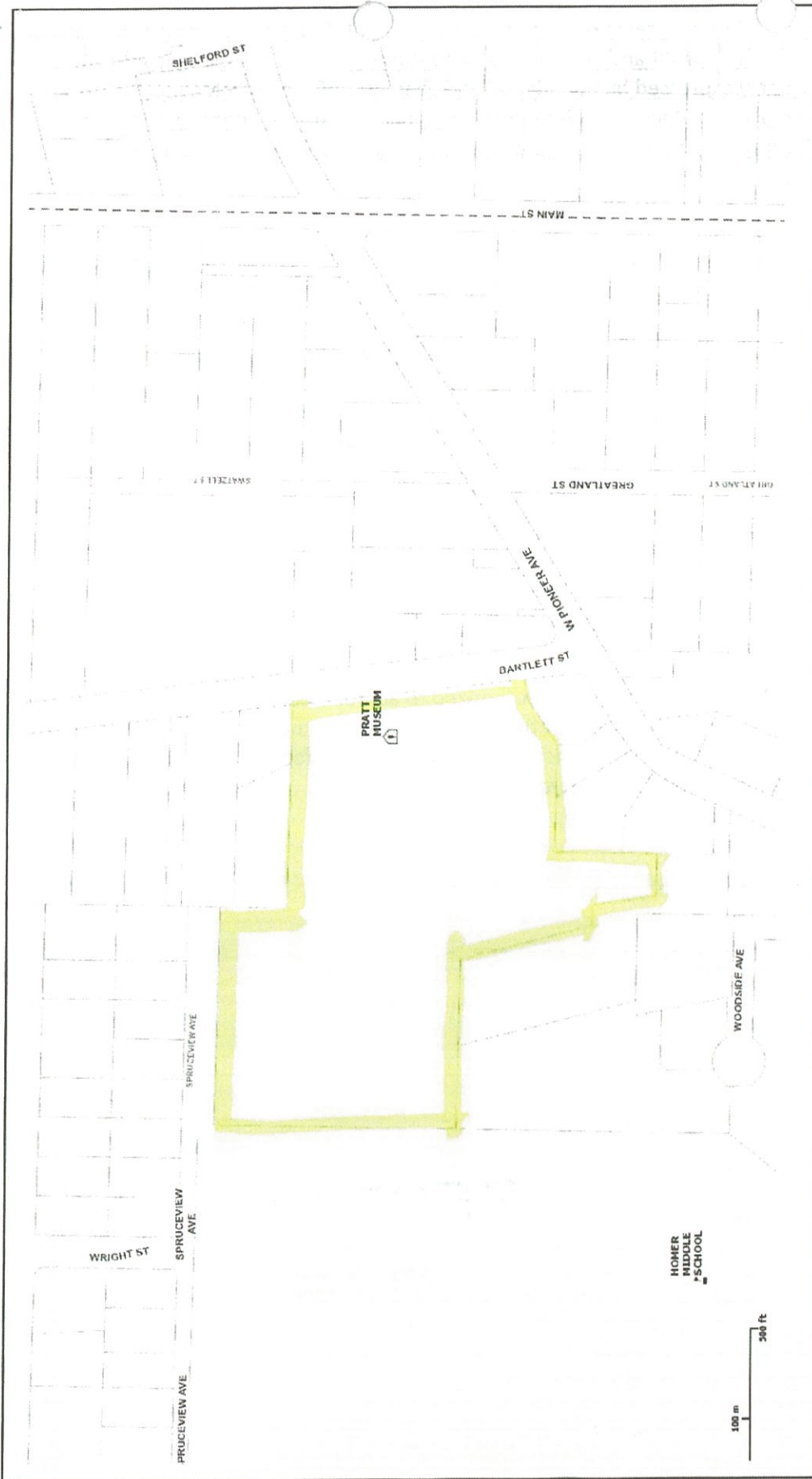
Owner of record ☒ Lessee ☐ Contract purchase duly authorized to act for a person who has the following legal interest, \_\_\_\_\_ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_

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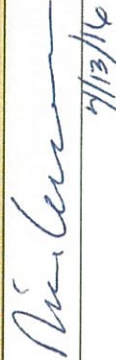
## KPB Parcel Viewer

Printed: Apr 07, 2016



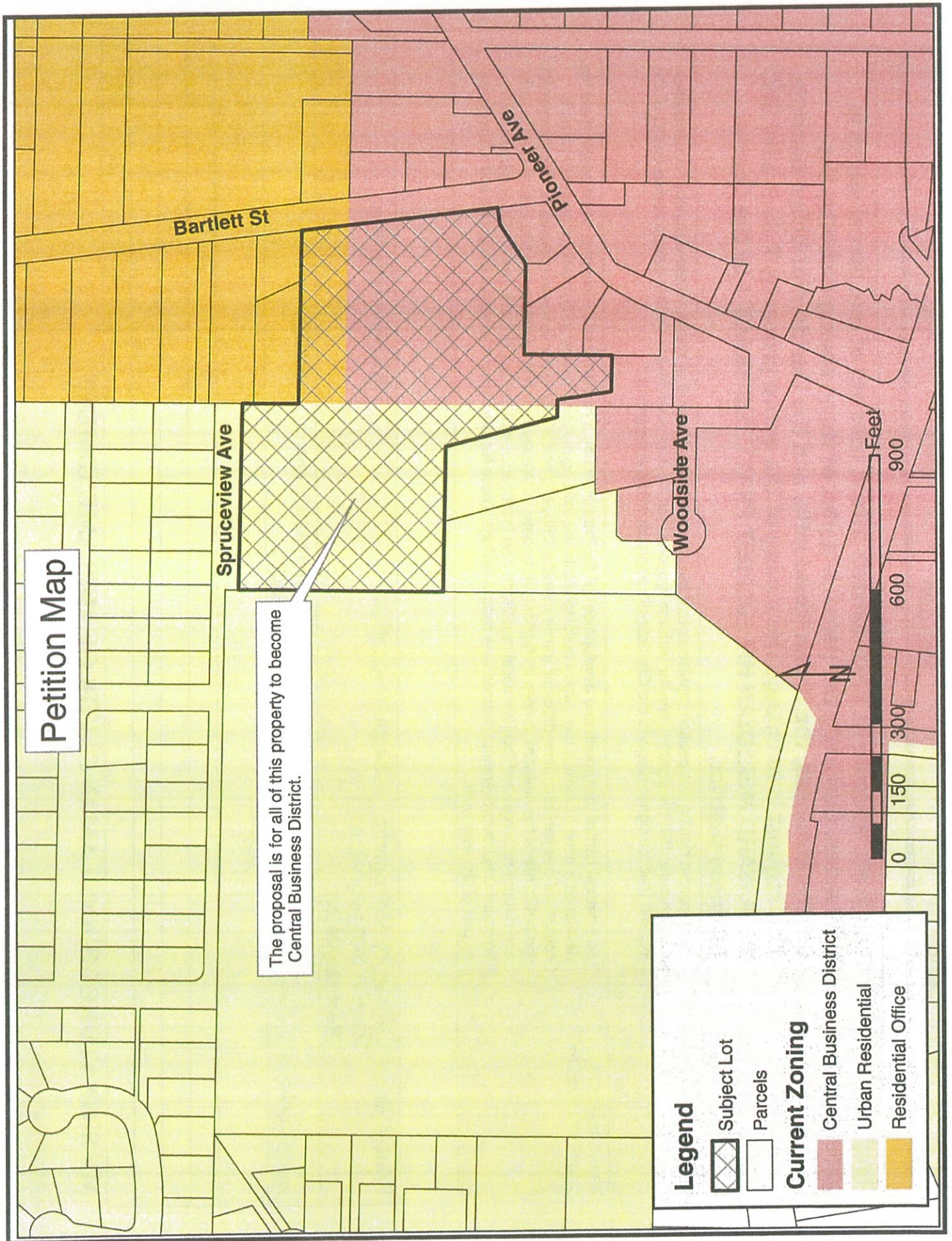
Petition

Proposed amendment:	<b>The Pratt Museum at 3779 Bartlett Street consists of one parcel which is 9.79 acres. Currently the parcel is a part of three zoning districts, the Central Business, the Urban Residential and the Residential Office Districts. This request is to change the zoning of the entire property, T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2012057 PRATT SUB TRACT 1 to the Central Business District.</b>	
HCC 21.95.020 (e) (3) (a)	"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."	
Statement of Justification	As a natural part of the growth and development of the Pratt Museum, a non-profit and volunteer organization, there has developed a need to replace the current building within the existing museum property. The current museum property consists of one parcel in three different zoning districts, CBD, UR, and RO. In order to remain relevant to the community, the public needs the museum to keep its facilities up to date, ADA compliant and reliable as an educational science, art, and cultural resources and local historical repository. The Pratt parcel includes public trails, some ADA accessible, with Woodard Creek improvements planned as a central feature. These features are desirable for the public and will enhance as part of the new work.	

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Diane Converse	 7/13/16	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2012057 PRATT SUB TRACT 1	17510129

MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT







**CITY OF HOMER  
HOMER, ALASKA**

Planning

**ORDINANCE 16-**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE PORTIONS OF THE URBAN RESIDENTIAL (UR) AND RESIDENTIAL OFFICE (RO) ZONING DISTRICTS TO CENTRAL BUSINESS (CB) ZONING DISTRICT

WHEREAS, the Pratt Museum, through its Director/CEO Diane Converse, filed a petition application seeking to amend the zoning map to rezone 3779 Barlett Street in Homer, Alaska, Parcel ID 17510129, from partially URD, partially CBD, and partially ROD to wholly CBD; and

WHEREAS, the Homer Planning Department reviewed the petition, found that the petition application was complete and the criteria for amending the zoning map had been met; and

WHEREAS, the Homer Advisory Planning Commission held a public hearing on the amendment to the zoning map described herein on \_\_\_\_\_, 2016 as required by Homer City Code 21.95.060(c); and

WHEREAS, The Homer Advisory Planning Commission found that (i) the proposed amendment to the zoning map is consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed amendment to the zoning map applies a zoning district that is better suited to the property that is the subject of the amendment than the districts that the amendment will replace; and (iii) the amendment to the zoning map is in the best interest of the public, considering the effect of development resulting from the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns; and

WHEREAS, the City Council adopts the findings by the Homer Advisory Planning Commission and has determined that these findings are sound;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit A from the UR zoning district, RO zoning district, and the CB zoning district to the CB zoning district as shown on the attached Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

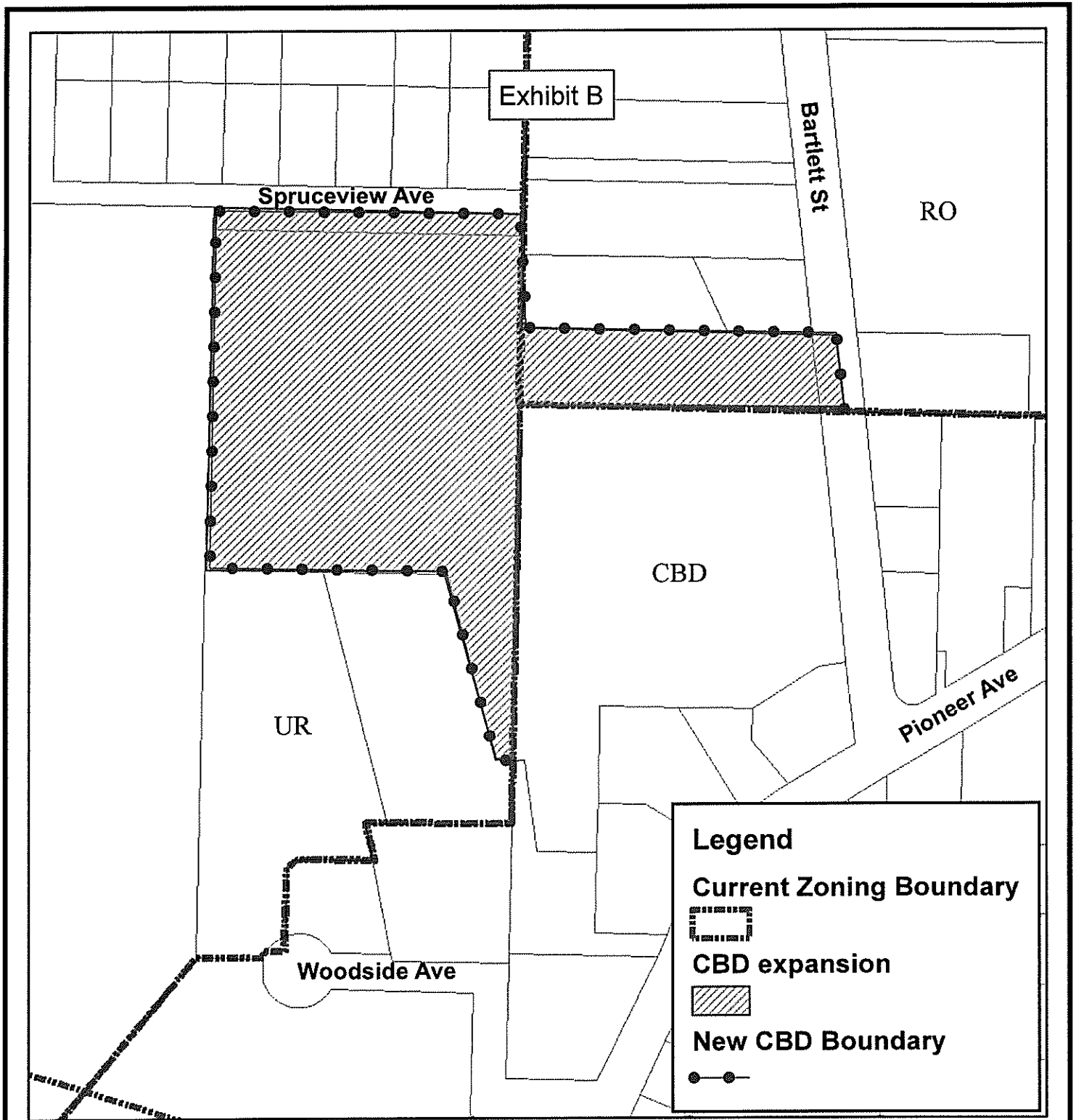
Effective Date:



### **Exhibit A**

Tax Parcel 17510129. Rezone from Urban Residential District, Residential Office District to Central Business District.

Legal Description: T6S R13W Sec 19 Seward Meridian HM 2012057 Pratt Sub Tract 1



City of Homer  
Planning and Zoning Department  
4/29/2016

200 100 0 200 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.

## **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, May 04, 2016 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**A Public Hearing, as required by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to expand the Central Business District north-eastward to include the 9.79 acre tract at 3779 Bartlett Street, currently the Pratt Museum land at T 6S R 13W SEC 19 Seward Meridian HM 2012057 PRATT SUB TRACT 1.**

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.

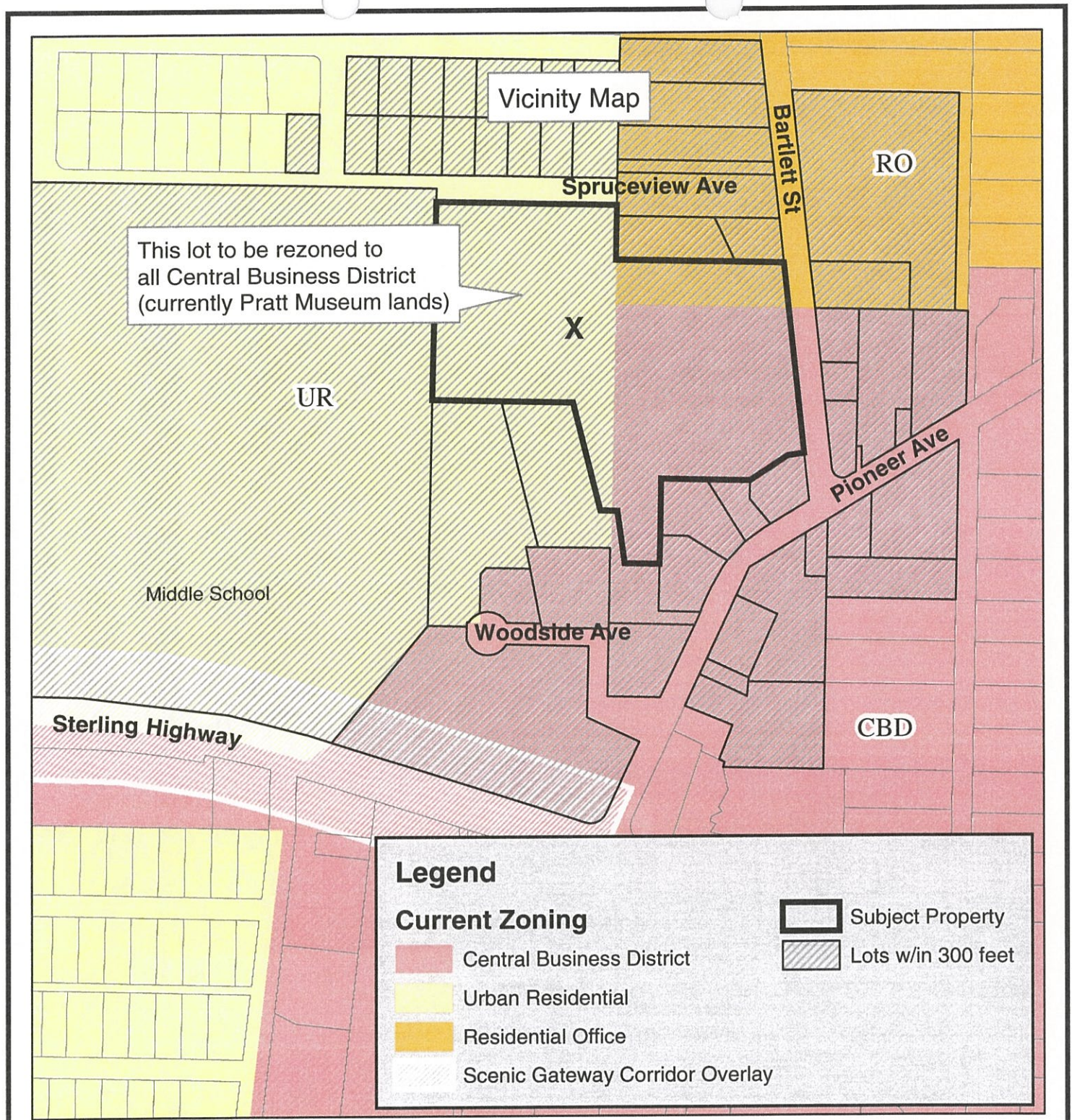
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

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

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**VICINITY MAP ON REVERSE**





City of Homer  
Planning and Zoning Department

4/19/2016

## Request for Rezoning

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

300 150 0 300 Feet



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## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## City Manager's Report

TO: Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: April 20, 2016  
SUBJECT: City Manager's Report – April 25., 2016

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### **Tom Klinkner Steps Down as City of Homer Lead Attorney**

After 8 years of service to the City of Homer, Tom Klinkner of Birch Horton Bitner and Cherot will no longer be our lead attorney. Holly Wells, who you know well from her tenure with the City, will take over as the point person for City of Homer issues and be the City Attorney listed on official City documents. She will be working with Katie Davis and Leila Kimbrell to provide quick and thorough advice for BHB municipal clients. Luckily Tom's historical knowledge won't be totally out of reach – he plans on continuing to work part-time for the firm.

### **How City Manager Navigates Requests for Support and Legislation**

In the short time that I have had the privilege to serve as your City Manager (1 year last week!), I have tried to be very cognizant of my role as advisor and implementer and your role as policy makers. Council has to make the tough decisions, which is appropriate since you have the backing of the electorate (and a division of labor I am forever grateful for). In that vein, I try to bring you legislation that pertains to how the City works. Policy statements, such as the City of Homer's support for another agency's policy should come from a Councilmember. That being said, I am often approached by members of the public to support or oppose something on behalf of the City with very little turnaround time. If the issue is clearly in the interest of the City, such as the letter opposing the Alaska State Hockey Association's proposal to consolidate all state level tournaments included in this packet, and time is of the essence, I will pen a letter and include it for your review in the City Manager's report. If I have time to approach the Mayor, I try to, as a letter from the top elected official is more meaningful. If a resolution is needed, my goal is to ask the requestor to either contact a Councilmember or I will put them in touch with a Councilmember that may be interested in their cause. This extends to recommendations from Boards and Commissions, unless the recommendation of a Commission is brought to me by a department head (who makes a good argument for the proposal and it is relevant to the business of the City). I will ask commission members to find a Councilmember to sponsor their recommendation and to take up the issue. I am happy to facilitate this and do any necessary research or drafting. I know this is not a new practice, but I thought it would be valuable to communicate to the Council, Commissioners, and public. Because we are government and we have internal best practices to adhere to, please give us sufficient turnaround time (it seems like we have been approached a lot this month). A big thank you goes to all the Boards, Commissions,

organizations, and community members who are working to make our community a better place. The City appreciates the opportunity to participate in those efforts and learn from the public where we can do things better.

### **Real Estate RFP Extended**

The City of Homer issued an RFP for real estate agent services that expired April 14. There were no responses so I have extended the deadline to May 5. I am hopeful this extension will give local firms the time they need to prepare a bid and help the City move some property back onto the tax roll.

### **Input from the Borough on Tax Code**

The KPB Finance Director has informally solicited input on items that municipalities would like to see changed in the Borough's sales and property tax code. We have not yet been provided with a list of possible changes that the Borough is considering, so it is difficult to comment. Once the Borough administration has presented the Assembly with the recommendations, I think it is appropriate for Council to weigh in officially on items by resolution, as we discussed at the revenue worksession on the 18<sup>th</sup>. At this stage, I cannot say that the City is opposed or supportive of a particular revision without Council review, except for changing the definition of non-prepared food, which was incorporated into City code last year. With Council approval, I plan to forward to the Borough Finance Director that the City of Homer would like to see the following items *considered* with an official opinion of the Council (by resolution) to follow.

- raising the sales tax cap from \$500-\$1,000
- excise taxes on alcohol, marijuana, and tobacco
- changing the definition of non-prepared food

I anticipate there being additional items the Council would like to comment on once we have seen what the Borough administration is considering. Changes in KPB tax code will be discussed at the May 16 revenue work session with potential resolution(s) before Council on May 23.

### **Pioneer Avenue Revitalization Project**

The City of Homer is participating in a cross-sector task force to revitalize Pioneer Avenue, Homer's historic downtown commercial corridor with over 86 businesses. The goal is to promote Pioneer Avenue as a prominent Homer destination by creating a cohesive 'Peonies on Pioneer' brand identity. Peony farming is a burgeoning industry in Homer (with over 25 local farms) and a symbol of Homer's pioneering spirit cultivating new forms of beauty and industry to help sustain the local economy. Efforts so far include an upcoming mural project and development of peony flower beds. The group is also working on providing benches, contiguous bike and walking trails, trash cans, and wayfinding signage embellished with Alaskan peonies as a consistent theme. Bunnell Street Arts Center has agreed to be a fiscal sponsor and may be asking the City of Homer for letters of support in the future for peony related projects. (See attached letter to Pioneer Avenue businesses.)

### **The Legislature...**

The Legislature was scheduled to adjourn at midnight on Sunday the 17<sup>th</sup> of April. As of the drafting of this report, they are well past that deadline and not closer to progress on closing the fiscal gap. However, a number of pieces of legislation that would be devastating to municipalities have been stalled – for this year at least, so thank you to everyone for their effort on that front. SB 210 changing revenue sharing to municipal assistance and adjusting the formula passed. Due to the late passage of the bill and the time it takes to verify population numbers, payments for State fiscal year 2016 won't be seen by municipalities until June of 2016 and SFY2017 payments July of 2017.

<b>SB210 Est. Payments</b>	<b>FY16 (actual)</b>	<b>FY17 (est.)</b>	<b>FY18 (est.)</b>	<b>FY19 (est.)</b>
Statewide Distribution	\$57.3MM	\$38.2MM	\$30MM	\$30MM
City of Homer Allocation	\$322,641	\$215,640	\$145,663	\$145,663

Enc:

Letter to Alaska State Hockey Association on Super State Tournament Proposal

Letter to Pioneer Avenue Businesses

Letter of support for SPBHS Application for DHSS Prevention Grant

Email to HFIN on SB 210

Non-objection letter for HSWCD

Letter requesting an extended comment period for proposed changes to oil spill response

Unified Command structure







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum

TO: MAYOR WYTHE, CITY COUNCIL, ADVISORY PLANNING COMMISSION AND CANNABIS  
ADVISORY COMMISSION

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

THROUGH: KATIE KOESTER, CITY MANAGER

DATE: APRIL 12, 2014

SUBJECT: PORT AND HARBOR ADVISORY COMMISSION RECOMMENDATION TO ALLOW RETAIL  
MARIJUANA ON THE SPIT

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At the March 23<sup>rd</sup> Port and Harbor Advisory Commission regular meeting the Commission discussed retail marijuana sales on the spit and passed a motion recommending that it be allowed. Four Commissioners voted yes and two voted no.

The supporting discussion included-

- The city will benefit from the tax revenues
- The spit is the heart of recreation in Homer and marijuana is a big part of recreation
- Alcohol is very prevalent on the spit so there isn't a reason not to allow a way to recreate without getting drunk
- People have been doing it out there for a long time

The objecting comment was that right now there isn't a way to qualify when a person is legally impaired from using marijuana and until it can, it shouldn't be allowed.

They summarized their reasoning in that allowing retail sales of marijuana in marine commercial probably won't change behavior on the spit because it's already happening now. It will make things legal and maybe mellow people out who are using alcohol.

The Port and Harbor Advisory Commission recommends the Planning Commission, Cannabis Advisory Commission, and the City Council take action to allow marijuana sales in the marine commercial district.

An excerpt of the March 23<sup>rd</sup> meeting minutes is included.

B. Commercial Marijuana on the spit

Commissioner Zimmerman said that others have said that the marine commercial area isn't a place to sell marijuana if it is legal in Homer. The spit the heart of recreation in Homer and marijuana is a big part of recreation, so he questions why we wouldn't want to do that out there.

ZIMMERMAN/DONICH MOVED TO SEND A RECOMMENDATION TO THE PLANNING COMMISSION, CITY COUNCIL, AND CANNABIS ADVISORY COMMISSION, THAT THE PORT AND HARBOR ADVISORY COMMISSION WOULD LIKE TO SEE MARIJUANA SALES ALLOWED IN THE MARINE COMMERCIAL DISTRICT.

There was discussion about marijuana on vessels. The Coast Guard is federal and marijuana isn't legal anywhere federally, so the Coast Guard won't be making any changes. It is up to a boat operator to enforce the rule on their boat.

Commissioner Donich thinks retail should be allowed and taxed heavily.

Commissioner Stockburger commented the US figured out at the end of prohibition that it costs a lot of money to keep it from happening, so take the liability and turn it into an asset and have been making a lot of money off alcohol since. They could do the same thing with this.

Commissioner Zimmerman added alcohol is very prevalent on the spit so there isn't a reason not to allow a better way to have fun without getting drunk.

Commissioner Carroll commented that it's quite easy to test for alcohol , but not as easy to test if someone is under the influence of marijuana. His objection is that until we can quantify when a person is legally impaired, he's resistant.

Commissioner Donich noted the Police Chief had commented that it's hard to test if someone is driving under the influence of marijuana and it would cost \$40,000 per officer to send them to training. He questions what they have been doing for the last fifty years? People have been doing this for a long time.

When asked his thoughts, Harbormaster Hawkins commented that allowing commercial sales on the spit won't significantly change the behavior out there; it's a different spit after 10 p.m. He can't see how sales out there would increase the amount of partying that goes on, and it still has to be used in a legal way.

Commissioner Stockburger suggested the memo include reasoning that it probably won't change behavior on the spit because it's happening now already. It will make things legal, and maybe mellow out the people using alcohol.

Commissioner Zimmerman added it's another source of tax revenue.

VOTE: YES: STOCKBURGER, ZIMMERMAN, ULMER, DONICH

NO: HARTLEY, CARROLL

Motion carried.