



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

MEMORANDUM 11-118

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
WALT WREDE, CITY MANAGER

FROM: RICK ABBOUD, CITY PLANNER

DATE: AUGUST 22, 2011

SUBJECT: Draft Ordinance 11-23, Adding "Hostel" as a permitted or conditional use in various zoning districts.

Without guidance from the City Council, the Planning Department brought the issue to the Planning Commission at the March 16, 2011 worksession meeting. At that meeting the item was added to the Commission work list and not given any type of high priority. Next the issue was brought before the Commission at the July 20, 2011 meeting. The Planning Department made a recommendation for amendment, after consideration the Commission modified the amendment and held a public hearing on the item as amended on August 8, 2011. The Commission recommended that hostels be added to the permitted uses in the Residential Districts, the Central and Gateway Business Districts along with the Town Center District. This final recommendation is presented in strikeout fashion of the original ordinance proposed by Council member Wythe.

Recommendation:

The Homer Advisory Planning Commission recommends the Homer City Council approve the proposed ordinance as amended.

ATTACHMENTS:
Draft Ordinance 8.3.11
SR PL 11-36, 11-79, 11-81
HAPC minutes 7/20, 8/3/11

*Draft from
Planning Commission*

CITY OF HOMER
HOMER, ALASKA

Wythe

ORDINANCE 11-23

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTIONS 21.12.020; 21.14.020;
21.16.020; 21.18.020; 21.20.020; 21.22.020; ~~21.24.020; 21.26.020;~~
ADDRESSING PERMITTED USES AND STRUCTURES; ~~AND HOMER
CITY CODE 21.28.030 CONDITIONAL USES AND STRUCTURES;~~ TO ADD
HOSTEL AS A PERMITTED USE IN THE RURAL RESIDENTIAL, URBAN
RESIDENTIAL, RESIDENTIAL OFFICE, CENTRAL BUSINESS, TOWN
CENTER, GATEWAY BUSINESS, ~~GENERAL COMMERCIAL 1, AND
GENERAL COMMERCIAL 2 ZONING DISTRICTS, AND TO ADD HOSTEL
AS A CONDITIONAL USE IN THE MARINE COMMERCIAL ZONING
DISTRICT.~~

WHEREAS, Homer City Code 21.03.040 provides a definition for “Hostel”; and,

WHEREAS, The sections of the Homer City Code under consideration provide for
“permitted” ~~and “conditional”~~ housing uses in the various zoning districts, but no provision is
made for the location of “hostels”.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (e) of Homer City Code 21.12.020, Rural Residential District,
Permitted uses and structures, is amended to read as follows:

e. Rooming house, ~~and~~ bed and breakfast and hostel;

Section 2. Subsection (f) of Homer City Code 21.14.020, Urban Residential District,
Permitted uses and structures, is amended to read as follows:

f. Rooming house, ~~and~~ bed and breakfast and hostel;

Section 3. Subsection (d) of Homer City Code 21.16.020, Residential Office District,
Permitted uses and structures, is amended to read as follows:

d. Rooming house, ~~and~~ bed and breakfast and hostel;

Section 4. Subsection (cc) of Homer City Code 21.18.020, Central Business District,
Permitted uses and structures, is amended to read as follows:

cc. Rooming house, ~~and~~ bed and breakfast and hostel;

[Bold and underlined added. Deleted language stricken through.]

46 Section 5. Subsection (x) of Homer City Code 21.20.020, Town Center District,
47 Permitted uses and structures, is amended to read as follows:

48 x. Rooming house, ~~and~~-bed and breakfast **and hostel**;

50 Section 6. Subsection (o) of Homer City Code 21.22.020, Gateway Business District,
51 Permitted uses and structures, is amended to read as follows:

52 o. Rooming house, ~~and~~-bed and breakfast **and hostel**;

53 ~~Section 7. Subsection (ii) of Homer City Code 21.24.020, General Commercial District~~
54 ~~1, Permitted uses and structures, is amended to read as follows:~~

55 ~~ii. Rooming house, and bed and breakfast **and hostel**;~~

56 ~~Section 8. Subsection (v) of Homer City Code 21.26.020, General Commercial District 2~~
57 ~~Permitted uses and structures, is amended to read as follows:~~

58 ~~v. Hotels, and motels **and hostels**;~~

59 ~~Section 9. Subsection (h) of Homer City Code 21.28.030, Marine Commercial District,~~
60 ~~Conditional uses and structures, is amended to read as follows:~~

61 ~~h. Hotels, and motels **and hostels**;~~

62 Section 10. This Ordinance is of a permanent and general character and shall be included
63 in the City Code.

64 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
65 _____ 2011.

66 CITY OF HOMER

67 _____
68 JAMES C. HORNADAY, MAYOR

69 ATTEST:

70 _____
71 JO JOHNSON, CMC, CITY CLERK

72 YES:

73 **[Bold and underlined added. Deleted language stricken through.]**

88 NO:
89 ABSTAIN:
90 ABSENT:
91
92 First Reading:
93 Public Hearing:
94 Second Reading:
95 Effective Date:
96
97 Reviewed and approved as to form:

98
99
100 _____
101 Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

102
103 Date: _____

Date: _____



City of Homer

Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-36

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Planning Technician
MEETING: March 16, 2011
SUBJECT: Hostels as a listed use in the zoning code

GENERAL INFORMATION

When the Council was reviewing the recent junk ordinance (11-03), a Council member brought up that hostels are defined by city code, but they are not a listed use in any zoning district. The Commission may wish to discuss this use, or postpone and add it to the work list.

"Hostel" means any building or portion of a building containing dormitory-style sleeping accommodations for not more than fifteen guests that that are used, rented or hired out on a daily or longer basis.

If a use is not listed in a zoning district, then the following process applies:

21.04.020 Unlisted uses. a. Unlisted uses may be allowed within a zoning district upon application of the property owner and written decision by the Planning Commission, if, after a public hearing, the commission finds the proposed use meets all of the following criteria:

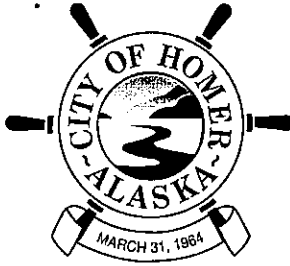
1. The use is not specifically permitted outright or conditionally in any other district;
2. The use is not more appropriate in another district;
3. The use is compatible with the purposes of the district in question;
4. The use is similar to and not more objectionable than other uses permitted outright in that district;
5. The use satisfies any other criteria specifically applicable to approval of unlisted uses in the zoning district in question.

b. In approving an application for a specific unlisted use, the Planning Commission may determine that the unlisted use should be treated as a conditional use. If it does, then the application shall be processed and decided under the provisions of HCC Chapter 21.71. The applicant will be given notice and an opportunity to provide supplemental information in support of the matter as a conditional use permit application.

STAFF COMMENTS/RECOMMENDATIONS:

Comment: There is nothing wrong with using the unlisted use process for a hostel. But it is a code housekeeping issue that could be addressed if the Commission is interested.

Recommendation: Planning Commission provide direction to staff on when or if you would like to add this use to any zoning districts.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-79

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: July 20, 2011
SUBJECT: Hostels included as a “permitted” and “conditional” housing use.

At the June 13, 2011 City Council meeting, Councilwoman Wythe sponsored an ordinance that if approved would include “hostels” as a permitted use in all the districts except Marine Industrial and would include ‘hostels’ as conditional use in the GC2 district.

First the definition for “hostel” per HCC 21.03 “means any building or portion of a building containing dormitory-style sleeping accommodations for not more than fifteen guests that that are used, rented or hired out on a daily or longer basis.”

Per HCC 21.03 “Hostel” is not a hotel: “...The terms “hotel” and “motel” excludes bed and breakfast, rooming house, dormitory, shelter for the homeless, and hostel.”

Adding ‘hostels’ as a permitted use aligns well with rooming houses and bed and breakfasts except in one district, the General Commercial 2 district. Conversely, the purpose of the GC2 district is to “provide a sound area for heavy commercial and industrial uses... .” Allowing ‘hostels’ in an area zoned for heavy commercial and industrial use is not safe, therefore not recommended by staff.

Adding “hostels” as a conditional use to the Marine Commercial district is discussed in the 2011 Homer Spit Comprehensive Plan, Pg 25, 1.C.

Resort/Residential Land Use: “A residential option may be considered as part of the planning process. A clear policy is needed and appropriate regulations created and enforced to meet public health and safety concerns. Lodging and nightly rental facilities that may be permitted in the future can be located above existing and future commercial developments. By permitting these activities, the City can better regulate them and ensure facilities meet building, health, and safety codes.”

STAFF RECOMMENDS:

1. Delete line 63-54 which references the GC2 district.
2. Discuss and amend if needed line 68-69 which references the MC district.
3. Adopt and send to public hearing Ord. 11-23.

Att: Ord. 11-23

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JULY 20, 2011

Motion carried.

The Commission discussed banners and when they are and are not temporary signs. Question was raised whether a banner tied at all four corners to two permanent poles constitutes a rigid structure along the entire circumference. Staff encouraged that if it is encased or mounted on a separate frame, then it is no longer a banner. When it is attached without a frame then it's a banner. The conversation transitioned to whether there would be an allowance for advertising civic events and if that is even appropriate to restrict a temporary sign based on the message.

On page 2 of the staff report there was a note about signage on churches and B&B's along the Sterling Highway. Chair Minsch encouraged the Commissioners to read the gateway overlay information as there are specific rules for that area.

The discussion carried over to political signs. Because there is no definition of a temporary sign and how long it can be displayed, it is challenging. Election signs have a purpose and they have a time they can be up before elections and a time they need to come down. In the draft the attorney argues that they are temporary sign and should be addressed like any other. Point was raised that in our town it isn't something that will be enforced as a temporary sign.

HIGHLAND/VENUTI MOVED TO POSTPONE DISCUSSION TO THE NEXT WORKSESSION AND ASK THE CITY ATTORNEY TO PARTICIPATE.

City Planner Abboud said it will be included on the regular meeting agenda as well.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-76, Bylaws Change to Amend the Meeting Time

This item was postponed to the next meeting due to notice requirements for the second notice of the amendment.

The Commission took a short recess at 8:47 p.m. and the meeting resumed at 8:50 p.m.

NEW BUSINESS

A. Staff Report PL 11-79 Hostels Permitted as "Permitted" and "Conditional" Housing Use

City Planner Abboud reviewed the staff report. He recommended eliminating GC2 from the ordinance and including it in the Marine Commercial district to accommodate workers on the spit.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS REGARDING HOSTELS AS PERMITTED AND CONDITIONAL USES IN ZONING DISTRICTS.

Commissioner Highland noted a typographical error on staff recommendation 1.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JULY 20, 2011

City Planner Abboud explained that hostel isn't listed as a permitted or conditional use in any district, so it would be an "other" use that would have to be addressed through a CUP process. It is a bit of a quandary.

MINSCH/VENUTI MOVED TO DELETE ORDINANCE LINES 58 AND 59 THAT REFERENCE GC1, LINES 63 AND 64 THAT REFERENCE GC2, LINES 68 AND 69 THAT REFERENCE MARINE COMMERCIAL AS WELL AS NOT ALLOWING HOSTELS IN THE MARINE INDUSTRIAL DISTRICT.

There was discussion that hostels would be allowed where rooming house and B&B type uses are. The use is appropriate in the marine and general commercial districts as there is limited space for those districts and hostels are not a compatible use.

There was brief discussion for clarification on the purpose of the ordinance and the districts where they would be allowed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT PL 11-79 HOSTELS AND SEND IT TO PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. City Manager's Report June 27, 2011

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

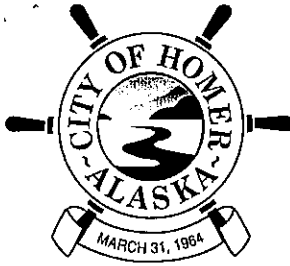
COMMENTS OF STAFF

City Planner Abboud commented that he would work to improve future packets.

COMMENTS OF THE COMMISSION

Commissioner Highland commented that she would still like the Commission to discuss the idea of no further residential development on the Spit. She provided an informational piece for them to review. She said she wished Commissioner Druhot well and thanked her for her service.

Commissioner Druhot said it has been good to work with everyone but it is time for her to move on.



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-8121
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us
Web Site www.ci.homer.ak.us

STAFF REPORT PL 11-81

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Dotti Harness-Foster, Planning Technician
MEETING: August 3, 2011
SUBJECT: Draft Ordinance 11-23, Adding "Hostel" as a permitted or conditional use in various zoning districts.

At the July 20, 2011 HAPC meeting, the commission discussed Councilwoman Wythe's draft ordinance. The ordinance proposed the inclusion of "hostel" as a permitted use in all the zoning districts except Marine Commercial and Marine Industrial. While the ordinance did not propose adding the use to the Marine Industrial District, it did suggest adding "hostel" as a conditional use in the Marine Commercial District.

The Commission supports proposal to add "hostel" as a permitted use in the residential districts, CBD, TCD and the GBD. The HAPC does not recommend adding "hostel" in the GC1 and GC2 districts due to the heavy commercial uses permitted in the GC1/2 districts. Typically, 'hostels' are residential in nature and mixing residential uses with heavy commercial uses is not conducive to the health and safety of the residents. It was also noted that land for commercial activities is limited and the commission did not want to further constrain supply with the addition of another residential use. The Commission did not recommend adding 'hostels' as a conditional use in the Marine Commercial district because hostels do not meet the purpose of the MC district in that it is not water-related nor water-dependant per HCC 21.28.010. Additionally, the Commission wishes to express that, although not suggested in the proposed ordinance, they do not recommend the permitted or conditionally permitted opportunity for hostels to be considered in the Marine Industrial District.

The copy of Ordinance 11-23 found in the HAPC packet is the proposed ordinance with the recommendations of the Commission presented as ~~striketrough~~. The written names of the various zoning districts have been added to the various sections of the ordinance for clarity.

STAFF RECOMMENDS: Hold a public hearing. Forward proposed ordinance 11-23, as amended to the Homer City Council.

Att: Ord. 11-23 mark-up

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report PL 11-82, Sign Code Amendments

The Commission continued their discussion from the worksession. They addressed electoral signs, temporary signs, and off premise signs.

B. Staff Report PL 11-76, Draft Resolution Amending the Homer Advisory Planning Commission Bylaws to Change the Regular Meeting Time

MINSCH/HIGHLAND MOVED TO APPROVE THE DRAFT RESOLUTION OUTLINED IN STAFF REPORT PL 11-76 AND FORWARD TO CITY COUNCIL FOR ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 11-77, East End Mixed Use

Chair Minsch explained that the Commission gave staff feedback during the worksession.

NEW BUSINESS

A. Staff Report PL 11-84, More than One Permitted Principal Use on a Lot

City Planner Abboud reviewed the staff report.

HIGHLAND/VENUTI MOVED TO DISCUSS AND MAKE RECOMMENDATIONS.

No objection was expressed and discussion ensued.

The Commission discussed challenges and concerns regarding density and how it relates to the different districts and the Comprehensive Plan. They began reviewing districts to try to establish if there is enough direction for staff to make a determination rather than bringing it to the Commission with a CUP. The following points were raised:

- Concern was expressed regarding water and septic requirements in rural residential district.
- Staff could permit one additional use, and two or more would come to the Commission.
- Would this include permitting a second 4-plex or rooming house.

Chair Minsch recommended reviewing the Comprehensive Plan. City Planner Abboud appreciated the feed back and will bring a revised recommendation at a future meeting.

INFORMATIONAL MATERIALS