



City of Homer

www.cityofhomer-ak.gov

Planning

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Memorandum 20-082

PI 20-05

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD AICP, CITY PLANNER
DATE: JUNE 11, 2020
SUBJECT: THE ELIMINATION OF THE REQUIREMENT FOR A GABLE ROOF DESIGN IN THE SMALL BOAT HARBOR OVERLAY DISTRICT (SBHO).

After processing the first Conditional Use Permit (CUP) for Overslope Development in the SBHO, the Planning Commission has determined that designs other than gabled roofs are appropriate for the district.

Current code requires that overslope development use a gabled roof design. After receiving support of the Port and Harbor Commission for an overslope design that deviated from a gabled roof, the Planning Commission removed the staff recommendation requiring a gabled roof design for approval of the CUP.

It was noted that it is challenging to design a two-story structure with a gabled roof that keep height below the maximum allowance of twenty-five feet. It was also recognized that designs other than gable can be aesthetically appealing.

The Planning Commission held a public hearing on the draft ordinance at their June 3, 2020 meeting. The Commission moved with the unanimous consent of the six commissioners present at the public hearing to recommend that the City Council eliminate the requirement of gabled roof designs

Attachments:

Ordinance

Staff report and corresponding meeting minutes

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Planning

4 **ORDINANCE 20-xx**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
7 HOMER CITY CODE 21.46 SMALL BOAT HARBOR OVERLAY ZONING
8 DISTRICT SECTION 21.46.060 ARCHITECTURAL STANDARDS, TO REMOVE
9 THE REQUIREMENT FOR GABLED ROOFS.

10
11 WHEREAS, the 2011 Homer Spit Comprehensive Plan suggests looking into developing
12 appropriate guidelines for new development to maintain the character of the Homer Spit; and

13
14 WHEREAS, structures located outside of the Overlay District have been developed
15 without incorporating a gabled roof; and

16
17 WHEREAS, a gabled roof requirement challenges the ability to design a two-story
18 structure that does not exceed the 25 foot height restriction in the Overlay District; and

19
20 WHEREAS, the Port and Harbor and Planning Commissions both approve of alternate
21 roof designs; and

22
23 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

24
25 Section 1. Homer City Code 21.46.060, Architectural standards is hereby amended to read
26 as follows:

27
28 Overslope development shall conform to the following architectural standards:

29
30 a. All buildings on the same overslope platform shall receive a common architectural
31 treatment. The main color of the exterior walls of all buildings on an overslope
32 platform shall be one or more earth or seascape tones.

33
34 b. Not less than five percent of the area of an overslope platform area shall be outdoor
35 public open space.

36
37 c. Overslope development shall include pedestrian walkways that provide direct
38 access between common areas in the overslope development and public rights-of-
39 way.

40

41 d. Opaque walls, fences or planter boxes, or any combination of them, shall be used to
42 screen mechanical equipment and trash containers from view in adjacent public
43 areas.

44
45 e. The design of structures and outdoor pedestrian areas shall take into consideration
46 environmental factors such as prevailing wind, salt spray, solar exposure, snow and
47 heavy rains.

48
49 f. Along the length of a building, the roofline shall not be continuous for more than 60
50 feet. ~~Roofs shall be gabled.~~

51
52 g. The maximum height of a building measured from the overslope platform or the
53 adjacent grade to the highest roof peak shall not exceed 25 feet.

54
55 h. A public access not less than eight feet wide to an area overlooking the harbor shall
56 be provided at each end of an overslope platform and at intervals not greater than 150
57 feet on the overslope platform.

58
59 i. A continuous pedestrian corridor at least eight feet wide must extend the length of
60 the overslope development, on either the harbor or the uplands side, or some
61 combination thereof. The corridor must be clear of obstructions, but may be covered
62 by an awning or roof overhang. The minimum eight-foot width of the corridor may not
63 be counted to meet landscaping or public open space requirements.

64
65 Section 3: This ordinance is of a permanent and general character and shall be included in
66 the City Code.

67
68 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
69 2020.

70
71 CITY OF HOMER

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77 KEN CASTNER, MAYOR

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79 ATTEST:
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81 _____
82 MELISSA JACOBSEN, MMC, CITY CLERK

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YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

100 _____
101 Marvin Yoder, Interim City Manager
102
103 Date: _____

Michael Gatti, City Attorney

Date: _____



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Staff Report PL 20-33

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: June 3, 2020
SUBJECT: Architectural Standards SBHOD

Introduction

After reviewing proposed overslope development, both the Planning Commission and Port and Harbor Commission gave recommendations supporting structures without a gabled roof design.

Analysis

Currently, overslope development is required to have a gable roof. In practice, we have found that a gable roof design of a two-story structure presents a challenge for the structure to remain under the 25' height limit of the overslope district when a two-story structure is desired. Additionally, it has been found that alternate roof designs may be able to provide better functionality, while being aesthetic pleasing. Overslope development was approved by CUP 20-05 with the concurrence of the Port and Harbor Commission. The rendering of the structure displayed a shed roof design and the Planning Commission removed the staff language that a gabled roof design be a requirement.

The Homer Spit Comprehensive Plan documents the support for the eclectic nature of the spit. All overslope development requires a Conditional Use Permit and will be subject to public comment and the scrutiny of the Planning Commission. Design features are part of the review of the CUP. Eliminating the requirement in code for a gabled roof will allow the Planning Commission to consider and the Planning Office to permit structures with designs other than gabled roofs in the Small Boat Harbor Overlay District.

Staff Recommendation

Recommend that the City Council approve the proposed draft ordinance.

Attachments

Draft Ordinance

Recent Planning Commission and Port & Harbor Commission minutes excerpts (with irrelevant portions greyed-out)

21.95.040 Planning Department review of code amendment.

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

Staff response

The Homer Spit Comprehensive Plan encourages economic development without compromising the unique character of the Spit (p. 2). Goal 3.1, *Improve the local economy and create year-round jobs by providing opportunities for new business and industrial development appropriate for the Homer Spit* includes an objective to determine incentives needed to promote overslope development (p. 40). Allowing for the consideration of alternative roof design does help promote overslope development by allowing structure to more easily comply with the 25' height requirement of the district.

b. Will be reasonable to implement and enforce.

Staff response

Nothing in the ordinance will introduce a regulation that would not be reasonable to enforce.

c. Will promote the present and future public health, safety and welfare.

Staff response

The draft ordinance is not anticipated to affect public health safety and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Staff response

The ordinance has been reviewed by the City Attorney and no inconsistency has been found by the City Planner.

Commissioner Bentz inquired about process for public comment from persons attending the meeting.

Staff responded that they would not be allowed to comment if they have not signed up prior to the meeting.

SMITH/HIGHLAND MOVED TO RECOMMEND THE PLANNING COMMISSION ADOPT STAFF REPORT 20-24 AND APPROVE CUP 20-06 WITH FINDINGS 1-10 AND CONDITION 1 AS FOLLOWS:

1. ANY ADDITIONAL LIGHTING MUST BE DOWN LIT PER HCC 21.69.303 AND THE COMMUNITY DESIGN MANUAL

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 20-23, Conditional Use Permit 20-05 for a harbor overslope development at 4081A Freight Dock Rd.

Chair Venuti introduced the item by reading of the title into the record and requested if anyone on the Commission had a conflict to declare.

Deputy City Clerk noted she declared the conflict of interest and requested a motion.

Commissioner Petska Rubalcava declared she had a conflict of interest.

BENTZ/HIGHLAND - MOVED THAT COMMISSIONER RUBALCAVA HAD A CONFLICT OF INTEREST.

A brief discussion ensued with Commissioner Rubalcava declaring that she assisted the applicant with the design of the project.

VOTE. YES. BENTZ, HIGHLAND, VENUTI, DAVIS, SMITH

Motion carried.

Commissioner Petska –Rubalcava turned her mic off and did not participate in this portion of the meeting.

City Planner Abboud provided a summary review of Staff Report 20-23 for the commission noting that there were two conditions recommended. The first condition is the standard requirement on a CUP that all dumpsters be screened on three sides as well as inclusion of any electrical boxes and the second condition was the design of the roof should be modified to a gable type roof from the shed style roof depicted in the drawings. City Planner Abboud then

focused on the requirements in City Code of a gabled roof. He has no objection to amending city code but is not sure how that will affect this project in timing.

Commissioner Bos joined the meeting in progress at 6:00 p.m.

Suvi Bayly, applicant, provided a review of the project commenting on the history of the Homer Spit Oyster Bar, reuse of the oyster shells by herself and local residents, roof design and her passion for architecture while acknowledging the other buildings on the Homer Spit with similar roof designs stating if there was something that could be done to leave the shed roof design she would welcome that and if not she understood. Ms. Bayly explained the permits that she has obtained and will be getting within two weeks and is on schedule to get the project started by the first of June.

Chair Venuti opened the Public Hearing and confirming with the Clerk that there were no members of the public present to provide testimony he closed the public hearing and opened the floor to the Commission for questions.

A discussion ensued on the following points:

- Location in proximity to the Load & Launch Ramp
 - o Harbormaster recommended the location and Port & Harbor Advisory Commission reviewed and had no problem with the location selected.
 - o Impacts to the boat traffic in the harbor
- Notification of the Public
 - o Concern that length of notification was not adequate
 - o Notification was followed as outlined and required in city code, notices mailed to all property owners and this was advertised in the newspaper and on the city website.
- Parking
 - o There is ample parking in the public lot adjacent and next to the selected location
- Roof design
 - o Support was expressed by several of the Commissioners on the shed roof design
 - o Suggestion to modify or exclude Condition #2
 - o It was noted that a precedence was set for non-gabled roof design in other areas of the Spit
 - The Harbormaster's Office is not in the district and other buildings on the spit not considered as overslope development
 - o This is the first project using the new overslope development code
 - o Referred to the information/comments in the Staff Report 20-23 regarding the roof design

There was a brief discussion on making changes to the conditions recommended in Staff Report 20-23 and the process to reflect those changes. The Commission can remove or amend it with the basis for taking that action.

SMITH/BENTZ - MOVED TO ADOPT STAFF REPORT 20-23 AND RECOMMEND PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT 20-05 WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2 AS FOLLOWS:

1. TRASH CONTAINERS SHALL BE SCREENED ON THREE SIDES AND ELECTRICAL BOXES SHALL BE SCREENED
2. THE ROOF SHALL BE MODIFIED TO A GABLED DESIGN THAT FITS WITHIN THE REQUIREMENTS OF THE OVERSLOPE DEVELOPMENT.

There was a brief discussion on amending condition two. Commissioner Bentz expressed that the current design fits the space and was within the height requirements and that architecturally the design and plan is appropriate for the district and would encourage an exception to the city code language and supported the plan.

Chair Venuti requested clarification on process from the Clerk.

Deputy City Clerk Krause explained that the Commission can offer to amend or remove Condition two by amending the motion.

BENTZ/SMITH MOVED TO AMEND THE MOTION TO REMOVE CONDITION TWO, THE ROOF SHALL BE MODIFIED TO A GABLED DESIGN THAT FITS WITHIN THE REQUIREMENTS OF OVERSLOPE DEVELOPMENT.

There was no discussion.

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

Motion carried.

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

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Petska-Rubalcava returned to the meeting by turning on her mic and returning to view of the camera.

PLAT CONSIDERATION

- A. Staff Report 20-25, Nedosik 1998 Tract C Jack Hamilton Replat No. 2 Preliminary Plat

Session 20-03, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Steve Zimmerman at 5:03 p.m. on March 25, 2020 in the Cowles Council Chambers, City Hall located at 491 E Pioneer Avenue, Homer, Alaska. Due to the COVID 19 Pandemic this meeting was conducted electronically as outlined by Ordinance 20-15

PRESENT (TELEPHONIC): COMMISSIONERS ZIMMERMAN, ULMER, STOCKBURGER, DONICH, CARROLL, ZEISET, AND ERICKSON

STAFF (TELEPHONIC): PORT DIRECTOR/HARBORMASTER HAWKINS

(PHYSICALLY): CITY CLERK JACOBSEN
DEPUTY CITY CLERK KRAUSE

AGENDA APPROVAL

Chair Zimmerman requested a motion to approve the agenda.

ULMER/STOCKBURGER MOVED TO APPROVE THE AGENDA AS WRITTEN.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

APPROVAL OF MINUTES

VISITORS/PRESENTATIONS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- A. Memorandum from Port Director/Harbormaster re: Lease Application - Homer Spit Oyster Bar
Lease Application - Homer Spit Oyster Bar

Chair Zimmerman introduced the item into the record by reading of the title.



Port Director/Harbormaster Hawkins provided a summary of his report to the Commission.

Chair Zimmerman opened the floor for discussion and questions of the Commission.

Commissioners discussed, commented and received input from Port Director Hawkins on the following:

- Numbers and proposal were well thought out and appeared to be realistic
- Financial back up plan included for the project
- Concerns expressed regarding funding available to complete the project
- **Supported the project to start overslope development**
- Considerations regarding parking and/or designated parking, permitted parking for employees of businesses
- Parking for patrons for new business
- The location for the proposed development

ZIMMERMAN/ERICKSON MOVED TO SUSPEND THE RULES TO ALLOW APPLICANT TO PROVIDE INFORMATION AND RESPOND TO COMMISSIONERS QUESTIONS

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Suvi Bayly, Lease Applicant, provided details on the licensing, location selection and on the time involved in bringing the project to completion.

Commissioners offered their opinions on the following:

- Great location selection
- Well thought out plan and hoped it could be accomplished for the amount budgeted
- General support for the overall project

ULMER/STOCKBURGER MOVED THAT THE PORT AND HARBOR ADVISORY COMMISSION RECOMMENDS CITY COUNCIL APPROVE THE LEASE APPLICATION FROM HOMER SPIT OYSTER BAR FOR OVERSLOPE DEVELOPMENT

There was no additional discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Memorandum from Port Director/Harbormaster re: Lease Application – Sea Tow South Central Alaska
 - i. Lease Application – Sea Tow South Central Alaska

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 20-32, City Planner's Report

City Planner Abboud provided a summary of Staff Report 20-32 noting the discussion at the May 26, 2020 City Council meeting on CARES Act Funding, litigation has been continued, Planning Department has been staffed with limited presence in office, worklist is being addressed, and a brief discussion on the Commission report to City Council will be submitted by Chair Venuti.

City Planner Abboud provided clarification on the public hearing process for the Medical District and that the public will be invited to attend and comment. He noted that in discussing the process with Chair Venuti he stated that any issues occur to not hesitate to carry it over to the next meeting date.

Chair Venuti noted the arrival of Commissioner Petska-Rubalcava at 6:42 p.m.

PUBLIC HEARING(S)

Staff Report 20-33, Proposed ordinance to remove the gabled roof requirement within the Small Boat Harbor Overlay Zoning District HCC 21.46.060 Architectural Standards

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a summary review of Staff Report 20-33 for the Commission. He noted that this item was presented to this Commission and the Port & Harbor Advisory Commission who provided supported and recommended Council approve the project.

Chair Venuti opened the Public Hearing. He inquired if there were any members of the Public who signed up to testify.

Deputy City Clerk Krause noted that there were no requests to provide testimony.

Chair Venuti closed the Public Hearing having no further requests to provide testimony and opened the floor to questions of the Commission.

SMITH/HIGHLAND MOVED TO ADOPT STAFF REPORT 20-33 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO APPROVE A DRAFT ORDINANCE AMENDING 21.46 SMALL BOAT HARBOR OVERLAY ZONING DISTRICT, SECTION 21.46.060 ARCHITECTURAL STANDARDS TO REMOVE THE REQUIREMENT FOR GABLED ROOFS.



There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 20-34, Proposed ordinance to amend HCC 21.60 Sign Code Tables 1, 2 & 3

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud provided a summary of Staff Report 20-34 for the Commission. He was glad to finally be bringing the draft sign code before the commission noting the prior work that had been addressed on this issue. He mentioned there was one component not addressed by the commission and that was a master sign permit but after review, it was not recommended by the City Attorney.

Chair Venuti opened the Public Hearing and confirming with the Clerk that there were members of the public attending to provide testimony. Invited the public to speak to the Commission.

Dr. Bill Richardson, EDC Commissioner and city resident commented in support of the ordinance and provided some background on the business aspect and understanding of the sign code. He believed these changes would enable the business community to effectively advertise their businesses.

Chair Venuti closed the public hearing having no additional members of the public present for testimony and opened the floor to the Commission for questions.

There was a brief discussion with City Planner Abboud providing clarification on Table 1 shown on page 34 and page 37 of the packet with regard to the word "neon" and (b) referenced the note on page 35 and was already included in Homer City Code.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 20-34 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO APPROVE A DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.60, SIGN CODE TABLES 1, 2 AND 3.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.