



City of Homer

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Memorandum 22-038 (PL 22-01)

TO: MAYOR CASTNER, AND HOMER CITY COUNCIL

FROM: RICK ABBOUD, AICP, CITY PLANNER

DATE: FEBRUARY 18, 2022

SUBJECT: ELEIMINATION OF MAXIMUM PARKING REQUIREMENTS FOR LARGE RETAIL AND WHOLESALE STORE

A recent Conditional Use Permit (CUP) for an expansion of a grocery store required that the long-time store achieve compliance with the Large Retail Standards found in code. This was likely the first time the requirement for spaces to not exceed 110% of the minimum required under the Parking Code (HCC 21.55) has been applied. While the idea of minimizing surface parking has merit, it has been found to not be practical in application for several reasons outlined in Staff Report 22-11.

The CUP provided an example of just how the code standard, in this instance, did not provide for adequate parking for summer demands and can be circumvented by other allowances for parking lots in the Central Business District (CBD). This particular store does own an adjacent parcel and was allowed by code to develop an additional parking lot to serve their customers. In the end, the store will be able to provide their desired amount of parking once the lot is complete.

The item was the subject of two meetings of the Commission, including a public hearing at the February 16th meeting. In consideration of local concerns regarding the adequacy of parking for our local grocery store's proven summer demands, the Homer Planning Commission recommends that the Homer City Council adoption the draft ordinance.

Attachments

Planning review of code amendment

Draft Ordinance

SR 22-09 & minutes

SR 22-11 & minutes

Review of amendment to eliminate large retail and wholesale parking maximums. RA 2/18/22

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: The proposed amendment is consistent with Chapter 4, Goal 3, Objective A; “create a clear, coordinated regulatory framework that guides development.” Implementation strategies for this item includes the consideration of operational constants and community acceptance for rules and regulations.

b. Will be reasonable to implement and enforce.

Staff: The proposed amendment does not present a challenge to implement and enforce.

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

Staff: The amendment will promote public health safety and welfare by not introducing the need to park illegally or in places of parking lots not designed for parking and needed for circulation.

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

Staff: The ordinance has been reviewed for consistency with other wording and provisions of the title and been found to not introduce conflicts.

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

4 Planning Commission

5 **ORDINANCE 22-XX**
6

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING TITLE 21.57 LARGE RETAIL AND WHOLESALE STORES,
10 ELIMINATING MAXIMUM PARKING REQUIREMENT.
11

12 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A states, “Create
13 a clear, coordinated regulatory framework that guides development;” and
14

15 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A,
16 Implementation Strategies states, “Review rules and regulation options with consideration of
17 operational constraints and community acceptance;” and
18

19 WHEREAS, It has been found that the maximum parking allowance for Large Retail and
20 Wholesale Stores is inadequate to support summertime customer demands for grocery stores;
21 and
22

23 WHEREAS, The limitation of maximum parking requirements for Large Retail and
24 Wholesale stores is inconsistent with the permitted uses for parking lots and garages; and
25

26 WHEREAS, The elimination of maximum allowances for Large Retail and Wholesale
27 Stores will be more consistent with other parking regulations found in the Homer City Code;
28 and

29 WHEREAS, The proposed ordinance overcomes operational constraints and fills
30 expectations of the community.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34 Section 1. Homer City Code 21.57, is hereby amended to read as follows:
35

36 Chapter 21.57.150 Parking
37

38 ~~a. Parking lots for large retail and wholesale development shall not exceed the minimum~~
39 ~~number of spaces required by Chapter 21.55 HCC by more than 10 percent.~~
40

41 ~~a~~**b.** All parking lots will be posted “No Overnight Camping Permitted” as required by HCC
42 19.08.030.
43

44 **b.** Where practical, no more than 50 percent of the required parking area for the development
45 shall be located between the front facade of the building and the abutting streets or adjacent
46 to arterials.

47
48 Section 2. This Ordinance is of a permanent and general character and shall be
49 included in the City Code.

50
51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

53
54 CITY OF HOMER
55
56 _____
57 KEN CASTNER, MAYOR
58

59
60 ATTEST:
61
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK
64

65
66 YES:
67 NO:
68 ABSTAIN:
69 ABSENT:
70
71 First Reading:
72 Public Hearing:
73 Second Reading:
74 Effective Date:



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Staff Report PL 22-09

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 2, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction It has been requested through Council Member/City Manager request, that the Planning Commission review issues surrounding large retail parking requirements, specifically concerns of the development of the Safeway parking lot.

Analysis Last year we took a look at the entirety of the Large Retail code and had a few items to work out. At this time, I wish to look exclusively at parking issues.

21.57.150 Parking.

a. Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55 HCC by more than 10 percent.

b. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC 19.08.030.

c. Where practical, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.

Maximum Parking Allowances for Large Retail

The issue that is most brought up is that the number of parking spaces are inadequate to support the traffic that the store generates. I do believe that this issue could be a nearly untenable issue in the summer peak, if not for the allowance to construct an adjacent parking lot on a separate lot.

Safeway may have had a few challenges since it was constructed, but it also had atypical pressures such as, parking spaces being taken up by construction workers and equipment. I have not found my use of the parking lot inhibited and I frequently stop there 3 times a week.

But I do sympathize with the issues that will likely show themselves in the summer when demand is high.

Additionally, I object to the inconsistency of the code. This is the only type of development that is restricted in this way (Not to exceed more than 10% of minimum requirements) and it can be overcome by development on a neighboring lot. I do not think that it produces any consistent result (just as Safeway demonstrates). It is actually a rare thing in Homer for someone to propose developing parking well beyond the minimums, it is an expensive venture. Frequently, businesses desire to develop less than the minimum.

I do recommend that the Commission give serious consideration to eliminating the maximum allowance for large retail parking. It would be more consistent with code and would eliminate the development of alternative plans such as Safeway has done in creating a 'stand-alone' parking lot that could be of any dimensions.

Design

Also brought up is difficulties with the parking islands. It has been difficult for some to get used to the islands and claims have been made that they are the cause of accidents.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers.

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single-loaded or one double-loaded aisle that have a 15-foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subsection (f)(1)(b)(i) of this section.

I have a really hard time processing this one. I do not see how navigating islands should introduce difficulties that would not be encountered if the spaces were taken up by vehicles. It may have caught some by surprise, as no plantings have been established and they may have been obscured by snow.

We may be able to take some considerations for alternative options, if an existing business does not have the room to meet minimum parking requirements when required to conform to the 10% landscaped in buffers or islands. I also support the contention that one might be able to trade off some buffers for islands and such, if difficulties are demonstrated.

The tough part here is that, I do not see that there is/was much of any alternative that was justifiable for the Safeway lot. They really do not have any options that would not have significantly altered the parking lot. They were able to meet parking minimums with the landscaping included. With the development of the neighboring parking lot, they will not lose parking spaces compared to what was previously provisioned.

There are reason why we support landscaping in parking lots. Landscaped parking lots enhance the aesthetics of a property, provide shade protection, and can reduce impervious surface through environmental design.

I do entertain thoughts of the provisioning of landscaping in parking lots in concern of the possible expansion of existing businesses. Perhaps there are other tradeoffs?

Staff Recommendation Discuss and make recommendation for further actions.

1. Should parking lot maximums, which apply only to large retail, be removed from code?
2. Are there landscaping tradeoffs for business that want to expand, but are limited by parking lot landscaping requirements?

Commissioner Conley requested a worksession on this topic to discuss and review all the options and to get a thorough understanding of the issues.

Commissioner Barnwell supported the idea of worksession instead of trying to make a decision in this limited time period.

Vice Chair Highland requested confirmation that City Planner Abboud had enough direction to proceed with the Building Code aspect of this by the commission.

City Planner Abboud confirmed.

Deputy City Clerk Krause requested a motion to postpone amending the definition from the Commission if they were not acting on it at this meeting.

BENTZ/VENUTI MOVED TO POSTPONE THIS ITEM TO THE FEBRUARY 16, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 22-09 Maximum Parking Allowance for Large Retail

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed his staff report for the Commission.

Discussion was facilitated and focused more on the issues that were brought forward by the changes in the Safeway parking lot on the following:

- requirements for parking lots for commercial establishments
- design factor
- number of entrances
- looking at minimums
- making logical allowances for what is really necessary on site
- parking lots are really expensive
- reducing the percentage is the simplest method
- removal of landscape requirements
- accommodating snow removal and storage

BENTZ/CONLEY MOVED TO STRIKE LINE A PARKING LOTS FOR LARGE RETAIL AND WHOLESALE DEVELOPMENT SHALL NOT EXCEED THE MINIMUM NUMBER OF SPACES REQUIRED BY CHAPTER 21.55 BY MORE THAN 10 PERCENT.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the outcome of the changes to the Safeway parking lot changes and stormwater runoff, and possible fees such as charged in land poor communities and this factor is a big discussion and being looked at by the City.

Vice Chair Highland requested clarification on the second recommendation in Staff Report 22-09.

City planner Abboud stated it may be nice to have something on the record to bring this topic back before the commission.

BENTZ/VENUTI MOVED TO POSTPONE FURTHER DISCUSSION ON LANDSCAPING UNTIL BROUGHT BACK BY STAFF.

There was no further comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for January 10 & 24, 2022 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause complimented Vice Chair highland on conducting a good meeting, it was very interesting and welcomed back Commissioner Barnwell.

COMMENTS OF THE COMMISSION

Commissioner Venuti complimented Commissioner Highland on conducting a great meeting.

Commissioner Chiappone echoed those sentiments.

Commissioner Bentz commented that on reflection of the various topics they discussed tonight lead back to resiliency and she was able to take some management level FEMA courses about building Community resilience with nature based solutions recently and there's resources out there to start thinking about the normal planning processes that cities have and how those plans can align and integrate different strategies to thread together some of these ideas that we're talking about like



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Staff Report PL 22-11

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 16, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction

In consideration of experiences of our local Safeway grocery store's need to provide parking for customers year-round, the Commission has reconsidered the policy found in Homer City Code (HCC) for Large Retail and Wholesale Store that limit the allowance for parking spaces to not exceed the minimum required by more than 10%.

Analysis

We have found several factors to reconsider limiting the amount of parking allowed at Large Retail and Wholesale stores. While the concept of limiting the size of parking lots, especially those that are likely to be underutilized, seems to be a worthy goal, we have found that it is not practical when it has been indicated that the restriction is not adequate to serve demand and conflict with other policy.

The Safeway store has demonstrated a demand for parking well beyond the limitations in code. During the summer the parking lot frequently utilizes parking spaces that equal 30% above the maximum currently allowed in code. There does seem to be local factors contributing to the demand and constraints.

- There is no mass transportation options in Homer. Taxi is generally the only transportation option as no bus route exists. This does not significantly decrease the need for parking and contributes traffic to the parking lot.
- Homer does not have significant nearby population that would walk to the store. Those that do walk face challenges due to the changes in grade and may have to walk up hills that may be difficult for many, who will generally resort to driving to the store.
- The population outside Homer is considerable compared to in-town populations and Homer has a great deal of tourists in the summer. These populations are dependent of the use of cars and the services provided at the grocery store and contribute to parking demands.

- The store itself is smaller than comparable stores that provide the same products & services. This does seem to be an anomaly, as other newer and remodeled grocery stores are larger and would require more spaces due to larger floor areas.
- Homer does not allow on-street parking. On-street parking might be able provide an option for overflow parking, but this is not a viable option and not many opportunities exist that would reasonably support the use.

The policy itself is inconsistent.

- Large Retail and Wholesale Stores are the only category that is limited in this way. No other use in code is limited in maximum.
- Parking lots are an allowed use in the Central Business District (CBD). The CBD is arguably the most attractive district to operate a large retail operation and the outright allowance for a parking lot with no limitations on the numbers of stalls conflicts with the restriction. This has played out as Safeway is developing a parking lot on the adjoining lot as allowed in code and has provided a way to circumvent the restriction.

Due to the factors listed above, an amendment to eliminate the parking maximum for Large Retail and Wholesale Store is being proposed.

Staff Recommendation

Conduct public hearing and make recommendation to the City Council for adoption.

Attachment

~~Draft Ordinance~~

same as
attached to
Memo PL 22-01

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- comments made at the worksession by the public regarding drainage
- adding funds to the Land Fund and the benefits to replenish that account
- possible funding for stormwater and building code as a result of the Hazard Mitigation Plan update
- Rural Residential Rezone update process and expectations of the benefits to update this in code
- Complaints received by the City Manager on noise from Airbnb's and the question on how to manage this since Homer has literally hundreds of these seasonal rentals
 - o checking on the validity of the complaints
 - o Homer is not a "spring break location"
 - o concerns regarding the removal from the market for year round rentals
 - o reinforcement for the rezoning and will assist in creating more housing to be built

City Planner Abboud facilitated questions and responded to questions on the timeline for the presentation of the draft Hazard Mitigation Plan; building code; green infrastructure funding; details on the projects selected will need input from the Public Works Director; the public works campus relocation is a slow moving long range plan; vacation rental businesses are or should be licensed and remitting sales tax.

PUBLIC HEARINGS

A. Staff Report 22-11, draft Ordinance 22-xx Eliminating Maximum Parking Requirements for Large Retail and Wholesale Stores

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-11 for the Commission noting the following:

- no mass or public transportation offered in Homer besides taxi's
- does not decrease the need for parking
- residents do not walk to the store due to location and topography
- considerable patronage by non-city residents, visitors and tourists
- policy itself is inconsistent, only large retail and wholesale stores are limited in the maximum
- Parking lots are an allowed use in the CBD and can be constructed without the limitation

Chair Smith opened the public hearing and having no one present in the audience in person and members of the audience attending by Zoom did not use the raise hand icon he closed the public hearing.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-11 AND FORWARD TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21-57 LARGE RETAIL AND WHOLE SALE STORES, ELIMINATING THE MAXIMUM PARKING REQUIREMENT.



Commissioner Highland noted that the Commission discussed this topic thoroughly and did not believe that there was anything additional to discuss.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-12 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report at the worksession and provided a summary of what was discussed:

- work out issues insuring the setback is from the face or edge of the structure
- definition for “edge and maybe a measurement section to make sure this is not compromised by other measurements
- displaying 60 foot setbacks west of West Hill Road
- Shoring up definitions of bluff edge which include eliminating the word bluffs so it is not confused with regulations of other bluffs that they deal with
- adding a section or some definitions pertaining to the Marine Erosion and distance from the marine area that this will apply to
- possibly incorporating some measure of mean high water
- working with Commissioner Bentz to define the language for the above

Chair Smith noted that staff has requested motion for recommended setback and locations but was unsure if they were ready to do that at this time and requested further input from the Commission.

Commissioner Bentz stated that she agreed with the idea of a 40 foot setback for all areas of Homer east of West Hill and then a 60 foot setback for areas west of West Hill Road. She expressed that if they wanted to make the motion as a Commission about just that number of feet for the setback, and then opined that it would be useful to make a motion to request staff to provide an ordinance with proposed language for review at the next meeting. Ms. Benz further stated that just incorporating those key bullet points that City Planner Abboud just give us an overview of, in the language, will help and having it before us in a draft ordinance form will be really helpful as far as making decisions in the future.

City Planner Abboud stated that he was unsure if a draft ordinance could be ready by the March 2nd meeting as he will be taking some time off and Planning Staff will have other time commitments.

BENTZ/VENUTI MOVED TO RECOMMEND 40 FEET AS A SETBACK FOR LOCATIONS IN HOMER EAST OF WEST HILL AND THE STERLING HIGHWAY INTERSECTION AND 60 FEET SETBACK FOR LOCATIONS WEST OF THE INTERSECTION OF WEST HILL ROAD AND THE STERLING HIGHWAY.