



# MEMORANDUM

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**Ordinance 25-01 An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.10.030 Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to General Commercial 1 (GC1) Zoning District.**

**Item Type:** Action Memorandum  
**Prepared For:** Mayor Lord and Homer City Council  
**Date:** January 13, 2025  
**From:** Ryan Foster, City Planner  
**Through:** Melissa Jacobsen, City Manager

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City staff received a completed zoning map amendment application by petition of the property owner, Doyon, Limited, per HCC 21.95.020 (e). The application was continued from the December 6, 2023 regular meeting to a special meeting on January 3, 2024, where a public hearing was held by the Planning Commission for a request to rezone the property at 1491 Bay Avenue from Rural Residential (RR) District to General Commercial 1 (GC1) District.

The motion to approve the rezoning request by the Homer Planning Commission passed by a vote of 4-3. Attached are Staff Report 23-061 and the January 3, 2024 Planning Commission Approved Meeting Minutes with detailed information on the application and public hearing.

**RECOMMENDATION:**

The Planning Commission motioned to recommend approval of the rezoning passed by a vote of 4-3.

**Attachments:**

Planning Commission Staff Report 23-061  
January 3, 2024 Planning Commission Approved Meeting Minutes



# City of Homer

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

## Planning

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### Staff Report PL 23-061

**TO:** Homer Planning Commission  
**FROM:** Ryan Foster, City Planner  
**MEETING:** December 6, 2023  
**SUBJECT:** Application amending Zoning Map via Ordinance

**Requested Action:** Conduct a public hearing and recommend approval of the zoning map amendment to the Homer City Council

### GENERAL INFORMATION

The applicant requests a change in zoning from Rural Residential, to General Commercial 1.

Applicant: Doyon, Limited  
1 Doyon Place  
Fairbanks, AK 99701  
Location: 1491 Bay Avenue  
Legal Description: T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0000839 BAY VIEW SUB LOT 163  
Parcel ID: 17921015  
Size of Existing Lot: 1.35 acres  
Zoning Designation: Rural Residential District  
Existing Land Use: Vacant  
Surrounding Land Use: North: Residential  
South: Vacant  
East: B Street ROW & Commercial  
West: Residential

Comprehensive Plan: Goal 1 Objective D Implementation Item 3: "Support planning and zoning regulations that promote land use strategies that include compact, mixed-use development, higher density development, and infill."

Wetland Status: KWF Wetlands Assessment Tidal on southern half of the lot.  
Flood Plain Status: Zone AE 20  
Utilities: Public utilities service the site.  
Public Notice: Notice was sent to 28 property owners of 26 parcels as shown on the KPB tax assessor rolls.

## GENERAL INFORMATION

This application proposes a zoning map amendment to move the General Commercial 1 District Boundary west to encompass the subject lot. The applicant proposes a planned unit development consisting of a hotel, employee housing, and triplex residential units at 1563 Homer Spit Road, 1663 Homer Spit Road, and 1491 Bay Avenue. The rezoning is necessary to allow for a mixed-use planned unit development (residential and commercial); the Rural Residential District only allows planned unit development with residential uses only.

### 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.

### 21.95.050 Planning Department review of zoning map amendment.

The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 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.**

**Applicant:** Doyon, Limited's proposal for a year-round hotel and condos in Homer, Alaska, is intricately woven into the city's comprehensive plan, a strategic roadmap designed to guide Homer's growth while safeguarding its distinct character. Anchored within the Land Use chapter of the project, the development seamlessly aligns with the overarching vision of the city, particularly the outlined goals of increasing housing supply and diversity (Goal 1) and maintaining the pristine quality of Homer's natural environment (Goal 2).

The plan envisions Homer as a city that respects its environment, boasting a unique and vibrant atmosphere that is both wonderful to live in and inspiring to visit. The proposed project contributes to this vision by adhering to the plan's emphasis on encouraging high-quality buildings and fostering a mix of well-defined commercial districts (Goal 3 and Goal 4). By promoting compact, walkable community development and integrating green infrastructure elements, the story goes beyond a mere real estate venture; it becomes a harmonious addition to the cityscape, echoing the plan's call for a balanced blend of development and open space.

The Land Use chapter specifically advocates for zoning concepts that encourage a variety of housing options, reflecting income and lifestyle diversity in Homer. Doyon, Limited's proposal aligns with this objective by presenting a mixed-use development that caters to diverse needs while respecting the natural landscape. The plan's proposed land use recommendations map, designed to clarify intended types of uses, resonates with the project's commitment to striking a balance between development density and preserving environmentally crucial areas.

Furthermore, the proposal dovetails with the plan's vision for an integrated system of green spaces, providing aesthetic and functional benefits to the community. By protecting corridors for trails, managing stormwater, preserving wildlife habitat, and maintaining viewsheds, the development becomes a housing solution and a contributor to the city's ecological well-being.

In essence, Doyon, Limited's development proposal mirrors the forward-thinking approach embedded in Homer's comprehensive plan, contributing to the city's economic vitality while ensuring that growth occurs in a manner that is both sustainable and in harmony with the community's values.

**Analysis:** The Comprehensive Plan states (Goal 1 Objective D Implementation Item 3): "Support planning and zoning regulations that promote land use strategies that include compact, mixed-use development, higher density development, and infill." The proposed rezone is contiguous to the General Commercial 1 zoned properties at 1563 & 1663 Homer Spit Road, and complies with the general land use pattern set out in the Comprehensive Plan Land Use Recommendations Map. The General Commercial 1 district, with a proposed Conditional Use Permit Application for a Planned Use Development at this property, allows for greater mixed use opportunities. A currently vacant property will be consolidated with the existing General Commercial 1 properties.

*Staff Finding:* The zoning change is consistent with the Comprehensive Plan and will support higher density mixed-use infill development.

**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.**

**Applicant:** Adjacent zoning districts are GC1 and RR. The proposed re-zone will facilitate land use that is compatible with adjacent GC1 development. Every effort is being made to segregate this development from the residential area to the west.

**Analysis:** Conditions have changed since the original adoption of the zoning district boundaries. The Ocean Drive/Homer Spit corridor consists of the majority of land zoned for General Commercial 1 in Homer, and much of it has already been developed. There is a strong demand for General Commercial 1 zoned properties, with limited availability of undeveloped commercial properties, especially larger parcels, in the City. This proposed rezone would provide much needed acreage for a commercial project.

*Staff Finding:* The amendment would apply a zoning district that is better suited to the area because conditions have changed since the creation of the General Commercial 1 District boundaries.

**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.**

**Applicant:** Consolidation of the properties allows a significant commercial investment to take place at the landmark location at the base of the Homer Spit. Benefit: complete renovation of a derelict site into a multi-million-dollar facility, increased employment opportunities with included employee housing option. The proposed development by Doyon, Limited holds great promise for enhancing property values in the area and contributing significantly to the local economy.

The development is separated from the adjacent property to the north by a retaining wall and difference in elevation. The development is separated from the adjacent property to the west by a 6' sight obscuring fence and 10' wide landscape buffer. The proposed development is carefully designed to be compatible with existing uses of the surrounding land. Through adherence to the planned unit development (PUD) regulations, the project aligns with the zoning district's provisions, ensuring that the mix of residential, commercial, and industrial elements integrates seamlessly into the existing landscape. The development plan considers the neighborhood's character, harmonizing scale, bulk, coverage, and density to preserve the desirable features of the surrounding area. By incorporating sustainable practices, on-site employee housing, and thoughtful design, the proposal aims to complement rather than disrupt the existing land uses, promoting a well-integrated and cohesive community.

**Analysis:** City water and sewer are available and access to 1491 Bay Ave would be via Homer Spit Road, an Alaska Department of Transportation maintained road. Full police and fire services are available. Public services and facilities are adequate to serve increased intensity land use. Development of this property via a Planned Unit Development with a hotel, workforce housing, and

tri-plex residences would increase infill within the community, and create more opportunities for mixed-use development that is difficult to come by since Homer has limited opportunity for larger scale mixed-use General Commercial 1 development.

*Staff Finding:* The rezoning of this 1.35-acre lot that is contiguous to the General Commercial 1 is in the best interests of the public as it supports higher density mixed-use infill development.

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

Planning staff has reviewed the ordinance per 21.95.050 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.

#### **ATTACHMENTS**

1. Application
2. Petition
3. Map of Rezone
4. Public Notice
5. Public Comments



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## Planning

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## 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: Doyon, Limited Phone Number: 907-375-4216

Address: 1 Doyon Place, Fairbanks AK, 99701

Property Owner (if different than applicant)

Name: Doyon Tourism, Inc. Phone Number: 907-375-4216

Address: 11500 Sukdu Way Anchorage, AK 99515

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

Street Address: 1491 Bay Ave Lot size: 1.35 acres Tax parcel number: 17921015

Legal Description: Lot 163 Bay View Subdivision (HM 0000839)

Circle one: Is City water available? **YES/NO** City Sewer? **YES/NO** Electrical Service? **YES/NO**

What is the existing use of the property? Vacant

What is the proposed use of the property? Change the zoning for Lot 163 from Rural Residential to GC1. This rezone, along with the B St. right-of-way vacation will create 2 contiguous parcels with the existing commonly owned properties to the east. To be a hotel/condominium development with employee housing and parking in the northerly portion of the properties. There will be a 3-story hotel and 3 condominiums with 2 short-stay structures located on the southerly portion of the properties. No direct motorized access will be provided from the project to Bay Avenue or B Street.

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: Professional office building, Storage units,  
Waste management company, UPS Distribution Center

GC1

South: Tidelands, DOT, DNR

Open Space Rec

East: DNR, Homer Airport

GC2

West: Private residences, storage units,  
short term rentals

Rural Residential

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

Consolidation of the properties allows a significant commercial investment to take place at the landmark location at the base of the Homer Spit.

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

(a) the community.

(b) the neighboring landowners.

(c) you, the property owner.

### **Community**

Benefit: complete renovation of a derelict site into a multi-million dollar facility, increased employment opportunities with included employee housing option. The proposed development by Doyon, Limited holds great promise for enhancing property values in the area and contributing significantly to the local economy.

Detriment: N/A

### **Neighboring landowners**

The development is separated from the adjacent property to the north by a retaining wall and difference in elevation. The development is separated from the adjacent property to the west by a 6' sight obscuring fence and 10' wide landscape buffer. The proposed development is carefully designed to be compatible with existing uses of the surrounding land. Through adherence to the planned unit development (PUD) regulations, the project aligns with the zoning district's provisions, ensuring that the mix of residential, commercial, and industrial elements integrates seamlessly into the existing landscape. The development plan considers the neighborhood's character, harmonizing scale, bulk, coverage, and density to preserve the desirable features of the surrounding area. By incorporating sustainable practices, on-site employee housing, and thoughtful design, the proposal aims to complement rather than disrupt the existing land uses, promoting a well-integrated and cohesive community.

### **Property owner/developer**

Benefit: facilitates completion of step 1 in the proposed project timeline.

Detriment: N/A

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?



Adjacent zoning districts are GC1 and RR. The proposed re-zone will facilitate land use that is compatible with adjacent GC1 development. Every effort is being made to segregate this development from the residential area to the west.

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

Existing city services and other utilities are sufficient to provide for the needs of this development.

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

No

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

Doyon, Limited's proposal for a year-round hotel and condos in Homer, Alaska, is intricately woven into the city's comprehensive plan, a strategic roadmap designed to guide Homer's growth while safeguarding its distinct character. Anchored within the Land Use chapter of the project, the development seamlessly aligns with the overarching vision of the city, particularly the outlined goals of increasing housing supply and diversity (Goal 1) and maintaining the pristine quality of Homer's natural environment (Goal 2).

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Furthermore, the proposal dovetails with the plan's vision for an integrated system of green spaces, providing aesthetic and functional benefits to the community. By protecting corridors for trails, managing stormwater, preserving wildlife habitat, and maintaining viewsheds, the development becomes a housing solution and a contributor to the city's ecological well-being.

In essence, Doyon, Limited's development proposal mirrors the forward-thinking approach embedded in Homer's comprehensive plan, contributing to the city's economic vitality while ensuring that growth occurs in a manner that is both sustainable and in harmony with the community's values.

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

The proposed development by Doyon, Limited in Homer, Alaska, is conscientiously crafted to prioritize the health, safety, and welfare of the surrounding area and the city. The project adheres strictly to the established zoning regulations and city ordinances, ensuring that all aspects align with the community's well-being. Robust safety measures, both during construction and in the final built environment, have been incorporated to mitigate any potential risks. Additionally, the project emphasizes sustainable practices and environmental considerations to safeguard the local ecosystem's health. By engaging in comprehensive planning, Doyon, Limited aims to contribute positively to the community's welfare, creating a development that enhances the quality of life in the surrounding area without compromising safety or the city's overall health.

#### 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, Doyon Tourism Inc., duly authorizes Patrick Duke, Senior Vice President & CFO to act for Doyon Tourism Inc., who has the following legal interest, Lot 163 Bay View Subdivision, 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: \_\_\_\_\_



## Petition

<b>Proposed amendment:</b>	The property at 1491 Bay Avenue consists of one 1.35 acre parcel. Currently the parcel is a part of the Rural Residential Zoning District. This request is to change the zoning of the entire property, T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0000839 BAY VIEW SUB LOT 163 to the General Commercial 1 District.
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."
<b>Statement of Justification</b>	This rezone along with the B St. right-of-way vacation will create 2 contiguous parcels with the existing commonly owned properties to the east. The amendment will facilitate development and land use that is compatible with the adjacent GC1 zoning district.

Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Patrick Duke, SVP CFO		T 6S R 13W SEC 21 SEWARD MERIDIAN HM 0000839 BAY VIEW SUB LOT 163	17921015

**MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT**



Public Works Director Keiser agreed and reviewed the memorandum provided in the packet, noting she addressed comments made by the public at the December 6<sup>th</sup> hearing. She stated that the applicant has addressed a number of them and her recommendation to add specific conditions to the CUP in the event that it was approved, such as the viewing platform and pedestrian access. She noted that certain issues would be addressed if Homer had a building code but there is none, but a recommendation could be made for the requirements to be added, such as including a grease trap to prevent oil and fats to go into the sewer system. Chemicals were identified in the soil so a recommendation was made to construct using pile foundation to disturb as little of the soil as possible. These items she believed were easy to accommodate in the applicants design process.

There was a brief discussion on what is already included in the Conditions outlined in the suggested motion as presented by the Clerk.

Commissioner Stark noted the various items that the Commission should consider before making their motion and stated that they should make a motion to have separate deliberation meeting to have adequate time for review.

Chair Smith requested clarification on how that would be conducted.

Deputy City Clerk Krause advised that the Commission could take poll to determine which day and time would be best to schedule the meeting, noting that it would not be a public meeting.

STARK/SCHNEIDER MOVED TO HAVE THE COMMISSION SCHEDULE A DATE AND TIME TO BE DETERMINED TO SCHEDULE DELIBERATIONS.

There was a brief discussion on the time the Commission has to make their decision is 45 days from closing of the Public Hearing which was tonight.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 23-061, Application Amending Zoning Map via Ordinance

Chair Smith introduced the item, noted that the Staff Report 23-061 was provided in full at the December 6<sup>th</sup> meeting and if desired by the Commission a summary of the report can be provided.

City Planner Foster determined that the Commission did not want a summary of Staff Report 23-061 for the record.

Chair Smith invited the applicant to make their presentation or speak to their application.

Zach Dunlap, Operations Manager for Doyon Limited introduced Katie Kirsis, Seabright Surveying & Design to speak to the application.



Katie Kirsis, Seabright Surveying, stated she prepared the rezone application and the re-plat. She reviewed the findings that was presented by the City Planner in the report and agreed that they supported the approval of the rezoning for the parcel to allow the development of the project as designed. The two parcels are already zoned GC1 and this property would be contiguous if the vacation is approved, noting that it would be appropriate shift in the zoning limits.

Chair Smith opened the public hearing.

Beverly Bowman, own property across from the proposed employee housing and commented that the project as presented would impact her property in general. She would prefer that the area stay residential. The employee housing does not show parking on Bay Avenue but noted that there is room to park some cars there and expressed concern about that. She recommended reconfiguring the proposed design.

Peter Garay, city resident, he commented on some earlier concerns for the flight paths and suggested getting some input from actual pilots to see if the project would actually have some impacts from their perspective.

Penelope Haas, non-resident, clarified that comments can only be on the rezone, speaking on behalf of the 202 people who have signed the letter that was provided in opposition to the rezone for this location due to it being a sensitive area ecologically. It is outside the city center which the Comprehensive Plan has designated for dense development. So many people who don't live adjacent signed the letter is because they come and recreate here or get their boat. She noted the viewshed matters to these folks and urged the Commission to consider the broader public interest.

Rika Mouw, city resident, commented that this rural residential lot on Bay Avenue is heavily treed piece of land, and if rezoned it would be completely logged and excavated to bring it down to the elevation of 164A. She stated that it is a protection and division of the neighborhood and Kachemak Drive.

Rick Foster, city resident, Klondike Avenue, commented his appreciation for the Ms. Mouw statement and where's Frank when you need him about spot zoning because this action was definitely spot zoning and should remain rural residential.

Betty Seaman, city resident, property owner next to the proposed property for rezone commented that she lives 160 feet away from the boundary line and against the rezone, it will indelibly change the character of the neighborhood, she still was unsure even with the new diagram regarding the 30-40 foot drop and there will be this wall of 20-30 feet, a gently slope with concerns that it falls off that bluff. Ms. Seaman wanted them to preserve that piece of land in its natural state, to allow the wildlife to remain which would provide viewing opportunities for their customers. She noted all the wildlife that can be seen in that section of land. She questioned that if the city needs more commercial land what happens the next time land come up, they rezone one then it's a domino effect.

Glenn Seaman, city resident, commented that the project proposes to increase the housing supply, condos, they will be like Land's End. The condos are not going to be for regular people but those that can afford a million dollars according to one local realtor's opinion, not homes but investment property. He then addressed the serene pristine natural environment, and that it will be maintained but that was a matter of opinion. Mr. Seaman believed there was a lot of corporate speak, noted the geologist on staff and protections for the critical habitat but having the project built to the edge will not provide that. Mr. Seaman offered

comments on the size of the project, impacts to the rural residential neighborhood, traffic study and the deliberation by the Commission being open to the public.

Karin Marks, city resident, reiterated the fact that Doyon has already made changes to the design from comments made at the last meeting and was sure that more changes would be coming forward from this meeting; noted that there are positive things that can be worked out and as a general thought the growth of Homer and how everything was so rural in the early days. The comprehensive plan addresses central city as a general term and doesn't necessarily mean the center of the business district. The General Commercial District 1 is where we need to grow. Reminded them to review the economic vitality chapter 7 as well.

Scott Adams, city resident, commented on the development of Bay Avenue, the large old spruce trees that will be lost, oversized structures, amending the zoning to accommodate a large project, advocating for compromise.

Eric Engebretsen, city resident, commented that the location in retrospect is the least impact for placement of a project of scale, he can sympathize with the residents but believe that placement doesn't impact the viewshed there is commercial buildings all around except the one side. He stated that he could have purchased the property next door, clear cut the trees and they would not be having this conversation.

Nick Garay, city resident, stated his fiancée just purchased property adjacent to the proposed site and wondered if there was a point person to ask questions about the project if there are issues during development.

Jack Cushing, city resident, commented on the rezoning noting the zoning applied to surrounding property.

Chair Smith closed the public hearing and opened the floor to questions for the Staff and Applicant from the Commission and rebuttal of public comment from Staff and the applicant.

City Planner Foster rebutted comments that there are limited areas within the city where on street parking and parking will be available onsite for employees, regarding spot zoning with two parcels already designated rural residential once rezoned it would be contiguous to the two parcels. He explained what spot zoning would be and this was not it. Mr. Foster addressed the notion that this rural residential area is called out in the Comp Plan as transitional, there is a demand for GC1 and this is the largest of the two areas. He then referenced the Zoning Map on the wall pointing out that the area in question was central within the city.

City Planner Foster continued by addressing the impact to the zoning of rural residential versus recreational, the notion of providing a buffer of trees for the neighboring property would be a good thing and through the vacation it becomes contiguous and acknowledged the plans showing trees and fencing being utilized. The lot is zoned rural residential and by right could be developed as such with no Zoning amendments.

Lauren Egbert, Womer, reviewed the design of the employee housing and from Bay Avenue looking south the view is upon the residential unit; utilizing the grade it the hotel appears as a two story structure not a three story structure. They are planning a vegetated barrier whether natural or structured and will be looking to code to act as a guide on that subject.

Questions presented to the Applicant and Staff as follows:

- Buffer between the proposed project and the rural residential neighborhood
  - o Hotels are very modular in nature
  - o Loss of rooms with loss of height
- Clarification on treating this project as a PUD
  - o Directing back to addressing strictly the rezone
  - o It is referred to as a PUD due to the entire proposal which includes the housing, hotels, condos etc.
  - o Reiterated that it is contingent upon approval of the CUP
- There may be possible replacement of rooms by adding them to the 4<sup>th</sup> floor
- The subject property for rezone is private property and just because it was not done by the former owner doesn't mean it cannot or should not be done.
  - o Condos are residential, employee housing is residential
  - o Comprehensive Plan recommends the area of placement where the hustle and bustle is occurring

Chair Smith restated that the Commission was required to make a recommendation on this action tonight.

HIGHLAND/SCHNEIDER MOVED TO ADOPT STAFF REPORT 23-061 AND RECOMMEND COUNCIL APPROVAL OF THE AMENDMENT TO THE ZONING MAP FOR 1491 BAY AVENUE FROM RURAL RESIDENTIAL TO GENERAL COMMERCIAL ONE.

There was no further discussion.

VOTE. YES. SMITH, SCHNEIDER, CONLEY, STARK  
NO. HIGHLAND, BARNWELL, VENUTI

Motion carried.

C. Staff Report 23-062, Vacation of B Street Right of Way South of Bay Avenue

Chair Smith introduced the item and noted for the record that the staff report was heard in detail at the last meeting and asked if the Commission needed a summary of that report provided.

The Commission did not indicate a summary was needed and a short recess was requested.

Chair Smith called for a recess at 11:20 p.m. The meeting was called back to order at 11:26 p.m. with a request for a motion to extend the meeting.

SCHNEIDER/BARNWELL MOVED TO CONTINUE THE MEETING TO 12:30 A.M.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.