



MEMORANDUM

Ordinance 25-20, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.16 Residential Office District, 21.24 General Commercial 1 District, and 21.26 General Commercial 2 District, Adding Studio as a Permitted Use in Each District. Planning Commission.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: February 24, 2025
From: Ryan Foster, City Planner
Through: Melissa Jacobsen, City Manager

At the November 6, 2024 Planning Commission meeting, in response to Breezy Berryman's request, Planning Commissioner Heath Smith stated he supported the initiation of the code amendment process to consider additional zoning districts that would allow for the Studio use. Per HCC 21.95.010, an amendment to this title is initiated by a member of the Planning Commission, in this case, Planning Commissioner Heath Smith.

A public hearing was held on February 5, 2025 to amend Homer City Code by adding Studio as a permitted use in the General Commercial 1, General Commercial 2, and Residential Office zoning districts. The motion to recommend approval of the code amendment by the Homer Planning Commission passed by a vote of 4-1. Attached are Staff Report 25-02 and the February 5, 2025 Planning Commission Unapproved Meeting Minutes with detailed information on the application and public hearing.

RECOMMENDATION:

City Council adopt Ordinance 25-20

Attachments:

Planning Commission Staff Report 25-02 with attachments
February 5, 2025 Planning Commission Meeting Minutes



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Staff Report PL 25-02

TO: Homer Planning Commission
FROM: Ryan Foster, City Planner
DATE: February 5, 2025
SUBJECT: Ordinance 25-XX Amending City Code to add Studio to GC1, GC2, and RO Zoning Districts

Introduction

Attached is an email from Breezy Berryman requesting the Planning Commission to initiate a zoning code amendment to reconsider the zones allowed for a dance studio to districts such as Residential Office, General Commercial 1 and 2 and possibly even Urban Residential, citing the difficulty in finding properties in the zoning districts that currently allow dance studios (Town Center, Central Business District, Gateway Business District, East End Mixed Use), noting there is no opportunity to even put in for a conditional use permit in other districts.

Per HCC 21.95.010 Initiating code amendment

An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters. [Ord. [10-58](#), 2011].

At the November 6, 2024 Planning Commission meeting, in response to Breezy Berryman's request, Planning Commissioner Heath Smith stated he supports the initiation of the code amendment process to consider additional zoning districts that would allow for a Dance Studio. Per HCC 21.95.010, an amendment to this title is initiated by a member of the Planning Commission, Planning Commissioner Heath Smith.

Per HCC 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.
- b. Will be reasonable to implement and enforce.
- c. Will promote the present and future public health, safety and welfare.
- d. Is consistent with the intent and wording of the other provisions of this title.

Studio Definition

“Studio” means a room, rooms or building where an artist or photographer does work, a place where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or television programs are produced or where recordings are made.

General Commercial 1

The General Commercial 1 (GC1) District is primarily intended to provide sites for businesses that require direct motor vehicle access and may require larger land area, and to provide business locations in proximity to arterials and transportation centers. It is also intended to minimize congestion and adverse effects on adjacent residential districts and on the appearance of the community.

Proposed Text:

Section 1. Homer City Code Chapter 21.24, General Commercial 1 District is amended as follows:

21.24.020 Permitted Uses and Structures.

The following uses are permitted outright in the General Commercial 1 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

oo. Studio.

Analysis: Studio is a good land use fit for a commercial zoning district and should not have a negative impact, especially as compared to other uses permitted in the district such as lumberyards, manufacturing, fabrication, and assembly, retail businesses, hotels, banks, or warehouses and storage. A studio is a reasonable type of business to be expected in a

commercial zoned district, a studio use would be unlikely to impact residential districts with noise or traffic congestion. Zoning districts should include permitted uses that fit well with the purpose and character of the district, this will provide an opportunity for businesses to be located in the proper district in Homer.

General Commercial 2

The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited.

Proposed Text:

Section 2. Homer City Code Chapter 21.26, General Commercial 2 District is amended as follows:

21.24.020 Permitted Uses and Structures.

The following uses are permitted outright in the General Commercial 2 District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reason set forth in this chapter:

aa. Studio.

Analysis: Studio is a good land use fit for a commercial zoning district and should not have a negative impact, especially as compared to other use permitted in the district such as, manufacturing, fabrication, hotels and motels, open air businesses, or cold storage facilities. A studio is a reasonable type of business to be expected in a commercial zoned district, even one which includes heavy commercial and industrial uses. It is common for studios such as recording and television studios, due to the potential for sound and or noise to impact neighbors or residences, to be an allowed use in commercial districts. Zoning districts should include permitted uses that fit well with the purpose and character of the district, this will provide an opportunity for businesses to be located in the proper district in Homer.

Residential Office

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

traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods.

Proposed Text:

Section 3. Homer City Code Chapter 21.16, Residential Office District is amended as follows:

21.16.020 Permitted Uses and Structures.

The following uses are permitted outright in the Residential Office District:

x. Studio.

Analysis: Studio is a good land use fit for a mixed use district and should not have a negative impact, especially as compared to other use permitted in the district such as, professional offices and general business offices, personal services, mortuaries, or museums, libraries and similar institutions. A studio is not a direct retail activity and would have low traffic generation, and would fit in with a similar size and density as other RO uses. A studio is a reasonable type of business to be expected in a mixed use district. Zoning districts should include permitted uses that fit well with the purpose and character of the district, this will provide an opportunity for businesses to be located in the proper district in Homer.

Code Amendment Review Criteria

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

Analysis: There are multiple goals and objectives from the Economic Vitality Chapter of the 2018 Comprehensive Plan that support this text amendment to permit Studio as a use in the GC1, GC2, and RO zoning districts in Homer:

GOAL 2: Encourage the retention and creation of more year-round and higher wage employment.

Objective A: Increase year-round employment that will enable local people to work, live, and raise their families in Homer. While almost all city actions will ultimately affect the course of economic change and job growth, city actions to promote year-round jobs include those listed below:

Implementation Strategies:

- *Consider zoning regulations that support new business opportunities while minimizing negative impacts.*

This code amendment considers zoning regulations that support new business opportunities (permitting Studio in additional zoning districts) while minimizing negative impacts (only permitting in additional zoning districts that are reasonable and meets the review criteria in HCC 21.95.040.)

GOAL 3: Identify and promote industries that show a capacity for growth.

Objective C: Promote recreation, the arts, and non-governmental organizations as a complement to tourism and as an export industry. Recreation and the arts are key components of the Homer economy and support the tourism industry and Homer's quality of life. Actions to promote the arts include those listed below. Some of these objectives are best carried out by the City, while others are best undertaken by local arts groups and tourism marketing organizations with City cooperation and encouragement. Implementation Strategies:

- *Consider and review zoning for opportunities that support the arts industry*

This code amendment considers and reviews zoning for opportunities that support the arts industry in Homer. As already noted "Studio" means a room, rooms or building where an artist or photographer does work, a place where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or television programs are produced or where recordings are made and is a use that clearly supports the arts industry.

The Land Use Chapter of the 2018 Comprehensive Plan supports this text amendment to allow Studio as a use in the GC1, GC2, and RO zoning districts in Homer:

GOAL 3: Encourage high quality buildings and site design that complements Homer's beautiful natural setting.

Objective A: Create a clear, coordinated regulatory framework that guides development. Clear, predictable, consistent rules and regulations are key to achieving standard, quality design. These rules and regulations have to fit the context of the marketplace and be accepted by the development community. Overregulation is a disincentive, while under-regulation will achieve less than desired results. Specific policies addressing this topic include:

Implementation Strategies:

- *Review City adopted plans for consistency*
- *Review rules and regulation options with consideration of operational constraints and community acceptance*

This code amendment is a review of the Studio land use in the Homer Zoning Code to ensure the rules and regulations are consistent, specifically, which zoning districts are appropriate to permit Studio as a use, and makes sure they fit the context of the marketplace (demand for parcels that permit Studio use) and that it is accepted by the development community. Overregulation has been a disincentive for Studio use in Homer by limiting the zoning districts where it is a permitted use, and it reasonable to allow this use in additional zoning districts to achieve Goal 3, Objective A.

Finding: The proposed amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Analysis: The proposed amendment is rather simple and straightforward and is not difficult to implement and enforce, since it is adding Studio as a use to three additional zoning districts to the four it is already permitted, for a total of seven zoning districts in Homer that will permit the use. Implementation and enforcement would be the same as the four existing districts that permit the use.

Finding: The proposed amendment will be reasonable to implement and enforce.

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

Analysis: The present and future public health, safety, and welfare would remain unchanged, with no anticipated negative impact of a Studio use in GC1, GC2, or RO, with this proposed amendment.

Finding: The proposed amendment will promote the present and future public health, safety and welfare.

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

Analysis: The intent and wording of studio is unchanged in the amendment, including the definition in Homer City Code. Studio is proposed as a permitted use in three additional zoning districts, GC1, GC2, and RO and is consistent with the intent and wording for the existing districts it is permitted, TC, CBD, GBD, and EEMU. All other provisions regarding the use would be consistent with existing permitted uses of Studio in Homer City Code, and is not a new interpretation of this use.

Finding: The proposed amendment is consistent with the intent and wording of the other provisions of this title.

Recommendation: *Staff recommends the Planning Commission recommend approval of the proposed text amendment to the Homer City Council allowing Studio as a permitted use in the GC1, GC2, and RO districts.*

Attachments:

Email from Breezy Berryman date October 14, 2024
Zoning District Map for Studio Use

From: [Breezy Berryman](#)
To: [Ryan Foster](#)
Subject: Fwd: letter to city planner
Date: Monday, October 14, 2024 2:30:52 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To the City of Homer Planning Commission,
My name is Breezy Berryman and I grew up dancing in Homer with my mom Jill Berryman who started the Homer Nutcracker Ballet in 1989. I then pursued dance in college and graduated from Tisch School of the Arts-New York University with my BFA in Dance. I danced choreographed and dance professionally in the city for 10 years and then pursued my MFA in dance at the University of Utah and joined a modern dance co. Ririe-Woodbury. I decided to move back home and share my knowledge and expertise in dance with our community. Since moving back i have co directed the Homer Nutcracker for 12 years as well as the Swan Lake Ballet and Alice and Wonderland. I have also been the recipient of two Rasmuson Foundation grants.

My dream and goal is to collaborate with trained dancer Alison Arima and start a rigorous dance training program, The Motivity Dance School and Company. We hope to build or purchase a home base so the school can grow. It would also be nice to have more than one choice to choose for dance instruction.

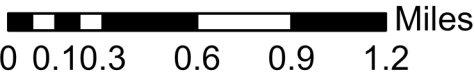
I have come up against some challenges when searching for properties to purchase or build a studio on. The main being that there are limited zoning districts that are allowed to have a dance studio on them. Those locations are limited to town center (hardly anything for sale), east end mixed use (pretty far out for parents to drop their kids after school), the gateway district (which is very small and there is hardly anything for sale or it is very expensive) and central business district.

I am requesting the planning commission to initiate a zoning code amendment to reconsider the zones allowed for a dance studio to districts such as Residential Office, General Commercial 1 and 2 and possibly even Urban Residential as there is one or two potential properties that are right near town that I am interested in near Paul Banks Elementary. I really hope that this is a consideration, since there is no opportunity to even put in for conditional use permit, and I have found very few properties that would be zoned for a dance studio.

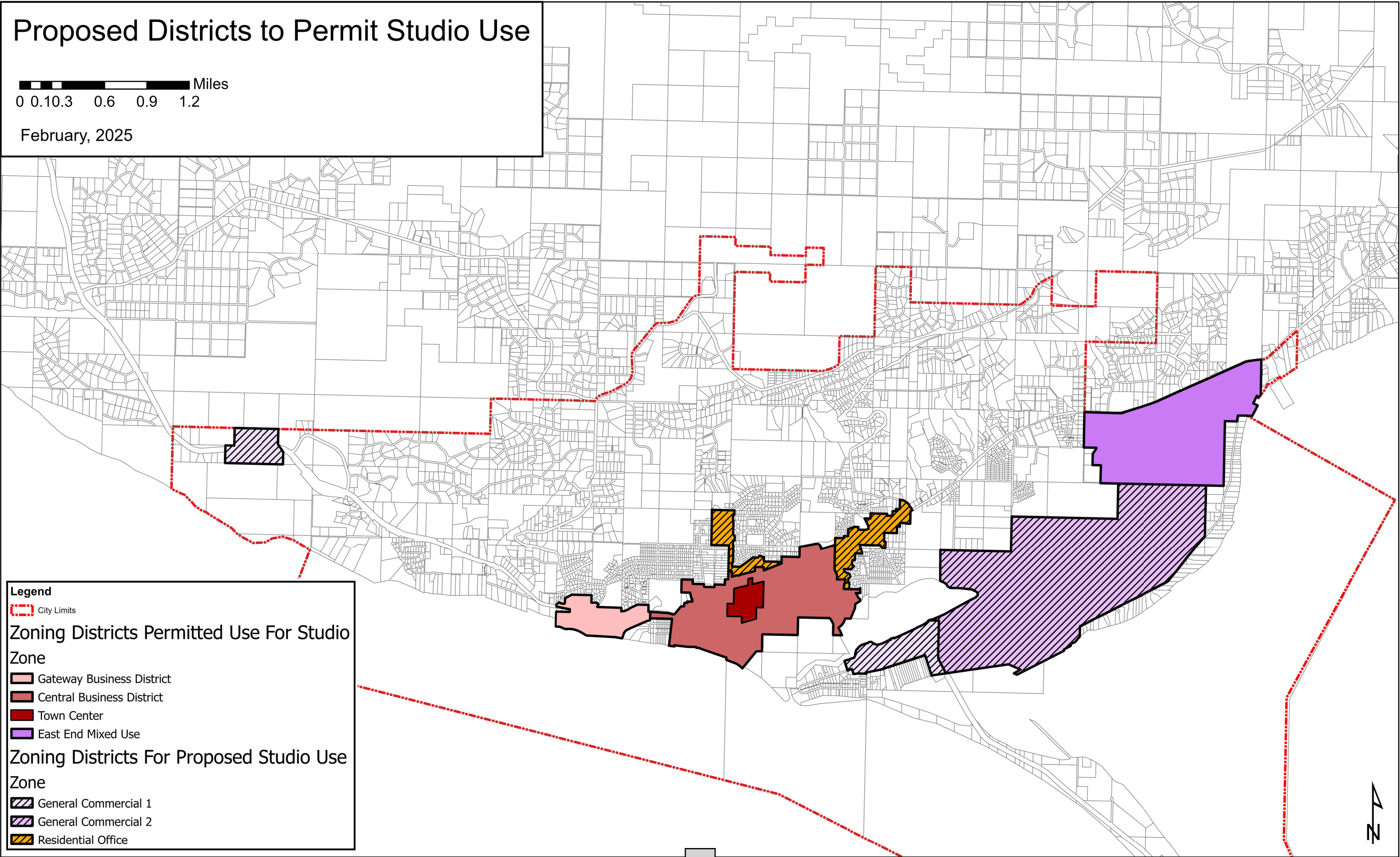
Thank you for your consideration as we are really hoping to create a wonderful and solid foundation in dance for our community.

Breezy Berryman and Alison Arima

Proposed Districts to Permit Studio Use



February, 2025



Legend

City Limits

Zoning Districts Permitted Use For Studio Zone

- Gateway Business District
- Central Business District
- Town Center
- East End Mixed Use

Zoning Districts For Proposed Studio Use Zone

- General Commercial 1
- General Commercial 2
- Residential Office



1/9/2025

Dear Mayor and City Council,

On January 2, 2025, City Planner Ryan Foster sent the Planning Commission Staff Report PL 25-02 stating that Breezy Berryman requested the Planning Commission to initiate a zoning code amendment to allow for dance studios in various zoning districts. Staff Report PL 25-02 cites HCC 21.95.010 which states: “An amendment to [Title 21] may be initiated by any of the following: a. A member of the City Council; b. A member of the Planning Commission; c. The City Manager; d. The City Planner; or e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters.” Mr. Foster then states: “At the November 6, 2024 Planning Commission meeting, in response to Breezy Berryman’s request, Planning Commissioner Heath Smith stated he supports the initiation of the code amendment **process** to consider additional zoning districts that would allow for a Dance Studio.” However, at the January 2, 2025 Planning Commission meeting, Commissioner Heath Smith voted against the motion made by Commissioner Barnwell to recommend approval of the proposal by City Planner Ryan Foster to allow studios as a permitted use in the GCI, GC2, and RO zoning districts; this text was nonetheless approved by the Commission and forwarded to the City Council in the form of Ordinance 25-XX. Breezy Berryman did not submit a petition signed by 50 qualified voters and Commissioner Heath Smith clearly did not approve of or initiate the zoning code amendment that was forwarded to the City Council. Accordingly, proposed Ordinance 25-XX does not meet the requirements of HCC 21.95.010. In Staff Report PL 25-02, Mr. Foster failed to mention critical additional requirements requisite to initiating a zoning code amendment, including the following:

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.
- b. Will be reasonable to implement and enforce.
- c. Will promote the present and future public health, safety and welfare.
- d. Is consistent with the intent and wording of the other provisions of this title.

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 adopted by 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.

Even if Ordinance 25-XX had been properly initiated, the Planning Commission did not have the authority to forward it to the City Council prior to the Planning Department's evaluation as to whether it is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan, will be reasonable to implement and enforce, will promote the present and future public health, safety and welfare, and is consistent with the intent and wording of the other provisions of Title 21. Furthermore, the Planning Department failed to provide the Commission with proposed findings consistent with its comments and recommendations regarding HCC 21.95.040 (a)-(d). Accordingly, the Commission had no opportunity to amend those proposed findings and/or forward them to the Council as required by HCC 21.95.060(d).

The January 2, 2025 public hearing before the Planning Commission was premature because, in addition to violating HCC 21.95.010, HCC 21.95.040 and HCC 21.95.060 had not been complied with. Members of the general public were denied their right to comment on the Planning Department's (non-existent) proposed findings pertaining to the proposed amendment's consistency with the Homer Comprehensive Plan etc. Staff Report PL 25-02 does not contain a single reference to the Homer

Comprehensive Plan but it does state as follows: “The purpose of the General Commercial 2 District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. Residential uses and certain retail enterprises are purposely limited” and concludes: “A studio is a reasonable type of business to be expected in a commercially zoned district.” One has to wonder how permitting dance studios in an industrial zoning district designed for heavy commercial and industrial uses fulfills any stated goal or objective of the Comprehensive Plan as required by HCC 21.95.040(a) or promotes the present and future public health, safety and welfare as required by HCC 21.95.040(c). The City Council should not consider any zoning amendment that violates the zoning code amendment procedures set forth in Chapter 21.95.

Sincerely,

Frank Griswold

1/12/25

Dear Mayor and City Council,

In Staff Report PL 24-040 to the Planning Commission dated November 6, 2024, City Planner Ryan Foster cited HCC 21.95.010:

An amendment to this title may be initiated by any of the following:

- a. A member of the City Council;
- b. A member of the Planning Commission;
- c. The City Manager;
- d. The City Planner; or
- e. A petition bearing the signatures, and the printed names and addresses, of not less than 50 qualified City voters. [Ord. 10-58, 2011].

Mr. Foster then stated: “Breezy Berryman’s request is for a Planning Commissioner to initiate the code amendment process to consider additional zoning districts that would allow for a dance studio. If initiated, Planning Staff will execute the process for researching and drafting a code amendment and hold a public hearing for the Planning Commission recommendations and a public hearing with City Council for their final decision on a code amendment. Staff recommends a Planning Commissioner initiate the requested code amendment process.” (Mr. Foster also pointed out that “The purpose of the General Commercial 2

District is primarily to provide a sound area for heavy commercial and industrial uses within the community designed to permit manufacturing, processing, assembly, packaging, or treatment of products and other uses described in this chapter. ***Residential uses and certain retail enterprises are purposely limited.*** Dance studio use is the anthesis of heavy commercial/industrial use). On November 6, 2024 in a direct response to Mr. Foster's misguided recommendation, Commissioner Heath Smith "requested that the Planning Commission initiate a code amendment process to consider additional zoning districts that would allow for ***dance*** studios." Commissioner Heath Smith did not initiate an ordinance that would allow any studio uses other than dance studio use and he did not identify any specific zoning district into which dance studio use would be expanded. Although Mr. Smith is credited with initiating proposed Ordinance 25-XX, on January 2, 2025 he voted against the motion "recommending approval of the new text to the Homer City Council allowing studio use as a permitted use in the General Commercial 1, General Commercial 2, and Residential Office districts." With this vote, Mr. Smith arguably withdrew his sponsorship of Ordinance 25-XX.

No provision of HCC 21.95.010 provides that a private citizen can request that a Planning Commissioner initiate a zoning code amendment on her behalf. No provision of HCC 21.95.010 provides that a Planning Commissioner or anyone else can initiate a "*code amendment process*" (which could have unforeseen and undesired consequences) instead of an actual code amendment. Pursuant to HCC 21.95.010(e), a person requesting a zoning code amendment is required to submit a petition, signed by at least 50 qualified City voters, expressly stating the desired code amendment. Drafting the text of a code amendment is the responsibility of the petitioner, not the City Planner (unless he initiates the amendment pursuant to HCC 21.95.010(d)). Once a valid citizen petition is submitted, the

Planning Commission would not have the authority to hijack the proposed amendment and amend it into something significantly other than that described in the text of the signed petition. As a hypothetical example to emphasize this point, if Ms. Berryman had submitted a petition to allow dance studio use in specific additional zoning districts, the Commission would not have had the authority to amend her proposal to consider the elimination of dance studio use in all zoning districts. Likewise, the Planning Commission did not have the authority to amend Commissioner Heath Smith's proposal (to allow just dance studios in unidentified additional zoning districts) to allow all studio uses in four specific zoning districts not mentioned by Mr. Smith.

In her email to the City Planner dated October 14, 2024, Ms. Berryman expressed her desire to open The Motivity Dance School and Company but claimed that she had "come up against some challenges when searching for properties to purchase or build a studio on." Commissioner Heath Smith claimed that "the Commission is not seeking to specifically help Berryman but to address a broader community issue that Berryman brought to their attention. We're doing this for the general health and welfare of the community, and (what has) been brought to our attention (is) that there's a need that needs to be met, and that what is currently in our code is might be overly restrictive as far as meeting the needs of the community. So as much as I like Breezy, this isn't necessarily in response to her needs, as much as recognizing the needs of the community and moving in a direction that will open that up for the betterment of our economy and of its residents." Studio use is currently allowed in the Town Center District, the Central Business District, the Gateway District, and the East End Road Mixed Use District. Mr. Smith did not explain how the general health and welfare would be endangered by continuing to limit studio use to these four districts. The existing zoning code has a presumption of validity and there is no

pressing public need to now expand areas available for dancing studios or any other type of studio. Commissioner Barnwell stated “I feel for the applicant’s time frame.” This statement evidences that accommodating Ms. Berryman’s private business interests was the Commission’s true objective.

Proposed Ordinance 25-XX sets a horrible precedent for future zoning code amendments. No private citizen is going to go to the trouble of circulating a petition to initiate a zoning change when they can simply get a friend on the Commission to represent their private interests while falsely claiming that the general health and welfare of the community will be served. “Betterment of the economy” constitutes a fiscal policy and fiscal zoning per se is not a legitimate zoning objective, especially when not done in accordance with a comprehensive plan. (See my correspondence dated 1/9/25). Increasing the tax base and the employment of a community is not automatically a legitimate zoning goal. See *Concerned Citizens for McHenry, Inc. v. City of McHenry*, 76 Ill. App 3d 798 32 (an increase in the tax base of the community as the primary justification for a rezone is “totally violative of all the basic principles of zoning”); *Oakwood at Madison, Inc. v Township of Madison*, 117 N.J.Super. 11, 283 A.2d 353, 357 (finding that “fiscal zoning per se is irrelevant to the statutory purposes of zoning”).

Sincerely,

Frank Griswold

CALL TO ORDER

Session 25-02, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on February 5th, 2025 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONER BARNWELL, VENUTI, S. SMITH, SCHNEIDER, & STARK

ABSENT: COMMISSIONER CONLEY & H. SMITH (BOTH EXCUSED)

STAFF: CITY PLANNER FOSTER & DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith read the supplemental items into the record and requested a motion and second to adopt the agenda as amended.

SCHNEIDER/BARNWELL MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERAS AREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of January 2, 2025

Chair S. Smith requested a motion and second to adopt the consent agenda.

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

- A. Staff Report 25-001, City Planner's Report

City Planner Foster reviewed his staff report included in the packet, covering the following:

- Comprehensive Plan Update
- Update regarding a Landslide Hazard Susceptibility Mapping worksession
- Next Regular Meeting on Wednesday, February 19, 2025
- Next Commissioner report to Council on February 10, 2025 (Commissioner Stark)

PUBLIC HEARINGS

- A. Ordinance 25-xx, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.16 Residential Office District, 21.24 General Commercial 1 District, and 21.26 General Commercial 2 District, Adding Studios as a Permitted Use in Each District, Staff Report 25-02

Public Comment Received

Additional Public Comment Received

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his report included in the packet.

Chair S. Smith opened the public hearing period.

Breezy Berryman, city resident, spoke in favor of the zoning text amending, claiming that it's nearly impossible for her to find any buildings for sale/lease in any of the zoning districts where studios are permitted.

Chair S. Smith closed the public hearing period and opened the floor for comments/questions from the Commission.

SCHNEIDER/STARK MOVED TO RECOMMEND APPROVAL OF THE PROPOSED TEXT AMENDMENT TO THE HOMER CITY COUNCIL ALLOWING STUDIO AS A PERMITTED USE IN THE GENERAL COMMERCIAL 1, GENERAL COMMERCIAL 2, AND RESIDENTIAL OFFICE DISTRICTS.

There was no additional discussion.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: S. SMITH, SCHNEIDER, STARK, BARNWELL.

VOTE: NO: VENUTI.

Motion carried.

- B. Ordinance 25-xx, 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 East End Mixed Use (EEMU) Zoning District, Staff Report 25-006

Chair S. Smith introduced the item by reading of the title and deferred to City Planner Foster, who provided a summary review of his report included in the packet.

Chair S. Smith opened the floor for the Applicant.

Safron Kusnetsov noted that he and his family work in the commercial fishing industry, which has taken a steep dive in the last two years. He elaborated that they've owned the property under review for about 7 years. Mr. Kusnetsov stated that they're hoping to store their equipment on the property and potentially build a processing floor sometime in the future.

Chair S. Smith then opened the public hearing period.

Kiirsten Styvar, city resident, noted that she and her husband own one of the lots directly across from the proposed area. She stated that she wants to and loves to support local seafood operations, but shared concerns she had regarding noise levels and equipment storage.

Chair S. Smith closed the public hearing period and opened the floor for comments/questions from the Commission.

Multiple commissioners raised concerns as to whether or not this rezone, if approved, would be classified as "spot zoning."

Commissioner Venuti asked the Applicant why he needed six cabins on-site for processing fish. Mr. Kusnetsov stated that the cabins aren't needed, and that the original plan with the land was to build rentals.

SCHNEIDER/BARNWELL MOVED TO ADOPT STAFF REPORT PL 25-006 AND RECOMMEND APPROVAL TO THE HOMER CITY COUNCIL OF THE ZONING MAP AMENDMENT TO REZONE A PORTION OF THE RURAL RESIDENTIAL ZONING DISTRICT TO EAST END MIXED USE ZONING DISTRICT.

Commissioner Stark noted that much of the property in that area along the western side of Kachemak Drive is predominately industrial and commercial businesses. He added that the Applicant seems diligent about keeping the property tidy, and that he doesn't foresee this having a significant impact on the surrounding properties.

Chair S. Smith requested the Clerk to perform a roll-call vote.

VOTE: YES: S. SMITH, SCHNEIDER, STARK, BARNWELL.

VOTE: NO: VENUTI.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Pettit thanked everyone for a good meeting.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE COMMISSION

Commissioner Venuti thanked everyone for their service tonight. He added that he isn't a big fan of changing zones, especially when people invest in certain zones.

Commissioner Stark thanked everyone for a good meeting.

Commissioner Schneider thanked everyone for their service.

Commissioner Barnwell thanked everyone for a good meeting.

Chair S. Smith thanked the City Staff for their work.

ADJOURN

There being no further business to come before the Commission, Chair S. Smith adjourned the meeting at 7:42 p.m. The next Regular Meeting is scheduled for **Wednesday, February 19th, 2025 at 6:30 p.m.** All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.

Zach Pettit, Deputy City Clerk I

Approved: _____