

Session 12-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:30 p.m. on December 5, 2012 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ERICKSON, HIGHLAND, SLONE, VENUTI

ABSENT: BOS, SONNEBORN

STAFF: PLANNING TECHNICIAN ENGEBRETSEN
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Gary Nelson, city resident and surveyor, commented that at the one of the last plats he had before the Commission he asked the Commission to include him in their discussion of an intricate matter of right of way dedication on the plat. During the discussion, the Commission wouldn't recognize him and he felt the response given by staff was wrong and he yelled the answer out from the crowd and walked out. He felt like the Commission wasn't serving the public's interest by allowing an owners representative to not be able to represent the owner. He hopes in the future the Commission will be friendlier to them. Homer used to be a friendly place to do business, and now it seems people are getting too busy to be that way anymore.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of the November 7, 2012 minutes

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

REPORTS

A. Staff Report PL 12-70, City Planner's Report

Planning Technician Engebretsen reviewed the City Planner's Report.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 12-68, 3300 Sterling Highway, Transfer Site, Request for Exception to Lighting Standards

Planning Technician Engebretsen reviewed the staff report.

Bill Nelson, consulting engineer representing the Kenai Peninsula Borough, said that they exceed the height requirement on the poles with the design, but conform to every other intent of the code, which is to not have light bleeding off site. Mr. Nelson explained they have cut off light fixtures and minimized the number of poles and lighting levels so as to minimize light leaving the site. They did an engineering analysis to see what would happen if they conformed to the lighting standards and found that lowering the poles will create light and dark spots throughout site, and as a result would require more poles. Increasing the number of light poles to accomplish adequate lighting would create an issue for trucks trying to maneuver around the staging area, and also increase the potential for light pollution.

Chair Erickson opened the public hearing.

Mitchell Hrachiar, borough resident, commented that he lives within the view shed of the transfer station and light trespass in the area has been a problem for years. He agrees with the information in the staff report and the findings are a proactive approach to handle the lighting at the facility. Luminaires and building mounted luminaires may be installed above 15 feet if they are cut off luminaires. Further measures like dimming and turning off lights when not in use is logical. The engineers report on page 22 addresses lighting issues which appear to meet lighting standards. The borough has been proactive with lighting issues and has been a good neighbor, he appreciates that. Mr. Hrachiar thanked the Commission for the opportunity to speak.

There were no further public comments and the public hearing was closed.

Commissioners Venuti and Highland questioned the light cut off. Mr. Nelson explained that it will be part of the operation plan to dim the lights by 50% or turn them off after hours, so it will not raise an issue. Jack Maryott, KBP Solid Waste Director, added that it costs money to run the lights, so based on the station's hours he anticipates that lights would come on at approximately 7:15 a.m. just before employees arrive and shut off by 6:30 p.m. after they have left. Motion sensors would not work because this is not a kind of lighting that you would want to cycle on and off.

Commissioner Slone raised questions regarding pole stability in relation to earthquakes and whether there was another way they could conform to what is outlined in code. Mr. Nelson said the bases aren't rated to seismic events but they are designed to be stable to winds up to 110 mph. To comply with the standards the overall amount of light on the site would be greater, and more light put on the ground results in more light reflecting off the ground and potentially be visible to higher locations. The phenomenon of how much light is put on the ground and how much is reflecting back to people on the ridge isn't addressed in code. If they used lower poles and conform to IES standards they would have to have a brighter overall lighting level to accomplish the uniformity ratio in lighting. It is possible they

could lower the poles in the upper area, but he would have to go back and see if it would comply with the uniformity ratio. Other than redesigning the project this is the best solution for lighting.

Commissioner Stead requested clarification regarding recommendations for access roads on packet page 17, and why the average light would go from .4 to .8 foot-candles even though the uniformity is 6 to 1. Mr. Nelson explained that they require certain overall minimum amount of light and not have areas much brighter than others called a uniformity ratio. If they try to meet the level with shorter poles overall brightness on site will be greater. The light itself is the same light, bringing it down and concentrating the light on the over a small area. Commissioner Stead commented that it appears to him that Mr. Hall is trying to make a case for maintaining the current design than trying to meet something that might be acceptable. Mr. Nelson agreed that was a fair assessment of the situation. They were trying to point out other factors they felt influenced keeping the design, but code only allows a safety consideration. They got their CUP, ordered materials and had them on site, but didn't know there was a limit on pole height.

VENUTI/SLONE MOVED TO ADOPT STAFF REPORT 12-68 AND ALLOW AN EXCEPTION TO THE LIGHTING STANDARDS AT 3300 STERLING HIGHWAY WITH STAFF RECOMMENDATIONS AND FINDINGS.

There were comments made that this is for the good of the community and addresses safety in the area.

VOTE: YES: HIGHLAND, VENUTI, ERICKSON, SLONE
NO: STEAD

Motion carried.

PLAT CONSIDERATION

Commissioner Venuti stated he has a conflict of interest regarding the Bay View Subdivision.

HIGHLAND/STEAD MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT OF INTEREST.

Commissioner Venuti explained that he benefits financially from the applicant within the amounts outlined in City Code.

VOTE: YES: HIGHLAND, STEAD, ERICKSON, SLONE

Motion carried.

Chair Erickson stated she has a conflict of interest in each of the plats scheduled for consideration this evening.

HIGHLAND/SLONE MOVED THAT CHAIR ERICKSON HAS A CONFLICT OF INTEREST.

Chair Erickson explained that she benefits financially with the applicants, who are customers, within the amounts outlined in City Code. She explained later in the meeting that she and her husband own Home Run Oil.

VOTE: YES: STEAD, SLONE, HIGHLAND, VENUTI

Motion carried.

A. Staff Report PL 12-60, Bay View Subdivision No. 3 2012 Addition Preliminary Plat

The Commission was unable to act on this plat due to lack of a quorum from conflicted Commissioners.

B. Staff Report PL 12-64, Paradise Heights Subdivision 2012 Preliminary Plat

Chair Erickson passed the gavel and left the table. Vice Chair Venuti assumed the chair.

Planning Technician Engebretsen Julie reviewed the staff report.

Shirley Fedora, property owner, commented that they purchased the property in July 1995 and developed it as one residence. She noted the home on the plat is their garage and always has been. She showed an aerial photo on which she delineated the location of the home, road, well, and septic. She explained that they intend to maintain their property with one residence. She provided a list of signatures from her neighbors who support the vacation.

Gary Nelson, project surveyor, noted corrections that the 10x10 utility easement in the upper right and lower right corners will be corrected to 10 foot easements and the and the 10x10 pedestal easement should be pointing to the lower left of the subdivision where the line terminates at Horizon Court. He also confirmed that the house on the plat is a garage and the house is near the north boundary. These corrections will be made before it goes to the borough.

There were no public comments.

Question was raised whether it's appropriate for the Commission to approve the plat tonight and if staff was satisfied with the corrections presented. Planning Technician responded in the affirmative to both questions.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-64 PARADISE HEIGHTS SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

C. Staff Report PL 12-65, Thompson Subdivision 2012 Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Gary Nelson, project surveyor, noted that the owners stated they do not do business with the Erickson's.

He provided a copy of an asbuilt prepared by another firm about 12 years ago. It supports the request for the 10 foot utility easement because if would create an encroachment if it was 15 feet.

Shelly Erickson commented that she had confused the applicants name with another of her customers and apologized for the mistake.

Because there was still a quorum to act on this agenda item she remained excused.

HIGHLAND/STEAD MOVED TO ADOPT STAFF REPORT PL 12-65 THOMPSON SUBDIVISION 2012 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Commissioner Slone commented that he doesn't necessarily agree with combining smaller lots in the city when they were designed as separate lots with the intention of being developed and alleviate the infill problem. He recognizes that there isn't a basis in code to make an objection, but wanted to share his opinion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

D. Staff Report PL 12-66, Glacier View Subdivision No. 24 Preliminary Plat

Commissioner Stead stated that he works with the applicant. He explained that there is no conflict of interest involved and he did not have any conversation with Mr. Aderhold about this issue. Deputy City Clerk Jacobsen referenced the Planning Commission bylaws and asked Mr. Stead if he felt that by participating in this discussion he may taint the decision of the Commission or be unable to make an unbiased decision. Mr. Stead responded no.

The remaining Commissioners expressed no objection to allowing Mr. Stead to participate.

Planning Technician Engebretsen reviewed the staff report.

Gary Nelson, project surveyor, noted that the property being considered will be corrected to lot 9-A on the plat.

Wayne Aderhold, property owner, commented they built a single family residence and their plan is to maintain it as such. There is room for an accessory building if they get to that point in the future. With the impending gas line in the future it seemed to be time to do this.

There was no public comment.

There was discussion clarifying that the size of lot 9A will be .288 acres.

SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 12-66 GLACIER VIEW SUBDIVISION NO. 24 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Comment was made that this vacation seems feasible due to the small lot sizes.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

E. Staff Report PL 12-69, Bunnell's Sub. No. 19 Tract A 2012 Replat

Planning Technician Engebretsen reviewed the staff report.

Neither the applicant nor representatives were present.

Karin Marks, neighboring property owner, raised concern because of a previous action of the Planning Commission that happened about 7 years ago relating to Swatzell Street not continuing on to Pioneer Avenue. Planning Technician Engebretsen explained that there are issues with access to Pioneer Ave and the conflict is the transportation plan says the road will go through. She recognizes the City and Borough did not require access on an earlier platting action on a different property. It puts a constraint on a future road, but the issue with the transportation plan will not be addressed with this particular plat. The staff recommendations for labeling the street and utility easements are standard.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-69 BUNNELL'S SUBDIVISION NO 19 TRACT A 2012 REPLAT WITH STAFF RECOMMENDATIONS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

F. Staff Report PL 12-71, Homer Enterprises Inc, Subdivision 2013 Replat Preliminary Plat

Planning Technician Engebretsen reviewed the staff report.

Jerry Johnson, project surveyor, commented that he believes this property was addressed through a paper plat back in the 50's and are rubber stamp lots not configured to fit with the topography of the land. There is only one building spot on the three lots combined and the lots are below minimum lot size.

There were no public comments.

Question was raised that utilities are not shown. Planning Technician Engebretsen explained that showing utilities is only a requirement on the preliminary plat. In this case, the utilities here are served by the City, so staff knows where they are.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 12-71, HOMER ENTERPRISES INC SUBDIVISION 2013 REPLAT PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Erickson returned to the table and resumed the Chair.

PENDING BUSINESS

A. Staff Report PL 12-67, Marine Commercial and Marine Industrial Zoning

Chair Erickson commented that the Commission had discussion at their work session and provided feedback to staff. They will discuss it further at a future work session.

NEW BUSINESS

None

INFORMATIONAL MATERIALS

- A. City Manager's Report from November 26th City Council Meeting
- B. Certificate of Appointment for Larry Slone

There were no comments.

COMMENTS OF THE AUDIENCE

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

There were no audience comments.

COMMENTS OF STAFF

Staff wished the Commission happy holidays. Planning Technician Engebretsen noted that she has copies of the sign code for their code books.

COMMENTS OF THE COMMISSION

Commissioner Venuti commented that he loves being in charge. He said it was an interesting meeting and he likes the way this group works. He wished everyone a very Merry Christmas.

Commissioner Stead welcomed Mr. Slone and wished everyone Merry Christmas.

Commissioner Highland welcomed Mr. Slone and said Merry Christmas, Happy New Year, and see you next year.

Commissioner Slone thanked everyone who welcomed him.

Chair Erickson asked if next time she could just ask the audience if anyone works with her. She has customers with multiple names or it is a trust, and sometimes she is unsure. Staff said they would ask but it seems more appropriate to err on the side of caution, assume that she is, and make the statement. If it is deemed an error and necessary for her to return to the table it can certainly be addressed. Tonight's business seemed strait forward and the error didn't appear to pose an issue.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 7:59 p.m. The next regular meeting is scheduled for January 16, 2012 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____