

Session 13-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Erickson at 6:35 p.m. on February 6, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, SLONE, SONNEBORN, STEAD, VENUTI

STAFF: PLANNING TECHNICIAN ABBOD
PUBLIC WORKS DIRECTOR MEYER
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

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).

There were no public comments.

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 Minutes of January 16, 2013 meeting

The consent agenda was approved by consensus of the Commission.

Presentations

Reports

A. Staff Report PL 13-10, City Planner's Report

City Planner Abboud reviewed his staff 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 13-08, CUP 13-01 1401 Candlelight Ct. Request for a Conditional Use Permit for more than one building containing a permitted principal use on a lot

Commissioner Stead stated he has a conflict of interest because his wife is the owner of record of the property being considered.

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

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud reviewed the staff report and acknowledged the written comments from Mr. Gary Miller. He suggested an amendment to clarify finding 3 to better support the statement, and noted the staff recommendation should read findings 1-10.

Don Stead gave a brief history of the development of the lot. They started developing 4 years ago and built a garage with a mother in law apartment to begin with as it is allowed in the CC&R's. They were out of state when the builder applied to for the zoning permit and listed it as a primary residence, as required by code. He had a letter from the president of the Homer Owner's Association, that they meet the conditions. They don't believe the proposed structure will negatively impact the property values for surrounding neighbors. The buildings are set back on the property as far as they can and still remain in the building envelope proposed by the CC&R's. The main focus is to get to a single level home, and have the mother in law apartment available for visiting family.

Chair Erickson opened the public hearing.

Jennifer Edwards, property owner in the area, commented that she doesn't have an issue with the design but does oppose the CUP because all of us bought in to that intentional community knowing what the conditions were. You can use the word mother in law apartment, but that isn't the intent here. She has a different take in that more dwellings mean more people and traffic, and to her it is a negative influence on quality of life. She bought her property knowing all the walkways, parks, and conditions for building with the site selections and number of buildings permitted. It can also be precedence setting, and she wants to be on record that she opposes this. She also noted that if you plan to live in an intentional community, perhaps it would be wise to be present during the process and get the permits in line as they suit one's needs.

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

In rebuttal, City Planner Abboud explained that CC&R's are not enforceable by the city and should not be taken into consideration by the Commission. The Commission is reviewing this for the qualities of the rural residential zoning district. Mr. Stead had no further comments.

There was discussion regarding density. Mr. Abboud explained that density allowance is what is available for water and sewer and generally he would say the number of families on the site might be low density, and in this instance there is 1600 square feet of house that could potentially accommodate two small families. Something like a multi-plex or mobile home park that houses several families, would be considered a high density situation. High and low density aren't defined, but those are some of the things staff considers relating to density.

Point of clarification was raised that the original permit was written for a dwelling, because you have to have a dwelling to have a garage, so that is why this is being addressed by a CUP. In urban residential,

this is something that is permitted outright, but in rural residential they wanted to review additional residences on a lot.

SONNEBORN/BOS MOVED TO ADOPT STAFF REPORT PL 13-08, CUP 13-01 FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPLE USE AT 1401 CANDLELIGHT COURT WITH STAFF RECOMMENDATIONS AND FINDINGS.

SONNEBORN/BOS MOVED TO AMEND FINDING 3 TO INCLUDE THE WORDING FROM HCC 21.12.010, THE VALUE OF ADJOINING PROPERTY WILL NOT BE NEGATIVELY EFFECTED ANY MORE THAN BY PERMITTED USES AND STRUCTURES.

There was no discussion on the amendment.

VOTE: (Amendment): YES: HIGHLAND, SONNEBORN, VENUTI, ERICKSON, SLONE, BOS

Motion carried.

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

VOTE: (Main motion as amended) YES: BOS, HIGHLAND, SONNEBORN, VENUTI, ERICKSON, SLONE

Motion carried.

Commissioner Stead returned to the table.

- B. Staff Report PL 13-11, CUP 13-02 Deep Water Dock Restroom/Guard Shack Facility. Request for a Conditional Use Permit to build a public restroom and guard facility within the 20 ft. right-of-way setback adjacent to the City Deep Water Dock at 4667 Freight Dock Rd.

City Planner Abboud reviewed the staff report.

Public Works Director Meyer, applicant, had no comments.

Chair Erickson opened the public hearing. There were no public comments and the hearing was closed.

BOS/SLONE MOVED TO ADOPT STAFF REPORT PL 13-11, CUP 13-02 TO BUILD A PUBLIC RESTROOM AND GUARD FACILITY WITHIN THE 20 FOOT RIGHT OF WAY SETBACK ADJACENT TO THE DEEP WATER DOCK AT 4667 FREIGHT DOCK ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS.

There were comments in support of the project, and that including some windbreaks would be beneficial.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. Staff Report PL 13-12, CUP 13-03 WKFL Park Restroom. Request for a Conditional Use Permit to build a public restroom within the 20 ft. right-of-way setback at 580 E Pioneer Ave.

City Planner Abboud reviewed the staff report and acknowledged the written comments from Linda Osif. In response to the concerns about the sight issue from Lee Drive, he reference the aerial photo to explain the site triangles required for buildings near rights of way are for the left hand turns, and it will be a right hand turn off Lee Street. Regarding parking, this is a development for people out walking, not a place you would drive to, but there are parking areas nearby if needed.

Public Works Director Meyer, applicant, had no comments.

Chair Erickson opened the public hearing. There were no comments and the public hearing was closed.

Public Works Director Meyer commented in response to questions. He explained that the Parks and Recreation Commission and City Council selected this location for a restroom, and he has heard supporting comments since it is a location where groups gather for different reasons. He reviewed the location of the restroom on the lot and explained it is a small site and pushing the restroom farther into the park would encumber the small amount of open space in the park. It is supposed to provide access for cruise ship passengers so they want to keep it as close to the concrete sidewalks on Heath Street and Pioneer as possible. Mr. Meyer also noted that he doesn't expect that the gazebo will be removed from the site, but it is likely that it will be shifted equal distance between the tree and the restroom.

Question was raised whether part of this process included approaching local businesses to offer them the opportunity to upgrade or make their restrooms available to cruise ship passengers. Public Works Director Meyer said he is not aware that such a request had been made of private business owners.

SONNEBORN/BOS MOVED TO ADOPT STAFF REPORT PL 13-12, CUP 13-03 TO BUILD A PUBLIC RESTROOM WITHIN THE 20 FOOT RIGHT OF WAY SETBACK AT 580 E. PIONEER AVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

Commissioner Slone expressed his disagreement with locating the restroom at this location and thinks there alternatives that weren't fully pursued. He thinks citizens will regret the location and cost of upkeep.

SONNEBORN/SLONE MOVED TO AMEND FINDING THREE TO SAY THE VALUE OF ADJOINING PROPERTY WILL NOT BE AFFECTED MORE THAN FROM PERMITTED OR CONDITIONALLY PERMITTED USES IN THIS DISTRICT.

There was no discussion on the amendment.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

VOTE: (Main Motion as Amended) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 13-07, Glacier View Subdivision 2013 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant to make a presentation.

There were no public comments.

Question was raised if the existing building is in the 15 foot utility easement. City Planner Abboud said he is unable to tell from the information he has and the applicant is not here to answer questions.

HIGHLAND/SLONE MOVED TO ADOPT STAFF REPORT PL 13-07, GLACIER VIEW SUBDIVISION 2013 REPLAT PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS AND FINDINGS.

STEAD/SLONE MOVED TO CHANGE NUMBER 11 TO SAY THE LOT IS SERVED BY CITY WATER AND SEWER.

There was no discussion of the amendment.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

VOTE: (Main Motion as Amended): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

A. Staff Report PL 13-14, Amending the HAPC Bylaws and Policies and Procedures

City Planner Abboud commented that City Attorney Wells has reviewed the bylaws and policies and she is okay with the way they are laid out. He encouraged the Commission to give feedback if they have things that may not be working for them. There was brief discussion about the evening's public hearings, and the procedures in general.

There were comments in support of the City Planner providing a monthly report to be included with the Council's packet in lieu of Commissioner's attending and presenting at Council meetings. Chair Erickson said she would talk to the Mayor for feedback about the best option for the Commission to communicate information to the City Council.

The Commission considered the two verbiage options in the proposed section S. Representing the Commission.

SLONE/HIGHLAND MOVED TO ACCEPT THE PHRASEOLOGY, "THE COMMISSION SHALL ACT AS A BODY. A MEMBER MAY SPEAK OR ACT FOR THE COMMISSION IN ACCORDANCE WITH THE RECOMMENDATION OR DIRECTION TAKEN BY THE COMMISSION. THE CHAIR OR CHAIR'S DESIGNEE SHALL SERVE AS THE OFFICIAL SPOKESPERSON OF THE COMMISSION."

There was discussion whether to say a member may speak or act for the Commission "only" in accordance with. Some Commissioners expressed their preference of the second option for verbiage.

VOTE: NO: SONNEBORN, STEAD, SLONE, ERICKSON, BOS, HIGHLAND, VENUTI

Motion failed.

Chair Erickson recommended "The Commission shall act as a body. A member may not speak or act for the Commission without recommendation or direction given by the Commission. The Chair or Chair's designee shall serve as the official spokesperson of the Commission."

City Planner Abboud asked them to think about the meeting times and benefits and drawbacks of changing the worksession and meeting times.

B. HAPC Representative Attendance at City Council Meeting Schedule

New Business

A. Staff Report PL 13-09, Spit Trail Construction 2013/2014. Presentation by Public Works Director, Carey Meyer during Work Session

Chair Erickson stated that Public Works Director Meyer gave a presentation at the worksession. He reviewed the plan for the new trail on the spit, the restrooms, and the art.

The Commission made the following recommendations:

- Increase the amount of benches along the trail, seven is not enough. Consider benches as art and memorial benches.
- Continue to consider drainage improvements during trail construction.
- Separation between the trail and parking areas
- Windbreaks, shelter, and awnings, especially at the dock.
- Consider cost savings and conservation in closing restrooms in the winter when traffic is minimal.
- Identify pedestrian crossing and promote traffic control, including designating a staff person at the load and launch ramp.
- Bicycle signage.
- Include first aid stations at the guard shack and at the load and launch pay station.

It was noted that a lot of these recommendations have to do with health and safety and should be forwarded to Public Works Director Meyer before the project gets to 90% design.

VENUTI/BOS MOVED ADOPT THE RECOMMENDATIONS.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Informational Materials

- A. City Manager's Report from January 28, 2013 City Council Meeting
- B. KPB Planning Commission Notice of Decisions

Comments of the Audience

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

Comments of Staff

There were no staff comments.

Comments of the Commission

Commissioner Stead commented that Travis did a good job on the meeting packet. They covered a lot of things tonight that needed conversation and he appreciated that.

Commissioner Bos thanked staff. 3 CUP's in one night, it is a lot to keep straight.

Chair Erickson said this meeting made up for all their short ones. She thanked everyone for their work tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:04 p.m. The next regular meeting is scheduled for February 20, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____