

Session 13-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on September 18, 2013 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: CITY PLANNER ABBOUD  
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).

None

## **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 August 18, 2013 meeting

The consent agenda was approved by consensus of the Commission.

## **Presentations**

### **Reports**

A. Staff Report PL 13-65, 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 13-66, Request for a Public Sign on Ohlson Lane for Old Town

Brianna Allen, applicant, commented that after this application was submitted it was suggested that an amendment be made to make the sign double facing. The idea is that one side would face northwest and the other side would face south east, resulting in somewhat of a V shaped sign rather than flat back to back. Doubling the sign doubles the budget, but it is manageable. The southeast

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facing side will create a better photo opportunity for people who want to take pictures next to the sign. She believes it will still fall within the regulations of the sign code.

Jim Lavarakas, Director of the Chamber of Commerce reiterated Ms. Allen's comments about the benefit of the double facing sign.

Chair Venuti opened the public hearing, there were no comments and the hearing was closed.

The Commission discussed how to proceed with the change. City Planner Abboud said he would prefer to have time to review the changes in more detail and talk with staff before making a determination. This is the first he has heard of the change. The Commission agreed to work with the information they have in the packet regarding the single facing sign and if the applicant chooses to continue with the change they can provide information to staff and proceed as necessary.

HIGHLAND/SLOANE MOVED TO ADOPT STAFF REPORT PL 13-66 FOR A PUBLIC SIGN AT LOT 2 BUNNELLS SUBDIVISION #10 WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 13-67 Conditional Use Permit 13-08 for more than one building containing a permitted principal use at 4834 Kachemak Drive

City Planner Abboud reviewed the staff report.

John Warren, applicant, said he was available to answer questions. His plan is to build a second cabin on the lot.

There was brief discussion that an older structure on the lot has been removed.

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

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 13-67 AND APPROVE CUP 13-08 FOR MORE THAN ONE BUILDING CONTAINING A PERMITTED PRINCIPAL USE ON A LOT AT 4834 KACHEMAK DRIVE WITH STAFF RECOMMENDATIONS AND FINDINGS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. Staff Report PL 13-70 Ordinance 13-37 an ordinance of the City Council

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Chair Venuti noted that the Commission had some discussion of this topic at the worksession.

City Planner Abboud reviewed the staff report.

There was no audience present for the public hearing.

Discussion ensued regarding the ordinance.

Commissioner Highland confirmed that if the non-conforming use is inactive for 12 months it would be required to be brought into conformance. In the past the city has wanted to eliminate non-conforming uses when this happens.

Commissioner Sonneborn commented that as much as they want to get rid of nonconforming uses, 12 months seems a bit arbitrary and extending it a few months for this situation or other circumstances may be feasible. She suggested the 12 months could start when the property is available to be used.

Commissioner Stead noted the staff report comment that our community has made provisions for nonconformities to cease someday and be replace with those that conform, and asked how they are expected to cease. City Planner Abboud reviewed ways that it could happen.

Commissioner Slone offered proposed language with respect to the definition of discontinued as follows: Discontinued means that a nonconforming use by the current operator has ceased for a continuous period of 12 calendar months, however, when the non-conformity is associated with an existing commercial operation or business the non-conformity shall expire after seven calendar years. Commissioner Slone explained that this provides more opportunity for people who are using a non-conforming structure in conjunction with a business, so their heirs may continue to operate the business for up to seven years.

City Planner Abboud clarified that the draft ordinance is in the use section, not the structure section. "Discontinued" is not a condition that is used to regulate non-conforming structures, only for a use. A structure wouldn't be discontinued; it would be moved or destroyed.

The Commission briefly reviewed the different types of non-conforming, including non-conforming lots, non-conforming structures, and non-conforming uses. City Planner Abboud believes the term discontinued is only used in reference to uses and cited HCC 21.61.040(d). He explained non-conforming structures address abandonment, moving, damage relating to the structure, not discontinuing. They talked about some different scenarios relating to non-conformity.

SONNEBORN/BOS MOVED TO RECOMMEND LEAVING IT AT 12 MONTHS.

The Commission acknowledged that the issue of non-conformity is an ongoing issue for the city. The Commission felt that it would be more effective to break it down and address non conformity as a whole, rather than this one "fix". It would be the most appropriate way to proceed.

In a more comprehensive review of the process the Commission can look at the equity issue, and if there are situations where uses need to be reviewed for acceptance in all districts.

Chair Venuti noted that it is important to remember that the issue being addressed in this code amendment is not an ongoing problem, it is a rare instance, and he isn't sure we suddenly need to change the rules for this one thing.

VOTE: YES: BOS, STEAD, HIGHLAND, SONNEBORN, VENUTI, SLONE

Motion carried.

### **Plat Consideration**

A. Staff Report PL 13-68 Glacier View Subdivision 2013 Addition Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant or public present to comment.

Commissioner Stead questioned the recommendation for the 15 foot utility easement along Grubstake Avenue. He noted there is already 10 feet in the back that is being utilized, water/sewer is in the street, and gas will likely be on the other side of the road. City Planner Abboud explained that dedicating the 15 foot utility easement along rights of way is outlined in city code.

HIGHLAND/BOS MOVED TO ADOPT STAFF REPORT PL 13-68 GLACIER VIEW SUBDIVISION PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

Commissioner Sonneborn raised concern about density and the loss of a lot that could potentially be developed. City Planner Abboud said he doesn't believe there isn't anything in code they could base a denial on.

There was brief discussion about the minimal size of both lots.

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

Motion carried.

### **Pending Business**

None

### **New Business**

A. Staff Report PL 13-69 Comprehensive Plan Review

- B. Staff Report PL 13-71 Kenai Peninsula Borough Ordinance Re writing Chapter 20 Subdivision

The Commission discussed the Borough Ordinance. They requested it be on a worksession so they would have more time to review the information.

### **Informational Materials**

- A. City Manager's Report from August 26, September 9, 2013 City Council Meeting

### **Comments of the Audience**

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

None.

### **Comments of Staff**

City Planner Abboud commented that there is a big subdivision coming up to review. He will try to communicate with administration about their desire to help problem solve issues relating to the death exception on a city wide basis for nonconformity. Maybe there is another way to look at this and address it on the agenda.

### **Comments of the Commission**

Commissioner Bos suggested the grade on the spit might be something worth Commission consideration if it's in their jurisdiction. The last part of August the parking lots were really embarrassing for such an economic engine. Walking through water from property to property is shameful.

Commissioner Stead commented that he will be absent on October 16 and November 6. He felt this was a productive meeting because it's going to highlight where they are going to go. He thinks that's really important.

There were no other Commission comments.

### **Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:30 p.m. The next regular meeting and worksession is scheduled for October 2, 2013 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_