

Session 14-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 15, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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).

Francie Roberts, city resident, commented in support of the reconsideration. There has been a large amount of material submitted to the Planning Commission, there are a lot of issues with the subdivision that have been presented, and it is worthy of reconsideration for further review.

Marianne Schlegelmilch, city resident, commented in support of the reconsideration based on the extensive amount of neighborhood involvement and opposition presented several years ago and currently presented this time.

Katherine George, city resident, commented in support of the reconsideration and encouraged them to take up storm water in more depth to see what can be done.

Gwen Neal, non-resident, commented in opposition to reconsideration noting that the project has been professionally designed, staff has recommended approval, it has been debated, it passed last meeting 5 to 1, and the project goes far beyond the city's requirements.

Reconsideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quite Creek Park Preliminary Plat

HIGHLAND/SLONE MOVED TO RECONSIDER STAFF REPORT PL 14-05 BARNETT SOUTH SLOPE SUBDIVISION QUIET CREEK PRELIMINARY PLAT.

Commissioner Slone commented in support of reconsideration. His reasons include the additional information that did not get to the Commission, for Commission Sonneborn to have an opportunity to weigh in, other unanswered questions in his mind relating to water drainage issues in relation to public health, safety, and welfare of downstream persons and property, goals in the Comprehensive Plan, and inadequacy of city code relating to storm water.

Commissioner Highland commented in support of reconsideration based in issues of relating to water, climate change, and the new information provided to the Commission.

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

Motion failed.

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 2, 2104 meeting

Chair Venuti called for a motion to adopt the consent agenda.

BOS/SLONE SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 14-03, 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.

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- A. Staff Report 14-06, CUP 2014-01, Request for more than one building containing a principle permitted use on a lot, 4-plex at 4165 Mattox Road

City Planner Abboud reviewed the staff report.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), gave an overview of KPHI's accomplishments in developing low income, special needs, and senior housing in Homer and within the Borough. He referenced the aerial photo and reviewed the history of the buildings in place already. He explained how this second phase ties in; and also briefly addressed work that has been done on the KPHI properties to mitigate drainage in accordance with ACOE requirements. He also noted that he owns property down from this project that would be affected by run off instances.

Mr. Rouse explained that this project is to develop a 4-plex that is income restricted, meaning low income. They have received grant funding and architects and engineers are in place. Bill Nelson is the civil engineer on the project. Mr. Nelson has worked with the city and is familiar with their requirements relating to the storm water drainage plan, which KPHI has agreed to do, even though it is not required for the project. They are working to develop an exemplary project as they are held to higher standards than most due to their work with HUD and AHFC, and other agencies that look to make sure their properties are well maintained and safe.

Chair Venuti opened the public hearing.

David Lewis, city resident on Beluga Court, said he is not in favor of this project. He expressed concerns that the ditch referred to actually a stream that has flooded Aurora Court a number of times and while it hasn't affected his property, it has affected Mary Jane Shows property. He noted there are four buildings already on this small lot and has concerns about another paved area affecting runoff. This increases population on a road that only has one exit to East End Road, and he feels that the low income housing opportunities would be better spread out among the city.

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

In response to question about flooding in the area delineated as a creek on the drawing, Mr. Rouse said the impact of these developments has not adversely impacted the runoff. He explained there has been no flooding, but there has been glaciation, as happens throughout the community. Glaciation isn't due to the development but from drainage from the upper area and follows along the road. Public Works has been made aware of the issue of ice buildup plugging the culvert underneath Aurora Court and to his understanding they are working to mitigate that. He reviewed the work they have done with settlement ponds and vegetation on the property to absorb most of the water on site.

In reference to the comments about low income housing, Mr. Rouse explained these units are reserved for people who earn 50% to 60% of the area median income based on family size. The people who live in these places are our neighbors who might work at the store or at McDonalds. He noted that the some of people who live at a larger multi-family project are people who lived at Haven House and now have a clean, quality, affordable multi-family home where they can be safe and raise their children. Mr. Rouse added that they have waited two years for this project because of the high cost of water in Homer, and needed to wait for natural gas to make it viable.

SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-06 CUP 14-01 FOR MORE THAN ONE BUILDING CONTAINING A PRINCIPLE PERMITTED USE ON A LOT AT 4165 MATTOX ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS.

Question was raised about a storm water plan for this project. City Planner Abboud explained that the project itself doesn't trigger a storm water plan and the applicant is choosing to do one on their own.

Discussion ensued regarding storm water and based on the requirements in the city code for this zoning district there isn't anything the Commission can do. Question was raised whether the applicant could consider using a pervious surface for the parking area instead of asphalt. City Planner Abboud noted this project has to meet ADA requirements and doesn't think pervious surfaces would accommodate that. Mr. Rouse was given an opportunity to comment and concurred with Mr. Abboud's response regarding ADA requirements. He reiterated that they have agreed to submit a storm water plan that is not required and the work they have already done to address the water over the years.

STEAD/BOS MOVED TO ADD CONDITION NUMBER 3 TO CUP 14-01 FOR A STORM WATER PLAN TO BE PREPARED FOR THIS PROJECT.

Mr. Stead explained the only reason he feels its justified is because the applicant has volunteered it, it isn't difficult to impose the condition, and this way it doesn't get lost.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland expressed her concern that this project may cause some problems with increased flooding during a big storm event.

VOTE: (Main motion as amended) YES: HIGHLAND, STEAD, VENUTI, STROOZAS, SLONE, BOS

Motion carried.

Plat Consideration

A. Staff Report PL 14-07 Mattox Subdivision 2014 Preliminary Plat

City Planner Abboud reviewed the staff report.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), commented the reason for the replat is to adjust the lot line to allow them better locate the structure on the lot.

Chair Venuti opened the floor for public comment and there were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-07 AND APPROVE MATTOX SUBDIVISION 2014 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was brief comment that this action seems to accommodate the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quite Creek Park Preliminary Plat

Reconsideration failed.

New Business

A. Staff Report PL 14-08, Comp Plan Amendment

City Planner Abboud reviewed the staff report relating to considerations for rezoning property in the Baycrest area.

The Commission discussed the current uses in the area and GC 1, commercial, and mixed use zoning. The group acknowledged that mixed use zoning in the Baycrest area would not be the same as East End Mixed Use and agreed that moving this to a worksession would be the best way to proceed at this point. That will give them some time to review the zones and and the comp plan for the area to be better prepared for the discussion.

Commissioner Highland commented about wanting to address storm water and green infrastructure soon, in a worksession. It was suggested she work with staff to fine tune some talking points to get things started.

Informational Materials

A. US ACOE Public Notice for proposed DOT East End Road MP 3.75 to MP 5.5 Project

Comments of the Audience

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

Ginny Espenshade, city resident, thanked Commissioner Slone and Highland for their work. She expressed her disappointment that reconsideration didn't pass, even if only to discuss the material that were left out of the original packet by Planning Staff. She feels there were other reasons too. At the last meeting there were comments about fairness to the applicants being able to know what to expect in the process. She asked they consider fairness to the public as to what they can expect from the process. If their job is simply to compare a plat with the code, a computer could do that, so why have a Planning Commission, and why solicit public comment. She questioned how two versions of this body came to such different conclusions about that plat just 8 years apart with the same code. She doesn't know the answer and they don't know what to expect. This could be a lot less contrary and a lot less adversarial if there was clarity about the Commission's discretion, and conditions on plat approvals. She recognized the developer said he was doing a storm water plan for Quiet Creek

and wondered why the Commission didn't add that as a condition like they did on the Mattox conditional use.

Francie Roberts, city resident, thanked the Planning Commissioners for their work. She knows this Commission works hard and does a lot of difficult work. Throughout tonight's meeting she heard the word water mentioned more than any other. The issues were water and drainage in everything they considered. She is also surprised how little there is in code to deal with water issues. Relating to the CUP she looked at the creek adjacent and the drainage problems at this person's house. She is concerned that maybe not all the information was there. She noted they were considering economics at their worksession and she she was surprised about that and thinks they should be thinking about storm water, water issues, and things about planning that are important to how we develop our city. She reminded them reconsideration doesn't mean they have to change their vote, but that they have to listen to the missing information and think about how things are done. Sometimes reconsideration can be confusing but it doesn't have to make you be a different person. She appreciated Commissioner Slone and Highland's comments about reconsideration and felt they were well thought out. She thinks the Planning Commission can add conditions to the staff report, that Quiet Creek warranted a few additions, and was disappointed they didn't do anything to make changes. She was intrigued while watching this body work tonight in that the City Planner included he considered a staff report from 2010, but didn't consider past information related to Quiet Creek.

Katherine George, city resident, encouraged the Commission to invite representatives from the Soil & Water Conservation District and the Natural Resource Conservation District as a first step to considering storm water. It was interesting that the Commission had more questions for CUP 2014-01 than for Quiet Creek. She thanked Commissioner Slone and Highland for their service on the commission, their research, questions, and consideration.

Comments of Staff

City Planner Abboud commented that they worked on a lot of items before, including water, drainage, and they will continue to do so. When the City decides they want to make regulations they can take up platting regulations if they want. They can make them have set asides and developmental regulations. CUP's are different than plats in the range of discretion. There are changes that can be made that involve regulating how people use their land, and regulate how they divide their land by adopting portions of code to allow that. There are also some ingrained issues with zoning requirements in general. Quiet Creek is in an interesting place in that it is zoned rural but is in an urban area. He said there are tools out there to address this, they are tough to do, it changes the way people do business, and tell them what they can't do with their lots. If we want to codify that we can. He hopes the people who are all over this are in support of that City wide, and not just for the last person to develop in a certain place. We are an infrastructure community, we are connected everywhere we go, and this should be approached as such.

Deputy City Clerk Jacobsen commented that she has worked with Planning Commissions over the last 9 ½ years and recognized this group is considerate to each other and to the public. They take time to listen to and consider what people say. She appreciates everyone in this group.

Comments of the Commission

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Commissioner Highland reiterated adding discussion about green infrastructure in the Comp Plan and also storm water plans. She will work with staff to get things started for those discussions.

Commissioner Slone thanked the people who presented materials regarding Quiet Creek. He is motivated to work on storm water and water control issues in the near future as well.

Commission Bos had no comments.

Commissioner Stroozas said that many times this Commission has to deal with controversial issues. We don't live in a perfect world and the Commission tries to make decisions for the good of the whole based on how it affects the health, safety, and welfare of the community. Not everyone will agree on every point and they rely on the information they receive from public, applicants, and very heavily on the information from City staff. They do the best job with the information they are given, and then go forward. He thanked everyone for their comments.

Commissioner Stead agrees they need to work on rural residential as they failed to do it last year and make modifications whether it is lot size or green space. Looking at the storm and melt water management plan that is available, it also needs to be addressed. If we need to do something with platting regulations, it needs to be discussed as well. These changes need to be incorporated city wide and he thinks there should be a lot of comments coming from developers. He would like to hear from them, because these will become big issues in the future, as they are today. He doesn't want to go through this process again where the community is against the Commission. The only other thing he can say about this is that there is a 90 lot subdivision platted in Quiet Creek, and this is an improvement over that. We need to keep that in mind.

Chair Venuti referenced an article that was published in the Homer News regarding the reconsideration that quoted Commissioner Slone and an email from Commissioner Slone to him and the City Planner. Chair Venuti stated his concerns regarding Commissioner Slone violating the bylaws which say that no one individual member of this body should share his or her opinion on the ongoing affairs to the public, especially to the media, unless the majority of this Commission concurs. He said talking to the media about an ongoing issue is unfair to the applicant, politicizes an issue, and is a violation of section S of the Planning Commission bylaws. HCC 1.18.030 (h) states no city official shall use the implied office for the purposes of unduly influencing the decisions of other. Chair Venuti felt Commissioner Slone's actions were improper as they did not ask him to speak for the Commission. The Commission speaks for itself by making fair and impartial decisions.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 840 p.m. The next regular meeting is scheduled for January 15, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____