

Session 14-08, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on April 16, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/ SLONE 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).

Merlin Cordes, city resident, commented on behalf of Faith Lutheran Church and read the letter that was included in the packets informational materials. The current sign for Faith Lutheran Church is in need of replacement and they would like to put up a new sign that includes a changeable copy area to advertise their community events. In accordance with HCC 21.95.010, they are asking that a Planning Commissioner initiate an amendment to HCC 21.60.060 table 3 to allow changeable copy signs and internally illuminated signs in the Gateway Business District.

### **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 March 19, 2014 meeting

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

HIGHLAND/ SLONE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

A. Staff Report PL 14-31, City Planner's Report

Deputy City Planner Engebretsen commented about the Economic Development Commission and Planning Commission being tentatively scheduled for the Homer Chamber Business after Hours on May 15<sup>th</sup>. She asked if Commissioners would be available to assist with the event or if it needs to be rescheduled. The group talked about Business After Hours Event.

There was brief discussion relating to the sign regulations for the Gateway Business District (GBD) and they agreed to continue discussion under informational items.

### **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 14-33, Conditional Use Permit 2014-05 Request to allow building into the front of the setback at 320 W. Pioneer Avenue

Deputy City Planner Engebretsen noted two laydown items received from Frank Griswold and one from City Attorney Klinkner. She reviewed the staff report.

Terry Yager, applicant, and John Smith, property owner, commented that they are trying to have a better presence and a nicer façade for the Windjammer Suites. They plan to follow a similar architectural design as other businesses in the area. He noted that the CUP would also correct an encroachment into the setback that was discovered during the survey of the property.

Commissioner Erickson stated that she has a conflict of interest. She has a business relationship with Mr. Yager that would exceed the limits, but she does not have a business relationship with Windjammer Suites.

HIGHLAND/BOS MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT OF INTEREST.

There was brief discussion clarifying the business relationship with Mr. Yager and that she does not do business with the Windjammer Suites owned by Mr. Smith. In response to questions Commissioner Erickson said she doesn't believe that the interaction with Mr. Yager would negatively affect her decision, but it does exceed the dollar amount, relating to Mr. Yager, but not the Windjammer Suites.

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

Motion failed.

Chair Venuti stated that he has a business relationship with Mr. Yager as well and is also a friend, but doesn't feel that it will affect his decision related to the Windjammer Suites.

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

He stated that he is not over the financial amount in code, and clarified that he does not have any financial interest relating to the Windjammer Suites.

VOTE: NO: HIGHLAND, ERICKSON, STEAD, STROOZAS, SLONE, BOS

Motion failed.

Chair Venuti opened the public hearing.

No one came forward to testify and the hearing was closed.

There was discussion with the applicant and staff to clarify the location of the construction and regarding the resolution of the encroachment into the setback through the CUP process.

BOS/SLONE MOVED TO ADOPT STAFF REPORT PL 14-33 AND APPROVE CUP 14-05 AT 320 W. PIONEER AVE TO ALLOW THE BUILDING TO EXTEND 10 FEET INTO THE 20 FOOT SETBACK ALONG PIONEER AVE, WITH FINDINGS 1-10 AND CONDITIONS 1 AND 2.

Comment was made that Public Works has looked at this and it doesn't appear it will impact utilities and services.

The Commission took a recess at 6:59 p.m. to read the information provided by Frank Griswold and by City Attorney Klinkner. The meeting resumed at 7:03 p.m.

Commissioner Slone noted the information from Mr. Griswold is rather technical in nature and they haven't had time to dig into it to any great extent, however it has been addressed by the City Attorney, and under the circumstances he is inclined to go along with the attorney's statement that there is no conflict between state statutes and city ordinances.

VOTE: YES: ERICKSON, STEAD, SLONE, STROOZAS, BOS, HIGHLAND, VENUTI

Motion carried.

- B. Staff Report PL 14-34, Request for exemption from the Bridge Creek Watershed Protection District, Lot 4 Tulin East Highlands Subdivision, 1270 Don's Drive

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Commissioner Stroozas stated that he lives within 300 feet of the property in this action. He was excused from participating in accordance with HCC 1.18.030(b)(3) which states “No City official or the City Manager shall participate in any official action in which the person resides or owns land within a 300-foot periphery of any property that is the subject of any action.”

Commissioner Stroozas left the table.

Deputy City Planner Engebretsen passed out a copy of an aerial photo of the property and reviewed the staff report.

David Treat, property owner and applicant, commented that all the information is included in the packet and he is available to answer questions.

Chair Venuti opened the public hearing.

Bernie Gareau, property owner on Don’s Drive, provided a copy of a letter he mailed but did not arrive in time for the packet. He had questions about why the exemption is being requested, and also why a survey of surface water is sufficient for Commission review, but subsurface water isn’t considered. If the surface water is all that is considered, he asked why these properties are included in the watershed.

The Commission took a recess at 7:12 p.m. to read Mr. Gareau’s letter. The meeting reconvened at 5:15 p.m.

Deputy City Planner Engebretsen explained that when the Bridge Creek Watershed Protection District (BCWPD) boundaries were established they took Crossman Ridge and Skyline Drive as identifiable boundaries. They allowed a mechanism that if a property geographically doesn’t flow into the watershed, it could be excluded. In this case the property owner has provided evidence as outlined in city code to be exempted.

In response to Commission questions, Deputy City Planner Engebretsen explained that the city code only refers to surface water and not to subsurface water. She also explained that if the property is exempted it will be subject to the regulation of the rural residential zoning district.

HIGHLAND/SLOANE MOVED TO ADOPT STAFF REPORT PL 14-34 AND EXEMPT THE PROPERTY LOCATED AT 1270 DON’S DRIVE FROM THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT WITH FINDINGS 1 AND 2.

There was brief discussion in relation to comments by Mr. Carter at the worksession.

VOTE: NON OBJECTION: SLOANE, STEAD, VENUTI, HIGHLAND, BOS, ERICKSON

Motion carried.

Commissioner Stroozas returned to the table.

**Plat Consideration**

A. Staff Report PL 14-32, Harrington Heights 2014 Replat Preliminary Plat

Deputy City Planner Engebretsen reviewed the staff report.

Marsha Korpi, applicant, commented that as it is now, the land on the east side of the creek the land is not readily accessible, an on her side of the creek it is as though it is already part of her yard. She would like to be able to garden it.

There were no public comments regarding the preliminary plat.

Question was raised about the 30 foot drainage easement. Ms. Korpi said it didn't pose a problem for her, but couldn't speak for Mr. Bergman, the other applicant.

There was brief discussion regarding the 30 foot setback.

**BOS/HIGHLAND TO ADOPT STAFF REPORT PL 14-32 AND APPROVE HARRINGTON HEIGHTS 2014 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.**

There was no further discussion.

**VOTE: YES: VENUTI, SLONE, BOS, ERICKSON, STEAD, HIGHLAND, STROOZAS**

Motion carried.

**Pending Business**

A. Staff Report PL 14-36, Itinerant Merchants (IM) and Mobile Food Service (MFS)

Deputy City Planner Engebretsen reviewed the staff report.

There was discussion regarding previous comments and suggestions relating to itinerant merchant and mobile food service.

The Commission agreed that there isn't a big push for change in regulation right now and felt it would be appropriate to postpone this until City Planner Abboud returned and is ready to bring it back to them.

**SLONE/ BOS MOVED TO POSTPONE THIS UNTIL IT IS BROUGHT BACK BY THE CITY PLANNER.**

There was no discussion.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT.**

Motion carried.

## **New Business**

- A. Staff Report PL 14-35, Discussion on moving a lot line in the Bridge Creek Watershed Protection District

Commissioner Stroozas left the table based on his earlier declaration in relation to being a property owner within 300 feet of the subject property.

Deputy City Planner Engebretsen noted that there is no formal action on this tonight; this is a conceptual check on whether the Commission agrees with moving property lines to match the watershed boundaries as we know them. The issue addressed here is how to address a lot with a portion that flows toward the watershed and a portion that flows away. The concept of shifting a lot line to follow the watershed boundary is an option to consider, or allow the portion of a lot that flows away considered as not part of the watershed. Either option will likely include a code amendment, but staff would like to have a conceptual conversation with the Commission as to what they think would be preferred.

David Treat explained he owns two lots in the watershed protection district that are relatively equal in size. The property line between the two lots is very close to the structures that were built on the lot that is out of the watershed. The survey showed a section of the land behind the lot that was just exempted that drains away from the watershed. He is interested in a future action to shift the lot line to encompass the portion that drains away from the watershed into this lot that was just exempted. It gives him a little more room between the structure and the property line, and allows for a clear line between what is and is not in the watershed.

The Commission discussed the situation and agreed that it would be appropriate to consider a code amendment to address circumstances where a portion of a lot flows toward and a portion that flows away from the watershed.

Deputy City Planner Engebretsen said staff will bring back some proposals for consideration.

## **Informational Materials**

- A. City Manager's Report from the March 24, 2014 City Council Meeting  
B. Letter from Faith Lutheran Church Planning Board RE: changeable copy signs in the Gateway Business District.  
C. KPB Platt Committee Notice of Meeting in Homer Monday, April 14, 2014 at Land's End Resort  
D. KPB Plat Committee Notice of Decisions
- Barnett's South Slope Sub. Quiet Creek Park Revised Preliminary Plat
  - Mattox Subdivision 2014 Preliminary Plat

The Commission continued discussion regarding the sign code in the GBD, and options for amending the code, which includes collecting signatures and request from a Planning Commissioner to institute

a change. Commissioner Erickson requested an ordinance change relating to changeable copy and internally illuminated signs in the district.

Commissioner Highland commented about a comment from the Boroughs review of the Quiet Creek Subdivision that Homer is supposed to have a storm water management plan to address those concerns about runoff transfer. She asked if that is what they have been discussing recently. Deputy City Planner Engebretsen suggested that it might not have been very clear in the testimony what the city has and when it applies. She believes there was some discussion about storm water requirements like in the CBD, which is different than city wide storm drainage, and also different from subdivision storm water regulations.

### **Comments of the Audience**

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

Joe Carter commented regarding the discussion replatting a lot line in the BCWPD, he thinks replatting between two common properties is a separate issue from any issue relating to the drainage. He believes if the lodging were provided, some folks from the NRCS would come out free of charge to go out with real time GPS and walk the 2100 acres of the BCWPD and map it on the ground. He talked about the current process of the LYDAR mapping and its inaccuracy. He will provide information he talked about in the worksession to staff for review.

Buck Jones, President of the Faith Lutheran Church Planning Board, commented that the GBD is very small and is one lot deep along the Sterling Highway, and changeable copy signs are only restricted in that area. He referenced other changeable copy signs in Homer, and said what they are asking is for the GBD to follow the rest of the sign code around town. He wouldn't want to see it limited to just churches or non-profits, due to the chance of starting a conflict.

Gary Syth, Pastor of Faith Lutheran Church, gave a brief example of their need for the changeable copy sign. This weekend the service times are changing for the Easter Service, but they don't have a way for the general public to know the times are changed. Sandwich boards are not allowed in the GBD either.

### **Comments of Staff**

Deputy City Clerk Jacobsen reminded the Commission that the appropriate time for commissioners to declare their conflicts of interest is after the Chair announces the agenda item, and before the applicant begins their presentation.

### **Comments of the Commission**

Commissioner Highland said she received a call from a member of the public expressing concern that the Dolphin Villa does not have running water, and also about the buses that are parked over by Two Sisters. Deputy City Planner Engebretsen said that in the future it is best to refer people with those type questions the Planning Department.

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Commissioner Slone welcomed Shelly back to the Commission and advised that he will likely miss the next meeting.

Commissioner Erickson said she is glad to be back.

Commissioner Bos thought it was a good meeting with respectful conversation all the way around. He thanked staff for doing another marvelous job.

Commissioner Stead and Stroozas had no comment.

Chari Venuti commented about driving in to Soldotna and seeing all the signs, he would hate to see Homer get like that. There is a reason we have no changeable copy signs in various areas. It is a great idea the church should have a good sign out there, but he doesn't think it should be a changeable copy sign. He thinks they could do the same thing with portable signs they add to what they have. He said it was an interesting meeting and thanked everyone for their participation.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 8:36 p.m. The next regular meeting is scheduled for May 7, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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