

Session 14-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on June 18, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission had a worksession at 5:30 prior to the regular meeting. They viewed a webinar on Informed Decisions: A Guide to Gathering Facts and Evidence

APPROVAL OF AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/SLONE - SO MOVED

There was no discussion.

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).

Kevin Dee, city resident, commented and offered a 1 page laydown on Staff Report 14-57, Towers.

RECONSIDERATION

No items were scheduled for 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 minutes of June 4, 2014 meeting
- B. Decisions and Findings for Conditional Use Permit (CUP) 2014-07 Request for a Setback reduction along Lee Drive

Chair Venuti requested a motion to approve the consent agenda.

HIGHLAND/SLONE - SO MOVED.

There was no discussion.

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

A. Staff Report PL 14-55, City Planner's Report

Deputy City Planner Engebretsen reviewed the staff report. She added that an incomplete application had been received on another tower and provided direction regarding ex-parte communication regarding the matter.

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 14-56, Changeable Copy and internally lit sign in the Gateway Business District

Chair Venuti opened the Public Hearing.

Deputy City Planner Engebretsen reviewed the staff report.

Mr. Buck Jones, President, Planning Board, Faith Lutheran Church, applicant, provided a brief history on the reason for the request to allow changeable copy and internally lit signage.

Mr. Gary Syth, Pastor, Faith Lutheran Church, testified in favor of allowing changeable copy and internally lit signage.

Chair Venuti closed the Public Hearing.

ERICKSON/STROOZAS - MOVED TO APPROVE THE DRAFT ORDINANCE 14-XX AMENDING TABLE 3 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT FOLLOWING HOMER CITY CODE 21.60.060, SIGNS ON PRIVATE PROPERTY, TO PERMIT CHANGEABLE COPY SIGNS AND INTERNAL ILLUMINATION IN THE GATEWAY BUSINESS DISTRICT.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

There were no plat considerations on the agenda.

PENDING BUSINESS

A. Staff Report PL 14-57, Towers

Deputy City Planner Engebretsen provided a summary of the staff report. She read into the record the following five questions that Staff would like direction from the commission:

1. Consensus that towers over 60 feet will be regulated. Towers under 60 feet will not.
2. Consensus on height regulations and when a CUP will be required will vary by district.
3. Can rights of way and 20 foot building setback areas be considered fall zones?
4. Should there be an option to allow a reduced fall zone area if increased safety standards?
5. Can structures on the subject property be exempt from the fall area standards?

The commission discussed and disseminated the following:

- developing a formula such as minimum lot dimension (width) divided by two to determine the maximum tower height on a city lot not more than 50 feet
- consideration of total overall height to include the structure plus any additional tower or whip height
- establish a simple 50 foot maximum height
- why establish a regulation when the FCC regulations superseded any regulations the city would establish
- municipality can set safety regulations, setback requirements, establish zoning districts in order to control
- what conditions will require a conditional use permit
- depending on the type of tower will determine the height of the tower
- scenarios were conducted to justify the limitation of the maximum height
- definitions are required
- power poles and street lights are exempt from the definition of "tower"
- minimum setbacks requirements in relation to "fall zones"

Staff reminded the commission that this regulation can be quite intense and they can request professional assistance with this action of regulation. It was further noted that the applicant would pay the fees of the consultant. Staff will provide clarification at the next meeting how bringing in a professional engineer to review each application will apply.

Continued discussion on establishing requirements for the governance of towers within city limits, establishing minimums as a base line so as not to require small business entities to expend thousands of dollars, the likelihood of failure of these towers, establishing certain regulations would force a person/business to purchase multiple lots, differentiate between tower and antennae, when to start regulating.

Staff recommended interviewing key personnel with or former of the City of Kenai to see how often their regulation was used and the last time it was used.

The commission will review the information on towers as provided by Staff to be able to make informed decision on whether to implement the City of Kenai regulations as Homer's.

Further comments on carefully reviewing exemptions regarding communications, view-shed as it relates to towers, and underground utilities to mitigate safety concerns.

Staff will provide further information on view-shed and what other communities regulate and can view-shed be regulated. She requested the commissioners to also consider co-location with towers - more towers but shorter or less towers but taller.

Chair Venuti requested a consultant or professional with towers come and speak to the commission.

B. Staff Report 14-58, Heliports

Deputy City Planner Engebretsen stated the City Planner has requested the commission consider allowing helipads in the Bridge Creek Watershed Protection District.

SLONE/STEAD - MOVED TO ALLOW HELIPADS IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT BY CONDITIONAL USE PERMIT.

Commissioner Stroozas declared he may have a conflict since he lives and owns property in that district. Chair Venuti declared this was not a quasi-judicial issue. Staff provided further clarification Commissioner Stroozas belonging to a large class of property owners.

Commissioner Slone queried the request since the commission already approved this issue two or three meeting ago to approve this use by CUP process. Staff explained that the request for was permitting the use outright.

Further discussion on the regulations being applied to property outside city limits and accommodating the City Planner's request ensued.

VOTE. YES. HIGHLAND, ERICKSON, BOS, VENUTI

VOTE. NO. SLONE, STEAD, STROOZAS

Motion carried.

C. Staff Report 14-59, Creation of the East End Residential /Commercial Mixed Use District

Chair Venuti read the title into the record.

Deputy City Planner Engebretsen reviewed the staff report. Staff commented regarding considerations to require additional landscaping, and more architectural standards similar to the Gateway Business District.

Discussion was conducted on the following:

- Aesthetics
 - minimal requirements with landscaping
 - screening
 - landscaping buffer along street
 - fencing/screening requirements to separate commercial from residential
- Playgrounds
- Open Air Markets
 - Permitted use
 - concern regarding increased traffic problems
- Changes under Conditional Uses
- Allowing Recreational Vehicles

Chair Venuti asked if it was agreed by consensus to add Open Air Markets.

A brief discussion on whether to put Open Air Markets as permitted or conditional use ensued.

Chair Venuti inquired if the commission had consensus.

No expression of consensus was given by the commission. Commissioners Erickson and Bos were in favor of allowing Open Air Markets as a conditional use. Commissioner Slone advocated for permitted outright.

Commissioners Stroozas, Stead and Highland offered no indication of consent or disagreed.

Commissioner Highland commented on line 116 regarding number of trips as a requirement for a conditional use permit and inquired about reducing the number shown. Discussion ensued regarding the type of business with that high of activity which lowering the number of trips would then trigger a \$10,000 traffic study sooner. The commission did not recommend any changes to this requirement.

Next issue addressed was applying the Community Design Manual to the district. Staff provided an example that business owners will do to avoid the application of the Community Design Manual to this district. Staff noted that a conditional use permit for a building over 8000 sf would cost \$8000 since the fees are on a sliding scale. After further discussion it was determined that they could come up with some pleasing design standards.

NEW BUSINESS

There was no new business on the agenda.

INFORMATIONAL MATERIALS

A. City Manager's Report from June 9, 2014 City Council Meeting

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

Ms. Engebretsen had no comments.

Ms. Krause commented it was an interesting meeting and thanked the commissioners for their patience.

COMMENTS OF THE COMMISSION

Commissioner Highland asked about safe streets and if it was a boiler plate somewhere; Staff responded it would be at the next meeting.

Commissioner Bos commented that it was a good meeting. Thank you.

Commissioner Stroozas commented it was a good meeting and moved right along. The Elks will be having their annual 4th of July Celebration to raise money for the education fund and the following evening the Chef has prepared quite a traditional Scottish spread for the Ceilidh after the Highland Games.

Commissioner Slone, Erickson and Stead had no comments.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:28 p.m. The next regular meeting is scheduled for July 16, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.

Renee Krause, CMC, Deputy City Clerk

Approved: _____