

Session 20-08, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:33 p.m. on June 17, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar.

PRESENT: COMMISSIONERS HIGHLAND, PETSKA-RUBALCAVA BOS, SMITH, DAVIS AND VENUTI AND BENTZ

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK KRAUSE

### **APPROVAL OF THE AGENDA**

Chair Venuti requested a motion to approve the agenda.

HIGHLAND/BOS – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

A. Minutes of the June 3, 2020 Planning Commission Regular Meeting

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BOS – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS/PRESENTATIONS**

### **REPORTS**

A. Staff Report 20-37, City Planner's Report

Deputy City Planner Engebretsen provided brief updates on the status of the planning staff work schedules including City Planner Abboud taking on the role of Acting City Manager until one is hired; COVID 19 department brief update.

**PUBLIC HEARING(S)**

- A. Staff Report 20-38, Proposed Ordinance to create the Medical Zoning District by rezoning a portion of the Residential Office Zoning District and adding the Medical Zoning District to HCC 21.58.030 permission for communications towers and HCC 21.60.060 signs on private property

Chair Venuti introduced the item by reading of the title into the record.

Deputy City Planner Engebretsen provided a summary review of Staff Report 20-38 for the Commission.

Deputy City Clerk Krause clarified the process for the public testimony submitted in the Supplemental Packet.

Chair Venuti opened the Public Hearing. He inquired if there were any members of the Public who signed up to testify.

Deputy City Clerk Krause noted that there were no requests to provide testimony. She provided some clarification for the Commission on the public presence at the meeting.

Chair Venuti closed the Public Hearing and opened the floor to questions of the Commission.

Commissioner Highland requested clarification on the single letter “m” on line 38.

Deputy City Planner Engebretsen responded that it is but will double check and if not the City Clerk will be able to make that typographical error correction.

There was a brief inquiry on discussing the public comments received regarding helipads in a Medical District and transition in building height.

BENTZ/BOS MOVED TO ADOPT STAFF REPORT 20-38 AND FORWARD A RECOMMENDATION TO CITY COUNCIL TO ADOPT THE PROPOSED ORDINANCE TO CREATE A MEDICAL ZONING DISTRICT BY REZONING A PORTION OF THE RESIDENTIAL OFFICE DISTRICT AND FURTHER AMENDING HOMER CITY CODE 21.58.030 PERMISSION FOR COMMUNICATION TOWERS AND HOMER CITY CODE 21.60.060 SIGNS ON PRIVATE PROPERTY BY ADDING MEDICAL ZONING DISTRICT

A discussion ensued on the public comments received on building height, transition, view shed impediments and display of the flag, non-residential uses preferred over residential, setbacks

increased for taller buildings would cover the concerns for transitions, clarification on non-residential being preferred over residential or vice versa.

Deputy City Planner Engebretsen provided clarification outlined in Homer City Code conditional use process with provisions of one property not negatively impacting another and provided examples from Anchorage where a 4 story newer building is next to a 1950's residence. She further noted that it is quite common to have this scenario in transitional districts.

Continued discussion on the number of feet for setback for a 65 foot tall building and why it was not included specifically in the Ordinance; noting that there is no zoning requirement currently and it would be site specific, this could possibly come up in the conditional use permit process. It was determined that if the Commission wants to implement increased setbacks for taller buildings that is something that needs to be addressed.

Commissioner Davis encountered technical difficulties and could not participate in the discussion. A brief recess was called at 7:05 p.m. while staff determined what the problem was and offered assistance to Commissioner Davis. The issue was resolved at 7:18 p.m. and the meeting called back to order.

Commissioner Davis commented that while missing the meeting when the discussion was held by the Commission, he opined that a resident should be able to have the option to stop a project if it blocks their view shed of an existing residence.

Commissioners Highland, Smith, Bentz provided some background on the previous discussion on building height.

Chair Venuti inquired if the Commission would like to make an amendment.

Deputy City Planner Engebretsen reminded the Commission on the minutes reflecting the actions of the commission and that motions should be made to reflect changes.

Chair Venuti requested the Clerk to read the motion on the floor.

Deputy City Clerk Krause read the motion on the floor.

Commissioner Bentz reiterated where they stand and then queried staff on the location within the ordinance on placement to add an additional setback requirement for taller buildings and what would be the distance would be appropriate.

A discussion ensued on addressing that specifically in the city code at a separate meeting. Points of discussion included the existing setbacks, increasing the setbacks should specifically focus on taller buildings; this is outside the code for Homer and really applies towards building

codes; this would apply to high rise buildings; a 65 foot building could be considered a high rise dependent on an individual viewpoint compared to a establish standard or policy.

Deputy City Planner Engebretsen recommended that the Commission make a motion on amending the setback.

Chair Venuti requested the Clerk to call the vote hearing no motion for amending the setback from the Commission after several separate requests.

VOTE. YES. BENTZ, SMITH, BOS, PETSKA-RUBALCAVA, HIGHLAND

VOTE. NO. DAVIS

Motion carried.

- B. Staff Report 20-40, Proposed Ordinance amending HCC 21.05.030 to exclude elevator shafts when measuring the height of a building

Chair Venuti introduced the item by reading of the title into the record.

Deputy City Planner Engebretsen provided a summary of Staff Report 20-40 for the Commission.

Chair Venuti opened the Public Hearing and confirming with the Clerk that there were no members of the public attending to provide testimony, he closed the public hearing and opened the floor to questions or comments of the Commission.

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 20-40 AND RECOMMEND CITY COUNCIL ADOPT THE ORDINANCE TO AMEND CITY CODE 21.05.030 TO EXCLUDE ELEVATOR SHAFTS WHEN MEASURING THE HEIGHT OF A BUILDING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PLAT CONSIDERATION**

- A. Staff Report 20-41, Jack Gist Subdivision No. 3 Preliminary Plat

Chair Venuti introduced the item by reading of the title into the record. He then requested if there were any Commissioners who would like to declare a conflict.

Commissioner Petska-Rubalcava declared a conflict stating she has performed work for the owner and contractor and has an ongoing business concern.

SMITH/HIGHLAND MOVED THAT COMISSIONER PETSKA-RUBALCAVA HAS A CONFLICT OF INTEREST.

There was a brief discussion.

VOTE. YES. BENTZ, DAVIS, BOS, SMITH, VENUTI, HIGHLAND.

Motion carried.

Commissioner Petska-Rubalcava muted her mic and left the room.

Commissioner Highland announced that as President of the Kachemak Bay Equestrian Association which was noticed in the 300 foot surrounding area.

SMITH/BOS – MOVED THAT COMMISSIONER HIGHLAND HAD A CONFLICT OF INTEREST.

Commissioner Highland provided additional information that typically when a person is a Boardmember and has decision making authority that is a conflict.

VOTE. YES. BENTZ, BOS, SMITH, VENUTI, DAVIS

Motion carried.

Chair Venuti declared that he may have a conflict as he does business with parties involved on a regular basis.

SMITH/BOS MOVED THAT COMMISSIONER VENUTI HAS A CONFLICT.

Chair Venuti explained that he frequently does work for the property owner and confirmed that it is inspection related only.

VOTE. NO. BENTZ, DAVIS, BOS, SMITH.

Motion failed.

Deputy City Planner Engebretsen provided a summary of Staff Report 20-41 for the Commission.

There was no applicant present.

Chair Venuti opened public comment and confirmed with the Clerk that there was no public signed up or wanting to comment and closed the Public Comment period. He then opened the floor to questions or comments from the Commission.

Discussion points covered the following:

- routing of proposed streets
- ingress and egress from the proposed subdivision
- input from the Public Works department
- changing North Court to a thru street to Jack Gist Lane to relieve traffic pressure on Early Spring Street and Shannon Lane

BENTZ/SMITH - MOVED TO ADOPT STAFF REPORT 20-41 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS 1-6

BENTZ/SMITH - MOVED TO AMEND THE MOTION TO ADD A COMMENT THAT NORTH COURT IS A THROUGH STREET TO JACK GIST LANE

Discussion ensued on making North Court a through street would provide a pedestrian access to the park; increased traffic on North Court by offering exit from the park; the proposed 30 foot pedestrian trail easement; change direction of North Court for the cul de sac to end at Early Spring Street.

VOTE. (Amendment) YES. VENUTI. DAVIS. BENTZ.  
NO. BOS. SMITH.

Motion failed.

Further discussion on the proposed change to the design in reconfiguring North Court, the effect of the change on the parcels.

Chair Venuti requested the Clerk to read the motion on the floor.

Commissioner Bentz inquired if the Commission passes the plat as amended what recourse does the Developer have.

Deputy City Planner Engebretsen provided clarification on the action before the Commission is to approve a subdivision of up to 40 lots, and that a road will not be a through street. Currently it has been expressed by the surveyor that this is the best option. However, there is some flexibility with the developer. If this is approved by the Commission tonight then the road will not be able to go through but if you postpone the action then Staff can go back to the developer/surveyor.

The Commission acknowledged the written comments received and appreciated the input from Staff and wanted to get feedback from the developer on the flipping of North Court.

Further points on the lack of the applicant not being present in order to answer the questions was important.

Chair Venuti requested a motion to postpone.

BENTZ/BOS MOVED TO POSTPONE ACTION ON PRELIMINARY PLAT TO THE NEXT MEETING TO RECEIVE INPUT FROM THE APPLICANT AND PUBLIC WORKS.

There was a brief recap of the request for redesign of North Court and input from Public Works.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland and Petska-Rubalcava returned to the meeting.

## **PENDING BUSINESS**

## **NEW BUSINESS**

## **INFORMATIONAL MATERIALS**

A. City Manager Reports for the June 8, 2020 City Council Meeting

## **COMMENTS OF THE AUDIENCE**

Lane Chesley, city resident, commented struggling to learn to attend and comment via Zoom. This was a first for him. He requested the Commission consider working more on the Medical District as it would appear that Council will be extending the moratorium providing them that allowance. He noted that there were some very good points brought forward tonight and suggested one of the Commissioners who voted in favor of sending it to City Council to ask for a reconsideration. He provided comment on the “conflicts being resolved in favor of the commercial over residential” and noted the appeal brought forward by Rob Lund, impacts of traffic moving eastward along Bayview, Cityview and Danview. Mr. Chesley commented that the discussion of the building height was informative and wondering if they could not limit the height of a building but establish a variable height that could be considered during the Conditional Use Permit process. He provided an example that was provided at a previous meeting of a 3 story parking garage with three floors of medical offices on top that would be in excess of 65 feet limit, which he opined to be arbitrary since there are no developments before the Commission. He further commented that he could not see the basis for the inclusion of Multi-family projects since the district will be mostly commercial. He recommended that the

Commission have staff bring back additional analysis on building height and keep it on their plate. He added further comments on the taller buildings be restricted to the area immediately surrounding the hospital as Viewshed is an important asset in Homer.

### **COMMENTS OF THE STAFF**

Deputy City Clerk Krause commented that it was good meeting appreciate the patience of the Commissioners through all the technical issues.

Deputy City Planner Engebretsen thanked Commissioner Bos for over 10 years of service, it has been a pleasure.

### **COMMENTS OF THE COMMISSION**

Commissioner Bentz echoed the sentiments expressed on Commissioner Bos' tenure and that it will be hard to imagine a meeting without him present. She appreciated his efforts to following procedures even in a virtual world. She informed the Commission that the Kenai Peninsula Borough Assembly passed an ordinance establish resilience and Security Commission and will be recruiting representatives.

Commissioner Davis stated that it was a good meeting and just recently found that he is Commissioner Bos' neighbor on Main Street. He stated it was good working with Commissioner Bos while it lasted.

Commissioner Petska-Rubalcava commented that it was nice meeting and working with Commissioner Bos and will miss his chocolate stealing. She questioned if they knew when they would stop meeting virtually, if there was an end date that was being worked towards.

Deputy City Clerk Krause responded that currently the meetings are slated to be held virtually through August.

Commissioner Highland commented that Mr. Chesley provided some interesting comments. She thanked Commissioner Bos for his valuable input and wished him well, noting that she was now the oldest Commissioner seated. Wished everyone a Happy 4<sup>th</sup> of July.

Commissioner Smith wished Commissioner Bos well and that he appreciated his words of wisdom and it was great working with him on the Commission. He wanted to thank him for postponing the decision tonight and that it was a prudent decision.

Commissioner Bos thanked everyone for the sentiments, he reminded the Commission that they have discussed the Medical District in 7 or 8 meeting, several worksessions and public hearings allowing the public many opportunities to provide comment. He opined that the Public should have some responsibility to pay attention to matters of importance to them. He



encouraged the other Commissioners that they are doing a fine job and to remember to consider the community as a whole when making their decisions. He looks forward to seeing them out in the town and expressed his desire for Commissioner Davis to hurry and open his new business.

Chair Venuti expressed his gratitude for Commissioner Bos' service on the Commission, he appreciated his opinion and stated now he should go into politics. He noted that now they needed to find a replacement and charged each of the Commissioners to search out some smart people. He thanked the Planner and the Clerk for their assistance.

**ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 8:35 p.m. The next Regular Meeting is scheduled for Wednesday, July 15, 2020 at 6:30 p.m. All meetings are scheduled to be held virtually by Zoom Webinar from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

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