

CALL TO ORDER

Session 24-06, a Regular Meeting of the Planning Commission was called to order by Acting Chair Roberta Highland at 6:30 p.m. on March 20, 2024 at the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS VENUTI, CONLEY, SCHNEIDER, HIGHLAND, STARK

ABSENT: COMMISSIONERS BARNWELL (EXCUSED) AND SMITH (EXCUSED)

STAFF: DEPUTY CITY CLERK KRAUSE, DEPUTY CITY CLERK PETTIT, CITY PLANNER FOSTER

AGENDA APPROVAL

Acting Chair Highland read the supplemental items into the record and requested a motion and a second to approve the agenda as amended.

SCHNEIDER/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

Scott Adams, city resident, urged the Commission to think about the Bridge Creek Watershed Area when looking at the comprehensive plan. In terms of the property that's tied up, he said that only 4.2% is being used and believes the maximum is 6.2%. He reasoned that the area should be looked at lot by lot rather than as a whole, stating he knows of certain places where the water doesn't run towards Bridge Creek, but that it's restricted due to that theory.

RECONSIDERATION

CONSENT AGENDA

Acting Chair Highland noted for the record that all items on the consent agenda are considered routine and non- controversial by the Planning Commission and are approved in one motion. If a separate discussion is desired on an item, a Commissioner may request that item be removed from the Consent Agenda and placed on the Regular Agenda under New Business. She then requested a motion and second to adopt.

- A. Unapproved Regular Meeting Minutes for March 6, 2024

VENUTI/SCHNEIDER MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PRESENTATIONS/VISITORS

REPORTS

A. City Planner's Report PC-24-012

City Planner Foster delivered a summary of his staff report to the Commission. He provided specific details on the following:

- Reminded Commissioners to provide their individual comments and recommendations of the Draft Transportation Plan to him by close of business on March 27th so that he can include them in the April 3rd packet.
- Comprehensive Plan updates
 - City Council Joint Work Session with the Planning Commission on March 26th to kick off the Comprehensive Plan effort. The focus will be sharing information on purpose, structure, benefits, legal aspects, relevant insights from other communities, and best practices and recommendations for how to create a successful comprehensive plan.
 - Commissioners Venuti, Schneider, Stark, and Highland confirmed they will be attending the Joint Work Session on the 26th.
 - Comprehensive Plan Community Visit #1 with Agnew::Beck will be taking place the week of March 25th-March 29th. There's an open house on March 28th at the Islands and Oceans Visitor Center, which will be the first big public meeting regarding the Comprehensive Plan.

Acting Chair Highland inquired City Planner Foster about a recent change that had taken place at the City's administrative level. Mr. Foster confirmed that City Manager Rob Dumouchel was recently relieved of his duties with the City, and further that City Clerk Melissa Jacobsen is Acting City Manager until the position is filled. Mayor Castner said that he would elaborate more on that at the end of the meeting.

Acting Chair Highland requested a Commissioner to deliver a report to Council at the next regular meeting. Commissioner Stark volunteered himself to deliver the report.

B. Comp Plan Steering Committee Report CPSC Unapproved Meeting Minutes for March 4, 2024

Acting Chair Highland noted that the Planning Commission has quite a large role in the development of the Comprehensive Plan project.

PUBLIC HEARINGS

A. Staff Report PC-24-007, Request for Conditional Use Permit (CUP) 24-01 for More Than One Building at 1149 Virginia Way

Acting Chair Highland introduced the item by reading of the title and deferred to City Planner Foster.

City Planner Foster reviewed Staff Report PC-24-007 in detail for the Commission. He noted that the project first came up in May of 2023 when the applicant, Mr. Paul Hueper, submitted an application for a zoning permit for 4 dwelling units, which consisted of a duplex and two single-family dwellings. He added that at the time of Ordinance 23-40, which was approved by City Council on August 28, 2023 and amended Title 21 in regards to zoning, the zoning application was deemed incomplete and a zoning permit had not been issued. He continued, stating that per Ordinance 23-40, the urban residential district would now require a Conditional Use Permit for more than one building containing a permanent principal use on a lot. A Conditional Use Permit, CUP-23-09, was submitted by the applicant with a public hearing held on December 6, 2023 at the Planning Commission's Regular Meeting, and the Commission denied CUP-23-09 at that meeting. Other details included:

- The number of required parking spaces has been met.
- It meets the density requirements for minimum lot size.
- The shell of a single-family dwelling has been erected on the property, and the applicant has noted that all construction activities have ceased at this time.
- Fees for condensing activities without a permit shall be assessed at the regular rate multiplied by 1.5 for residential and 2 for commercial.

Acting Chair Highland invited the applicant to speak. Mr. Hueper thanked the Commission for taking a look at the project, noting that not much has changed other than dropping the density by 25%. He welcomed any questions.

Acting Chair Highland opened the public hearing period.

Tom Beck, city resident, noted that he is the owner of the lots immediately to the west of Virginia Lynn subdivision, through which Virginia Lynn Way passes through two of his lots. He stated that the location of the road isn't quite offset from Lakeside Drive by enough, reasoning that this would create a 4-way intersection at which Virginia Lynn Way is offset by about 60 feet, and that Homer City Code requires at least a 200 foot offset for safety reasons due to traffic convergence. His second concern was that the right-of-way is only 50 feet wide, whereas City Code requires 60 feet, and that's just not enough room to fit a 28 foot travel surface (ditches, shoulders) in that footprint. His third concern was that parking for a planned development requires a place to be able to turn around and not have to back out on to the street. He stated that the road is about 550 feet long and there's no cul-de-sac to turn around at the end.

Colton Liska, city resident, shared that he lives at 1104 Virginia Lynn with his wife, Alison Arima. He shared his concerns about the congestion and busyness that will be created in this area as a result of the proposal. He added that it was zoned for a single-family home when they purchased their house, and that he's worried it will lower the property value of his home. Ms. Arima shared that the fire hydrant and their access to the wetlands trails had been blocked by construction vehicles at various points throughout the process. She noted that if this proposal were to go through, 18 or more vehicles could be at the end of the road at any given time. She and Mr. Liska do not believe that the proposal aligns with the written out and agreed upon covenants of their neighborhood and the original intent of the covenant governing this subdivision,

resulting in unnecessary traffic and safety concerns on a small residential road, possibly altering natural wildlife surrounding the property and possibly decreasing other property value. Mr. Liska's final thought was that they would rather Mr. Hueper stick with the original plan of single-family residences, and further that the will of one property owner should not usurp the rights and opinions of other property owners.

Albert (Richy) Bigley, city resident, lives at 1132 Virginia Lynn Way. He shared his support for everything that Mr. Liska and Ms. Arima has previously stated. He said that he's concerned about the proposal taking away from what is a nice neighborhood with lakefront property. He stated that there is work going on inside at least one of the houses, even though the applicant shared that there has been a halt put on all construction. He also said that his driveway has been used as a turnaround many times by the construction workers on site.

Scott Adams, city resident, shared his concern that the applicant went ahead and started the process of constructing the units without obtaining the proper permits. He wondered how many other people are doing the same thing. His second concern was that he would've liked to see some kind of walkway on the drawings, since there is no designated trail or pathway to these houses.

Acting Chair Highland closed the public hearing and invited the applicant to deliver rebuttal to the testimony.

Mr. Hueper stated that in spending time with the comprehensive plan, it's apparent that Homer is hurting for affordable housing. He reasoned that his proposal fits with the comprehensive plan quite well. He reiterated that the zoning is urban residential, which covers medium density not light density. His last comment was that Beachy Construction drew up the covenants and Mr. Hueper stated that they have met all the covenants, and that he even went as far to limit his front roadside to 22 feet in order to block the least amount of the view as possible.

City Planner Foster noted that covenants, conditions and restrictions are not considered when it comes to the City's zoning code.

Acting Chair Highland opened the floor to questions from the Commissioners.

Commissioner Stark asked Mr. Foster to address the concerns about road width, the absence of a cul-de-sac and the proximity of the development to a major intersection. Mr. Foster shared that with this application, those concerns are outside of the parameters of this proposal. He added that those types of improvements are put in when the subdivision is created.

Commissioner Conley questioned if Mr. Foster foresaw any issues with safety if there was a fire or congestion. Mr. Foster shared that this was a better question for the Fire Chief or a fire marshal, but that there are hydrants in the neighborhood, laid out at roughly a third lot for each of the properties at roughly the same size and shape. He reasoned that for the entirety of the subdivision to be built at the density prescribed in the zoning district that would be entirely appropriate. He continued by stating that if the 3 dwellings were combined into a tri-plex it wouldn't require a CUP, but rather a zoning permit, which further proves that this neighborhood was developed for that level of density.

Commissioner Conley asked Mr. Hueper how he sees the proposal affecting the traffic in the neighborhood with the size of the street already in place, particularly in the busier summer months. Mr. Hueper said that he is unsure, but he has to go by what the zoning standards are. He added that he has to trust the experts when they say the area is capable of handling what is being proposed.

Acting Chair Highland asked if the thought was that the 5 foot setback is where the walkways are planned for the lower cabin. Mr. Hueper shared that this was not the case, but that he does have plans for walkways to be dispersed based upon trying to keep privacy between the different lots. He added that he's trying to create something that will be aesthetic and logical in terms of protecting people's privacy. Acting Chair Highland's next question was if the structures were be constructed on pilings, which Mr. Hueper confirmed was correct. Next, Acting Chair Highland asked Mr. Hueper how the water is expected to flow through the development, to which Mr. Hueper answered that he doesn't foresee any water moving across on someone else's property. He noted that if it were to occur, it could be easily fixed with the implementation of a French drain. City Planner Foster shared that this project did go under zoning permit review, and that he didn't recall seeing any of the typical issues regarding drainage that would require anything special. Acting Chair Highland's final question was why Mr. Hueper proceeded with construction without having obtained the zoning permit. Mr. Hueper stated that it was oversight, and if he has to pay any fines to the City, he understands.

Acting Chair Highland began to ask Mr. Foster some questions regarding Lot 53 before Clerk Krause called a point of order to point out that Lot 53 is associated with a different conditional use permit.

Commissioner Stark asked Mr. Hueper if he would consider providing a cul-de-sac there, even if temporary, if and when the road is continued. Mr. Hueper said that he would consider it without committing to it given that he has no idea what the excavation will be. Mr. Foster shared that he pulled up the original plat, and the plat from 1961 showed Virginia Lynn Way connecting to Mattox Street.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT PC-24-007 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PC-24-008, Request for Conditional Use Permit (CUP) 24-02 for More Than One Building at 1161 Virginia Way

Acting Chair Highland introduced the item by reading of the title and deferred to City Planner Foster.

Mr. Foster reviewed Staff Report PC-24-008 for the Commission, and noted that he wasn't going to go into details about the report given that there aren't any differences between CUP-24-01 and CUP-24-02.

Acting Chair Highland invited the applicant to come forth to speak about the CUP. Mr. Hueper said that he had no further comment on his end.

Acting Chair Highland opened the public hearing period.

Albert Bigley, city resident, inquired about the distance between buildings among the various lots, and added that he would like to see the buildings all look the same for visual aesthetics.

Tom Beck, city resident, commented that the road is built to serve its intended use in zoning, but that the road was built below city standards. He reasoned that the road will serve up to a dozen lots and up to 36 residents. He stated that he was encouraged to see that the public packet showed the Virginia Lynn subdivision serviced through Mattox Street because of the dangerous intersection. He urged the Commission to look into findings about traffic impacts. He added that there is a State of Alaska fire marshal code for how long a road can be without a turnaround for a fire truck, and said that he believes the distance a fire truck needs to get to a building is 500 feet. He suggested that there would need to be a lot more of a parking area to accommodate that. His last comment was that to the south of the lot is FAA Wetlands, and there's a 20 foot construction setback from the wetlands that isn't shown on the plat.

Sean Mitchell asked a question in regard to the culverts that are in place, noting that on the drawing they are 75 feet wide, and asked what the intentions are for those large culverts and in which direction they expect the water to flow.

Acting Chair Highland closed the public hearing and offered the applicant and staff the opportunity to provide rebuttal to the testimony.

Mr. Hueper stated that they put the culverts into the CUP based upon what Public Works requires. Mr. Foster spoke to the road being below city standards, noting that if the subdivision was platted today the standard would be 60 feet. He reasoned that 50 feet could've been meeting the standard in 1961 when the subdivision was platted. He said that what is happening with this particular plat is a legacy issue, given that it was platted in 1961. He continued, saying that the City now has requirements to ensure that those improvements are actually put in to make sure if a road needs to be paved, or if a road needs to connect through, those types of improvements are required to be put into place or into the subdivision agreement.

Mayor Castner chimed in to inform the public about the program that the City has for upgrading streets, water courses and storm drains where the City pays the vast majority of the bill, but it requires the subdivision homeowners to get together and form an improvement district.

Mr. Hueper spoke briefly to the concerns regarding the intersection, noting that it's a very wide, open, unobstructed intersection with a stop sign at the top of Virginia Lynn. He said that the way he sees it, it's a problem if somebody doesn't obey the stop sign.

Acting Chair Highland opened the floor to questions from the Commissioners.

Commissioner Conley asked Mr. Hueper to explain what he was looking at in the photos in the packet, specifically the two roads going into the properties. Mr. Hueper informed him that those are temporary construction roads, but that those roads aren't the final product. He added that they stopped all work with

the conditional use process, and stated that they would build appropriate driveways toward the end of the project. Commissioner Conley then asked if the buildings he was looking at match the drawing, or if there were any variances, to which Mr. Hueper informed him that the buildings are identical.

Acting Chair Highland stated that she was under the impression that there wouldn't be driveways down to the cabins that are below the parking area, and that the cabins would be hiked to. She asked for clarification from Mr. Hueper, who informed her that they needed to put in temporary driveways to get in with equipment, materials, etc. He noted that the driveways weren't going to be exactly the same as what the current layout is on the drawings, but that the pattern would be similar. Mr. Hueper informed the Commission that he was advised to put in a parking street going down, and that he wasn't trying to go against the CUPs, but rather just implementing what made the most sense. Mr. Foster reminded everyone that with the conditional use permit, this isn't the final site plan, but rather a draft site plan, noting that what's in front of the Commission aligns very closely with what was submitted back in May 2023 with the zoning permit.

Acting Chair Highland asked Mr. Hueper to address the question about the 20 foot setback from the wetlands. He responded, saying that there aren't any wetlands on lot 54. He noted that there is a tiny bit of wetlands on lot 55, which they're choosing to leave natural.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT PC-24-008 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWN LIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. Staff Report PC-24-009, Request for Conditional Use Permit (CUP) 24-03 for More Than One Building at 1177 Virginia Way

Acting Chair Highland introduced the item by reading of the title and deferred to City Planner Foster.

Mr. Foster reviewed Staff Report PC-24-009 for the Commission, and stated that he was going to approach this staff report similar to the last two due to the similarity between the two. He noted the key difference for Staff Report PC-24-009, taking place under criteria **h: The proposal does or will comply with the applicable regulations and conditions specified in this title for such use.** Mr. Foster provided his analysis, stating that the applicant is not requesting any exception to code. Further, the project is able to comply with applicable regulations and conditions when gaining a conditional use permit and subsequent zoning permit for construction. He then went on to explain that though a U.S. Army Corps of Engineers Wetland Delineation Letter, dated November 27, 2006, it's been noted that this property consists of uplands with wetlands in the southeast corner of the lot, and the proposed site plan shows that the existing wetlands would not be impacted by the development.

Acting Chair Highland invited the applicant to come forth to speak about the CUP. Mr. Hueper stated that he felt everything had been addressed already.

Acting Chair Highland opened the public hearing period.

Sean Mitchell inquired about the required building offsets, noting that he hadn't heard any mention of that. He shared his concern that construction had started on the property before the CUP was obtained, and stated that he felt Mr. Hueper should face some kind of penalty for that.

Tom Beck, city resident, asked the Commission how an accommodation will be made to the plans to accommodate the 20 foot setback to wetlands that's required. He noted that this applies to this lot and the southern buildings on some of the other lots. Switching his focus to parking, he pointed out that if any of the properties were going to be used as a bed and breakfast the property would require two parking spots plus one additional spot for every two bedrooms. His last comment was regarding the absence of a cul-de-sac, noting that the City of Homer requires no road be greater than 600 feet without a connection to the next road. He added that the road is currently 550 feet long, and that if Mr. Mitchell wishes to extend the road to his lot it would trigger the 600 foot threshold.

Acting Chair Highland closed the public hearing period and offered the applicant a chance for rebuttal.

Mr. Hueper stated that he's dealt with the U.S. Army Corps of Engineers on various projects. He shared that the Army Corps of Engineers doesn't view wetlands as this nebulous thing that you can't touch. He noted that when building on piers, which he is at this property, the Army Corps of Engineers considers that to be zero impact. The Army Corps of Engineers is giving him either half of the property space or half an acre to build over wetlands. He highlighted the fact that any property that has water on it for two weeks out of the year is declared wetlands.

City Planner Foster noted that there would be a penalty of one and a half times the cost of the residential zoning permit due to the fact that the property was under construction without a zoning permit. He added that this penalty would occur at the time of resubmission of the zoning permit, and that all requirements of the zoning permit need to be met before it will be issued. In regards to setbacks, Mr. Foster explained that setbacks for dedicated right-of-ways in 20 feet, and then from all other lot boundaries is according to per story, so the setback is five feet from all other lot boundaries. He shared that it was noted on the site plan that there is a major sewer main line that goes through this property, so it does have utility easement. He stated that he ensured with Public Works that this project would not be built within that easement. Regarding platting and access, Mr. Foster noted that it would be different if this were a plat, but this is a single property that is submitting for a project to construct on this property. He continued, saying that to require a property owner coming off of an existing road on Virginia Lynn to somehow solve other issues within the subdivision is something that doesn't occur through this type of process.

Acting Chair Highland opened the floor to questions from the Commissioners, but there were none. She requested a motion and a second.

SCHNEIDER/VENUTI MOVED TO ADOPT STAFF REPORT PC-24-009 AND RECOMMEND APPROVAL WITH FINDINGS 1-10 AND CONDITION 1 OUTDOOR LIGHTING MUST BE DOWNLIT PER HCC 21.59.030 AND THE COMMUNITY DESIGN MANUAL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATIONS

PENDING BUSINESS

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. PC Annual Calendar 2024
- B. City Manager's Report for City Council March 11, 2024
- C. City of Homer Newsletter March 2024
- D. City of Homer Event Announcements
Comprehensive Plan Rewrite Community Open House

Acting Chair Highland noted the informational materials. There was no further discussion.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

Deputy City Clerk Krause noted that Deputy City Clerk Pettit was shadowing the meeting and that it was a great meeting for him to be a part of.

COMMENTS OF THE MAYOR/COUNCIL MEMBERS

Mayor Castner urged the Commission to ensure that the transportation plan includes the Diamond Creek Underpass, even though it's outside of city limits. His reasoning for its inclusion was that it's going to require a full faith effort to show that it's a high priority for the City. He added that Kachemak Drive in its current condition as a state road is not capable of handling 35 mph traffic, noting that 35 mph is the minimum speed needed to evacuate the Spit. He said that the State doesn't have the road on the Statewide Transportation Improvement Program. Mayor Castner provided an update that the comprehensive plan project is chugging along. Lastly, he addressed the change in the administration of the City, assuring the Commission that business will continue as usual. He alluded to changes in the organizational structure of the City. He disclosed that the contract with the City Manager can be terminated at any time for any reason, including no reason, and that this termination was a no reason, termination of length of contract.

COMMENTS OF THE COMMISSION

Commissioner Venuti thanked everyone for their service tonight. He noted that it's 39 degrees in Homer, and this is the second day of spring.

Commissioner Schneider noted that he is learning a little bit more at every meeting he attends.

Commissioner Conley thanked Acting Chair Highland for stepping up in the absence of Chair Smith tonight.

Commissioner Stark thanked staff, the Mayor, Acting Chair Highland, the Commissioners, and Mr. Hueper. He noted that the Commission appreciates the public's comments, adding that they were all thoughtful and won't go to waste.

Acting Chair Highland thanked the staff and Mayor, and added that it's always a little difficult when there are disagreements regarding zoning.

ADJOURNMENT

There being no further business Acting Chair Highland adjourned the meeting at 8:33 p.m. The next regular meeting is scheduled for **Wednesday, April 3, 2024 at 6:30 p.m.** A worksession will be held at 5:30 p.m. prior to the regular meeting. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission.



ZACH PETTIT, DEPUTY CITY CLERK I

Approved: April 30, 2024